

August 11, 2011

Richard Eberhart Hall, AICP  
Maryland Secretary of Planning  
301 West Preston Street  
Suite 1101  
Baltimore, Maryland 21201

**RE: Cecil County's Plan Maryland Comments**

Dear Secretary Hall:

As you are aware, Cecil County has a number of fundamental misgivings relating to PlanMaryland. However, for the record, we want first to make clear that our dissent is not the result of any inherent opposition to Smart Growth policies, per se. Indeed, our current and our previous Comprehensive Plans embrace the very heart and soul of Smart Growth (in the case of our 1990 Comprehensive Plan, even before that phrase was actually coined):

The primary intent of this plan is to concentrate development in growth areas. This will allow the County to efficiently plan for and implement public infrastructure and deflect future growth away from rural areas, thereby protecting the County's rural character and supporting agriculture and agribusiness.

By concentrating residential, industrial and commercial growth in the Growth Corridor, the County can reduce the cost of providing public infrastructure – by making it more efficient – and limit impacts to the environment.

Thus, Smart Growth's hallmarks of environmentally- and fiscally-sustainable growth are among Cecil County's core beliefs.

Also among our core beliefs in this, our participatory democracy, is the maintenance of public confidence, supported by such core values as accountability, mutual respect, and open and effective communication. Thus, our 2010 Comprehensive Plan is the product of more than 2 years of crafting by a diverse, 41-member oversight committee (and their 7 subcommittees), review by the Cecil County Planning Commission, review by the Cecil County Board of County

Commissioners, public hearings, and, literally, more than one hundred meetings – all of which were open to the public, who had a meaningful say in the development of our planning policies *before* our 2010 Comprehensive Plan was adopted.

Therefore, one strand of our PlanMaryland concerns deals, essentially, with procedural issues. Generally, we see the development of PlanMaryland as a process devoid of opportunity for *meaningful* input prior to adoption. Our more specific comments are as follows:

- Given Maryland’s self-promotion as a progressive planning state, it is highly problematic that the Maryland Department of Planning (MDP) never collaborated with the towns and counties in determining the geographic boundaries of the AgPrint, GreenPrint and GrowthPrint area, as would have been consistent with the current strategic planning literature. In fact, such collaboration could have averted the spectacular and stunning exclusion of the Bainbridge site from the GrowthPrint boundary.
- Other states and regions have successfully implemented interjurisdictional policies. The state and regional planning literature reflects that, in so doing, they have had a choice of three basic approaches.

The first we might call the Scotch Tape Model. Basically, it takes all local plans and tapes them together for the state or regional plan. None of the local jurisdictions gets their feelings hurt, and there’s no potentially adversarial dialogue, but the plan reflects no unified direction, leadership, or real policy value.

The second and most successful approach we should call the Collaborative Model, or the clearly preferred approach. This works, and it works precisely because there has been local buy-in of mutually-developed visions, goals, objectives, and strategies, and because the policy was collaboratively tweaked to maximize its effectiveness across a region or state. This has been, more or less, the Maryland model heretofore, and the broad, statewide embracing of Smart Growth attests to its efficacy.

The third style we could call the Paternalistic Model. It is inconsistent with any notion of open, interjurisdictional collaboration, and it is this top-down approach, unfortunately, that has been the MDP methodology, with no broad local stakeholder buy-in. With this model, therefore, we know that attempts at implementation can get ugly, fast.

- The public review and comment period, ending on 1 September 2011, shall have been meaningless unless there is the genuine opportunity by local governments to effectively collaborate with the State to modify the AgPrint, GreenPrint, and GrowthPrint areas, where appropriate (read: Bainbridge).

Rather, local governments will need to go to the Smart Growth PlanMaryland Working Group (SGPMWG), a subset of the Smart Growth Coordinating Committee

(SGCC), which, in turn, is a subset of the Smart Growth Subcabinet, and related and subordinate to the Sustainable Growth Commission for dispensation.

