



# PlanMaryland Workgroup November 2011

## Review and Recommendation of Revised Draft PlanMaryland

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The PlanMaryland Workgroup met on four occasions to review the revised *September 2011 draft PlanMaryland* document. The Workgroup believes that a State Development Plan is needed to help coordinate future development and land preservation strategies among State agencies and between State and local governments. The Workgroup members generally feel that the revised draft is much easier to read and understand; the document is shorter and more concise than the previous draft. Before the Plan is submitted to the Governor the Workgroup believes a number of concerns, which are listed in this report, should be addressed. Recognizing the desire of the Maryland Department of Planning to move the Plan forward and begin working with stakeholders to implement the goals and objectives of PlanMaryland, the Workgroup's recommendations are directed toward improving the final Plan document submitted to the Governor. Assuming the incorporation of these recommendations into PlanMaryland, the Workgroup endorses the revised draft Plan as a framework for moving smart growth forward in Maryland. The endorsement is also predicated on the understanding that the *PlanMaryland* document submitted to the Governor is the beginning of the state planning process, and that subsequent steps will proceed with both public transparency and ample opportunities for continued stakeholder review and input.

## ***A. General Comments***

### **1. While the revised draft Plan is better than the initial draft, the version of PlanMaryland that goes to the Governor needs to be concise and much easier to read.**

Recommendation: The revised draft Plan is significantly shorter and more succinct than the initial draft. However, there is still room for improving the reader's understanding of the concepts presented in the Plan. The various processes (e.g. identification of planning areas and preparation of Implementation Strategies) laid out in the Plan are complex. Flow charts and graphics should be used to illustrate what the Plan intends to accomplish and how the implementation process will work. The Plan includes too much detail about the data, analyses and processes that the Workgroup believes is not necessary in the final version. Wherever possible, such detail should be included in the appendices or other support reports or publications.

### **2. The revised draft PlanMaryland addresses the Workgroup's recommendations, but it will require on-going collaboration.**

Recommendations: The Workgroup acknowledges that the revised draft Plan clarified many of the previously identified issues and provides the framework for subsequent State agency and local government efforts to promote smart growth. However, achieving the goals and objectives of the Plan can only be accomplished if there is coordination and collaboration among State agencies and between State and local governments. The Plan provides a general description of tools and processes that will be used to implement the Plan, such as the Place/Special Area Designation Element (now referred to as Planning Area Guidelines) and the Implementation Strategies. The Workgroup recognizes that the details of these Plan components will require State agencies and local governments to work together. Representing a fairly broad cross-section of stakeholders, the

Workgroup offers its services to the Sustainable Growth Commission as a forum for the ongoing discussion of these components.

The Workgroup notes that the revised text of the Plan, in several sections, stresses greater collaboration between State agencies and local governments. It addresses the concern that PlanMaryland will undermine the planning and zoning authority of local governments by stating on page 1-5 that, "PlanMaryland is not a substitute for local comprehensive plans. It will not remove local planning and zoning authority. It is a policy plan that works within existing statutory authority and does not create new laws or regulations. PlanMaryland does not supplant existing laws and regulations that State agencies must follow." The Workgroup understands that the Plan does not change the statutory authority of State agencies to perform delegated duties and the autonomous authority of local government for land use planning and zoning; nevertheless, it will be imperative that all agencies and levels of government collaborate to improve the use of land, financial and human resources for all Marylanders everywhere. The Workgroup suggests that collaboration should remain an important area of focus throughout the implementation process

Some members of the Workgroup identified two specific aspects of the Plan's implementation process that remain a concern: (1) the Smart Growth Subcabinet has the final say regarding identification of Planning Areas, and (2) given the potential but yet ambiguous impact of the Implementation Strategies the input of local governments in preparing these strategies should be better defined. All of the Workgroup members acknowledged that the revised draft Plan contains two text boxes stating what PlanMaryland does and does not do. Furthermore, it was noted that the Plan states in several parts of the document that it does not create new laws but works within existing rules and regulations. Finally, the Workgroup also recognizes that the Plan provides for a six month "self-assessment" process for State agencies to evaluate existing programs and identify how Planning Areas could be incorporated into funding, programs, and procedures; and that the results of this assessment will be available before the Planning Area identification process begins. To address the concerns of some members, the Workgroup recommends that explicit steps be taken in formulating these two aspects of the implementation process to ensure maximum transparency and collaboration between State and local governments.

### **3. Regional and inter-state collaboration should be part of PlanMaryland.**

Recommendation: The revised draft Plan highlights the need for collaboration and cooperation between State and local governments; however, the Plan does not directly address the roles of regional agencies. Regional agencies, such as MPOs and planning councils, can play a significant role in helping to implement PlanMaryland, and this should be recognized explicitly in the Plan (See the detailed recommendations for Chapters 4 and 5 of this report). Similarly, the dynamic relationships between Maryland and the adjoining states are not recognized in the Plan and should be addressed. Washington, D.C., Virginia and Pennsylvania have significant impacts on land development and commuting patterns in Maryland. Counties such as Montgomery and Prince George's compete head-to-head with Northern Virginia jurisdictions on economic development opportunities. Restoring the Chesapeake Bay requires a regional partnership of states. The Plan needs to include greater recognition of these inter-state influences and issues, and promote more state-to-state collaboration on them.

