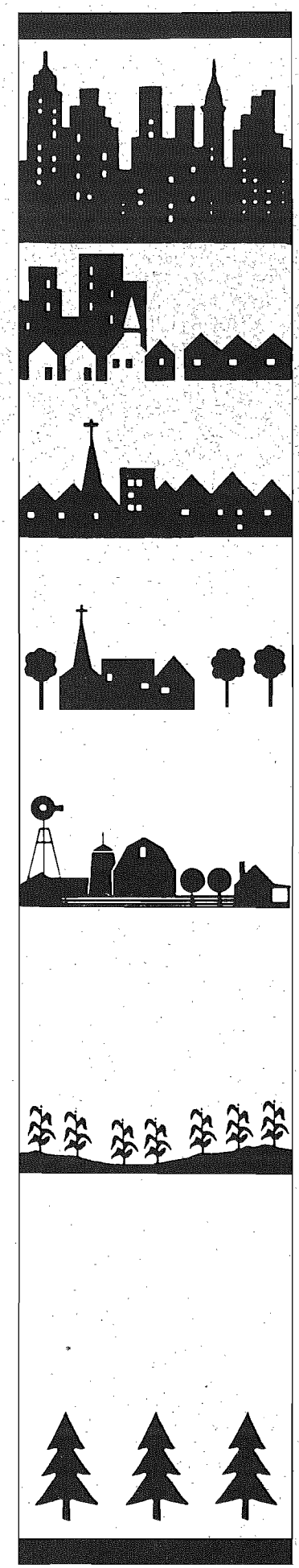

Managing Maryland's Growth:

Procedures for State Project Review Under the Planning Act of 1992

Including the complete text of Executive Order 01.01.1992.27

This document may not reflect current law and practice and may be inconsistent with current regulations.

The Maryland Economic Growth,
Resource Protection, and Planning Act of 1992

Maryland Office of Planning

State of Maryland
William Donald Schaefer, *Governor*

Maryland Office of Planning
Ronald M. Kreitner, *Director*

January, 1993

MARYLAND *Office of Planning*

This booklet was prepared by the Economic and Environmental Planning and Planning Design Units of the Maryland Office of Planning as a service to Maryland's citizens and local governments. Additional copies are available from the Maryland Office of Planning, 301 West Preston Street, Baltimore, Maryland 21201-2365. Phone (410)225-4562. FAX (410)225-4480.

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Introduction

Maryland's Economic Growth, Resource Protection, and Planning Act of 1992 established a participatory process that balances the responsibility for managing growth among local governments and the State.

The Planning Act is based on the widely accepted "Visions" prepared in the wake of the 1987 Chesapeake Bay Agreement. The Visions are succinct statements of policy which address the impact of rapid population growth and development on the State's natural resources, call for an ethic of environmental stewardship, and promote economic development through regulatory streamlining.

The Planning Act took effect on October 1, 1992, and local governments are forging ahead, rethinking their comprehensive plans, adopting the Visions as policy, and working on the protection of sensitive areas.

The State has been moving forward also and now has in place a set of procedures that ensure that State infrastructure improvements are consistent with the State's Growth Policy defined in the Planning Act, and reinforce the pattern of development established in local plans. These procedures are established in an Executive Order.

This booklet contains the complete text of Executive Order 01.01.1992.27, entitled *State Economic Growth, Resource Protection, and Planning Policy*, a description of the process the State will use to review projects, and an extensive elaboration of the State's Growth Policy.

Why Review Projects?

Project review is a central theme of the Planning Act, and the Act requires both the State and local governments to establish procedures for review. Project review is the mechanism to assure that projects are consistent with the State's Growth Policy and with local comprehensive plans. The Planning Act specifically states that no project may be funded by the State unless it is consistent with the State's Growth Policy or for a local government, unless it is consistent with the local comprehensive plan.

In requiring project review the Planning Act recognizes the role that public facilities and infrastructure play in the development of Maryland.

In colonial Maryland, public wharfs, dredging, and roads allowed towns to develop as centers of trade and industry. In the 20th century,

construction of bridges, beltways, and public sewer systems opened up new areas for development and greatly facilitated growth.

