

# Maryland Sustainable Growth Commission Meeting

May 13, 2013/1:00 p.m. to 4:00 p.m.

**Frederick County Library - C. Burr Artz Community Room**  
**110 East Patrick Street**  
**Frederick, Maryland**

## Meeting Summary

***Members:*** Jon Laria, Derick Berlage, Greg Bowen, Karl Brendle, Kelly Cartales, Diane Chasse, Cheryl Cort, David Costello, Sandy Coyman, Charlotte Lawson Davis, David Goshorn, Rich Hall, Don Halligan, Frank Hertsch, Gerrit Knaap, Steve Lafferty, David Lever, Mary Ann Lisanti, Robb Merritt, Dru Schmidt-Perkins, Bryce Turner, Duane Yoder

***Attendees:*** Jamie Bridges, Candace Donoho, Carol Gilbert, David Gray, Steve Goodrich, Crystal Heide, Les Knapp, Juli McCoy, David Moe, Shannon Moore, David Nedred, Jim Raley, Brenda Smith, Elizabeth Stahlman, Christopher Uhl, Audrey Wolfe

### **Elected**

***Officials:*** Shelley Aloï (Frederick City Alderman), David Brinkley (State Senator), David Gray (Frederick County Commissioner), Mayor Randy McClement, James Raley (Garrett County Commissioner), Paul Smith (Frederick County Commissioner), Blaine Young (President, Frederick County Commission), Karen Young (Frederick City Alderman), Ron Young (State Senator)

***MDP Staff:*** Brian Bieretz, Chuck Boyd, Amanda Conn, Peter Conrad, Al Feldstein, Rich Josephson, Jenny King, Stephanie Martins, Graham Petto, Matt Power, Pat Russell, Ryan Sigworth

### **Welcome and Opening Remarks**

The Chair, Jon Laria, began the meeting by welcoming and thanking everyone for coming. He acknowledged that it is good to have these meetings around the State. It gives people a chance to see smart sustainable growth in action. Mr. Laria said he enjoyed the wonderful tour of Carroll Creek Park before the meeting, and invited members and staff who did not join the tour, to please take a walk around after the meeting. He noted that Carroll Creek is a tremendous project.

Mr. Laria mentioned a couple of administrative matters. He reported that Mayor Victoria Jackson-Stanley announced her resignation from the Commission, and that a replacement will be forthcoming. Mr. Laria acknowledged the challenges of competing obligations for the 36 member Commission, and added that he appreciates the tenacity of everyone remaining active participants.

Mr. Laria also announced that Deputy Secretary Matt Power is leaving the Department of Planning and has taken on a new role as the Director of StateStat in the Governor's Office. Mr. Power will take on this position at the end of the month. Secretary Hall added he wishes him the best and he will truly be missed at MDP.

Mr. Laria acknowledged the number of elected officials attending today's meeting and then introduced them. Today's meeting is an opportunity to hear from both the Mayor of Frederick, Randy McClement and Commissioner Blaine Young, County President.

Mr. Laria then introduced Mayor McClement. The Mayor thanked everyone for coming to Frederick, noting that Frederick is the second largest municipality in the State. He then gave some background information on the city and talked about their accomplishments and their focus on sustainable development.

Commissioner Blaine Young welcomed the Growth Commission and then introduced some of the county staff attending the meeting. He acknowledged Senator Ron Young for all of his hard work in helping build a vibrant city – from leading the redevelopment effort in the downtown after Hurricane Agnes, to facilitating the burying of utility lines on Market Street, to securing a city owned golf course – mentioning just a few of his accomplishments. Commissioner Young also noted that Frederick is an emerging county in Maryland with several growing residential and employment centers. He stated that “planning for prosperity” is the goal of the county, noting there are a lot of reasons people are coming here to live and work, including a vibrant downtown and an excellent school system. Commissioner Young thanked Secretary Hall and the elected officials for their work during the busy Session in Annapolis recently completed.

