



PlanMaryland Review and Recommendation Report

I. Overview of the Plan

A. *General Comments – Workgroup Consensus*

1. A State Development Plan is needed to help coordinate development and preservation among State agencies and between the State and local governments.

Recommendation: PlanMaryland can be a great benefit to the people and businesses of Maryland and promote “the general welfare of the people of the State through the coordinated development of the State.” However, this intended purpose does not provide an overarching understanding of what land use changes are needed and how these changes could be achieved. The case needs to be made that the Plan’s proposed processes for Place Designations and Implementation Strategies are the critical missing elements. The Plan needs to present clearly the new responsibilities of State or local governments that are necessary to achieve the goals and objectives of PlanMaryland. To this end, the Workgroup has identified a number of recommendations to make the Plan more effective by clarifying the proposed processes in the Plan.

2. PlanMaryland lacks an overall compelling argument for why a State Development Plan is needed and how it will address the shortcomings of existing programs and policies.

Recommendations: Begin the Plan with a description of the existing land use statutes, roles, and responsibilities, including those of local governments. Identify with supportive data the limitations of the existing planning framework. Describe how PlanMaryland will address the limitations of the existing framework while preserving the current strengths. Make clear how PlanMaryland may result in new responsibilities for State and local governments.

3. The Plan needs an implementation schedule to clarify when State agencies or local governments should take certain actions.

Recommendation: The Plan needs to explain the intended phased-in strategy to implement PlanMaryland. What parts of the Plan will be ready in October and what parts need to be developed over time? It should be clear that aspects of the Plan that requiring greater stakeholder involvement will be scheduled for later.

4. The Place Designation process needs to be simplified and clearly explained.

Recommendation: The process of determining a designated place needs much greater clarity before funding, policy, and regulatory actions occur. The Plan must provide ample opportunity for local governments, State agencies, and others to participate in determining the processes for Place Designation and the associated Designation Criteria before the State Implementation Strategies take effect, including any funding or regulatory decisions based on the Place Designations. The PlanMaryland Workgroup, with its diverse representation of interests, offers its services to help facilitate preparation of the Place Designation and Designation Criteria processes.

5. “Final Version” of the Plan?

Recommendation: The Plan should clarify what is meant by the “final version” of the plan. When will the Plan be completed? What will happen to projects requiring approvals or funding during the interim period of Plan development, i.e., between the time that the Plan is submitted to the Governor and the time place designations and Implementation Strategies occur? The Plan should acknowledge that any project substantially underway before Place Designations that may be affected by State agency decisions resulting from the designations will be given have the opportunity to be completed without being negatively impacted. None of the Workgroup members were comfortable calling the current draft a “final” plan.

6. The Plan should have several versions with varying levels of detailed information to accommodate multiple audiences.

Recommendation: As written, the Plan tries to provide a broad overview of the land use challenges facing Maryland, describes in detail how State agencies will be realigning their policies, programs and procedures, and explains the local government place designation process. Some of the concepts presented in the draft Plan should be briefly discussed and referenced in an appendix where detailed information and procedures could be addressed.

7. As currently formatted, the Plan does not present a cohesive strategy since elements are not easily understood and are inadequately linked to one another.

Recommendation: In addition to moving some of the more technical details of the Plan to an appendix or Technical User’s Guide, the Plan needs to be reorganized so that concepts flow more logically. The Plan utilizes similar phrases and terminology to describe significantly different parts of the PlanMaryland process. The draft Plan needs to be rewritten to have consistent sentence structure for the Plan’s Objectives and Policies.

The format and structure of the Plan should be revised to strengthen the relationships among the visions, the goals, the objectives, the policies, and the strategy. Clarify the decision-making structure for Implementation Strategies and Place Designation to describe the level of involvement by State agencies, local governments, and interest groups. The Plan could benefit from having a consistent review and approval process.

8. Explain the difference between the “Prints” and the place designations.

Recommendation: The Draft Plan conflates the “Print” GIS tools, particularly GrowthPrint, with the proposed place designations in name and, by implication, purpose. Existing GrowthPrint in the draft Plan is in fact identified as the “initial state designation” for GrowthPrint. This conflation has raised objections from numerous stakeholders and has several undesirable implications. A clear distinction between current targeted geographies and PlanMaryland designations is needed. Several steps are recommended:

First, the Plan should clarify that the “Prints” are GIS mapping tools that represent “Areas Currently Targeted” by existing programs. As shown in the Plan, these would be areas currently targeted through existing State and local programs for revitalization (GrowthPrint), agricultural and rural land preservation (AgPrint), and other natural resource conservation purposes (GreenPrint).

