



ENVIRONMENTAL LAW INSTITUTE
RESEARCH REPORT

**SMART GROWTH IN
SMALL TOWNS
AND RURAL
COMMUNITIES:
Maryland's Eastern Shore**

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AND RURAL COMMUNITIES:
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Smart Growth in Small Towns and Rural Communities: Maryland's Eastern Shore

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Introduction

Smart growth tools can be useful for small towns and rural communities as well as for major metropolitan areas and rapidly growing localities. States and localities across the country are crafting growth management tools to meet their needs. In most cases, rapidly growing localities and metropolitan areas have felt the strongest need to guide their growth by taking advantage of smart growth tools. Yet, as states put frameworks for smart growth in place, all communities can benefit from regulations and incentives that help them take charge of their future development. This report shows how smart growth tools can help rural communities and small towns.

Small towns and rural communities sometimes fear that smart growth tools will hinder their economic development. However, communities that adapt smart growth tools to their priorities find that smart growth helps economic development and other local priorities in the long run by facilitating better planning and coordination. Small towns and rural communities can apply the same smart growth principles used in larger metropolitan areas to themselves and not only encourage needed economic growth, but ensure that their economic growth occurs in a healthy relationship with their historical, environmental, and cultural resources.

This report focuses on Maryland's Eastern Shore of the Chesapeake Bay – a region that is working to implement smart growth initiatives in a way that advances local rural and town development goals. Its experiences can inform the many small towns and rural areas across America that are seeking to achieve meaningful economic development while maintaining a vibrant rural landscape and successful town centers. Maryland's Eastern Shore is a beautiful rural landscape of historic towns, farms, and forests, and precious watersheds draining into the Chesapeake Bay. The beauty, environmental richness, and sense of history are extremely important to residents and visitors alike. Like many areas, the Eastern Shore is trying to take charge of its future growth and development, in order to preserve the social and environmental characteristics it values while continuing to build a vital economy.

Maryland's Eastern Shore is part of the 64,000-square mile Chesapeake Bay watershed. The Chesapeake Bay region has experienced significant growth during the past 30 years and continues to grow at a rapid rate. The population of the entire Bay region increased 26 percent between 1970 and 1994 and is now expected to increase by an additional three million people by the year 2020.¹ The resulting demand for new development – especially new residential development – has led to a significant loss of open land and the emergence of new pollution concerns. Open land (consisting of farms and forests) disappears at a rate of 90,000 acres annually in Virginia, Maryland, and Pennsylvania.² During the past 30 years, the region has lost a total of 2.7 million acres of open land. In addition, the region has lost 60 percent of its wetlands. New low-density, single-use development has caused an increase in traffic congestion, as the number of vehicle miles traveled has more than doubled since the 1970s. Furthermore, new development also has contributed to rising levels of airborne pollution and polluted runoff, as well as increases in the cost of providing public services for low-density development.³

Water pollution from sediment, nutrients, and toxic substances has reduced the Bay's ability to support life. Restoring the Bay to health requires continuing efforts to reduce stresses significantly below today's levels, even while the human population of the watershed increases.⁴ Sprawl development produces prodigious quantities of runoff because of its large impervious

surfaces.⁵ The Bay's limited water volume means that its capacity to dilute pollutants is limited. This makes the Bay particularly vulnerable to pollution from the land and ties the fate of the Bay closely to the fate of the land.⁶

Growth pressures are usually characterized as a problem of major urban centers that expand into the surrounding countryside. But this is not the experience of the Eastern Shore. Some rural counties are under tremendous development pressures on their open agricultural lands, while the local commercial centers still experience economic decline. Other rural counties have taken strong actions to limit commercial development on rural lands, causing the towns to need stronger tools to ensure that development happens in a way that is best for their communities. Still other rural communities need to attract growth; these communities want to ensure that new development complements the existing way of life. All of these scenarios are found on the Eastern Shore.

Maryland state government provides the opportunity for local action through the state's "smart growth" initiatives. Eastern Shore communities are in varying stages of adapting Maryland's smart growth framework to meet their needs. This report first gives an overview of a few of the elements of Maryland's smart growth initiatives that are being used on the Eastern Shore. It then examines the use of some of these tools in Talbot County and the Town of Easton. Finally, drawing on discussions among residents during a roundtable discussion in June, 2000, the report describes important next steps in guiding the kind of growth local residents would like to see on the Eastern Shore.⁷

Maryland's Smart Growth Framework

Maryland has one of the most extensive state-level frameworks for smart growth in the country. Legislation enacted over the last 10 years has created a system of programs that address the revitalization and conservation needs of smart growth, but that still leaves most decisions in the hands of counties and localities. The state programs allow localities to focus on programs and aspects that are most useful to them, for which they then receive funding and technical support. This is a system well-adapted to deal with the different needs of rural and urban communities. It also means that implementation takes time.

