

Molander, Sharon

Subject:

FW: SB0294

LATE TESTIMONY

From: Rich Hall <richard.eberhart.hall@gmail.com>
Sent: Monday, February 13, 2023 5:00 PM
To: Feldman, Brian Senator <Brian.Feldman@senate.state.md.us>
Subject: SB0294

Chairman Feldman - you may recall that I was MDP Secretary under Governor O'Malley, and MDP staff for 15 years before that. Sorry to be writing to you directly and not using the General Assembly's system to testify, but I just learned of this bill today and was unable to use the system. Regardless, I thought it was important to share my thoughts with you on this bill. I oppose it and am only speaking as a citizen and professional planner.

The bill would change the comprehensive planning consistency standard. It would eliminate the standard that applies inside the Priority Funding Areas (PFAs) and use the standard for outside the PFAs for everything. The reason for a slightly different standard within the PFAs is because they are areas already planned for growth by both the State and local governments and therefore somewhat more flexibility is appropriate for how that growth occurs within these areas--the details of which should be addressed via zoning.

Background: In 2008 the Court of Appeals rendered a decision (Trail vs. Terrapin Run) that muddled the original comprehensive plan consistency requirement from the Economic Growth, Resource Protection, and Planning Act of 2002. This decision made national news in the planning and smart growth world. Many were concerned that the status or value of their comprehensive plans were significantly diminished via this decision. SB0280 / HB0297 of the 2009 Session addressed this problem by reestablishing the consistency requirement and elaborating on the meaning of consistency. This was the result of national research with the American Planning Association and many conversations with stakeholders across the State. We developed standards for consistency and they are somewhat more elaborate for areas outside of Priority Funding Areas vs. inside. By its very nature development within growth areas is going to be more complex than development outside of growth areas--therefore more flexibility is needed and the existing consistency standards allow for that.

Please feel free to contact me if you care to discuss further.

--thx, Rich

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