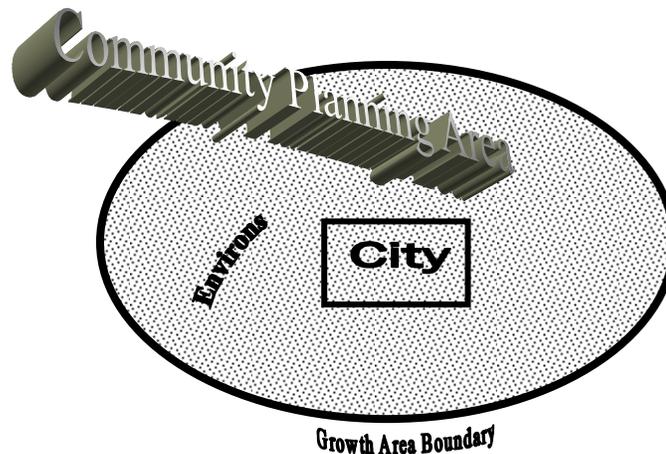


## CHAPTER 1: INTRODUCTION

The Westminster Environs Community Comprehensive Plan is a blueprint for growth in the unincorporated area around the City of Westminster. The vision, goals, policies, and actions described in the plan apply to the area that lies within the **Growth Area Boundary (GAB)** but outside of the corporate limits of the City. The GAB typically is envisioned as the future corporate limits line. However, because the development patterns around Westminster are such that significant areas of existing development already existing outside of the city limits, this is not necessarily the case in this plan. The land within the GAB line is known as the **Community Planning Area (CPA)**, and the unincorporated portion of the CPA is known as the **Environs**. The graphic below illustrates these concepts and may be helpful to refer to as the various terms are used throughout the plan to describe different geographic areas.



It also should be noted that a larger **study area** was used to examine the patterns and trends that might influence the recommendations developed in this plan. This was done to avoid a situation in which the boundaries established by the last adopted plan exerted undue influence on the recommendations developed in this plan. As a result, the entire 7<sup>th</sup> election district was used as the study area, out of which a new CPA and GAB were defined.

### Plan Definition and Purpose

The purpose of the comprehensive plan is to provide a legal framework that guides the growth and development of a community. A set of goals is developed to help achieve the overall vision for the future of the community. Specific actions and policies that are needed to implement the goals are recommended and become a work program for the local government, community leaders, and citizens of the community. Decisions and activities that are made and undertaken subsequent to the adoption of a plan should be consistent with the intent and content of the plan.

**Vision or Vision Statement** ☞ **A vision is a statement that defines a community’s preferred future.** To choose a direction, a community first must have developed a mental image of a possible and desirable future state. This vision should articulate a feasible, achievable, realistic, and attractive future for the community, which should be a future that is better than that of existing conditions. The process of developing a vision not only helps to define the community’s preferences and desires for the future but also helps to empower members of the community. A *shared* vision builds community between the public and private, the leaders, and the residents. It encourages cooperation and coordination among the stakeholders. It is also easier to establish priorities when community leaders know toward what end they are working. The defined vision must become an integral part of the management and operation of the local government(s) and the activities in which residents participate. The purpose of this vision statement is to serve as a guide for community leaders and decision makers to use as a basis for the decisions made and activities undertaken.

**Goals** ☞ **A goal identifies the purpose toward which an endeavor is directed.** Goals are broad statements of intended accomplishments that, if achieved as a whole, would bring the community closer to meeting its overall vision of the future. They do not identify specific activities that will be undertaken. Rather, a set of objectives or actions that are more specific activities are developed to guide the community toward meeting its goals.

**Actions** ☞ **An action is a recommended activity to help bring a community closer to achieving its goal(s).** Goals help to identify where a community wants to be and toward what they are striving. However, they do not identify specific things that can be done to help the community get there. Actions are planning, land use, and general government-related activities that can be pursued, ideally as a whole and in combination with the recommended policies, to help the community meet its goals. Actions are often referred to as objectives or implementation measures.

