

Mount Airy Environs Community Comprehensive Plan

Chapter 12: Interjurisdictional Coordination & Communication Goal

Goals

- To increase communication between the County and Town on development plans and community facilities issues
- To foster greater coordination between Carroll County and Frederick County regarding the concerns of the Mount Airy community
- To build rapport with surrounding counties and State government as a legitimate stakeholder within the region

Under the Planning Act, local comprehensive plans must include recommendations for improving planning and development processes to encourage economic expansion and to direct future growth to appropriate areas. Such development and economic growth often have interjurisdictional impacts on transportation infrastructure, the environment, and other areas of concern. For this reason, it is necessary for planning, growth strategies, and policies to promote and encourage cooperation among adjacent jurisdictions.

No one will dispute that interjurisdictional coordination is important and valuable. However, when real-world issues are confronted by jurisdictions with conflicting agendas, ideals often fade, and agreement can be difficult to achieve. It will be impossible to achieve the intent of the Planning Act without immediate and effective interjurisdictional coordination. It is necessary to identify potential conflicts, address them as an integral part of comprehensive plan preparation, and include provisions in the plan for continuing coordination and cooperation. As jurisdictions collaborate on issues of mutual interest in their respective comprehensive plans, they generally become more aware of one another's needs and priorities. This contributes to their ability to better anticipate potential problems.

The most important benefit of timely interjurisdictional coordination is that it enables the affected jurisdictions to identify and resolve issues at the earliest possible stage when they are usually easiest to address and manage.

Issues that are not addressed early may grow into disputes that become widely publicized and as a result impede effective coordination. By that time, affected interests have already established rigid positions, and the political stakes have been raised. Some experts recommend that these situations be resolved by convening groups of affected parties, assisted by a neutral third party mediator. While such techniques can be useful, they often come too late to be fully effective. Major consequences can then result from any decision, with the inevitable perception of a winner and loser.

The Planning Act's clear mandate is to create the planning 'infrastructure' to address interjurisdictional issues before they become disputes, and to create or improve the machinery to address disputes before they become full-blown political conflicts." ¹

¹ *Interjurisdictional Coordination for Comprehensive Planning, Managing Maryland's Growth: Model and Guidelines*, Maryland Office

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The goal of this comprehensive plan is *to improve communication and coordination between the towns, county, and state and to increase partnering with other government bodies on local community projects*. The objectives of this goal should be to achieve:

1. Rational development patterns which lead to an improved environment, a better business climate, and a higher quality of life.
2. Compatible interjurisdictional goals, objectives, and policies to guide development and resource protection.
3. Efficient and cost-effective provision of services.
4. Savings in time and resources spent on political and legal battles and conflict resolution.
5. Allocation of staff resources to positive pursuits like public involvement, joint planning, and consensus building.
6. Formal and informal forums to ensure continuing communication for information sharing and conflict resolution.
7. Conflict prevention associated with annexation actions.

In order to realize benefits from implementation of these objectives, neighboring jurisdictions must take steps to inform each other about planning and plan implementation programs."²

Current Conditions

Carroll County Government has been practicing interjurisdictional coordination and communication with the Town of Mount Airy, as well as the other municipalities in Carroll County, for many years. These activities have produced numerous benefits and provided mutual assistance between jurisdictions.

1 Town/County Agreement

The primary instrument for interjurisdictional coordination and communication between the Town of Mount Airy and Carroll County is the formal document generally known as the Town/County Agreement. Annually signed by both jurisdictions, the agreement enumerates services provided by the County to the Town and provides for the coordination of planning and other governmental functions. Both jurisdictions participate in coordinated planning efforts and joint review of subdivision and site plans, development proposals, master (or comprehensive) plans or revisions, draft amendments to development-related ordinances and regulations, rezoning proposals, and annexation petitions. Development plans and other proposals are exchanged between the Town and County for informational purposes and to provide staff and

² *Interjurisdictional Coordination for Comprehensive Planning, Managing Maryland's Growth: Model and Guidelines, Maryland Office of Planning, June 1994.*

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elected officials the opportunity to comment. County projects or proposals relating to land located within one mile of the town are submitted to the Town for review and comment. Certain County agencies also review plans for conformance with Town regulations and ordinances such as stormwater management and forest conservation. Town and County staffs also attend the other's Planning and Zoning Commission meetings to keep apprised of planning activities in each jurisdiction. As specified in the agreement, the County also provides certain services to the Town, such as general planning and zoning services, and data processing services for tax and utility billing.

