
By: **Delegates McIntosh, Bobo, Bronrott, Cane, V. Clagett, Frush, and Glassman**

Introduced and read first time: February 10, 2006

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Land Use - Comprehensive Plans - Plan Elements**

3 FOR the purpose of requiring a planning commission in a county or municipal
4 corporation to include a certain plan element when developing a comprehensive
5 plan; requiring certain plan elements to be reviewed and approved by the
6 Department of the Environment and the Department of Natural Resources;
7 including certain lands in certain areas; and generally relating to
8 comprehensive plans and plan elements.

9 BY repealing and reenacting, without amendments,
10 Article 66B - Land Use
11 Section 1.00(a)
12 Annotated Code of Maryland
13 (2003 Replacement Volume and 2005 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article 66B - Land Use
16 Section 1.00(j), 1.03, and 3.05
17 Annotated Code of Maryland
18 (2003 Replacement Volume and 2005 Supplement)

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

21 **Article 66B - Land Use**

22 1.00.

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

25 (j) "Sensitive areas" includes:

26 (1) Streams, WETLANDS, and their buffers;

- 1 (2) 100-year flood plains;
 - 2 (3) Habitats of threatened and endangered species;
 - 3 (4) Steep slopes; and
 - 4 (5) Other areas in need of special protection, as determined in the plan.
- 5 1.03.

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

- 8 (i) A transportation plan element which shall:
 - 9 1. Propose the most appropriate and desirable patterns for
 10 the general location, character, and extent of the channels, routes, and terminals for
 11 transportation facilities, and for the circulation of persons and goods on a schedule
 12 that extends as far into the future as is reasonable;
 - 13 2. Provide for bicycle and pedestrian access and travelways;
 - 14 and
 - 15 3. Include an estimate of the probable utilization of any
 16 proposed improvement;

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

- 19 1. Identifies undeveloped land that should be kept in its
 20 undeveloped state until the land can be used to provide or assist in providing a
 21 continuous supply of minerals, as defined in § 15-801(i) of the Environment Article;
- 22 2. Identifies appropriate postexcavation uses for the land
 23 that are consistent with the county's land planning process;
- 24 3. Incorporates land use policies and recommendations for
 25 regulations:
 - 26 A. To balance mineral resource extraction with other land
 27 uses; and
 - 28 B. To the extent feasible, to prevent the preemption of
 29 mineral resources extraction by other uses; [and]
- 30 4. Has been reviewed by the Department of the Environment
 31 to determine whether the proposed comprehensive plan is consistent with the
 32 programs and goals of the Department; AND
- 33 5. HAS BEEN APPROVED BY THE DEPARTMENT OF THE
 34 ENVIRONMENT;

1 (iii) A WATER RESOURCES PLAN ELEMENT THAT:

2 1. IDENTIFIES DRINKING WATER AND OTHER WATER
3 RESOURCES THAT WILL BE ADEQUATE FOR THE NEEDS OF EXISTING AND FUTURE
4 DEVELOPMENT PROPOSED IN THE LAND USE ELEMENT OF THE PLAN AND INCLUDES
5 CONSIDERATION OF:

6 A. WELLHEAD PROTECTION AND SOURCE WATER
7 PROTECTION AREAS;

8 B. KNOWN GROUNDWATER CONTAMINATION; AND

9 C. KNOWN LIMITED GROUNDWATER AVAILABILITY; AND

10 2. IDENTIFIES THE SUITABILITY OF RECEIVING WATERS
11 AND LAND AREAS TO MEET STORM WATER MANAGEMENT AND WASTEWATER
12 TREATMENT AND DISPOSAL NEEDS OF EXISTING AND FUTURE DEVELOPMENT
13 PROPOSED IN THE LAND USE ELEMENT OF THE PLAN AND INCLUDES
14 CONSIDERATION OF:

15 A. SOILS AND GROUNDWATER;

16 B. WATER QUALITY STANDARDS;

17 C. TOTAL MAXIMUM DAILY LOADS; AND

18 D. ANTIDegradation REQUIREMENTS; AND

19 3. HAS BEEN REVIEWED BY THE DEPARTMENT OF THE
20 ENVIRONMENT TO DETERMINE WHETHER THE PROPOSED PLAN IS CONSISTENT
21 WITH THE PROGRAMS AND GOALS OF THE DEPARTMENT; AND

22 4. HAS BEEN APPROVED BY THE DEPARTMENT OF THE
23 ENVIRONMENT;

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

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

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

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

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

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

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

8 3. HAS BEEN APPROVED BY THE DEPARTMENT OF THE
9 ENVIRONMENT AND DEPARTMENT OF NATURAL RESOURCES.