Today public facilities such as roads, schools, water and sewerage, and other utilities or communication infrastructure continue to facilitate development. Conversely, a lack of available capacity at a highway intersection or in a sewage treatment plant sends growth elsewhere, sometimes where it is not planned or wanted.

Because of the role infrastructure plays in guiding growth, State facilities must be provided according to the same development policies contained in local comprehensive plans. When comprehensive plans, zoning, land development regulations, and infrastructure are all consistent with a set of growth policies and with each other, development tends to proceed where it is planned and public funds are used more efficiently.

What is a "Project?"

State and local governments provide a tremendous variety of infrastructure and services, but only some of these are subject to review under the Planning Act. The Act defines projects generally; the ultimate decision as to whether an activity is a "project" for the purposes of the Act will be made by individual local governments and State agencies.

For local governments, the Act states that a local government may not approve or construct a *"local construction project involving the use of State funds, grants, loans, loan guaranties, or insurance"* unless the project is consistent with the Visions. Examples of local projects include local parks developed with State open space funds or schools, extensions of public sewer and water lines, and road construction.

For the State, the Act defines a project as a *"State public works, transportation, or major capital improvement project funded through State or Federal funds."* Examples of State projects include new multi-purpose centers, correctional facilities, highway intersection capacity improvements, State grants for public school construction, and State-assisted sewage treatment plant expansions.

Most often the Act will not affect projects that do not expand the service area such as those that maintain or renovate existing facilities without adding to their capacity.

Interagency Committee

To maintain a high level of accountability and participation among State agencies, the Executive Order establishes a cabinet-level committee called the Economic Growth, Resource Protection, and Planning Committee.

Chaired by the Director of the Office of Planning, the members include the secretaries of Agriculture, Budget and Fiscal Planning, Economic and Employment Development, Environment, General Services, Housing and Community Development, Natural Resources, and Transportation; and a representative from the Governor's Office.

The Committee is charged generally with implementing the State's Growth Policy; project review is one part of this. The Committee will review any project that is "inconsistent but with extraordinary circumstances," a term that is discussed below. The Committee will also review any project a Committee member specifically asks it to review.

The Committee will also recommend changes in State policy and law needed to implement the Planning Act and serve as a forum for local government concerns about the interaction between State growth management and resource protection programs.