This process is obviously appropriate only to the proposed PlanMaryland process after adoption of a PlanMaryland that is first the product of open, interjurisdictional collaboration. That this convoluted method would be accessible and available to local jurisdictions only after PlanMaryland's implementation speaks most revealingly to the absence of a collaborative, democratic, and open methodology in the crafting of PlanMaryland.

- We question why was it necessary for the State to create a labyrinth of commissions, committees, subcabinets, acronyms, inconsistent (and somewhat unreadable) maps, and 188 pages of planning techno-babble that even members of the General Assembly have proclaimed unfathomable. Surely, State departmental policy consistency requires, at most, only a stroke of the Governor's pen.

Rather, one of the myriad of possible, plausible answers is that it was to create a pretext by which to transform the traditional local growth area boundary debate *from* one in which MDP was essentially on the defensive as to why the entirety of local growth areas are not in the PFAs – *to* one in which local governments, instead, would now be on the defensive simply trying to include the entirety of PFAs in the new GrowthPrint areas. While not a blatant and obvious structural usurpation, this significant change in relative positions serves to undergird an oblique effort to expunge the effective authority of local plans, local visions, and the venerable precedent of local planning authority.

- The plain fact is that Cecil County's 2010 Comprehensive Plan's vision, goals, objectives, and strategies will be achievable only with expanded infrastructure in our designated growth area. That expansion, in turn, can be achieved only with requisite amendments to our Master Water and Sewer Plan (MWSP), and possible Maryland Department of the Environment (MDE) approvals thereof will be a function of the disposition of the Smart Growth PlanMaryland Working Group (SGPMWG), the Smart Growth Coordinating Committee (SGCC), the Smart Growth Subcabinet, and the Sustainable Growth Commission toward local decisions – whether or not they are consistent with the Comprehensive Plan.

Thus, a costly State bureaucracy will supplant local boards and commissions as the effective locus of authority for local land use decision-making. Adding procedural insult to this fiscal injury to Maryland and Cecil County taxpayers is the prospect of their having to travel to Annapolis and/or Baltimore to speak either in favor of or in opposition to development proposals' MWSP amendment's consideration before the SGPMWG, the SGCC, Smart Growth Subcabinet, the Sustainable Growth

Commission, and MDE. On the other hand, of course, PlanMaryland makes no mention of citizens' actually being afforded any opportunity to so testify.

The other strand of our PlanMaryland comments and questions relates to substantive land use planning and policy issues, as follows:

- Chapter 2, especially, pervasively reflects PlanMaryland's Baltimore-Washington conurbation-centric predisposition. For example: *"The era when people shopped at Stewart's or Hoschild Kohns on Howard Street in downtown Baltimore or at Hecht's or Woodies in downtown Washington is long gone. A new generation of major retailers like Wal-Mart, Giant Food, Safeway, and Home Depot (all four of which are among the top 25 employers in the State) have business models that depend on the cheap transportation of goods (almost exclusively by truck), large land-consuming distribution centers, and dispersed, auto-oriented retail outlets to serve dispersed, auto-dependent consumers."*

It must be recognized that a) the vast majority of Cecil Countians never routinely shopped at the referenced Baltimore-Washington retailers; b) said retailers, in fact, also relied on trucks (perhaps exclusively?) for deliveries of merchandise; c) compared to the then-neighborhood, corner-stores, Stewart's et. al., were, themselves<sup>1</sup> and their distribution centers (think: Montgomery-Ward's on Washington Boulevard or Hecht's on New York Avenue), large consumers of land; and d) whatever miniscule minority of Cecil County consumers who would have shopped at Stewart's et. al., would have been, most assuredly, "auto-dependent consumers," indeed!

