

Md. Code article 66B (section 1.02) passed last year gives certain areas of comprehensive plans the force of law. No longer is a town's comprehensive plan merely a guide or suggested plan of action. In seven defined areas, comprehensive plan's policies are the law by which governments must manage.

In light of this, there are five points which TPA believes are needed to insure consistency and clarity in the Easton Comprehensive Plan.

1. The targeted growth rate for the next comp plan period is variably reflected throughout the plan as 1%, 3%, and between 1-3%. All references to the target growth rate for the next six year period should be consistently stated as 1% annually, reflecting overwhelming citizen input and thus decided during the comp plan process. There is no need to mention any other rate than the agreed upon 1%. Indeed the mention of any other rate is confusing and inaccurate.
2. Annexation is always completely discretionary. There is no requirement that land must be annexed into the town regardless of its priority designation or what year it happens to be. Public comment has overwhelmingly endorsed a no-annexation strategy for the next comp plan period. Even Priority 1 parcels carry no mandate, or demonstrable need, for annexation at the agreed upon 1% growth rate. There should be no language in the comp plan that conveys ambiguity on this point.
3. Both the size of the growth area and the population target for Easton are arbitrary. Neither the "ultimate" 38,000 population figure that appears as a goal in the plan nor the growth area was developed with any input from citizens. Both ideas came from a prior consulting firm used by the Town and the County in 2002. They have no known rationale or methodology behind them and should not be characterized as unchangeable goals in this report. The present council or a future council has the authority to change the size of the "ultimate" population or size of the growth areas during a prescribed comp plan review.
4. There remains one parcel that is curiously divided between two priority designations 1 and 2. It is identified on page 49 as a "wedge-shaped parcel" of land. There is no justification for half of this parcel being designated as Priority 1. At a 1% growth rate, there is no demonstrable need to annex it. Furthermore, it does not fit the plan's definition of what a Priority 1 parcel is supposed to be i.e. "areas already developed in Talbot County". Finally, it is simply false that this parcel is "surrounded by development on all sides". As there is no need for annexation in the next six-year period, the parcel should be designated in its entirety as Priority 2.
5. Exhaustive traffic studies commissioned by both Easton and the county in 2005 that found that even without any further approvals or annexations , by 2030 most major intersections on Route



50 will deteriorate to level "F" service for at least part of the day. There is no level worse than "F". A copy of that traffic study should be included in the transportation section of the comp plan to document the inadequacy of Easton's main thoroughfare to handle the traffic it currently has. Going forward, as growth is contemplated; traffic must be a critical consideration.

The public hearing is open until the next Town Council meeting Tuesday, February 16th (Monday being a legal holiday, President's Day).

YOU HAVE THE OPPORTUNITY TO "SPEAK" BY WRITING IN SUPPORT OF THESE POINTS.

Just email Town Manager Robert Karge at robert@town-eastonmd.com.

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TPA COMMENTS AND SUGGESTED EDITS :

The following comments and cited references in the 2010 Draft Comprehensive Plan are examples of the points mentioned in testimony and in this document. This list is not intended to be complete and accurate, rather provide examples of our concerns.

