

ENVIRONMENTAL LAW INSTITUTE RESEARCH REPORT

Roundtable Report

SMART GROWTH IN SMALL TOWNS AND RURAL COMMUNITIES:

Maryland's Eastern Shore



Smart Growth in Small Towns and Rural Communities Maryland's Eastern Shore

Roundtable Report

Environmental Law Institute Eastern Shore Land Conservancy

Wye Education and Research Center, June 29, 2000

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Introduction

The Chesapeake Bay region has experienced significant growth during the past 30 years and continues to grow at a rapid rate. The population of the region increased 26 percent between 1970 and 1994 and is now expected to increase by an additional 3 million people by the year 2020. The resulting demand for new development, often low-density and single-use, has led to a significant loss of open land and the emergence of new pollution concerns. For example, open land (consisting of farms and forests) now disappears at a rate of 90,000 acres annually -- including losses of 50,000 - 60,000 acres per year in Virginia, 30,000 acres per year in Maryland and 10,000 - 20,000 acres per year in Pennsylvania. During the past 30 years, the region has lost a total of 2.7 million acres of open land. In addition, the region has now lost 60 percent of its wetlands. New low-density, single-use development has caused an increase in traffic congestion, as the number vehicle-miles traveled has more than doubled since the 1970s. Furthermore, the new development also has contributed to rising levels of airborne pollution and polluted runoff, as well as increases in the cost of providing public services for low-density development.

Growth pressures are usually characterized as a problem of major urban centers that expand into the surrounding countryside. However, rural communities and smaller towns also constantly struggle with many issues related to growth pressures. In some cases, rural counties are under tremendous development pressures, while the local commercial centers still experience economic decline. In other cases, rural counties have taken strong actions to limit development, causing the local towns to suddenly need stronger tools to ensure that development happens in a way that is best for their communities. Small towns and rural communities in the Chesapeake Bay region are struggling with issues of how to coordinate and cooperate with each other, how to ensure that actual development meets the local vision for community growth, and how to ensure that they have the tools in place to guide growth effectively. Although growth patterns vary from county to county, all communities share several features in common. Small towns are faced with most of the proposals for new development, while rural areas struggle to maintain farms and protect water quality and habitat.

State government provides strong leadership through Governor Parris Glendening's "smart growth" initiatives. County and town planning authorities support these growth management concepts in their comprehensive plans. However, these initiatives are still met by the reality that each county in the mid-Shore has over 50% of its new development outside of designated growth areas.

The Environmental Law Institute and the Eastern Shore Land Conservancy hosted a Roundtable Dialogue "Smart Growth in Small Towns and Rural Communities: Maryland's Eastern Shore." The Roundtable, focusing on five mid-shore counties and towns, was held June 29, 2000 at the Wye Research and Education Center on Maryland's Eastern Shore. The Roundtable Dialogue was meant to allow participants to address these issues in terms of both town-county cooperation and regional cooperation. The 38 participants included state officials, town managers, local planning staff, local planning commission members, local

business association representatives, academics, local and state environmental organization representatives, farmers, and farm bureau representatives.

Session I: Town, County and Regional Cooperation Ron Young, Deputy Secretary of Maryland's Department of Planning

Ron Young, Deputy Secretary of Maryland's Department of Planning, introduced smart growth as a state-wide effort to keep existing communities strong, protect open space, use natural resources more wisely, and ultimately, limit the impacts of sprawl on the Chesapeake Bay watershed. To create an effective program, Governor Parris Glendening aimed to build consensus by partnering with organizations, municipalities, and citizens to develop a bottom-up, locally-based program which resulted in communities growing by choice, not by chance.

Because no new resources were dedicated to address issues of sprawl, Young explained that existing funds were re-prioritized. For example, Priority Funding Areas (PFAs) were developed. Through PFAs, the State asked communities to identify areas where they wanted to grow, and thus where state funds should be allocated. The Governor has attempted to change the culture in state agencies, in part, through changing the budget priorities. Young also noted that changes in transportation patterns are needed to achieve better growth patterns. Communities are no longer as walkable as they once were; people have become highly dependent upon their cars. Better planning is needed to attain better air quality and healthier communities.

