

Maryland Sustainable Growth Commission Meeting

March 25, 2013/1:00 p.m. to 4:00 p.m.

The Banneker-Douglass Museum
84 Franklin Street
Annapolis, Maryland

Meeting Summary

Members: Jon Laria, Greg Bowen, David Costello, Sandy Coyman, Charlotte Lawson Davis, Alan Girard, David Goshorn, Richard Hall, Frank Hertsch, David Lever, Ursula Powidzki, Dru Schmidt-Perkins, Bryce Turner

Attendees: Marty Baker, Jamie Bridges, Carla Gerber, Carol Gilbert, Lisa Lincoln, Amy Moredeck, Christopher Uhl

MDP Staff: Andrew Bernish, Chuck Boyd, Amanda Conn, David Dahlstrom, Arabia Davis, Stephanie Martins, Pat Russell

Introductions/Administrative Matters

The Chair, Jon Laria, thanked everyone for coming and was grateful for their presence due to inclement weather.

- Mr. Laria informed the Commissioners that the presentation on the Sustainable Transformation of the Appalachian Region (STAR) report would need to be deferred to the next MSGC meeting to accommodate interested participants traveling from as far away as Western Maryland.
- Mr. Laria reminded members that the deadline for filing the 2012 Financial Disclosure forms is April 30, 2013.
- Regarding the Annual Award and Forum Program last month, Mr. Laria said this was a very successful program. He thanked Greg Bowen and others. He stated that the turnout was good.

Briefing on the Sustainable Maryland Certified Initiative

Lisa Lincoln from the Environmental Finance Center at the University of Maryland gave a presentation on the Sustainable Maryland Certified initiative. Sustainable Maryland Certified (SMC) is designed to support Maryland's 157 municipalities as they look for cost-effective and strategic ways to protect their natural assets and revitalize their communities. Using best practices in resource areas like water, energy, planning, health, food, and economy, a municipality can earn points toward sustainability certification. The goal of this initiative is to recognize the leadership of municipalities in promoting sustainable practices.

The Environmental Finance Center is conducting a number of outreach efforts to promote program awareness and hopefully increase participation in the certification program. The Center provides free and voluntary webinars and training activities. The webinars are held every other month, and they are seeking State agency partnership. They will be doing three fairs across the State – the first one will be held in College Park. The Center would like to tie the SMC initiative with other State’s programs, such as Sustainable Communities and PlanMaryland’s implementation strategies.

Mr. David Lever asked whether the criteria for the Sustainable Maryland Certified were established exclusively for Maryland or was there a national program. Ms. Lincoln responded that the program was modeled after the Sustainable New Jersey certification program, and there is no national organization or review body.

Mr. Bowen asked if this is a progressive certification process, similar to US Green Building Council’s LEED (silver/gold/platinum) certifications. Ms. Lincoln responded that they are looking at possibly increasing their certification levels. She indicated that they welcome input on what people would like to see in the program. Currently, participants need to achieve a minimum of 150 points; which is the basic level for certification.

Ms. Schmidt-Perkins pointed out that Maryland counties are not part of this program. She noted that New Jersey local government structure is vastly different from Maryland, and currently this process does not include the opportunity for the jurisdictions where the vast majority of Marylanders live. Ms. Lincoln acknowledged that the program is currently for municipalities, but they are looking into the possibilities to expand the effort.

Ms. Lincoln was asked to expand on the program activities of the Environmental Finance Center. She said that the Environmental Finance Center (EFC) at the University of Maryland is one of ten University-based centers across the country, established under EPA’s Environmental Finance Program, that provides communities with the tools and information necessary to manage change for a healthy environment and an enhanced quality of life. Their work serves communities throughout Region 3 - Delaware, the District of Columbia, Maryland, Pennsylvania, Virginia, and West Virginia. The mission of the organization is to inform and built capacity of local decision-makers when considering environmental problems, developing innovative and effective methods of financing environmental efforts, and educating communities about the role of finance and economic development in the protection of the environment. The Center provides technical assistance to local governments.

2013 Legislative Update

Ms. Amanda Conn, briefed Commission members on the status of several bills under consideration by the General Assembly. The most important is the Sustainable Growth TIF Bill. This is a MDP departmental bill that was developed in close consultation with the Growth Commission’s Concentration Growth Workgroup. This is a pretty significant bill and the Commission should continue to advocate for it. Ms. Conn reported that the bill passed the House

with amendments and will be assigned to the Senate soon. Mr. Laria said he is very grateful to Ms. Conn for working so hard on this bill.

Another bill noted was HB 1170, the Maryland Smart Growth Investment Fund Workgroup. This bill establishes a workgroup to examine creating a Smart Growth Investment Fund. The Department of Housing and Community Development (DHCD) is charged with leading the workgroup and will have several members of the Growth Commission participating. This bill has passed by both Houses.

Secretary Hall said the budget picture has been very good this year. This is the first year the tax credit (\$10 million) has been in the budget.