#### **Overview of City of Frederick & Frederick County**

Mr. Jim Gugel, Planning Manager of Frederick County provided the Commission with an overview of Frederick County's growth trends and general land use/development pattern. He highlighted a few recent development projects in the areas of Urbana and Westview.

Mr. Joe Adkins, Deputy Director of Planning for the City of Frederick, gave a presentation on the city and its commitment of excellence. He noted a number of awards the city has received – recognizing the city for its planning, community development, and historic preservation efforts. The citizens of Frederick City are very active in development/redevelopment of the community. Mr. Adkins noted that the city has a great downtown, much of which can be attributed to the efforts of Senator Ron Young and other leaders in the community that have worked to revitalize downtown Frederick. Mr. Adkins noted that the city isn't without debate over issues like mass transit, density and roads. Currently, the Planning Commission and Board of Aldermen are grappling with a proposed new Wal-Mart and its impact on the Golden Mile Small Area Plan.

During the question and answer session after the presentations, Senator Ron Young mentioned the East Frederick Rising Small Area Plan is another important redevelopment effort that will revitalize an older industrial part of the city and expand the downtown's mixed use area. Mr. Bryce Turner commented on the revitalization that the Carroll Creek infill project has brought to the downtown.

Mr. Laria thanked the city and county officials and local residents for coming to the meeting.

### *Administrative Matters*

Mr. Laria reminded the Commission of the Sustainable Growth Awards and Forum held this past February, indicating that it was quite successful. There were about 100 people in attendance at the Annapolis event, many of which were State legislators. Mr. Laria added that there were seven very good Sustainable Growth Awards presented that night. The video for one of the awards – the White Flint Sector Plan Implementation was played at the Commission meeting. Mr. Boyd reported that the next Annual Sustainable Growth Forum is scheduled for February 5, 2014. He stated that an announcement inviting nominations for the 2014 Sustainable Growth Awards will be made in early June. He also mentioned that the next Sustainable Growth Commission meeting is scheduled for July 22, 2013 and will be held at the Glenview Mansion in Rockville. In the morning of that same day at the Glenview Mansion, a Smart Growth Subcabinet public forum will be held for elected leaders and planning officials.

### *2013 Legislative Wrap-Up*

Secretary Hall talked about several bills that passed the General Assembly this Session, including the Sustainable Communities: Designation and Financing (TIF Enhancement) Bill [HB 613].

Mr. Halligan said that MDOT had a big year during the Session, noting that the Transportation and Infrastructure Bill was a major success. The Governor is scheduled to sign these bills this coming Thursday, May 16. He also mentioned that the Public/Private Partnership Bill passed, and that it would help to leverage public investment to attract private investment.

Ms. Gilbert mentioned the Smart Growth Investment Fund Workgroup Bill [HB 1170] passed. The workgroup members will meet for the first time in June. Ms. Gilbert also noted HB 108, which was sponsored by Delegate Lafferty, will increase a nonprofit organization's maximum sum of contributions under the Neighborhood and Community Assistance Program for tax credits to \$3.5 million.

Delegate Lafferty mentioned the Smart Growth Investment Fund Workgroup will examine the opportunity of equity funds being used to direct public-private investment toward smart growth projects. Delegate Lafferty also listed a number of other important bills, such as HB 263 that increasing the cap from 10% to 25% on the total amount of restoration and preservation expenses eligible for historic structures tax credit against the county or municipal property tax, and HB 184 that allows a \$1 credit against the State income tax for each bushel of oyster shells recycled during the taxable year. As for the budget, he concurred that this was a good year for revitalization programming. He also mentioned that the Baltimore Regional workgroup is being put together by the Speaker.

Mr. Laria said the TIF bill and the budget funding for smart growth programs are significant accomplishments and highlight that the Growth Commission can play an important role in advancing a smart, sustainable growth agenda.

Secretary Hall concurred by saying smart growth in Maryland not only protects the environment but also focuses on revitalizing our existing communities. This year's accomplishments are significant, but are a subset of what we have been doing in Maryland for years.