Young explained that there are three new dirty words: "urban," "regionalism," and "density." He noted that these terms were often maligned without really being understood. For example, when shown pictures of developments, people inevitably choose dense, mixed-use communities over sprawling communities. Young pointed out that it came down to how well urban and dense areas were designed and not the fact that they were urban or dense. In addition, Young stressed the importance of communities being involved in planning growth within their own jurisdiction, and beyond it. Communities should be proactive about the type of development they want or do not want. When faced with development projects such as big box stores, communities have options to cooperate with neighboring jurisdictions to find the most appropriate location or to work with the store management to make the design fit the community needs. In his conclusion, Young noted that the State has many resources for communities to use, including technical assistance, funding, and contacts.

Session II: Defining "Smart Growth" for the Eastern Shore

Session II *Defining Smart Growth for the Eastern Shore* was a facilitated discussion addressing issues including specific smart growth needs of rural communities and small towns such as those on Maryland's Eastern Shore and participants vision for smart growth in the region. The discussion also identified and focused in on two major aspects of smart growth on the Eastern Shore: the relevance of maintaining a resource-based economy and the need for increased town / county cooperation concerning growth-related decisions.

The Roundtable participants were unanimously passionate about life on the Eastern Shore. The sense of community and history, the beautiful and productive farms, forests, and waters, the rich biodiversity are all aspects of life on the Eastern Shore that participants wish to see preserved. The Eastern Shore, relatively speaking, is still in the early phases of feeling growth and development pressures. Although the population and residential and commercial land uses have been steadily increasing, the Eastern Shore still depends primarily on a resource-based economy of farming and fishing while the towns still retain their historic character and sense of community. The Eastern Shore, in many ways, is an island. As an island, its communities have a greater need for cooperation and communication in the face of growth pressures. Although each town and county will continue to have its own needs and priorities, participants mostly agreed that regional coordination would only enhance the Eastern Shore's ability to channel and guide growth.

The following lists are summaries of the participants' discussions during *Defining Smart Growth for the Eastern Shore*.

What would participants like to see as a vision for smart growth in the region?

- Protection of environmental resources watersheds, forests, wildlife, aesthetic beauty
- Appreciation of biodiversity and rural landscapes
- Preservation of historic character of small towns and rural villages
- Support of commercially-viable agriculture
- Protection of identities of individual communities

What does the region need to facilitate smart growth in the future?

- Regional cooperation, collaboration, and communication: among sectors and across the region
- A clear connection between growth and infrastructure
- Investment of dollars to make sure land use planning works
- Predictability in planning and zoning
- Re-balancing of funding to meet the real planning priorities of a community
- Everybody at the table
- Equitable solutions to issues raised by growth
- Revitalization strategies for town centers

- Involvement of minority communities
- Education through schools and other avenues to develop community understanding of smart growth issues
- Training for planning and zoning commissions and elected and appointed officials
- Need to use state training academies
- Inventory of important resources and mechanisms to protect them
- Formula for smart growth that is specific to town size
- Cost of services survey
- Clearinghouse for successful models of smart growth tools
- Maps to identify where various resources are located
- Regionally-determined areas of preservation and areas of growth map
- Overlay maps showing plans for future growth

How does resource-based economic development, such as fisheries and farming fit into the vision for the region?

- Current resource-based businesses are fragile
- Towns need resource-based economy to survive
- Communities need to be in contact with farming and other resource-based economic drivers
- Eastern Shore needs to understand the value of farm and community how they come together
- Growth can be channeled to support resource-based economic development
- Utilize dynamic of road and automobile to advantage, not disadvantage of resourcebased economy
- Urgency to think regionally
- Need a resource list of professional advice sources
- Reconcile apparent conflict between environmental issues and resource-based economy
- Need to understand and prepare for impending resource issues, such as potential loss of chicken industry ("chickening out")

Session III: Small Group Discussions

The smart growth debate on the Eastern Shore often comes down to three main areas: (1) the need to minimize the impact of growth on environmentally sensitive lands and waters; (2) the need to maintain rural and historic character of communities, as well as the resource-based economy in the face of growth; and (3) the need for town / county cooperation when managing and guiding development in priority funding areas.