In 1992, Maryland established seven state-wide land use visions to guide state and local planning.¹ These were (1) Development is concentrated in suitable areas; (2) sensitive areas are protected; (3) in rural areas, growth is directed to existing population centers and resource areas are protected; (4) stewardship of the Chesapeake Bay and the land is a universal ethic; (5) conservation of resources, including a reduction in resource consumption, is practiced; (6) economic growth is encouraged and regulatory mechanisms are streamlined to support (1)-(5); and (7) funding mechanisms are provided to fulfill these visions. These visions were designed so that, when implemented, they would act to promote orderly growth, ensure continued economic development, and protect the natural resources of the state. In addition, Maryland required that local ordinances and regulations be brought into conformance with the comprehensive plan and with the seven land use visions.² These initiatives sought to guide growth across the states into areas that were most suitable for development.

In 1997, Maryland expanded its growth-oriented legislation, building on the tradition of local government comprehensive planning under a framework of state law, enacting its Smart Growth program.³ The five components of the 1997 Smart Growth program are the *Priority Funding Areas Act*, the *Rural Legacy Program*, a *Brownfields Redevelopment Program*, *Job Creation Tax Credits*, and the *Live Near Your Work Program*. The Priority Funding Areas Act and the Rural Legacy Program are two elements of the Maryland smart growth initiative that are particularly relevant for rural communities and small towns. In addition, the "Sensitive Areas" element of the 1992 smart growth legislation has proven important for rural areas – especially those in close proximity to a natural resource such as the Chesapeake Bay.⁴

In 2000, the Maryland General Assembly passed two bills as part of the *Smart Codes* effort. These are designed to make it easier for redevelopment and infill development to occur in Maryland's older towns and cities. Smart Codes legislation authorizes the adoption of a Maryland Building Rehabilitation Code to allow redevelopment of older buildings without requiring that the older buildings be brought up to current code standards applicable to entirely new buildings, and also to allow for phased redevelopment of portions of older buildings. Companion legislation directs the Maryland Department of Planning to develop Models and Guidelines for infill development and compact mixed-use development.⁵ These undoubtedly also will prove to be useful tools for rural communities.

This report focuses on three of the tools with particular usefulness in the rural counties and small towns of Maryland's Eastern Shore.

PRIORITY FUNDING AREAS

Maryland's smart growth legislation authorizes expenditure of state infrastructure funds only in designated priority development areas. Through requiring localities to establish priority funding areas in order to receive state infrastructure funding, Maryland gives localities an incentive to plan where they want to see their growth take place, and to guide that development according to smart growth criteria. The Priority Funding Areas Act requires the adoption of county-designated smart growth areas by the local governing body.⁶ Priority funding areas are locations where the state and local governments want to target their efforts to encourage and support economic development and new growth. Localities may designate priority funding areas if they meet guidelines for intended use, availability of plans for sewer and water systems, and permitted residential density. Some areas, such as municipalities, are automatically priority funding areas.

The law requires that counties base the overall size of smart growth areas on a capacity analysis. Capacity analysis is an analysis of the land areas available for development, including infill and redevelopment, compared to the land area needed for development. The smart growth area boundaries, in part, should be based on the already-existing or planned public water and sewer service according to adopted county 10-year water and sewer plans. Within a smart growth area, localities need to differentiate between existing communities (average residential density of at least 2 dwellings per acre) and communities planned for future growth (average density of at least 3.5 dwellings per acre). Pre-defined smart growth areas include municipalities, areas inside the Baltimore and Washington Beltways, enterprise zones, designated neighborhood business development areas, and certified heritage areas. Other areas qualifying for smart growth area status are areas zoned industrial, and areas principally used for employment.

Although the Maryland Smart Growth Program makes a good start at promoting smart growth through funding, it contains several gaps that can make accountability and implementation difficult, especially in rural areas. A 1999 study by the Chesapeake Bay Foundation and 1000 Friends of Maryland assessed the implementation of Maryland's smart growth programs and identified the areas where further action was needed.⁷ For example, under the current state program, localities are not required to and generally do not provide information regarding the methods used to delineate smart growth areas, making it difficult for the public to assess counties' commitment to smart growth. The Priority Funding Areas Act does not authorize the state to require revisions to the existing county smart growth areas to bring them in conformance with the law. In addition, smart growth areas alone do not address the quality of development – efficient use of land, mixed-use environments, minimized auto dependency, housing choices to provide socio-economic diversity – inside or outside of smart growth areas. Finally, the law does not address low-density sprawl outside of smart growth areas, nor does it address projects with regional impact.

RURAL LEGACY

The Rural Legacy Program complements smart growth areas by encouraging localities to identify rural legacy areas to preserve large contiguous areas of land possessing significant farm, forest, historical, and environmental resources.⁸ The program establishes a fund to which local governments and land trusts can apply for funds to complement existing land preservation efforts or to develop new ones. The Rural Legacy Program envisions voluntary efforts, such as the use of conservation easements, as well as outright purchase of land as the core conservation tools.