Senator Young stated that this past Session he introduced his “Zero Energy Bill” – SB 935: Housing - Energy-Efficient and Green Homes - Construction Financing Bill, but did not get the support and interest, which he believed it should have received. He was disappointed that no one from the smart growth or environmental community showed up at the bill public hearing to support his bill. This bill would establish an Energy-Efficient and Green Homes Construction Loan Program within the Department of Housing and Community Development to provide low-interest loans for the construction of “low-energy” and “ultra-low-energy” homes. Senator Young indicated that he felt that in the future zero energy home construction will need to be made part of the building code. Mr. Laria said he would like to engage with Senator Young and find out some more details about this bill. Senator Young said he feels this proposed legislation could offer Maryland a great opportunity to be more energy independent.

### **Presentation on the Sustainable Transformation of the Appalachian Region (STAR)**

Mr. Gerrit Knaap thanked people for their help on this project, many of which were present at this meeting. He noted that this is not a plan for Western Maryland, rather an assessment of economic development opportunities. Mr. Knaap then introduced Jason Sartori of the National Center for Smart Growth, who worked with Mr. Knaap and partnered with the University of Maryland Extension and the Greater Cumberland Committee to coordinate a region-wide effort in Western Maryland. Mr. Sartori went through a PowerPoint presentation on the findings from the STAR report. He encouraged Commission member to review the STAR Overview handout sheet in today’s packet of materials and to visit the Center’s web site to view the full report.

In concluding the presentation, Mr. Knaap added that more analysis on Western Maryland’s economy needs to be completed, considering the economic conditions from a broader regional context.

Mr. Duane Yoder encouraged Commission members and others to look at the economy of Western Maryland from a regional perspective. This part of the State has stronger ties to West Virginia and Pennsylvania than to the Baltimore-Washington region.

Mr. Laria raised the question with the Commission – how are we going to address smart growth in these rural areas? He acknowledged that the issues are different than those of more urban areas, and those of Western Maryland are different than the challenges facing communities on the Eastern Shore. He encouraged the Commission to serve as a vehicle to address these issues, adding there are opportunities. Mr. Laria expressed appreciation to Mr. Sartori and the Center for presenting the report, noting there is important information in this report for everyone to consider. Mr. Laria then opened the agenda item up for comments from the public attending the meeting.

Garrett County Commissioner James Raley reiterated that the STAR report serves a good summary of the diversity in economic issues facing Western Maryland. He indicated that it was their hope that a collaborative effort both public and private can begin to address the issues identified in the STAR report.

Mr. Knaap said members can visit the STAR project website for more details at <http://smartgrowth.umd.edu/starproject.html>.

### *Frederick County Tier IV Exemption Request*

Mr. Graham Petto reviewed with the Commission a PowerPoint presentation on the “SB 236: Frederick County Exemption Request Analysis.” Copies of this PowerPoint were also included in today’s packet for the meeting. Mr. Petto went over the general process of analyzing Frederick County’s Growth Tier IV exemption request and reported that MDP estimates, based on the county’s zoning and existing development, the overall density of Frederick County’s Tier IV areas would be 1 unit per 20.3 acres.

Ms. Dru Schmidt-Perkins inquired whether there would be an opportunity to revisit the Tier IV exemption if things changed in the future. Secretary Hall said the law provides for MDP to revisit a Tier IV exemption if a local government changes its zoning or other development regulations. Based on County’s past efforts to protect its rural areas, Mr. Hall said that during deliberation of SB 236 he had considered Frederick County as likely candidate to qualify for the Tier IV exemption. But, he noted that if in the future things change MDP would be able to revisit its determination.

In response to a question about likelihood of more major subdivisions occurring in the Tier IV rural areas if this minor subdivision exemption were granted, Jim Gugal from Frederick County Planning explained that many developers in the rural area decide to not pursue a major subdivision because a major subdivision triggers APFO testing and mitigation. The additional few lots resulting from the major subdivision are typically not worth the extra development costs.

