

Maryland Sustainable Growth Commission Meeting

July 23, 2012 / 1:00 p.m. to 4:00 p.m.

Baltimore County Center for Agriculture and Farm Park
1114 Shawan Road
Cockeysville, Maryland

Meeting Summary

Members: Jon Laria, Calvin Ball, Greg Bowen, David Carey, David Costello, Sandy Coyman, Carol Gilbert on behalf of Ray Skinner, Alan Girard, David Goshorn, Richard Hall, Frank Hertsch, Marty Baker on behalf of Don Halligan, J. B. Jennings, Gerrit Knaap, Steve Lafferty, David Lever, Robb Merritt, Bryce Turner, Duane Yoder and Cheryl Cort

Attendees: Tom Ballentine, Mollie Byron, Candace Donoho, Tom Farasy, John Fiastro, Phil Hager, Crystal Heide, Brigid Kenney, Les Knapp, Marsha McLaughlin, Steve Powell and Christopher Uhl

MDP Staff: Dan Baldwin, Chuck Boyd, Amanda Conn, Peter Conrad, Arabia Davis, David Dahlstrom, Tyler Grote, Rich Josephson, Stephanie Martins, Matt Power, Pat Russell and Joe Tassone

Introductions/Administrative Matters

The Chair, Jon Laria, welcomed everyone to the meeting and gave special thanks for those who had to travel a long distance to be here. He then introduced Chris McCollum, Executive Director of the Baltimore County Center for Maryland Agriculture and Farm Park. Mr. McCollum also thanked everyone for choosing the Center to host the MSGC meeting. He gave a brief history of the Center noting that the Center is on a 150 acre site, which was acquired four years ago with funding assistance from the Maryland State Program Open Space and a private land owner. He encouraged everyone to walk around and take a look at some of the projects that have been going on.

Comprehensive Plan Overview

Marsha McLaughlin, Director of the Howard County Department of Planning & Zoning, gave a PowerPoint presentation entitled "Comprehensive Plans – Howard County's Perspective." Ms. McLaughlin stated that PlanHoward focuses primarily on Sustainability, the Economy, Environment and Community Services. She said that County planning staff is in the process of updating the plan and setting a framework. The Plan is really an educational piece that strategizes the County's policies. The implementation of these strategies will have a direct impact on improving the condition of the Chesapeake Bay and stream restoration efforts, which are at the center of everyone's attention.

Ms. McLaughlin spoke about the need for the County to develop a long range transportation planning tool and the need for Community service improvements (public facilities and services). According to Ms. McLaughlin, the County is presently in a transitional state, which provides them with an excellent opportunity to promote and support growth in targeted areas.

On the issue of the “Economy” Ms. McLaughlin stated that with the expansion of the biotech industry, the County is in a good position to promote job creation for the residents. She also mentioned that the development of a comprehensive set of tools was needed to attract businesses to relocate to the County.

She noted that based on her experience “redevelopment” in Howard County is much harder than “greenfield” development. Ms. McLaughlin went over the chapter on growth that focuses on PlanMaryland’s Planning Areas. This also may include maps showing the designated Septic Growth Tier maps.

She said the County is in its final stages of Plan adoption and she is expecting a vote on Thursday evening.

She mentioned that the Sustainable Growth and Agricultural Preservation Act of 2012 Tier designations are a major concern for the County. County officials have expressed a concern that Tier designations may have a negative impact on the property values in the area. The County may very well postpone mapping the Tiers until later in the fall of 2012.

Mr. Knaap asked Ms. McLaughlin what type of assistance she would like to receive from the State? Her response was that the County needed transportation funding assistance.

In her closing comments, Ms. McLaughlin advised the Commission that it would be helpful if the 6-year Comprehensive Plan was changed to a 10-year plan cycle because it takes a long time to prepare the plan and then to begin implementing the plan. Usually, there is a lot to do initially once the plan is adopted. With only a 6-year planning cycle, you are barely done preparing the plan and then you have to start over again. More time is needed to implement the plan and see what you can accomplish, before you start evaluating the plan’s success and drafting the next version of the comprehensive plan. She was hopeful that the Commission would be supportive of this recommendation.