For fiscal years 1998 - 2002, Maryland authorized the funding of the Rural Legacy Program with a total of approximately \$128 million from a mixture of general obligation bonds, real estate transfer tax revenue, and the state land acquisition budget.⁹ Maryland has a goal of protecting 200,000 acres of resources by the year 2011. Over the first two years, the number of proposals has exceeded the funding available. One review of the Rural Legacy Program concludes that it is effective at stimulating the formulation of preservation plans and the formation of unique public-private partnerships for land conservation throughout the state.¹⁰

SENSITIVE AREAS

The sensitive areas element of the 1992 legislation requires local governments to adopt a sensitive areas element in their comprehensive plans.¹¹ Sensitive areas are defined to include streams and their buffers, 100-year floodplains, habitats of threatened and endangered species, and steep slopes.¹² Planning must ensure that sensitive areas are protected from the adverse effects of development and that stewardship of the Chesapeake Bay is a universal ethic.¹³ Localities in the Chesapeake Bay need to coordinate sensitive area protection with the Chesapeake Bay Critical Area Law, which establishes limited development areas and resource conservation areas with specific development restrictions for each.

The Priority Funding Areas Act, the Rural Legacy Program, and the Sensitive Areas Element are three parts of the state smart growth framework that play an important role in helping localities guide growth – especially in an area such as Maryland's Eastern Shore with its rural economy, small towns, and connection to the Chesapeake Bay. Using a mixture of regulation, technical assistance, and funding incentives, Maryland has structured a state smart growth program that allows rural communities and small towns to adapt the elements to their needs and priorities and has shown that smart growth tools are relevant to metropolitan areas and rural localities alike.

An Eastern Shore Approach to Growth

The communities on Maryland's Eastern Shore are experiencing a wide range of pressures. Some areas are home to a high proportion of retirement communities, some support tourism and retail centers, some have already fallen prey to sprawling development, others need to attract economic growth to employ their current residents. Nevertheless, the communities of the Eastern Shore also share many of the same goals in shaping how growth takes place in an area known for its historic, cultural, and environmental significance. Maryland's Eastern Shore contains nine counties. In 1990, the Eastern Shore population was 343,769, representing an increase of 16% over the 1980 population.¹ The area has felt the effects of accelerated and shifting growth over the past several decades. Sprawl of residential development into once rural areas of the region has reached an alarmingly high level according to many residents. Even with identified growth centers around towns and cities, rural areas continue to be subdivided and developed.

Ever since the opening of the first Chesapeake Bay Bridge in the early 1950s, the Eastern Shore became increasingly more accessible to nearby urban centers located on the western shore. The opening of the second Bay Bridge in the early 1970s and ongoing improvements to U.S. Route 50 have further improved the accessibility of the region. This improved transportation linkage between the Eastern Shore and the nearby Baltimore, Annapolis, and Washington, DC metropolitan areas has brought significant change to the Eastern Shore. Attracted by the region's rural character, waterfront amenities and close proximity to urban centers across the Bay, new residents have been migrating to Talbot County, Easton, and other communities in the Eastern Shore in growing numbers.²

TALBOT COUNTY AND THE TOWN OF EASTON APPROACHES TO GROWTH

Talbot County is predominantly rural. It is located in the west-central portion of Maryland's Eastern Shore. The County's 178,560 acres are almost entirely surrounded by the waters of the Chesapeake Bay and its tributaries. Approximately 120,000 acres of the area are farmland. Talbot County reportedly has the longest shoreline (nearly 600 miles) of any county in the United States.³

Talbot County's land and waterways are intertwined in a unique mosaic of tidal waters, streams, farmlands and forests. The historic settlement patterns of this rural landscape have created a scattered patchwork of farms, estates, subdivisions, villages and towns. The natural and built environments of Talbot County blend together to form a pleasant rural character where residents generally enjoy a high quality of life.⁴

Easton, the County seat, is situated in the central portion of Talbot County. The Town is located near the headwaters of the Tred Avon River, which provides access to the Chesapeake Bay. In 1990, the Town was the third largest municipality on the Eastern Shore with a population of 9,372. The 2000 population estimate is 12,051. The Easton Election District is the County's most populous district and contains slightly more than 50 percent of the County's total population. This District also experienced the largest actual population increase between 1970 and 1990.

Easton is the major residential, commercial, and employment center of the County.⁵ The town is located adjacent to U.S. Route 50, which serves as a major through-traffic highway for the Eastern Shore. Easton is a relatively small town experiencing growth pressures akin, in many ways, to those present in towns and suburbs in metropolitan areas. The state's smart growth regulatory framework has the potential to escalate these pressures as state and county policies direct growth into Easton and its environs.⁶



Many retirees, attracted by the region's quality of life and low taxes, moved into Talbot County from metropolitan areas on the western shore and other areas of the eastern seaboard.⁷ Twenty percent of the County's 30,549⁸ residents are over the age of 65. From 1970-1990, there has been a 38 percent increase in Talbot County residents over the age of 65. During that time, average household size has decreased by 19 percent.⁹

While, in general, incomes have risen over the years, a large number and percentage of households within the County and Town can be considered low and moderate income households. Housing affordability continues to be a problem for many families. As is often the case when comparing a town to the surrounding

county, census data indicate that Easton is not nearly as affluent as Talbot County or the state as a whole.¹⁰

Because traditional landscapes and community character are being overtaken by strip malls and residential subdivisions, many local community members feel they are losing their sense of place.¹¹ The role of local governments is increasingly important as residents recognize that land use patterns and densities of development can be very costly, consume valuable resource lands, and blur the once-distinct character of communities.

