

SENATE BILL 715

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SB 563/01 - EEA

2002 Regular Session
2r1938

By: **Senator Colburn**

Introduced and read first time: February 1, 2002

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Land Use - Plans and Programs - Review and Revisions**

3 FOR the purpose of streamlining the requirement that the Department of Natural
4 Resources, certain planning commissions, and local governments review certain
5 land use plans and programs during a certain time period; and generally
6 relating to the efficiency in review of land use plans and programs.

7 BY repealing and reenacting, without amendments,
8 Article 66B - Land Use
9 Section 1.03(b) and 3.05(b)
10 Annotated Code of Maryland
11 (1998 Replacement Volume and 2001 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article - Natural Resources
14 Section 5-1603(e) and 8-1809(g)
15 Annotated Code of Maryland
16 (2000 Replacement Volume and 2001 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article 66B - Land Use**

20 1.03.

21 (b) (1) A planning commission shall include in its comprehensive plan all
22 elements required in subsection (a) of this section and the visions set forth in § 1.01 of
23 this article.

24 (2) At least once every 6 years, the planning commission shall review
25 and, if necessary, revise or amend a comprehensive plan to include all elements
26 required in subsection (a) of this section and the visions set forth in § 1.01 of this
27 article.

1 (3) If the comprehensive plan for each geographic section or division is
 2 reviewed and, if necessary, revised or amended at least once every 6 years, the
 3 planning commission may prepare comprehensive plans for one or more major
 4 geographic sections or divisions of the local jurisdiction.

5 3.05.

6 (b) (1) Each local jurisdiction shall adopt and include in their plans all of the
 7 elements required in subsection (a) of this section and all of the visions set forth in §
 8 1.01 of this article.

9 (2) At least once every 6 years, each planning commission shall review
 10 and if necessary revise or amend the local plan to include all of the elements required
 11 in subsection (a) of this section and all of the visions set forth in § 1.01 of this article.

12 (3) If the plan for each geographic section or division is reviewed and, if
 13 necessary, revised or amended at least once every 6 years, the planning commission
 14 may prepare plans for one or more major geographic sections or divisions of the
 15 jurisdiction.

16 **Article - Natural Resources**

17 5-1603.

18 (e) (1) (i) The Department shall conduct a review of each local authority's
 19 program at least once every [2] 6 years [from the date of initial departmental
 20 approval.] IN COORDINATION WITH THE REVIEW OF THE COMPREHENSIVE PLAN BY
 21 THE PLANNING COMMISSION AS REQUIRED UNDER ARTICLE 66B, §§ 1.03(B) AND
 22 3.05(B) OF THE CODE.

23 (ii) In its [biennial] 6-YEAR review, the Department shall evaluate
 24 the level of compliance with the performance standards and required forest
 25 conservation.

26 (2) If a local authority's program is found to be deficient by the
 27 Department, then the Department shall give notice and allow the local authority 90
 28 days for compliance, after which the Department may assume review and approval of
 29 all forest conservation plans within the jurisdiction of the local authority until the
 30 deficiencies are corrected.

31 8-1809.

32 (g) Each local jurisdiction shall review its entire program and propose any
 33 necessary amendments to its entire program, including local zoning maps, at least
 34 every [4] 6 years [beginning with the 4-year anniversary of the date that the
 35 program became effective and every 4 years after that date] IN COORDINATION WITH
 36 THE REVIEW OF THE COMPREHENSIVE PLAN BY THE PLANNING COMMISSION AS
 37 REQUIRED UNDER ARTICLE 66B, §§ 1.03(B) AND 3.05(B) OF THE CODE. Each local
 38 jurisdiction shall send in writing to the Commission, within 60 days after [each
 39 4-year anniversary,] THE COMPLETION OF ITS REVIEW, the following information:

1 (1) A statement certifying that the required review has been
2 accomplished;

3 (2) Any necessary requests for program amendments, program
4 refinements, or other matters that the local jurisdiction wishes the Commission to
5 consider;

6 (3) An updated resource inventory; and

7 (4) A statement quantifying acreages within each land classification, the
8 growth allocation used, and the growth allocation remaining.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2002.