

Evaluation of Local Side Program Open Space:
Report to the Senate Education, Health, and Environmental Affairs Committee and
The House Environmental Matters Committee

October 1, 2010

Introduction

Senate Bill 163 – *Program Open Space – Use of Funds – Indoor or Outdoor Recreational Facilities* was passed by the Maryland General Assembly and signed into law by Governor O’Malley following the 2009 Session. This report is required by the following non-codified section of the legislation.

SECTION 2. AND BE IT FURTHER ENACTED, That the Department of Planning shall evaluate, in consultation with the Department of Natural Resources and local governments, the degree to which State goals for recreation, parks, open space, and land acquisition are being effectively addressed through the local side Program Open Space process. On or before October 1, 2010, the Department of Planning shall report its evaluation, as well as any recommended statutory or administrative changes, to the Senate Education, Health, and Environmental Affairs Committee and the House Environmental Matters Committee, in accordance with §2–1246 of the State Government Article.

More on SB 163

The codified sections of SB 163 allow local side POS funds to be used “for indoor or outdoor recreation and open space purposes, including the construction of indoor or outdoor recreational facilities such as aquatic, golf, community, and nature centers.” Indoor facilities larger than 7,500 square feet must “meet or exceed the current version of the U.S. Green Building Council’s LEED Green Building rating System Silver Rating...” and, “to the maximum extent practicable, the nonstructural sited design practices in the Maryland Stormwater Design Manual....”

If a local government uses local side POS funds to acquire land within a Priority Funding Area (PFA) and agrees to limit impervious surface to no more than 10 percent of the land, “the State shall provide 90 percent of the total project cost.” If the local government uses its local side POS funds “to construct an indoor recreational facility that is not ancillary and necessary for outdoor recreation, and will be located outside of a [PFA]... the State shall provide 50 percent of the total project cost.”

In consultation with the Department of Natural Resources (DNR) and the Maryland Association of Counties (MACo), the Maryland Department of Planning (MDP) presents this evaluative report jointly to the Senate and House environmental committees of the Maryland General Assembly. MDP accomplished this effort through the formation and support of a State/Local workgroup (the workgroup), which contributed substantively to this report. DNR was represented on the workgroup by staff from Land Acquisition and Planning (LAP). Local governments were represented by members of MACo’s Recreation and Parks Affiliate. MDP was represented by staff from the Land and Water Resource Planning Division. We owe an enormous debt of gratitude to our colleagues for their collaboration, input, and feedback. While a high level of consultation was essential throughout the workgroup process, accompanied by a commensurate spirit of transparency, MDP is solely responsible to the General Assembly for the contents and recommendations of the final report.

Both codified and non-codified sections of SB 163 reflect the desire of the legislature to ensure that local side Program Open Space (POS) funds are being used effectively to achieve State and local goals for recreation, parks, open space, and land acquisition. This report summarizes information about the effectiveness of the local side POS process taken from Maryland's 2009 Land Preservation, Parks, and Recreation Plan and deliberations of the aforementioned workgroup. As directed by SB 163, it recommends statutory and administrative actions that we believe will help to increase effectiveness of the local side POS based on that information.

Review of goals, evaluation of individual goals being achieved, overall evaluation, summary of findings and recommendations

Goals for Recreation and Parks

For purposes of this evaluation, it is important to recognize that Maryland's 2009 Land Preservation, Parks, and Recreation Plan (LPPRP) consists of four elements with related but distinct goals: Recreation and Parks, Agricultural Land Preservation, Natural Resource Conservation, and Historic Preservation.

State and local programs in these four areas are inter-related but have distinct goals and objectives. This report is focused on recreation and parks and the local side POS process. County recreation and parks agencies responsible for delivering these services are supported by the State through what is often called local side POS – the subject of this report as directed by SB 163 – was addressed largely through the Recreation and Parks element of the 2009 State LPPRP and the 24 local plans completed in 2005 and 2006.