Moreover, any notion that Cecil's (or, for that matter, many of our other less Baltimore-Washington-centric Maryland counties) population consists mainly of transplanted Baltimoreans and Washingtonians, as appears suggested in PlanMaryland's Maps 2-1 and 2-2, is patently erroneous. Quite simply, the data reveal that Cecil County has seen far more net in-migration from across the Delaware and Pennsylvania state lines than from across the tolled Susquehanna River. Those data are, in fact, supported by County development patterns that historically have been much more substantial in the eastern end than in the western end of the County. Had our population growth been the result of in-migration from Baltimore and Washington, then we would have seen more substantial development in the western end rather than in the eastern end (the Delaware and Pennsylvania end) of the County.

- Again in Chapter 2, Section C, Land Use Trends, once more we see the Baltimore-Washington frame of reference. PlanMaryland simply does not take into account the fact that there are, and historically have been, cities in Maryland other than Baltimore and Washington serving as vibrant centers of culture, commerce, and residence.

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<sup>1</sup> What's more, Hoschild Kohns was recognized as a national retail industry leader and pioneer among downtown department stores in the expanding to suburbia in the 1940s! They virtually invented the trend.

So long as the State embraces land use and transportation policies for cities other than Baltimore and Washington that preclude the possibility of sustainable development at the densities necessary to support transit and commuter rail, then the “auto-oriented suburban office parks” will remain the only form of business development that is feasible. Moreover, if we are to strike a truly effective blow for Smart Growth in Maryland and Cecil County, then PlanMaryland needs to be more than the Baltimore-Washington metropolitan area plan that it is.

- How does the use of increased MdTA toll revenues to fund the Inter County Connector serve to reduce our dependence on automobiles? Would not using those same revenues to fund public transportation and commuter rail better minimize our auto-dependency and, thus, land-consumptive, auto-oriented suburban sprawl development?
- On page 2-14, we again see the Baltimore-Washington-centric paradigm: *“The first wave of suburbanization in Maryland began in the 1950s and involved the migration of residents from Washington, D.C., and Baltimore to the four adjacent inner suburban counties of Montgomery, Prince George’s, Anne Arundel and Baltimore Counties. The second wave of suburbanization began in the 1970s and was characterized by migration of residents of the four inner suburban counties to the next adjacent suburban ring.”*<sup>2</sup>

That passage, reasonably inferred to be the concise PlanMaryland problem statement, makes absolutely no mention of Cecil County! Thus, the question that logically arises is, if Cecil County was not part of the original problem, how can it now reasonably be part of the solution? Any attempt to do so, in fact, runs contrary to PlanMaryland’s very own admonition as to the inadvisability of any one-size-fits-all policy approach on page 1-9: *“One size does not fit all situations when it comes to implementing Smart Growth – there are regional differences that require flexibility in order to achieve Smart Growth goals.”*

- Map 2-8 on page 2-22 fails to recognize the Elkton area’s Census Block population densities, given their proximity to Amtrak and SEPTA regional rail service at the Newark train station, as well as DART bus service at Peoples Plaza, Glasgow, and DART route 65 service between Elkton and Newark. Map 2-8’s orientation toward Baltimore and Washington as trip destinations is obvious.
- Map 2-9 and the accompanying text on page 2-23 are nonsensical. Dealing with housing impacts on transportation, the map, for example, shows that 59% of home sales in Baltimore city were in the ‘affordable’ range, while only 14% of those in Cecil County were affordable.

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<sup>2</sup> In fact, Greenbelt, in Prince George’s County, Maryland, one of three “green towns” planned by New Dealer Rex Tugwell in the 1930s, opened in 1937 (not the 1950s). This collectivist experiment in social engineering rescued many of its new residents from Baltimore and Washington urban slums to its more healthy and wholesome, suburban environment.

