

Memo

From: Paul Smith
To: BOCC
Date: 22 August 2011
Re: PlanMaryland

Dear Commissioners:

This is to formally request that we have a public discussion of the implications of PlanMaryland as a part of a workshop on Thursday, August 25th. I believe we should (1) send the State a letter with comments about PlanMaryland, and (2) take action to make any amendments to our Comprehensive Plan that may be necessary to secure the economic development that we envision for the County.

I. Comments about PlanMaryland.

We, the BOCC, should send written comments about PlanMaryland (PM) to Secretary Hall. Here are some of my concerns.

Following the issuance of PM in May, 2011, a number of counties have given feedback to the State that they are concerned that the State is usurping land use control from the counties. In partial response to this, the State issued its July 2011 "PlanMaryland Progress Report," which attempts to address and allay some of these county concerns. On the one hand, the Progress Report states (page 1) that PM will not "take away any local planning and zoning authority." However, the Progress Report also states (page 2) that "[t]here will not no initial state-designated places in PlanMaryland." The implication of this is that the State will lock the counties into their existing plans, and then take over.

PM projects that Maryland will add 1,000,000 new residents by 2035. PM proposes that the new housing to accommodate the new residences be multi-family dwellings; PM proposes to block the increase in single family detached homes on large parcels of land. The mantra of PM is to Stop Sprawl. Governor O'Malley gave a presentation to MACo on August 19th which alleged that accommodating new population growth through single family homes would cause ten times more Nitrogen to pollute the Chesapeake Bay than through using multi-family dwellings that would use a sewer system. I asked Secretary Hall to send me the written version of what the Governor stated and presented on this issue. Secretary Hall said he would do so. At this point I question the facts and the science that the Governor cited. I intend to check it out.

Governor O'Malley stated that by controlling the type of housing development in the state that the taxpayers can save \$29 billion that it would have had to spend on new roads. He pointed out that denser residential development along transportation corridors allows for transit to be more efficient, and it helps take vehicles off of the roads. PM proposes to prevent development from taking over open spaces (i.e., farms, woodlands, etc.).

A. **Land Use Control.** State documents about PM do not make it clear that Counties will retain the power to control local land use. On the contrary, current documents and statements indicate that the State intends to take over the control of land use. Language to the contrary in PM is contradicted by other language in the documents. In the Governor's presentation to MACo on August 19th, it is clear to

me that he intends for PM to control and dictate land use in the counties. When the Governor was asked to clarify his intent in this matter, he asserted that the counties derive from the State the authority to dictate land use.

On the one hand PM proposes to implement a state-wide plan. However, PM does not state the specific **transportation** and **economic growth** plans that is proposes. PM is too vague and too sparse on specific goals and objectives. Until there are more specifics proposed, PM will have little utility, and it presents a serious threat to the autonomy of individual counties to address its planning goals.

B. **Transportation.** There is widespread agreement as to some of the guiding principles of smart growth that pertain to transportation issues. But some of the accepted principles conflict. Therefore, it is critical that we know the specific plans, in order to evaluate their feasibility and their desirability. For example, smart growth principles include:

- Work where you live.
- Promote residential and commercial growth along corridors, so that mass transportation can become feasible.
- Promote Transit Oriented Development (TOD).

All of these principles have some value. But they are not absolutes. There are multiples competing and modifying principles. Without identifying a specific proposed plan, it will be difficult to identify and evaluate all competing principles.

For example, one of the competing principles relates to the national, interstate highway system that has several major arteries running through Maryland. These major transportation corridors provide a key transportation system in Maryland as well as unique economic opportunities for Maryland. The optimum transportation plan and the best state plan for economic development must fully evaluate and utilize the existing interstate highway system in a wise and desirable plan. For example, the current condition of I-70 and I-270 must be understood, appreciated and addressed. As one who has closely watched the increased volume on these interstate highways over the last 30+ years, the State and the federal government have a need to increase the capacity of this national artery in order to move increasing traffic to and through Frederick County, Maryland.