These plans recognize the following goals for Recreation and Parks specifically:

1. Meet the default recreational land acquisition goal of 30 acres per 1,000 of population, established by MDP, or a county-specific needs-based goal approved by MDP.
2. Make a variety of quality recreational environments and opportunities readily accessible to all of its citizens, and thereby contribute to their physical and mental well-being.
3. Recognize and strategically use parks and recreation facilities as amenities to make communities, counties, and the State more desirable places to live, work and visit.
4. Use State investment in parks, recreation and open space to complement and mutually support the broader goals and objectives of local comprehensive / master plans.
5. To the greatest degree feasible, ensure that recreational land and facilities for local populations are conveniently located relative to population centers, are accessible without reliance on the automobile, and help to protect natural open spaces and resources.
6. Complement infrastructure and other public investments and priorities in existing communities and areas planned for growth through investment in neighborhood and community parks and facilities.

7. Continue to protect recreational open space and resource lands at a rate that equals or exceeds the rate that land is developed at a statewide level.

Evaluation

Following are discussions of the degree to which local programs are meeting each of these goals for recreation and parks. These are followed by an overall evaluation. The report ends with a summary of findings and recommendations.

1. Meet the default recreational land acquisition goal of 30 acres per 1,000 of population, established by MDP, or a county-specific needs-based goal approved by MDP.

We are meeting the “statewide” default acreage goal through 2010 and for the projected 2020 population. However, this acreage goal is intended to be county-specific, not for Maryland as a whole. Its purpose is to provide an indicator of the need for land acquisition in each jurisdiction, in relation to needs for facility development and rehabilitation. State law and guidelines also use the default goal, or a county-specific alternative, as a threshold for spending a higher percentage of local side POS funds on facility development versus land acquisition.¹

A number of counties currently fall short of the default goal or their own needs-based goal approved by MDP. The progress of the Counties in meeting these goals is shown below, in the reproduction of Table 7 from Chapter III of the Maryland 2009 LPPRP.

In their 2005 or 2006 Land Preservation, Parks, and Recreation Plans, Counties were asked to estimate the cost of land acquisition priorities through 2020. Some counties did not include the estimate, but the total for Counties providing the estimate for these priorities was \$564,050,000. However, it is important to note that priority needs for facility development and rehabilitation are estimated for a total of \$1.7 billion, discussed further below in relation the next goal.

¹ According to statute (Natural Resources Article, Title 5 (Forests and Parks), Subtitle 9 (Program Open Space), Counties that have not met their land acquisition goals shall use one half of their “annual apportionment shall be used for acquisition or development projects provided that up to 20 percent of the funds authorized for acquisition or development projects...may be used for capital renewal.” If its acreage goal is certified by DNR and MDP, “a local governing body may use up to 75 percent of its future annual apportionment for development projects for a period of 5 years after attainment, provided that up to 20 percent of the funds authorized for use for development projects under this subparagraph may be used for capital renewal.”

2009 Maryland Land Preservation, Parks, and Recreation Plan - Volume I

Table 7 – Population-Based Default Acreage Standard (30 acres/1,000 persons) Compared to Local Inventories of Creditable Parkland Acreage Reported in the 2006 Local Plans

COUNTY/REGION	Default Acreage Standard, 30 acres per 1,000 persons			Creditable Parkland Acreage	Does Inventory meet Standard?		
	2005	2010	2020		2005	2010	2020
BALTIMORE REGION							
Anne Arundel County	15,360	15,804	16,530	9,310			
Baltimore County	23,721	24,590	25,256	15,038			
Carroll County	5,070	5,391	5,796	5,896			
Harford County	7,163	7,641	8,715	6,508			
Howard County	8,106	8,826	9,398	8,621			
Baltimore City	19,080	19,370	19,475	24,458			
WASHINGTON SUBURBAN REGION							
Frederick County	6,656	7,296	10,191	3,662			
Montgomery County	27,915	30,000	34,674	26,363			
Prince George's County	25,515	26,178	29,798	24,458			
SOUTHERN MARYLAND REGION							
Calvert County	2,556	2,733	2,883	1,889			
Charles County	4,161	4,568	6,182	2,884			
St. Mary's County	2,897	3,245	4,565	1,861			
WESTERN MARYLAND REGION							
Allegany County	2,217	2,223	2,202	3,279			
Garrett County	905	932	1,008	2,155			
Washington County	4,232	4,524	5,694	2,200			
UPPER EASTERN SHORE REGION							
Caroline County	939	1,016	1,427	10,462			
Cecil County	2,919	3,275	4,800	2,532			
Kent County	590	614	696	7,945			
Queen Anne's County	1,379	1,497	1,899	1,654			
Talbot County	1,058	1,103	1,254	661			
LOWER EASTERN SHORE REGION							
Dorchester County	939	995	1,197	10,310			
Somerset County	780	824	911	859			
Wicomico County	2,687	2,843	3,512	19,144			
Worcester County	1,482	1,574	1,880	10,102			
STATE TOTALS	144,606	152,472	174,682	187,173			

Meets Standard
Below Standard

2. Make a variety of quality recreational environments and opportunities readily accessible to all citizens, and thereby contribute to their physical and mental well-being.