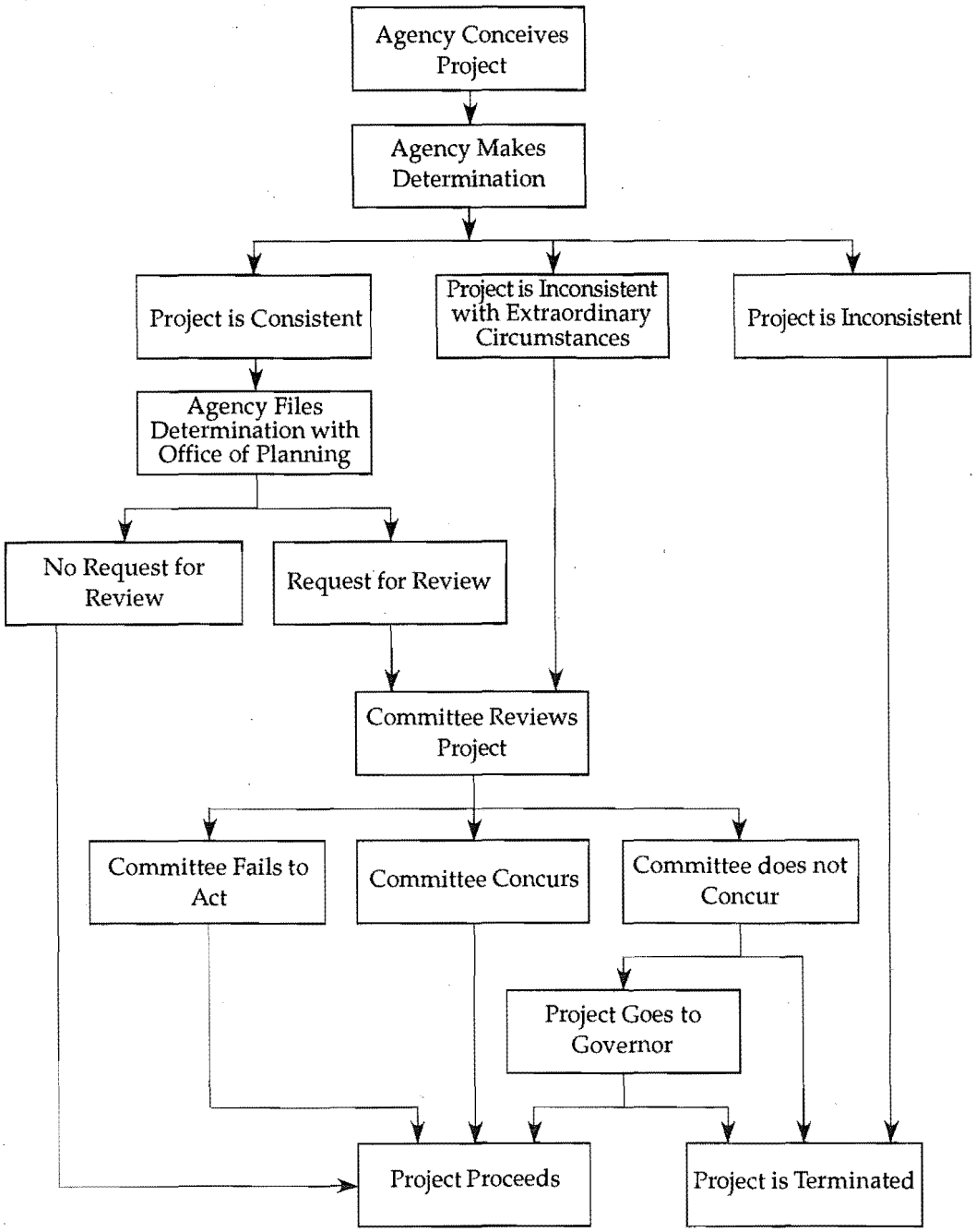
How the State's Review Process Works

The project review process established in the Executive Order is designed to efficiently accomplish the project review required in the Planning Act without delaying projects or creating a cumbersome review process. The process will be overseen by the Economic Growth, Resource Protection, and Planning Committee.

Once an agency identifies a project for funding, the following process will start:

1. **Agencies make consistency determinations.** As part of the project proposal, agencies will make consistency determinations for projects. The form of these determinations will vary by agency and project size and type, but will be based on a standard "checklist" adopted by the Committee and the "Elaboration of the State's Growth Policy" which begins on page 6. Agencies may modify the checklist to make it more relevant to their own projects.

State Project Review Procedure



2. **Determinations filed.** After an agency decides whether or not a project is consistent, it sends the determination to the Maryland Office of Planning. The Office of Planning will file the project reviews.

3. **Committee members can request review of consistent determinations.** For determinations of consistency, Committee members have 15 calendar days to ask that the Committee to review the determination. If no Committee member requests a review, the agency's original determination of consistency is the final determination.

4. **Projects that are inconsistent but which have extraordinary circumstances receive Committee review automatically.** Agencies may decide that a project is inconsistent with the State's Growth Policy but elect to proceed with the project because it has extraordinary circumstances and no reasonably feasible alternative exists. The Office of Planning sends projects that are "inconsistent but with extraordinary circumstances" to the Committee for review automatically.

5. **Committee reviews projects.** Once the Committee receives a project, it has calendar 45 days to review the project. The Committee can either concur with the determination or not concur with the determination and then consult with the Governor for a final determination. If the Committee does nothing within 45 days, the agency's determination is the final determination.

6. **Project proceeds or is terminated.** An agency may proceed with a project if no other Committee member raises an issue, it receives the concurrence of the Committee, or if the Governor elects to proceed. Otherwise, the project is terminated.