The Town/County Agreement with the Town of Mount Airy creates a cooperative relationship between the two jurisdictions that fosters open communication and the exchange of information regarding planning and development matters. As a result, a "joint planning approach" is cultivated that promotes consistency within the overall Mount Airy environs. In addition, many planning-related issues can be resolved at the staff level early in the process.

2 Joint Comprehensive Plan

In the past, the County and its municipalities have prepared, approved, and adopted comprehensive plans jointly. For each plan, a Community Planning Area (CPA) was delineated that included the entire municipality and an area surrounding the municipality that formed the unincorporated portion of the overall community. In preparing the comprehensive plan jointly, the various elements of the plan (e.g., goals, land use, transportation, public water and sewer service, etc.) were developed so that they are compatible throughout the community planning area. The joint comprehensive planning process involved extensive participation by the County and Town planning staffs. The Mount Airy Planning Commission approved the portion of the Community Planning Area located within the Town's corporate limits, and the Town Mayor and Town Council adopted the same portion of the plan. Correspondingly, the Carroll County Planning Commission approved and the County Commissioners adopted the unincorporated portion of the comprehensive plan. The result, the *Mount Airy and Environs Comprehensive Plan*, was jointly adopted in 1981.

In 2004, the Town of Mount Airy updated the *Town of Mount Airy Master Plan*. The plan covers the area located within the Town's corporate limits. Three elements of the comprehensive plan involved coordination and cooperation between the Town and County planning staffs: Environmental Resources, Transportation, and the Water and Sewerage Plan.

This plan addresses areas located outside the Town limits. County staff worked with Town staff in developing provisions of the plan that would impact the Town, such as roads that partially extended into the town, and land use designations for areas that abut the town or would be served by Mount Airy's public water supply or sewerage systems.

3 County Provides Staff Assistance

As mentioned above, a provision of the Town/County agreement involves County staff assistance to the towns on planning-related issues. A County planning staff member acts as a liaison to the Town's planning office and planning commission. This arrangement aids in the prevention of planning and development conflicts and the development of compatible plans,

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goals, and regulations.

4 Mutual Referral of Development Proposals and Other Planning Activities

As provided for in the Town/County Agreement, the County makes its development review staff available to the Town to review and comment on development plans located within the Town. Following submittal of a development plan by the Town, County staff reviews and provides comments on storm water management, grading and sediment control, forest conservation, water resources, and other technical issues. Development review staff checks development plans for conformance with applicable regulations and for practicality of design. Planning staff reviews for conformance with the comprehensive plan, major street plan, water and sewerage master plan, historic resources, and general design. The County provides inspections for sediment control, storm water management, and forest conservation for the Town. The County also collects the bonds for forest conservation.

In addition to the reciprocal review of development plans, both jurisdictions also notify each other of planning-related activities within their respective jurisdictions (within one mile of Mount Airy for County activities). These activities include proposals for rezonings, annexations, plan amendments, and amendments to development-related ordinances and regulations.

In addition to the mutual review of development plans between Mount Airy and the County, proposals for development projects located within the county are also submitted to various State agencies for review and comment, and in some cases, approval. The State Highway Administration and Health Department are the agencies most frequently involved.

5 Council of Governments

In the past, the County Commissioners met on a quarterly basis with the Mayors from all of the towns in an effort to foster interjurisdictional coordination and cooperation. These meetings have been replaced by a Council of Governments (COG). Included are representatives from all eight municipalities, the Finksburg Planning Area Council, the Freedom Area Citizen's Council, the Maryland Municipal League, State and County representatives, the Board of Education, and the Health Department. By state law, voting members are limited to member governments, towns and the County, but everyone is invited to participate. The group exercises no legislative power, however. The purpose of the COG is to bring these diverse groups together to discuss issues of mutual interest, which are decided upon by the members, thereby facilitating information sharing and promoting a new level of cooperation/coordination. Emergency preparedness has been a topic of great concern during the group's first three quarterly meetings and topics such as growth management, waste management, and the County Master Plan may be discussion topics at future meetings.