Local parks and recreation agencies, and by extension local side POS funding and process, play an integral role in ensuring that a variety of quality recreational environments and opportunities are accessible to Marylanders. The primary focus of most local parks and recreation agencies is on active and facility-based forms of recreation, often in settings that also conserve natural resource amenities on the sites. By way of comparison, the emphasis of Maryland's state parks, forests and natural environmental areas is on natural resource conservation and providing predominantly natural resource-based forms of recreation supported by some degree of facility improvement. This complementary arrangement provides a wide array of recreational and leisure opportunities to the public, offering a diversity of choices that contribute to the physical and mental well-being of Maryland citizens and visitors to the state.

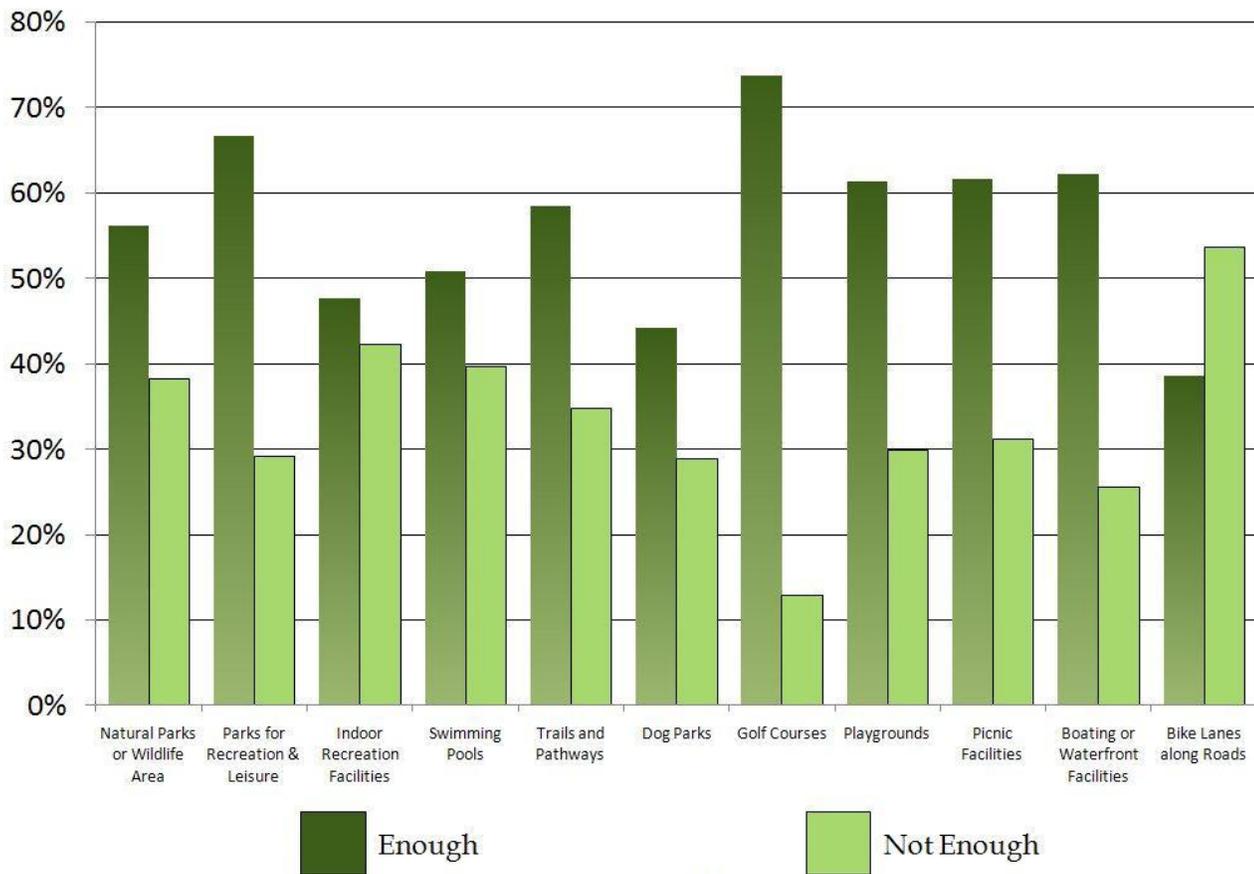
The local side of Program Open Space (POS) has been invaluable in helping Counties and municipalities support this goal that is shared by both levels of government. It provides funding for park acquisition and for the development and rehabilitation of both indoor and outdoor recreation facilities. Local POS funding has been invested in a wide array of sites ranging from neighborhood to stream valley to regional parks, and for such diverse facilities as ball fields, playgrounds, picnic pavilions, recreation and nature centers, trails, and paths.

