



Maryland DEPARTMENT OF PLANNING

November 1, 2023

Chair Janet Rochester
Town of Church Hill
P.O. Box 85
Church Hill, MD 21623-0085

Dear Chair Rochester:

Thank you for the opportunity to comment on the draft 2023 Town of Church Hill Comprehensive Plan Supplement (Supplement). The Maryland Department of Planning (MDP) believes that good planning is important for efficient and responsible development that adequately addresses resource protection, adequate public facilities, housing, community character, and economic development. Please keep in mind that MDP's attached review comments reflect the agency's thoughts on ways to strengthen the Supplement and full comprehensive plan, including those portions adopted in 2010, as well as satisfy the requirements of Maryland's Land Use Article.

MDP forwarded a copy of the Supplement to several state agencies for review, including: the Maryland Historical Trust and the Departments of Transportation, Environment, Natural Resources, Commerce, Department of Disabilities, and Housing and Community Development. To date, we have received comments from the Department of Housing and Community Development, and these comments have been included as attachments to our review. Any plan review comments received after the date of this letter will be forwarded upon receipt.

MDP respectfully requests that this letter and accompanying review comments be made part of the town's public hearing record. Furthermore, MDP also asks that the town consider State agency comments as revisions are made to the Supplement or comprehensive plan, and to any future plans, ordinances, and policy documents that are developed.

Please feel free to contact me or David Dahlstrom, Eastern Shore Regional Planner at david.dahlstrom@maryland.gov.

Sincerely,

Charles W. Boyd, AICP
Director, Planning Coordination

Enclosures: Comments on the draft 2023 Town of Church Hill Comprehensive Plan Supplement

cc: Nancy J. Lindyberg, Town Administrator, Town of Church Hill
Amy G. Moredock, Director, Queen Anne's County Planning and Zoning
Joseph Griffiths, AICP, Manager, Local Assistance and Training, Maryland Department of Planning
David Dahlstrom, AICP, Upper Eastern Shore Regional Planner, Maryland Department of Planning



**Maryland Department of Planning
Review Comments
October 27, 2023
Town Church Hill Draft Comprehensive Plan**

The Maryland Department of Planning (MDP) received the draft (2023) Town of Church Hill Comprehensive Plan Supplement (Supplement) from the town on September 13, 2023. MDP is generally pleased with the overall content of the supplemental updates, as well as the original 2010 Comprehensive Plan (2010 Plan). These comments are offered as suggestions to improve the Plan and better address the statutory requirements of the Land Use Article. Other state agencies, as noted below, have contributed comments and others may submit comments separately. If comments are subsequently received by MDP, the department will forward them to the town. For ease of reading this review, “2010 Plan” refers to the currently adopted Church Hill comprehensive plan, “Supplement” refers to the newly submitted updates to the 2010 Plan, and “comprehensive plan” refers to the entire combined document.

Plan Summary

The town prepared a Supplement to the 2010 Plan. The Supplement generally updates the 2010 Plan’s population data, updates a portion of the Municipal Growth Element, and addresses the new Housing Element requirements. The town’s submission package included a copy of the 2010 Plan and the 2023 Supplement.

Comment 1: The 2010 Plan is submitted in it’s entirely as part of the 60-day review. However, the 2010 Plan does not include any references or changes that are outlined in the supplemental document. Therefore, it is extremely difficult to determine which parts of the 2010 Plan have been updated, or for the reader to recognize which sections, maps, or tables have been modified.

Comment 2: The 2010 Plan document also contains the same *July 14, 2010*, filename. It therefore appears that there have not been any revisions made to the 2010 Plan document. At a minimum, MDP suggests that the town consider adopting a new title for this comprehensive plan update, perhaps a more forward-looking title, such as, the Church Hill 2040 Comprehensive Plan. The cover page should also reference that there is a Supplemental document, including the adoption date and resolution number of the Supplement.

Comment 3: Page i should also be revised to reflect changes in the membership of the Planning Commission and Town Council.

Comment 4: The Table of Contents, Section 1.1, Page ii, should be updated to remove reference to the (2009) comprehensive plan to the new title of the comprehensive plan (e.g., Church Hill 2040 comprehensive plan).

Comment 5: The Table of Contents should be revised to include the new Housing Element and identify where the Housing Element is found. Either by incorporating into the comprehensive plan document or as a reference to the Supplement document.

