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## Study calls Md. smart growth a flop

OPEN LAND STILL DISAPPEARING

*Pioneering law lacks teeth to put development near transit*

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*My proposed  
State Overlay Zone  
for land within walking  
distance of Metro-rail  
stations will fix this.*

An innovative policy to fight suburban sprawl catapulted Maryland into the national spotlight a decade ago and became then-Gov. Parris N. Glendening's principal legacy.

But a new study says the law has been a bust, largely because it has no teeth to force local governments to comply and because builders have little incentive to redevelop older urban neighborhoods.



Clarksburg's Park Ridge development lies outside the areas where a Maryland law encourages growth. A study cites Park Ridge as an example of the law's failings. (Katherine Frey/the Washington Post)

That's the conclusion of the study by University of Maryland scholars who lead the institute the former governor founded to promote the policy. The idea behind Maryland's celebrated smart-growth program seemed sound: To ease traffic jams and air and water pollution and preserve farmland, development would be focused into dense, urban settlements near train and bus stations. The state would stop subsidizing sprawl and instead direct money for roads, sewer lines and other investments to urban areas.

Harvard University's Kennedy School of Government called the idea **one of the country's 10 "most innovative" public policies** after Glendening muscled it through the General Assembly in 1997. Other states followed suit with similar programs.

But scholars at the **National Center for Smart Growth Research and Education** found that **over a decade, smart growth has not made a dent in Maryland's war on sprawl.**

*We have a broken land-use regulatory system. Rail is a regional system, not local. Yet the state delegated land-use control to localities who think with an automobile frame of mind. But rail serves pedestrians, not automobiles. And people measure "distance" between places in minutes not miles. It is time to fix the dysfunctional system to enable more people to function without getting into a car. {please see sections 26 through 33b (especially 28a) on the Woodmont Triangle page of the web-site [www.VirtualAdjacency.com](http://www.VirtualAdjacency.com) .}*

Across Maryland, **three-quarters of the lots** consumed by single-family homes in the past decade rose on pastures and woods **outside smart-growth areas designated by local governments**, about the same number as before the law passed. From 1998 to 2006, development outside smart-growth areas in Montgomery County consumed an average of 915 acres a year; in Prince George's County, it averaged 486 acres a year.

#### 'No evidence' of a change

*Long time-constant — "aircraft carriers" turn slowly.*

"There is no evidence after ten years that [smart-growth laws] have had any effect on development patterns," concludes the study, which appears in the current issue of the **Journal of the American Planning Association**.

**State planners have failed** to prod local governments, which wield enormous control over land use, to approve dense projects in smart-growth areas, the study says. Maryland officials have authorized dozens of exceptions to the law, and many projects in the pipeline in 1998 were allowed to be built. And toll roads, including the Intercounty Connector underway outside the Capital Beltway, are exempt from smart-growth restrictions.

*The reason for failure is simple. Everything done to date has been a band-aid on a broken machine. It is time to act on the basis of clear, elegant thinking — a simple, logical, state-wide overlay zone affecting land within walking distance to rail stations. The most important language in zoning is the "spirit and intent" portion. Design is what matters. The **land-use objective is to maximize sources and destinations of pedestrians within walking distance of rail**. And — walking distance is NOT a number — see section 28a on the Woodmont Triangle web page referenced above.*

As **Einstein** said:

*If your explanation is too complex, you probably don't know what you are talking about.*