6 Growth Task Force

The Board of Carroll County Commissioners created a task force to address the multi-faceted question of growth management in the County. Made up of representatives from local governments, the building industry, real estate companies, citizen planning groups, the agriculture community and other interested parties, the Growth Management Task Force

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provides a public forum for the discussions needed to better understand and plan for growth in Carroll County. In early 2004, the Task Force prepared recommendations for consideration by the Board of Carroll County Commissioners relating to existing and proposed growth management laws, development guidelines, adequate public facilities, and other topics having some bearing on local growth issues. As an advisory group with broad representation, the Task Force can convene without significant conflict with other development-related procedures or organizations.

7 Policy Regarding Annexation

The Town/County Agreement between the Town of Mount Airy and Carroll County contains a policy statement and procedure concerning annexation areas. The agreement states that future growth and development in the Mount Airy area that is planned to be served by public facilities should take place within the town's corporate limits. This is because both jurisdictions recognize that the public health, safety, and welfare will be best served through mutual cooperation and the coordination of responsibility for those areas that logically should become part of the Town of Mount Airy. This joint cooperation will serve to ensure the continuity of municipal services and maintain the effectiveness of planning functions.

To achieve this objective, the Town and County have mutually agreed upon and designated a future corporate limit line. This line serves to guide and anticipate where municipal services (public water and sewer, fire hydrants, police, street lighting, garbage and recyclables collection, etc.) may logically be needed. When land located within the future corporate limits is proposed for development, the County, following input from the Town, will determine whether the land can be annexed into the Town prior to or following development.

8 Membership and Participation in Maryland Association of Counties

The Maryland Association of Counties, Inc.'s (MACo) members are the elected governing officials of Maryland's twenty-three counties and Baltimore City. MACo's members work in committees to determine policy and positions on executive and legislative proposals. Members also attend annual conferences to obtain timely information concerning the issues that face county government. The Association is an important communication link. It serves as a clearinghouse for information pertaining to county government in Maryland.

The Legislative Committee meets weekly during the Maryland General Assembly Session, reviewing proposed legislation impacting county government. The Legislative Committee and MACo staff sponsor various legislative initiatives affecting local government and disseminate information to the Association's membership on all bills relating to county government. In addition to its efforts during the legislative session, MACo works throughout the year advocating county interests on issues and specific bills.

MACo is an important voice for county government in Maryland. The Association represents the viewpoint of the state's twenty-four subdivisions before the Governor, the General Assembly, administrative officials of the executive branch, and federal decision-makers. MACo strives to ensure that issues important to the counties are heard whenever programs or problems affecting local government are discussed at the state or federal level.

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9 *Membership and Participation in Baltimore Metropolitan Council*

Carroll County is a member jurisdiction of the Baltimore Regional Transportation Board (BRTB). The BRTB, which is the metropolitan planning organization (MPO) for the Baltimore region, is an organization of the region's elected officials that serves as a forum for identifying regional interests and developing collaborative strategies, plans, and programs that will improve the quality of life and economic vitality throughout the region. The Council's Board of Directors consists of the Mayor of Baltimore, the elected executives of Anne Arundel, Baltimore, Carroll, Harford, and Howard Counties, and the City of Annapolis. The Baltimore Metropolitan Council (BMC) provides staff support to the BRTB.

The BRTB's mission is to provide a forum for cooperative regional planning; provide an opportunity to discuss differences among its members in attaining regional goals, collect, analyze, and disseminate regional data; cooperate and communicate with neighboring regions; ensure cost-effective delivery of services through cooperation with all levels of government; and participate with citizens and others interested in solving regional problems.

To achieve these objectives, the Board provides the following activities or programs: long-range regional transportation planning; development of demographic, economic, and geographic data; cooperative purchasing to provide cost-saving opportunities to member jurisdictions; assistance in environmental programs such as air and water quality; computerized mapping services; and acting as a regional information center.

Through its involvement on the Baltimore Regional Transportation Board, the County is able to participate in regional planning efforts and ensure that the other member jurisdictions take into consideration issues that are important to Carroll County, including the towns. The County can also gain important information and services provided by the Council and share more fully in the benefits that accrue to the Baltimore region as a whole.

What is an MPO?

In 1975, MPO's were created by federal regulations to firmly place in one single agency the responsibility for preparing a comprehensive transportation plan for both highway and transit modes. MPO responsibilities included three areas: coordinating the planning efforts of transportation and land use agencies in the region; conducting certain types of planning studies; and making decisions about highway and transit resource allocation when there were conflicts among agencies or when funds were not sufficient to cover all projects.