Comment 6: The Table of Contents, List of Maps, Page ix, should be revised to correctly identify the pages where the identified maps may be located. Currently the page numbers listed are incorrect, as all maps are included at the very end of the comprehensive plan and not within the various plan elements. Additionally, Map 2 should be replaced, or at least deleted with the new Map 2 contained within the Supplement.

MDP regional planning staff is available to assist with incorporating these recommended changes should the town request our assistance for the above noted comments.

Comment 7: Additionally, it is not clear if all recommendations included in the 2010 Plan have been achieved, or if they are still valid. The Supplement does not address the achievement of any of the town's recommended actions. For example, on page 19, there are recommendations to revise many of the town's various buffer area zoning standards, and on page 38, the 2010 Plan continues to reference Article 66B, rather than the Land Use Article, which replaced Article 66B and which is where planning authority is granted. Has the town's zoning ordinance been amended to address this recommendation, or does the town intend to address this recommendation in this planning timeframe? Additionally, the long-range planning timeframe, Page 1, remains as the year 2030, which does not cover the timeframe before the next Plan update (>year 2033). Therefore, the 2040 long-range planning timeframe is recommended.

MDP Regional planning staff is available to assist with refining the town's comprehensive plan with further updates recommend in this review, prior to Plan adoption.

Plan Implementation Progress

The town is reminded of its responsibility to submit a [5-year mid-cycle review report](#), which is described in Land Use Article § 1-207(c)(6). This report will be due approximately 5 years from the adoption date of this comprehensive plan. The purpose of the report is to evaluate the progress being made to plan implementation strategies. The town is encouraged to ensure that comprehensive plan implementation objectives and strategies can be incrementally measured for progress at that time.

Maryland State Visions – Synopsis

Land Use Article § 1-201 requires Maryland jurisdictions with planning and zoning authority to implement the state's twelve planning visions (visions) through a comprehensive plan. The visions reflect the state's ongoing aspiration to develop and implement sound growth and development policy. The visions address: quality of life and sustainability; public participation; growth areas; community design; infrastructure; transportation; housing; economic development; environmental protection; resource conservation; stewardship; and implementation approaches.

Plan Analysis

Section 3.1, Visions, pages 38-39, summarizes the town and state visions and recognizes that the town’s comprehensive plan is to be guided by them.

Minimum Planning Requirements for Municipalities

Land Use Article § 3-102 describes the required and optional elements for non-charter county and municipal comprehensive plans but does not mandate how they are to be addressed. The following checklist identifies required plan elements and how the comprehensive plan addresses them.

| Checklist of Maryland Code (Land Use Article) Element Requirements for Non-Charter Counties and Municipalities | | | |
|--|--|---|--|
| Comprehensive Plan Requirements | MD Code Reference | Additional MD Code Reference | Draft Church Hill Comprehensive Plan |
| (1) A comprehensive plan for a non-charter county or municipality must include: | L.U. § 3-102(a) | | |
| (a) a community facilities element | L.U. § 3-102(a)(1)(i) | L.U. § 3-108 -- Community facilities element. | Section 3.6 – Community Facilities, p. 66 |
| (b) an area of critical state concern element | L.U. § 3-102(a)(1)(ii) | L.U. § 3-109 -- Areas of critical State concern element | Section 3.4 – Sensitive Areas, p. 60 |
| (c) a goals and objectives element | L.U. § 3-102(a)(1)(iii) | L.U. § 3-110 -- Goals and objectives element | Throughout and Section 3.9 – Regulation and Good Planning, p. 80 |
| (d) a housing element | L.U. § 3-102(a)(1)(iv) | L.U. § 3-114 -- Housing element SB-687(2021) | Supplement - Housing, p |
| (d) a land use element | L.U. § 3-102(a)(1)(v) | L.U. § 3-111 -- Land use element | Section 3.3 – Land Use, p. 53 |
| (e) a development regulations element | L.U. § 3-102(a)(1)(vi) | L.U. § 3-103 -- Development regulations element | Chapter 11 – Implementation, p. 89 |
| (f) a sensitive areas element | L.U. § 3-102(a)(1)(vii) | L.U. § 3-104 -- Sensitive areas element | Section 3.4 – Sensitive Areas, p. 60 |
| (g) a transportation element | L.U. § 3-102(a)(1)(viii) | L.U. § 3-105 -- Transportation element | Section 3.5 - Circulation, p. 63 |
| (h) a water resources element | L.U. § 3-102(a)(1)(ix) | L.U. § 3-106 -- Water resources element | Section 3.7 - Water Resources, p. 69 |
| (i) a mineral resources element, IF current geological information is available | L.U. § 3-102(a)(2) | L.U. § 3-107 -- Mineral resources element | N/A |
| (j) for municipalities only, a municipal growth element | L.U. § 3-102(a)(3) | L.U. § 3-112 -- Municipal growth element | Section 3.2 – Municipal Growth, p. 40 |
| Optional: (2) A comprehensive plan for a non-charter county or municipality MAY include: (a) a community renewal | L.U. § 3-102(b) | L.U. § 3-102(b)(2)(i) | Section 3.4 – Sensitive Areas, p. 60 |

