

Chapter 1 INTRODUCTION

Hebron, Maryland's *Comprehensive Plan 2009* (the Plan) contains the Town of Hebron's official policies concerning future growth of the Town. It is intended to serve as a general guide to public and private development decisions affecting land use, infrastructure and community facilities and services. The Plan provides direction for the preparation of more specific policies, programs, and legislation, such as zoning and subdivision regulations, and other actions which implement the growth policies set forth herein.

The Plan is comprised of several major elements that form an integrated, unified document for guiding future growth and development. As a policy document it is general, comprehensive, and long range in nature. It is comprehensive in that it encompasses the entire geographic area of the Town and includes all functional elements that bear upon its physical development, such as transportation, land use, and community facilities. It is general in that it summarizes policies and proposals but does not establish detailed regulations. It is long range in that it looks beyond current issues to problems and opportunities related to future growth over the next twenty years and beyond.

THE FRAMEWORK FOR PLANNING

As Hebron and the surrounding environs grow and change over the next twenty years, this Comprehensive Plan will serve as a guide for making public and private decisions regarding the Town's growth and development. This Plan presents a future vision of Hebron into the year 2030 along with recommendations for bringing that vision to fruition. The ideas of the Plan are a distillation of the community's many desires, tempered by what seems feasible and reasonable. This Plan is not intended to be a static document. It will be reviewed and updated periodically to reflect new development trends, shifts in the economy, or changes in the community's goals and objectives.

Hebron is a special place with a unique character, culture, and history that distinguishes this community from other towns throughout the country. This Comprehensive Plan particularly addresses the preservation and enhancement of these special qualities and that distinctive sense of place felt by the citizens who live and work here. This sense of uniqueness and pride of place are the guiding forces and strongest motivation for those who have contributed to the preparation of this document.

LEGAL BASIS FOR COMPREHENSIVE PLANNING

Article 66B of the Annotated Code of Maryland is the Zoning and Planning Enabling Legislation from which the Town of Hebron derives its powers to regulate land use. Section 3.05 of this Article sets forth the minimum requirements for a comprehensive plan which shall include, among other things:

- A statement of goals and objectives, principles, policies, and standards;
- A land use plan element;
- A transportation plan element;
- A community facilities plan element;
- A Water Resources Element;
- A Municipal Growth Element;
- A Sensitive Areas Element;
- A mineral resources plan element, if current geological information is available;
- An element which shall contain the Planning Commission's recommended actions to implement the plan; and
- Other elements, such as a community renewal, housing, conservation, and natural resources, at the discretion of the Commission.

The context for planning in the Town of Hebron must also take into consideration the role that the Town will play in implementing the overall growth management policies established by the State of Maryland in the Planning Act of 1992 as amended. These policies, stated as "Visions" for the future, are:

1. Quality of life and sustainability: a high quality of life is achieved through universal stewardship of the land, water, and air resulting in sustainable communities and protection of the environment;
2. Public participation: citizens are active partners in the planning and implementation of community initiatives and are sensitive to their responsibilities in achieving community goals;

3. Growth areas: growth is concentrated in existing population and business centers, growth areas adjacent to these centers, or strategically selected new centers;
4. Community design: compact, mixed-use, walkable design consistent with existing community character and located near available or planned transit options is encouraged to ensure efficient use of land and transportation resources and preservation and enhancement of natural systems, open spaces, recreational areas, and historical, cultural, and archeological resources;
5. Infrastructure: growth areas have the water resources and infrastructure to accommodate population and business expansion in an orderly, efficient, and environmentally sustainable manner;
6. Transportation: a well-maintained, multimodal transportation system facilitates the safe, convenient, affordable, and efficient movement of people, goods, and services within and between population and business centers;
7. Housing: a range of housing densities, types, and sizes provides residential options for citizens of all ages and incomes;
8. Economic development: economic development and natural resource-based businesses that promote employment opportunities for all income levels within the capacity of the state's natural resources, public services, and public facilities are encouraged;
9. Environmental protection: land and water resources, including the Chesapeake and Coastal Bays, are carefully managed to restore and maintain healthy air and water, natural systems, and living resources;
10. Resource conservation: waterways, forests, agricultural areas, open space, natural systems, and scenic areas are conserved;
11. Stewardship: government, business entities, and residents are responsible for the creation of sustainable communities by collaborating to balance efficient growth with resource protection; and
12. Implementation: strategies, policies, programs, and funding for growth and development, resource conservation, infrastructure, and transportation are integrated across the local, regional, state, and interstate levels to achieve these visions.