Notwithstanding these accomplishments, the 23 Counties and Baltimore City identified needs-based priorities for over \$1.7 billion for the development and rehabilitation of park and recreation facilities between 2005 and 2020 in the latest round of Land Preservation, Parks, and Recreation Plans. When considered together with the \$500 + million in priority needs for land acquisition, it is clear that much remains to be accomplished if we are to make a variety of quality recreational environments and opportunities readily accessible to all citizens.

These needs for facility development relate to both indoor and outdoor facilities. Given the focus of SB 163 on indoor facilities, the following additional information about them is provided.

Graph 6 from the 2009 Maryland LPPRP, reproduced below provides a chart showing the adequacy of supply of recreational opportunities by type statewide as perceived by the public. A previous telephone survey conducted for MDP and DNR by the Maryland Institute for Policy Analysis and Research, University of Maryland, Baltimore County (UMBC survey), revealed that 42% of respondents said there were "not enough" indoor recreation facilities, and 39% said the same about swimming pools. Of the 11 types of recreational facilities in the survey, only "Bike Lanes Along Roads" scored higher for "not enough" (approx. 53%) than indoor facilities and swimming pools.

Graph 6 - Adequacy of Supply by Type of Recreational Facility Statewide
Based on Households Survey



Many sports that take place outdoors can also take place indoors: basketball, tennis, volleyball, and swimming, to name a few. When these facilities are indoors, the sports season runs for the entire year, meaning that Counties can meet the recreational needs of Maryland’s residents year round. Inclement weather, winter cold, or excessive summer heat all curtail the use of outdoor facilities, but are unlikely to cancel indoor activities.

Other sports and fitness activities take place entirely indoors: aerobics, yoga, weight and strength training, curling, etc. The demand for space to accommodate these activities will grow even more important over time as the population ages and requires activities that focus on balance, coordination, flexibility, and strength. Community centers are another type of indoor facility that can serve many purposes in a community, such as providing valuable meeting space and room for community events or classes, especially in more urbanized and developed areas.

Given the inherent ability of indoor facilities to expand recreational opportunities to greater numbers of people, indoor facilities merit considerable emphasis and priority in the local side POS process if it is going to remain a significant revenue stream to support State goals for recreation and parks through local government.

It is therefore important that the process support site acquisition and development and rehabilitation of both outdoor and indoor recreation facilities, commensurate with their respective importance in achieving this goal. Within this continuum of spending targets for local side POS funding, indoor facilities are increasingly important.

3. Recognize and strategically use parks and recreation facilities as amenities to make communities, counties, and the State more desirable places to live, work and visit.

The availability and quality of parks and recreational opportunities are essential to the quality of life at the State, County, and local levels. A plethora of studies have shown that parks typically elevate nearby property values, enhance public health, and help protect the natural environment and attract and retain homebuyers and businesses. Local side POS funding is critical to achieving these outcomes and supporting the goal of making communities, counties, and the State more desirable places to live, work and visit. This funding has been particularly effective at neighborhood and community levels by securing and developing parks and recreation facilities in places that do not have convenient access to the State's parks. Similarly county and municipal parks and recreation agencies have a strong record of strategically using local POS funding to promote community conservation, providing parks as an "adequate public facility" within established and growing communities, and creating amenities that draw visitors from afar and thereby support local tourism.

