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## Testimony in OPPOSITION of Senate Bill 829 – Land Use – Multifamily Developments and Mixed-Use Developments – Authorization (Bring Back Main Street Act)

Education, Energy, and the Environment  
February 24, 2026

Dear Chair Feldman and members of the Committee,

Thank you for the opportunity to submit testimony in **OPPOSITION OF SB829**, on behalf of Arundel Rivers Federation. Deeply rooted in the South, West, and Rhode Rivers, Arundel Rivers Federation heals and protects our waterways and champions clean water across Maryland. Our vision is healthy waterways for all, and we achieve our mission through restoration, education and outreach, and Riverkeeper programs. Arundel Rivers recognizes that clean water policy begins with land use policy, and how we choose to develop and conserve our lands has lasting impacts to our environment and the Chesapeake Bay.

While Arundel Rivers strongly supports the underlying goal of increasing affordable housing supply across the State of Maryland, SB0829, as introduced, makes significant changes to land use policy that could inadvertently incentivize the kind of sprawling development of rural and natural landscapes that we have long known is harmful to our environment, our land conservation goals, our environmental justice goals, and our Chesapeake Bay restoration goals. We have the following significant concerns with the bill, as introduced:

### **Concern 1: Building on Land Zoned for Recreation**

The bill requires, rather than encourages, counties to alter their land use ordinances and development regulations to allow multifamily or mixed-use development on any parcel of land **zoned for recreational** (or commercial) **uses** that is currently served by a public or private water and sewer system. Multiple counties across the state have zones to set aside land for recreational uses. Such zones were never intended to accommodate the kind of infrastructure needed to accept large development projects. Our own Anne Arundel County has an “Open Space” zone that is used to designate natural areas and public and privately-owned parklands that are intended to be protected from disturbance and instead used for passive or active recreation. Many of our “open space” acres across the county are located in rural areas far from existing infrastructure. Efforts to deliver more housing across the state should not target public and privately owned natural areas and parkland for high-density residential development.

### **Concern 2: Building on Lots with Private Water and Sewer Service**

As mentioned above, the bill requires, rather than encourages, counties to alter their land use ordinances and development regulations to allow multifamily or mixed-use development on any parcel of land zoned for recreational (or commercial) uses that is currently served by a public **or private water and sewer system**. While we could not locate legal definitions in Maryland Code for a private water or private sewer system, it would appear that individual wells and individual onsite wastewater disposal systems (septic systems) could fall under these definitions. If we are correct in this assessment, then this bill incentivizes high-density development on lots with wells and septic systems. Septic systems produce far more nutrient pollution than publicly owned wastewater treatment plants, and Arundel Rivers does not support further expansion of septic systems to enable high-density development projects. **Efforts to deliver more housing across the state should not target areas for growth that lack the adequate infrastructure needed to accommodate high-density development projects.**

### **Concern 3: Future Environmental Injustices for Residents**

When large developments are built far away from high-functioning public infrastructure, we often see environmental injustices arise. Within Anne Arundel County, residents of multiple mobile home communities are now facing environmental injustice issues caused by substandard or failing privately

owned water and wastewater treatment facilities. No resident should be burdened with subpar water or wastewater. **Efforts to deliver more housing across the state should not inadvertently create a situation where such environmental injustices arise in the future.**

#### **Concern 4: Expanding High-Density Zones Beyond Reasonable Carrying Capacity of the Land**

The bill, as written, prohibits counties from **setting density limits on permitted developments that are lower than the highest allowable density in the county’s residential zones.** This provision would immediately “upzone” all acres that fall under the purview of this bill to the highest possible zoning density. For example, this would convert acres zoned for open space across Anne Arundel County to R22 – allowing 22 units per acre. Montgomery County could see acres upzoned to its R10 – allowing up to 100 units per acre in some cases. Baltimore County could see acres upzoned to High Density, allowing for 80 units per acre. Prince George’s County could see acres upzoned to R-H – allowing more than 48 units per acre. Each county regularly undergoes an exhaustive comprehensive rezoning effort that seeks to place some acres in the higher density categories, while keeping others out of the high-density categories. Such decisions consider the underlying land’s “carrying capacity,” or ability to accommodate this level of development. Only lands that are near robust publicly maintained infrastructure are able to accommodate such levels of development. **Efforts to deliver more housing across the state should not override detailed, local comprehensive planning efforts that are necessary to ensure development projects are built in the right places for the right reasons.**

#### **Concern 5: Increasing Impervious Surfaces & Non-Point Source Pollution**

The bill, as written, prohibits counties from setting **maximum lot coverage limits** for developments envisioned by the bill. These limits have long formed the foundation of protections for our environment and our communities from stormwater pollution and stormwater flooding. Moreover, counties already have increased maximum lot coverage limits in areas that are specifically zoned for multifamily or mixed-use developments. Stormwater runoff is one of the major non-point sources of pollution to the Bay. The recent 2023 Chesapeake Bay Comprehensive Evaluation of System Response (CESR) states that non-point source reductions are essential to meeting pollutant reduction goals. **Efforts to deliver more housing across the state should not waive impervious surface requirements and inadvertently increase stormwater pollution and flooding.**

#### **Concern 6: Ambiguity in the Development Process**

The bill, as written, prohibits counties from imposing “an unreasonable limitation” upon the applicant developing a parcel of land for residential or mixed-use development, and defines “unreasonable limitation” in part, as something that “significantly increases the cost of developing.” It’s entirely unclear how a county or court reviewing making or reviewing land use decisions would interpret this section. For example, would requiring a large stormwater pond on a multifamily development due to the increased impervious surfaces be determined to be an “unreasonable limitation?” Or, would requiring the applicant to pay a fee-in-lieu of replanting a forest that was removed to accommodate the project be determined to be an “unreasonable limitation?” **Efforts to deliver more housing across the state should provide clear, unambiguous guidance to locals and should not inadvertently discourage the kinds of improvements to development projects that deliver both environmental protections and higher quality of life outcomes for residents.**

For all the reasons stated above, we encourage an **UNFAVORABLE vote on SB0829.** Thank you for considering our testimony, and for your continued work toward our shared goal of delivering land use solutions that work for our communities, our lands, our rivers, and our Chesapeake Bay.

Sincerely,



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