

**Task Force on the Future for Growth and Development in Maryland  
February 25, 2008 / 12:00 PM – 3:00PM  
Banneker-Douglass Museum  
Annapolis, Maryland**

**Meeting Summary**

Attendance

*Members:* Jon Laria (Chair), David Beall, Derick Berlage, Jerry Boden (for Asuntha Chiang-Smith), Karl Brendle, David Carey, Virginia Clagett, Sandy Coyman, Jan Gardner, Carol Gilbert, Teena Green, Richard Hall, Frank Hertsch, Brigid Kenney, Gerrit Knaap, Caitlin Rayman, Dru Schmidt-Perkins

*Attendees:* Marty Baker (MDOT), Peter Bouxsein (Office of Delegate McIntosh), Michele Dinkel (MACo), Devon Dodson (DBED), Jen Haley (Office of Delegate Lafferty), Rick Johnson (MDOT), Brian Turnbaugh (DBM), Barbara Zektick (MDOT)

*MDP Staff:* Amanda Conn, John Coleman, David Costello, Nicole Diehlmann, Mark Goldstein, Don Halligan, Jocelyn Harris, Linda Janey, Jenny King, Stephanie Martins, Nery Morales, Matt Power, Eric Schmitt, Shelley Wasserman

Welcome & Introductions

The Chair, Jon Laria, opened the meeting by thanking everyone for their participation and dedication to the Task Force. Mr. Laria also discussed the possibility of developing smaller workgroups in near future and asked that any input on these groups be forwarded to him or Jenny King. Mr. Laria asked for any opening comments from the Task Force, audience members, or staff. Mr. Laria noted that beginning in April the Task Force meetings will be moved to Baltimore.

Ms. Shelley Wasserman, Assistant Attorney General, Maryland Department of Planning

*Ms. Wasserman was invited to brief the Task Force on charge number eight:  
"Examine the impact of §1.03(e) and §3.05(f) of Article 66B of the code on a local governments ability to establish a floating zone on a property or grant piecemeal rezoning of a specific property/."*

Ms. Wasserman briefed the Task Force on the background of HB773 and its precursor HB1141. HB1141 was a narrow bill and required adoption of a water resources element. As the Bill went through the legislative process it was expanded to include the annexation process, municipal growth element, incorporated a deadline and penalty provision for non-completion of the water resources and municipal growth elements. As the Bill

moved from the House to the Senate the penalty provision was moved from the uncodified section to the body of the Bill. The legislative history of HB 773 does not explain the inclusion of the provision to “Examine the impact of §1.03(e) and §3.05(f) of Article 66B of the Code on a local government’s ability to establish a floating zone on a property or grant piecemeal rezoning of a specific property.” The Maryland Department of Planning believes that that the Task Force cannot meaningfully examine these sections of Article 66B since the water resources and municipal growth elements are not required until October 1, 2009. Further the Bill allows for up to one year after that date to complete the requirements. Therefore, the penalty cannot be levied until October 1, 2010. Ms. Wasserman recommended that the Task Force monitor this issue and note this in its Final Report.

Mr. Laria noted that while the Task Force can revisit this topic it can be considered completed in terms of the Task Force’s charge.

### General Comments

Ms. Gardner mentioned the importance of keeping local governments’ needs and perspectives within these meetings. She also pointed out the benefits of understanding the detailed process in developing local comprehensive plans when considering local governments.

Mr. Richard E. Hall introduced and discussed the “Growing Smarter” document produced by the Maryland Department of Planning. This document explains the meaning, implementation, and benefits of Smart Growth in Maryland. Nery Morales can be contacted for a copy of this document.

### Presentations

Ms. Carol Gilbert, Assistant Secretary, Department of Community Housing and Development (DHCD) gave a presentation focusing on an overview of the agency and offered some beginning parameters for a State Housing Plan.

### Questions & Answers: Discussion on Housing Issues

- Ms. Gilbert was asked to further elaborate on the “Live Near Your Work” program. The Live Near Your Work program was under the Neighborhood Revitalization Program. Applicants would work with a private lender to get financing to purchase a home in order to work near revitalization areas. The program later became an employer assisted program and renamed to “House Key for Employers.”
- Ms. Gilbert was also asked to explain whether Smart Growth or PFA’s had limited DHCD’s investments. Ms. Gilbert indicated that little change had taken place since 1997.
- The Task Force members discussed the statewide perspective on the major

housing problems, how they matched up with DHCD's programs, and the new State Development Plan. Many agreed the success of these programs were hindered by available resources. Affordable housing is a critical need but there are not sufficient resources to supply these demands.