Summarized below are the results of a survey of public attitudes about the importance of parks and conservation, derived from the 2003 UMBC study conducted for MDP and DNR and reprinted from page III-90 of the 2009 Maryland LPPRP. The survey indicates that Maryland citizens place considerable priority on parks, recreation and conservation as important aspects of quality of life, reinforcing the importance of the role this goal plays in determining the effectiveness of the local side POS process.

4. Use State investment in parks, recreation, and open space to complement and mutually support the broader goals and objectives of local comprehensive/ master plans.

State and local investment in parks, recreation and open space is integral to achieving the goals and objectives identified in local master plans. Parks and recreation are important components of county, municipal, and community plans, and POS funding has allowed local governments to achieve associated goals and objectives to a greater extent than would be possible through the use of local funding only. As part of the POS process, local governments are required to identify how all proposed POS projects support the goals and objectives of local comprehensive plans and related planning documents and policies.

The 2009 Maryland LPPRP focused on the relationship between local side POS investments and master plan goals as applied to the parks and recreation element only. Greenprint can be a useful resource for county and municipal planners seeking to incorporate broader natural resources goals and agendas into their local comprehensive/master plans.

Public Attitudes about Parks and the Conservation of Open Space

Importance of governmental actions to protect more land for conservation. (Percent)						
Governmental Action	Very Important	Somewhat Important	Not too Important	Not at all Important	Not Sure	Total
Acquire parkland for active recreation	52.3	38.5	6.5	2.6	0.1	100.0
Protect lands for protection of wildlife, water quality and a healthy environment	83.6	13.5	2.6	0.0	0.3	100.0
Preserve farmland	65.6	26.3	4.8	3.0	0.4	100.0
Provide public access to the bay or rivers	49.8	38.8	9.9	0.5	1.1	100.0
Support for governmental actions to manage development and protect resource lands (Percent)						
GOVERNMENT SHOULD	Strongly Agree	Somewhat Agree	Somewhat Disagree	Strongly Disagree	Not Sure	Total
Limit growth and development through planning and land use regulation	44.4	39.6	10.5	2.9	2.6	100.0
Buy more land for parks and resource protection	40.9	38.0	12.6	6.8	1.8	100.0
Require developers to preserve more natural areas and open space	64.5	27.4	6.8	0.6	0.8	100.0
Provide economic incentives to land owners for conservation and resource protection	47.0	40.9	6.4	4.0	1.8	100.0

5. To the greatest degree feasible, ensure that recreational land and facilities for local populations are conveniently located relative to population centers, are accessible without reliance on the automobile, and help to protect natural open spaces and resources.

As stated previously, the parks and recreation facilities provided by local jurisdictions complement those supplied by the State. While most State parks are sited according to the presence of unique and/or significant natural resources or features, the vast majority of local sites and facilities have been acquired and developed to meet localized recreation needs generated by the existing or projected population. The State has a strong interest in creating more trail connections between communities, schools, and State and local parks. DNR is encouraging local partners to voluntarily help create more of these connections.

All local LPPRPs provided some information about how local jurisdictions are planning to ensure that a variety of quality recreation environments and opportunities are readily accessible to all of their citizens. Most local parks and facilities funded through local POS are within walking or bicycling distance of the population they are intended to serve, though a lack of quality pedestrian and bicycle networks (sidewalks, bike lanes, paths, etc.) and “car-first” mentality can sometimes reduce the likelihood that park visitors will access the site by foot or bicycle. Local jurisdictions recognize and acknowledge the importance of Smart Growth principles of concentrating public investments within the Priority Funding Areas. There is also a need for recreation and open space in areas of less density to serve populations that also desire recreational opportunities and parklands.

The degree to which natural resources and open spaces are protected varies by jurisdiction and the type of project. Environmental and development regulations, which apply to parks and recreation as well as to general development, provide some assurance that areas such as wetlands, steep slopes, forests, streams, and the Chesapeake Bay are protected. However, conservation and preservation of natural features and open space above and beyond these requirements is frequently a feature of POS-funded local projects. Parklands, in general, feature less impervious surface than nearly all other types of land uses. Thus, land preserved within parks often support broader conservation objectives for natural resources.