Second, the Plan should make clear that PlanMaryland Designated Places will be established through a collaborative designation process. Areas currently targeted by existing programs will become PlanMaryland Designated Places through that process.

Third, the Plan should make clear that PlanMaryland Designated Places are more than just the current set of targeted state and local programs which support a particular Plan purpose, i.e., revitalization, preservation, growth, or sustainability. Specifically, Designated Places are locations where a full spectrum of programs at both levels of government is coordinated to achieve the relevant goals of the Plan for each specific designated place. Some of these coordinated efforts have not been identified at this time and could include changes to regulatory programs that currently hinder desired outcomes, funding programs that currently do not make these areas priorities, and other assistance programs that support the purposes of each place category.

9. Plan approaches and participants’ roles need clarification.

Recommendation: The Plan’s approach to achieving its goals and objectives focuses on collaborative efforts among State agencies and local governments. However, the Plan is ambiguous on whether these efforts would be voluntary and incentive-based or possibly more mandatory and regulatory in nature. Where possible, the Plan should clarify the expected roles and the involvement of State agencies and local governments in the development of the Plan and the subsequent implementation efforts, as well as describe how the Plan will be used to guide the collaborative actions of State and local governments.

The Plan should also emphasize the importance of State and local governments working together to achieve the goals and objectives of PlanMaryland. The draft Plan goes into detail on how State agencies will need to realign departmental policies, programs and procedures to effectively implement PlanMaryland, but it does not sufficiently acknowledge the significance of local government’s role in taking actions to promote smart growth. While the Plan emphasizes local government’s participation in the Place Designation process, there is little explicit focus on the need for local governments to align policies, programs and procedures necessary for PlanMaryland to be successful. The mutual commitment of State and local governments should be reinforced throughout the Plan.

II. Specific Concerns/Issues by Chapter

A. *Chapter 1 – Introduction*

1. **Statutory authority should be cited.**

Recommendation: The statutory authority of the Plan needs to be introduced early in the document. It is also important to establish a clear relationship between PlanMaryland and local government comprehensive plans.

2. **The role of PlanMaryland should be clearly defined in Chapter 1.**

Recommendation: PlanMaryland should state upfront the purpose of PlanMaryland and how it will be utilized by State agencies and local governments. This section should also clearly explain the relationship between PlanMaryland and local government planning and zoning authority. There is a concern from at least some of the members that the Plan appears to override local planning and zoning authority. The Plan should recognize the critical role of local comprehensive plans and clearly indicate that the Plan will not take away any local planning and zoning authority. By the same token, the Plan should note that if local governments are in agreement with the resulting place designations, that they will align their planning, zoning, and other implementation mechanisms to help achieve these mutually shared outcomes.

B. *Chapter 2 – Trends and Land Use Implications*

1. **Expand both the data and the analysis to ensure that the Plan has a strong fact-driven foundation.**

Recommendation: The Plan does not include some important information related to infrastructure capacity that affects local government's ability to concentrate growth. The Plan also does not include useful information on existing land use and zoning, including local comprehensive plans. PlanMaryland should present around 10 different layers of data that could be used to guide the Place Designation process. To the extent possible, the Plan should include data analysis on generalized zoning statewide; water and sewer service areas and associated capacity limitations; and major transit and road networks along with their associated identified service deficiencies. Consider utilizing spatial analyses of Water Recharge areas, Rural Legacy Areas, Priority Funding Areas, Economic Clusters, etc. to evaluate statewide land use planning policies.

To have a stronger fact-based foundation, the Plan should use GIS data and maps to evaluate how State and local government plans, policies and procedures affect the natural and built environment. Recognizing the limitations of GIS analysis, the examination of some State and local government regulations and funding programs may not be spatially defined. With a more complete analysis, PlanMaryland could identify and promote implementation tools that will help achieve the Plan's desired outcomes.

C. Chapter 3 – Visions, Goals and Objectives

1. The general content of the Visions, Goals and Objectives is acceptable, but the Plan is unclear on how the list of objectives will further the Goals or the Visions.