| Checklist of Maryland Code (Land Use Article) Element Requirements for Non-Charter Counties and Municipalities | | | |
|--|---------------------------------|---|---|
| Comprehensive Plan Requirements | MD Code Reference | Additional MD Code Reference | Draft Church Hill Comprehensive Plan |
| element; (b) a conservation element; (c) a flood control element; (d) a natural resources element; (e) a pollution control element; (f) information concerning the general location and extent of public utilities; and (f) a priority preservation area (PPA) element | | | |
| (3) Visions -- A local jurisdiction SHALL through the comprehensive plan implement the 12 planning visions established in L.U. § 1-201 | L.U. § 3-201(c) | L.U. § 1-201 -- The 12 Planning Visions | Section 3.1 – Vision, p. 37 |
| Optional: (4) Growth Tiers -- If the local jurisdiction has adopted growth tiers in accordance with L.U. § 1-502, the growth tiers must be incorporated into the jurisdiction's comprehensive plan | L.U. § 1-509 | | A Tier Map has not been adopted incorporated. |

Conformance with § 3-102 of the Land Use Article

The following analyzes whether the comprehensive plan meets the requirements of the municipal comprehensive plan elements, in accordance with the Land Use Article.

1. Regulation and Advancement of Good Planning – Section 3.9

Plan Analysis

Comment 1: Page 80. Neither the 2010 Plan nor the Supplement address all changes to the Land Use Article which have occurred since the adoption of the 2010 Plan. In addition to the new Housing Element (HB 1045) and Fair Housing (HB 90) requirements noted in the Supplement, there have been other changes identified below, which should be considered.

Comment 2: Sustainable Growth and Agriculture Preservation Act (2012)

The Land Use Article was amended in 2012 to require local governments to decide whether to prepare a growth tier map should they wish to allow major residential subdivisions with on-site septic systems or not adopt a growth tier map and only allow minor subdivision with on-site septic systems. The town has not adopted a growth tier map. If a growth tiers map were to be prepared it must be incorporated into a comprehensive plan update to remain effective, but the town has chosen not included a growth tier map in the Plan. See additional comments in Section 10 – Tier Map.

Comment 3: We appreciate your Planning Commission’s participation in the online training that is available.

Comment 4: The town is commended for submitting its Local Jurisdictional Annual Report each year.

Comment 5: Additional changes to the Land Use Article included the preparation of a [5-Year Mid Cycle Report](#). This report will be due 5 years from the adoption of this plan, presumably 2028. The purpose of the 5-Year Mid Cycle Report is to evaluate the status of plan implementation.

MDP maintains a schedule of comprehensive plan updates, annual reporting, and mid-cycle reporting requirements located at:

https://planning.maryland.gov/Documents/OurWork/complans/COMP_PLAN_SCHED_MuniRev6_22.pdf

2. Housing Element – Synopsis

The housing element is required to address the need for housing within the jurisdiction that is affordable to low-income and workforce households. The housing element is required to also assess fair housing (HB 90, 2021), and ensure that a jurisdiction is affirmatively furthering fair housing through its housing and urban development programs.

Plan Analysis

A Housing Element has been included in the Supplement, updated, in some instances, with new US Census and/or ACS data. The town is commended for referencing the Area Median Income (AMI) calculator that MDP developed as part of its [Housing Element Models & Guidelines, and referencing the Fair Housing language from HB90](#).