Project Consistency

The Executive Order requires that agencies evaluate their projects for "consistency" with the State's Growth Policy. Consistency is not a precisely defined term, and each agency has some discretion in deciding whether a project is consistent. To guide agencies, a State working group has prepared an "Elaboration of the State's Growth Policy." The Elaboration is a working draft and will change over time as the State's experience with the Growth Policy grows and agencies recommend ways the Policy Elaboration can better address the challenges of simultaneously managing growth, fostering economic growth, and protecting the environment.

Elaboration of the State's Growth Policy

As it is currently written, the Elaboration is as follows:

ELABORATION OF STATE'S ECONOMIC GROWTH, RESOURCE PROTECTION, AND PLANNING POLICY

I. DEVELOPMENT SHALL BE CONCENTRATED IN SUITABLE AREAS

The intent of this policy is that investments for roads, water and sewerage facilities, schools, transportation, and other facilities will support new growth in existing communities or in areas specifically designated for growth.

A. Direct new growth and development to existing communities and growth areas planned by local government through the construction and maintenance of adequate transportation, water, and sewerage facilities.
B. Locate State facilities in existing communities with attention to employment needs and the location of available housing and transportation facilities.
C. Encourage the maximum use of existing infrastructure, promote infill, and encourage creative redevelopment where appropriate.
D. Support compact development consistent with available infrastructure capacity and the character of existing communities.
E. Provide affordable housing throughout the State by developing programs to encourage the construction of new units and the preservation or upgrading of existing housing stock.
F. Encourage industrial and business development in urban centers and designated rural growth areas and encourage the location of such development so that it is accessible to labor pools.
G. Simplify permit procedures whereby State and local permits are issued in a timely manner.
H. Encourage the use and development of transportation facilities which will minimize growth in automobile use.

II. SENSITIVE AREAS SHALL BE PROTECTED

The intent of this policy is that certain designated sensitive areas (including steep slopes, habitat for endangered species, streams and their buffers, 100-year floodplains, and other areas in need of special protection) be protected from the adverse impacts of development.

A. Design and construct schools, highways, water, sewerage, and other facilities to minimize their impact on designated sensitive areas.
B. Take the protection of sensitive areas into account in the designation of areas suitable for growth, and in designated grwoth areas, provide an appropriate level of protection for sensitive areas.
C. Protect sensitive areas through the acquisition of parks, open space, and environmental easements.
D. Create greenway linkages with a specific focus on creating a Statewide system including linkages to urban areas.
E. Identify, designate, and map sensitive areas that relate to the protection of natural systems, e.g., stream networks and connected wildlife habitats.

E. Encourage the protection of other sensitive areas such as wellhead protection areas, prime and productive agricultural land, large forested tracts, anadromous fish spawning areas, and historic properties.

III. IN RURAL AREAS, GROWTH SHALL BE DIRECTED TO EXISTING POPULATION CENTERS AND RESOURCE AREAS SHALL BE PROTECTED

This policy works hand in hand with Policy I, by encouraging the concentration of growth in existing centers. However, it builds on that policy by recognizing the unique nature of rural communities in Maryland. Its basic premise is that State and local governments should look to existing communities as a focus of rural development activity, thus protecting the rural land resources of the State, keeping in mind the existing historical and cultural characteristics of those communities.

A. Create incentives and remove barriers to development in existing rural population centers.
B. Encourage the use of innovative and alternative technologies to supply water and sewer service in rural communities not designated as growth areas.
C. Encourage growth in rural communities compatible with their existing and historical character.
D. Plan and design infrastructure facilities in rural growth centers to support their function as destinations and focal points of commercial activity, consistent with the scale and character of the community as defined by the local comprehensive plan.
E. Encourage implementation and use of rural transportation alternatives to decrease the growth of automobile use.
F. Develop access control practices to discourage strip commercial and residential development along State highways.
G. Protect, retain, and conserve productive agricultural and forest land.
H. Protect mineral resource areas for future resource extraction.
I. Encourage clustering of residential development consistent with overall density standards.
J. Encourage retention of agricultural service industries to sustain forestry and agriculture as primary industries in rural Maryland.