Area residents are becoming more concerned about the threat of sprawl, increased traffic congestion, affordable housing problems, disappearing farms and open spaces, a decline in the quality of the natural environment and the inability of local government to provide needed services. Talbot County is an interesting example of a rural community that has felt the need to limit development.¹² As growth is concentrated in the Town of Easton, both the county and town have an interest in seeing that the natural resources and agricultural base in Talbot are preserved and that Easton develops along a rational and "smart" path maintaining its sense of community.

SMART GROWTH AREAS

Designated Development Areas. Both Talbot County and the Town of Easton have a comprehensive plan that integrates many elements of smart growth.¹³ Both updated their comprehensive plans in 1997. Easton and part of Talbot County that surrounds the town are a designated development area. The delineation of the development area was influenced by factors such as the town's growth potential, presence of natural growth constraints like waterways, the availability of sewer and water services, and the Chesapeake Bay Critical Area requirements.¹⁴ Easton, unlike some of the other small towns on the Eastern Shore, has enough land for infill and new development within its development area to accommodate the future projected growth.¹⁵ The core concern has become managing the growth pressures that Easton will continue to experience while maintaining its historic character, its environmentally sensitive places, healthy economic growth and affordable housing, and its sense of place.

Design Principles. Easton's comprehensive plan recognizes the importance of design and flexibility as Easton continues to grow. It sets out a series of design principles, including that: mixed uses are desirable; natural features should determine design; automobiles should not determine design; ample open spaces should be provided within and around development; substantial landscaping should be incorporated in the design; and architecture should respect Easton's historical development.¹⁶

One impact of pressure on a town like Easton to shoulder most of the new population growth, is a need to maintain the historical identity of the town. Talbot County and Easton, like many communities on the Eastern Shore, have a long-standing interest in historic preservation. Private houses and public buildings are often carefully restored, and new uses are found for historic buildings that no longer serve their original functions. Talbot and Easton both have active historic district commissions. Residents and officials of Easton have recognized the historic significance of the town, a long history of civic stewardship has resulted in the preservation of a large percentage of the buildings in the historic town center.¹⁷ Although historic district requirements can have the impact of limiting development in certain areas of the town, they also ensure that the town's historic character is maintained – increasing livability and the ability of the town to attract tourism as an alternate avenue of economic development.

Economic Revitalization. The comprehensive plan for Easton emphasizes the need for industrial development above commercial development – stating that any new commercial development should be encouraged to locate in the town center or in existing shopping centers, rather than developing new shopping centers.¹⁸ Easton town center services two markets: seasonal and full-time residents of Talbot and the surrounding counties and visitor populations. The town center attracts residents from all the communities within reasonable distance, due to both its retail, as well as its maintained historic character.

Concern over the future of downtown Easton led the Mayor and Town Council to form the Easton Business Management Authority (EBMA) in 1993. This organization was founded to represent the business community and to work in partnership with town government to formulate an action-oriented revitalization strategy which would create an economically viable Town Center for the residents of Easton and Talbot County. Key elements of the strategy included new public spaces, coordinated streetscape and environmental elements, “trail blaze” signage, store hours, cohesive sales/marketing tools, and marketing of the lifestyle – the “Easton experience.”¹⁹

In February 2000, EBMA and Main Street Easton sponsored a “Shut Down the Town” Day to create regional awareness of the issues and opportunities facing Easton and Town Center, increase communication among Town Center stakeholders, and identify next steps for the continued revitalization of the Town Center.²⁰ Strategies discussed for enhancing the Easton economy included: expanding the role of tourism; increasing funding for economic development; working with the Talbot County Economic Development Commission to develop an industrial or corporate park within Easton; and directing non-retail and residential occupancy to second and third floor locations as well as to appropriately zoned, adjacent properties in order to encourage the stabilization and strengthening of Easton’s town center as a retail shopping center.

Recently, questions over development projects on the border of the county and the town have raised issues of county/town coordination. In 1999, the Easton Town Council signed a temporary moratorium on large retail development.²¹ Next, the Easton Town Council passed legislation that will limit future big box retail space to 65,000 square feet or less, and prevent the town’s Board of Zoning Appeals from granting a variance on the maximum size.²² As a result of the moratorium, big box retailers (Home Depot) selected eight lots in the County to site a new store. Lowe’s also began looking at a County site on the town boundary. Both Home Depot and Lowe’s have been undergoing site reviews to ensure that their plans meet certain criteria (traffic impact, sewage, etc.) to soften the impact on the community. On April 6, 2000, Home Depot’s site plan was rejected by the County because of concern about traffic. Town and County officials believe that the real question is about goals for growth. Part of this relates to the size of the area for which Easton and Talbot County want to be a retail market.

