



Town of Easton Planning Commission Attainable Housing Task Force Session Summary

Thursday, May 9, 2024 at 4:00 p.m.

Town Hall Chamber 2

14 S. Harrison Street, Easton, Maryland

Archived video of the meeting is available at:

[Town of Easton Agendas and Minutes](https://eatonmd.gov)
 [\(eatonmd.gov\)](https://eatonmd.gov)

Attendance:

Staff:

Miguel Salinas, Planning and Zoning Director
Samantha Smith, Administrative Specialist

Members:

Frank Gunsallus, Easton Town Council
David Montgomery, Easton Town Council
Lynn Mielke, Talbot County Council
Tom Klein, Easton Planning Commission
Michael Ports, Easton Planning Commission
John Horner, Easton Utilities
Jim Bent, Easton Affordable Housing Board
Holly Dekarske, Easton EDC
Donald Bibb, Talbot County Housing Authority

Susie Hayward, Mid-Shore Board of Realtors
Julie Lowe, Housing Representative
Lauren Dianish, Architectural Representative
Michael Forster, HOA Board Representative
Ryan Groll, Business Representative
Paul Weber, Board of Zoning Appeals
Corey Pack, Member at Large
Ramon Gras, Member at Large
Troy Sherwood, Member at Large

1. Introductions — The workshop was called to order at 4:42 p.m.

Mr. Miguel Salinas, the Planning and Zoning Director for the Town of Easton welcomed the Members, and thanked them for their expertise and commitment to the Attainable Housing Task Force. The Members gave a brief introduction of themselves, and their background and interests in the task force. This task force is composed of 18 total Members; each nominated by the Mayor with those recommendations being ratified by the Town Council at their April 1, 2024 meeting. Mr. Salinas went into detail outlining the agenda of the meeting; noting that the first five (5) meetings will include an allowance for public comment. The Attainable Housing Task Force will hold eight (8) meetings through August 2024; and the full schedule for meetings are to be live streamed and posted on the Town's public calendar on their website.

- a. Election of Co-chairs** — Mr. Salinas commenced the nomination of two (2) Co-Chairpersons for the Attainable Housing Task Force.

Corey Pack nominated Donald Bibb for Co-Chairperson. Donald Bibb declined the nomination.

David Montgomery nominated Paul Weber and Michael Ports for Co-Chairpersons. Paul Weber and Michael Ports accepted the nominations. The vote to nominate Mr. Weber and Mr. Ports as Co-Chairpersons was unanimous.

2. Overview of the Current Town Policies — Mr. Salinas began with an overview of the current housing policies implemented through sections of the Town’s current Comprehensive Plan.

a. Utilize Growth Areas

- i. The Town’s Comprehensive Plan incorporates an Urban Growth Boundary (2004) with a three-tiered system of priority areas within 4,000 acres of land including a Boundary Refinement Area (Priority 1), an Intermediate Growth Area (Priority 2), and a Long Range Growth Area (Priority 3). The Comprehensive Plan prioritizes the utilization of these growth areas, as limiting the supply and demand without utilization will escalate housing prices. The Comprehensive Plan also addresses restrictive zoning regulations (such as low and very low density zoning) which also artificially inflate housing costs and restrict the supply and demand. The current Comprehensive Plan has set a target of 3.5 dwelling units per acre as consistent with the State of Maryland’s Smart Growth requirements. However, the Town is currently achieving approximately 2 dwelling units per acre. Mr. Salinas went into further detail with examples for more appropriate patterns of development for areas that would have higher dwelling units per acre.

b. Infill Development

- i. The Town’s Comprehensive Plan also incorporates policies that encourage infill development on vacant and underutilized land in developed areas in the Town of Easton. Though there are limited infill opportunities in the Town (such as: the Radio Station site, the Safeway site, and the Lapidus Property, *etc.*), infill development has the potential to increase the supply of smaller-sized housing units with affordable prices and lower maintenance costs. Mr. Salinas noted that there are greater opportunities for redevelopment on older industrial areas adjacent to and near the Rails-to-Trails.