IV. STEWARDSHIP OF THE CHESAPEAKE BAY AND THE LAND SHALL BE A UNIVERSAL ETHIC

The focus of this policy is to change the way government and the citizens of Maryland think and act in their daily lives. Environmental degradation and inefficient use of land and resources is a cumulative result of individual lifestyle choices over the last half century. Government programs and public education efforts must address the real and perceived issues that underlie the continuing dispersal of new development and the flight from older urban areas.

A. Develop programs to inform citizens about the diverse benefits of growth management.

B. Through a coordinated and integrated outreach and education effort, intensify public environmental education and public awareness of the impact of individual actions on the environment in general and the Chesapeake Bay in particular.

C. Expand public outreach and participation programs such as the Senior Conservation Corps, the Chesapeake Clean-up Campaign, and the Adopt-a-Highway program.

D. Expand educational programs and opportunities at the elementary and secondary school levels on environmental issues.

E. Design, locate, and construct projects in a manner that controls the introduction of sediment, toxic compounds, and nutrients into the waters of the State.

V. CONSERVATION OF RESOURCES INCLUDING A REDUCTION IN RESOURCE CONSUMPTION, SHALL BE PRACTICED

Conservation of resources and the efficient use of land are intricately intertwined. Conservation of energy, water, soil, air, and other resources is necessary in a consumer-driven economy. Within the context of economic growth, resource protection, and growth management, conservation policies must be developed which work in concert with land development and land preservation programs.

A. Continue public and private waste recycling initiatives, use products made from recycled materials, encourage regional approaches for recycling markets, and reduce the volume of consumer product packaging.

B. Continue to develop a balanced waste management program, including recycling, resource recovery, and the development of adequate and safe landfills and promote pollution prevention practices to reduce the volume of waste generated.

C. Promote the use of renewable resources and the efficient use of non-renewable energy resources.

D. Promote the design and development of energy efficient communities and travel patterns.

E. Plan for, develop, and encourage the use of alternatives to single-occupant automobiles.

F. Encourage the conservation of ground and surface water supplies.

G. Encourage the use of low input agricultural practices, conservation tillage, integrated pest management, and other agricultural and land use best management practices.

H. Encourage the rehabilitation and adaptive reuse of historic structures and older commercial buildings.

I. Encourage preservation and restoration of environmental resources to enhance quality of life.

VI. TO ENCOURAGE THE ACHIEVEMENT OF POLICIES I - V, ECONOMIC GROWTH SHALL BE ENCOURAGED AND REGULATORY MECHANISMS SHALL BE STREAMLINED

Many of the problems associated with existing land development practices are aggravated by the cumulative effect of existing regulations at the State and local level.

Practices must be reviewed to assure that they support the economic development of planned growth areas while continuing to protect sensitive resources within those areas.

A. Review and modify existing State regulations to expedite development in growth areas while protecting sensitive areas and other resources while addressing the fragmentation of authority among State agencies.
B. Consolidate, coordinate, and simplify State permit procedures.
C. Assist local government and the private sector in encouraging industrial and business development in appropriate areas.
D. Assist local government and the private sector in providing affordable housing and other public services and facilities through the application of appropriate economic incentives and joint partnerships.
E. Provide technical assistance to local government in simplifying development regulations while maintaining standards necessary to protect the health, safety, and welfare of Maryland's citizens.
F. Facilitate interjurisdictional multi-agency planning and permitting for development in special areas, such as individual watersheds and harbors.

VII. FUNDING MECHANISMS SHALL BE ADDRESSED TO ACHIEVE THIS POLICY

Long-term financial benefits to State and local government can be achieved through a logical and efficient development pattern. In the short term, existing infrastructure construction, maintenance, and related service needs must be met to make the achievement of those efficient development patterns a reality. Existing and innovative mechanisms to provide adequate funds must be explored.

A. Priorities for the use of State dollars for the construction of water, sewerage, transportation, schools, other capital facilities, and related support services will include consideration of their potential growth implications.
B. Explore the potential for alternative funding to supply State services.
C. Analyze agency funding programs for impacts on growth and development during established annual agency capital budget submittals and reviews.
D. Review economic incentives currently in use or which could be used to encourage logical and efficient development patterns.