Yet, the text states: *“One impact of higher housing costs has been to encourage people to live farther from their jobs, in search of more affordable housing. This has increased the commuting distances and travel times for workers.”* Since the statistics represented in Map 2-9 show that, on a percentage basis, the availability of affordable housing in Baltimore is 4 times that in Cecil County, they simply do not support the statement. Since it is equally implausible that rational, utility-maximizing workers may drive the extra distance to find less affordable housing, other independent variables likely explain the consumer choice to live farther from their jobs – at least for the small number of Cecil Countians who actually work in Baltimore.

- Chapter 2’s section dealing with agricultural and natural resource lands on page 2-25 cites the Maryland Agricultural Commission’s Statewide Plan for Agricultural Policy and Resource Management as follows: *“Maryland farmers face increasing pressures that threaten the viability of the agricultural industry and the land base that supports it. Fragmentation and high land prices, foreign competition, difficulty gaining access to markets, and efforts to reduce agriculture’s impact on the health of the Chesapeake Bay are among the formidable challenges farmers face as they struggle to remain profitable.”*

Cecil County’s efforts to make its Transfer of Development Rights (TDR) program a functioning success, including the tying of development rights to the establishment of Buffers on farms in the Critical Area, have been intended to help financially undergird our agriculture industry. However, if future growth in our Comprehensive Plan’s designated growth area is limited to low-density development because of our inability to expand GrowthPrint and Priority Funding areas in conjunction with MDE approvals of MWSP amendments, then there simply will be no market for the TDRs – and, thus, no TDR-based financial support for our vitally important agriculture industry.

- Chapter 2’s section relating to water and wastewater infrastructure touts the benefits of community septic systems in rural areas, on page 2-39, as follows: *“Traditional septic systems do not provide effective treatment for nitrogen, the pollutant most critical to the health of the Chesapeake Bay. They release about ten times more nitrogen per household than advanced community treatment systems. Even newer enhanced septic systems do not reduce nitrogen to the same degree as modern community wastewater plants. With Smart Growth, many thousand fewer septic systems would be installed since the same number of households would connect to community systems with far better treatment, preventing tons of nitrogen discharge into Maryland’s waters.”* It is nothing short of astonishing to note that when the County made essentially the same argument in defense of its MWSP amendment associated with the Bracebridge redevelopment proposal, the Maryland Department of Planning and MDE were both in vigorous opposition!

- On page 4-4: *“Initial State Designations are predominantly based on places and programs already identified and established for growth, revitalization, preservation and conservation by State agencies and local governments.”* And yet, incredibly, the Bainbridge redevelopment site in the Town of Port Deposit was omitted from among the GrowthPrint areas. The solution to that glaring omission? *“Immediately upon the Plan’s completion, the Maryland Department of Planning will begin to dialogue with local governments through a preliminary nomination and State feedback process described in Section E of this Chapter.”* The starting of a dialogue with local governments only after the completion of the plan helps ensure the pitfall of the very one-size-fits-all policy outcome decried on page 1-9.
- On pages 4-8 and 4-9, PlanMaryland states: *“Established communities will be supported by resources to maintain quality of life and to help ensure that public and private investments retain their value, but not to further growth.”* This present-oriented thinking conflicts with the future-oriented, forward thinking of the Cecil County Comprehensive Plan, whose vision embraces future sustainable development in a designated growth area that would support transit and commuter rail, walkable mixed-use development, and the preservation of our rural conservation and resource protection areas. The PlanMaryland present-oriented thinking, embracing the status quo, is a No Growth, not a Smart Growth, land use policy approach.
- In conjunction with Map 4-2 on page 4-10, on page 4-9, the text reads: *“Pending the State/Local Designation process, all other areas in PFAs not identified as GrowthPrint Areas will initially be recognized as Established Communities.”* To be sure, PFAs have not been done away with. Nevertheless, the new GrowthPrint areas will supplant the PFAs in significance in the development and formulation of our plans, programs, and projects. What’s more, inasmuch as previous local plans, programs, and projects were developed predicated upon a shared understanding as relates to PFAs – a shared understanding that would no longer obtain with the advent of the new, more limited GrowthPrint areas – all local plans would essentially be rendered obsolete with the adoption of PlanMaryland. Thus, previous valuable public input and participation in the local planning process will prove to have been nothing more than time wasted.
- On page 4-10: *“Local governments are encouraged to identify planned and developing portions of the PFA as GrowthPrint Area candidates if these areas reflect the type of development described in GrowthPrint Area objectives.”* Local governments, of course have already identified planned and developing growth and PFA areas in their comprehensive plans – in the case of our municipalities, in the growth management elements of their comprehensive plan. This is yet another example of PlanMaryland’s rendering all local plans obsolete.