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

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

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

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

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.

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

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

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

1 (d) On or before July 1, 1997, and subsequently at intervals of not more than
2 6 years which correspond to the comprehensive plan revision under subsection (b) of
3 this section, a charter county shall ensure that the implementation of the provisions
4 of the comprehensive plan that comply with § 1.01 of this article and subsection
5 (a)(1)(iii) and (iv) of this section are achieved through the adoption of:

- 6 (1) Applicable zoning ordinances and regulations;
- 7 (2) Planned development ordinances and regulations;
- 8 (3) Subdivision ordinances and regulations; and
- 9 (4) Other land use ordinances and regulations that are consistent with
10 the comprehensive plan.

11 3.05.

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

14 (2) The plan shall:

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

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

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

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

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

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

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

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

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

1 HAS BEEN APPROVED BY THE DEPARTMENT OF THE
2 ENVIRONMENT;

3 (VI) A WATER RESOURCES PLAN ELEMENT THAT:

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

8 A. WELLHEAD PROTECTION AND SOURCE WATER
9 PROTECTION AREAS;

10 B. KNOWN GROUNDWATER CONTAMINATION; AND

11 C. KNOWN LIMITED GROUNDWATER AVAILABILITY;

12 2. IDENTIFIES THE SUITABILITY OF RECEIVING WATERS
13 AND LAND AREAS TO MEET STORMWATER MANAGEMENT AND WASTEWATER
14 TREATMENT AND DISPOSAL NEEDS OF EXISTING AND FUTURE DEVELOPMENTS
15 PROPOSED IN THE LAND USE PLAN ELEMENT REQUIRED UNDER THIS SECTION AND
16 INCLUDES CONSIDERATION OF:

17 A. SOILS AND GROUNDWATER;

18 B. WATER QUALITY STANDARDS;

19 C. TOTAL MAXIMUM DAILY LOADS; AND

20 D. ANTIDegradation REQUIREMENTS;

21 3. HAS BEEN REVIEWED BY THE DEPARTMENT OF THE
22 ENVIRONMENT TO DETERMINE WHETHER THE PROPOSED PLAN IS CONSISTENT
23 WITH THE PROGRAMS AND GOALS OF THE DEPARTMENT; AND

24 4. HAS BEEN APPROVED BY THE DEPARTMENT OF THE
25 ENVIRONMENT;

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

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

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

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

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

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

5 1. [contains] CONTAINS goals, objectives, principles,
6 policies, and standards designed to protect sensitive areas from the adverse effects of
7 development;

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

12 3. HAS BEEN APPROVED BY THE DEPARTMENT OF THE
13 ENVIRONMENT AND DEPARTMENT OF NATURAL RESOURCES.

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

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

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

21 2. Any amendment or addition that is adopted after July 1,
22 1986 to a plan that was in effect on July 1, 1985.

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

25 (ii) The additional plan elements may include:

26 1. Community renewal elements;

27 2. Housing elements;

28 3. Flood control elements;

29 4. Pollution control elements;

30 5. Conservation elements;

31 6. Natural resources elements; and

32 7. The general location and extent of public utilities.

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

- 5 1. Loading and unloading finfish and shellfish;
- 6 2. Processing finfish and shellfish; and
- 7 3. Docking and mooring commercial fishing boats and
8 vessels.

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

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

15 (b) (1) Each local jurisdiction shall adopt and include in their plans all of the
16 elements required in subsection (a) of this section and all of the visions set forth in §
17 1.01 of this article.

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

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

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

- 27 (i) Present conditions;
- 28 (ii) Projections of future growth of the local jurisdiction; and
- 29 (iii) The relation of the local jurisdiction to neighboring
30 jurisdictions.

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

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

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

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

4 (4) A plan shall provide for:

5 (i) Transportation needs;

6 (ii) The promotion of public safety;

7 (iii) Light and air;

8 (iv) The conservation of natural resources;

9 (v) The prevention of environmental pollution;

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

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

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

14 (ix) Adequate public utilities; and

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

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

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

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2006.