Project Review Checklist

Agencies also have at their disposal a simple "checklist" which summarizes the issues raised in the Elaboration. As with the Elaboration, the checklist will be improved as agency experience with project review increases. The checklist contains information about the project including submitting agency, short project description, location, funds utilized, agency contact person, and the consistency determination.

Projects with Extraordinary Circumstances

In limiting State funding for projects that are inconsistent with the State's Growth Policy, the Planning Act allows the State to make an exception "if the State determines that extraordinary circumstances exist that warrant proceeding with the project and that no reasonably feasible alternative exists."

The decision that a project has extraordinary circumstances is left to the discretion of individual State agencies, but the Committee is required to review those determinations and to report on those projects annually to the Economic Growth, Resource Protection, and Planning Commission.

An example of extraordinary circumstances might be a sewer line that is proposed to be extended to a community where septic systems have failed creating a danger to public health, but the community is not otherwise designated as a growth area. The public health danger would be considered extraordinary circumstances.

Local Government Input

Because State projects almost always involve local government participation and approval and because local governments are important participants in the process of managing growth, the Committee will encourage local governments to bring forward issues or problems that relate to the State's Growth Policy that they wish the State to address.

In particular, local governments can comment on the consistency determination process or on the disposition of any specific project. Local governments may also comment on issues relating to how the State's resource programs and policies interact with each other in specific instances.

Executive Order

Executive Order 01.01.1992.27 was signed by Governor William Donald Schaefer on December 11, 1992, and was effective from that date. The Order requires State agencies to review projects for consistency with the State's Growth Policy established in the Planning Act, and creates a committee comprised of members of the Governor's Cabinet to oversee project review.

EXECUTIVE ORDER
01.01.1992.27

State Economic Growth, Resource Protection, and Planning Policy

WHEREAS, The environment and the wealth of natural resources of the State, most notably the Chesapeake Bay, but also its forests, agricultural lands, wetlands, waters, fisheries, wildlife, air, minerals and other related resources, add immeasurably to the quality of life the citizens of Maryland treasure;

WHEREAS, Maryland's natural resources and the quality of life to which they contribute are vital to the State's economy;

WHEREAS, The State has a vital interest in protecting the State's heritage, environment, and natural resources, encouraging appropriate uses of the State's natural resources, guiding sound and sensible economic development, and ensuring that infrastructure is provided in an efficient and cost effective manner;

WHEREAS, Scattered development threatens the integrity of not only the Chesapeake Bay, but also the state's environment and natural resource base, the ability of local and State government to provide necessary public services, the long-term viability of the State's economy, and the high quality of life that Maryland's citizens enjoy;

WHEREAS, These problems and issues associated with growth and development must be addressed in a systematic way since population will continue to grow;

WHEREAS, The Maryland Economic Growth, Resource Protection, and Planning Act of 1992 establishes the State's Economic Growth, Resource Protection, and Planning Policy; and

WHEREAS, The Act requires the Governor to establish procedures for the review of State projects for consistency with the State's Economic Growth, Resource Protection, and Planning Policy and with local comprehensive plans;

NOW, THEREFORE, I, WILLIAM DONALD SCHAEFER, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, HEREBY RESCIND EXECUTIVE ORDERS 01.01.1980.01 AND 01.01.1982.08, AND PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

A. Purpose.

(1) This Executive Order implements the Economic Growth, Resource Protection, and Planning Act of 1992 (the Act) (Chapter 437 of the Acts of 1992).

B. Economic Growth, Resource Protection, and Planning Policy.

(1) The Act establishes the State Economic Growth, Resource Protection, and Planning Policy (the Policy). The Policy requires that:

(a) Development shall be concentrated in suitable areas;

(b) Sensitive areas shall be protected;

(c) In rural areas, growth shall be directed to existing population centers and resource areas shall be protected;

(d) Stewardship of the Chesapeake Bay and the land shall be a universal ethic;

(e) Conservation of resources, including a reduction in resource consumption, shall be practiced;

(f) To encourage the achievement of paragraphs (a) through (e) of this subsection, economic growth shall be encouraged and regulatory mechanisms shall be streamlined; and

(g) Funding mechanisms shall be addressed to achieve this Policy.