2010 Draft Comprehensive Plan Section: Plan Background

Page	Comment	Cited Text								
19	Language should be edited to reflect change in law i.e. a comp. plan is no longer merely a “guide”.	It is the purpose of the Comprehensive Plan to provide the Town with a guide to organize its growth in a pattern and at a rate that can be accommodated within the human and fiscal resources of the Town and in a manner that does not destroy the character of the place that so many people love and enjoy.								
30	This language establishes 1% as the plan growth rate. This rate should be used throughout the document and mention of any other rates eliminated.	<p>By far the biggest change to this strategy is the establishment of goals, policies, and objectives designed to limit future residential growth to no more than 1% annually. This will be a challenge to achieve given the projections of 3% annual growth that would likely occur absent any actions to either inflate or retard the growth rate. 1% is significantly less than Easton’s recent historic growth rate. However, the Planning Commission believes that Easton has reached a point where growth at a rate faster than 1% endangers our ability to keep up with the provision of the services necessary to accommodate that growth, contributes to making already bad problems (i.e. traffic) worse, and threatens the small-Town charm and atmosphere that so many love about Easton.</p> <p>Growth at a 1% Annual Rate produces the following population projections:</p> <table border="1"> <thead> <tr> <th>2010</th> <th>2020</th> <th>2030</th> <th>2040</th> </tr> </thead> <tbody> <tr> <td>15,401</td> <td>17,013</td> <td>18,793</td> <td>20,759</td> </tr> </tbody> </table> <p>Elements of this refined, limited growth strategy will permeate throughout this Plan. However, it is most clearly and comprehensively outlined in the Municipal Growth and the Implementation Chapters of the Plan.</p>	2010	2020	2030	2040	15,401	17,013	18,793	20,759
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2010 Draft Comprehensive Plan Section: Municipal Growth

Page	Comment	Cited Text
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49	Edit language to state there is no need to annex additional land in the next plan period, or mention a 3% growth rate.	The point is simply that there should be an adequate supply of potential dwelling units within the existing Town limits to forestall the need to annex additional land for some time. In fact, 2,492 units should last approximately 10 years at the 3% annual growth rate that Easton has experienced in the recent past and approximately 30 years at the target rate of 1%. Furthermore this exceeds the growth in total units we have witnessed in the most recent 10 years (i.e. 1999 – 2008) during which Easton has added about 1,900 dwelling units, thus reinforcing the notion that the existing Town limits can accommodate growth for the next ten years. It should be noted also that the previous ten years would seem to be a very representative time period as there were both very high and very low growth periods throughout these last ten years. Thus it seems that it is not necessary to tap into the identified long range growth areas for the next planning period and possibly also for the one to follow (i.e. 2015 – 2021) for the purpose of providing land for residential development.																																								
55	This language establishes 1% as the plan growth rate. This rate should be used throughout the document	...sometime in the 30 th year from 2009 (i.e. 2039). However, Easton does have an Urban Growth Boundary and this Plan seeks to achieve an annual future growth rate of no more than 1%.																																								
70	The table uses 3% growth rate which is inconsistent with plan objectives. Only 1% should be used in the table	<p>Table 10 Future Water Demand and Capacity</p> <table border="1" data-bbox="808 915 1497 1262"> <thead> <tr> <th>Year</th> <th>Population</th> <th>Growth</th> <th>Ave Demand (MGD)</th> <th>Max Day Demand (MGD)</th> </tr> </thead> <tbody> <tr> <td>2007</td> <td>14,889</td> <td>3%</td> <td>2.04</td> <td>3.69</td> </tr> <tr> <td>2010</td> <td>15,799</td> <td>3%</td> <td>2.16</td> <td>3.92</td> </tr> <tr> <td>2015</td> <td>18,316</td> <td>3%</td> <td>2.51</td> <td>4.54</td> </tr> <tr> <td>2020</td> <td>21,233</td> <td>3%</td> <td>2.91</td> <td>5.27</td> </tr> <tr> <td>2025</td> <td>24,615</td> <td>3%</td> <td>3.37</td> <td>6.10</td> </tr> <tr> <td>2030</td> <td>28,535</td> <td>3%</td> <td>3.91</td> <td>7.08</td> </tr> <tr> <td>2033</td> <td>31,181</td> <td>3%</td> <td>4.27</td> <td>7.73</td> </tr> </tbody> </table>	Year	Population	Growth	Ave Demand (MGD)	Max Day Demand (MGD)	2007	14,889	3%	2.04	3.69	2010	15,799	3%	2.16	3.92	2015	18,316	3%	2.51	4.54	2020	21,233	3%	2.91	5.27	2025	24,615	3%	3.37	6.10	2030	28,535	3%	3.91	7.08	2033	31,181	3%	4.27	7.73
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77	There is no objective basis to assume that Easton will add 2,500 homes at any time in the future.	Current analysis of growth shows that the Town of Easton already has (or is already planning to have) sufficient infrastructure to handle the projected Growth of approximately 2,500 homes that could be accommodated within the Town’s current boundaries, as well as at least some of the Future Growth Areas that may be considered for annexation																																								
84	Based on Plan Background language the following language should be revised for consistency. Eliminate mention of the 3% rate.	The Planning Commission envisions actual growth to occur somewhere between 1% and 3%. The most “appropriate” growth rate for Easton is one which insures that infrastructure is able to keep up with the demands generated by that growth and does not create adverse impacts greater than can be ameliorated. What this rate or level might be is unknown, but it is believed that the recent rate of 3% is too high and our target should be closer to the longer-term average of 1% annually.																																								
84	Remove the suggestion that reaching a population of 38,000 is a goal. This figure was not developed with any input	Easton’s ultimate population will be (given certain assumptions about density of development, percentage of residential vs. non-residential development, household size, etc...). We just do not necessarily know when that population might be																																								

