
By: **Delegates McIntosh, Bobo, Bronrott, Cane, V. Clagett, Frush, and
Glassman Glassman, Holmes, Lawton, Montgomery, Pugh, Stern, and
Sossi**

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Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 24, 2006

CHAPTER _____

1 AN ACT concerning

2 **Land Use - ~~Comprehensive Plans - Plan Elements~~ Local Government**
3 **Planning**

4 FOR the purpose of requiring a planning commission in a county or municipal
5 corporation to include ~~a certain plan element~~ certain plan elements when
6 developing a comprehensive plan; providing for a certain process when
7 developing a certain plan element; requiring certain plan elements to be
8 reviewed ~~and approved~~ by the Department of the Environment and the
9 Department of Natural Resources; including certain lands in certain areas;
10 altering certain development requirements for annexed land; requiring a certain
11 annexation plan; requiring certain plan elements to be included in certain
12 comprehensive plans; providing for the process for including certain plan
13 elements in certain comprehensive plans; altering the circumstances under
14 which certain areas shall be considered priority funding areas; providing for the
15 designation of priority funding areas by certain local governments; requiring
16 that certain plan elements be updated on or before a certain date; encouraging
17 coordination on certain local planning issues; establishing a Task Force on the
18 Future for Growth and Development in Maryland; providing for the membership
19 and staffing of the Task Force; requiring the Task Force to study certain
20 growth-related issues; requiring the Task Force to submit a certain report on or
21 before a certain date; and generally relating to ~~comprehensive plans and plan~~
22 elements local government planning.

23 BY repealing and reenacting, with amendments,

24 Article 23A - Corporations - Municipal

25 Section 9(c) and 19(o)

1 Annotated Code of Maryland
 2 (2005 Replacement Volume)

3 BY repealing and reenacting, without amendments,
 4 Article 66B - Land Use
 5 Section 1.00(a)
 6 Annotated Code of Maryland
 7 (2003 Replacement Volume and 2005 Supplement)

8 BY repealing and reenacting, with amendments,
 9 Article 66B - Land Use
 10 Section 1.00(j), 1.03, and 3.05
 11 Annotated Code of Maryland
 12 (2003 Replacement Volume and 2005 Supplement)

13 BY repealing and reenacting, with amendments,
 14 Article - State Finance and Procurement
 15 Section 5-7B-02 and 5-7B-03
 16 Annotated Code of Maryland
 17 (2006 Replacement Volume)

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

20 **Article 23A - Corporations - Municipal**

21 9.

22 (c) (1) A municipal corporation which is subject to the provisions of Article
 23 XI-E of the Maryland Constitution may not amend its charter or exercise its powers
 24 of annexation, incorporation or repeal of charter as to affect or impair in any respect
 25 the powers relating to sanitation, including sewer, water and similar facilities, and
 26 zoning, of the Washington Suburban Sanitary Commission or of the
 27 Maryland-National Capital Park and Planning Commission. Except that where any
 28 area is annexed to a municipality authorized to have and having then a planning and
 29 zoning authority, the municipality shall have exclusive jurisdiction over planning and
 30 zoning and subdivision control within the area annexed; provided nothing in this
 31 exception shall be construed or interpreted to grant planning and zoning authority or
 32 subdivision control to a municipality not authorized to exercise that authority at the
 33 time of such annexation; and further provided, that no municipality annexing land
 34 may for a period of five years following AN annexation, [place that land in a zoning
 35 classification which permits a land use substantially different from the use for the
 36 land specified in the current and duly adopted master plan or plans or if there is no
 37 adopted or approved master plan, the adopted or approved general plan or plans of
 38 the county or agency having planning and zoning jurisdiction over the land prior to its
 39 annexation] PERMIT DEVELOPMENT OF THE ANNEXED LAND FOR LAND USES

1 DIFFERENT THAN THE USE AUTHORIZED, OR AT A SUBSTANTIALLY HIGHER, NOT TO
2 EXCEED 50%, DENSITY THAN COULD BE GRANTED FOR THE PROPOSED
3 DEVELOPMENT, IN ACCORDANCE WITH THE ZONING CLASSIFICATION OF THE
4 COUNTY APPLICABLE AT THE TIME OF THE ANNEXATION without the express
5 approval of the board of county commissioners or county council of the county in
6 which the municipality is located.

7 (2) If the county expressly approves, the municipality, without regard to
8 the provisions of Article 66B, § 4.05(a) of the Code, may place the annexed land in a
9 zoning classification that permits a land use [substantially] OR DENSITY different
10 from the LAND use [for the land] OR DENSITY specified in the [current and duly
11 adopted master plan or general plan] ZONING CLASSIFICATION of the county or
12 agency having planning and zoning jurisdiction over the land prior to its annexation
13 APPLICABLE AT THE TIME OF THE ANNEXATION.

