News
MACo Reacts to PlanMaryland

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Governor Martin O'Malley has stated that PlanMaryland "is not going to prevent the counties from making stupid land use decisions. They're still free to do that. We're not going to subsidize it." The Maryland Association of Counties ("MACo"), whose comments are summarized below, harbor strong reservations against PlanMaryland's "top down approach", as do many of the counties who have also responded. Both sides express a desire to cooperate in a meaningful way toward resolving problems and finding solutions.

The "winner" of this debate will likely be the side that can most convincingly "sell" its arguments regarding regional issues, such as:

- fostering balanced solutions to legitimate environmental concerns,

- combating sprawl and traffic gridlock, and

- "balancing housing with jobs" while accommodating affordable and workforce housing in close proximity to existing and planned employment centers that are accessible by effective public transportation and infrastructure.

In the interest of brevity in describing the issues, excerpts from the August 30, 2011 comments of the Maryland Association of Counties on the PlanMaryland Draft Plan are set forth below.

MACO PLANMARYLAND COMMENTS

"This document constitutes the Maryland Association of Counties' (MACo's) formal comments on the PlanMaryland Draft Plan (dated April 2011). As part of its comments, MACo will also reference several other documents, including:

- PlanMaryland Draft Plan Executive Summary (April 2011)

- Where Do We Grow From Here? A Report of the Task Force on the Future for Growth and Development in Maryland (December 1, 2008)

- Letter to Secretary of Planning Richard Hall from MACo and Maryland Association of County Planning Officials on PlanMaryland concerns (August 9, 2010)

- PlanMaryland Workgroup Review and Recommendation Report, adopted by the Maryland Sustainable Growth Commission (July 25, 2011)

- PlanMaryland Progress Report (July 2011)

- Maryland Department of Planning (MDP) Pamphlet: What PlanMaryland Is/What PlanMaryland Isn't (Date Unknown)

However, the letter made it clear that PlanMaryland should incorporate local comprehensive plans as part of its foundation (a sentiment also expressed by the Growth Task Force in its 2008 report) and not seek to supplant local land use authority or micromanage growth. MACo believes that the first draft of the plan does not adequately address either concern and raises many other policy and process concerns as well.

Based on a thorough review of the PlanMaryland draft and the proposed adoption process, MACo has identified nine issues that should be addressed if PlanMaryland is to truly become the collaborative land use document that it purports to be.

1. PLACE DESIGNATION PROCESS AND SELECTION

A. The place designation categories and criteria should be clearly defined through a collaborative process involving the State, local governments, and other stakeholders. The benefits and drawbacks of each designation category should be clearly explained.

B. Plan Maryland should clearly define a place designation process collaboratively agreed upon by the State, local governments, and other stakeholders. The process should be linked with local comprehensive plans and zoning. Growth areas should be designated by local governments, with collaborative feedback and comment from the State (analogous to the current system used for Priority Funding Areas (PFAs)). The State and local governments should also work collaboratively on other place designations. The State should not make any initial place designations.

C. The Plan should specify what happens when an area is subject to multiple place designations.

D. The Plan should specify that the place designation process will not occur until the designation criteria, State policies and implementation strategies, and local responsibilities are developed.

E. PlanMaryland should clarify that the three "Prints"- GrowthPrint, AgPrint, and GreenPrint, do not represent strict boundaries dictating where growth and preservation should occur. Rather, the "prints" are useful analytical mapping tools that can assist in, rather than determine, place designations.

2. STATE POLICIES AND IMPLEMENTATION STRATEGIES

State policies and implementation strategies should be developed through a collaborative process involving the State, local governments, and other stakeholders. Both the benefits and consequences of the policies and implementation strategies must be explicitly identified in the Plan prior to its implementation.

3. LOCAL GOVERNMENT RESPONSIBILITIES

Any envisioned local government responsibilities should be developed through a collaborative process involving the State, local governments, and other stakeholders. Any mutually-agreed upon responsibilities should be explicitly identified in the Plan prior to its implementation.