	<p>from citizens. It was the sole idea of a prior consulting firm used by the town in 2002 and does not have any known rationale or methodology behind it, and should not be used as an assumption or goal in this report.</p>	<p>achieved. The number of future dwelling units for the Town as a whole has been calculated to be 17,342. At the household size of the most recent (2000) Census of 2.22 persons per household, these dwelling units equate to a total ultimate Town population of 38,499. When that population is achieved of course depends on how fast we grow. At the 3% figure that we've experienced and used throughout the last 15 to 20 years, we would achieve our "ultimate" population in approximately 31 or 32 years (i.e. by the Year 2041). However in light of community concern over the speed and amount of growth occurring in Easton, the Planning Commission has identified 1% as the maximum annual growth rate they would like to see occur in the future. The Planning Commission envisions actual growth to occur somewhere between 1% and 3%. The most "appropriate" growth rate for Easton is one which insures that infrastructure is able to keep up with the demands generated by that growth and does not create adverse impacts greater than can be ameliorated. What this rate or level might be is unknown, but it is believed that the recent rate of 3% is too high and our target should be closer to the longer-term average of 1% annually.</p>
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2010 Draft Comprehensive Plan Section: Water Resources

Page	Comment	Cited Text
173	<p>The discussion should use the 1% growth rate. Again, no need to mention 3%.</p>	<p>The Municipal Growth Element (see especially Table 10) indicated that EUC has planned for expansion of the water system to accommodate a population of 31,181 in 2033, using an average daily demand of 4.27 MGD (7.73 MGD maximum). Our 3% annual average compound growth rate reaches the same conclusion in terms of the Town's population in 2033. Thus this seems to be a reasonable projection and assumption. It can be concluded therefore that EUC both accommodates the existing water demands of the Town and is planning to continue to do so well into the future (i.e. to the year 2033). Since we have also calculated that effective "build-out" of the Town will be achieved just beyond the long range 2040 timeframe of this Plan, it seems logical that only minimal upgrades will be necessary beyond what is already planned in order to serve the Town's ultimate population (and there is ample time to do so).</p>
184	<p>The results conclude that the 1% growth rate results are acceptable. A 3% growth rate is not. Language should not suggest that a 3% scenario will occur. Eliminate mention of 3% rate.</p>	<p>The 3% or build-out scenario uses the expected nutrient caps for the nutrient loads as otherwise it would exceed them. This implies that enhanced nutrient reduction techniques are implemented at some point in the future. At the time that this becomes necessary, the Town will have to evaluate the cost/benefit of such enhancements as it has done in the past each time the system is upgraded. It is conceivable that the Town Council at that time will decide that the cost associated with such enhancements is greater than they believe is worth bearing. If so, development will cease except for redevelopment projects before reaching the limits of our Growth Boundary.</p>