14 19.

15 (o) (1) In addition to, but not as a part of the resolution, the legislative body
16 of the municipal corporation shall [provide also a proposed outline for the extension
17 of services and public facilities into] ADOPT AN ANNEXATION PLAN FOR the area
18 proposed to be annexed.

19 (2) The [outline] ANNEXATION PLAN shall be open to public review and
20 discussion at the public hearing, but amendments to the [outline] ANNEXATION
21 PLAN may not be construed in any way as an amendment to the resolution, nor may
22 they serve in any manner to cause a reinitiation of the annexation procedure then in
23 process.

24 (3) A copy of the [outline] ANNEXATION PLAN shall be provided to the
25 governing body of the county or counties in which the municipal corporation is
26 located, THE DEPARTMENT OF PLANNING, and any regional and State planning
27 agencies having jurisdictions within the county at least 30 days prior to the holding of
28 the public hearing required by this section. The [outline] ANNEXATION PLAN shall
29 contain a description of the land use pattern proposed for the area to be annexed,
30 which may include any county master plan already in effect for the area. It shall be
31 presented so as to demonstrate the available land for public facilities which may be
32 considered reasonably to be necessitated by the proposed use, such as school sites,
33 water or sewerage treatment facilities, libraries, recreation, fire or police. It shall
34 contain also a statement describing the schedule for extending to the area to be
35 annexed each municipal service performed within the municipality at the time of
36 annexation and a statement as to the general methods by which the municipality
37 anticipates to finance the extension of municipal services into the area to be annexed.

38 (4) THE ANNEXATION PLAN SHALL BE CONSISTENT WITH THE
39 MUNICIPAL GROWTH ELEMENT OF THE COMPREHENSIVE PLAN OF THE MUNICIPAL
40 CORPORATION.

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;

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;

- 1 regulations:
2
- 3 3. Incorporates land use policies and recommendations for
4 uses; and
- 5 A. To balance mineral resource extraction with other land
6 mineral resources extraction by other uses; ~~and~~
- 7 B. To the extent feasible, to prevent the preemption of
8 mineral resources extraction by other uses; ~~and~~
- 9 4. Has been reviewed by the Department of the Environment
10 to determine whether the proposed comprehensive plan is consistent with the
11 programs and goals of the Department; ~~AND~~
- 12 5. ~~HAS BEEN APPROVED BY THE DEPARTMENT OF THE~~
13 ~~ENVIRONMENT;~~
- 14 (iii) A WATER RESOURCES PLAN ELEMENT THAT:
- 15 1. IDENTIFIES DRINKING WATER AND OTHER WATER
16 RESOURCES THAT WILL BE ADEQUATE FOR THE NEEDS OF EXISTING AND FUTURE
17 DEVELOPMENT PROPOSED IN THE LAND USE ELEMENT OF THE PLAN AND INCLUDES
18 CONSIDERATION OF:
- 19 A. WELLHEAD PROTECTION AND SOURCE WATER
20 PROTECTION AREAS;
- 21 B. KNOWN GROUNDWATER CONTAMINATION; AND
- 22 C. KNOWN LIMITED GROUNDWATER AVAILABILITY; AND
- 23 2. IDENTIFIES THE SUITABILITY OF RECEIVING WATERS
24 AND LAND AREAS TO MEET STORM WATER MANAGEMENT AND WASTEWATER
25 TREATMENT AND DISPOSAL NEEDS OF EXISTING AND FUTURE DEVELOPMENT
26 PROPOSED IN THE LAND USE ELEMENT OF THE PLAN AND INCLUDES
27 CONSIDERATION OF:
- 28 A. SOILS AND GROUNDWATER;
- 29 B. WATER QUALITY STANDARDS;
- 30 C. TOTAL MAXIMUM DAILY LOADS; AND
- 31 D. ANTIDegradation REQUIREMENTS; AND
- 32 3. HAS BEEN REVIEWED BY THE DEPARTMENT OF THE
33 ENVIRONMENT TO DETERMINE WHETHER THE PROPOSED PLAN IS CONSISTENT
34 WITH THE PROGRAMS AND GOALS OF THE DEPARTMENT; ~~AND~~
- 35 4. ~~HAS BEEN APPROVED BY THE DEPARTMENT OF THE~~
36 ~~ENVIRONMENT;~~

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

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

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

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

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

12 1. [contains] CONTAINS goals, objectives, principles,
13 policies, and standards designed to protect sensitive areas from the adverse effects of
14 development; AND

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

19 3. ~~HAS BEEN APPROVED BY THE DEPARTMENT OF THE~~
20 ~~ENVIRONMENT AND DEPARTMENT OF NATURAL RESOURCES.~~

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

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

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

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

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

35 (2) At least once every 6 years, the planning commission shall review
36 and, if necessary, revise or amend a comprehensive plan to include all elements

1 required in subsection (a) of this section and the visions set forth in § 1.01 of this
2 article.

