

Introduction

Background

The purpose of the 2008 Millington Comprehensive Plan (the Plan) is to provide a series of goals, objectives, and recommendations to manage and direct growth and development in Millington. Upon adoption it becomes the basis for the preparation of specific policies, programs and legislation, such as zoning and subdivision regulations, to implement the policies set forth in the Plan. As a policy document, it is general in nature, providing “big picture”, general guidance. The Plan encompasses the entire geographic area of the Town, including all functional elements that bear upon its physical development, such as transportation, land use, and community facilities. While the Plan is intended to describe growth policies for the Town, there are aspects of growth that must be coordinated with neighboring Kent and Queen Anne’s Counties.

The Plan provides the basic framework and direction for all components of what may be considered the Town’s planning program. The Plan is not a “stand-alone” document but is supported and, in turn, supports related planning and zoning program documents such as the following:

- Millington Zoning Ordinance;
- Millington Subdivision Regulations;
- Millington Capital Improvements Plan & Budget-CIP;
- Millington Water & Sewer Facilities Plans; and
- Other important Town ordinances such as Sediment and Erosion Control, Floodplain Management, Chesapeake Bay Critical Areas, Stormwater Management, and Forest Conservation.

Article 66B – Planning & Zoning Enabling Act

Article 66B of the Annotated Code of Maryland is the Planning and Zoning enabling legislation from which the Town of Millington derives its powers to regulate land use. Section 3.05 of the 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 mineral resources plan element, if current geological information is available; and
- An element that contains recommendations for land development regulations to implement the plan.
- An element, which shall contain the planning commission's recommendations for land development regulations to implement the plan; and
- Other elements, such as a community renewal section, housing, conservation, natural resources, etc. at the discretion of the commission.

The context for planning in the Town of Millington includes growth management policies established by the State of Maryland in the Planning and Zoning Act. These policies or "visions" include the following:

1. Development is concentrated in suitable areas;
2. Sensitive areas are protected;
3. In rural areas, growth is directed to existing population centers and resources are protected;
4. Stewardship of the Chesapeake Bay and the land is a universal ethic;
5. Conservation of resources, including a reduction in resource consumption;
6. Economic growth is encouraged and regulatory mechanisms are streamlined;
7. Adequate public facilities and infrastructure under the control of the county or municipal corporation are available or planned in areas where growth is to occur; and
8. Funding mechanisms are addressed to achieve these "Visions."

The *Maryland Economic Growth, Resource Protection and Planning Act of 1992* added the requirement that a comprehensive plan must contain a "Sensitive Areas Element," which describes how the jurisdiction will protect the following:

- Streams and stream buffers;
- 100-year floodplains;
- Endangered species habitats;
- Nontidal wetland;
- Steep slopes; and
- Other sensitive areas a jurisdiction wants to protect from the adverse impacts of development.

Maryland has procedures to ensure that public infrastructure improvements are consistent

with growth policies, as defined in the law. The Planning and Zoning Enabling Act stipulates that a local government “may not approve a local construction project involving the use of State funds, grants, loans, loan guaranties, or insurance, unless the project is consistent with the State’s Visions.” This plan has been prepared to meet the State’s eight visions.

As the State’s pre-eminent growth management law, Article 66B requires that county and municipal plans be coordinated. Each county and municipality within Maryland is required to update their comprehensive land use plans and implementing provisions every six (6) years.

Neighborhood Conservation & Smart Growth Areas Act 1997

In 1997, the Maryland General Assembly enacted the *Neighborhood Conservation and Smart Growth Areas Act* (Smart Growth). The intent of the legislation is to marshal the State’s financial resources to support growth in Maryland’s communities and limit development in agricultural and other resource conservation areas. At the heart of the Smart Growth concept are the “Priority Funding Areas” (PFAs), which represent local growth areas for targeted State funding. PFAs include municipalities, rural villages, communities, industrial areas, and planned growth areas to be served by public water and sewerage.

The “Vision” of Article 66B creates consistency between the Planning and Zoning Enabling Act and Smart Growth by requiring adequate public infrastructure for State funding. Plans must show designated “Growth Areas” including areas planned for annexation by municipalities. Land within local growth boundaries may be designated as a Priority Funding Area (PFA) provided sewer service is planned in a 10-Year Water and Sewerage Plan and provided such designation is a long-term and planned development policy that promotes efficient land use and public infrastructure. Plans must include areas considered as PFAs, such as planned water and sewerage service areas, residential development areas, industrial development areas, economic development areas, and parks.

Maryland House Bill 1141

In 2006, the Maryland State Legislature passed House Bill 1141 (HB 1141), which provides for Amendments to Article 66B: “Planning & Zoning Enabling Act” and Article 23A: “Municipal Annexation Act” of the Annotated Code of Maryland. Amendments include provisions for the inclusion of a “Water Resources Element” and “Municipal Growth Element” in local comprehensive plans.

HB 1141 establishes additional substantive and procedural requirements for municipalities preparing comprehensive plans. This includes inter-governmental coordination for land use and growth management planning.