2010 Draft Comprehensive Plan Section: Implementation

Page	Comment	Cited Text
254	<p>The following language is inconsistent with the stated goal of limiting Easton’s growth to 1%. Due to the new importance of comp. plan policies re 66B, there must be no ambiguity that the town intends to limit growth to 1% per year.</p>	<p>The fear is that at 3% growth (or more) development pressures are so great that it becomes more and more difficult to achieve all the goals relative to the type and form of development we want to see. Furthermore, growth at such a rate makes some of our most challenging problems, such as improving traffic conditions, or lessening our impact on the environment, even more difficult, to the point where it borders on the impossible. The Commission recognizes that by merely stating that we want to achieve growth closer to our long-term average of 1%, absolutely nothing changes to make that happen. The Commission and Town Council discussed this issue at great length and ultimately decided that, for now at least, this issue should most appropriately be addressed by adhering to an Annexation Policy that does not allow for an exceedingly high rate of growth. The Priority Growth Areas are ideally suited to do this. The only potential shortcoming of this policy is the rate at which infill/build-out occurs. For this reason, the staff is directed to explore policies and tools which could achieve a specified targeted growth rate, in the event that growth gets out of control. The Commission also recognizes that it will take time to develop such policies, possibly until the enactment of the next Plan in 2015, but they also realize that the longer this task is delayed, the more difficult it will be to achieve the vision of this Plan.</p>
258	<p>Bullet 1 – Since it is clearly stated there is no reason to annex any land other than the priority 1 areas this point is not applicable. This bullet should be removed.</p> <p>Bullet 2 – This is a loophole that will give developers incentive and cause to pursue development projects or annexations that are not desired. This bullet should be removed.</p> <p>Bullet 4 – This is the same loophole developers tried to slip in the 2004 Comprehensive Plan and was caught by the Council at the time and removed. Developers will know full well that their purchase spans two priorities and should be given no slack to develop land the Town does not want because of this loophole. Any surveyor can divide a parcel or farm and certainly would not need a feature to do so. This</p>	<p>Thus at such time as the Planning Commission determines that it is necessary to increase the supply of Priority 1 Areas, the following points should be considered:</p> <ul style="list-style-type: none"> • Proximity to Town Boundaries should be a significant consideration. Any area upgraded should be adjacent to the Town, preferably on more than one side. The higher the degree of contiguity, the higher the preference should be given to the parcel. • Land on which a future amenity or public facility is identified should be given favorable consideration. This is especially true when the need for such amenity or facility is significant and/or imminent. • Developers/Landowners who propose to provide land for amenities or public facilities which are specified in the Plan or in other Town Plans as being needed, but have no specific location attached thereto, should be afforded favorable consideration. • Parcels/Farms should not be split between Priority 1 and Priority 2 Growth Areas unless there is a clear, obvious, and logical division based on a landform or a natural or manmade feature.

	bullet should be removed.	
259	Change “guide” to “control”	The second map that will guide the future growth and development of the Town of Easton during the planning period is the Future Land Use Map. This is the more traditional Map found in a Comprehensive Plan. It maps proposed land uses throughout the Town and within the Urban Growth Boundary.
263	This discussion should reference the required 1% annual growth rate.	These seven areas are envisioned by this Plan as the primary location of any development not already “on the books” at this time during the upcoming Planning Period. The first six are already within the Town boundaries and the seventh is a special situation which may or may not begin the development process during this Planning Period. Combined with the existing planned and/or approved lot inventory and potential infill/redevelopment, growth at our recent rate of 3% should not exhaust the development potential of these areas. However, in planning for the time when this does occur, the Future Land Use Map identifies properties that represent the next logical step in the development sequence of the Town. In addition, the Future Land Use Map also shows future commercial, industrial, park, and institutional uses. Commercial Use, presumably a continuation of the Transient-oriented retail already present, is shown along much of U.S. Route 50. Institutional Uses are indicated, a new addition to the Future Land Use Map

The following excerpt from the Maryland Code Article 66B section 1.02 was obtained at:

<http://www.michie.com/maryland/lpext.dll?f=templates&fn=main-h.htm&cp=mdcode>

§ 1.02. Consistency with comprehensive plans.