C. Scope of the Policy.

(1) The Policy shall guide decisions by each State agency (hereinafter "an agency" or "the agency") within the Executive Branch.

(2) The Policy shall apply to all decisions made by an agency when a statute or other law establishing or providing for the decision-making authority confers discretion concerning the decision on the agency.

D. Interagency Economic Growth, Resource Protection, and Planning Committee.

(1) There is an Interagency Economic Growth, Resource Protection, and Planning Committee.

(2) The Committee shall consist of the following members:

(a) The Secretary of Agriculture;

(b) The Secretary of Budget and Fiscal Planning;

(c) The Secretary of Economic and Employment Development;

(d) The Secretary of the Environment;

(e) The Secretary of General Services;

(f) The Secretary of Housing and Community Development;

(g) The Secretary of Natural Resources;

(h) The Secretary of Transportation;

(i) The Director of the Office of Planning;

(j) A representative of the Governor's Office.

(3) A designee of a committee member may participate in his or her place provided that the designee holds the title of Deputy Secretary or the equivalent.

(4) The Director of the Office of Planning shall serve as Chairman of the Committee.

(5) Principal staff support for the Committee shall be provided by the Office of Planning. Other agencies shall also provide staff assistance.

(6) The Committee may establish work groups as needed to conduct reviews of individual projects or for any other purpose it deems necessary.

(7) The Committee shall:

(a) Assist in the implementation of the Policy;

(b) Review projects and agency determinations of projects as required under Section E. of this Executive Order;

(c) Coordinate State plans, programs, and projects which affect the timing, type, and location of development and assure that the State's investments in infrastructure and resource protection are made in accord with the Policy and the Act;

(d) Recommend to the Governor changes in State law, regulations, policies, and procedures needed to support the Policy;

(e) Provide a forum for discussion of interdepartmental differences relating to activities that affect growth, development, and resource

management, including a determination of consistency or inconsistency of a project;

(f) Provide local jurisdictions with a forum for discussion of consistency issues and conflicting State requirements; and

(g) Assist and provide information to the State Economic Growth, Resource Protection, and Planning Commission as appropriate.

(8) The Committee shall meet at least quarterly.

E. Procedures for Review of State Projects.

(1) Definitions. The following terms have the meanings indicated:

(a) "Consistent project" means a project that is determined under this Executive Order to be consistent with the Policy and the local plan.

(b) "Local plan" means the comprehensive plan for the jurisdiction in which a project is located.

(c) "Inconsistent project with extraordinary circumstances" means a project that is determined to be inconsistent with either the Policy or the local plan, but for which extraordinary circumstances exist and there is no reasonably feasible alternative.

(2) The procedures in subsections (3) and (4) of this Section shall be followed to implement §5-7A-02 of the State Finance and Procurement Article, which requires the Governor to establish procedures for review of State projects for consistency with the Policy and local plans.

(3) Agency Review.

(a) The Act, in §5-7A-02 of the State Finance and Procurement Article, expressly prohibits the provision of State funding for a State public works, transportation, or major capital improvement project if the project is not consistent with either the Policy or the local plan, unless extraordinary circumstances exist that warrant proceeding with the project and no reasonably feasible alternative exists.

(b) Each agency shall establish procedures for determining whether a project is consistent or inconsistent with the Policy and the local plan, and in the case of a finding of inconsistency, whether extraordinary circumstances exist that warrant proceeding with the project and that no reasonably feasible alternative exists.

(c) If, in conducting a review under paragraph (b) of this subsection, an agency determines that a project is a consistent project, or determines that a project is an inconsistent project with extraordinary circumstances, the agency shall file that determination in writing with the

Office of Planning. When filing a determination that a project is an inconsistent project with extraordinary circumstances with the Office of Planning, the agency shall provide documentation that the agency gave any directly affected local jurisdiction the opportunity to comment on the project determination.

(d) Until the date on which a determination is the final determination of the State under this Section, an agency may withdraw a determination by filing a withdrawal with the Office of Planning.

(4) Committee Review.