RURAL LEGACY

Talbot County has traditionally had a farm and fishing economy with limited industrial and commercial development. In recent decades, Talbot County has evolved into a more mixed economy, with services, tourism, manufacturing and retail businesses taking more significant roles. During the late 1960s, the County began experiencing accelerating new residential development, due primarily to an influx of retirees moving to Talbot County from nearby metropolitan areas.²³

The major economic sectors in Talbot County in terms of jobs include services, wholesale and retail trade, and manufacturing. Over the last twenty years these economic sectors, with the exception of manufacturing, have increased their share of employment. The agriculture, fisheries, forestry, government, transportation, communication and public utilities sectors have decreased their share of total employment over the last three decades. Despite employment losses, the agriculture industry has remained strong over the last decade.²⁴

Although approximately 10,928 acres in Talbot County are developed for commercial, industrial, and residential, approximately 161,627 acres remain open space. The vast majority of this open space is used for agriculture. In 1990, total land in agricultural use accounted for 109,840 acres. Commercial and industrial development accounts for about 1,441 acres of the developed area of the County. Most of the commercial and industrial development in Talbot County is located in the incorporated towns with some strip development along the county and state roads.²⁵

Talbot County's agricultural economy is under threat from several sources. Growth is spreading from Easton – at times into prime farmland in the growth boundary, which is zoned commercial/industrial (and was thus meant to be developed). The traditional farming industries of corn, soybean, wheat, barley, and chicken are not as profitable as they once were. In addition, as the farming population ages, more and more landowners are selling their land for residential and other non-agricultural uses. Counteracting these threats are state and local preservation efforts.

Maryland Agricultural Land Preservation Program. This program, in existence since 1977, is one of the most successful of its kind in the country. As of 1997, approximately 11,141 acres of land located in 66 districts in Talbot County have been placed in agricultural preservation districts. Development rights easements purchased on approximately 9 of the 62 districts permanently protects 2,432 acres of farmland. Approximately 7,300 acres of land within the County have entered into conservation agreements with various land trust organizations.²⁶

Maryland Rural Legacy Program. Most recently, officials from six Eastern Shore counties collaborated on an inter-jurisdictional application for rural legacy designation for the mid-Shore region.²⁷ In 1999, Talbot and Caroline Counties were awarded a grant under the state Rural Legacy Program for a part of an Eastern Shore agricultural security corridor for Tuckahoe.²⁸ Located west and south of Denton, the Tuckahoe rural legacy area serves as a regional anchor for agricultural production and commerce. It is one of three agricultural security corridor rural legacy areas. Two-thirds of the acres to be protected under this rural legacy area are actively farmed. Fifty-three percent of the land in this region is in current agricultural production, the highest percentage in the state. Important riparian buffers include tidal marshes, bluffs, and coastal plain hemlock forests. The entire agricultural security corridor is roughly 400,000 acres in size, running through five mid-Shore counties. The area contains the best agricultural soils in the region and the highest concentration of agricultural infrastructure. For FY 2000, the Eastern Shore Land Conservancy was awarded \$1 million to protect 951 acres of the agricultural security corridor in Talbot and Caroline counties. The County's goal is to preserve 40,000 acres of farmland by 2020.²⁹

Talbot County Land Use Regulations. County policies state that the county should preserve its unique rural landscape through conservation of farmland, forestlands, and environmentally sensitive lands by application of land use regulations. These land use regulations limit residential density and conserve open space in rural areas.³⁰ They also prohibit strip development along county and state roads in order to preserve scenic rural views. Commercial and industrial development or redevelopment within the county is subject to general design guidelines.³¹

The majority of the County's agricultural lands are designated in the comprehensive land use plan as rural and agricultural conservation areas. Within these areas, agriculture is the preferred use; however, low density, single-family housing is also permitted. Housing density incentives are being recommended for residential subdivisions that cluster residential lots on a small portion of the site and retain a larger portion of the site as permanent open space.³² The future land use plan also designates village centers throughout the rural areas of Talbot County. Development design guidelines for village centers are meant to help preserve rural ambience while still accommodating limited future growth. Twenty village centers are scattered around the county. Allowing mixed use in this area is what forms the historic village character. These centers have tight, dense development with mixed use.³³ County land use regulations require new development and redevelopment in village centers to be compatible with the existing character of the village in terms of land use, density, scale, setbacks, site layout and general design.³⁴

ENVIRONMENTALLY SENSITIVE AREAS

With more miles of waterfront than almost any other county in the country, most development activity in Talbot and in Easton will impact the health of the Bay and its watershed first in the construction phase and then due to an increase in non-permeable surfaces and a decrease in vegetation buffers between the development and the water. Without adequate protections, the waterfront would be in danger of being trampled by growth – especially considering that 38 percent of land in the county is within 1,000 feet of water. In addition to its shoreline, Talbot County also includes the Wye, Miles, Tred Avon, and Choptank Rivers and Harris and Broad Creeks. Easton itself is not on the Bay, but its development affects the Bay watershed. The impact of development on the natural resources and environmental quality of Talbot County is an issue of increasing public concern.

As discussed earlier, Maryland requires local comprehensive plans to contain a sensitive areas element that describes how the county will protect sensitive areas.³⁵ In addition, the state Chesapeake Bay Critical Area Protection Program requires each Maryland county and municipality fronting on the Bay or its tributaries to adopt a local critical area plan and corresponding development ordinances designed to implement the plan.