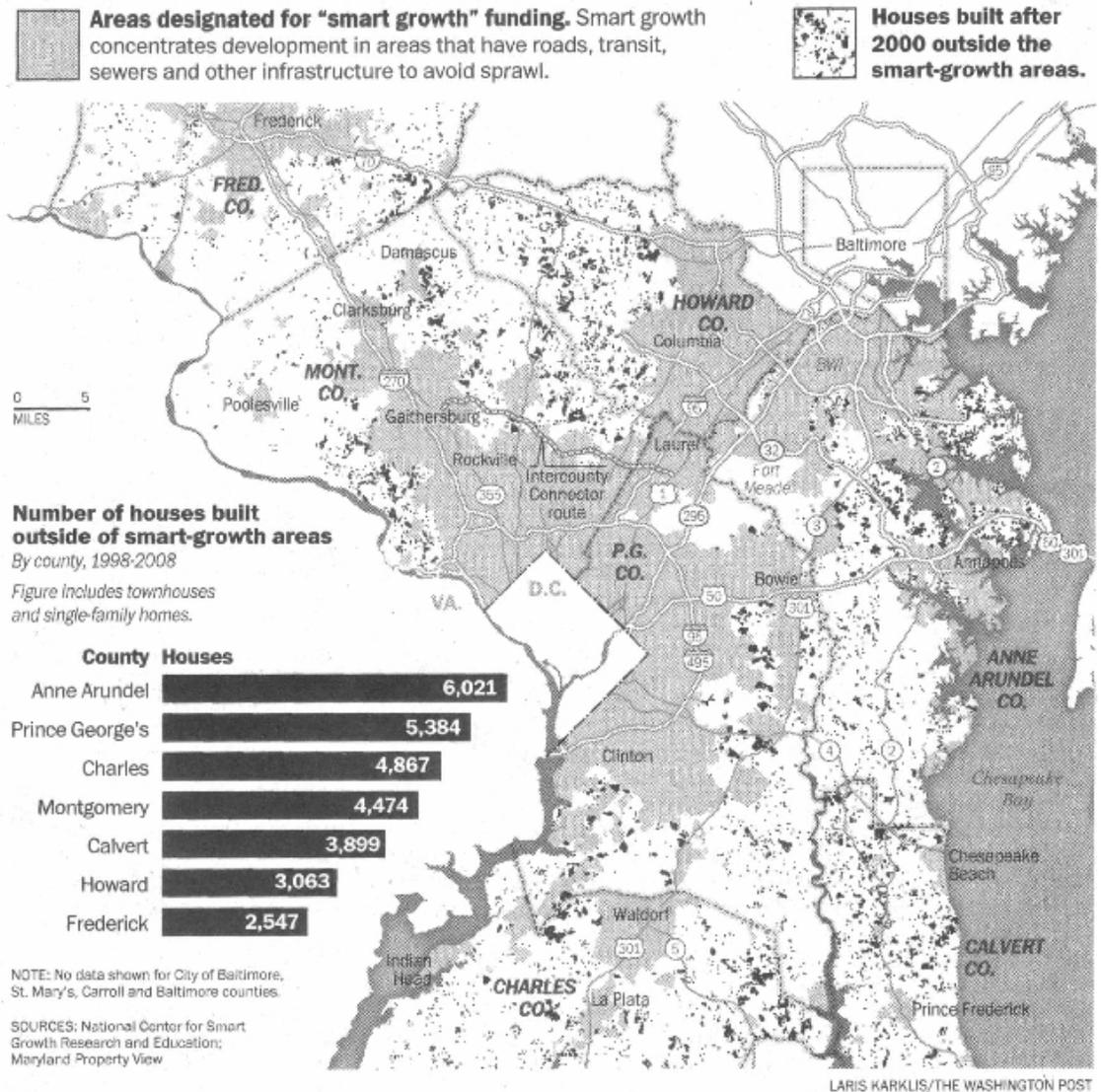
**State money for transportation investments**, the centerpiece of the incentives to reduce sprawl, has **been minimal**: 5 percent of capital spending. As a result, of the \$1.1 billion spent annually on roads and public transit, **just 60 percent went to projects inside smart-growth areas**, the study says.

*The federal government must lead with a mechanism that delivers more transit money to jurisdictions that deliver more pedestrians.*

## Few carrots and no stick

The scholars say the law was too weak to alter development patterns.

"What makes incentives so politically attractive is that governments and individuals can choose to ignore them if they wish," said **Gerrit Knaap**, the smart-growth center's executive director and the study's lead author. "Unfortunately, in Maryland over the last decade, that's exactly what many have been doing."



Ideally, Maryland's law would have included a regulatory stick such as those adopted in Oregon and Washington state, which require cities to designate strict boundaries where growth can and cannot occur. But to win passage in Maryland, where local governments were unwilling to give up control over growth and developers opposed limits on building, the Glendening administration had to compromise with carrots, the former governor and others said.

