

PRESIDENT'S MESSAGE

By Al Tucker, President, 2015



Broadly speaking, CEPA's core interests remain the declining availability of source water resources (both quality and quantity), nutrient and pollutant infusion into the Bay, marine life sustainability, invasive species, effects of climate change, and effects resulting from unchecked population growth and irresponsible land development.

For this year's forum topic we have chosen to re-examine the policies that impact growth and their influence on the environment. At a past forum (2010) Tom Horton spoke about his study Going, Going, Gone!, which outlined the excessive environmental footprint of today's inhabitants of the Bay's watershed.

Unfortunately, the financial crisis pushed what would have driven critical environmental discussions into the background and delayed the significant actions that we need to take if we were going to return the Bay to a sustainable ecosystem. Tom rightfully pointed out that reducing the load on the Bay requires addressing two factors:

$$\text{TMDL} = (\text{Daily Load per person}) \times (\text{number of persons})$$

The Total Maximum Daily Load (TMDL) represents the goal scientists have determined that will produce a sustainable ecosystem. It is a fixed, constant immutable number, which is about 25% lower than the pollution produced today. The contribution of each person plus the additional persons added by growth will require everyone's environmental footprint to be constantly reduced to maintain the TMDL limit.

Reducing or maintaining the population will be extremely difficult. Currently, zoning classifications control development. The classifications were generally adopted during the period of explosive growth from 1971 to 2000. The developable land was generally classified into four broad categories: residential/agricultural, commercial, industrial and other. Often the undevelopable land was considered open space. As awareness of the environmental problems associated with development grew, layers of restrictions were placed on these categories for stormwater run-off, impervious surfaces, leaching from septic fields, deforestation, etc. In 1999 the State recognized the issues associated with explosive development and passed the Smart Growth legislation, which designated urban areas for priority funding. The goal of Smart Growth was to increase the population density in urban areas, where it would be easier to control the per capita pollution of the residents. Smart Growth would concentrate new development and redevelopment in areas that have existing or planned infrastructure to avoid sprawl. In return, counties could receive state aid for channeling development into these areas. However, for most counties, the land use designations from the era of high growth still persist today.

By law the general development plans for each county must estimate the population or number of households that each county can hold. This process is often referred to as "buildout". The process examines all the land in each category and determines which residential lots remain undeveloped. In theory this places a de facto limit on the population in each county. It is interesting to contrast how the processes for Anne Arundel and Calvert Counties were handled.

In 2008 Anne Arundel County estimated that only 20,000 undeveloped residential units remained and by 2020 the county would be fully developed. Comparing the patterns of development in Anne Arundel, since the implementation of Smart Growth, the data show that development continued at the same pace in the non-priority areas with no shift to the higher density priority areas.

On the other hand, Calvert County was actively concerned about its ability to handle the projected growth of 54,000 housing units predicted by their buildout analysis in the mid- 1990s. Fearing that the growth was a threat to their quality of life and their ability to pay for it, the county undertook the radical approach of downzoning, once in 1997 and again in 2006. The revised limit is now 37,000 units. Currently, Calvert is close to its buildout limit with 4000 units remaining. The downzoning was developed in conjunction with the transfer of development rights that compensated rural landowners for their development rights that were then transferred to the higher density priority funding areas. As a result, the growth in Calvert predominated in the priority funding areas. Another difference between the two counties is that Calvert is one of nine counties that use excise taxes instead of impact fees for new development. Impact fees are required to be spent on the infrastructure to support the new additional development, whereas excise taxes are not. Excise taxes can be used generally in the area of the development to support maintenance, recreation & parks, etc. This significant difference is that excise taxes are not limited to pay for new infrastructure. Impact fees drive new growth, create new infrastructure and requires other funding for maintenance and additional services.

The fiscal impact study of growth in Anne Arundel in 2009 clearly outlined what the planners in Calvert had anticipated a decade before. Namely, surpluses generated by projected growth “are insufficient to cover the estimated costs to correct the existing backlog of infrastructure needs.” Stated succinctly, growth does not pay.

It remains to be seen how it will play out when the buildout limits are reached in each county. Each has chosen a different path. Calvert County has done an admirable job of channeling its increased density into its priority funding areas, where managing pollution is easier. In addition, Calvert has been able to meet its goals for open space and rural agricultural land preservation. In contrast, most of the development in Anne Arundel continues in the low-density areas. Anne Arundel County is significantly behind its goal for agricultural preservation. It is not clear that it will ever be able to meet the goal, since development has fragmented many large tracts.

The primary question is what do we want our future to be? Calvert County decided over two decades ago to make some difficult decisions that have changed their future. Anne Arundel, a much larger county, attempted to downzone. Anne Arundel instituted 20 acre rural zoning, but it contained an ill-conceived loophole, called family conveyances. It resulted in immediate subdivisions that were then sold on the open market or created many undeveloped lots in the rural zone. The loophole has been closed, but the damage has already been done.

Both counties are facing their buildout limits in the very near future. It remains to be seen whether or not Calvert will remain steadfast and move to a sustainable, equilibrium state or will it lift the current housing limits. Anne Arundel faces a different issue; it has only one choice, to upzone.

In the forum we intend to explore the following questions:

How do local tax structures influence growth?

Is growth predicated on future revenues from new properties?

What should the tax structure be to implement an sustainable economy?

Do we know the limits of our natural resources?

Is current zoning adequate to protect our natural resources?

If you would like to contribute to the discussion, I invite you to send your questions and comments to me (altucker@cepaonline.org).