



CONSIDERING THE FUTURE OF COMPREHENSIVE PLANNING IN MARYLAND: A Series of Workshops Conducted in 2008 by the Maryland Chapter of the American Planning Association

Background

The Maryland Chapter of the American Planning Association (APA) hosted four regional workshops in November and December 2008 and a Chapter work session in December 2008 for the purpose of bringing people together to discuss the future of comprehensive planning in Maryland. The intent of this project was to provide a process for the Maryland Chapter of the APA to engage the planning community in discussions about legislative change needed to clarify and strengthen the legal relationship between comprehensive plans and the approval for land development through local zoning. This report is an account of *The Future of Comprehensive Planning in Maryland* workshops and a summary of ideas of the participants.

Regional workshops were held in Easton, Frederick, Prince Frederick, and Baltimore City. These locations represent the four geographic regions of the Chapter: Eastern Shore, Western Maryland, Southern Maryland and Metro Region. Over 110 people participated in the interactive workshops including citizens, representatives from non-profit organizations, university faculty and students, elected officials, and professional planners from both the private and public sectors. Participants in the workshops primarily spent their time working in groups discussing questions and developing individual and group responses. Fifteen professional planners participated in the Chapter work session.

At the workshops, an initial brief slide presentation gave an overview of the history of local and state planning in Maryland, background on local comprehensive planning, and the relationship between comprehensive plans and zoning ordinances. Then participants were randomly assigned to groups to ensure that a broad range of perspectives would be represented within the groups, and Chapter members or volunteers assisted the groups as group facilitators, one for each table. Participants were asked to identify places in Maryland that they valued. Working individually, they were asked to identify the best uses for comprehensive planning, what issues local planning should address, and what issues it should not attempt to address. Participants were asked to identify what planning does well in Maryland at the state and local levels and what planning could do better. They were asked their preferred relation between local planning authority and state planning requirements.

After discussing individual responses, each group then identified the top three responses to each of the questions. Spokespersons from each group shared the results with the rest of the workshop participants. During each of these workshops, several key issues were identified, and participants were polled, using keypad polling equipment and regional maps.

Goals of *The Future of Comprehensive Planning in Maryland* Workshops

The primary purpose of this project was to bring together people interested in the future of their communities, in planned growth, and how long-range plans are implemented. The workshops gave the participants an opportunity to discuss the challenges affecting communities in their region of the state. The impetus of the project was the court case *David Trail vs. Terrapin Run, LLC*. The Maryland Chapter of the American Planning Association joined with the national American Planning Association to submit an *amicus curiae* brief to the Maryland Court of Appeals in the fall of 2007. Both APA and the Maryland Chapter of APA are advocates for good planning. The *amicus curiae* brief's objective was "to explain – from a broad, national perspective – the important role the comprehensive plan assumes in local land use decision-making, and why there must be a strong connection between the comprehensive plan and the day-to-day land use decisions made by elected and appointed officials..." (Brief *Amicus Curiae* American Planning Association and Maryland Chapter of the APA, Page 2).



Figure 1 Favorite Maryland Mapping Exercise, Southern Maryland Workshop

The workshop format was designed to:

- Raise awareness of current status of state-sponsored comprehensive planning in Maryland in light of the recent court ruling,
- Gauge public opinion for changes in planning enabling legislation,
- Educate American Planning Association constituents and planning stakeholders on choices for and consequences of legislative change,
- Gain insights and ideas for improving the state's position in support for public planning, and
- Use as an interactive forum to sample public opinion on preferences regarding the state's position in support of local planning.

Each of the four regional workshops followed a similar agenda: a brief slide presentation on comprehensive planning in Maryland, a short presentation by a national expert on land use regulation, and a facilitated discussion of planning challenges faced by participants in their communities. The participants' responses were documented in order to provide guidance to local and State officials as they considered how to improve local and State planning in Maryland.

The regional workshops were facilitated by Ron Thomas, AICP¹, a nationally recognized leader in urban and regional planning and a leading innovator of community-based vision-driven planning. In order to obtain comments from people from around the state, the Chapter hosted workshops in each of the Chapter's four regions. Each regional workshop was hosted by Chapter members from that region. Chapter members or volunteers provided guidance during the discussions and facilitated dialogue as group facilitators.

At the beginning of each workshop, participants were provided with a keypad polling device to record their demographic data and responses to planning-related questions. During the group discussions, volunteer facilitators documented key ideas. The voting responses of each keypad were instantaneously tallied with other responses and the results were shown on the slide screen. The workshop activities within the groups included introductions and a mapping exercise and facilitated discussion among group members in three segments: why plan, goals for planning in Maryland, and future scenarios for planning in Maryland.