Comment 1: The Housing Element does not identify the percentage or number of households currently cost-burdened, nor the number of units needed to accommodate future population. While Church Hill is a slowly growing community with limited new residential construction, a housing element aligning with the requirements [of Land Use Article § 3-114](#) should still address housing affordability needs for current residents who are cost burdened, as well as any potential goals, strategies, or objectives that the town may use to reduce that cost burden.

Comment 2: The fair housing requirements/language which HB 90 (2021) added to [Land Use Article § 3-114](#) are noted in the Supplement; however, the Supplement does not include any assessment of fair housing practices in Church Hill. This new legislation does not define what an assessment of fair housing entails, but MDP has developed [this webpage](#), which describes available fair housing resources and best practices and how jurisdictions might consider using them in their housing elements. It includes a section on data and mapping resources which may help you with a quantitative assessment. It also includes self-assessment and community engagement questions which you might use (or expand upon) to conduct a qualitative assessment of fair housing in Church Hill. MDP is still developing more HB 90 resources. The town should address this new requirement in this update and include a plan objective/policy to complete this assessment within the planning horizon.

DHCD also developed this [AFFH survey](#) to help jurisdictions that need to meet the DHCD reporting requirements of HB 90, which are separate from the housing element requirements. The survey does

not equate to completing a fair housing assessment, but it does include many fair housing questions and opportunities that could be part of such an assessment.

Through either or both quantitative and qualitative analysis, your housing element should assess the state of fair housing in your community and any impediments to it. Below are some guidance/examples on how data and stakeholder input could inform a Racially or Ethnically Concentrated Areas of Poverty (R/ECAP) analysis, as well as some options for the analysis itself.

Our research into affirmatively furthering fair housing (AFFH) has shown that a traditional US HUD assessment of fair housing includes an analysis of the following four housing issues in a community.

1. Patterns of segregation/integration: Areas within the jurisdiction that are residentially segregated by protected class

2. Racially. or Ethnically Concentrated Areas of Poverty (R/ECAPS): US HUD defines r/ecaps in *metropolitan areas* as census tracts with a non-white population of 50 percent or more and a poverty rate of 40 percent or more (or a poverty rate that is three or more times the average tract poverty rate for the metropolitan area, whichever threshold is lower). For rural areas, HUD lowers the non-white percentage threshold to 20 percent.

3. Disparities in access to opportunity: Areas within the community/jurisdiction that provide access to opportunity, such as good schools, medical facilities, employment centers, positive public health outcomes, and low crime rates. A fair housing assessment would consider if protected classes have less access to such areas.

4. Disproportionate housing needs: An analysis considering whether certain areas or populations within a community, particularly protected classes, have disproportionate housing needs than other areas or populations.

The Land Use Article does not state that these four issues must be included in an assessment of fair housing in a housing element, nor is MDP setting any standards for what must be included. We encourage you to discuss the legal requirements of the assessment with your attorney.

MDP staff are also available to meet with you and discuss your needs and objectives in more detail.

3. Tier Map

The town has not adopted a [Growth Tier Map](#) as provided under the 2012 Sustainable Growth and Preservation Act. If the town wants future major residential subdivision to be served by public sewer within the town boundary, and discourage the potential of major residential subdivision with on-site septic system being built immediately outside the town boundary, the town should consider incorporating a Growth Tier Map into the comprehensive plan, as provided for in §1–509 of the Land Use Article, by the time the town conducts the review of the plan under §1-416(a) or §3-301(a) of the Land Use Article. The town should review its tier map against the proposed Growth/Annexation Plan (Map 2 in the Supplemental document) and make any updates needed to ensure conformance to the statutory mapping criteria in § 1-508 of the Land Use Article. MDP generally recommends a Tier II designation for areas with county-planned sewer service, a Tier IIA designation for municipal growth areas planned for sewer service that are not yet in the county water/sewer plan, and a Tier IVA

designation for municipal greenbelts that aren't yet annexed into the town. Since the town has a large 'planning area' that extends beyond the town's proposed municipal growth areas, the town should coordinate with Queen Anne's County on the status of land preservation since the 2010 Plan and the validity of using transfer of development rights (TDRs) as a preservation tool.

Under §1-504 of the Land Use Article, if the town adopts a growth tier map, then the town must notify and provide MDP with all information necessary to allow for the department's detailed review required under §1-505 of the Land Use Article. If requested, MDP can complete a detailed review of any proposed tier map amendment before the plan is adopted.