The Talbot County Chesapeake Bay Critical Area encompasses 65,689 acres, or about 38 percent of the county's total land area.³⁶ Easton has an extensive system of protections in its Critical Area Program, Forest Conservation Ordinance, Floodplain Ordinance, and Stormwater Management Ordinance. The Critical Area Program requires that runoff from properties within a critical area reduce the levels of pollutant loading by 10% based on the pre-development conditions and that virtually no development whatsoever occur within 100 feet of the mean high water line of the corresponding body of water. In addition, Easton has zoned all Critical Area Resource Conservation Districts for 20-acre lots – in practice this means that development does not occur in the Resource Conservation Districts since this lot size is impractical for the city sewer system. Under the floodplain ordinance, Easton does not forbid development within its floodplain, but it does strongly discourage it. Easton's floodplain is narrow and not prone to development for other reasons as well. Easton's Forest Conservation Ordinance helps to protect areas that are sensitive as habitat for threatened and endangered species. Easton is home to the Delmarva fox squirrel – an endangered species – and the Least Tern – a threatened species. Easton also has two known historic waterfowl concentration areas, both of which are protected.

The pressure on Easton to grow and develop has repercussions for its ability to implement the required sensitive areas element of its comprehensive plan, as well as the required critical area restrictions. Both Talbot County and Easton have authority to allow reclassification of critical area land through a process known as growth allocation.³⁷ In addition, Talbot County has the ability to reclassify 1,213 acres of the critical areas of the county, including all land lying within the critical area within incorporated towns from rural conservation district land to any other zoning district. Of these 1,213 acres, 155 acres is reserved for the Town of Easton, 195 acres for the Town of Oxford, 245 acres for the Town of St. Michaels for growth allocation associated with annexations, and 618 acres is reserved for the county.³⁸ Growth allocation in critical areas must meet certain standards, including, for example in Talbot County, to maximize the opportunities for clustered development, minimize impact on habitat protection, and meet other buffer, shoreline protection, and storm water requirements. Easton has used most of its growth allocation from the

county and the issue of how and whether Easton can increase its share of the growth allocation will require county-town coordination, as well as a hard look at the conservation needs in the critical area.

Conclusions: Next Steps

Talbot County and Easton provide a glimpse of how a rural county and a town can implement the state smart growth framework to further local priorities and goals. Their experience also shows how even with a framework in place, communities are still struggling with issues of how best to implement smart growth.

Like many rural areas, the Eastern Shore is still in the early phases of responding to growth and development pressures. There is thus a tremendous opportunity to further existing efforts to implement smart growth policies and programs that will help strengthen those attributes of the region so valued by residents. Participants in the June 2000 workshop identified these attributes as the sense of community and history, the productive farms, forests, and waters, and the rich biodiversity of the Bay and shorelands. To meet the challenges of achieving smart growth – challenges shared by many rural communities and small towns across the U.S. – the Eastern Shore will need to focus particular attention on three areas: enhancing regional cooperation, strengthening the resource-based economy, and ensuring that adequate information about environmental impacts is used to inform development decisions.

ENHANCE REGIONAL COOPERATION

Eastern Shore residents describe their region as an island (in relationship to other parts of Maryland including the metropolitan centers). As such, its communities have a greater need for cooperation and communication in the face of growth pressures. While the localities in the Eastern Shore share many traits, there are substantial differences in the economic and social make-up of the counties throughout the region and in the growth pressures they are experiencing. Their ability to absorb development and to maintain environmental quality differ. This is why it is important to coordinate growth planning and management, not only between counties and their constituent towns, but also from county to county. It may be that substantial retail development and housing, appropriate in one place, may be inappropriate in another.

In addition to regional coordination, there is a need for city-county cooperation. The existing development pattern on the Eastern Shore is one of small, historic towns surrounded by rural counties. As is evident in the example of Easton and Talbot County, future growth may largely take place in and around the cities and towns. The shape of this growth is one of the key questions in the smart growth debate and affects more than just the city or town itself. For one thing, the development should occur in a way which strengthens historic Main Streets and business areas, and does not simply put isolated big box stores surrounded by acres of parking within a mile or so of town centers, where there is no synergy at all.

The surrounding county and its growth decisions in turn also have a substantial impact on the towns and cities. Only when the cities, towns, and surrounding counties approach growth decisions from an integrated point of view will they be able to shape their own growth.

Eastern Shore communities should establish a clear forum or vehicle for communication and cooperation -- both on a regional basis and between cities and their surrounding counties. The prospects for such coordination on the Eastern Shore are strengthened by the existence of dynamic environmental organizations, businesses, and government officials that have been working to make

smart growth a reality in the region. Following are some of the key issues that need to be addressed:

- Planning, zoning and other government decision-making processes, particularly the comprehensive plan visioning process, should be open and easily accessible to all citizens, including citizens in adjacent counties and towns.
- Education and outreach campaigns should be conducted to ensure that citizens understand the unique characteristics of the Eastern Shore and the opportunities these present.
- Neighboring governments should be encouraged to plan together to help avoid disputes over overlapping concerns and divided authority; one formal mechanism could be the convening of joint sessions of Planning Commissions, or quarterly meetings of planning staffs.
- Formal methods of cooperation in the assignment of growth allocations to towns should also be established.
- Towns and counties should agree upon design standards and should establish revenue-sharing mechanisms.