Recommendation: The three PlanMaryland Goals provide a succinct description of what the Plan attempts to accomplish and serve to integrate the 12 Visions into the three concepts of grow, preserve and sustain. However the objectives are not clearly linked to the goals and lack the necessary clarity of how they will be used to accomplish each goal. Furthermore, the objectives are not measurable or consistently phrased to describe how to reach the goals.

2. The Plan lacks measurable indicators of progress.

Recommendations: PlanMaryland identifies three overarching goals which are intended to provide a framework to guide “all of Maryland’s agencies, programs and procedures that affect the developed and developing environment, conservation of the State’s land and natural, agricultural and environmental resources, and the quality of life available in Maryland’s population centers and rural communities.” While the draft Plan’s goals seem to describe the aspirations of Marylanders, these goals are not specific and measurable so the amount of progress cannot be determined. PlanMaryland’s goals and objectives should be rewritten to provide specific and measurable direction for the Plan. The Plan’s goals and objectives should be monitored and regularly reported on to determine their success.

3. The identified purpose of PlanMaryland to breakdown the silos that divide State agencies, local governments, and the private sector should be a central theme throughout the document.

Recommendation: Page 3-4 of the Plan identifies that one of the most important reasons to prepare PlanMaryland is to improve coordination among State agencies and local governments and to present a consistent and collaborative message to the private sector regarding growth, preservation and sustainability. This theme is lost at times in the details of the Plan’s structure and needs to be emphasized throughout the Plan. A commitment to State and local government cooperation is important to the success of the Plan, while also recognizing the autonomy of all parties to carry out their core mission and obligations.

D. Chapter 4 – PlanMaryland Process

1. Delete the Initial State Designations.

Recommendation: This section has led the way for being the most confusing and raising the greatest concerns. We recommend removing the Initial State Designations from the Place Designation process.

2. Establish a collaborative State/Local Place Designation Process.

Recommendation: The process for determining State/Local Place Designations needs to be clarified to ensure that the local governments, citizens and State agencies are able to work together to identify collaborative place designations so that the goals of this Plan can be achieved. The Plan should clearly describe the process and the intended timetable for designating places.

PlanMaryland designation process needs to be closely coordinated with the Sustainable Communities Program to ensure its complete and seamless integration into the designated places for revitalization. The Place Designation process needs to be coordinated with the State agencies' Implementation Strategy efforts, so that local governments can understand the benefits and potential impacts of Place Designation. The Place Designation process should also be closely tied to and supported by local comprehensive plans and associated local zoning and development regulations.

Some Workgroup members feel that any envisioned new requirements for local comprehensive plans and associated local zoning should be clearly identified and subject to the same collaborative process proposed for the place designation and place designation criteria process;. Some of the members also feel that the State should not have final approval authority over place designations.

Finally, the case needs to be made that the State/Local Place Designation process will lead to the achievement of desired land use goals and objectives including the goals of the Watershed Implementation Plans and the Climate Change Action Plan. As mentioned in the Workgroup's second recommendation for Chapter 2, statewide data layers should be utilized in the Place Designation process.

3. PlanMaryland Policies vary significantly in detail and direction; they should be more consistent in form and level of detail.

Recommendation: The concept of including policies in the Plan to guide State agency actions was supported as an effort to increase transparency in State government. However, the policies vary greatly in detail and cause confusion on how they are to be used. The grouping of different topics under the same policy adds to this confusion. The policies often do not provide enough guidance for decision-makers on how they will be applied. As drafted, it is unclear if the PlanMaryland Policies are to be applied solely to State agencies or if they will govern local government actions.

Additionally, the phrasing of the policies is inconsistent. Some of them read more like a goal or an objective. At a minimum, there should be a hierarchy with different levels of detail or degrees of generality.

The policies need to be revised to address these concerns. If the policies are intended to solely address State agencies and the development of Implementation Strategies, it may be appropriate to rewrite the policies as State Implementation Guiding Principle and place them in the Plan's discussion of State Implementation Strategies.

