

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL NO. 536
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike line 2 and substitute “Land Use - Local Government Planning”; and strike in their entirety lines 3 through 34, inclusive.

On page 2, strike in their entirety lines 1 through 27, inclusive, and substitute:

“FOR the purpose of requiring a planning commission in a county or municipal corporation to include certain plan elements when developing a comprehensive plan; providing for a certain process when developing a certain plan element; requiring certain plan elements to be reviewed by the Department of the Environment and the Department of Natural Resources; including certain lands in certain areas; altering certain development requirements for annexed land; requiring a certain annexation plan; requiring certain plan elements to be included in certain comprehensive plans; providing for the process for including certain plan elements in certain comprehensive plans; altering the circumstances under which certain areas shall be considered priority funding areas; providing for the designation of priority funding areas by certain local governments; requiring that certain plan elements be updated on or before a certain date; encouraging coordination on certain local planning issues; establishing a Task Force on the Future for Growth and Development in Maryland; providing for the membership and staffing of the Task Force; providing that certain provisions of the Maryland Public Ethics Law do not apply under certain circumstances to certain regulated lobbyists; requiring the Task Force to study certain growth-related issues; requiring the Task Force to submit a certain report on or before a certain date; providing for the construction of this Act; and generally relating to local government planning.”;

strike in their entirety lines 28 through 32, inclusive; in line 35, after “19” insert “(o)”; and after line 37, insert:

(Over)

“BY repealing and reenacting, without amendments,
Article 66B - Land Use
Section 1.00(a)
Annotated Code of Maryland
(2003 Replacement Volume and 2005 Supplement)

BY repealing and reenacting, with amendments,
Article 66B - Land Use
Section 1.00(j), 1.03, and 3.05
Annotated Code of Maryland
(2003 Replacement Volume and 2005 Supplement)

BY repealing and reenacting, with amendments,
Article - State Finance and Procurement
Section 5-7B-02 and 5-7B-03
Annotated Code of Maryland
(2006 Replacement Volume)”.

AMENDMENT NO. 2

On pages 3 through 5, strike in their entirety the lines beginning with line 2 on page 3 through line 33 on page 5, inclusive.

On page 6, strike beginning with “THAT” in line 10 down through “ARTICLE” in line 11; in line 12, strike the first set of brackets; in the same line, strike “TEN”; strike beginning with “DEVELOP” in line 17 down through “ANNEXATION” in line 19 and substitute “PERMIT DEVELOPMENT OF THE ANNEXED LAND FOR LAND USES SUBSTANTIALLY DIFFERENT THAN THE USE AUTHORIZED, OR AT A SUBSTANTIALLY HIGHER, NOT TO EXCEED 50%, DENSITY THAN COULD BE GRANTED FOR THE PROPOSED DEVELOPMENT, IN ACCORDANCE WITH THE ZONING CLASSIFICATION OF THE COUNTY APPLICABLE AT THE TIME OF THE ANNEXATION”; strike beginning with “ANNEXED” in line 22 down through “THE” in line 24; and strike in their entirety lines 31 through 43, inclusive.

On page 7, strike lines 1 and 2 in their entirety; and strike in their entirety lines 4 through 38, inclusive.

On pages 8 through 12, strike in their entirety the lines beginning with line 1 on page 8 through line 22 on page 12.

On page 12, in line 23, strike the brackets; strike beginning with “EXCEPT” in line 23 down through “IN” in line 24; strike beginning with “, IF” in line 25 down through “(ii)” in line 31; strike beginning with “FOR” in line 32 down through “ARTICLE” in line 34; and strike beginning with “FOR” in line 36 down through “SHALL:” in line 42.

On page 13, strike in their entirety lines 1 through 7, inclusive; in line 8, strike “(5)”; in line 9, strike “PLAN” and substitute “ANNEXATION PLAN”; and strike in their entirety lines 12 through 37, inclusive.

On page 14, strike in their entirety lines 1 through 7, inclusive; in line 8, strike “(7)” and substitute “(3) (I)”; strike beginning with “ANNEXATION” in line 8 down through “THE” in line 9; in line 11, strike “MARYLAND”; in line 12, strike the brackets; in the same line, strike “60”; in line 13, after “section.” insert:

“(II) EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION, FOR ANNEXATIONS THAT BEGIN BEFORE OCTOBER 1, 2009.”;

in the same line, strike the bracket; in the same line, strike “The outline” and substitute “THE ANNEXATION PLAN”; in line 22, strike the bracket; and strike in their entirety lines 23 through 40, inclusive, and substitute:

“(III) EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION, FOR ANNEXATIONS THAT BEGIN ON OR AFTER OCTOBER 1, 2009, THE ANNEXATION PLAN SHALL BE CONSISTENT WITH THE MUNICIPAL GROWTH ELEMENT OF THE COMPREHENSIVE PLAN OF THE MUNICIPAL CORPORATION.