Ms. Gilbert noted several legislative items, including SB 847, which she said was worth following.

Mr. Goshorn mentioned HB 706, the Forest Preservation Bill. This bill establishes the statewide policy of no net loss of forest by 2020. "No net loss of forest" means 40% of all public and private land in Maryland is covered by tree canopy. Among other things, this bill would allow local forest conservation program under FCA to waive the requirements of the Act for previously developed areas covered by impervious surface and located in priority funding areas.

Mr. Costello said the Off Shore Wind Bill passed. He also pointed out bills pertaining to Greenhouse Gas and a couple of bills relating to recycling. The bill on Stormwater passed 3rd reader on Saturday.

Ms. Powidzki noted that DBED is encouraged in the General Assembly's interest in supporting business development. It appears that the tax credit program is on its way to being increased.

Mr. Lever said HB 103, which requires renovations of school buildings to include information on use of solar technology, was amended from top to bottom.

Ms. Baker said the bill dealing with transportation funding passed on Friday in the House. She said they anticipate some issues on the Senate side.

Ms. Schmidt-Perkins reported there are a number of bills that the 1000 Friends of Maryland had been monitoring. The most harmful bills from their perspective have died in committee but for one, the Developmental Rights Bill. However, this bill has been drastically amended on the House side to only be applicable to Frederick County, rather than statewide.

Overview and Discussion of the Comprehensive Planning Process

Mr. Laria stated that since local comprehensive plans play such an important role in promoting smart growth he has asked Mr. Boyd to give the Commissioners some additional context, beyond the previous Howard County presentation, on the local comprehensive planning process. Mr. Boyd stated that distributed handout provides a good overview of the process and requirements for local comprehensive planning, as well as identifies the basic implementation tools that jurisdictions

use. He noted MDP's role in local comprehensive planning process focuses predominantly on providing technical assistance and coordinating interests of other State agency.

Mr. Laria asked the Commission members to identify issues related to local comprehensive plans that they would like to address as part of the Commission's investigation of this matter:

Mr. Laria started out by noting that he would like to understand what is required statutorily for a local government to include in its comprehensive plan. He would also like to discuss the consistency requirement of a local comprehensive plan from a legal perspective.

Ms. Schmidt-Perkins pointed out that local comprehensive plans are often too lofty, and there is no accountability to implement the plan. She wondered if there is a role for the Commission to help address these issues.

Mr. Greg Bowen noted the key to the success of comprehensive planning is public participation. He suggested that comprehensive planning process needs to confront misinformation and educate the public about the issues facing the community. He also noted that it is important for the rezoning process to be consistent with the local comprehensive plan.

Mr. David Lever indicated that there is a need for greater involvement of local Boards of Education with the local Planning Commission in preparing the comprehensive plan.

Mr. Bryce Turner noted that predictability is critical to private sector developers. So, there is need to tie comprehensive planning with the rezoning and land development process.

Ms. Marty Baker observed that it is important for local comprehensive plans to have a strong connection with planned transportation improvements included in local capital budgets/programs.

Mr. Alan Girard stated that local comprehensive plans need to re-assess existing land use strategies that rely on use of septic systems, in light of the recently enacted Septic Bill.

Mr. Sandy Coyman made the observation that elected officials change over time and this makes it difficult to implement a comprehensive plan that is a long term vision for a community.

Ms. Dru Schmidt-Perkins commented that one of the problems with local comprehensive plans is that State agencies provide comments on the draft plan, but there is no requirement that local governments listen or address those identified concerns.

Carol Gilbert pointed out that Housing and Community Renew Elements are not required, but are considered "Optional Elements." For Maryland's smart growth efforts to work, it seems local governments should be addressing these issues as a required part of their comprehensive plans.

Tier IV Exemption Request

Ms. Stephanie Martins reported that Kent County is the second county that has come in for a Tier IV exemption from the minor subdivision restriction. MDP's analysis of this request is the same as that performed for Montgomery County's exemption request.

Ms. Martins provided a handout for her presentation. She touched on several items, which included examining the County's identification of protected lands, agriculture and forested areas, and potential for development in the Tier IV area of Kent County. Throughout this process, MDP staff worked closely with Kent County's staff. Ms. Martin expressed appreciation for the cooperation received from Kent County staff. Ms. Martins reported that MDP's analysis concluded that Kent County's Tier IV map was consistent with SB 236, and that their preliminary recommendation was to support the exemption request. However, before taking action on the request, MDP needed to consult with the Growth Commission on this exemption request. Mr. Laria asked if Commission members had any questions.

Mr. Hertsch inquired what the difference was in potential lot yield within the Tier IV area between 1) not getting the exemption for the Tier IV area and allowing only to minor subdivisions, versus 2) receiving the exemption to allow major subdivision in the Tier IV area. Ms. Martins indicated that MDP did calculate that difference and recalled the number was not significant given the county's restrictive zoning already, but could not say remember the specific number.

Mr. Laria advised that a motion by the Commission was not required. The Commission is only charged with providing comments on the request.