PROMOTE RESOURCE-BASED ECONOMIC DEVELOPMENT

Rural communities often look outside of themselves for economic development possibilities and end up with options that do not meet local economic, social, or environmental needs. Although local governments and residents on the Eastern Shore are contemplating many different strategies for local growth, such as high-tech consulting, tourism, and expansion of industry, there is strong support among planners and residents for the reinforcement and development of the current backbone of the region: fisheries and farming. Although current resource-based businesses on the Eastern Shore are somewhat fragile, many communities still rely on the resource-based economy. There is a great need to think about how to channel the characteristics of growth, such as roads and the attraction of new businesses, to support further resource-based economic development regionally, and not to undermine the viability of water-based, forest-based, and agriculture-based occupations.

The Eastern Shore possesses an enormous capacity for a natural resources-based economic development that will fully utilize the regional strengths, while preserving traditional ways of life and environmental priorities. The region should build on the existing regulatory framework for preserving rural areas by developing a strong rural economic development agenda that supports farming, fishing, and related businesses. Following are some of the central issues to focus on in this area:

- Farming as a viable industry needs to be strengthened and maintained; the region should develop alternative agricultural practices and branded products that are more market-driven and capitalize on the area's proximity to large urban areas in the Mid-Atlantic region.
- New measures to judge economic development success are needed that recognize that food production from land and water are manufacturing activities that create products and bring new money into the region; economic development studies showing the high value of agriculture could help support such an effort and assure agriculture a place on the economic development agenda.

- Resource-based objectives should be included in local economic plans.
- The structure of state funding resources should be re-examined to ensure government is being sensitive to the needs of the agricultural industry.
- Public education activities are needed to underscore the value and current status of the resource-based economy.

ENSURE DEVELOPMENT DECISIONS ARE SUPPORTED BY ADEQUATE ENVIRONMENTAL DATA

Almost every locality in the Eastern Shore has an intimate relationship with the Chesapeake Bay. Every growth and development decision has an impact on the Bay's waters, habitats, and its biodiversity. It is crucial that decision-makers and citizens have the data available that can enable them to make smart growth decisions that take the impact on the Bay and other environmental resources into account. Despite the tremendous amount of research already done on the Chesapeake Bay, the Eastern Shore communities need better and more detailed environmental data. They also need the maps and other easily accessible and user-friendly resources that clearly indicate the environmental sensitivities and allow accurate analysis of how development options will play out from an environmental point of view.

- State mapping and planning resources need to be available in towns as well as counties; the use of internet-based resources may help where these are tightly enough focused to allow their use at the site-specific level by communities.
- State inventories, such as the Maryland Integrated Natural Resource Assessment being conducted by the Maryland Department of Natural Resources, should be made available and promoted as decisionmaking tools for local planning commissions and citizen groups.
- The Maryland Department of Planning should provide targeted resources to assist the Eastern Shore localities in understanding how they can use state resources and state tools to protect this unique area.
- Local governments should incorporate the use of biological diversity, sensitive areas, habitat corridors, and other environmental considerations into their decisions.

Endnotes

¹ Chesapeake Bay Agreement, 2000. See, www.chesapeakebay.net/agreement.htm.

² Maurer, George. Chesapeake Bay Foundation. *A Better Way to Grow: For More Livable Communities and a Healthier Chesapeake Bay*. 1996.

³ Chesapeake Bay Foundation Fact Sheet: Growth, Sprawl and the Chesapeake Bay: Facts About Growth and Land Use. See, www.cbf.org/resources/facts/sprawl.htm as of November 2000.

⁴ Maurer, George. Chesapeake Bay Foundation. *A Better Way to Grow: For More Livable Communities and a Healthier Chesapeake Bay*. 1996.

⁵ Maurer, George. Chesapeake Bay Foundation. *A Better Way to Grow: For More Livable Communities and a Healthier Chesapeake Bay*. 1996.

⁶ Maurer, George. Chesapeake Bay Foundation. *A Better Way to Grow: For More Livable Communities and a Healthier Chesapeake Bay*. 1996.

⁷ See Environmental Law Institute, *Smart Growth in Small Towns and Rural Communities: Maryland's Eastern Shore Roundtable Report*, June 2000. The workshop involved 35 county, town, and local planning officials, residents, and business owners and conservationists.

¹ Maryland Economic Growth, Resource Protection, and Planning Act of 1992.

² Article 66B, Annotated Code of Maryland, Zoning and Planning, June 1996.

³ Neighborhood Conservation and Smart Growth Initiatives, 1997.

⁴ Maryland Economic Growth, Resource Protection, and Planning Act of 1992. See also, www.mdp.state.md.us/smartgrowth/.

⁵ Md. Legislative Session 2000, SB 207, HB 284; SB 208, HB 285.

⁶ Maryland Economic Growth, Resource Protection, and Planning Act of 1992. See also, www.mdp.state.md.us/smartgrowth/.

⁷ Chesapeake Bay Foundation and 1000 Friends of Maryland. *Maryland's Next Steps: Making Smart Growth Smarter. Technical Appendix A*. 1999.

⁸ The Rural Legacy Program was enacted by the 1997 Maryland General Assembly and signed into law May 22, 1997. Maryland Code section 5-9A-01 - 09. See, www.dnr.state.md.us/rurallegacy.

