

RESOLUTION # 1-93

WHEREAS, Leonardtown will comply with Section 5-7A-02, Finance and Procurement Article, Annotated Code of Maryland, and

WHEREAS, Section 5-7A-02, Finance and Procurement Article, Annotated Code of Maryland requires the establishment of review procedures for local construction projects that use State funds, grants, loans, loan guarantees, or insurance; and

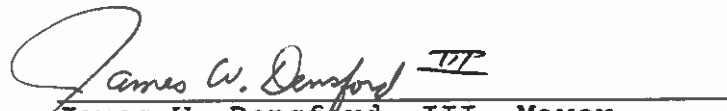
WHEREAS, Section 3.08 of Article 66B, Annotated Code of Maryland requires the review of certain local construction projects for consistency with the plan;


NOW, THEREFORE, be it resolved that Leonardtown hereby establishes these procedures for the review of state funded local construction projects as official policy and procedure.

ATTEST:


COMMISSIONERS OF LEONARDTOWN

  
Tom M. Shea

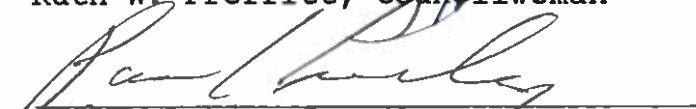
  
James W. Densford, III, Mayor

  
Wayne L. Vincent, Vice President

  
Leon E. Battle, Councilman

  
Norman A. Norris, Councilman

  
Ruth W. Proffitt, Councilwoman

  
Paul F. Ludwig, Councilman

## PROCEDURES

### I. Introduction

These procedures are intended to implement Section 5-7A-20 of the State Finance and Procurement Article, Annotated Code of Maryland. This law involves State funding policy with respect to certain local construction projects. Under this law, a project that uses State funds, grants, loans, loan guaranties, or insurance may not be approved or constructed by Leonardtown unless (1) the project is consistent with Leonardtown's Comprehensive Plan, or (2) extraordinary circumstances exist that warrant approval or construction, and no reasonable feasible alternatives exist. The law also requires that Leonardtown report on or before February 1 of each year to the State Economic Growth Resource Protection, and Planning Commission on the number and type of projects approved on the basis of extraordinary circumstances during the preceding calendar year. The following reflects, with minor adaptations, Leonardtown's existing procedural and substantive requirements for review and approval of capital projects.

### II. Description of Proposed Project

The applicant for a project shall provide the following information:

- A. Project Name
- B. Project Description (e.g., type, size, location, map)
- C. Assistance Agency
- D. Assistance Program (source and type)
- E. Assistance Involved (amount)
- F. Other Funding Involved (source and amount)
- G. Total Project Cost
- H. Plan Consistency, Extraordinary Circumstances, Alternatives

### III. Procedures

- A. Planning and Zoning Board: The project is placed on the agenda for review by the Planning and Zoning Board and for the receipt of reports, studies, and testimony about the project's relationship to, and consistency with, the Comprehensive Plan; extraordinary circumstances; and absence of reasonably feasible alternatives. The project is reviewed with the aid of the project review checklist.
- B. Planning and Zoning Board Report: The Planning and Zoning Board provides a written report to the Mayor and Commissioners which;
  - 1. describes the project;
  - 2. draws conclusions about consistencies and/or inconsistencies between the project and the

Comprehensive Plan (and includes supporting page references, excerpts, quotes from the Plan);

3. evaluates the project in terms of the Capital Improvement Program and applicable functional plans (such as the Water and Sewerage Plan, School Construction Program, and Economic Development Plan);
4. where Plan inconsistencies exist, outlines any extraordinary facts and circumstances that might warrant project approval or construction, along with an assessment of whether any reasonably feasible alternative exists that is consistent with the Plan and,
5. includes the completed project review checklist/

A copy of the Report will be retained for the files.

C. Mayor and Council. The Mayor and Council review the Planning and Zoning Report and checklist and take one of the following actions:

1. Determine that the project is consistent with the Comprehensive Plan and provide notice to the applicant. A copy of the notice and Report are placed on file.
2. Determine that the project is not consistent with the Plan and should not be approved or constructed, and provide notice to the applicant. A copy of the notice and Report are placed on file.
3. Determine that the project is not consistent with the Plan, that extraordinary circumstances exist that warrant approval or construction of the project, and that no reasonably feasible alternative exists. The Mayor and Council provide a note to the applicant and summarize their determination as to extraordinary circumstances and the absence of reasonable feasible alternatives. A copy of the notice and summary is kept on file and is used in preparing a report to the State Economic Growth, Resource Protection, and Planning Commission on or before February 1 of each year.

IV. Project Review Checklist. This checklist is intended to be used to assist in evaluating the project in terms of growth management principles, functional plans, and The Comprehensive Plan.

# Project Review Checklist

Project Title \_\_\_\_\_

Project Description \_\_\_\_\_

Project Location \_\_\_\_\_

### Approximate Funding Share

STATE	LOCAL	FEDERAL	OTHER
\$	\$	\$	\$

Y N N/A

Any "no" response must be briefly discussed below.

- The proposed project or action remedies an existing problem.
- The proposed project or action is within or serves a designated development or redevelopment area.
- The project or action encourages the redevelopment of existing urban areas or infill development.
- The project or action is consistent with the adopted comprehensive plan.
- The project or action is in an area served by an approved water or sewer service system with available treatment capacity.
- The project or action is located in an area where all public facilities and services are adequate.
- In designated rural community centers, the project or action supports economic growth and compact development.
- The project or action supports the retention of agricultural or forest land.
- The project or action is/will be sited and designed to prevent adverse impacts to sensitive areas, including floodplains, steep slopes, stream buffers, habitats for endangered species, and other sites [as determined by each local jurisdiction].

Determination:     Consistent     Inconsistent with extraordinary circumstances and no reasonably feasible alternative     Inconsistent

Discussion of any "no" response; extraordinary circumstances; and alternatives considered:

Jurisdiction: \_\_\_\_\_

Date: \_\_\_\_\_