(a) *"Action" defined.*- In this section, "action" means:

(1) The adoption of an ordinance or regulation under:

(i) § 1.00(k) of this article;

(ii) § 1.04(f) of this article; or

(iii) § 4.09 of this article;

(2) A requirement under § [9-505\(a\)\(1\)](#) of the [Environment Article](#) and § [19\(o\)\(3\)\(iii\)](#) of Article [23A of the Code](#); and

(3) A required finding under §§ [9-506\(a\)\(1\)](#) and [9-507\(b\)\(2\)](#) of the [Environment Article](#).

(b) *Applicability of section.*- This section applies to the following:

(1) §§ [1.00\(k\)](#), [1.04\(f\)](#), and [4.09](#) of this article;

(2) §§ [9-505\(a\)\(1\)](#), [9-506\(a\)\(1\)](#), and [9-507\(b\)\(2\)](#) of the [Environment Article \(Water and sewer plan review\)](#); and

(3) § [19\(o\)\(3\)\(iii\)](#) of Article [23A of the Code](#) (Annexation plan).

(c) *"Consistent with" or "consistency with" defined.*- Except as provided in subsection (d) of this section, when a provision in a statute listed under subsection (b) of this section requires that an action be "consistent with" or have "consistency with" a comprehensive plan, the term shall be defined to mean an action taken that will further, and not be contrary to, the following items in the plan:

(1) Policies;

(2) Timing of the implementation of the plan;

(3) Timing of development;

(4) Timing of rezoning;

- (5) Development patterns;
- (6) Land uses; and
- (7) Densities or intensities.
- (d) *Priority funding area.*-

(1) In this subsection, "priority funding area" has the meaning stated in § 5-7B-02 of the [State Finance and Procurement Article](#).

(2) This subsection applies to an action under subsection (a)(1)(ii) and (iii) of this section.

(3) Within a priority funding area, when the provisions in subsection (a)(1)(ii) and (iii) of this section require that an action be "consistent with" or have "consistency with" a comprehensive plan, the term shall be defined to mean an action taken that will further, and not be contrary to, the following items in the plan:

- (i) Policies;
- (ii) Timing of the implementation of the plan;
- (iii) Timing of development;
- (iv) Timing of

rezoning; and

- (v)

