



## FRIENDS of FREDERICK COUNTY

*preserving our land, our water and our quality of life*

### **County's Role in the Development of "Municipal Growth Elements"**

#### **Mandatory Adoption**

Every municipality in Maryland is required to adopt a "municipal growth element" as part of its comprehensive plan. The initial deadline for meeting this requirement was October 1, 2009. For good cause shown, the Maryland Department of Planning may grant up to two six month extensions of this deadline -- to either April 1, 2010 or October 1, 2010.

The Maryland Legislature has provided for the suspension of zoning authority in any municipality that fails to adopt a municipal growth element within the prescribed time limits. By establishing this extraordinary penalty, the Legislature has underscored its commitment to sound planning at the municipal level.

#### **Purpose**

In developing its growth element, a municipality must, among other things, evaluate and disclose the potential impacts of its planned growth on county-wide services and facilities (e.g. roads; schools; water and sewer; parks; fire and emergency services etc.). This information, in turn, will enable the county to project the likely costs of accommodating proposed municipal growth plans.

#### **Mandatory Consultation**

A municipal corporation is required to consult with the county in developing a municipal growth element. In the course of this consultation, the county may provide the municipality with information related to the cost to the county of accommodating proposed municipal growth.

#### **Mandatory Period of Review and Comment**

A municipal corporation is also required to provide a copy of its proposed municipal growth element to the county and, for a period of 30 days thereafter, to accept comments from the county. In its comments on the municipal growth element, the county may request additional information on the impacts of planned growth on county-wide services and facilities. The county may also request that the municipality decrease the size of its planned

growth area where (i) county-wide services and facilities are not sufficient to accommodate municipal growth plans; and (ii) the county will not in the foreseeable future have the resources to expand its infrastructure to accommodate this planned municipal growth.

### **Mandatory Meeting of County and Municipal Officials**

Within 30 days following the close of the comment period, the county and the municipal corporation “shall meet and confer regarding the municipal growth element.”

This meeting provides the county and municipality an opportunity to resolve differences of opinion regarding (i) the likely costs to the county of municipal growth, as proposed; and (ii) the appropriate size of the planned growth area. According to the Maryland Department of Planning, “HB 1141 mandates that jurisdictions meet and confer on this subject before the municipal growth element can be adopted.”

### **Mediation by the Maryland Department of Planning**

Following this meeting, “on the request of either party”, the county and the municipality shall employ the mediation and conflict resolution office of the Maryland Department of Planning to resolve any remaining differences of opinion. The Maryland Department of Planning has stated that:

Good planning dictates that the municipality and county agree on those land areas that will someday become part of the municipality.