⁹ Maryland Department of Natural Resources figures as of November 2000 at www.dnr.stae.md.us/rurallegacy/rlprogram/funding.html. This number may still rise through additional sources or authorizations.

¹⁰ Chesapeake Bay Foundation and 1000 Friends of Maryland. *Maryland's Next Steps: Making Smart Growth Smarter – Recommendations for increasing the effectiveness of smart growth and expanding its application through new initiatives*. 1999.

¹¹ Maryland Economic Growth, Resource Protection, and Planning Act of 1992. See also, www.mdp.state.md.us/smartgrowth/.

¹² Section 3.05(a)(1)(viii), Article 66B, Annotated Code of Maryland.

¹³ Section 3.06(b), Article 66B, Annotated Code of Maryland.

¹ Easton, Maryland. *Comprehensive Plan*. 7/7/97.

² Talbot County, Maryland. *Comprehensive Plan*. 9/16/97.

³ Talbot County, Maryland. *Comprehensive Plan*. 9/16/97.

⁴ Talbot County, Maryland. *Comprehensive Plan*. 9/16/97.

⁵ Talbot County, Maryland. *Comprehensive Plan*. 9/16/97.

⁶ Easton, Maryland. *Comprehensive Plan*. 7/7/97.

⁷ Talbot County, Maryland. *Comprehensive Plan*. 9/16/97.

⁸ "Talbot County Government" Available at: <http://www.mdarchives.state.md.us/msa/mdmanual/36loc/ta/html/ta.html>

⁹ Talbot County, Maryland. *Comprehensive Plan*. 9/16/97.

¹⁰ Easton, Maryland. *Comprehensive Plan*. 7/7/97.

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- ¹¹ Chesapeake Bay Foundation. *Growth, Sprawl, and the Bay: Simple Facts about Growth and Land Use*. September 1996.
- ¹² Talbot County, Maryland. *Comprehensive Plan*. 9/16/97.
- ¹³ Talbot County, Maryland. *Comprehensive Plan*. 9/16/97 and Easton, Maryland. *Comprehensive Plan*. 7/7/97.
- ¹⁴ Talbot County, Maryland. *Comprehensive Plan*. 9/16/97.
- ¹⁵ Easton, Maryland. *Comprehensive Plan*. 7/7/97.
- ¹⁶ Easton, Maryland. *Comprehensive Plan*, p. 30-31, 7/7/97.
- ¹⁷ EMBA, submitted by Quinn Evans/Architects. Inner-Courtyard Design Strategy. July 1997.
- ¹⁸ Easton, Maryland. *Comprehensive Plan*. 7/7/97.
- ¹⁹ Consultant team was led by LDR International, Inc. of Columbia, Maryland, and included The Evans Land Company of Upperco, Maryland and the Chesapeake Group of Baltimore, Maryland. Easton, Maryland. *Comprehensive Plan*. 7/7/97. See Revitalization Strategy for the Easton Town Center, July 1994.
- ²⁰ Summary of Shut Down the Town Day, Easton, Maryland, February 23, 2000, A Main Street Project, Easton Business Management Authority, Consultant: Steve Moore.
- ²¹ The Town of Easton, Moratorium Ordinance, Amended Ordinance No. 390, September 30, 1999.
- ²² The Town of Easton, Ordinance No. 399, 2000.
- ²³ Talbot County, Maryland. *Comprehensive Plan*. 9/16/97.
- ²⁴ Talbot County, Maryland. *Comprehensive Plan*. 9/16/97.
- ²⁵ Talbot County, Maryland. *Comprehensive Plan*. 9/16/97.
- ²⁶ Talbot County, Maryland. *Comprehensive Plan*. 9/16/97. (See "Existing Rural and Agricultural Land Conservation
- ²⁷ ESLC Fact Sheet. Eastern Shore land Conservancy Priority Areas.
- ²⁸ Maryland Department of Natural Resources, Rural Legacy Program 1999 awards list. See, www.dnr.state.md.us/rurallegacy/rlnews/99awards.html
- ²⁹ The Star Democrat online. "Talbot, Easton discuss growth." Published March 20, 2000.
- ³⁰ Talbot County Ordinance, Section 19.3, see www.talbgov.org/pz/ordlist.html, as of June 2000.
- ³¹ Talbot County, Maryland. *Comprehensive Plan*. 9/16/97.
- ³² Talbot County, Maryland. *Comprehensive Plan*. 9/16/97.
- ³³ Interview with Frank Hall, Talbot County. May 10, 2000.
- ³⁴ Talbot County Ordinance, Section 19.10, see www.talbgov.org/pz/ordlist.html, as of June 2000.
- ³⁵ The Maryland Economic Growth, Resource Protection and Planning Act of 1992 added provisions to Article 66B of the Annotated Code for the State of Maryland. Talbot County, Maryland. *Comprehensive Plan*. 9/16/97.
- ³⁶ Critical Area Plan and Ordinance, August 13, 1989.
- ³⁷ Talbot County Ordinance, Section 19.14, see www.talbgov.org/pz/ordlist.html, as of November 2000 and the General Ordinances of Easton (May 1999).
- ³⁸ Talbot County Ordinance, Section 19.14, see www.talbgov.org/pz/ordlist.html, as of November 2000.