6. Complement infrastructure and other public investments and priorities in existing communities and areas planned for growth through investment in neighborhood and community parks and facilities.

One of the major forces driving the decisions of local parks and recreation agencies is the population growth trends and policies of their county and/or municipality. Significant investment of funding, including local POS, has gone into the acquisition and development of neighborhood and community parks in areas of growth, and has been utilized to rehabilitate, expand, or improve parks that serve existing population centers. In some of the more densely-populated counties where land has become scarce within certain neighborhoods and communities, regional-serving parks and facilities have been provided to serve multiple communities. Furthermore, some jurisdictions utilize local POS to support other public investments via cooperative arrangements including dual-use school recreation centers and multi-agency facilities such as community centers.

Increased population in existing and planned communities translates to increased demand for recreational facilities. Recreational infrastructure has a life cycle that demands future investment in rehabilitation. It is thus essential that local POS funding be made readily available for the development and renovation of outdoor and indoor facilities and support amenities, in addition to site acquisition.

Opportunities for the private sector to support neighborhood parks are possible in older neighborhoods where parks and recreation were not as big a concern as they are now. For example, when old commercial strips and underperforming shopping centers are redeveloped into lively mixed use centers for example, there is plenty of room for a playground or a shady pocket park where residents and visitors can gather and relax—green space that did not exist on the site previously.

7. Continue to protect recreational open space and resource land at a rate that equals or exceeds the rate at which land is developed at a statewide level.

This goal applies collectively to all of the elements of the land preservation, parks and recreation planning process to varying degrees, including Agricultural Land Preservation, Recreation and Parks, Natural Resource Conservation, and Historic Preservation. Accordingly, this goal is addressed through the combination of all State, federal and local programs that protect land for one or more recreational or resource conservation purposes.

In the **Maryland Land Preservation, Parks and Recreation Plan, 2009**, we estimated that this goal was being met statewide (1.09 acres preserved land for each acre of development), using 2002 statewide Land Use/ Land Cover data as the source for information on development. Using updated and improved Land Use/ Land Cover information for 2007 compiled by MDP, the current ratio of protected to developed land for the State is about .88:1. Thus, we are falling short of meeting this goal.

On a county by county basis, generally speaking, the amount of land preserved through easement or public acquisition exceeds the amount developed land in rural counties with large public land holdings. This is less often the case in metropolitan and transitional counties, which obviously have more difficulty protecting land faster than it is developed due to development pressure (2009 Maryland LPPRP, Volume I, Chapter III, p.107). Since this is a statewide goal, there is little need to emphasize the variations that exist among counties further here.

While the quantitative measure inherent in this goal is a valuable indicator for collective State and local land preservation and acquisition efforts, it does not tell the whole story. The needs-based analyses local governments are now performing to develop acquisition and facility development priorities, discussed under goal 2, show a more detailed picture of what lands and facilities are needed to meet public demand. The 2010 Guidelines for State and Local Land Preservation, Parks, and Recreation Planning, which accompany this report, place particular emphasis on focusing funds in the places where they are needed most to meet the varying needs of different populations, as suggested in the 2009 Maryland LPPRP (page III-110).

Overall Evaluation

For purposes of evaluation, it is important to reiterate that the local side POS process and associated funds are not responsible for all of the State's goals for recreation, parks, open space, and land acquisition. They are responsible only to help accomplish the six goals listed in this report that pertain specifically and exclusively to local recreation and parks services (goals 1 through 6 listed in the beginning of this report). Those goals were defined in the *2003 Guidelines for State and Local Land Preservation, Parks, and Recreation Plans*, and reiterated in the *Maryland Land Preservation, Parks, and Recreation Plan 2009* and the *2010 Guidelines* for the next round of State and local land preservation, parks, and recreation planning.

The focus of those six goals is on 1) acquiring recreational land commensurate with increasing population and demand; 2) making recreational opportunities accessible to all citizens; 3) using parks and recreation facilities as amenities to make communities desirable places to live and work; 4) using local side investment to complement local comprehensive plans; 5) locating recreational land and facilities convenient to population without reliance on automobiles, and to help to protect natural open spaces and resources; and 6) focusing recreation investment in existing communities and areas planned for growth.

