

CHAPTER 13: INTERJURISDICTIONAL COORDINATION & COMMUNICATION

Goals

- Foster an environment of cooperation and communication in which County and City planning efforts are undertaken

“Under the [Maryland Economic Growth, Resource Protection, and] Planning Act [of 1992], 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 and resolve potential problems.

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.¹¹”

Current Conditions

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

¹¹ *Interjurisdictional Coordination for Comprehensive Planning, Managing Maryland’s Growth: Model and Guidelines*, Maryland Office of Planning, June 1994.

1 *City/County Agreement*

The primary instrument for interjurisdictional coordination and communication between the City of Westminster and Carroll County is the formal document generally known as the Town/County Agreement, or in the case of Westminster, the City/County Agreement. Re-signed by both jurisdictions annually, the agreement distributes funds to the City 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 City and County for informational purposes and to provide staff and elected officials the opportunity to comment. County projects or proposals relating to land located within one mile of the city are submitted to the City for review and comment. Certain County agencies also review plans for conformance with City regulations and ordinances such as stormwater management and forest conservation. City 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 City, such as issuance of building permits and inspection.

The City/County Agreement with the City of Westminster 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 Westminster 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 were compatible throughout the CPA. The joint comprehensive planning process typically involves extensive participation by the County and City planning staffs. With the '85 plan, the Westminster Planning Commission approved the portion of the Community Planning Area located within the City's corporate limits, and the Westminster Mayor and City 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 *Westminster and Environs Comprehensive Plan*, was jointly adopted in 1985.

In 1998, the City of Westminster adopted the *City of Westminster Comprehensive Plan*, which was updated in 2004. The plan covers the area located within the City's corporate limits. Three elements of the comprehensive plan involved coordination and cooperation between the City and County planning staffs: Environmental Resources, Transportation, and the Water and Sewerage Plan.

The Westminster Environs Community Comprehensive Plan addresses an area located outside the Westminster city limits. County staff worked with City staff in developing provisions of the plan that would impact the City, such as roads that extend into the City, and land use

designations for areas that abut the City or would be served by Westminster's public water supply or sewerage systems. County staff also worked with various state agencies, including the Maryland Departments of Transportation, Planning, Health and Mental Hygiene, Natural Resources, and Environment, as well as the Baltimore Metropolitan Council, in the preparation of this plan. Information and input were provided on such issues as planned roads, public water and sewer service, and land use.

3 County Provides Staff Assistance

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

4 Mutual Referral of Development Proposals and Other Planning Activities

As provided for in the City/County Agreement, the County makes its development review staff available to the City to review and comment on development plans located within the city. Following submittal of a development plan by the City, County staff reviews and provides comments on stormwater 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, stormwater management, and forest conservation for the City. 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 Westminster 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 Westminster and the County, proposals for development projects located within the county also are 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 Quarterly Mayors Meetings and Council of Governments

The County Commissioners meet on a quarterly basis with the mayors from all of the towns in an effort to foster interjurisdictional coordination and cooperation. These meetings are augmented 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.

6 *Policy Regarding Annexation*

The City/County Agreement between the City of Westminster and Carroll County contains a policy statement and procedure concerning annexation areas. The agreement states that future growth and development in the Westminster area that is planned to be served by public facilities should take place within the city'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 City of Westminster. This joint cooperation will serve to ensure the continuity of municipal services and maintain the effectiveness of planning functions.

To achieve this objective, the City and County have mutually agreed upon and designated a future corporate limit line (the boundary was established with the joint adoption of the 1985 *Westminster and Environs Comprehensive Plan*). 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 and City will work together to determine the appropriate course to take for annexation to occur either prior to or follow development.

7 *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 on all bills relating to county government to the Association's membership. 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.

8 *Membership and Participation on Baltimore Regional Transportation Board*

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.

Analysis of Community Needs

The relationship and scope of planning for Westminster City and the Westminster environs area continues to evolve. As the city's geographic area and population have grown, additional planning staff has been added, thus making the City less dependent on County staff.

In 1998, Westminster adopted the *City of Westminster Comprehensive Plan*, covering the area contained within the City's corporate limits. At the time, this was done because the timing of available resources in the City and the County did not match up. The City adopted an update to its comprehensive plan in June 2004.

This plan covers the unincorporated area surrounding the city, also known as the environs. This area was identified by first examining planning issues in the entire 7th Election District then defining a Growth Area Boundary (GAB) jointly with the City. Whereas the 1985 plan approached planning for the City and its unincorporated surrounds as a joint effort between both local governments, the area now is covered by two separate plans. This has resulted in a more fragmented approach to long-range planning for the overall area. Cooperation between the two jurisdictions in planning matters provides a much more unified, collaborative, and effective approach to long-range planning.

