City of Annapolis
DEPARTMENT OF PLANNING AND ZONING
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May 26, 2020

MEMORANDUM

To:	**Planning Commission**
From:	**Sally Nash, Director of Planning and Zoning**
Re:	**Annual State Planning Report 2019**
Attachments:	**2019 Annual Maryland State Planning Report**

SUMMARY

The Land Use Article of the Annotated Code of Maryland, Section 1-207, requires that the City of Annapolis' Planning Commission shall prepare, adopt, and file an annual report for the previous calendar year with the legislative body. If more than 50 building permits for new residential units are issued in a given year, the reporting requirements of Section 1-208 also need to be included. These annual reports should be submitted to the Maryland Department of Planning (MDP) before July 1 of each year. MDP has developed a worksheet template that can be used to submit the required information.

BACKGROUND AND ANALYSIS

The Maryland General Assembly updated the requirements for annual reports with three legislative bills in 2009. In addition to basic development information and the status of new zoning amendments and Comprehensive Plan elements, local jurisdictions must also report on development restrictions that resulted from an Adequate Public Facilities Ordinance (APFO) in Priority Funding Areas (PFA). The entirety of the City of Annapolis is designated as a PFA, however our APFO has not triggered any development restrictions in the past three years.

Generally, the purpose of these reports is to provide MDP with data on five indicators:

1. Amount and share of growth that is being located inside and outside the PFA
2. Net density of growth that is being located inside and outside the PFA
3. Creation of new lots and the issuance of residential and commercial building permits inside and outside the PFA
4. Development capacity analysis, updated once every 3 years or when there is a significant zoning or land use change; and
5. Number of acres preserved using local agricultural land preservation funding

Not all of these indicators apply to Annapolis because it is a designated PFA, as mentioned above.

RECOMMENDATION

Staff recommends that the Planning Commission adopts the annual reports and forwards them to Annapolis City Council.

Report Prepared by

Eric Borchers
Comprehensive Planner

APPENDIX A: CODE SECTIONS FROM ANNOTATED CODE OF MARYLAND

Annotated Code of Maryland
*** Statutes current through the 2013 General Assembly Regular Session with updates for sections effective through June 1, 2013 ***

LAND USE
DIVISION I. SINGLE-JURISDICTION PLANNING AND ZONING.
TITLE 1. DEFINITIONS; GENERAL PROVISIONS.
SUBTITLE 2. GENERAL PROVISIONS.
Md. LAND USE Code Ann. § 1-207 (2013)

THIS SECTION HAS MORE THAN ONE DOCUMENT WITH VARYING EFFECTIVE DATES.
§ 1-207. Annual report -- In general [Effective until October 1, 2013].

(a) "Planning commission" defined. -- In this section, "planning commission" includes a planning commission or board established under:
(1) Title 2 of this article;
(2) Division II of this article; or
(3) Article 25A of the Code.
(b) Required. -- On or before July 1 of each year, a planning commission shall prepare, adopt, and file an annual report for the previous calendar year with the legislative body.
(c) Contents. -- The annual report shall:
(1) index and locate on a map any changes in development patterns that occurred during the period covered by the report, including:
(i) land use;
(ii) transportation;
(iii) community facilities patterns;
(iv) zoning map amendments; and
(v) subdivision plats;
(2) state whether the changes under item (1) of this subsection are consistent with:
(i) each other;
(ii) the recommendations of the last annual report;
(iii) the adopted plans of the local jurisdiction;
(iv) the adopted plans of all adjoining local jurisdictions; and
(v) the adopted plans of State and local jurisdictions that have responsibility for financing or constructing public improvements necessary to implement the local jurisdiction's plan;
(3) contain statements and recommendations for improving the planning and development process within the local jurisdiction;
(4) state which local laws or regulations have been adopted or changed to implement the visions in § 1-201 of this subtitle as required under § 1-417 of this title or § 3-303 of this article; and
(5) contain the measures and indicators required under § 1-208(c) of this subtitle.
(d) Review. -- The legislative body shall review the annual report and direct that any appropriate and necessary studies and other actions be undertaken to ensure the continuation of a viable planning and development process.
(e) Public availability. -- The local jurisdiction shall make the annual report available for public inspection.
(f) Department of Planning. --
(1) The local jurisdiction shall mail a copy of the report to the Secretary of Planning.
(2) The Department of Planning may comment on the report.

Md. LAND USE Code Ann. § 1-208

Annotated Code of Maryland
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*** Statutes current through the 2013 General Assembly Regular Session with updates for sections effective through June 1, 2013 ***

LAND USE
DIVISION I. SINGLE-JURISDICTION PLANNING AND ZONING.
TITLE 1. DEFINITIONS; GENERAL PROVISIONS.
SUBTITLE 2. GENERAL PROVISIONS.

Md. LAND USE Code Ann. § 1-208 (2013)

§ 1-208. Annual report -- Measures and indicators.

(a) "National Center" defined. -- In this section, "National Center" means the National Center for Smart Growth Research and Education at the University of Maryland, College Park.