(IV) FOR THE PURPOSES OF SUBPARAGRAPHS (II) AND (III) OF THIS PARAGRAPH, AN ANNEXATION BEGINS IF:

1. A PROPOSAL FOR CHANGE IS INITIATED BY RESOLUTION IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION; OR

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2. A PROPOSAL FOR CHANGE IS INITIATED BY WRITTEN PETITION IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION.

(4) (I) A MUNICIPAL CORPORATION MAY SUBMIT AN ANNEXATION PLAN IN ACCORDANCE WITH PARAGRAPH (3)(II) OF THIS SUBSECTION, IF ON OR AFTER OCTOBER 1, 2009, A MUNICIPAL CORPORATION IS GRANTED AN EXTENSION FOR THE INCLUSION OF A MUNICIPAL GROWTH ELEMENT IN ACCORDANCE WITH ARTICLE 66B, § 3.05(F) OF THE CODE.

(II) AFTER THE EXPIRATION OF A FINAL EXTENSION GRANTED UNDER ARTICLE 66B, § 3.05(F) OF THE CODE FOR THE INCLUSION OF A MUNICIPAL GROWTH ELEMENT, AN ANNEXATION PLAN SHALL BE SUBMITTED IN ACCORDANCE WITH PARAGRAPH (3)(III) OF THIS SUBSECTION.”.

AMENDMENT NO. 3

On page 15, strike in their entirety lines 1 through 27, inclusive, and substitute:

“Article 66B - Land Use

1.00.

(a) In this article the following words have the meanings indicated, except where the context clearly indicates otherwise.

(j) “Sensitive areas” includes:

(1) Streams, WETLANDS, and their buffers;

(2) 100-year flood plains;

(3) Habitats of threatened and endangered species;

(4) Steep slopes; [and]

(5) AGRICULTURAL AND FOREST LANDS INTENDED FOR RESOURCE PROTECTION OR CONSERVATION; AND

(6) Other areas in need of special protection, as determined in the plan.

1.03.

(a) (1) When developing a comprehensive plan for a charter county, a planning commission shall include:

(i) A transportation plan element which shall:

1. Propose the most appropriate and desirable patterns for the general location, character, and extent of the channels, routes, and terminals for transportation facilities, and for the circulation of persons and goods on a schedule that extends as far into the future as is reasonable;

2. Provide for bicycle and pedestrian access and travelways; and

3. Include an estimate of the probable utilization of any proposed improvement;

(ii) If current geological information is available, a mineral resources plan element that:

1. Identifies undeveloped land that should be kept in its undeveloped state until the land can be used to provide or assist in providing a continuous supply of minerals, as defined in § 15-801(i) of the Environment Article;

2. Identifies appropriate postexcavation uses for the land that are consistent with the county's land planning process;

3. Incorporates land use policies and recommendations for regulations;

(Over)

A. To balance mineral resource extraction with other land uses;
and

B. To the extent feasible, to prevent the preemption of mineral resources extraction by other uses; and

4. Has been reviewed by the Department of the Environment to determine whether the proposed comprehensive plan is consistent with the programs and goals of the Department;

(iii) A WATER RESOURCES PLAN ELEMENT THAT:

1. IDENTIFIES DRINKING WATER AND OTHER WATER RESOURCES THAT WILL BE ADEQUATE FOR THE NEEDS OF EXISTING AND FUTURE DEVELOPMENT PROPOSED IN THE LAND USE ELEMENT OF THE PLAN, CONSIDERING AVAILABLE DATA PROVIDED BY THE DEPARTMENT OF THE ENVIRONMENT;

2. IDENTIFIES SUITABLE RECEIVING WATERS AND LAND AREAS TO MEET STORMWATER MANAGEMENT AND WASTEWATER TREATMENT AND DISPOSAL NEEDS OF EXISTING AND FUTURE DEVELOPMENT PROPOSED IN THE LAND USE ELEMENT OF THE PLAN, CONSIDERING AVAILABLE DATA PROVIDED BY THE DEPARTMENT OF THE ENVIRONMENT; AND

3. HAS BEEN REVIEWED BY THE DEPARTMENT OF THE ENVIRONMENT TO DETERMINE WHETHER THE PROPOSED PLAN IS CONSISTENT WITH THE PROGRAMS AND GOALS OF THE DEPARTMENT REFLECTED IN THE GENERAL WATER RESOURCES PROGRAM REQUIRED UNDER § 5-203 OF THE ENVIRONMENT ARTICLE;

(IV) An element which contains the planning commission's recommendation for land development regulations to implement the comprehensive plan and which encourages:

1. Streamlined review of applications for development, including permit review and subdivision plat review within the areas designated for growth in the

comprehensive plan;

2. The use of flexible development regulations to promote innovative and cost-saving site design and protect the environment; and

3. Economic development in areas designated for growth in the comprehensive plan through the use of innovative techniques; and

[(iv)] (V) A sensitive areas element that:

1. contains goals, objectives, principles, policies, and standards designed to protect sensitive areas from the adverse effects of development; AND

2. HAS BEEN REVIEWED BY THE DEPARTMENT OF THE ENVIRONMENT AND THE DEPARTMENT OF NATURAL RESOURCES TO DETERMINE WHETHER THE PROPOSED PLAN IS CONSISTENT WITH THE PROGRAMS AND GOALS OF THE DEPARTMENTS.

(2) The channels, routes, travelways, and terminals required under paragraph (1)(i) of this subsection may include all types of highways or streets, bicycle ways, sidewalks, railways, waterways, airways, routings for mass transit, and terminals for people, goods, and vehicles related to highways, airways, waterways, and railways.

(3) The mineral resources plan element required under paragraph (1)(ii) of this subsection shall be incorporated in:

(i) Any new comprehensive plan adopted after July 1, 1986 for all or any part of a jurisdiction; and

(ii) Any amendment or addition that is adopted after July 1, 1986 to a comprehensive plan that was in effect on July 1, 1985.

(4) THE DEPARTMENT OF THE ENVIRONMENT SHALL PROVIDE, ON REQUEST, TECHNICAL ASSISTANCE TO A LOCAL GOVERNMENT ON THE

(Over)

DEVELOPMENT OF THE WATER RESOURCES ELEMENT OF THE COMPREHENSIVE PLAN.

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

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

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

(c) (1) A planning commission shall implement the visions set forth in § 1.01 of this article through the comprehensive plan elements required under subsection (a) of this section.

(2) A local legislative body that has adopted a comprehensive plan may adopt regulations implementing the visions stated in § 1.01 of this article in a comprehensive plan.

(d) On or before July 1, 1997, and subsequently at intervals of not more than 6 years which correspond to the comprehensive plan revision under subsection (b) of this section, a charter county shall ensure that the implementation of the provisions of the comprehensive plan that comply with § 1.01 of this article and subsection (a)(1)(iii) and (iv) of this section are achieved through the adoption of:

(1) Applicable zoning ordinances and regulations;

(2) Planned development ordinances and regulations;

(3) Subdivision ordinances and regulations; and

(4) Other land use ordinances and regulations that are consistent with the comprehensive plan.

(E) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A CHARTER COUNTY MUST INCLUDE ANY PLAN ELEMENT REQUIRED UNDER THIS SECTION IN ITS COMPREHENSIVE PLAN ON OR BEFORE OCTOBER 1, 2009.

(2) ON A REQUEST BY A CHARTER COUNTY THAT SHOWS GOOD CAUSE FOR EXTENDING THE TIME LIMIT TO COMPLY WITH PARAGRAPH (1) OF THIS SUBSECTION, THE DEPARTMENT OF PLANNING MAY GRANT UP TO TWO 6-MONTH EXTENSIONS TO THAT CHARTER COUNTY.

(3) A CHARTER COUNTY THAT IS NOT IN COMPLIANCE WITH PARAGRAPH (1) OF THIS SUBSECTION AFTER OCTOBER 1, 2009, OR AFTER THE EXPIRATION OF ANY EXTENSIONS GRANTED UNDER PARAGRAPH (2) OF THIS SUBSECTION, MAY NOT CHANGE THE ZONING CLASSIFICATION OF A PROPERTY UNTIL THAT CHARTER COUNTY COMPLIES WITH THE REQUIREMENTS OF THIS SUBSECTION.

3.05.

(a) (1) A planning commission shall make and approve a plan which the commission shall recommend to the local legislative body for adoption.

(2) The plan shall:

(i) Serve as a guide to public and private actions and decisions to insure the development of public and private property in appropriate relationships; and

(ii) Include any areas outside of the boundaries of the plan which, in the planning commission's judgment, bear relation to the planning responsibilities of the commission.

(3) (i) The elements of the plan may be expressed in words, graphics, or any other appropriate form.

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(ii) 1. The elements of the plan shall be interrelated.

2. Each element shall describe how it relates to each of the other elements and to the statement of objectives, principles, policies, and standards.