The need for more open and frequent communication between the two jurisdictions exists not only to better attain the area's overall goals, but to also avoid any unnecessary conflict and/or disparity in policies and regulations. Both jurisdictions should be moving toward the same overall vision and goals for the entire area.

The same could be said for Carroll County and its relationship with the rest of the Baltimore metropolitan region. With the regional transportation, employment, communication, and commerce patterns that exist today, it is virtually impossible to separate Carroll County and its well being from the health and prosperity of the entire Baltimore metropolitan region. This is particularly true in matters of transportation and land use. Continued and improved coordination between Carroll, Anne Arundel, Baltimore, Harford, and Howard counties, and Baltimore City with regard to transportation, land use, environmental protection, and economic development will benefit all jurisdictions in the long run.

Recommended Actions

- *Work towards developing a joint comprehensive plan for the City and its environs in the future*

In the past, the comprehensive plan for Westminster and its environs has been done jointly by the City and County. This has allowed the plan to more fully address the issues that are shared by the two jurisdictions and plan for growth, services, and facilities in a more cohesive way. This remains the preferable way to develop and adopt the plans, and should be a goal for future updates.

- *Encourage cooperation between the City and County on evaluating the adequacy of public facilities and committing to providing needed facilities*

Public facilities that serve both the City and its environs tend to transcend jurisdictional boundaries. However, decisions that affect the adequacy of these facilities are made separately by jurisdictions and in a way that does not allow for the coordination of service provision as it should be.

- *Work with the City of Westminster to develop practices for data sharing that will enable both jurisdictions to easily obtain information from each other, especially with respect to concurrency management*

As the County continues to implement concurrency management and improve tracking capabilities, the various levels of government should work closely together to monitor growth and its effect on facilities of mutual interest.

- *Evaluate and update the City/County agreement to ensure it continues to meet the needs of both jurisdictions*

The City and County may want to hold regular meetings to jointly consider updating the City/County Agreement. Discussion should focus on components of the Agreement that are not working or could be improved for either the City or the County.

- *Develop a means by which the County Planning Commission might meet annually or biannually with the City Planning Commission*

Communication on issues and projects that impact both the City and the County is critical to ensuring that the best interests of both jurisdictions is maintained. The City and County Planning Commissions face a significant number of issues that should be jointly addressed.

By strengthening coordination through opportunities of joint discussion, both the City and County will be able to more effectively and cooperatively work through decisions and accomplish common goals. Likewise, issues that reach beyond the planning commissions should be jointly addressed by the Mayor and Council and the Board of County Commissioners, and should involve both planning commissions when appropriate.

- *Encourage both City and County Planning Commission members to take the free Certificate Course in Urban Planning through the Maryland Department of Planning*

The introductory course provides information on planning topics such as planning and zoning law and regulations; Smart Growth; innovative planning tools; housing issues; and Smart Codes. This provides an additional resource for those considering planning issues and making decisions about future growth and development in Carroll County and Maryland

- *Continue to participate on the Baltimore Regional Transportation Board to address issues of regional significance*

By participating in the regular meetings of the BRTB and dealing with issues of regional significance we recognize that Carroll County plays a major role in the health, vitality, and quality of life of the entire region. Improving coordination and cooperation on a regional scale will facilitate the increased compatibility of plans and projects in neighboring jurisdictions.

Fiscal Implications & Anticipated Capital Improvements Projects

The recommendations contained in this plan may be policy-oriented or action-oriented, and their implementation 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 recommendation 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.

- Work towards developing a joint comprehensive plan for the City and its environs in the future
No Fiscal Impact
- Encourage cooperation between the city and county on evaluating the adequacy of public facilities and committing to providing needed facilities
No Fiscal Impact
- Work with the City of Westminster to develop practices for data sharing that will enable both jurisdictions to easily obtain information from each other, especially with respect to concurrency management
No Fiscal Impact
- Evaluate and update the City/County agreement to ensure it continues to meet the needs of both jurisdictions
No Fiscal Impact
- Develop a means by which the County Planning Commission might meet annually or biannually with the City Planning Commission
No Fiscal Impact

WESTMINSTER ENVIRONS COMMUNITY COMPREHENSIVE PLAN

- Encourage both City and County Planning Commission members to take the free Planning Commissioner Certification course through the Maryland Citizen Planners Association and the Maryland Department of Planning
No Fiscal Impact
- Continue to participate on the Baltimore Regional Transportation Board to address issues of regional significance
No Fiscal Impact