- A comment and suggestion was made regarding the increasing cost of housing in Maryland and it was suggested that the State increase the amount of housing in appropriate locations. Limiting growth is only one component; the State also needs to concentrate on redirecting the growth in appropriate locations. Therefore the State will restrict one area but simultaneously redirect, and therefore creating a balance.
- A question was posed to the Task Force on whether housing elements were required in local comprehensive plans, given that some believe these are important requirements to have included. Secretary Hall explained that in 2001 or 2003 bills were passed that required local governments to evaluate development capacity and a task force was developed. This Task Force requested that MDP conduct a build out analysis. MDP is committed to work with all local governments around the state and produced a report. Please contact Secretary Hall's office for a copy of this report. All the counties have been completed and the municipalities are in process. The capacity analysis provided includes water supply, water quality, school capacity and land capacity.

Adequate Public Facility Ordinances (APFOs) were discussed. Ms. Gardner commented that a major problem which is often attributed to APFOs is the lack of money to support infrastructure. A fundamental issue is paying for the infrastructure costs given the future growth Maryland is anticipating. Good zoning often prevents problems with APFOs. Ms. Dru Schmidt-Perkins pointed out the critical resources that APFOs provide. Ms. Schmidt-Perkins suggested that a possible solution didn't require "new funding" but instead a recycling or redistribution of funds.

Mr. Laria asked the Task Force members to elaborate on their views of incorporating housing elements into local comprehensive plans. Some members pointed out that current comprehensive plans include housing elements. Other members disagreed and explained that some (a limited amount) of comprehensive plans include components of housing elements, yet housing elements aren't clearly addressed or specifically outlined.

Ms. Gilbert believes that the DHCD is in favor of having housing requirement incorporated into comprehensive plans.

Ms. Gardner suggested that the idea of affordable housing and supply and demand is a very complex issue. When taking the cost of water and sewer, roads and counties in consideration, the costs of homes increases. Ms. Schmidt-Perkins agreed that this issue is quite complex and that there needs to be systematic way of handling housing issues. Mr. Laria asked the Task Force to consider whether the housing element should be included in Comprehensive plans. He also suggested that the State Housing Plan be a component the State Development Plan.

Mr. Gerrit Knaap questioned whether it was possible to conduct a study on the development capacity at the state level, to gather an assessment on the needs future housing needs using price points of housing and under-utilized housing and the proximity to available jobs.

A comment was made regarding housing needs and it was suggested that a solution to stopping sprawl is to utilize and revitalize existing homes. Secretary Hall addressed the comment and pointed out that within BRAC a regional housing discussion has continuously been on the forefront. He also noted that the US Census Bureau indicated that the population of Baltimore City is rising.

Mr. Jerry Boden mentioned that various efforts by the Administration were working to motivate people to relocate to Baltimore City. On April 12<sup>th</sup> LIVE BALTIMORE is hosting a tour around all 22 neighborhoods in order to highlight the new revitalized areas.

Ms. Carol Gilbert indicated a strong need for progressive policy for Moderate Priced Dwelling Units (MPDUs) which requires county leadership to aim to accommodate the range of income levels with housing. She also agreed that a map of those places that incorporate a housing plan would be beneficial. Secretary Hall committed to perform a brief scan of some local comprehensive plans by April or May.

Mr. Laria asked the Task Force what would be helpful as feedback. Our goal is not to draft a State Housing Plan but to decide its parameters. Therefore, it would be helpful to begin thinking about the parameters. It was suggested to formulate a kind of table of contents.

Mr. Beall suggested the need for tax breaks or fiscal incentives to not build since there are so many legacy developments that predate Smart Growth principals. It was noted that by giving people some incentive to not build growth could be steered into other places than our rural areas.

Ms. Rayman suggested the possibility of using money budgeted to transportation to fund those mitigations. By using transportation funds to not build, land use and transportation policies would be better linked.

It was noted that it would be easier to do with agricultural parcel since there are fewer owners and more parcels.

Mr. Coyman distributed a memo he had prepared. Mr. Coyman explained that he took all of the tasks and condensed them into simple language/goals. Mr. Coyman also noted that a clear definition of what the Task Force is talking about and what is Smart Growth. It was suggested that the brochure that Secretary Hall passed around could assist the Task Force in examining Smart Growth. Mr. Coyman asked if people could review the memo and give feedback. Mr. Laria thanked Mr. Coyman for preparing the memo. Please shoot an email around if you want to endorse or if you have a question on this matter. If you are not comfortable doing that we can do it in private.

Mr. Richard Hall, Secretary, Maryland Department of Planning (MDP) gave a presentation focusing on possible parameters of a State Development Plan.

Mr. Hall noted that the State Housing and State Development Plans are related.

Mr. Hall discussed the Eight Visions. Mr. Hall reminded the task force that there was a state planning commission which sunset 2002 -03.

Secretary Hall explained the Priority Funding Area (PFA) maps and that 100% of growth can fit in the PFA currently.