Growth Offset Policy Overview- David Costello
WIP Workgroup Comments on the Growth Offset Policy – Alan Girard

Mr. Costello advised the members that the Maryland Department of the Environment (MDE) will be putting together a PowerPoint presentation on the Growth Offset Policy for the public as well as an online presentation. He thanked staff from MDP and MDE for their assistance with the policy concept. As part of the Accounting for Growth Initiative, Mr. Costello said that a few public meetings were held last week and a public meeting was scheduled for tomorrow.

The next step for MDE is to begin drafting regulations and to solicit input at future stakeholder meetings. The end result of this policy is that the restoration of the Bay will be expedited.

Mr. Costello stated that a final version of the regulations will be presented to the Secretary of the Environment in November and that the final submission would be ready in December. MDE welcomes the Commission's feedback and has been encouraging the local jurisdictions and counties to provide input.

Mr. Laria pointed out that there was a diverse set of nutrient potential offset strategies and the question that needs to be answered is whether these nutrient offset strategies will help the State of Maryland achieve smart growth.

Mr. Girard said this is a complicated policy. He referred everyone to the memo (hand-out in today's package) with summary comments and recommendations from the WIP Workgroup. He pointed out that the workgroup provided comments and recommendations on very important issues that relate to Offset Ratios, Cost Estimates, Fee-in-lieu (which he noted is one of the main issues) and Trading Geography.

He encouraged the Commissioners to take a look at MDE's website and to read over the 10 - page policy document.

Mr. Laria thanked Mr. Girard and the workgroup members for their hard work and diligence on this issue, and for providing the Commission with a well thought out set of recommendations that should be considered by MDE. He reiterated that this is a critical issue and that the Commission has a role in helping MDE shape this policy, prior to its implementation and the promulgation of regulations. Mr. Laria suggested that MDE provide the Commission with a set of draft regulations for discussion purposes. He also noted that the Commission would be more than willing to help develop a process that should be followed.

Mr. Coyman asked Mr. Costello to explain "what offsets are and how it will affect agriculture?"

Mr. Costello explained that an offset is a credit. He felt that the regulations will actually stimulate this market and capacity for offsets will increase. He said a lot of the practices will be in agriculture.

Mr. Laria asked that a spreadsheet, matrix, etc. of the practical costs and inventory of offset be circulated prior to the Commission's next meeting. Mr. Laria said he expects that the WIP workgroup will continue to do good work and if anyone is interested in being a part of this group to please talk with Mr. Girard.

Mr. Laria said he would like these comments to be forwarded to MDE, and asked the WIP workgroup to continue its work building consensus. He also mentioned that a follow-up presentation on this subject will be given at the next Commission meeting.

Mr. Bowen suggested receiving any information on this subject well in advance of the next meeting.

Mr. Ball noted that these are compiled comments and are more informational than setting a policy. He felt it was a good idea to just move this along.

Mr. Costello committed to getting everything out that was discussed in the meeting today.

Mr. Laria will forward the WIP Workgroup comments to Secretary Robert Summers and ask that the Secretary provide a response back to the WIP Workgroup detailing how the comments will be incorporated into the draft regulations, prior to the September Commission Meeting.

Tier IV Exemption Overview (Sustainable Growth and Agricultural Preservation Act of 2012 Requirement)

Mr. Tassone directed everyone's attention to the handout in today's packet entitled "SB 236, Tier IV Exemption Overview." He briefly went over the Septic Growth Tier Criteria and the Restrictions for all four Tier areas. Mr. Laria asked Mr. Tassone to provide an overview of the process for the Commission to ensure that everyone understands the formulaic process, and so the Commission can provide feedback.

Mr. Bowen suggested that MDP establish a protocol that outlines the Commissioners authority and prescribed role.

Mr. Lever asked what MDP had in mind regarding consultation. Mr. Tassone responded that Senate Bill 236 establishes a public accountability measure into this process by requiring consultation with the Commission. Mr. Lever suggested presenting criteria that the Commission is able to comment on.