c. Avoid Homogeneous, SFD Subdivisions

- i. The Housing section of the Comprehensive Plan promotes an overall mix, or diversity, of housing types that provide visual interest, and a smooth

blend of affordable housing in the community. The Town of Easton's Planning Commission and Town Council recently incorporated this with the inclusion of Middle-Housing types into the Zoning Ordinance. Mr. Salinas noted as per the Comprehensive Plan that the types of development that exist and are currently in development are highly segregated in affordability, as there is limited to no entry-level housing.

d. Density Bonuses

- i. An objective of the Comprehensive Plan's goal to insure a more heterogeneous mix of price points for future residential projects is to provide density bonuses for Single-Family Dwelling projects that provide on-site or off-site low and moderate income housing units in the R-7A and R-10A zoning districts. The Zoning Ordinance offers a bonus of one additional lot or dwelling unit for each affordable housing unit provided; and the total number of units cannot exceed 15% of the density.

e. Planned Unit Developments (PUDs)

- i. Planned Unit Developments (PUDs) are defined in the Zoning Ordinance as a development of land that is under unified control, and is planned and developed as a whole in a single development operation or programmed series of development stages. Mr. Salinas stated that PUDs are a floating zone; they are mapped by Council legislative action and offer relief in certain areas from rigid zoning standards in return for various community benefits such as providing infill, providing mixed-use or providing affordable units. For any developed units that exceed the maximum density of the base zoning district, at least 25% must be devoted to affordable housing, or the developer may opt to contribute to a fee-in-lieu.

f. Adopt an Accessory Dwelling Unit (ADU) Ordinance

- i. An Accessory Dwelling Unit is defined in the Zoning Ordinance as a second dwelling unit either in, or added to, an existing single-family detached dwelling, or in a separate accessory structure on the same lot as the principal dwelling, for use as a complete, independent living facility. Currently within the Town of Easton, one dwelling unit is permitted per lot with one (1) additional parking space; and the owner of the property shall reside in the principal residence. The 2023 General Assembly passed legislation which established an ADU Policy Task force to develop legislative and policy recommendations for ADUs and the impacts on the local housing markets and surrounding neighborhoods and their character. This finalized report is anticipated by June 1, 2024.
- ii. The Members briefly deliberated as to what would be defined as a "community benefit" under an Accessory Dwelling Unit; comparing the

terminology to the way it is defined under a Planned Unit Development. Mr. Salinas advised that “community benefits” are not defined under ADU Ordinances. ADUs are permitted by Special Exception in the residential districts and CB zoning districts via the Board of Zoning Appeals.

- iii. Mr. Salinas confirmed for the record that one (1) off street parking space is also required for an Accessory Dwelling Unit. The Members went into further discussion regarding the minimal number of applications for ADUs that the Town currently receives. Mr. Salinas is anticipating receiving the findings and recommendations of the General Assembly Task Force for guidance on incentivizing ADUs, or for other alternative options which may be proposed based on their impacts. Ms. Hayward advised that other municipalities that have passed an ADU Ordinance have “pre-approved” conceptual ADU plans that meet community compatibility requirements in order to surpass the Special Exception process. Mr. Salinas also clarified for the record that the Zoning Ordinance does not prohibit ADUs as Short-Term Rentals.

g. Housing Trust Fund

- i. An objective in the Comprehensive Plan is to partner in a countywide affordable housing effort to support the creation of a Housing Trust Fund to help provide home-ownership and rental opportunities for low-income residents. Mr. Jim Bent of the Easton Affordable Housing Board spoke further to the development of programs supported by the housing trust fund including an income-based Home Purchase Program for first time home buyers in the Town of Easton; a Housing Renovation Program; an income-based, low interest loan program; a Home Purchase Assistance grant targeted toward Town of Easton employees, Easton Police Department and Volunteer Fire Department, and full time Easton Utilities employees; and the Housing on the Hill Program for the purchase, renovation and reselling of homes throughout the portion of the Historic District known as the Hill. The Members discussed the potential long term impacts of these programs; particularly in regard to the affordability of existing housing on the market.

h. Low Income Housing Tax Credit Programs

- i. The Low Income Housing Tax Credit (LIHTC) program provides competitive tax credits to developers for the acquisition, rehabilitation, and construction of rental units. All projects built under the LIHTC program within the Town of Easton offer 100% of their units as affordable. The majority of the more affordable units within Easton such as Mulberry Hills and Galloway Meadows, and incoming projects such as Doverbrook Apartments (redevelopment) and Asbury Place, are housing units created through the housing authority or through the LIHTC

program. Mr. Salinas noted that program applications are highly competitive, and score higher when paired with local government assistance.