(4) The plan shall contain at a minimum the following elements:

(i) A statement of goals and objectives, principles, policies, and standards, which shall serve as a guide for the development and economic and social well-being of the local jurisdiction;

(ii) A land use plan element, which:

1. Shall propose the most appropriate and desirable patterns for the general location, character, extent, and interrelationship of the uses of public and private land, on a schedule that extends as far into the future as is reasonable; and

2. May include public and private, residential, commercial, industrial, agricultural, and recreational land uses;

(iii) A transportation plan element which shall:

1. Propose the most appropriate and desirable patterns for the general location, character, and extent of the channels, routes, and terminals for transportation facilities, and for the circulation of persons and goods on a schedule that extends as far into the future as is reasonable;

2. Provide for bicycle and pedestrian access and travelways; and

3. Include an estimate of the probable utilization of any proposed improvement;

(iv) A community facilities plan element, which:

1. Shall propose the most appropriate and desirable patterns for

the general location, character, and extent of public and semipublic buildings, land, and facilities on a schedule that extends as far into the future as is reasonable; and

2. May include parks and recreation areas, schools and other educational and cultural facilities, libraries, churches, hospitals, social welfare and medical facilities, institutions, fire stations, police stations, jails, or other public office or administrative facilities;

(v) If current geological information is available, a mineral resources plan element that:

1. Identifies undeveloped land that should be kept in its undeveloped state until the land can be used to provide or assist in providing a continuous supply of minerals, as defined in § 15-801(i) of the Environment Article;

2. Identifies appropriate post-excavation uses for the land that are consistent with the county's land planning process;

3. Incorporates land use policies and recommendations for regulations;

A. To balance mineral resource extraction with other land uses;
and

B. To the extent feasible, to prevent the preemption of mineral resources extraction by other uses; [and]

4. Has been reviewed by the Department of the Environment to determine whether the proposed plan is consistent with the programs and goals of the Department;

(VI) A WATER RESOURCES PLAN ELEMENT THAT:

1. IDENTIFIES DRINKING WATER AND OTHER WATER RESOURCES THAT WILL BE ADEQUATE FOR THE NEEDS OF EXISTING AND FUTURE

(Over)

DEVELOPMENT PROPOSED IN THE LAND USE ELEMENT OF THE PLAN, CONSIDERING AVAILABLE DATA PROVIDED BY THE DEPARTMENT OF THE ENVIRONMENT;

2. IDENTIFIES SUITABLE RECEIVING WATERS AND LAND AREAS TO MEET STORMWATER MANAGEMENT AND WASTEWATER TREATMENT AND DISPOSAL NEEDS OF EXISTING AND FUTURE DEVELOPMENT PROPOSED IN THE LAND USE ELEMENT OF THE PLAN, CONSIDERING AVAILABLE DATA PROVIDED BY THE DEPARTMENT OF THE ENVIRONMENT; AND

3. HAS BEEN REVIEWED BY THE DEPARTMENT OF THE ENVIRONMENT TO DETERMINE WHETHER THE PROPOSED PLAN IS CONSISTENT WITH THE PROGRAMS AND GOALS OF THE DEPARTMENT REFLECTED IN THE GENERAL WATER RESOURCES PROGRAM REQUIRED UNDER § 5-203 OF THE ENVIRONMENT ARTICLE;

[(vi)] (VII) An element which shall contain the planning commission's recommendation for land development regulations to implement the plan and which encourages the following:

1. Streamlined review of applications for development, including permit review and subdivision plat review within the areas designated for growth in the plan;

2. The use of flexible development regulations to promote innovative and cost-saving site design and protect the environment; and

3. Economic development in areas designated for growth in the plan through the use of innovative techniques;

[(vii)] (VIII) Recommendations for the determination, identification, and designation of areas within the county that are of critical State concern; and

[(viii)] (IX) A sensitive area element that:

1. contains goals, objectives, principles, policies, and standards designed to protect sensitive areas from the adverse effects of development; AND

2. HAS BEEN REVIEWED BY THE DEPARTMENT OF THE ENVIRONMENT AND THE DEPARTMENT OF NATURAL RESOURCES TO DETERMINE WHETHER THE PROPOSED PLAN IS CONSISTENT WITH THE PROGRAMS AND GOALS OF THE DEPARTMENTS; AND

(X) FOR A MUNICIPAL CORPORATION THAT EXERCISES ZONING AUTHORITY, A MUNICIPAL GROWTH ELEMENT, DEVELOPED IN ACCORDANCE WITH SUBSECTION (E) OF THIS SECTION, WHICH SHALL INCLUDE CONSIDERATION OF:

1. ANTICIPATED FUTURE MUNICIPAL GROWTH AREAS OUTSIDE THE EXISTING CORPORATE LIMITS OF THE MUNICIPAL CORPORATION;

2. PAST GROWTH PATTERNS OF THE MUNICIPAL CORPORATION;

3. THE CAPACITY OF LAND AREAS AVAILABLE FOR DEVELOPMENT WITHIN THE MUNICIPAL CORPORATION, INCLUDING IN-FILL AND REDEVELOPMENT;