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

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

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

13 (d) On or before July 1, 1997, and subsequently at intervals of not more than
14 6 years which correspond to the comprehensive plan revision under subsection (b) of
15 this section, a charter county shall ensure that the implementation of the provisions
16 of the comprehensive plan that comply with § 1.01 of this article and subsection
17 (a)(1)(iii) and (iv) of this section are achieved through the adoption of:

18 (1) Applicable zoning ordinances and regulations;

19 (2) Planned development ordinances and regulations;

20 (3) Subdivision ordinances and regulations; and

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

23 3.05.

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

26 (2) The plan shall:

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

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

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

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

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

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

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

7 (ii) A land use plan element, which:

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

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

14 (iii) A transportation plan element which shall:

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

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

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

23 (iv) A community facilities plan element, which:

24 1. Shall propose the most appropriate and desirable patterns
25 for the general location, character, and extent of public and semipublic buildings,
26 land, and facilities on a schedule that extends as far into the future as is reasonable;
27 and

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

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

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

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

3 3. Incorporates land use policies and recommendations for
4 regulations:

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

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

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

12 5. ~~HAS BEEN APPROVED BY THE DEPARTMENT OF THE~~
13 ~~ENVIRONMENT;~~

14 (VI) A WATER RESOURCES PLAN ELEMENT THAT:

15 1. IDENTIFIES DRINKING WATER AND OTHER WATER
16 RESOURCES THAT WILL BE ADEQUATE FOR THE NEEDS OF EXISTING AND FUTURE
17 DEVELOPMENT PROPOSED IN THE LAND USE PLAN ELEMENT REQUIRED UNDER
18 THIS SECTION AND INCLUDES CONSIDERATION OF:

19 A. WELLHEAD PROTECTION AND SOURCE WATER
20 PROTECTION AREAS;

21 B. KNOWN GROUNDWATER CONTAMINATION; AND

22 C. KNOWN LIMITED GROUNDWATER AVAILABILITY;

23 2. IDENTIFIES THE SUITABILITY OF RECEIVING WATERS
24 AND LAND AREAS TO MEET STORMWATER MANAGEMENT AND WASTEWATER
25 TREATMENT AND DISPOSAL NEEDS OF EXISTING AND FUTURE DEVELOPMENTS
26 PROPOSED IN THE LAND USE PLAN ELEMENT REQUIRED UNDER THIS SECTION AND
27 INCLUDES CONSIDERATION OF:

28 A. SOILS AND GROUNDWATER;

29 B. WATER QUALITY STANDARDS;

30 C. TOTAL MAXIMUM DAILY LOADS; AND

31 D. ANTIDEGRADATION REQUIREMENTS; AND

32 3. HAS BEEN REVIEWED BY THE DEPARTMENT OF THE
33 ENVIRONMENT TO DETERMINE WHETHER THE PROPOSED PLAN IS CONSISTENT
34 WITH THE PROGRAMS AND GOALS OF THE DEPARTMENT; ~~AND~~

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

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

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

10 B. LIBRARIES;

11 C. PUBLIC SAFETY, INCLUDING EMERGENCY MEDICAL
12 RESPONSE;

13 D. WATER AND SEWERAGE FACILITIES;

14 E. STORMWATER MANAGEMENT SYSTEMS, SUFFICIENT TO
15 ASSURE WATER QUALITY BOTH INSIDE AND OUTSIDE THE PROPOSED MUNICIPAL
16 GROWTH AREA; AND

17 F. RECREATION;

18 6. ANTICIPATED FINANCING MECHANISMS TO SUPPORT
19 NECESSARY PUBLIC SERVICES AND INFRASTRUCTURE;

20 7. RURAL BUFFERS AND TRANSITION AREAS;

21 8. ANY BURDEN ON SERVICES AND INFRASTRUCTURE FOR
22 WHICH THE MUNICIPAL CORPORATION WOULD BE RESPONSIBLE FOR
23 DEVELOPMENT IN AREAS PROXIMATE TO AND OUTSIDE THE PROPOSED MUNICIPAL
24 GROWTH AREA;

25 9. PROTECTION OF SENSITIVE AREAS, AS DEFINED IN
26 ARTICLE 66B, § 1(J) OF THE CODE, THAT COULD BE IMPACTED BY DEVELOPMENT
27 PLANNED WITHIN THE PROPOSED MUNICIPAL GROWTH AREA;

28 10. POPULATION GROWTH PROJECTIONS; AND

29 11. THE RELATIONSHIP OF THE LONG-TERM DEVELOPMENT
30 POLICY TO A VISION OF THE MUNICIPAL CORPORATION'S FUTURE CHARACTER.