3. County Housing Commission Background —

- a. In 2014, the County assembled an Affordable and Workforce Housing Commission with the interest of assessing the current housing needs for the County. On March 18, 2015 this Housing Commission reported their to the County Council under a housing needs assessment with findings that defined workforce housing as units that are affordable to households earning between 30-80% of the AMI. The Commission made recommendations to establish an intra-county forum for the purpose of continuing efforts to assess housing needs; and to promote community education and public awareness of local proposals and housing resources. Mr. Corey Pack, a member of the 2015 Workforce Housing Commission recognized at that time the Commission faced many barriers in their efforts to advocate for improved housing conditions and recommended prioritizing educating the public about these resources.

4. Inclusionary Zoning —

- a. Pursuant to §3-114 of the Annotated Code of Maryland's requirement for local jurisdictions to address an affordable housing element within their Comprehensive Plan, §7-401 of the Annotated Code gives local legislative bodies the authority to enact local laws that promote the use of inclusionary zoning as a tool to ensure a culturally and economically diverse community, and available access to attainable housing. The Housing chapter of the Town of Easton Comprehensive Plan advocates for the inclusion of Inclusionary Zoning.
- b. Mr. Salinas reviewed the components of the draft Inclusionary Zoning Ordinance. Mr. Bent and the Members reviewed the yearly calculation by the United States Department of Housing and Urban Development for the Talbot County Median Family Income, adjusted for Easton, and the requirements under the draft for new for-sale and rental residential projects of 25 or more units, and for-sale and rental residential projects of 30 or more units under a redevelopment scenario. Mr. Salinas outlined the components of a mandatory Cash in Lieu fee for certain types of developments, and an optional Cash in Lieu Fee for redevelopment projects. The members went into further discussion regarding the density bonus incentives for developing units on-site. The Members evaluated the calculations and assumptions used in the examples provided by Mr. Salinas to determine an affordable sales price for housing units based on family size; and the mechanisms which ensure continued affordability over a period of time.

The Members reflected on the challenges in successfully implementing Inclusionary Zoning, and the fear that Inclusionary Zoning could deter potential developers. Mr. Salinas acknowledged these challenges, noting that Inclusionary

Zoning has not had any significant or dramatic effects on other jurisdictions that have implemented Inclusionary Zoning; he also noted that the Task Force may wish to propose to the Council a housing assessment study to determine any findings to this effect.

Additional provisions in the draft ordinance include general site requirements including the interspersing of units, compatible exterior appearance, equal access to amenities, and screening requirements imposed on the developer or property manager for eligibility screening of qualified homebuyers or renters.

- c. The Town of Easton Planning Commission is concurrently reviewing and discussing key components of this draft; and is anticipated to hold a special workshop on Thursday, May 23, 2024 at 10:00 a.m.

5. Recent Legislation

- a. In April, the 2024 General Assembly enacted the Housing Expansion and Affordability Act which requires local jurisdictions to allow the placement of new manufactured homes and modular dwelling in single-family residential zoning districts (R-7A, R-10A, CB).

Mr. Salinas reviewed the Act which also permits increased densities and middle housing in specific zoning districts for certain qualified projects that include specified amounts of affordable housing (homes that are affordable to those households earning 60% or less of Area Median Income and a control period of 40 years). He noted that local jurisdictions cannot impose any unreasonable limitations on a project that amounts to a de facto denial by having a substantial adverse impact on the viability of an affordable housing development, the degree of affordability, and the allowable density or number of units. This Act also limits the number of public hearings required for a qualified project. The Members discussed the provisions of this legislation that are defined as qualifying projects within permitted zoning districts, and further expanded discussion regarding various bulk requirements within permitted zoning districts.

- 6. **Roundtable Discussion** — The next Attainable Housing Task Force meeting is scheduled for Thursday, May 23, 2024 at 4:30 p.m. at the Easton Town Office, 14 S. Harrison Street (2nd floor). This meeting will be live streamed, and will include an allowance for public comment.

- 7. **Public Comment** — None

- 8. **Adjournment** — The meeting was adjourned at 7:24 p.m.