The Maryland Economic Growth, Resource Protection and Planning Act of 1992 added the requirement that the Plan contain a Sensitive Areas Element which describes how the jurisdiction will protect the following sensitive areas:

- Streams and stream buffers,
- 100-year floodplains,
- Endangered species habitats,
- Steep slopes,
- Other sensitive areas that the Town wants to protect from the adverse impacts of development, and
- agricultural and forest lands intended for resource protection and conservation.

COMPONENTS OF A GROWTH MANAGEMENT PROGRAM

This Plan provides the basic framework and direction for all components of what may be considered the Town's overall Comprehensive Planning Program. It is not a stand-alone document but is supported and, in turn, supports related planning program documents such as the ones listed below.

- Hebron Zoning Ordinance
- Subdivision Ordinance
- Capital Improvements Budget
- Sewer and Water Facilities Plans

These documents and others, when used concurrently, are the basis for directing and managing growth in Hebron.

HOUSE BILL 1141

Significant changes to the Town have occurred in the last decade or so. One significant change is that Hebron annexed over 425 acres, including one annexation of nearly 400 acres. The Town's borders now extend to US Route 50. The Planning Commission is currently considering development concepts potentially involving over 1,400 residential units and several thousand square feet of retail commercial, business, and office space. Growth of this magnitude will require major upgrades of the existing water and sewer facilities, which currently have limited excess capacity.

When considered in the context of the existing Town area, population, built environment and community facilities and services, these developments represent potentially dramatic changes for the Town. Growth of this scale will present both challenges and opportunities to the Town and the County that will need to be addressed in the Plan and elsewhere.

House Bill 1141, established additional substantive and procedural requirements for municipalities preparing comprehensive plans. Among other requirements the planning process must address the following:

- A municipal growth element that examines the interrelationships among land use, population and housing growth, and their impacts on public facilities and services.
- A growth element that specifies where Hebron intends to grow outside its existing corporate limits and discusses how the Town intends to address service, infrastructure, and environmental protection needs for the growth area and surrounding environs.
- A water resources plan elements that identify drinking water and other water resources to meet current and future needs and suitable water and land areas to receive stormwater and wastewater derived from development.
- The Town must consult with Wicomico County when developing a municipal growth element. Prior to approving the Town's growth element, the Town must provide a copy of the growth element to the County, accept comments from the County on the growth element, meet and confer with the County regarding the growth element, and on request of either party engage in mediation to facilitate agreement on a growth element.
- In order for land annexed after September 30, 2006 to qualify for State assistance as a Priority Funding Area, the Town must complete an analysis of land capacity available for development, including infill and redevelopment and an analysis of the land area needed to satisfy demand for development at densities consistent with its plan.
- The bill gives affected local governments until October 1, 2009 to update their comprehensive master plans to include these and other elements required by existing law with the possibility of one to two six-month extensions for good cause. Local governments that have not updated their plans by that time may not change the zoning classification of a property until their updates are complete.
- The Town must develop and share with other planning agencies an annexation plan that is consistent with its growth element in the comprehensive master plan.

House Bill 1141 also requires the Department of the Environment to provide technical assistance to a local government regarding the development of a water resources

element. The Department of Planning also is required to provide technical assistance to a municipality regarding the development of a municipal growth element. HB 1141 encourages municipalities and counties to participate in joint planning processes and agreements.

House Bill 1141 changes the current law that allows Wicomico County to delay for 5 years in a newly annexed area land uses under a proposed municipal zoning designation that are substantially different from the land uses specified for the annexed area in a county comprehensive plan. Instead the standard will be whether a substantial difference exists between the land uses and densities permitted under the proposed Town zoning and the land uses for the annexed area and densities permitted under the current county zoning for the annexed area. Specifically Article 23 A, Annotated Code of Maryland states, the Town may not, “permit development of the annexed land for land uses *substantially* different than the use authorized, or at a substantially higher, not to exceed 50%, density than could be granted for the proposed development, in accordance with the zoning classification of the county applicable at the time of the annexation without the express approval of the board of county commissioners or county council of the county in which the municipality is located.” Article 23A also states that if the county expressly approves, the municipality, without regard to the provisions of article 66b, § 4.05(a) of the code, may place the annexed land in a zoning classification that permits a land use [substantially] or density different from the land use [for the land] or density specified in the [current and duly adopted master plan or general plan] zoning classification of the county or agency having planning and zoning jurisdiction over the land prior to its annexation applicable at the time of the annexation.