

INTERJURISDICTIONAL COORDINATION



The Trend

State, regional, and local laws, practices, and organizations have long recognized the importance of cooperating across jurisdictional boundaries. Interjurisdictional coordination reflects the natural overlap and interrelatedness of systems and issues like transportation, economic growth, energy, air and water, and impacts on surrounding communities when land use decisions are made locally. Carroll County has a history of both mandatory and voluntary collaboration on issues affecting these essential services and facilities.

Background and Impact

State - Carroll County was created by the State of Maryland in 1837. Through the State Land Use Article, Carroll and all counties have their own planning and zoning authority to protect the health, safety, and welfare of their citizens. While delegating this authority to the local jurisdictions, the State Land Use Article includes requirements for the timing, inclusion of visions and elements, and processes for development and approval of land use plans. In addition to planning and zoning oversight, the State also governs certain aspects of transportation, natural resource protection, education, health, housing, and energy within the county.

The State has the authority in many cases to delegate and take away or pre-empt local land use authority. In just the past several years, the pre-emption of land use controls has become more prevalent. The siting of solar energy facilities, the provision of affordable housing, and cannabis growing and distribution are just several examples of this trend. The impact of this encroachment on land use decisions has resulted in conflicts between broad State policies and the County's adopted land use plans.

The Maryland Association of Counties (MACO) is the non-profit, non-partisan voice of all 24 Maryland counties promoting effective, efficient government through advocacy, education, and collaboration. It was stated in a recent briefing by MACO staff that "One of the primary roles of counties is to represent the will of residents in shaping the character of their community. This authority is both powerful and often controversial. Increasingly, local land use authority has faced various challenges in the name of climate change. Notable examples include State policies promoting [renewable energy development](#) (many of which insufficiently address community concerns) and several attempts to override local development processes in some coastal regions."¹

Revenue sharing, which occurs when the State distributes a portion of its tax income to local governments, is another fundamental component of interjurisdictional coordination in Maryland. State laws and policies dictate how certain revenues are shared, and the County may have to provide a match to the dollars received. Examples of revenue sharing include the Maryland Agricultural Land Preservation Foundation (MALPF) program for agricultural preservation, Highway User Revenue (HUR) funds for local road needs, and education funding. The challenge for the County is the uncertainty and volatility of these sources of funding. Adjustments to the amounts received are outside the control of the local governing authority, instead established and adjusted by State officials, as well as by the federal government. More recently, HUR funds also have been affected by national and global shifts towards hybrid and electric vehicles, which reduce fuel sales and therefore the amount of taxes collected by the State from the sale of fuel, a major source of HUR funds.

¹ Butchko, Dominic. "3 Weird Ways Climate Change Is Impacting Counties." Conduit Street, 24 July 2024, conduitstreet.mdcounties.org/2024/07/24/3-weird-ways-climate-change-is-impacting-counties/. Accessed 25 July 2024.

Regional - Carroll County also has a number of regional partners to develop common approaches to complex issues. In some cases, these coalitions include the development of joint plans and policies; others are more informal alliances. With the escalation of new federal and State mandates, these alliances have become more significant in recent years.

The Baltimore Metropolitan Council (BMC) - This organization works with the region's elected executives to identify mutual interests and develop collaborative strategies, plans and programs that help improve the region's quality of life and economic vitality. The Baltimore Regional Transportation Board (BRTB) is the federally designated metropolitan planning organization (MPO) for the Baltimore region, coordinating plans and planning activities, providing data and analysis to decision makers, and coordinating regional programs to advance transportation projects and programs. All transportation projects and programs that receive federal surface transportation funding in the Baltimore region, including Carroll County, go through this planning process. A regional Transportation Plan is developed every five years, and BMC has helped fund Master Plan projects that relate to transportation and clean air.

The Reservoir Watershed Management Agreement - This Agreement, which includes signatories from Carroll and Baltimore Counties, Baltimore City, the State and BMC, is the framework for improving the water quality of the tributaries feeding into the region's drinking water reservoirs. In Carroll, this pertains to the Liberty Reservoir watershed. The Agreement created a program and committees to provide oversight, guidance, and implementation.

Heart of the Civil War Heritage Area (HCWHA) - Carroll County plays a strong part in acknowledging the historical significance of its legendary regional landmarks through participation in the HCWHA. The County and its municipalities, in partnership with Frederick and Washington counties, are certified through HCWHA to use state grants, loans, and tax incentives to undertake projects that support the heritage area's goals and capitalize on the area's significant Civil War-related history.

Local - Each of the eight municipalities in Carroll County has its own mayor, council, planning commission, and authority to enact its own laws and adopt land use plans separate and apart from those of the County. Carroll County has a long tradition of coordination between the County and its municipalities in the preparation of their respective community plans, as well as cooperation on related land use, development, transportation, and environmental issues. There are also a number of planning efforts that involve the County and all eight municipalities that are coordinated by the County's Departments for the benefit of all the jurisdictions. In addition to being a more efficient use of public resources, this collaboration has ensured consistency in the planning and provision of essential public facilities and services.