Session III allowed participants to break into three small groups to discuss each of these areas in more detail. The following is a summary of each group's discussion.

Group I: Minimizing the impact of growth on environmentally sensitive lands and waters

Development patterns can have an enormous impact on environmentally sensitive lands and waters if not properly located and designed. The towns on the Eastern Shore were originally developed along the main avenues of commerce: the waterways. Today, as smart growth models push development into and around existing towns, this means a greater burden on already burdened waterways to support this additional development. In addition, some of the regions most environmentally sensitive lands and forested areas are along waterways and in the path of areas slated for future development. This small group discussion focused on ways to minimize the impact of growth on environmentally sensitive lands and waters.

Only days before the Roundtable, the third iteration of the Chesapeake Bay Agreement was signed by the Governors of Maryland, Pennsylvania, and Virginia, the Mayor of the District of Columbia, and the U.S. Environmental Protection Agency. For the first time, the Agreement explicitly provides for smart growth, committing that by 2010 "harmful sprawl" will be limited watershed-wide and that the region will work to actively preserve the Bay from development.

The group identified the following as major issues and potential future directions when considering the potential impact of development on environmentally sensitive lands and waters.

Impacts of Development on Environmentally Sensitive Lands and Waters

Stormwater Runoff Needs to be Under Control.

Stormwater runoff from existing communities is a major source of contamination for waters from urban development. In most older communities, existing roads and paved areas are not done with best management practices to prevent runoff. In comparison, stormwater runoff from new construction and from new developments is less of a problem, as long as the proper regulations are in place and best management practices are implemented to prevent the runoff.

Sewer System Improvements Need to be Well-Funded.

The sewer system standards are becoming more stringent. Improvement costs must be absorbed by local governments, meaning that at times they cannot easily be undertaken or they use limited financial resources that are needed for other town core revitalization efforts.

Less Use of Cars and Better Road Design.

Air pollution from cars ultimately ends in the waters. Runoff from poorly designed roads further pollutes waterways and environmentally sensitive lands along roads.

How Can We Minimize the Impact of Development on Environmentally Sensitive Lands and Waters?

- Better use of critical areas regulation
- Additional special buffer requirements
- Cluster development
- Zoning
- Regional planning
- Increase of voluntary efforts to measure/record data on nutrient runoff (water quality and bottom sampling)
- Educate individuals as to how they can change their own behavior using water and cars
- Green building technology
- Retrofit older developments for less impervious surfaces and best management practices of runoff
- Impact fees / Exactions to deter development in rural areas and to cover costs of protection of environmentally sensitive areas
- Carefully managed recycling wastewater for irrigation / land application systems

Group II: Maintaining rural and historic character and a resource-based economy in the face of growth

The communities of the Eastern Shore share a common concern to maintain their rural and historic character in the face of growth. This includes supporting and sustaining their traditionally natural resource-based economy of farming, fishing, and forestry-related businesses and industries. As future development is guided into existing small towns and their environs, those small towns need to be thinking carefully about design issues so as not to find their historic character and sense of community overwhelmed by new residential and commercial developments. In addition, the group found that a mindset shift was needed for economic development priorities in the region to view agriculture as an industry. If the region values their agricultural and fisheries base, they need to embrace it. The natural resource-based economy is fragile and needs support and nurturing if the Eastern Shore wishes it to continue as a vital part of the economy.

The small group discussion focused on issues involved in maintaining the rural and historic character of the region, while supporting the resource-based economy. The group

identified the following as major issues and potential future directions.

• Agriculture and fishing are an integral part of the culture and economy of the Eastern Shore, but are very fragile and in need to protection if they are to survive.

