

## Quality of Place Council Recommendation: *“Align State’s Basic Land Use Statutes with Quality of Place”*

### Preliminary Findings:

#### **Most land use laws have been recently updated**

The Growth Management Act and rules, the Sensible Transportation Policy Act rules and the Informed Growth Act were updated or enacted by the legislature in 2007 and 2008.

#### **Transportation and Planning rules are coordinated**

The State Planning Office and MDOT coordinated on Growth Management and STPA rules, resulting in uniform requirements. The transportation requirements for local comprehensive plans are now identical to what is required by the STPA rules.

#### **Traffic Permitting Fees now being reviewed**

DOT is currently conducting a stakeholder process to improve traffic permitting of new development projects. The process is expected to be completed by Dec. 31, 2008. The expected outcome is the establishment of an equitable means of collecting impact fees from developers to be used to mitigate traffic impacts resulting from new development.

#### **Site Law may offer an opportunity to support Q of P principles**

- The “Site Location of Development Act” governs permit review for large projects. Projects reviewed by DEP are:
  - over 20 acres in size
  - mining, oil and gas drilling projects
  - commercial or industrial subdivisions >5 lots
  - residential subdivisions >15 lots

Roughly 140 projects per year are reviewed, half of these are residential subdivisions, the other half are a mixture of retail, industrial, institutional and commercial projects.

- Site Law hasn’t been updated in many years, and DEP is contemplating updating the law and rules in 2009.
- Site Law is used to mitigate environmental effects of projects under review, but is not used to determine the best location for these projects.
- Under the Growth Management Act, state buildings and infrastructure projects must be located in designated growth areas, census designated areas or areas served by public water and sewer. Exemptions are available for developments that need to be located outside growth areas (such as a water bottling plant or fish hatchery).

- One way to align Site Law with the Growth Management Act might be to extend the requirements for state buildings and infrastructure to non-state projects.
- Site Law does not include any regional review or regional cost and revenue sharing for projects that have regional impacts. Certain industrial or high traffic facilities may benefit from regional review. Several models that have been used in other states for regional review have been identified.

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