Broadly speaking and as illustrated through the preceding discussion of the ways in which local recreation and parks programs are addressing them individually, we are confident that those goals are being effectively addressed through the local side Program Open Space process within realistic limits. Those limits include the fact that the local side POS process and the amount of funds provided through it are not the only important factors affecting progress and shortcomings toward these goals. Success also depends, among other things, on State guidelines and restrictions for the local side process, how each jurisdiction uses its available funding, and to the extent that jurisdictions are able to leverage existing funds with private sector resources to achieve State goals in older neighborhoods where parks and recreation have taken on a renewed priority.

How jurisdictions use available funding to achieve State goals is addressed generically – i.e., for counties in general – in the preceding discussions of individual goals. This overall evaluation therefore focuses on 1) State restrictions and guidelines for the local side POS process and 2) the amount of funds provided through the local side process, as important factors contributing to the degree to which the process is achieving state goals.

State Guidelines and Restrictions for the Local Side Process

The *2003 State Guidelines* for the local side process initiated several new requirements to help ensure cost effective use of local side POS funds to achieve State goals. They included the following (abbreviated from the *Guidelines*).

2003 Guidelines for Local Recreation and Parks

1. Describe how local parks and recreation programs and procedures:
 - Complement and support the broader goals and objectives of local comprehensive / master plans, including the Eight Visions of State planning policy.
 - Ensure that recreational land and facilities for local populations are conveniently located relative to population centers, help protect natural open spaces and resources, and complement community design and infrastructure.
 - Make existing communities and planned growth areas more desirable, thereby encouraging private investment in those areas commensurate with the priorities of the comprehensive plan.
 - Ensure that a variety of quality recreational environments and opportunities are readily accessible to all citizens.
2. Complete a needs analysis to identify local priorities for land acquisition, facility development, and facility rehabilitation.
3. Identify needs-based priorities for land acquisition, facility development, and facility rehabilitation, along with estimated costs, for each of three planning time frames: short- (2006-2010), mid- (2010-2015) and long-range (2016-2020).
4. Provide, if possible, estimates of the amounts of funds expected from established revenue sources, including POS and others, to fulfill these priorities.
5. Summarize their needs-based priorities for each planning time frame in fourteen categories, including field sports (athletic fields, multipurpose fields, and football/soccer fields), baseball/softball, basketball, tennis, and the top ten needs as identified by the County beyond these four.

Based on the conclusions from the *2009 Maryland Land Preservation, Parks, and Recreation Plan*, the *2010 Guidelines* for the next round of State and local planning further specify that each local plan should focus on how it will achieve State goals through its spending priorities for acquisition, facility development, and rehabilitation. The *Guidelines* also specify that the majority of funding should be targeted to neighborhoods and communities where population and growth are concentrated, and that parks and facilities should be provided in lands designated for agricultural and/or natural resource conservation only to serve needs of the existing population or to preserve significant natural resources.

Generally, the focus of both the *2003* and *2010 Guidelines* is on ensuring that the local side process 1) contributes effectively to achieving State goals and 2) supports the the statewide planning visions and by extension, local comprehensive plans. The strategy is to make State goals clear, and require that local priorities for acquisition and facility development effectively address them.

We believe that the provisions of SB 163 are complementary to the focus and strategy of the *2003* and *2010 Guidelines*. SB 163 incorporates the following provisions in the local side process, in the form of additional guidelines, restrictions and requirements:

1. Clarifies that local side funds can be used for indoor and outdoor facilities;

2. Requires that indoor facilities above a size threshold meet or exceed LEED Green Building Silver standards (actual certification is not required);
3. Requires environmental site design (ESD) techniques to the maximum extent practicable (MEP), consistent with stormwater management regulations;
4. Establishes that the local side process will fund land acquisition for development of indoor facilities within a Priority Funding Area (PFA) at rates up to 90% of total project cost, if the local governing body agrees to limit impervious cover to 10% of the land; and
5. Limits funding through the local side process for indoor facility development costs outside PFAs to 50% if the facility is not ancillary and necessary for outdoor recreation.