4. IMPLEMENTATION SCHEDULE

PlanMaryland should include a timetable outlining envisioned development and implementation milestones, including those concerning the place designation process, State policies and implementation strategies, indicators, and local government responsibilities.

5. PLAN INDICATORS AND MONITORING

The Plan should detail the monitoring and annual review process of the Plan. Any indicators that will be used in relation to PlanMaryland, especially those envisioned to be collected by local governments, should be clearly identified.

6. PLAN OVERSIGHT

As key implementers of PlanMaryland along with the State, local governments should have a role in the oversight of the Plan in tandem with the Smart Growth Subcabinet. The advisory role and duties of the Sustainable Growth Commission should be better defined.

7. SCOPE AND BOUNDARIES OF THE PLAN

PlanMaryland should clearly define its scope and boundaries. The Plan should include the following language from the MOP pamphlet What PlanMaryland Is/What PlanMaryland Isn't:

[PlanMaryland] is not a:

- Substitute for local comprehensive plans nor will it take away local planning and zoning authority.

- Top-down approach to force compliance with a statewide land-use plan.

- Silver bullet that will solve all of our problems, but it is a strategic plan to address issues such as community disinvestment, sprawl development and inefficient use of existing resources.

- "One size fits all" approach. PlanMaryland recognizes that different areas of the state have different characteristics, problems, issues and opportunities.

- Mandate to spend more. On the contrary, if PlanMaryland helps local governments implement their existing comprehensive plans, it will save money by avoiding expenditures for unnecessary infrastructure and other costs.

- Conclusion, but the beginning of a collaborative process between the State and local governments to address critical issues of environmental and fiscal sustainability.

Additionally, the Plan should state that list what state actions, such as the issuance of specified permits and approvals, will and will not be considered part of the Plan.

8. TIME TO COMMENT ON SECOND DRAFT

The Governor's approval of the second draft of PlanMaryland should be delayed for a period beyond the recently-announced 60 day comment period to allow adequate public and stakeholder review and input. The delay is necessary to refine the second draft into a viable framework for the Plan's future implementation.

9. FUTURE PARTICIPATION IN THE PLANMARYLAND DRAFTING PROCESS

PlanMaryland should contain language stating that all stakeholders will be afforded an adequate amount of time to review and comment on any future changes to PlanMaryland and that local governments be able to collaboratively participate in the drafting of those changes.

CONCLUSION

In conclusion, MACo believes that there is merit to a State land use plan if the plan fosters between communication between local governments and the State and helps resolve conflicting State policies. However, as it stated in its August 2010 letter to Secretary Hall, MACo cannot support a plan that would impose a "centralized State-controlled land use model" and the initial PlanMaryland draft certainly contains such an aspect, starting with State final approval of designated places.

Other "vertical integration" components of the draft appear to go beyond simply improving understanding and communication between the State and local governments on land use visions and policies. Instead, as the PlanMaryland Draft Plan Executive Summary details, local governments are expected to comply with the State land use goals and objectives, even if this goes against local comprehensive plans and priorities:

"Designated Places and implementation strategies will establish shared commitments for State agencies and local governments. To ensure that these commitments are sustained, the Smart Growth Subcabinet will oversee a PlanMaryland Consistency Process. State agencies and local governments contemplating actions that might contradict established goals and commitments will be responsible for bringing the actions to the Consistency Process for review. The process will seek to ensure two outcomes: (1) that the actions support the goals of the plan and (2) that State commitments to target limited capital and non-capital resources continue to contribute most effectively to the achievement of plan goals."

Such language does not support collaboration and should be addressed with revised language concerning Plan oversight. For PlanMaryland to be ultimately successful, it must be based on a genuine collaborative partnership between the State and local governments, with mutually agreed-upon rules and limits.

MACo will continue to work with the State and other stakeholders to address our concerns of State control over place designations, the oversight process, and the lack of detail regarding the place designation criteria and process, State policies and implementation strategies, and local responsibilities. Ultimately, MACo believes PlanMaryland has the potential to foster better land use practices across the State and looks forward to further dialog and work on the issue."