4. THE LAND AREA NEEDED TO SATISFY DEMAND FOR DEVELOPMENT AT DENSITIES CONSISTENT WITH THE LONG-TERM DEVELOPMENT POLICY;

5. PUBLIC SERVICES AND INFRASTRUCTURE NEEDED TO ACCOMMODATE GROWTH WITHIN THE PROPOSED MUNICIPAL GROWTH AREAS, INCLUDING THOSE NECESSARY FOR:

A. PUBLIC SCHOOLS, SUFFICIENT TO ACCOMMODATE STUDENT POPULATION CONSISTENT WITH STATE-RATED CAPACITY STANDARDS ESTABLISHED BY THE INTERAGENCY COMMITTEE ON SCHOOL CONSTRUCTION;

B. LIBRARIES;

(Over)

- RESPONSE;
- C. PUBLIC SAFETY, INCLUDING EMERGENCY MEDICAL
- D. WATER AND SEWERAGE FACILITIES;
- E. STORMWATER MANAGEMENT SYSTEMS, SUFFICIENT TO ASSURE WATER QUALITY BOTH INSIDE AND OUTSIDE THE PROPOSED MUNICIPAL GROWTH AREA; AND
- F. RECREATION;
6. ANTICIPATED FINANCING MECHANISMS TO SUPPORT NECESSARY PUBLIC SERVICES AND INFRASTRUCTURE;
7. RURAL BUFFERS AND TRANSITION AREAS;
8. ANY BURDEN ON SERVICES AND INFRASTRUCTURE FOR WHICH THE MUNICIPAL CORPORATION WOULD BE RESPONSIBLE FOR DEVELOPMENT IN AREAS PROXIMATE TO AND OUTSIDE THE PROPOSED MUNICIPAL GROWTH AREA;
9. PROTECTION OF SENSITIVE AREAS, AS DEFINED IN ARTICLE 66B, § 1.00(J) OF THE CODE, THAT COULD BE IMPACTED BY DEVELOPMENT PLANNED WITHIN THE PROPOSED MUNICIPAL GROWTH AREA;
10. POPULATION GROWTH PROJECTIONS; AND
11. THE RELATIONSHIP OF THE LONG-TERM DEVELOPMENT POLICY TO A VISION OF THE MUNICIPAL CORPORATION'S FUTURE CHARACTER.

(5) (i) The transportation element may include all types of highways and streets, bicycle ways, sidewalks, railways, waterways, airways, routings for mass transit, and terminals for people, goods, and vehicles related to highways, airways, waterways, and railways.

(ii) The mineral resources plan element shall be incorporated in:

1. Any new plan adopted after July 1, 1986 for all or any part of a local jurisdiction; and

2. Any amendment or addition that is adopted after July 1, 1986 to a plan that was in effect on July 1, 1985.

(6) (i) The plan may include any additional elements which, in the judgment of the planning commission, will further advance the purposes of the plan.

(ii) The additional plan elements may include:

1. Community renewal elements;

2. Housing elements;

3. Flood control elements;

4. Pollution control elements;

5. Conservation elements;

6. Natural resources elements; and

7. The general location and extent of public utilities.

(7) (i) Each planning commission of a county that is located on the tidal waters of the State and that exercises authority under this article shall include in its plan the designation of areas on the tidal water or in close proximity to the tidal water for the following purposes:

1. Loading and unloading finfish and shellfish;

(Over)

2. Processing finfish and shellfish; and
3. Docking and mooring commercial fishing boats and vessels.

(ii) The designated areas under subparagraph (i) of this paragraph shall be geographically located to:

- and
1. Facilitate the commercial harvesting of finfish and shellfish;
 2. Assure reasonable access to the waterways of the State by commercial watermen.

(8) THE DEPARTMENT OF THE ENVIRONMENT SHALL PROVIDE, ON REQUEST, TECHNICAL ASSISTANCE TO A LOCAL GOVERNMENT ON THE DEVELOPMENT OF THE WATER RESOURCES ELEMENT OF THE COMPREHENSIVE PLAN.

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

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

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

(c) (1) In preparing a plan, a planning commission shall carefully and comprehensively survey and study:

- (i) Present conditions;

(ii) Projections of future growth of the local jurisdiction; and

(iii) The relation of the local jurisdiction to neighboring jurisdictions.

(2) The planning commission shall make the plan with the general purpose of guiding and accomplishing the coordinated, adjusted, and harmonious development of the local jurisdiction and its environs.

(3) A plan shall promote, in accordance with present and future needs:

(i) The health, safety, morals, order, convenience, prosperity, and the general welfare of the local jurisdiction; and

(ii) Efficiency and economy in the development process.