Town/County Agreements - Since 1978, the Board of County Commissioners (BCC) and each municipality have annually entered into an agreement to share funds and coordinate planning and other governmental functions. The agreement lists necessary roles of the Towns and the County for planning and development related processes, and states that the Town and County have "joint review responsibilities" for development plans.

Annual Planning Report - The State Land Use Article requires all local jurisdictions to prepare and submit to the State an annual compilation of all planning and development activities that have occurred over the past year. The County takes responsibility for the preparation of this document and its submittal to the Maryland Department of Planning (MDP) for all eight municipalities.

Water Resources Element (WRE) - The County, in cooperation with all eight municipalities, updates the WRE as required by HB1141 2006. This document identifies drinking water and other water resources needed for existing and future growth throughout the County. The WRE is a required element of all Master Plans in Maryland.

Water Resources Coordination Council (WRCC) - This group, which includes the County and all of its municipalities, along with the Health Department, was formed in 2007. It provides a mechanism for cooperative problem solving of critical water resource management issues facing the County and its municipalities.

Water and Sewer Master Plan – This document guides the orderly development and expansion of all water and sewer systems throughout the county. It is updated by the County, in conjunction with the municipalities, every three years. There are also bi-annual amendments made to this Plan.

Hazard Mitigation Plan – The County’s 2022 Hazard Mitigation Plan was developed by the County’s Department of Public Safety, in conjunction with all eight municipalities. It serves as a guide for the implementation of mitigation projects and initiatives throughout Carroll County for events or conditions that have the potential to cause fatalities, injuries, property damage, infrastructure damage, agricultural loss, damage to the environment, interruption of business, or other types of harm or loss.

Land Preservation, Parks and Recreation Plan (LPPRP) - The State of Maryland requires that counties update the local LPPRP every five years prior to the revision of the statewide Maryland LPPRP. The County Department of Recreation and Parks is responsible for preparation of the County LPPRP, and it is based on the goals and priorities established in the adopted county Plans, as well as all eight municipal land use plans.

Consolidated Transportation Plan (CTP) Priority Letter - Each year the Board of County Commissioners (BCC) develop and transmit to the Maryland Secretary of Transportation a letter listing the County’s road priorities for inclusion in the upcoming state CTP. This includes the major state highways that run through the entire county, including the municipalities.

60-day Review of Plans – The Maryland Land Use Article requires that local jurisdictions forward copies of their comprehensive plan (or amendments to the plan) to adjoining local jurisdictions for their review and comment. Any updates to the County Master Plan are sent to all eight municipalities for the required 60-day review, allowing the municipalities to assure it is consistent with the municipalities’ Master Plans. For municipal Master Plans, the County also coordinates with the Town/City staff and planning commissions throughout the development and adoption of their Master Plans. All land use changes should include an evaluation of the impact on County facilities and operations. Changes to municipal growth area boundaries are also of mutual interest and are coordinated between both entities.

Liaison Planners - This is an ongoing function of the County’s Bureau of Comprehensive Planning. A comprehensive planner is assigned to each municipality and is the primary contact between the department and the Town/City. This staff person attends the monthly planning commission meetings and provides an update on the planning activities of the County. They are responsible for the review of the development projects in the municipality for consistency with all applicable plans. The designated planner serves as the first point of contact for questions the Town may have for the County for development and planning related matters.

Relevance to Carroll County

The County enjoys many successful alliances with its State, regional and local partners, and it is essential that this practice continues. The recent trend of State pre-emption of local land use authority makes it difficult to implement locally driven plans as envisioned but is sometimes necessary if certain issues transcend jurisdictional boundaries or require a statewide response. State mandates that must be implemented locally do not always anticipate the conflicts that may arise in the implementation process. While the County delegation of State elected officials represents local interests in the legislature well, Carroll’s partnership in regional organizations also has helped in bringing these issues to the forefront and mitigating negative effects.

Within the county itself, continued local coordination in plan preparation and implementation has the benefit of leading to the creation of planned major streets and the elevation of transportation priorities, orderly growth of municipalities through planned annexations, and adoption of various plans and codes that implement State-required plans and programs. It must be mentioned as well that many of the partnerships mentioned above, as well as the processes used to develop plans and implement them effectively, have citizen representation and use public participation processes that allow for an open discussion of concerns and impacts. The coordination that occurs between State, regional, and local governments is always a partnership with the people they serve as well – either by representation or direct participation.

In the current climate of strong public participation, increasing mandates for local governments, assumption by the State of certain land use powers, and at times a “one size fits all” approach to problem solving, the more relationship-building we do on all levels, the easier it will be to achieve mutual goals.