Indeed, in the case of Cecil County, in which a succession of comprehensive plans have each logically and rationally defined the growth area largely as the corridor that includes US Route 40, Interstate Route 95, the Amtrak Northeast Corridor, the Class

1 CSX and Norfolk Southern main rail lines, and the infrastructures of the Towns of Charlestown, Elkton, North East, Perryville, and Port Deposit, it would appear that the famous quote of Treasury Secretary Andrew Mellon ('No good deed goes unpunished.') would hold true. By our incrementally and prudently approving development, only when and where infrastructure became available, the resultant significant swaths of yet-to-be-developed raw land in our designated growth area is now not looked upon by PlanMaryland as favorably as it would be had we ignored our Comprehensive Plan and approved projects here-and-there, willy-nilly, irrespective of our mutual goal of rational, sustainable growth. Ironically, had we, in the past, pursued a 'worst-practices' planning approach, we would be blessed with the opportunity for in-fill development now!

- On page 4-14: *“Initial State Designation of GrowthPrint Areas are located within a jurisdiction’s Priority Funding Area and are: (1) Already targeted for growth and revitalization through specific State programs; or (2) Approved as a ‘Sustainable Community’ in accordance with the designation criteria of the Sustainable Communities Act of 2010.”* It is still unclear why, in Cecil County, the Bainbridge redevelopment site did not qualify as a GrowthPrint area.

In our opinion, the PlanMaryland document, drafted, as it was, during the construction of the Inter County Connector and the planning of additional lanes of highway capacity on Interstate Route 95 between MD 24 and the Delaware state line, does not embrace the efficacy of expanding public transportation and commuter rail service. From page 4-17: *“Focus on highway capacity improvements that address safety and system efficiency.”* The ready availability of potential service route infrastructure, as is the case in the Cecil County Comprehensive Plan’s designated growth area, is such an obviously beneficial attribute that it demands inclusion among the GrowthPrint Area Designation criteria.

- Inasmuch as the definition above (page 4-14) includes the very precise key word “or” between the first and second GrowthPrint designation criteria, the imprecise language on page 4-15 is all the more perplexing: *“State/Local Designations of GrowthPrint Areas must be:*
  - *Located within a jurisdiction’s Priority Funding Area Boundaries as of January 2011, unless there is a compelling reason that the existing PFA cannot be further developed or redeveloped to achieve PlanMaryland objectives for GrowthPrint areas.*
  - *Supported by an adopted local comprehensive plan that includes a goal to concentrate the vast majority of the jurisdiction’s future non-resource-based residential, business and employment growth in the GrowthPrint area by 2030. This goal should be sufficient to support achievement of PlanMaryland’s Goals, Objectives and the GrowthPrint Area objectives in light of a jurisdiction’s size, population, economy and projected growth.*
  - *Governed by local capital and non-capital plans, policies, ordinances, regulations, and procedures likely to achieve PlanMaryland’s Goals,*



*Objectives, and the objectives for GrowthPrint Area in light of a jurisdiction's size, population, economy and projected growth.*

- *Areas approved as a 'Sustainable Community' in accordance with the designation criteria provided in the Sustainable Communities Act of 2010 legislation will receive State/Local GrowthPrint Area designation."*

Moreover, not only is this GrowthPoint designation description language apparently at odds with that articulated on page 4-14, but there could be a significant change in meaning, depending whether there is an implied "and" or "or" between the respective bullet-points.