The Kent County folks expressed appreciation to the MDP staff for working with them and coordinating the tier mapping and exemption process. They expressed that they do not disagree with any of the data that was produced.

Mr. Bowen expressed his admiration for Kent County's commitment to agricultural preservation and support of its agricultural community. Ms. Schmidt-Perkins concurred with Mr. Bowen's assessment of Kent County's support of agriculture preservation.

Workgroup Updates

Adequate Public Facilities Workgroup

Mr. Hertsch provided copies of the APFO report prepared by the workgroup. He said the report has a lot of data incorporated into it. He noted that there are a number of things that need to be considered with an APFO. Mr. Hertsch summarized the report and highlighted several areas. He asked members to look at the report's conclusions and recommendations (pages 25 and 26). One recommendation that he highlighted was for local jurisdictions to increase the overcrowding standard for schools to 120 percent of capacity, which is closer to the school construction program standards.

Ms. Schmidt-Perkins expressed concern regarding a recommendation in the report that endorsed allowing residential development for schools above the 100 percent of their capacity. She

questioned what do you do if no capacity exists? She also expressed concern about the recommendation on imposing time limits on moratoriums. She referred to page 25, #4 - which states "time limits on a moratorium should be considered in Priority Funding Areas."

Mr. Bowen said there often aren't the resources for adequate public facilities to accommodate growth. We need to solve problem of funding and building the needed facilities. He added most counties do not have adequate public facilities.

Mr. Laria said we will continue this discussion at the next meeting. We need to broaden the group's membership and work through the recommendations. We need more people to focus on this. This is fertile ground for a healthy debate of the issues. Several areas to focus on include - how are dealing with adequate public facilities in our redevelopment areas, such as Sustainable Communities, and how are the areas subject to adequate public facility test defined? He noted that the charts show disproportionately that there are no problems in PFA's. Do we think that is a reflection of the economy?

Mr. Laria expressed appreciation to the workgroup's work, noting that the report is very helpful and should provide a good foundation for subsequent actions by the Commission. .

Concentrating Growth Workgroup

Mr. Laria went over the update on the workgroup's recommendations (hand-out in meeting packet). Areas covered included:

- Financing Smart Growth 2.0 Report
- Smart Growth Status Check/Report Card - Mr. Laria said he had hoped it would be completed in time for the Annual Forum, but that did not happen. We need to look at this issue in greater detail and see if we can do something for next year.
- Streamlining the Development Approval Process in SG Locations - Mr. Laria said there was a follow-up meeting w/Prince George's County, and there is still a lot of activity on this matter.
- Rural Growth Issues - The Rural Subgroup has recruited additional members and is scheduling a meeting to begin identify a broader set of issues that impact rural economies of Maryland.

Education Workgroup

Mr. Laria said there are some exciting things happening with this workgroup. Mr. Laria said if we can accomplish what it says in the report (copy in meeting packet); it will be a really good thing. Mr. Turner reiterated that he felt there is real progress being made and some really important initiatives will be rolling out during the next few months. He pointed out significant progress is being made in developing a social media presence related to smart growth.

Housing Workgroup

Ms. Gilbert said the Housing draft paper was passed around at the last meeting. Members were invited to comment. Mr. Laria asked that the report be re-sent to members and given a specific

date to provide comments back to DHCD. Ms. Gilbert said she would like to have comments within the next two weeks.

PlanMaryland Workgroup

Mr. Boyd said the workgroup is making good progress. The Department of Labor, Licensing and Regulation (DLLR) and the Department of Business and Economic Development (DBED) have met with the workgroup, and had very good conversations. Mr. Boyd pointed out the workgroup has concluded “that sustainable economic growth requires a more comprehensive approach than just the strategies proposed by these two agencies. Specifically there is a need to include not only the marketing and business assistance of DBED and the workforce development efforts of DLLR, but also a critical need to address other issues that affect economic growth, such as housing, transportation, and land development.” Mr. Boyd said a meeting is scheduled with DHCD next month.

Mr. Laria said he is happy that PlanMaryland is building this relationship with other agencies.

Ms. Powidzki noted that DBED appreciated the opportunity to meet with the workgroup and stated there is a lot of value in understanding one another’s perspectives.

WIP Workgroup

Mr. Goshorn reported on the Accounting for Growth (AfG) efforts. He stated MDE’s outside facilitated group has been established and has met three times. They will continue meeting until June 2013. All of the materials that have been discussed are on the MDE website. Several issues include whether the AfG policy requires offsetting nitrogen versus offsetting phosphorus, or both. The next meeting is scheduled for April 19, 2013 at MDE.

Mr. Costello said the group has not made a lot of progress as yet. There are five meetings left. They are going to try and build out for the previous WIP Workgroup’s efforts. The baseline discussion is very important.

Mr. Lever brought up several issues concerning the Green Building Council.

Before adjourning the meeting, Mr. Laria reminded members that the next Commission meeting will be held in May in Frederick, Maryland.

The meeting adjourned at 3:50 p.m.