

Debi Turpin  
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## TOWN OF BOONSBORO-EMERGENCY ORDINANCE TESTIMONY

My name is Debi Turpin and I am the Executive Director of the Home Builders Association of Washington County.

I am here tonight to testify against the adoption of the proposed amendment to the zoning ordinance relating to Frontage to Public Streets for several reasons.

"Sprawl is like the weather in that everyone talks about it, but no one does anything about it. Proof of this is how our cities continue to develop. No public official or paid city planner is going to advocate sprawl, but too often the land use decisions made by planning departments, planning commissions, and city councils contribute to just that." This is a quote by Brent Thompson in his article, *Sprawl is Like the Weather* in Issue 11 of the Planning Commissioners Journal.

Attend any public hearing on a proposed subdivision and you will hear numerous individuals speak against the proposed development, with comments that include if developers continue to develop and builders continue to build there will be no open space left in the county.

Research smart growth and you will find one of the leading recommendations is to promote and assist in-fill development. That is the placement of housing into the urban core instead of on the fringes of a community. Many localities are updating their zoning code to address the challenges of developing smaller parcels. Key incentives modify regulations to allow reduced residential lots sizes, reduced setback requirements and reduced street and parking standards. The advantages of in-fill development are that it provides workforce housing, preserves open space and agricultural land at the urban fringe, and capitalizes on existing community assets.

Given this information it is difficult to believe that the Boonsboro Council would be implementing this Emergency Zoning Ordinance, when those building on the vacant lots in Boonsboro, whether fronting a public street, or like so many others in the town fronting an alley, are in fact helping to preserve the open space that so many in the area are concerned with.

Vivian Kahn, AICP in her article, *Zoning for an Equitable Society: An Alternative to Euclidean Exclusion* states, " Despite 75 years of case law reaffirming the illegality of exclusionary zoning, the widespread reliance of local jurisdictions on Euclidean districting as the primary means for implementing land use policies continues to promote social and economic segregation and confound efforts to achieve more equitable use of land resources." She further states, " Through proactive legislation and administration, the practice of zoning can overcome its inherent exclusionary conception and become a tool for promoting positive change. Zoning ordinances must allow for the modification of standards to promote housing and economic development to benefit the entire community. Traditional zoning regulations that require adherence to often arbitrary

setback and density standards should be replaced with performance-based zoning that give preference to applications that meet standards designed to advance social and environmental objectives such as affordable housing.”

John T. Dunlop of the Joint Center for Housing Studies of Harvard University in his February 4, 2003 lecture entitled, The American Dream of Homeownership: From Cliché to Mission he makes a telling statement: “The Housing Gap is that there is just not enough affordable and decent housing. Part of that may be a cruel irony of the fact that the building industry remains one of the economy’s only steady and strong performers. And because of the continuing high demand for housing and the limited supply, home values continue to rise, thereby making homeownership less affordable. But because increasing homeownership opportunities increases national economic growth, we must also realize that there are other contributing factors to the high cost of housing. They include government regulations, exorbitant regulatory fees, outdated building codes and a multitude of restrictions on land use. Unfortunately, sometimes restrictive regulations, fees and codes are even intentionally established by those who don’t want affordable housing, at least not in their neighborhoods. And that should remind us that affordable doesn’t necessarily mean accessible. Although it may not be the issue it once was, discrimination still exists. And make no mistake- it has an impact on the homeownership rate of minority families. Therefore, it is critical that our governments must work to solve the issues of restrictive regulations, fees, codes and land use.”

I use these quotes to demonstrate that workforce housing in our County today has reached a crisis state, just as it has in a majority of our country today. Land use regulation relating to the Comprehensive Plan and the moratorium have increased land values to a point where many of those working in the county today can not afford the land, let alone the house to sit on the land. Add to land costs the new fees and taxes implemented over the last eighteen to twenty-four months and it is impossible for a median income family who works here to live here. Until such time as government and the building industry find a way to address the workforce housing shortage in our county, groups such as Habitat have taken up the challenge to see that those individuals who live in this county, and work in this county, are given the opportunity to achieve the American Dream that so many others have already attained, that of home ownership.

Finally we take exception to the adoption of this Ordinance in and of itself, and the way it was proposed. When less than  $\frac{3}{4}$  of 1 percent of the population of a town can precipitate an Ordinance that stops work on any project which has followed, met and in some cases exceeded every requirement set forth by a jurisdiction, every land owner, developer and builder in the County should be alarmed. When an Ordinance is written in such a way as to not protect the rights of an entity that has met all the necessary requirements with a grandfathering clause, we have reason to be concerned. And when an Ordinance contains language that the Board of Appeals, who is empowered to hear cases and protect the rights of the citizenry, is forbidden from granting a variance on an Ordinance we take great exception. Even the Washington County Board of County Commissioners has never taken it upon itself to remove this means of due process under the law.

I urge you, to reconsider adoption of this Ordinance and I leave you with this quote from the United States Department of Housing and Urban Development's website, "While the United States is the best-housed nation in the world, millions of hard-working American families struggle to find homes and apartments within their budgets. They are often forced to commute long distances, live in sub-standard housing, or live in over-crowded conditions due to exclusionary, discriminatory, and/or unnecessary regulations that drive up costs that are eventually passed on to the consumer."