### Summary of MDP's Growth Model and Future & Land Use Scenarios

The Maryland Department of Planning uses several analysis tools, including the Growth Simulation Model (GSM), to project the existing landscape into possible "future landscapes" under different land management scenarios. The GSM is used to disperse growth projections across the landscape based on various assumptions. From this we can see changes in the future landscape and development patterns. The scenarios and data are customized for each application of the model. The 2030 Scenario maps are a result of running two alternative scenarios through this model.

Between 1973 and 2002, Maryland's population increased by 30%. During these three decades development patterns changed dramatically, the State saw a 100% increase in developed acres (e.g., residential, industrial, commercial), resulting in a significant loss of agriculture and forestlands (600K acres). Low Density Residential acreage increased the most over this time period, representing 58% the new developed lands (374,655 acres).

### **2030 Land Use: Current Policies and Smart Growth Scenarios**

Two scenarios were run to estimate future land use change; "Current Policies" and "Smart Growth." The Current Policies scenario assumes land will continue to develop according to the programs and policies (e.g. zoning, sewer service areas, etc.) that are currently in place. The second scenario, Smart Growth, projects future land use based on some of the basic principles of smart growth. These include concentrating growth around existing development and targeted growth areas, particularly Priority Funding Areas (PFA), and protecting agricultural and forestlands by assigning more restrictive zoning to these lands (areas outside of PFA's).

Under Current Policies, the following assumptions are used:

- Maryland is projected to grow by 1.1 million people by 2030.
- Current small area forecasts (where available in the state) are used to direct growth. Where small area forecasts are not available, MDP estimates future growth by assessing recent trends in the area.

- Allowable densities of current zoning and current water and sewer plans are used to place projected growth.
- This scenario results in approximately 650,000 new developed acres in Maryland by 2030.

Under Smart Growth, the following assumptions are used:

- Maryland is projected to grow by 1.1 million people by 2030.
- 80% of future growth is directed to PFAs.
- Allowable density inside PFAs is at least 4 dwelling units per acre.
- Allowable density outside PFAs is 1 dwelling unit per 20 acres or less dense.
- This scenario results in approximately 150,000 acres of new developed acres in Maryland by 2030 (500,000 fewer acres than under current programs).

*\*\* Note: these figures are subject to change as MDP receives updates to input data and the analysis is improved.*

### Discussion Regarding Maps Presented & General Comments

Secretary Hall was asked if an analysis of commercial capacity was completed. He responded no but MDP does have job growth projections.

Mr. Laria asked the Task Force if they should discuss PFAs? How should PFAs work better? Secretary Hall was then asked to review the maps. The PFA maps are the sum total all the development capacity not considering anything about water and sewer.

It was asked if the maps considered commercial and residential projects. The response was that in some instances MDP has looked at this, but we have been focusing on residential. To address commercial development MDP does have employment projections. It was stated that that is a very good question and a very important one as well.

The PFA maps are based on existing zoning and existing infrastructure so they do not take into account additional capacity.

Mr. Coyman made a point regarding overlapping within county growth areas. Generally county growth areas are they correspond to the PFA maps, but not in every instance. In these cases MDP would consider it a PFA comment area.

When the PFA law was passed all municipalities were grandfathered in and when it was set up with the existing zoning was consistent with a variety of other things.

Ms. Gardner stated that PFAs exist even without water and sewer.

Mr. Beall stated that the average age of Marylanders is increasing so we are going to have a flood of huge homes and in the future we are going to need smaller homes.

Ms. Rayman noted that housing, services, and jobs are critical and DBED is not on this panel. Ms. Rayman stated her concern that there is not enough people here discussing where the jobs are and it would be beneficial to have DBED create a presentation to discuss where the jobs are located.

Ms. Green asked if the maps factor in BRAC. Secretary Hall stated that the latest round of projections include BRAC, therefore it is included in these maps.

Ms. Gardner stated that in regard to jobs and housing we have the housing projections and you know where the population projections are and they are not in the same place.

Mr. Boden acknowledged that in the case of BRAC, realtors are getting calls but it is too early to tell if it is BRAC-related.

Mr. Coyman asked about BRAC zones. Ms. Schmidt-Perkins responded that there is a Bill currently going through the legislative process providing certain BRAC- related incentives. Secretary Hall offered to circulate this Bill to the Task Force.

#### Closing Comments

Mr. Laria asked MDP to prepare a preliminary outline of parameters for the task force to review because we will not be able to draft them efficiently as a group. This will form the basis of further discussion in April, at which the task force will review, edit, and augment MDP's outline.

Mr. Laria encouraged the Task Force to look at other state development plans.

Mr. Laria reminded the Task Force of the rolling offer to request information. Please contact Jenny King with any requests.

Meeting adjourned at 3:00 pm.

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