- Smart Growth does not equate to No Growth. Cecil County's growth has not, and will not, come at the expense of Baltimore and Washington, but, rather, primarily from net in-migration from Delaware and Pennsylvania – as one might reasonably expect, given that Elkton, for example, is actually closer to Philadelphia and Wilmington than it is to Baltimore.

If our inevitable future growth in our Comprehensive Plan's designated growth area manifests itself in the form of low density development because the expansion of the GrowthPrint areas are requisite MWSP amendments are blocked by the SGPMWG, the SGCC, the Smart Growth Subcabinet, the Sustainable Growth Commission, or MDE, then, in that case, the opportunity will have been lost for us to effectively and efficiently manage future growth by directing it into higher density, sustainable development patterns that support transit and commuter rail, and bike-ped-friendly mixed-use development, as well as the preservation of our rural conservation and resource protection areas. What's more, there will be concomitant residual, unsatisfied land development demand that never would, nor ever will, find its way to Baltimore or Washington.

In addition, if, as now appears reasonably plausible, a new septic bill is passed in the State Legislature, and if, as seems all too likely with our experience with the Bracebridge redevelopment proposal, the necessary MWSP amendments for rural subdivisions proposing more than 5 lots are blocked by MDE in conjunction with the SGPMWG, the SGCC, the Smart Growth Subcabinet, and the Sustainable Growth Commission because said MWSP amendments are not in GrowthPrint areas, then the State actions will have effectively prohibited proposed development that was, notwithstanding, permitted by local code and ordinance.

Under this essentially no growth scenario, the demand for developable land would have been partially met by the underutilization of land in the growth area with low-density growth, and a trickle of the residential demand would have been met with 5-lot subdivisions in the more rural areas. That, of course, leaves considerable residual, unsatisfied demand. Where will that demand find supply?

In consideration of that question, we believe it far better to fully utilize the density potential of our growth area (and thus better preserving our areas through mechanisms such as TDRs) than to end up with a final future scenario in which the growth area has been consumed by low-density sprawl, and then, under a different, future public policy, the floodgates of our rural areas are opened to the pent-up residual demand (which could, and ought to, have gone into our growth area). That nightmarish scenario envisions a future Cecil County consumed by wall-to-wall, low density sprawl. Ironically, this myopic no-growth approach scenario, by not allowing growth anywhere, ultimately results in low-density sprawl everywhere! That is neither our vision of our future, nor does it fit anyone's definition of Smart Growth.

We end our comments as we began them, proclaiming our continued, mutual adherence to the tenets of Smart Growth. While it is quite natural for State, regional, and local perspectives to yield somewhat different interpretations as to the nut-and-bolts specifics of Smart Growth policies, nevertheless, we respectfully submit that the State's PlanMaryland viewpoint is in error in conceptualizing the Baltimore-Washington area as the sole urban nucleus in the state worthy of future growth. That is an oversimplification of a far more complex reality. More correctly, the state must be seen as consisting of multiple urban nuclei, with each needing to be sustainably expanded to manage future growth to achieve the aggregate, statewide Smart Growth development patterns needed to avoid future cultural, environmental, and fiscal calamity for Maryland and its counties.

Thus, to be sure, on one point we unreservedly and wholeheartedly agree: "One size does not fit all situations when it comes to implementing Smart Growth – there are regional differences that require flexibility in order to achieve Smart Growth goals."

Thank you for your careful consideration of our concerns.

Sincerely,

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President James T. Mullin, District 1

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Vice President Dianna Broomell, District 4

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Commissioner Tari Moore, District 2

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Commissioner Michael W. Dunn, District 3

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Commissioner Robert J. Hodge, District 5