4. Clarification is needed as to how the Policies and Implementation Strategies will be implemented by State agencies.

Recommendation: The terms “Policies” and “Implementation Strategies” are confusing and their relationship to the Goals and Objectives is unclear. The term “Implementation Strategies” is confusing and disjointed when coupled with the “Possible Action” referenced in Chapter 5 of the Plan. The Plan should provide a better explanation of how the policies will be used by the State agencies to prepare their Implementation Strategies. Furthermore, the Plan needs to layout how State agencies should prioritize their evaluation of capital and non-capital plans, policies, programs, and procedures as they relate to developing Implementation Strategies. As mentioned before, a phased-in schedule of when the first set of Implementation Strategies is expected to be completed should be included in the Plan. As noted elsewhere, the Plan should emphasize the importance of the collaborative development of the Implementation Strategies by working with local governments and other stakeholders. Just as the State and local governments are to work together to identify the place designations, the Plan should emphasize that State and local governments will also need to work together to identify Implementation Strategies that help to realize the Plan’s goals and objectives.

5. PlanMaryland should explain how the Policies and Implementation Strategies will impact local governments.

Recommendation: The Plan is not clear on what could be included in the Implementation Strategies. Some members are concerned about the potential range of actions that may result from the Implementation Strategies, suggesting that the Plan have an initial listing of what would be included along with their associated benefits/impacts on local governments. PlanMaryland should be revised to clarify how Implementation Strategies will be developed, and how local governments and the general public would participate into the preparation of an Implementation Strategy. The Plan must provide ample opportunity for local governments, State agencies, and others to participate in preparing the Implementation Strategies before they are used in conjunction with Designated Places to effect funding, regulatory, or policy decisions. The Plan should make clear and unambiguous statements that funding and regulation will not be affected until the Place Designation process and the associated Implementation Strategies have been vetted through a collaborative review process. The Plan should include a phasing schedule of when Implementation Strategies are likely to be developed. If possible, examples of Implementation Strategies should be included in the Plan to illustrate how the strategies related to goals and objectives of PlanMaryland and how local governments may be affected. To the extent possible, the Plan should articulate the intended consequences of the Implementation Strategies and Policies. The PlanMaryland Workgroup, with its diverse representation of interests, offers its services to help facilitate the review and refinement of the Implementation Strategies.

6. PlanMaryland’s Place Designation process does not adequately address the potential conflict and/or coordination among the different place categories.

Recommendation: The Plan needs to describe how the overlapping of Place Designations will be handled by State agencies. The Plan needs to describe what local governments should do when areas seem appropriate for multiple Place Designations. The Plan needs to explain how these conflicts will be resolved or, at minimum, establish a timetable for determining this process.

7. PlanMaryland’s Place Designation process needs to recognize the varying conditions of jurisdictions from different regions of the State or size of the community.

Recommendation: PlanMaryland acknowledges the importance and uniqueness of every community, and does not force a “one size” plan on every jurisdiction. However, the intended flexibility of PlanMaryland’s Place Designation process is not apparent to the reader. Further explanation is needed on how the Plan will treat communities differently.

E. Chapter 5 – Possible Actions

1. The listing of “Possible Actions” has no direct tie with the Plan and should be deleted or amended to recommend specific actions.

Recommendation: As written, Chapter 5 offers a hypothetical list of actions that may or may not be pursued by various State agencies as part of their Implementation Strategies. This list of possible actions should be deleted and replaced by specific Implementation Strategies that State Agencies and local governments intend to begin executing in order to achieve the Goals and Objectives of PlanMaryland. If Chapter 5 includes proposed Implementation Strategies, it should also lay out a collaborative process whereby local governments and other stakeholders can help develop and comment on proposed Implementation Strategies before State agencies begin to use them.

The Plan must provide ample opportunity for local governments, State agencies, and others to participate in the development of Implementation Strategies before they take effect, in particular any funding or regulatory decisions that utilize the PlanMaryland Place Designations. Again, the PlanMaryland Workgroup, with its diverse representation of interests, offers its services to help review and refine the Implementation Strategies.

2. Relocate the transportation and major public works planning tasks mentioned in Chapter 5 to appropriate locations elsewhere in the Plan.

Recommendation: References to the need to coordinate transportation and public work planning with land use issues are disjointed and should be relocated to more appropriate areas of PlanMaryland, probably in Chapter 2.

F. Chapter 6 – Oversight, Management and Metrics

1. The roles of the Sustainable Growth Commission, the Smart Growth Sub-Cabinet, and the Smart Growth Coordinating Committee, as present in the Plan, are limited to their existing statutory responsibilities, but do not provide for local government or general public participation in the decision-making and monitoring process.