Information developed under the provisions of HB 1141 will be reviewed and evaluated by State agencies including the Maryland Departments of the Environment, Natural Resources, and Planning. Some provisions of the Bill are not effective until October 2009. Substantive procedural requirements include the following:

- The Town must include in its Comprehensive Plan a “Municipal Growth Element” that specifies where Millington intends to grow, if at all, outside its existing corporate limits. It also must discuss how the Town intends to address services, infrastructure, and environmental protection needs for the Growth Area.
- The Town must develop the “Municipal Growth Element” in coordination with Kent and Queen Anne’s Counties. Prior to approving a Growth Element, the Town must provide a copy to the Counties, accept comments from the Counties, meet and confer with the Counties, and, on request from either entity, engage in mediation to facilitate the Growth Element.
- The Town and Counties must include in their respective comprehensive plans a “Water Resource Plan Element” that identifies drinking water and other water resources to meet current and future demands. It also must identify suitable water and land areas to receive stormwater and wastewater derived from development.
- In order for land annexed after September 2006 to qualify for State assistance as a Priority Funding Area-PFA, the Town must complete an analysis of land capacity available for development. This includes infill and redevelopment. It also includes an analysis of land as needed to satisfy demand for development.
- House Bill 1141 gives affected local governments until October 1, 2009 to update their comprehensive plans to include the Water Resources Element, now required by existing law. There is 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 Plan.

HB 1141 requires the Maryland Department of the Environment-MDE to provide technical assistance to local governments regarding the development of a Water Resources Element. The Maryland Department of Planning-MDP also is required to provide technical assistance to a municipality regarding the “Municipal Growth Element.” MDP encourages municipalities and counties to participate in joint planning processes and agreements.

HB 1141 changes the current “5-Year Rule.” In the past, the “5-Year Rule” would allow a County to delay municipal zoning on a newly annexed area. Under HB 1141, if land uses under a proposed municipal zoning for an annexed area are substantially different from the land uses specified for the area in a county comprehensive plan, mitigation may be required (if the county fails to approve the change). The new standard under HB 1141 will be to determine whether a substantial difference exists between the land uses and densities permitted under proposed town zoning and the land uses for an annexed area, including densities, permitted under the current county zoning. The mandates of HB 1141 indicate a strong need to coordinate new growth closely with the County and State.

The 2008 Comprehensive Plan Update

The *2008 Millington Comprehensive Land Use Plan* (Comprehensive Plan) revises and updates the *2007 Millington Comprehensive Plan*. In 2007 Town officials recognized the reality of growth and a proactive approach to growth management was chosen which also highlighted the need to preserve the Town’s distinctive character and resources. In this regard, the 2007 Plan incorporated a number of actions for the Mayor and Town Commission and for the Planning Commission to undertake in the near future. Among these initiatives are:

1. Develop a detailed capital improvements plan to ensure that Millington’s needs and infrastructure are adequately maintained and capable of supporting the Town’s growth;
2. Thoroughly review the Town’s existing zoning, based upon the contents and recommendations of this Plan.
3. Develop subdivision regulations for future growth that will allow for orderly development within the Town and protect the Village of Millington;
4. Continue to encourage the revitalization of the older residential neighborhoods and the Central Business District (CBD);

5. Ensure the preservation and rehabilitation of the Town’s many older and historic buildings, in accordance with Design Standards.
6. Provide opportunities for new industrial and commercial growth in appropriate areas;
7. Maintain design standards and goals for all new nonresidential construction and alteration;
8. Provide recreational opportunities for all segments of Millington’s population; and
9. Ensure the cooperation among all levels of government that directly impacts on the lives of the residents of Millington.

The 2008 update process carries forward these recommendations and addresses recent changes in the laws and regulations of the State of Maryland concerning community planning.

As stated in the 1994 *Millington Comprehensive Plan*, a major goal of the Plan was “to create a community with maximum concern for those qualities, which will enhance Millington’s value as an attractive place to live.” The Plan also stated that Millington is now primarily “a living place for its citizens” therefore “enhancing this environment and discouraging development, which would degrade or detract from the Town’s attributes as a living place and center for community facilities is of overall importance.” In this regard, the Town of Millington’s “Vision Statement” is as follows: *“To preserve the historic small town atmosphere of Millington and enhance the qualities, which make the Town a desirable place to live and work.”*

The Millington Vision

The Town of Millington’s “Vision” is, *“To preserve the historic small town atmosphere of Millington and enhance the qualities, which make the Town a desirable place to live and work.”* The Plan reflects this future “vision” of Millington offering practical and realistic recommendations for bringing the Town’s vision into reality.

Central to the current appearance and quality of life benefits is the concept of the “Village of Millington” that historic core of the Town that forms its initial development in the 18th, 19th, and early 20th centuries. This includes most of the downtown area along the Chester River. A belief in the village atmosphere and the value of living in a small rural community are identified as important values. Accordingly, this Plan has been prepared to help ensure that the Millington continues to prosper and remains a viable municipal entity.

What Millington will look like in the future depends, in part, on the community's vision as expressed in its plans. It also depends on how effective that vision is translated into the regulatory process (implementation). It is the goal of this planning process to provide recommendations that address the Town's implementation objectives. This includes the sufficiency of existing regulations, processes, and procedures. It also includes strategies related to staffing and funding, infrastructure, administration, and resource management. In order to fulfill this mission, a set of goals, objectives, and recommendations have been developed to guide and manage Millington in a manner appropriate to the vision for the future. Goals are based on the desire to maintain the community and promote orderly growth. They also are based on the concept of growth management as developed by the State of Maryland, which encourages the revitalization of traditional communities such as Millington, while encouraging appropriate new development.

The Comprehensive Plan is not intended to be a static document. It should be reviewed and updated periodically (every five or six years) to reflect new development trends, shifts in the economy, or changes in the community's goals and objectives.