Comment 3: On Table 1- Housing Units By Structure Type, page 4 of 9, of the Supplement, the year 2020 should be corrected in the title.

**Maryland Department of Planning Review Comments
Draft Plan**

STATE AGENCY COMMENTS

The following are state agency comments in support of MDP's review of the draft plan. Comments not included here may be submitted under separate cover, or via the State Clearinghouse. If comments from other agencies are received by MDP, the department will forward them to the Town of Rock Hall as soon as possible.

Attachments

Page # 9: Maryland Department of Housing and Community Development

September 6, 2023

Joseph Griffiths
Manager of Local Assistance and Training
Maryland Department of Planning
301 West Preston Street, 11th Floor
Baltimore, MD 21201

Dear Mr. Griffiths,

Thank you for the opportunity to review and comment on the Church Hill Comprehensive Plan (the “Plan”). When reviewing plans, the Maryland Department of Housing and Community Development (“DHCD”) comments on items for which political subdivisions can strategically leverage DHCD’s resources to accomplish their housing and community development goals. DHCD also reviews comprehensive plans for consistency with relevant statutes and, if appropriate, Sustainable Communities Action Plans.

Staff at DHCD reviewed only the newly added Housing Element. These comments are meant to support the Plan’s goals and comply with statutory requirements. We present the following in no particular order:

1. The newly added Housing Element of the Plan is consistent with Church Hill’s recently updated Sustainable Communities Action Plan. DHCD staff did not review other portions of Church Hill’s 2010 Plan for consistency with its 2023 Sustainable Communities Action Plan.
2. The Plan identifies a need for intergenerational housing for which the DHCD’s Community Legacy Program grants could assist. Planning staff can learn more about Community Legacy online at <https://dhcd.maryland.gov/Communities/Pages/programs/CL.aspx> or contact Bill Hersch at 410-209-5810 or william.hersch@maryland.gov.
3. DHCD can further assist with home repairs that improve comfort, livability, and accessibility for homeowners through its Special Loan Programs. These programs can also assist with the Plan’s goals to enable aging in place. Planning staff and residents can learn more about these programs at <https://dhcd.maryland.gov/Residents/Pages/SpecialLoans.aspx> or contact the program directly at 301-429-7409 or DHCD.SpecialLoans@maryland.gov.

4. The Plan identifies a need for housing development for which DHCD's Strategic Demolition Fund (SDF) grants could assist. Planning staff can learn more about SDF online at <https://dhcd.maryland.gov/Communities/Pages/programs/SDF.aspx> or contact Bill Hersch at 410-209-5810 or william.hersch@maryland.gov.
5. The Plan does not show that Church Hill has conducted a point-in-time count to identify the total number of people experiencing homelessness in Church Hill, and the Plan does not identify goals or actions regarding services for people experiencing homelessness. For information on DHCD's programs addressing homelessness, please see more online at <https://dhcd.maryland.gov/HomelessServices/Pages/GrantFunding.aspx> or contact the Homelessness Solutions Program Manager, Suzanne Korff, at 410-209-5850 or Suzanne.Korff@maryland.gov. Persons experiencing homelessness who need assistance should call 1-888-407-8018.
6. The Plan identifies a need for affordable housing, including workforce and low-income housing. If planning staff want to support further affordable housing development with DHCD programs, information is available online at <https://dhcd.maryland.gov/HousingDevelopment/Pages/lihtc/default.aspx> or contact Edward Barnett, Director of Rental Lending, at 301-429-7740 or edward.barnett@maryland.gov.
7. The Plan's Housing Element includes an assessment of fair housing as required by the Maryland Annotated Code. For technical assistance in development of the Plan's Housing Element, please contact staff at the Maryland Department of Planning.

We in the Division of Neighborhood Revitalization look forward to continuing our productive partnership with Church Hill in its future initiatives. Again, thank you for the opportunity to comment on the Plan. If you have any questions regarding the comments above, please contact me at carter.reitman@maryland.gov or 410-209-5849.

Sincerely,

Carter Reitman
Program Manager, State Revitalization Programs

Cc: David Dahlstrom, Maryland Department of Planning
Bill Hersch, DHCD Division of Neighborhood Revitalization
John Papagni, DHCD Division of Neighborhood Revitalization