Recommendation: The statutes that address the requirements for a State Development Plan were written in the 70s, before local governments were required to plan, before the 1997 Smart Growth statutes, and before several other growth/preservation statutes were passed. It is, therefore, not surprising that the statutes created the framework for a Plan that only involves the Department of

Planning (MDP). It appears the intent of the Plan is to provide guidance for all State agencies and for local and regional governments. If so, then it is worth considering whether the Plan needs an oversight structure that includes more than MDP and the Smart Growth Subcabinet. The Workgroup is also concerned that the Smart Growth Subcabinet, most of the members of which serve at the pleasure of the Governor, may not provide the necessary continuity of oversight needed over successive State administrations. Additionally, the Workgroup does recognize the logistical challenges associated with having a 36-member Sustainable Growth Commission play an active role managing the decision-making processes established in the Plan. The Workgroup makes no specific recommendation for roles and responsibilities for the Subcabinet, the Sustainable Growth Commission, or perhaps a newly created state planning commission. It does, however, suggest that these questions receive further consideration.

The Workgroup did discuss two alternative ways to address PlanMaryland oversight and management:

- The Sustainable Growth Commission's structure and duties could be revised and redefined to actively oversee the Plan's implementation and serve as the decision-maker on matters such as Place Designations and State Implementation Strategies; or
- The Sustainable Growth Commission could oversee the Plan's implementation by monitoring the efforts of the Smart Growth Subcabinet, State agencies, counties and municipalities. The routine decision-making of Place Designations and State Implementation Strategies would remain with the Smart Growth Subcabinet. But, the Sustainable Growth Commission would regularly monitor the progress of all levels of government that implement PlanMaryland. The Sustainable Growth Commission would report to the Governor and the General Assembly on effectiveness of the Plan's implementation and recommend changes to the Plan, as needed.

It should be noted that some of the members are opposed to the creation of an entity that would function as a statewide land use or planning commission and believe that place designations should ultimately remain a local choice, based on collaboratively determined criteria. This would mirror the existing designation systems for Priority Funding Areas.

III. Specific Recommendations on Issues Not Addressed in the Plan

1. The economic analysis of existing conditions in Maryland and challenges facing the State are not adequately addressed in the Plan.

Recommendation: The Plan does not adequately address the economic conditions in the State. Issues that need addressed include intended cost-effectiveness, efficiencies and equities of the Plan, and the recognition of economic generators in the State, i.e. major airports, ports, agriculture, tourism, and facilitating Smart, Green and Growing initiatives. PlanMaryland should address resource-based economic issues facing Maryland, particularly agriculture productivity and economic viability in the global marketplace.

2. The fiscal impact of smart growth promoted in the Plan should be addressed.

Recommendation: The Plan does not adequately address the fiscal impacts of the different development patterns or how better coordination between local and State plans will help save money.

3. PlanMaryland lacks a comprehensive analysis of what would happen if existing development patterns continue unchecked.

Recommendation: The Plan discusses the accelerated loss of agricultural and forest lands over the past 30 years, but the projected commitment of land to development and its associated impacts on transportation costs and other services is not fully discussed.

4. The Plan does not adequately address transportation issues.

Recommendation: The Plan needs to include information about the effects of transportation decisions, especially road investment, on land use patterns. In addition, there needs to be further discussion about how a community's design of its transportation networks may impact walking and biking. The Plan also needs to include information and discussion about the role of rail, including both freight and passenger, as it affects land development patterns in Maryland, i.e., transit-oriented development (TOD) and the connection with other modes, e.g., BWI Airport and Baltimore Port. In addition to focusing on TOD, PlanMaryland should address other transportation-related issues like parking, connectivity, corridor planning, and goods movement. If these issues are to be addressed in subsequent transportation plans or elements, that should be made clear.

5. The Plan does not recognize the impact the statewide required Watershed Implementation Plan (WIP) and Total Maximum Daily Load (TMDL) requirements have on future land development in Maryland.

Recommendation: WIP and TMDL are not adequately addressed in the Plan. It is critical that this Plan support the individual Watershed Implementation Plans and assist local government in achieving their goals.

6. The Plan needs to address the Climate Change goals and plan

Recommendation: A case needs to be made that the Plan will lead to the achievement of the goals in the State's Climate Action Plan and how the Plan or the planning process, in general, will change if adequate progress is not made.

7. The Plan does not adequately address housing market and affordability issues.

Recommendation: Among the analyses that should be included Chapter 2 is an analysis of current housing market conditions and trends, including housing affordability. If these issues are to be addresses in a subsequent housing plan or plan element, this should be made clear.