#### **4. Ensuring that State agencies and local jurisdictions commit the resources necessary to implement PlanMaryland will be a major challenge.**

Recommendation: Workgroup members raised the concern that implementing PlanMaryland will likely require additional work on the part of both the local governments and State agencies to identify Planning Areas. Given the personnel limitations at the State and local level, the process of identifying Planning Areas must be relatively easy, straight-forward and fair for all parties involved. Similarly, the allocation of personnel to conduct State agency assessments and prepare Implementation Strategies will involve a significant commitment of resources. The Plan implementation schedules should be re-evaluated to determine if the timeframes are realistic and the process can be managed to ensure it is both practical and fair for both local governments and State agencies.

## **II. Specific Concerns/Issues by Chapter**

### **A. Chapter 1 – Introduction**

#### **1. The beginning of PlanMaryland must quickly present why it is needed and clearly explain what is to be accomplished.**

Recommendation: The revised draft Plan is significantly shorter and more succinct than the initial draft. However, it can be improved further so that the general reader will have a better understanding of the Plan's purpose and concepts. The Introduction of the Plan should more succinctly describe what the Plan is and what it will do. The final version of the Plan that goes to the Governor should include graphics as necessary to help clarify and simplify the components of the Plan, the implementation process, and the respective roles and relationship between State agencies and local governments in that process.

#### **2. Collaboration and Cooperation is important, but it must be apparent that the State has a clear vision.**

Recommendations: The consensus of the Workgroup was that the revised draft Plan stresses greater collaboration between State agencies and local governments. However, some members of the Workgroup believed that the tone of the Introduction is, at times, too apologetic and lacks the leadership and vision that is needed in PlanMaryland. Several instances were cited where Plan statements are qualified and tentative, when they needed instead to be strong statements of where the State of Maryland should go in the future. Other workgroup members stressed the importance of having clearly defined Plan boundaries and clarity with how the Plan interacts with local governments. Chapter 1 sets the tone and direction for the entire Plan, and as such it needs to explain more clearly and assertively what will be accomplished through this Plan and how.

***B. Chapter 2 – Trends and Land Use Implications*****1. Continue to work on shortening Chapter 2.**

Recommendation: The Workgroup acknowledged that Chapter 2 was shorter and much more readable than the initial draft. Nonetheless, Workgroup members felt that Chapter 2 should be trimmed further and much of this information should be included in as separate appendix or other support reports or publications.

***C. Chapter 3 – Visions, Goals and Objectives*****1. Better integration of Visions, Goals and Objectives**

Recommendation: Chapter 3 needs to be reworked so that the Vision statements are better integrated into PlanMaryland’s goals as opposed to just being repeated several times over. It was also suggested that each vision be attributed to the most logical and appropriate goal as opposed to attributing each vision to every potential goal.

**2. Simplify how the goals will be quantified/measured.**

Recommendations: The revised draft Plan includes benchmarks as recommended by the Workgroup. However, for many of the benchmarks, there was no agreement on what was to be measured and what that benchmark was to indicate. The Workgroup was comfortable including all of the “Established” benchmarks and supports the use of the two “Proposed” benchmarks. The Workgroup recommended eliminating all “Possible” benchmarks since how they would be measured remains questionable and no quantifiable goal standards can be agreed upon.

***D. Chapter 4 – Defining the geographic focus of the Plan*****1. Regional and metropolitan planning agencies can help identify PlanMaryland’s Planning Areas.**

Recommendation: While the revised draft Plan stresses the importance of collaboration between State agencies and local governments, the regional and metropolitan planning agencies are not mentioned, but can play an important role in coordinating the efforts of local governments, and serve as a forum to establish regional priorities, particularly in terms of regional growth centers. Chapter 4 should be amended to cite the important role that regional and metropolitan planning agencies can serve in identifying planning areas and facilitating resolution of conflicts between planning areas, particularly across jurisdictional boundaries.

## **2. Recognize that certain infrastructure expansion in Established Community Areas can be part of a Smart Growth strategy.**

Recommendation: The consensus of the Workgroup was that the Plan should acknowledge that certain infrastructure capacity improvements, such as school expansions or road widening, which may be located in Established Community Areas, may be needed to accommodate growth occurring within a nearby PFA. This issue should be acknowledged in Chapters 4, under the Planning Area descriptions.

## **3. Greater clarity on the anticipated benefits and expectations associated with Planning Areas**

Recommendation: Some Workgroup members are uncertain whether the Plan adequately articulates the benefits of the Plan to State agencies and local governments. PlanMaryland establishes a State agency assessment process where each agency will examine their existing plans, programs and regulations to determine how Planning Areas can be incorporated to improve the effectiveness of an agency's activities, while furthering the goals and objectives of PlanMaryland. The Workgroup recommends the Plan clarify that State agency assessment should articulate what the anticipated benefits to local governments will be for each Planning Area. Additionally, the Plan should address the potential conflicts that may arise between different State agency assessments. Finally, the State agency assessment process should also convey what may be expected of local governments. It is important that the Plan demonstrate to local governments and elected officials how it would be relevant to them. Explain clearly and concisely the benefits of the Plan, the Planning Area designations, and the Implementation Strategies.