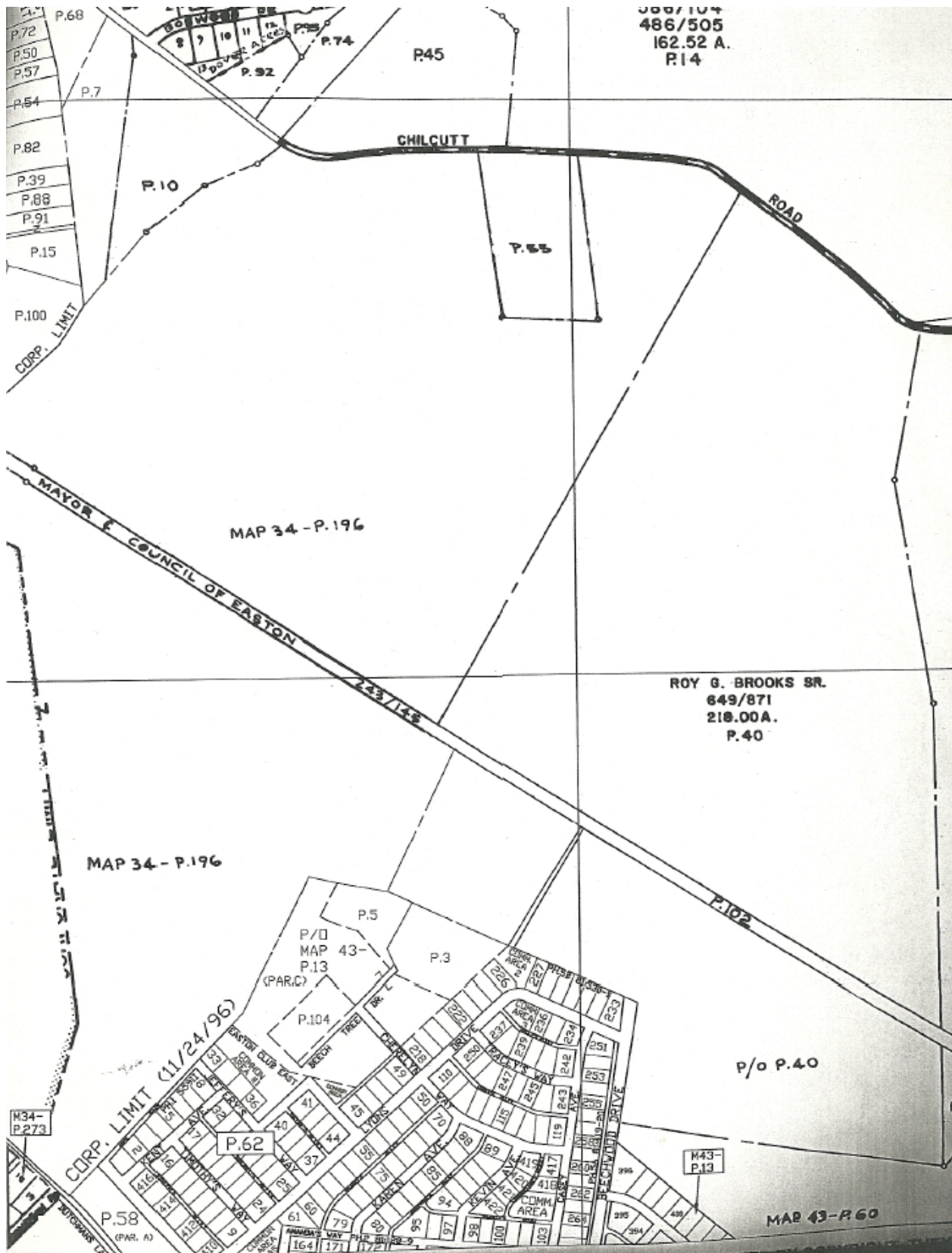
Development

patterns. [2009,

ch. 180, § 2; ch.

181, § 2.]

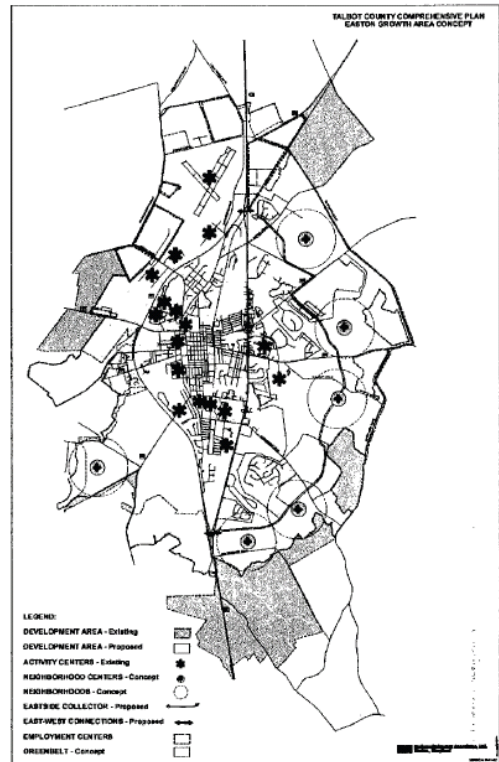
Maryland Department of Assessments and Taxation Map:



The following information was obtained from the Redmond/Johnston Associates 2002 study:

Proposed Development Area Easton and Vicinity

DEVELOPMENT AREA SUMMARY:
Total Land Area (County Area Only):
- Existing Development Area = 5,455 acres
- Proposed Development Area = <u>4,139</u> acres
Estimated Residential Area = 2,068 acres
Estimated Employment Area = 808 acres
Estimated Residential Capacity (@ 3.5 dwelling units per acre) = 7,238 units
Population Capacity (@ average occupancy rate of 2.32 persons per unit) = 16,792 persons
Total Land Area (Town Only):
- Existing Development Area = 1,415 acres
- Proposed Development Area = 1,415 acres
Estimated Residential Area = 1,132 acres
Estimated Residential Capacity (@ 3.5 dwelling units per acre) = 3,962 units
Population Capacity (@ average occupancy rate of 2.32 persons per unit) = 9,192 persons
ESTIMATED TOTAL RESIDENTIAL CAPACITY:
- New Dwelling Units = 11,200 units
- New Population = 25,984 persons
Projected Build-out Population (existing plus estimated) = 37,700 persons
Projected Build-out Year (at annual growth rate of 1.02 percent) = 2090



Redman/Johnston Associates • Easton, Maryland

The following map came from the 2005 County directed traffic study completed by Wallace and Montgomery:



Table 29 – Future Highway Capacity Intersection Levels of Service

Site	Intersection	2015										2030									
		AM					PM					AM					PM				
		Total	N	S	E	W	Total	N	S	E	W	Total	N	S	E	W	Total	N	S	E	W
6	MD 322 @ MD 333	D	D	E	D	E	D	D	D	D	E	E	E	D	D	E	D	D	E	D	E
7	MD 322 @ MD 334	B	B	B	D	D	B	B	B	D	D	B	B	B	D	D	B	B	B	D	D
8	MD 33 @ MD 322	D	C	C	D	D	D	D	E	E	D	D	D	C	D	D	E	E	E	F	D
9	MD 322 @ Glebe Rd.	B	B	B	C	C	B	B	B	D	D	B	B	B	C	C	C	B	B	D	C
10	MD 322 @ Centreville Rd./Washington St.	B	B	B	D	D	B	B	B	D	D	B	B	B	C	C	C	C	B	D	D
12	US 50 @ MD 322	D	C	D	F	-	E	D	E	F	-	E	C	D	F	-	F	D	E	F	-
13	US 50 @ Airport Rd.	D	C	D	E	E	D	D	C	E	F	D	D	D	E	F	E	E	D	E	F
14	MD 309 @ Black Dog Alley	C	A	A	B	C	C	A	A	C	C	C	A	A	B	D	D	A	A	E	C
15	MD 328 @ Black Dog Alley	D	D	C	A	A	F	F	F	A	A	E	E	E	A	A	F	F	F	A	A
16	MD 331 @ Black Dog Alley	D	-	D	B	B	F	-	F	A	A	F	-	F	B	B	F	-	F	A	A
19	US 50 @ Dutchman's Ln.	D	D	D	E	E	E	D	F	F	F	E	D	E	E	E	F	E	F	F	F
23	MD 33 @ MD 370	B	C	C	A	A	B	C	C	B	B	B	C	C	A	A	B	C	C	B	B
25	US 50 @ Barber Rd./Main St./Howe Point Rd.	B	B	B	D	D	B	B	B	D	D	C	C	C	D	F	C	B	C	D	E
27	US 50 @ MD 404	C	C	B	E	E	E	E	E	F	F	C	C	D	F	E	F	F	F	F	F
32	US 50 @ Chapel Rd.	B	B	B	E	E	C	B	C	E	D	B	B	B	E	E	D	C	C	F	F
33	US 50 @ MD 328	E	D	D	E	F	F	D	F	F	F	E	D	E	E	F	F	E	F	F	F
34	US 50 @ MD 331	F	F	E	F	F	F	F	F	F	F	F	F	E	F	F	F	F	F	F	F
35	MD 33 @ Railroad Ave	D	C	D	A	A	D	F	B	A	A	D	C	E	A	A	F	F	E	A	A
39	US 50 @ MD 565/Landing Neck Rd.	B	B	B	D	D	C	B	C	E	D	C	B	C	E	D	F	B	F	F	E

Note: Shaded sites indicate unsignalized intersections.