

June 13, 2023

Baltimore County Planning Board
105 West Chesapeake Ave.
Towson, MD 21204

Delivered via email to

**Taylor Bensley at tbensley@baltimorecountymd.gov, and
Jennifer Meacham at jmeacham@baltimorecountymd.gov**

Re: Baltimore County Master Plan 2030

Dear Chairwoman Hafford and Planning Board Members:

We are the co-founders of We The People – Baltimore County, a community organization formed for the purpose of advocating for the better use and implementation of the master plan. We believe the master plan, with its broad reach and vision, represents one of the single best ways a county our size can effect change, including with respect to the essential issue of housing equity and accessibility.

We also believe that the Planning Board has before it a draft of a master plan worthy of the County's greatness and promise.

At the outset of this process, numerous stakeholders and the County Executive asked the Department of Planning to listen, to be reflective and mindful, and to deliver a document that could finally address some of the most persistent and intransigent issues facing our County and the way in which it grows and develops. This includes, among other issues:

1. development decisions that are regularly inconsistent with the master plan
2. a sequence of planning, zoning and development that does not line up, is out of step with other jurisdictions and does not make practical sense
3. a zoning code that does not facilitate mixed-use development outside of the use of planned unit developments (PUDs), and a PUD process that itself is ineffective at best and abused at worst
4. laws, regulations and processes that are overcomplicated, crowd out effective advocacy (because they require a lawyer to navigate) and also delay good projects by developers

After holding hundreds of meetings, and receiving thousands of other touchpoints from the community, the Department of Planning delivered a fulsome and commendable draft of the master plan that sets the County, finally, on an achievable path to becoming more successful and equitable in all of the "systems" of life that make life worth living – housing, schools, transportation, environment and so on.

We understand from viewing recent Planning Board meetings that there has been discussion about some of these issues, particularly sequencing and PUDs. We also understand that this discussion was initiated largely by those representing developer entities, and we believe that this needs to be balanced out.

So, we are writing to make it clear as follows:

1. **Please do not weaken the language on sequencing.** We strongly oppose any weakening of the language in the draft around sequencing. The vast majority of other jurisdictions have their master plans come first, and then their comprehensive zonings (which, of course, we call our “CZMP”). They do this for very commonsense reasons. The first is that a master plan is not self-implementing; you have to implement it through your comprehensive plan.

The second is that it becomes easy if not unavoidable to ignore your master plan (as we too often do in Baltimore County), if comprehensive planning comes before the master plan process. Ultimately, one has to ask: What is the purpose of all of this work around the master plan if we are not going to take the steps necessary to implement it?

The master plan is not binding upon, and does not control, zoning and land use decisions. It can be – and is – ignored by councilmembers and others when tough decisions need to be made. But the CZMP is binding and does control. And the only way to breathe life into the master plan is to change the sequencing. Please do not squander this incredible opportunity.

And, please be clear, this will not undermine housing equity; instead, it will finally give us the tools, the order and the predictability necessary to address the housing crisis as it exists in Baltimore County. If we can resequence the order of events, while also making the master plan a “living document” that can be revisited in the interim, then we will be able to plan for the future while also addressing the “now” (including as things change and evolve).

2. **Please do not weaken the language on PUDs and PUD reform.** We strongly oppose any weakening of the language in the draft around PUDs and the need for PUD reform. There really is no contesting this point. PUDs have not been working the way they were originally intended. Community members, time and again, share how difficult such PUDs are to navigate and how they rarely produce the actual public benefits that are promised. And developers will say that the process lacks the efficiency that is promised. We must find another way to facilitate and allow for mixed-use development, whether that is by conducting a review and reform of the PUD process, as suggested by the plan, or by implementing another approach.

This includes, specifically, using targeted zoning overlay districts, as employed effectively by neighboring counties, including an overlay for transit-oriented development. It strains credulity to think that our residents may go through another CZMP without the benefit of such overlays – such thinking will materially stunt our progress.

All of this said, we can admit, from the community’s perspective, that this plan has its imperfections. There are other changes and improvements that we would like to see. This includes (i) providing more specifics as to goals and how to measure them, (ii) stating unequivocally that future development should look inward (inside the URDL) and be focused on development, and (iii) refining the “places” definitions so that we can distinguish between places of “preservation” (such as historic district) and places of “change” (e.g., Route 40).

Yet, we understand that we have to start somewhere if we want to finally address the antiquated, complicated and parochial way in which the County does its zoning and land use. This draft represents just such a start. It is a strong one, and a good one. And it is worthy of your support. Please do not gut it.

We are at an inflection point, given the housing crisis, aging housing stock and infrastructure, population loss, lack of open space and the fact that we are running out of developable green fields in the URDL. We have to right our course now. This plan allows us to do so.

You may learn more about us and our ideas at WeThePeopleBaltCo.com.

Please be advised that Klaus Philipsen has authorized us to state that he agrees to the contents of this letter.

Sincerely,

Nicholas C. Stewart
Partner at Duane Morris LLP and board member of
Southwest Visions Foundation, a 501(c)(3) focused on
development in Southwest Baltimore County
(410) 925-0509

Patrick Keller
Former Planning Director for the County
(410) 818-7211

cc: Steve Lafferty (via email)
Amy Trexler Mantay (via email)