• Farming as a viable industry needs to be strengthened and maintained.

The contribution of agriculture to the economy is very complex, going beyond jobs and salaries. However it is no longer profitable to farm traditional cash grain crops on anything less than a thousand acres or more. Since returns from these traditional practices on average family farms are low and the price of additional land is high, few young people are seeking career in farming and farmers of retirement age are selling their land, often for nonagricultural uses. Developing alternative agricultural practices, which are more market-driven and capitalize on proximity to the large urban areas in the Mid-Atlantic region, could help.

• Resource-based jobs are not highly valued in economic development terms.

Resource-based professions are extremely important to the economy. However, because they do not produce high-paying jobs they are not highly valued in county economic development plans, which take job creation as the primary criteria of success. New measures to judge economic development success are needed that recognize that food production from land and water are manufacturing activities which create new products and bring new money into the region.

• There is a lack of resource-based objectives in economic development.

Few, if any, local economic authorities currently include resource-based economies in economic plans (although Talbot County does have Farm Bureau representative on Chamber of Commerce).

Marriage of economic development (private sector) with resource-based economy could be highly beneficial.

Farm and fishing communities could benefit from partnering with economic development offices or private sector entities because of their experience with workforce development.

There is a need for government leadership and sensitivity.

The structure of state funding resources need to be examined to ensure government is being sensitive to the needs of the agricultural industry. Neither agriculture nor fishing are being championed by state leaders, or others, especially in light of environmental problems (*pfiesteria*, etc.).

Zoning has a powerful impact on resource-based economies.

Downzoning has had a disproportionate impact on farming. However, zoning is an important tool to maintain viable farm communities in competition with other uses.

Communities need to regularly review comprehensive plans to ensure they are achieving desired goals.

• Agricultural land use is seen as a base, or interim, use.

It is presumed that farmland will someday be developed to higher density. Mind sets need to shift if the land is to be protected from development.

- People of all levels need to be educated about the value, and fragility, of a resource-based economy.
- Economic studies of agriculture need to be performed.

Studies need to be undertaken in economic development language to show the high value of agriculture (multiplier effects, etc.).

• Communities need to achieve consensus on economic development goals.

Is there consensus that an agricultural work force should be developed?

Group III: Managing and guiding development in priority funding areas: town and county cooperation

Most development is now taking place in sprawling patterns outside of towns. Effective smart growth in this rural setting will depend on successful growth areas where developers will want to develop and people will want to live. These development realities require greater town/county communication and cooperation, as well as greater collaboration among all the jurisdictions on Maryland's Eastern Shore and the entire Delmarva Peninsula. The mid Eastern Shore localities share common concerns, but divided jurisdictions Town / county cooperation, design standards, infrastructure improvements, and "downtown" based economic development are all important tools/factors toward this goal.

Group III focused on managing and guiding development to enhance town and county cooperation. The group identified the following core issues and potential future directions during their discussion.

• Citizen involvement must be increased.

Governments need to find ways to get more people involved. One way to do this is by creating a sense of urgency. It is especially important for the public to be involved in the comprehensive plan visioning process, as the scale of growth and phasing around towns needs to be acceptable to the community.

Lack of county/town cooperation is a major cause of problems.

Neighboring governments should be encouraged to plan together to help avoid disputes over overlapping concerns and divided authority. Although greater cooperation among towns and counties should be facilitated through planning, Maryland law does not allow for joint planning authority.

Formal methods for facilitating cooperation are needed.

Growth areas around towns and critical area growth allocations are key battle issues. A formal method for assigning growth allocations to towns is needed, as is a formal mechanism to provide for joint sessions of Planning Commissions.

• Having a clearly-defined planning process is important.

Visioning is a beginning step in a series of planning steps, but the middle steps are often missing. It is also important to clearly identify who is responsible for the end decision.

Counties and towns must balance economic need with design.

Key parts of this include determining how to improve or obtain quality development and design and defining what smart growth is as far as design standards go for denser areas. Communities also need to find ways to attract quality developers.