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

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

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

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

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

10 (i) Present conditions;

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

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

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

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

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

20 (ii) Efficiency and economy in the development process.

21 (4) A plan shall provide for:

22 (i) Transportation needs;

23 (ii) The promotion of public safety;

24 (iii) Light and air;

25 (iv) The conservation of natural resources;

26 (v) The prevention of environmental pollution;

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

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

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

31 (ix) Adequate public utilities; and

1 (x) An adequate supply of other public requirements.

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

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

7 (E) (1) A MUNICIPAL CORPORATION THAT EXERCISES ZONING AUTHORITY
8 SHALL INCLUDE A MUNICIPAL GROWTH ELEMENT IN A COMPREHENSIVE PLAN.

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

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

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

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

21 (6) PRIOR TO APPROVAL OF A MUNICIPAL GROWTH ELEMENT, A
22 MUNICIPAL CORPORATION SHALL:

23 (I) PROVIDE A COPY OF THE MUNICIPAL GROWTH ELEMENT TO
24 THE COUNTY, OR COUNTIES, IN WHICH THE MUNICIPAL CORPORATION IS LOCATED;
25 AND

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

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

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

1 Article - State Finance and Procurement

2 5-7B-02.

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

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

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

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

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

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

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

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

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

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

24 5-7B-03.

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

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

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

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

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

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

7 (ii) public or community sewer systems are planned in the approved
8 10-year water and sewer plan.

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

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

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

19 1. there is an average density of at least 2.0 units per acre; or

20 2. if a portion of the community is undeveloped, the
21 permitted average density is not less than 2.0 units per acre; or

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

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

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

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

36 1. has a permitted average density of at least 3.5 units per
37 acre; and

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

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

6 (ii) dedicated recreational use;

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

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

11 (4) used for cemetery purposes;

12 (5) identified by a local government as:

13 (i) 1. streams and their buffers;

14 2. 100-year flood plains;

15 3. habitats of threatened and endangered species; and

16 4. steep slopes; and

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

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

20 SECTION 2. AND BE IT FURTHER ENACTED, That;

21 (a) Subject to subsection (b) of this section, a county or municipal corporation
22 must include any plan elements required under Article 66B, § 1.03 or § 3.05 of the
23 Code, in its comprehensive plan on or before October 1, 2009.

24 (b) On a request by a county or municipal corporation that shows good cause
25 for extending the time limit to comply with subsection (a) of this section, the
26 Department of Planning may grant up to two 6-month extensions to that county or
27 municipal corporation.

28 (c) A county or municipal corporation that is not in compliance with
29 subsection (a) of this section after October 1, 2009, or after the expiration of any
30 extensions granted under subsection (b) of this section, may not change the zoning
31 classification of a property until that county or municipal corporation complies with
32 the requirements of this section.

33 SECTION 3. AND BE IT FURTHER ENACTED, That the General Assembly
34 encourages a municipal corporation and the county, or counties, in which the

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

4 SECTION 4. AND BE IT FURTHER ENACTED, That the General Assembly
5 encourages regional coordination among the local governments of two or more
6 adjoining counties, two or more municipal corporations, or any combination of
7 adjoining counties and municipal corporations to develop a regional long-term
8 growth policy.

9 SECTION 5. AND BE IT FURTHER ENACTED, That:

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

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

13 (1) two members of the House Environmental Matters Committee,
14 appointed by the Speaker of the House;

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

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

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

20 (5) four representatives of local government:

21 (i) two designated by the Maryland Municipal League; and

22 (ii) two designated by the Maryland Association of Counties; and

23 (6) the following members, appointed by the Governor:

24 (i) one representative of the environmental community; and

25 (ii) one representative of the State Builders Association.

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

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

29 (e) A member of the Task Force:

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

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

1 (f) The Task Force shall:

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

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

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

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

10 (5) analyze the impacts of municipal growth and development on county
11 infrastructure and sensitive areas;

12 (6) identify regional growth and development issues;

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

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

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

23 SECTION 6. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2006.