"The incentives are not strong enough," Glendening said in an interview. "I agree. But property rights are a heated issue. I don't believe the political realities allow you to go to a [stronger] system."

*This is EXACTLY why the state overlay zone I am proposing is ABSOLUTELY necessary. It fixes a monumental error made by the state when it delegated land-use control locally.*

Since smart growth passed in Maryland, Glendening has become a leading ambassador for the concept and consults with government officials across the country. His vision for the state, meanwhile, has run into a number of realities, land-use experts say.

State spending on transportation has ebbed and flowed depending on the philosophy of administrations in Annapolis and on budgets.

Glendening's successor, **Robert L. Ehrlich Jr. (R)**, eliminated the job of smart growth secretary, which had been a Cabinet-level position under Glendening. Gov. **Martin O'Malley (D)** revived the office, but budget shortfalls have hampered state investment in smart-growth development. A task force he appointed is studying strategies to strengthen the law, and he issued an executive order last week directing state agencies to pursue space for offices and laboratories near Metro and MARC stations.

"A lot of us would like to have more capital dollars to make the [smart-growth areas] more attractive to build in," said **Richard E. Hall**, the state's planning secretary.

*My proposed state overlay zone will deliver significant capital dollars to do exactly that. Plus, it will replace profoundly defective TDR programs and result in much more efficient acquisition of key natural / open areas. It will also solve MPDU's in a rational, coherent, cost-effective, mentally self-respecting way {see section 28a ref'd above.}*

Additionally, neighbors of smart-growth projects often oppose them as being too big or too dense, as planners in Montgomery are finding as they try to remake White Flint with high-rises. Developers get a bigger payoff when they build identical homes on empty land, rather than complex mixed-use redevelopment of older neighborhoods or retail areas. And as things stand, if a developer pays for a road or sewer line where he wants to build, the state can't stop it.

*NIMBY opposition is the result of piecemeal attempts at creating the "right" zoning. My state OVERLAY zone will address this at the right scale with the tools needed to deliver maximum public benefit. Design is what matters. { see sections 17 and 42.}*

*The neighbors will become supporters — YIMBY's*

Neighborhoods that have continued the pattern of sprawl include **Cheswicke Lane**, on 230 acres in southeastern **Prince George's**, where 30 homes were built between 2005 and 2006 on lots ranging from three to 11 acres. Or Schaeffer Farm in Germantown, a 75-acre cow pasture where 50 homes rose on one-third- to one-half-acre lots between 2005 and 2008.

**Cheswicke Lane is SPRAWL on STEROIDS !**

Single-family homes and townhouses are scattered on ever-larger lots in areas designated for dense, compact building, as lots outside those areas shrink, the study concludes. "The number of

parcels developed, the acres of land developed and the average size [of lots] are all moving in the wrong direction," it says.

## Responding to demand

Local planners acknowledge that their counties continue to approve scattered developments, in part because their growth plans have allowed it. "How did it happen?" asked John Funk III, a Prince George's planner with the Maryland-National Capital Park and Planning Commission. "Because it can happen." Cheswicke Lane "is definitely not urban," he acknowledged. But the developer met all the requirements for road and other improvements.

In Montgomery, Schaeffer Farm was approved because there was a demand, Planning Director Rollin Stanley said. The local land-use plan allows estate homes. And politicians "have voters to report to," he said, meaning that many of them oppose dense development.

Both counties are reviewing their long-range growth plans and are concluding that clusters of homes, offices and shops around public transit are a priority. Stanley called the approach "an evolution of Maryland's smart-growth legislation."

"We're still paving over the state at a very, very disheartening rate," said **Dru-Schmidt Perkins**, executive director of 1000 Friends of Maryland, an environmental group. "But if you continue to allow low-density sprawling development, then any developer in their right mind would say, 'This will be lucrative,' whereas smart growth is going to be complicated and expensive."

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{ see sections 31a and 31b. }

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*Let's fix the broken land-use regulatory system to enable more people to function without getting into a car? {see section 28a on the Woodmont Triangle page of the web-site [www.VirtualAdjacency.com](http://www.VirtualAdjacency.com) .}*