## **4. A complete State Development Plan map will require commitment and collaboration by both State agencies and local governments.**

Recommendation: Some Workgroup members remain concerned that the local Planning Area identification process will lead to an incoherent/incomplete State Development Plan map. The revised draft Plan includes a provision that encourages local governments to identify all of their planning areas at once, so that a comprehensive assessment can take place, but this should be strongly recommended not just encouraged. To address the potential of an incoherent/incomplete State Development Plan map, the Plan should stress the importance of State agencies not only collaborating with local governments to identify Planning Areas, but also:

- stress the need for clear Planning Area guidelines that describe the appropriate location of Planning Areas in terms that local governments can understand and that are predictable for all involved; and
- outline a well articulated set of benefits/incentives for each Planning Area that local governments will want to pursue.

## **5. State-identified Planning Areas need local consultation.**

Recommendation: The Workgroup acknowledges that there may be instances of significant state importance where State agencies may need to identify Planning Areas for Preservation/Conservation (formerly referred to as Special Area Designations) that are not identified by the local jurisdiction, after having been given ample opportunity. While the draft Plan encourages joint identification of Preservation/Conservation Planning Areas, the Workgroup

recommends that additional text be added to ensure local governments are consulted if State-identified Planning Areas are considered, so that local governments are assured the opportunity to provide input.

## ***E. Chapter 5 – State Coordination and Implementation***

### **1. Clarify Climate Change Impact Guidelines on water-dependent infrastructure.**

Recommendation: It is important for the Plan to recognize that prudent public investment in Maryland's sea level rise inundation zone will be needed in certain instances to ensure the long term economic vitality of the state. Appropriate conservation efforts along Maryland's shorelines should not preclude important investment in water-dependent infrastructure, like our ports.

### **2. Regional and metropolitan planning agencies can help develop PlanMaryland's Implementation Strategies.**

Recommendation: As mentioned previously, the revised draft Plan stresses collaboration between State agencies and local governments, but does not highlight the important role that the regional and metropolitan planning agencies can play in developing, coordinating, and implementing PlanMaryland's Implementation Strategies. Chapter 5 should be amended to cite this important function as already recommended for other chapters.

### **3. There is a need to overcome the concern that PlanMaryland processes will not be collaborative.**

Recommendation: There are some Workgroup members that still have concerns that State agencies or legislators will use Planning Areas and the Implementation Strategies to override or limit local government land use decisions. While PlanMaryland states in several instances that the Plan does not create new law and will work within existing statutory laws and regulations, the concern remains with some members that some State agencies may use Planning Areas and Implementation Strategies beyond their intended purposes. To address this concern, the Plan should reiterate explicitly that that State actions taken in the name of the Plan will not usurp or undermine local planning and zoning authority. The Plan should be used by State agencies as a guide in re-aligning and improving State plans, programs and procedures to achieve the goals and objectives of PlanMaryland and is not intended to be used by State agencies to contradict existing state regulations and permitting procedures.

### **4. PlanMaryland needs to include functional area plans.**

Recommendation: Some Workgroup members expressed concern that the Plan is too focused on land use and not enough on the functional areas of transportation, economic development, environmental protection, housing, and infrastructure. The concern is that the planning area designation process and State implementation strategies are unlikely to produce a carefully considered state-wide strategy for critical investments in these functional areas. Nowhere does the Plan consider the context of the State in the larger regional, national, and international context or

the need to address these issues from a statewide lens. The Workgroup recommends that the Plan include explicit commitments to prepare statewide functional plans for these topics.

## ***F. Chapter 6 – Management and Tracking Progress***

### **1. Clarify the Smart Growth Subcabinet role in identifying Planning Areas.**

Recommendation: Some Workgroup members have concerns that the revised draft Plan has the State (i.e., Smart Growth Subcabinet) making the final decision on the Planning Areas designations without a full consideration of local governments' interests and concerns. The Workgroup recommends that provisions be included in the Plan to allow local government input to the Smart Growth Subcabinet's considerations of Planning Areas and Implementation Strategies.

### **2. The Roles of the Sustainable Growth Commission and the Smart Growth Subcabinet are still being debated.**

Recommendation: The Workgroup discussed the roles and responsibilities of the Sustainable Growth Commission and the Smart Growth Subcabinet. Some Workgroup members thought that the Sustainable Growth Commission should have a much greater role in reviewing and endorsing the identification of a Planning Area, as well as the State Implementation Strategies. Some felt that too much authority rested with the Smart Growth Subcabinet, and that there was not enough opportunity for buy-in by local governments and other stakeholders. The Workgroup did not come to a consensus on a recommended change. It was noted that State agencies will have to become more involved with the Smart Growth Subcabinet for this management system to work.