The comprehensive plan for a specific community within Carroll County, a small area plan called a “community comprehensive plan,” gives that community the opportunity to study in more detail the factors which influence its area and provides more direction on what the community hopes to accomplish beyond what the county-wide master plan addresses. Individual properties can be reviewed, specific areas can be designated for revitalization, and unique functional plan elements can be developed to apply to these small areas. These more detailed activities and items would not normally be addressed in the county-wide plan.

As a comprehensive plan addresses more than just land uses and zoning, the community comprehensive plan gives a community the opportunity to address such issues as economic development, community involvement, park facilities, and historic resources, among other things. These issues can and should be addressed regardless of whether the community ultimately decides to make changes to the existing land use designation map or zoning districts.

The Plan contained herein presents a set of goals that address the issues of growth management and land use, transportation, community facilities, natural resources, economic development and activity, historic/cultural resources, community involvement, interjurisdictional coordination and communication, and housing and community design. The chapters around

which these issues are organized each share common components. They all discuss current conditions, an analysis of community needs, recommended policies and actions, fiscal implications, and anticipated Community Investment Plan (CIP) projects. These components, which encompass more of the community's needs than they often have in the past, will be consistent among all the community comprehensive plans as they are updated. Through incorporating a fiscal implications and related CIP projects component, the community will have a plan that is more realistic and better represents what the citizens are willing to accept.

## **State Legislation**

### *1 Article 66B of the Annotated Code of Maryland*

Article 66B, added to the Maryland Code in 1927 and now entitled *Zoning and Planning*, delegates basic planning and land use regulatory powers to the state's municipalities, Baltimore City, and non-charter counties. Important sections of Article 66B apply to charter counties as well.

Under Article 66B, it is the function and duty of the Planning Commission to develop, with help of staff, and approve a plan which will be recommended to the local legislative body for adoption. This required plan serves as a guide to all public and private actions and decisions to ensure that development of public and private property occurs in appropriate relation to each other. This Plan document satisfies the requirement to provide a statement of goals and objectives, principles, policies, and standards that shall serve as a guide for the development and economic and social well-being of the jurisdiction.

### *2 Economic Growth, Resource Protection, and Planning Act of 1992*

On October 1, 1992, the Maryland Economic Growth, Resource Protection, and Planning Act of 1992 (the Planning Act) was passed with the intent of encouraging economic growth, limiting sprawl development, and protecting the state's natural resources. The Planning Act amends Article 66B. Most local jurisdictions in the state have established priority areas for resources protection. The Planning Act encourages these jurisdictions to build on that base with consistent development regulations and targeted infrastructure investment by the state.

A premise of the Act is that the comprehensive plans prepared by counties and towns are the best place for local governments to establish priorities for growth and resource conservation, and that once those priorities are established, it is the state's responsibility to back them up.

The Planning Act is based on eight "Visions." County and municipal plans are required to be amended so that the plans implement an established set of policies, which should be based on the Visions. The Visions are stated in the Act as follows:

- Vision 1** ☞ Development is concentrated in suitable areas.
- Vision 2** ☞ Sensitive areas are protected.
- Vision 3** ☞ In rural areas, growth is directed to existing population centers and resources areas are protected.
- Vision 4** ☞ Stewardship of the Chesapeake Bay and the land is a universal ethic.
- Vision 5** ☞ Conservation of resources, including a reduction in resource consumption, is practiced.

- Vision 6** ☞ To assure the achievement of 1 through 5 above, economic growth is encouraged and regulatory mechanisms are streamlined.
- Vision 7** ☞ Adequate public facilities and infrastructure under the control of the county or municipal corporation are available or planned in areas where growth is to occur.
- Vision 8** ☞ Funding mechanisms are addressed to achieve these visions.

Making the Visions part of Maryland's planning and zoning enabling legislation gives local jurisdictions a succinct statement of Maryland's priorities for their plans. Local Planning Commissions must now review, and if necessary, amend their plans at regular six-year intervals. Until the adoption of the Planning Act, there had been no state-wide requirement that local jurisdictions review their plans on a regular basis. This provision ensures that plans are frequently reconsidered in light of new needs.