(a) The Committee shall review:

(i) each inconsistent project with extraordinary circumstances, as provided in paragraph (d) of this subsection; and

(ii) any consistent project for which the Committee has received a request for review from a Committee member, as provided in paragraph (c) of this subsection.

(b) With respect to any project reviewed by the Committee under this section, the Committee shall take into consideration existing indentures, trust agreements and contracts with or for the benefit of bondholders or holders of debt, or preexisting intergovernmental agreements.

(c) Request for Committee Review of Consistent Projects.

(i) A Committee member may request that the Committee review an agency determination within 15 days of the day the determination is filed with the Office of Planning.

(ii) If no request for review is made within 15 days, the agency determination shall be the final determination of the State for the purposes of the Act.

(iii) If a Committee member requests review of a project, the Committee shall follow the review process established in paragraph (d) of this subsection.

(d) Process for Committee Review of Inconsistent Projects with Extraordinary Circumstances and Consistent Projects Subject to Review.

(i) The Committee shall complete its review:

(aa) of an inconsistent project with extraordinary circumstances within 45 days of the date an agency files a determination with the Office of Planning; and

(bb) of a consistent project for which a request for review has been made under subsection (c) of this Section within 45 days of the date the request for review is received by the Committee.

(ii) In reviewing a project under this subsection, the Committee shall either:

(aa) concur with the agency determination under review, including any modifications agreed to by the agency; or

(bb) not concur with the agency determination under review.

(iii) If the Committee does not concur in the agency determination, the agency or the Committee may refer the project to the Governor for a final determination.

(e) An agency determination shall be the final determination of the State for the purposes of the Act if:

(i) the Committee conducts a review of a project under subsection (d) of this section and concurs with the agency determination;

(ii) in the case of an inconsistent project with extraordinary circumstances, the Committee fails to act within 45 days of the date an agency files a determination with the Office of Planning; and

(iii) in the case of a consistent project for which a request for review was made under subsection (c) of this Section, the Committee fails to act within 45 days of the date the request for review is received by the Committee.

(f) Reserved.

(g) The Committee shall report on or before February 1 of each year to the State Economic Growth, Resource Protection, and Planning Commission as to all inconsistent projects with extraordinary circumstances reviewed and approved by the Committee during the preceding calendar year. The report shall describe the projects, the circumstances that warranted proceeding with the project, and the alternatives to the project considered.

F. Adoption of Regulations.

(1) In order to implement the Policy, each agency shall, where appropriate, adopt interpretive regulations under the Act.

(2) In adopting interpretive regulations under this Executive Order, each agency shall identify opportunities to modify existing regulations to carry out the purposes of this Executive Order, including regulations that:

(a) Streamline permit review procedures within areas designated for growth;

(b) Create flexible development regulations and standards to promote innovative and cost-saving site design and protection of the environment; and

(c) Direct economic growth to areas designated for growth through the use of innovative techniques.

(3) Each agency shall, where appropriate, adopt regulations implementing §5-7A-02 of the State Finance and Procurement Article and shall determine whether a project falls within the purview of the requirements of §5-7A-02 of the State Finance and Procurement Article. Criteria that an agency may consider in determining the applicability of §5-7A-02 may include, among other factors, the extent of State funding for the project and whether the project's authorization, location, or construction is legally under the jurisdiction of a unit of State government.

G. This Executive Order is not intended to and may not be construed to confer any right, privilege, or status on any private party cognizable by a court in any proceeding. No bond, note, debt, leasing or financing arrangement, or other debt obligation of any kind of the State, a State agency, or a local jurisdiction may be deemed, held, or otherwise considered to be unenforceable due to a failure to comply with the terms of this Executive Order.

GIVEN Under My Hand and the Great Seal of the State of Maryland, in the City of Annapolis this 11th day of December, 1992.

William Donald Schaefer
Governor

ATTEST:

Winfield M. Kelly
Secretary of State

For More Information

The Executive Order designates the Maryland Office of Planning as the lead State agency in the project review process. The Director of the Office chairs the Committee; the Office provides staff to the Committee; and agencies will file project determinations with the Office.

For more information about the Planning Act or Executive Order 01.01.1992.27, call the Office at (410)225-4562; FAX (410)225-4480.

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