Any serious plan to bring new jobs to Maryland must seriously address the areas in Frederick and Washington Counties that would be optimum places for some job growth. These are prime job growth areas, due in part to the presence of I-81 (running through Hagerstown) and U.S. Route 15 (running through Frederick).

Because the City of Frederick is targeted to be the northwestern terminus of the transit system that will service the Washington, D. C. area, smart planning would then encourage significant residential development in Frederick, near the terminal. Frederick County will certainly want to control the location and density of the residential growth within its boundaries. Frederick County will certainly weigh in on this issue. The County will not want the State to dictate where such growth can and cannot be. Furthermore, the County wants the ability to revise its own plans from time to time.

C. **Economic Growth.** PM's treatment of economic growth is so meager that it is laughable; it is nothing more than lip service. There is no secret that Maryland is not regarded as a business-friendly state. Certainly a primary reason for this is the strong presence of the federal government in the State.

In fact, the economic strength that the federal government brings to the State is so significant that it has given Maryland one of the lowest unemployment rates in the nation during the recent economic downturn. But, this does not mean that Maryland is business-friendly. Up to now, Maryland has not been. But the State should have a specific plan to attract new, private-sector jobs. The plan that is required needs to be specific in terms of types of jobs and places for them to come. The plan must include appropriate transportation components and other specific policy and infrastructure components. Absent this, the plan is nothing more than a mirage.

A specific plan for State job growth should include plans for Frederick and Washington Counties. The presence of Ft. Detrick and the National Cancer Institute in Frederick are major draws for jobs. Also, the presence of I-83 and US 15 both give key transportation advantages for jobs. Finally, the natural resources of Frederick and Washington Counties are powerful draws for major companies. In exchange for some state funding, these counties can be expected to happily work with the State in promoting job growth in these counties. But this County will certainly vehemently oppose giving the State unilateral authority as to where and what job growth is developed in the county.

D. **Sustainable Growth.** PM mandates sustainable growth and protection of natural resources. While these principles are fine in a vacuum, they can present a problem if those areas that are over-developed undertake to make the rural counties abide by principles that they have long ignored. For years, Frederick County has jealously guarded its natural resources. We have done a pretty good job, compared with the counties that surround us, whereas the more urban counties have historically done a poor job. If PM is put into effect, this would empower the more populous counties which have not shown exemplary stewardship of natural resources to dictate to Frederick County how we should preserve our natural resources. Not only is this ironical, but it is also tyrannical and offensive.

E. **Opposition to Low-Density Residential Development.** PM opposes low-density residential development. Frederick County is one county that has the capacity to accommodate significant low-density residential housing, whereas Baltimore City, Baltimore County, Montgomery County and Prince George's County have only minimal capacity for more low density housing. It is offensive to me to have people from these other counties micromanaging where and how much low-density housing we will have.

PM attacks "sprawl" and attacks the building of single-family homes for new residents. But I submit, that Frederick County, which has successfully controlled excessive residential development, should continue to have primary control over the location and composition of new residential development. It's not fair that those counties which have allowed excessive growth should now tell us in Frederick County that we must leave our open spaces undeveloped so that they (in the densely populated counties) can have the joy and benefit from open spaces in Frederick County.

F. **State Control over development, conservation and sustainability.** PM states the following: "First, it recognizes that the goals for development, conservation and sustainable quality of life are interdependent and cannot be achieved through the independent initiatives of the State and local governments and the private sector." This statement is a serious concern for me, because it is the premise upon which PM proposes to empower the State to exercise total control over the land development in Frederick County. It is important for state, federal and private parties to cooperate in land development, but I have serious concerns about the County's relinquishing its land control authority and giving it to the State.

II. Updating the Comp Plan.

The way I interpret PM, the State will adopt the counties' current comprehensive plans, and then lock the counties into those plans. This would then take away from the counties the ability to make changes in future planning. Therefore, at the very least, the current BOCC, should make sure that our economic vision is fully incorporated in our Comp Plan before the State assumes control over land use planning. Specifically, the County Comp Plan does not allow for sufficient job growth; in fact, the current Comp Plan blocks job growth in a number of places where it should occur. We should make all such changes as are appropriate to secure the job growth we want, where we want it.