(4) A plan shall provide for:

(i) Transportation needs;

(ii) The promotion of public safety;

(iii) Light and air;

(iv) The conservation of natural resources;

(v) The prevention of environmental pollution;

(vi) The promotion of a healthful and convenient distribution of population;

(vii) The promotion of good civic design and arrangement;

(viii) The wise and efficient expenditure of public funds;

(ix) Adequate public utilities; and

(x) An adequate supply of other public requirements.

(d) (1) The commission shall have power to promote public interest in and understanding of the plan.

(2) The commission shall consult with public officials and agencies, public utility companies, civic, educational, professional, and other organizations, and citizens about protecting or executing the plan.

(E) (1) THE DEPARTMENT OF PLANNING SHALL PROVIDE, ON REQUEST, TECHNICAL ASSISTANCE TO A MUNICIPAL CORPORATION FOR THE PURPOSES OF DEVELOPING THE MUNICIPAL GROWTH ELEMENT OF THE COMPREHENSIVE PLAN.

(2) WHEN DEVELOPING THE MUNICIPAL GROWTH ELEMENT OF THE COMPREHENSIVE PLAN, A MUNICIPAL CORPORATION SHALL CONSULT WITH THE COUNTY, OR COUNTIES, IN WHICH THE MUNICIPAL CORPORATION IS LOCATED.

(3) A MUNICIPAL CORPORATION AND A COUNTY OR COUNTIES IN WHICH THE MUNICIPAL CORPORATION IS LOCATED MAY ENTER INTO A JOINT PLANNING AGREEMENT IN ORDER TO COORDINATE IMPLEMENTATION OF A MUNICIPAL GROWTH ELEMENT.

(4) A JOINT PLANNING AGREEMENT SHALL CONSIDER THE MUNICIPAL GROWTH ELEMENT REQUIRED UNDER SUBSECTION (A)(4)(X) OF THIS SECTION.

(5) PRIOR TO APPROVAL OF A MUNICIPAL GROWTH ELEMENT, A MUNICIPAL CORPORATION SHALL:

(I) PROVIDE A COPY OF THE MUNICIPAL GROWTH ELEMENT TO THE COUNTY, OR COUNTIES, IN WHICH THE MUNICIPAL CORPORATION IS

LOCATED; AND

(II) FOR 30 DAYS AFTER PROVIDING A COPY OF THE MUNICIPAL GROWTH ELEMENT TO THE COUNTY OR COUNTIES, IN WHICH THE MUNICIPAL CORPORATION IS LOCATED, THE MUNICIPAL CORPORATION SHALL ACCEPT COMMENTS FROM THE COUNTY OR COUNTIES.

(6) (I) WITHIN 30 DAYS FOLLOWING THE CLOSE OF THE COMMENT PERIOD FOR THE COUNTY OR COUNTIES UNDER PARAGRAPH (6) OF THIS SUBSECTION, A COUNTY AND A MUNICIPAL CORPORATION SHALL MEET AND CONFER REGARDING THE MUNICIPAL GROWTH ELEMENT.

(II) ON REQUEST OF EITHER PARTY, THE COUNTY AND MUNICIPAL CORPORATION SHALL EMPLOY THE MEDIATION AND CONFLICT RESOLUTION OFFICE TO FACILITATE THE REQUIREMENTS UNDER THIS PARAGRAPH.

(F) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A COUNTY OR A MUNICIPAL CORPORATION MUST INCLUDE ANY PLAN ELEMENT REQUIRED UNDER THIS SECTION IN ITS COMPREHENSIVE PLAN ON OR BEFORE OCTOBER 1, 2009.

(2) ON A REQUEST BY A COUNTY OR MUNICIPAL CORPORATION THAT SHOWS GOOD CAUSE FOR EXTENDING THE TIME LIMIT TO COMPLY WITH PARAGRAPH (1) OF THIS SUBSECTION, THE DEPARTMENT OF PLANNING MAY GRANT UP TO TWO 6-MONTH EXTENSIONS TO THAT COUNTY OR MUNICIPAL CORPORATION.

(3) A COUNTY OR MUNICIPAL CORPORATION THAT IS NOT IN COMPLIANCE WITH PARAGRAPH (1) OF THIS SUBSECTION AFTER OCTOBER 1, 2009, OR AFTER THE EXPIRATION OF ANY EXTENSIONS GRANTED UNDER PARAGRAPH (2) OF THIS SUBSECTION, MAY NOT CHANGE THE ZONING CLASSIFICATION OF A PROPERTY UNTIL THAT COUNTY OR MUNICIPAL CORPORATION COMPLIES WITH THE REQUIREMENTS OF THIS SUBSECTION.