Mr. Laria asked "when does this have to come together?" Mr. Tassone responded that local governments must adopt its Tiers by the end of the year. He said that sometime in the fall, we should start getting officially adopted Tier maps from the jurisdictions, and would then likely receive exemption requests. This will likely continue into 2013.

Mr. Laria asked that MDP prepare a draft criteria / protocol for discussion at the September Growth Commission meeting. Interested participants were encouraged to reach out to Mr. Tassone with comments.

Indicators Workgroup Report

Mr. Coyman provided an overview of the Workgroup's progress to date. Copies of the report were distributed to the Commissioners and interested parties. Mr. Coyman highlighted several important areas in the report. Mr. Coyman referred to a statement made in the National Center for Smart Growth's white paper advising that there are limits of any assessment, based on indicators, no matter how well developed. He said the workgroup agrees with this statement. He said indicators may be there, but not necessarily indicators of smart growth.

Mr. Yoder felt that the "population" should not be considered as part of any smart growth indicators and questioned if smart growth really was doing what it is intended to do for rural areas in Maryland? Are these areas sustainable?

Mr. Laria asked members to take a look at the report, and said that time would be scheduled at the next meeting agenda for further discussion.

PlanMaryland Workgroup update

Mr. Knaap went over the workgroup's review of PlanMaryland's implementation strategies. He noted that this is a significant effort and that the State agencies have done a lot of work. However, the workgroup had limited time to conduct its review. He said the State agency responses were mixed, and this has been an interesting first step. Mr. Knaap acknowledged that there are time constraints with this scheduled Commission meeting and requirement to report to the Governor on PlanMaryland's implementation. Mr. Knaap expressed concern that this would be the only time this body can look at the implementation strategies before having them sent to the Governor. He felt there is not enough time for the public to review the strategies.

Mr. Boyd said this is not the last time members will have an opportunity to discuss the PlanMaryland implementation strategies. Mr. Boyd indicated that the process is NOT complete. It will be an on-going process.

Mr. Knaap also questioned whether some of the State agency's implementation strategies were focused to advance the goals of the Planning Areas. Mr. Boyd noted that refinements to the implementation strategies will take place to improve the linkage of the strategies to the Planning Areas.

Mr. Boyd said no action is being requested by this Commission. Mr. Hall said that comments on the implementation strategies should be submitted between now and a week before the Smart Growth Subcabinet meeting on August 22nd.

Mr. Knaap asked about the process for engaging the public. Mr. Hall said he would like to give the Governor a report by mid-August. He said he is happy to talk to the PlanMaryland Workgroup, the Commission and to other stakeholders.

Mr. Coyman said with regards to PlanMaryland, implementation is a big part of the plan. We need to lay it out for the Governor.

One suggestion was made to ask the Governor for some more time. Mr. Hall felt it is important to let the Governor know the status of this effort. We need to let him know in a memo that these are the comments we have received and are still being fine tuned.

Mr. Laria said that it was important to convey to the Governor what this report is and what it is not. Mr. Laria said that he would draft a letter to the Governor indicating that PlanMaryland is just beginning to be implemented and the Smart Growth Subcabinet report should be considered a progress report and not formal recommendations or actions.

Ms. Gilbert noted that she felt that significant progress implementing PlanMaryland has taken place, and there are a lot of good ideas worthy of future consideration.

Ad Hoc Annual Forum and Ad Hoc Annual Award Program Planning Committee

Mr. Boyd reported that the Forum has a tentative date of November 14, 2012 at the Silver Spring Civic Building. But, he cautioned we are still working on logistics, so the date is not final. The event is been scheduled for late afternoon – early evening, from 3:00 p.m. to 7:00 p.m. The Ad Hoc work group is helping to find a speaker. Mr. Laria said the ad hoc planning committee has identified “Economic Benefits of Smart Growth” as the theme of the Forum and is developing a list of speakers that can speak to this topic. He asked members to let Mr. Boyd know of anyone that might have some local knowledge.

Public Comments

Mr. Les Knapp indicated that MACo is somewhat concerned about the public process on how implementation strategies are going to be developed.

The meeting was adjourned at 4:17 p.m.