Analysis of Community Needs

The study area is currently under the guidance of the *Mount Airy and Environs Comprehensive Plan*, adopted in 1982. Since that time the Town of Mount Airy has adopted the *1994 Town of Mount Airy Master Plan*, and has recently finished a draft plan updating the 1994 plan. Although the County's 1982 plan was approached as a joint comprehensive plan between both governments, the area is now covered by two separate plans. This has resulted in a less coordinated approach to long range planning in the Mount Airy region.

The fact that the study area is governed by two different plans makes it difficult for the

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County and the Town to effectively plan for future land use. There are currently areas within the Mount Airy Environs and directly adjacent to the town which are zoned R-40,000. This low-density residential zoning is based on the land use plan in the 1982 comprehensive plan. Some of these same areas are also designated as future annexation properties in the Town's current master plan. The potential for loss of these future annexation properties to low-density development in the county could adversely affect the Town's ability to effectively plan for growth.

The lack of an update to the County's 1982 plan has contributed to the loss of coordinated planning efforts in this area. There has been a significant amount of change in the study area during the last twenty years, yet the zoning and land use are still based on a 22 year old plan. In order to be relevant and effective, comprehensive plans should be updated more frequently. The Maryland Department of Planning requires that each county review, and if necessary, update its adopted comprehensive plans every six years. The timely review and update of this comprehensive plan in coordination with the Town of Mount Airy will help the County do a better job of planning for the future in the region.

Town and county officials have also indicated a need for better cooperation and communication between decision makers. One of the major problems in the past has been the lack of communication between jurisdictions during the development approval process. This not only creates an inefficient approval process, but it can also result in undesirable development that overburdens the existing infrastructure.

While all of the incorporated towns and the county must work together to improve cooperation, Mount Airy is unique in that the town is divided between Carroll and Frederick counties. Mount Airy is also situated close to Howard and Montgomery counties. Due to its location, Mount Airy and its environs are influenced by planning decisions made in Carroll, Frederick, Howard, and Montgomery counties. Although this has not caused major problems to date, there is the possibility that development decisions made by one of these surrounding counties could adversely impact the town and its environs.

Recommended Actions

Based on Town Plan recommendations with additional County recommendations in bold.

- Continue to coordinate interjurisdictionally to efficiently monitor current and projected town residential growth.
- **Hold regular joint meetings between the Town and the County Planning Commissions and/or County and Town staff to discuss issues of mutual interest, convey demographics, and inform the public as to what projects are in the pipeline and solicit input.**

The Town and County Planning Commissions face a significant number of issues that should be jointly addressed. By continuing a strong relationship through coordination on all issues, both the Town and County will more effectively accomplish common goals.

- **Continue participation in the Council of Governments to achieve greater coordination**

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and interjurisdictional planning between the Town of Mount Airy and the County.

In the past, meetings between County and Town officials didn't occur on a regular basis, with the exception of Quarterly Mayor's Meetings. County staff has met with town staff on a regular basis, but meetings between officials have been less frequent. Additional opportunities for both levels of government to discuss and coordinate on mutually important issues would be beneficial.

- **Work together to identify and exchange data necessary for the concurrency management database and for certification of adequacy for public facilities.**

As the County continues to implement concurrency management and the Town utilizes its recently adopted Adequate Public Facilities Ordinance (or APFO), the levels of government should work closely together to monitor growth and its effect on facilities of mutual interest such as schools.

Fiscal Implications

The recommendations contained in this plan may be policy-oriented or action-oriented, and their implications may be the responsibility of the County, other public agencies, private landowners and developers, or a combination of these. This section is designed to identify the potential fiscal impacts to the County of each of the recommendations. There could be "No Fiscal Impact" meaning the County would not incur direct or predictable expenses as a result of implementing the recommendation, an "Undetermined Impact". Meaning there likely would be a cost associated with implementing the recommendations, but that cost can not be determined at this time for various reasons, or a "Fiscal Impact," which likely would be incurred by the County if the recommendation were implemented. For recommendations that have an identified fiscal impact, the cost of implementing that recommendation is estimated to the best degree possible.

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No Fiscal Impact

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No Fiscal Impact

- **Continue participation in the Council of Governments to achieve greater coordination and interjurisdictional planning between the Town of Mount Airy and the County.**

No Fiscal Impact

- **Work together to identify and exchange data necessary for the concurrency management database and for certification of adequacy for public facilities.**

No Fiscal Impact

Anticipated CIP Projects

No CIP projects are anticipated.