(Over)

Article - State Finance and Procurement

5-7B-02.

The following areas shall be considered priority funding areas under this subtitle:

(1) a municipal corporation, including Baltimore City, except THAT:

(I) those areas annexed by a municipal corporation after January 1, 1997 BUT BEFORE OCTOBER 1, 2006 shall satisfy requirements relating to density and service by water and sewer set forth in § 5-7B-03 of this subtitle; AND

(II) THOSE AREAS ANNEXED BY A MUNICIPAL CORPORATION AFTER SEPTEMBER 30, 2006, SHALL SATISFY ALL OF THE REQUIREMENTS SET FORTH IN § 5-7B-03 OF THIS SUBTITLE;

(2) a designated neighborhood, as defined in § 6-301 of the Housing and Community Development Article;

(3) an enterprise zone as designated under Article 83A, § 5-402 of the Code, or by the United States government;

(4) a certified heritage area as defined in §§ 13-1101 and 13-1111 of the Financial Institutions Article that is located within a locally designated growth area;

(5) those areas of the State located between Interstate Highway 495 and the District of Columbia;

(6) those areas of the State located between Interstate Highway 695 and Baltimore City; and

(7) an area designated by the governing body of a county OR MUNICIPAL CORPORATION under § 5-7B-03 of this subtitle.

5-7B-03.

(a) (1) The governing body of a county OR OF A MUNICIPAL CORPORATION may designate priority funding areas as provided in this section.

(2) The governing bodies of two or more ADJOINING counties, TWO OR MORE MUNICIPAL CORPORATIONS, OR ANY COMBINATION OF ADJOINING COUNTIES AND MUNICIPAL CORPORATIONS may designate, as provided in this section and in accordance with the regulations adopted by the Department of Planning, a priority funding area that combines two or more contiguous areas located in each of the [counties] LOCAL GOVERNMENTS.

(b) (1) An area zoned or, if applicable, classified by January 1, 1997 principally for industrial use may be designated as a priority funding area.

(2) An area zoned or, if applicable, classified after January 1, 1997, as industrial may be designated as a priority funding area if the area is served by a public or community sewer system.

(c) (1) An area where the principal uses of the area are for employment may be designated as a priority funding area if:

(i) the area is served by public or community sewer systems; or

(ii) public or community sewer systems are planned in the approved 10-year water and sewer plan.

(2) An area zoned or, if applicable, classified after January 1, 1997 as industrial, or where the principal uses are for employment, in addition to meeting the criteria set forth in paragraph (1) of this subsection, shall be located within a locally designated growth area.

(d) (1) A community in existence prior to January 1, 1997 that is within a locally designated growth area may be designated as a priority funding area if the community:

(i) is served by a public or community sewer system and in that part of the community designated by the local government for residential use or development:

(Over)

1. there is an average density of at least 2.0 units per acre; or
2. if a portion of the community is undeveloped, the permitted average density is not less than 2.0 units per acre; or

(ii) except as provided in paragraph (2) of this subsection, is served by a public or community water system and in that part of the community designated by the local government for residential use or development there is an average density of at least 2.0 units per acre.

(2) (i) The provisions of paragraph (1)(ii) of this subsection do not apply to mobile home parks or communities with less than 10 units.

(ii) Funding for a growth-related project under paragraph (1)(ii) of this subsection is to be provided only if the project serves to maintain the character of the community and does not serve to increase the growth capacity of the community except for limited peripheral or in-fill development.

(3) (i) If an existing community receives a public or community sewer system, an area beyond the periphery of the developed portion of the existing community may be designated as a priority funding area if the development of the area beyond the periphery:

1. has a permitted average density of at least 3.5 units per acre;
2. the area is served by a public or community sewer system.

(ii) The Department of the Environment may provide funding for a sewer system in an existing community beyond the periphery of the developed portion of the community if the expansion has a permitted average density of at least 3.5 units per acre.

(e) An area, other than an existing community under subsection (d) of this section, may be designated as a priority funding area if:

(1) the area:

(i) is within a locally designated growth area of the [county] LOCAL GOVERNMENT; and

(ii) is planned to be served under the approved 10-year water and sewer plan;

(2) the designation represents a long-term development policy for promoting an orderly expansion of growth and an efficient use of land and public services; and

(3) in that part of the area designated by the local government for residential use or development, there is permitted an average density of not less than 3.5 units per acre.

(f) (1) A rural village may be designated as a priority funding area under this section if:

(i) the village is designated in the county comprehensive plan as of July 1, 1998; and

(ii) the boundary of the priority funding area is the periphery of the developed portion of the village as of July 1, 1998.

(2) Funding for a growth-related project under this subtitle is to be provided only if the project serves to maintain the character of the community and does not serve to increase the growth capacity of the village except for limited peripheral or in-fill development.