The Commission members expressed their appreciation to MDP and Frederick County Planning staff for the Tier IV exemption analysis.

### *Workgroup Updates*

Mr. Laria began by saying all of these workgroups are doing good work. He indicated to members that he is interested in their feedback on these updates and to help identify issues the Commission should address.

#### Indicators Workgroup

No report. MDP and the National Center are working on a proposal to address the indicator issue moving forward.

#### Housing Workgroup

Delegate Lafferty said they have received a number of good comments on the report. DHCD staff is working to address these comments.

#### Adequate Public Facilities Workgroup

Mr. Hertsch presented the draft report at the last meeting and asked for comments. The workgroup has received comments from SHA and MACo and has been processing the comments. He indicated he would like to finalize the report before the next meeting. (copy of report in today’s packet)

### WIP Workgroup

Mr. Costello said that as of last Friday, MDE's Accounting for Growth Workgroup has worked through about half of the issues/alternatives initially identified for consideration. There are three meetings left between now and June. He said the plan is to present a status report on the conclusion from MDE's workgroup to the Commission in July.

### Concentrating Growth Workgroup

Mr. Berlage went over the group's report (copy in hand-outs). He reported the Finance Committee has made significant progress this year, pointing to the summary of FY 2014 Budget and Legislative Highlights.

The Smart Growth Status Check document was revised based on comments made at previous Commission meetings. Given the vigorous debate over the merits and concerns regarding the Status Check document, the Workgroup would like to get a sense from the Commission on whether there is support to continue working on this project or should it be dropped. Mr. Bowen said he likes some of the analysis and feels it is moving in the right direction, but the work product is not there yet. Mr. Knaap asked the question who decides the thumbs up and down on a particular indicator. He felt there is still a long way to go before he believed the Status Check document should be used. He also suggested having this combined with Indicators effort. Ms. Schmidt-Perkins felt the draft document is improved, but still was not sure it is there. She said that this version is better than the previous "checks" and "pluses," but there is a big difference from "Are we getting there or not?" / "Did we hit the mark?" versus "Are we moving forward in the right direction?" / "Are we picking up the pace?" Mr. Halligan agreed that the Status Check document should be combined with Indicators effort. Mr. Goshorn indicated that the Status Check document should be able to answer the question "where are we today?" and "where do we want to be?" Mr. Costello suggested the Status Check document should be more refined; graphics would be good and have more perspective.

### PlanMaryland Workgroup

Mr. Knaap gave a brief status report (copy in packet). He said the workgroup has been going through implementation strategies. They have met with DBED and DLLR staff and are working to help move forward some of their strategies. They also met with DHCD; where the focus of discussion was on the Housing Plan. The group will be meeting with MDOT soon to talk about the State Transportation Plan.

### Education Workgroup

Mr. Laria acknowledged the significant progress the Education Workgroup has made. He indicated that he would like to get the Planning Commission Training Course (PCTC) report out, but would prefer to have Calvin Ball at the meeting for discussion. It was decided that the presentation on the PCTC assessment /recommendations would be deferred to the July meeting. Mr. Turner said the workgroup would like to get input from the Commission on the PCTC report before finalizing its recommendations. Mr. Laria said the report looks great, but would like to wait until next time for a full report. Mr. Bryce suggested sending out a one-topic email on this subject to the Commission, so they will have had an opportunity to read the report before the next Commission meeting.

Mr. Conrad referred to the Sustainable Growth Challenge (in today's packet) and added it has been generating significant interest from colleges and universities throughout the State. He noted this should be a fun project for students, while also generating positive support for smart growth.

**Other Business**

Mr. Knaap advised that this Thursday, there will be a Webinar regarding "Should Maryland Adopt a California-Style SB 375 System?" for those interested. Contact him if you would like more information.

Mr. Laria adjourned the meeting at 4:15 p.m.