3 *Smart Growth and Neighborhood Conservation Act of 1997*

The 1997 General Assembly adopted several specific programs which together form the *Smart Growth* initiatives. Under these initiatives, counties may designate areas as Priority Funding Areas if they meet guidelines for intended use, availability of plans for sewer and water systems, and permitted residential density. The state will not put their funds where development is low in density; there must be an average density of 3.5 dwelling units per acre to qualify for state funds. In addition, areas eligible for county designation are existing communities and areas where industrial or other economic development is desired. Counties may also designate areas planned for new residential communities that will be served by water and sewer systems and meet density standards. As of October 1, 1998, the state is prohibited from funding growth-related projects not located in a Priority Funding Area.

*Smart Growth* also establishes a Rural Legacy program to preserve sensitive rural areas and to help jurisdictions purchase agricultural land easements, a brown fields program to encourage redevelopment, a Job Creation Tax Credit to promote revitalization, and a Live Near Your Work program to promote settling in older urban areas.

4 *HB 1141, HB 2 and HB 1160*

The 2006 session of the Maryland General Assembly produced three notable bills related to land use planning and the comprehensive plan, HB 1141, HB 2, and HB 1160. The new legislation requires four new plan elements, though some may only apply to the County and others may only apply to municipalities. These elements are: a Water Resources Element; a Municipal Growth Element; a Priority Preservation Area Element; and a Workforce Housing Element.

The **WATER RESOURCES ELEMENT** is designed to express the relationship between planned growth, as identified in the plan, and the water resources that will serve and be affected by it. The Water Resources Element will:

- Identify drinking water and other water resources adequate for the needs of existing and future development proposed in the land use element of the comprehensive plan; and,

- Identify suitable receiving waters for both wastewater and stormwater management to meet the needs of existing and projected development proposed in the land use element of the comprehensive plan.
- This element must be included in the comprehensive plan no later than October 1, 2009.

The **MUNICIPAL GROWTH ELEMENT** requires municipalities to identify future growth areas that will implement their long-range vision for the future. These areas are to be based upon population projections, an assessment of land capacity and needs, and an assessment of infrastructure and sensitive areas, among other things. The element should be done in conjunction with the County, since it will guide future annexations, a process involving both jurisdictions. This element must be included in municipal comprehensive plans no later than October 1, 2009 as well.

The **PRIORITY PRESERVATION AREA ELEMENT**, addressed in HB 2, is required of the County to maintain its certification of its agricultural land preservation program. This element requires that the County identify priority preservation areas based upon the productivity of and/or profitability of agricultural and forestry enterprises, and that policies be in place in these areas to prevent them from being converted to or compromised by development. The acreage goal for land in a priority preservation area to be preserved through easements and zoning must equal at least 80 percent of the undeveloped land within the area. Counties also must demonstrate in future plan updates how they are contributing towards the statewide preservation goals of the Maryland Agricultural Land Preservation Foundation and what they can do to address any shortcomings. In order to maintain certification, the Priority Preservation Area element must be included in the County comprehensive plan by July 1, 2008.

The fourth element is only required of local governments if they wish to be eligible for participation in the Workforce Housing Grant Program, which was established in 2006 by HB 1160. The **WORKFORCE HOUSING ELEMENT** should assess workforce housing needs and contain goals, objectives, and policies to preserve or develop workforce housing. "Workforce housing" is defined in the bill as rental housing that is affordable to households with an annual income between 50 percent and 100 percent of the area median income, or homeownership housing that is affordable to households with an annual income between 60 percent and 120 percent of the median income. Measures that could be included in the element to address workforce housing include:

- Preservation and renovation of existing housing stock
- Redevelopment of existing residential areas
- Streamlined regulatory processes and reduced regulatory fees for construction or renovation
- Financial incentives for construction and renovation including local property tax credits
- Special zoning regulations for construction and renovation including inclusionary zoning
- Efforts to preserve workforce housing stock for subsequent first-time homebuyers and renters
- Coordination with neighboring jurisdictions
- Coordination with private sector employers
- Leveraging of federal financial assistance
- No date for inclusion of this element in the local plan has been established.