(g) The designation by a county, MUNICIPAL CORPORATION, or [counties] MULTIPLE LOCAL GOVERNMENTS AS PROVIDED IN SUBSECTION (A)(2) OF THIS SECTION, of a priority funding area under this section shall be based on:

(1) an analysis of the capacity of land areas available for development, including in-fill and redevelopment; and

(Over)

(2) an analysis of the land area needed to satisfy demand for development at densities consistent with the master plan.

(h) For the purposes of this section, average density shall be calculated based on the total acreage of all parcels in the area for which the principal permitted use is residential, excluding land:

(1) (i) dedicated for public use by easement in perpetuity or fee acquisition;
or

(ii) dedicated recreational use;

(2) subject to an agricultural easement under § 2-508 of the Agriculture Article;

(3) subject to an agricultural easement under a county agricultural land preservation program certified under § 5-408 of this title;

(4) used for cemetery purposes;

(5) identified by a local government as:

(i) 1. streams and their buffers;

2. 100-year flood plains;

3. habitats of threatened and endangered species; and

4. steep slopes; and

(ii) on which development is prohibited by local law or ordinance; or

(6) identified by a local government as delineated nontidal wetlands on which development is prohibited by State or local law or ordinance.

SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly encourages a municipal corporation and the county, or counties, in which the municipal corporation is located to

enter into a joint planning process to coordinate the development of the municipal growth elements of the comprehensive plans that are required under Article 66B, § 3.05 of the Code, as enacted by Section 1 of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That the General Assembly encourages regional coordination among the local governments of two or more adjoining counties, two or more municipal corporations, or any combination of adjoining counties and municipal corporations to develop a regional long-term growth policy.

SECTION 4. AND BE IT FURTHER ENACTED, That:

(a) There is a Task Force on the Future for Growth and Development in Maryland.

(b) (1) The Task Force consists of the following members:

(i) two members of the House Environmental Matters Committee, appointed by the Speaker of the House;

(ii) two members of the Senate Education, Health, and Environmental Affairs Committee, appointed by the President of the Senate;

(iii) the Secretary of Planning, or the Secretary's designee;

(iv) the Secretary of the Environment, or the Secretary's designee;

(v) the Director of the University of Maryland's National Center for Smart Growth, or the Director's designee;

(vi) four representatives of local government:

1. two designated by the Maryland Municipal League; and

2. two designated by the Maryland Association of Counties; and

(Over)

(vii) the following members, appointed by the Governor:

1. one representative of the environmental community;
2. one representative of the State Builders Association; and
3. one representative of the agricultural community.

(2) If the Governor appoints a regulated lobbyist to serve as a member of the Task Force, the lobbyist:

(i) is not subject to § 15-504(d) of the State Government Article with respect to that service; and

(ii) is not subject to § 15-703(f)(3) of the State Government Article as a result of that service.

(c) From among its members, the Task Force shall elect the chair of the Task Force.

(d) The Department of Planning shall provide staff for the Task Force.

(e) A member of the Task Force:

(1) may not receive compensation as a member of the Task Force; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) The Task Force shall:

(1) study current land use policies and their impact on growth in the State;

(2) study current trends and challenges for municipal corporations and counties as they relate to growth, including population and demographic changes;

(3) analyze the capabilities of municipal corporations and counties to plan for future growth and development;

(4) analyze the impacts of county development proximate to municipal corporate limits on municipal infrastructure, water resources, and sensitive areas;

(5) analyze the impacts of municipal growth and development on county infrastructure, water resources, and sensitive areas;

(6) identify regional growth and development issues;

(7) study mechanisms to facilitate joint planning to coordinate growth and development between municipal corporations and counties; and

(8) examine the impact of §§ 1.03(e) and 3.05(f) of Article 66B of the Code on a local government's ability to establish a floating zone on a property or grant piecemeal rezoning of a specific property; and

(9) make recommendations to implement law or regulations that further best management practices as they relate to future growth and development in the State.

(g) On or before December 1, 2007, the Task Force shall report its findings and recommendations to the Speaker of the House, the President of the Senate, the House Environmental Matters Committee, the Senate Education, Health, and Environmental Affairs Committee, and the Governor, in accordance with § 2-1246 of the State Government Article.

SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any annexation:

(a) that was initiated either by resolution, in accordance with § 19(b) of Article 23A of the Code, or by written petition, in accordance with § 19(c) of Article 23A of the Code, before the effective date of this Act; and

(b) in which final enactment of the annexation resolution, as described in § 19(e) of Article 23A of the Code, will occur by January 1, 2007.”;

in line 28, strike “3.” and substitute “6.”; and in line 29, strike “June” and substitute “October”.