Town and County must agree upon standards.

Agreed upon development envelopes and design standards are needed. High standards for design should apply to development projects using growth allocation in critical areas.

• County - town revenue sharing is needed.

• Recognize the State role.

The State is involved with education, guidelines, "areas of certain growth," smart growth principles, money, technical assistance, and actual tools. A state funding priority should be for outreach. The State should also play a role in mediating and guiding town/county disputes and help determine the rules of engagement for cooperation. Although counties and towns need to be receptive to state, the state should not dictate local priorities.

Session IV: Is There a Need for a Regional Vision?

Session IV *Is There a Need for a Region Vision?* was a facilitated discussion concerning the relevance of regional cooperation and next steps that participants would like to see to guide growth on the Eastern Shore.

Participants agreed that levels of cooperation varied around the region. However, almost everyone saw the Eastern Shore as a region with a common identity that would benefit from a common vision and increased communication and cooperation among the localities. In order to reach a regional vision and in order to guide growth to preserve the unique rural and historic character of the region and the resource-based economy, participants identified certain next steps.

- Build avenues for regional communication and cooperation.
- Ensure that planning, zoning, and other government decision-making processes are open and accessible to all citizens.
- Increase the public debate concerning open space planning, green infrastructure, and other smart growth issues.
- Conduct education and outreach campaigns to ensure that citizens understand and value the rural character and other unique characteristics of the Eastern Shore.
- Establish a regional identity through increased inter-jurisdictional planning and communication.

Annex I

Smart Growth in Small Towns and Rural Communities A Roundtable Dialogue

Environmental Law Institute Eastern Shore Land Conservancy

Wye Research and Education Center June 29, 2000

AGENDA

10:00 - 10:30 Welcome and Introductions

Susan Casey-Lefkowitz, Environmental Law Institute Rob Etgen, Eastern Shore Land Conservancy

10:30 - 11:00 Town, County, and Regional Cooperation

Ron Young, Deputy Secretary, Maryland Department of Planning

11:00 - 12:30 Defining "Smart Growth" for the Eastern Shore

Beyond the state "smart growth" initiatives, communities on the Eastern Shore have been guiding their growth to preserve rural landscapes and uses, maintain their historic towns, provide good jobs and schools, and protect their environment, including the Chesapeake Bay. Growth patterns vary from county to county, however, all communities share several features in common. Small towns are faced with most of the proposals for new development, while rural areas struggle to maintain farms and protect water quality and habitat. This session will allow participants to address issues such as:

- What would participants like to see as a vision for smart growth in the region?
- How does the Eastern Shore differ from other areas? What needs are specific to rural communities and small towns?
- How does resource-based economic development, such as fisheries and farming fit into the vision for the region?
- What have been the pros and cons of the use of priority funding development areas? How have counties and towns worked together to guide growth in these areas?

12:30 - 1:30 Lunch will be provided for Roundtable participants

1:00 - 2:30 Small Group Discussions

Group I: Minimizing the impact of growth on environmentally sensitive lands and waters

Group II: Maintaining rural and historic character and a resource-based economy in the face of growth

Group III: Managing and guiding development in priority funding development areas: town and county cooperation

2:30 - 2:45 Break

2:45 - 4:15 Is There a Need for a Regional Vision?

The small group discussions will report back and we will discuss what their conclusions mean in the light of creating a regional vision for growth management in the mid-Eastern Shore. This session will allow participants to address issues such as:

- The relevance of regional cooperation, including both town-county cooperation and inter-county cooperation.
- Common barriers to smart growth in the region and how these can be overcome.
- Next steps that participants would like to see to guide growth to preserve the unique rural and historic character of the region and the resource-based economy.

4:15 - 4:30 Conclusion

Susan Casey-Lefkowitz, ELI Rob Etgen, ESLC

Annex II

Smart Growth in Small Towns and Rural Communities A Roundtable Dialogue

Environmental Law Institute Eastern Shore Land Conservancy

Wye Conference Center, June 29, 2000

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