Provision 1 clarifies the eligibility of indoor facilities under the local side process. This clarification will help address the importance of indoor facilities as an integral means to achieve State goals 2 through 6, as discussed above. For example, under goal 2, which focuses on making quality recreational opportunities accessible in population centers, it was pointed out that more respondents to the State's 2003 survey said there were "not enough" indoor recreation facilities (42%) and swimming pools (39%) than all 11 of the other types of recreational facilities, with the exception of "Bike Lanes Along Roads" (53%). That discussion also identified distinct abilities of indoor facilities to make many important recreational opportunities more accessible to more people more of the time, and pointed out that, if the local side POS process is to remain a significant revenue stream to support State goals for recreation and parks through local government, indoor facilities must merit considerable emphasis and priority.

Provision 2 (LEED Silver standards) is consistent with the Governor's Smart, Green and Growing priorities, particularly the emphasis on sustainability of development, communities, environment and quality of life. These are important themes of State planning policy, i.e., the 12 Visions adopted by the General Assembly in 2009, and PlanMaryland, for which MDP has initiated a process to develop. While this LEED requirement goes beyond the *2003* and *2010 Guidelines*, it is consistent with them and advances their intent.

Provision 3, for Environmental Site Design (ESD) to the Maximum Extent Possible, as defined by State stormwater management regulations, is also consistent with *2003* and *2010 Guidelines* and, obviously, the stormwater management requirements.

Provisions 4 and 5 attempt to establish an incentive and disincentive, respectively, for facility development in and outside of PFAs. We recognize and support the intent to minimize environmental and water resource impacts of facility development funded by local side POS, but we believe that this is most effectively addressed through State stormwater management requirements and not through these provisions.

State stormwater management regulations include a sequence of provisions to limit impervious cover, require ESD to the MEP, and minimize the impacts of stormwater through watershed management plans. Those provisions can be used to accommodate the intent of State planning policy to concentrate development and population in PFAs – a key means to many of Maryland's Smart, Green and Growing objectives, including those of the Sustainable Communities Act of 2010 – while minimizing water resource impacts.

Funding through the Local Side Process

Significant percentages of Marylanders believe that there are “not enough” recreational lands, facilities, and opportunities, and a large majority think it very or somewhat important to acquire more parkland for active recreation. Limited funding for public lands and facilities is clearly an issue of concern.

Variation in the availability of local side POS funds is unavoidable with variations in the economy and the real estate market. This affects state side POS, MALPF, Rural Legacy, and other preservation and conservation programs. It obviously also affects local government’s ability to meet recreational needs and achieve State goals through the local side process.

Due to decreased revenues and changes to the funding formula, the ability of State and local agencies to meet all of the aforementioned goals has become increasingly more difficult. And yet the demand for recreational facilities, very often in areas with limited land resources, usually exceeds available funding. That is why it is extremely important that all available funds be used to support and achieve these goals.

Summary of Findings and Recommendations

- Goals for recreation and parks are being effectively addressed through the local side Program Open Space process within realistic limits.
- We believe that the provisions of SB 163 were intended to be complementary to the focus and strategy of the *2003 and 2010 Guidelines for State and Local Land Preservation, Parks, and Recreation Plans*.
- The intent to minimize environmental and water resource impacts of facility development funded by local side POS can be most effectively accomplished through State stormwater management requirements without undermining the intended incentive.
- In light of the significant documented need, the magnitude of funding involved, and its importance to the continued success of the local side process and achievement of State goals for recreation and parks, we recommend DNR and local partners work collaboratively to develop strategies for ensuring that open space funding needs are met in the long term through both locally and state-based funding streams.
- State agencies and Counties should work together to implement the new *2010 Guidelines for State and Local Land Preservation Parks, and Recreation Plans*, which help to streamline the reporting process and focus effort on evaluating relative progress. The 2009 Maryland LPPRP made it a priority for local plans to focus on how goals will be achieved through spending priorities, facility development, and rehabilitation.
- As suggested in the 2009 Maryland LPPRP, an analysis of the distribution of parks and facilities relative to existing and planned population centers may be a useful planning tool for both the State and local governments.
- Implementation of SB163 has presented unanticipated challenges. A workgroup should be formed to examine the issues and make recommendations where necessary. The workgroup

should be a long-term commitment and consist of representatives from DNR, MDP, the Maryland Association of Counties, and the Maryland Municipal League. We have begun identifying appropriate members for such a workgroup and look to begin our deliberations in early 2011.