HB 1141 also resulted in several changes to annexations and rezonings. Any annexations that take place after October 1, 2009 must be consistent with the municipal growth element. Additionally, as of October 1, 2006 all annexation proposals must contain an “annexation plan,” which is simply the new name for the outline for the extension of services and public facilities that has been required in the past. The annexation plan must be provided to the County and the State (Maryland Department of Planning) 30 days prior to the public hearing for their review and comment.

Another change that applies to annexations relates to the “five-year rule.” Previously under this rule, unless a zoning waiver was obtained from the County the zoning on an annexed property could not be changed for five years if the desired zoning was substantially different from that envisioned in the master plan (comprehensive plan). This requirement no longer applies unless the proposed zoning is more dense than the current County zoning by 50 percent or more. A municipality still may request a waiver of zoning from the County to avoid waiting five years. This change became effective on October 1, 2006.

Changes also were made to the Priority Funding Area criteria. Beginning October 1, 2006, municipalities must base their Priority Funding Areas on an analysis of the capacity of land available for development, in-fill, or redevelopment and an analysis of the land area needed to satisfy demand for development at densities consistent with the master plan (comprehensive plan).

If all of the elements required are not in place on or before October 1, 2009, the affected jurisdiction (County or Town) “may not change the zoning classification of a property until that county or municipal corporation” is in compliance.

### **Planning Commission Responsibility**

Traditionally, the Planning Commission consists of members of the public at large, who reside in that particular jurisdiction, with little or no formal training in planning. Article 66B authorizes municipalities and counties to create a Planning and/or Zoning Commission made up of five to seven members, one of whom may be a member of the local legislative body to serve in an ex-officio capacity concurrent with his or her official term. Members are appointed by the Mayor or Board of County Commissioners to serve a term of five years, with members' terms staggered so that terms end at different times. Removal of a member may only occur by the legislative body through a public hearing process and filing of a written statement demonstrating inefficiency, neglect of duty, and/or malfeasance in office. The idea of appointing a group of lay people to make decisions and recommendations about land use planning came about to reduce political influence on decisions.

The purpose of the Planning Commission is to serve as advisor to the elected officials, the Town Council or Board of County Commissioners, on land use planning and to review matters related to planning and development. The Commission holds a meeting open to the public on a regular monthly basis to consider land use issues. One of the most significant responsibilities that the Planning Commission is given is the authority to develop the county or town’s comprehensive plan. Upon completion of a final draft acceptable to the Commission, the members will vote to approve the Plan and will forward it to the elected officials with a recommendation for adoption. The elected officials have the authority to accept or reject this

recommendation. While the elected officials cannot make revisions to the Plan themselves, they may send it back to the Planning Commission to make suggested modifications.

The Planning Commission is also empowered with original jurisdiction for the review and approval of subdivision. It is also responsible to develop and approve subdivision regulations that must be adopted by the elected officials in their respective jurisdictions in order to become effective. As with comprehensive plans, the Council or Commissioners may not make changes to the proposal. If the elected officials disapprove the proposal for adoption, they may only send the proposal back to the Commission for revisions. Since the Commission focuses on planning issues, it is a valuable intermediary between the public and the elected officials.

The Planning Commission also makes recommendations to the elected officials on proposals relating to zoning or rezoning. The elected officials have the authority to accept, reject, or modify those recommendations.

Planners are the Commission's research staff. Several of the county's municipalities have a planner on staff. In these cases, the county provides a liaison comprehensive planner to serve in an advisory role and to foster cooperation between the jurisdictions. Many of the municipalities, however, do not employ their own planners. In these cases, the county liaison comprehensive planner also serves as planner for the town and its Planning Commission. The planner advises the Commission on the comprehensive plan, development plans, zoning ordinance, subdivision regulations, and other miscellaneous planning issues. In addition, the planning staff may provide background information and recommendations on the proposals that are under the Commission's consideration and answer technical questions. The liaison planner attends all of the regularly scheduled Planning Commission meetings.