Figure 2 Keypad Polling Devices

Favorite Maryland

At the beginning of the workshops, participants were asked to identify their favorite place in Maryland by locating it on a map of the state and color coding it based upon three categories:

- Green – Completely stable, protected and sustainable
- Orange – Have concerns about its future
- Red – My place is under threat if actions are not taken

Participants were asked to briefly describe any perceived threat to their favorite place and then identify on a scale of 1 to 10 the likelihood that actions might be taken to change the status of threats to their favorite place. The number 1 represented “action is unlikely” while 10 represented “action is likely.” Participants were asked to locate their favorite place within a triangle of three forces: trend impacts, planning, and political will.

Favorite places ranged from small communities and large cities to natural areas and water bodies, such as the Chesapeake Bay and its tributary rivers. Maps of the Favorite Maryland places are located in the report's supplemental information. Threats included development, pollution, climate change and sea level rise, lack of economic development, inadequate planning,

¹ Ron Thomas was the first executive director of America Speaks, an organization that engages citizens and stakeholders in innovative participatory programs that combine face-to-face dialogue with technology.

lack of political will, regulatory barriers to redevelopment, and development incongruent with historic character.

These exercises provided the participants an opportunity to share their favorite places in Maryland, as well as the variety of issues confronting the future of their favorite places as our communities continue to develop.

What Planning Does Well in Maryland

Participants were asked what planning does well in Maryland, at the state and local levels.

Responses at all four workshops indicated a consensus that the State is good at providing data, maps, and/or models and guidelines and the promotion of Smart Growth. Participants also identified broad policies and the Smart Growth initiative as things the State does well, and specifically identified Program Open Space, agricultural preservation, and Rural Legacy as programs the State does well. Participants identified understanding and assessment of local issues, responsiveness to local concerns, citizen involvement, and reflecting local political and economic priorities and preferences as planning efforts that local governments do well.



Figure 3 Group Table with Keypads and Favorite Maryland Map

What Planning Could Do Better in Maryland

Participants were asked what planning could do better in Maryland, at the state and local levels. At the majority of workshops, participants identified better coordination among state agencies as an area where the state government could do better. Other suggestions for improvement included: more coordination between the state and local governments, amending the enabling legislation for comprehensive plans – the six year period for reviewing and updating the plans is too short, reinstating the provision of technical planning support to the local jurisdictions, eliminating regulatory barriers for development in Priority Funding Areas, and providing more examples of what is happening outside Maryland. When asked what planning could be better at the local level, participants at three of the four workshops identified the need to improve coordination/cooperation between the counties and municipalities. Other suggestions for



Figure 4 Group discussion on what planning does well in Maryland at work session

improvement included the need for jurisdictions to adhere to the comprehensive plan consistently, providing more local mass transit and affordable housing, educating the public about what planning is, and providing more examples of what is happening outside the local jurisdiction.

Future Scenarios for Planning in Maryland

At the workshops participants were asked their opinion on the preferred relationship between local planning authority and state planning requirements. The primary responses that emerged from the four workshops was that the state should have an advisory role, be a resource for local governments, and describe the issues to be addressed and give the local governments the flexibility of how to address those issues. Other responses from the groups were preferences for a bottom up aggregation of local plans into a state plan, the state being able to intervene when proposed development is not consistent with state policies and local comprehensive plans, and a formal process of review and approval of local comprehensive plan by the state with performance measures.

Results from the Workshops and Work Session

The Maryland Chapter of the American Planning Committee's Executive Committee used the results of the four workshops and the work session to formulate the chapter's position on several bills proposed in the Maryland House of Representatives and the Senate during the General Assembly's 2009 legislative session. The 2009 legislative session was an active session for bills related to planning. Three significant planning bills became law: The Smart and Sustainable Growth Act of 2009, The Smart Growth Indicators, and the Planning Visions. The Smart and Sustainable Growth Act was the legislative response to the Maryland Court of Appeals ruling in the *Terrapin Run* case. This act clarified the relationship between local comprehensive plans and local land use ordinances. The act specifies that when state law "requires an action be "consistent with" or have "consistency with" a comprehensive plan, the term shall be defined to mean an action taken that will further, and not be contrary to...the plan..." (Senate Bill 280/House Bill 297).



Figure 5 Group Discussions at the Metro Area Workshop

The Chapter's Executive Committee submitted written testimony on four bills during the 2009 legislative session, including written testimony on the three significant planning bills. The Maryland Chapter supported the State Administration's effort to require local planning/development decisions to be consistent with local comprehensive plans and the initiative to require training for local planning commission members and board of appeal members in Senate Bill 280/House Bill 297. The four workshops and the work session provided the Chapter's Executive Committee the background to support this important bill.

Funding for this project was made possible by a grant from the American Planning Association/Chapter Presidents Council. The keypad polling devices and staff support to run them during the four workshops was provided by the Maryland Department of Planning.

Photograph Credits

Jeff Jackman, AICP – Photographs in Figures 1, 2, and 3

Jenny Plummer-Welker, AICP – Photograph in Figure 4

Ron Thomas, AICP – Photograph in Figure 5

Report prepared by Jenny Plummer-Welker, AICP, Chapter President, 2007-2009