

Department of Legislative Services

Maryland General Assembly

2002 Session

FISCAL NOTE

House Bill 946

(Delegate Owings, *et al.*)

Environmental Matters

Land Use - Planning Commissions - Plan Elements

This bill modifies requirements relating to the content of local comprehensive plans and modifies requirements of public officials and planning commissions with respect to providing information regarding those plans. The bill applies to a county (including a charter county) or municipal corporation that exercises zoning and planning authority and has water or sewer facilities in its jurisdiction.

Fiscal Summary

State Effect: The bill would not materially affect State operations or finances.

Local Effect: Significant increase in local expenditures related to planning. No effect on local revenues. **This bill imposes a mandate on a unit of local government.**

Small Business Effect: None.

Analysis

Bill Summary: The bill requires that a local comprehensive plan include:

- projections for population, number of households, and rates of employment for each year of the plan;
- an estimate of the number of residential dwelling units and the office, commercial, and industrial space needs associated with the population, number of households, and rates of employment projected for the plan period;

- a comprehensive inventory of the public and private lands within the boundaries of the plan that are eligible for development or redevelopment during the plan period, as specified in the bill;
- a comparative analysis of the findings, projection estimates, and other information assembled or generated under those requirements; and
- a housing plan element that contains goals, objectives, principles, policies, and standards designated to meet the housing needs associated with the population, numbers of households, and rates of employment projected for the plan period.

The bill provides that a local comprehensive plan must serve as a guide to public and private actions and decisions to insure the development of public and private property in appropriate relationships to the land use needs projected for the plan period. The bill provides that a land use plan element may include goals, objectives, principles, policies, and standards necessary to prepare for the public, private, residential, commercial, industrial, agricultural, environmental, open space, and recreational land uses associated with the population, number of households, and rate of employment projected for the plan period and for other specified times, on a schedule that extends as far into the future as is reasonable.

The bill provides that a planning commission shall have the power and duty to promote the public interest in and understanding of the plan and to provide public access to the information relied upon in preparation or revision of the plan. The bill also requires a planning commission to consult with specified entities about preparing and revising the plan.

The bill requires public officials, upon request, to furnish all available information to specified individuals or organizations within a reasonable period of time. The bill also requires a planning commission to prepare and make available to the public a report containing specified information upon preparation or revision of a comprehensive plan.

Current Law: Article 66B governs zoning and planning in the State. It has limited applicability to charter counties and Baltimore City. Local planning commissions are required to develop and approve a plan that must: (1) be recommended to the local legislative body for adoption; and (2) serve as a guide to public and private actions and decisions relating to development. The plan, at a minimum, must contain a statement of goals and standards, a land use plan element, a transportation plan element, a community facilities plan element, a mineral resources plan element under specified conditions, recommendations for land development regulations, recommendations for the designation of areas of critical concern, and a sensitive area element. For charter counties and Baltimore City, the plan must include a transportation plan element, a mineral resources plan element under specified circumstances, recommendations for land development

regulations, and a sensitive areas element. Planning within local jurisdictions that are located in the Maryland-Washington Regional District is generally governed by the Maryland-National Capital Park and Planning Commission.

Local Expenditures: By modifying the requirements relating to the content of local comprehensive plans and by requiring that public officials provide a report and other information to the public, this bill would likely result in a significant increase in local expenditures related to planning. While the impact would likely vary by jurisdiction, many jurisdictions would have to hire additional staff to meet the bill's requirements. Several jurisdictions report the potential for significant costs, in part because local jurisdictions do not necessarily track some of the information that would be required under the bill:

- Carroll County reports that it would likely have to hire 12 employees (4 geographic information system (GIS) analysts, 4 planners, 1 demographic analyst, 1 economist/market analyst, 1 historic planner, and 1 office associate), at an estimated cost of about \$375,000 in fiscal 2003, not including costs for office space, computers, and ongoing operating costs;
- Cecil County reports that it would likely have to hire one additional planner and that it would incur costs for printing and supplies, at a total cost of \$46,400 in fiscal 2003; and
- Harford County reports that it would likely have to hire 23 employees (20 planners and 3 clerk typists) and purchase vehicles, supplies, and equipment, at an estimated total cost of \$2.2 million in fiscal 2003.

According to the Maryland Association of Counties (MACO), Calvert, Charles, and St. Mary's counties report that costs are estimated at approximately \$50,000 to \$100,000. MACO advises that these estimates reflect only some of the bill's requirements; accordingly, costs would likely be higher.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland Department of Planning; Maryland Department of the Environment; Governor's Office (Office of Smart Growth); Maryland Association of Counties; Cecil, Carroll, Harford, Montgomery, and Prince George's counties; Department of Legislative Services

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