(b) Legislative intent. --

(1) The General Assembly finds that:

(i) in addition to reporting on past land use indicators and measures, local jurisdictions should strive to achieve future land use goals that implement and achieve the visions in § 1-201 of this subtitle;

(ii) a statewide land use goal that embodies the visions in § 1-201 of this subtitle and smart and sustainable growth should be established;

(iii) the visions in § 1-201 of this subtitle will not be realized unless local jurisdictions set their own goal to make incremental progress towards achieving a statewide land use goal; and

(iv) resources are necessary to achieve a statewide goal, including funding for infrastructure inside the priority funding areas and land preservation outside the priority funding areas.

(2) (i) The statewide land use goal is to increase the current percentage of growth inside the priority funding areas and to decrease the percentage of growth located outside the priority funding areas.

(ii) Local jurisdictions shall develop a percentage goal towards achieving the statewide goal.

(c) Required measures and indicators. --

(1) Except as provided in paragraphs (2) and (3) of this subsection, the annual report required to be filed under § 1-207 of this subtitle shall include the following measures and indicators:

(i) the amount, share, and net density of growth inside and outside the priority funding areas;

(ii) the creation of new lots and the issuance of residential and commercial building permits inside and outside the priority funding areas;

(iii) the development capacity analysis, updated every 3 years and whenever there is a significant change in zoning or land use patterns;

(iv) the number of acres preserved using local agricultural land preservation funding, if

applicable; and

(v) the following information on achieving the statewide goal stated in subsection (b)(2) of this section:

1. the local goal;

2. the time frame for achieving the local goal;

3. the resources necessary for infrastructure inside the priority funding areas and land preservation outside the priority funding areas; and

4. any incremental progress made towards achieving the local goal.

(2) If all land within the boundaries of a municipal corporation is a priority funding area, the municipal corporation need not:

(i) establish a local goal for achieving the statewide goal stated in subsection (b)(2) of this section; or

(ii) include information in the annual report on a local goal as required in paragraph (1)(v) of this subsection.

(3) A county or municipal corporation that issues fewer than 50 building permits for new residential units each year:

(i) need not include information in the annual report on measures and indicators listed in paragraph (1) of this subsection; but

(ii) shall provide documentation to the Department of Planning each year that fewer than 50 building permits for new residential units are issued.

(d) Regulations. --

(1) In accordance with Title 2, Subtitle 5 and Title 10, Subtitle 1 of the State Government Article, the Department of Planning may adopt regulations to detail how the measures and indicators required under subsection (c) of this section are submitted and transmitted in the annual report of each local jurisdiction.

(2) The Department of Planning shall:

(i) develop measures and indicators that will be collected by the Department; and

(ii) consider which measures or indicators may be collected by the National Center.

(e) Annual report by Department of Planning. -- On or before January 1 of each year, the Department of Planning, in consultation with the National Center, shall submit a report to the Governor and, in accordance with § 2-1246 of the State Government Article, to the General Assembly on the measures and indicators collected under this section.

2019 Annual Section 1-207 and 1-208 Report
June 4, 2020

City of Annapolis
Planning Commission

Annual Report Worksheet
Reporting (Calendar) Year 2019

Jurisdiction Name: City of Annapolis
Planning Contact Name: Sally Nash
Planning Contact Phone Number: 410.260.2200
Planning Contact Email: snash@annapolis.gov

Section I: Amendments and Growth Related Changes in Development Patterns

(A) Were any new comprehensive plan or plan elements adopted? Y ☐ N ☒

1. If no, go to (B).
2. If yes, briefly summarize what was adopted.

(B) Were there any growth related changes in development patterns? Y ☐ N ☒

(Note: Growth related changes in development patterns are changes in land use, zoning, transportation capacity improvements, new subdivisions, new schools or school additions, or changes to water and sewer service areas.)

1. If no, go to (C).
2. If yes, briefly summarize each growth related change(s).

(C) Were any amendments made to the zoning regulations? Y ☒ N ☐

1. If no, go to (D).
2. If yes, briefly summarize any amendments that resulted in changes in development patterns.

- **Ordinance O-21-19: Moderately Priced Dwelling Units - For the purpose of extending the occupancy periods for the sale and rental of Moderately Priced Dwelling Units ("MPDUs"); increasing the minimum requirements for the designation of MPDUs for sale and rental developments; updating definitions; increasing the required number of MPDUs proportionate to the approved development density; removing the contribution in lieu of developing MPDUs option; making stylistic changes; and generally relating to MPDUs.**

(D) Were any amendments made to the zoning map? Y ☐ N ☒

1. If no, go to *Section II: Mapping and GIS Shapefiles.*
2. If yes, briefly summarize each amendment(s).

Section II: Mapping and GIS Shapefiles

(A) Does your jurisdiction utilize GIS to prepare planning related maps? Y ☒ N ☐

1. If no, include an address, parcel identification number or other means to identify the type and location of all new growth related

changes or zoning map amendments listed in *Sections I(B)* and *I(D)*. Provide a paper map(s) that indexes the general location(s) of the growth related changes or zoning map amendment(s). *Contact MDP for mapping assistance.*

2. If yes, include a map(s) of the location(s) of the amendment(s) and submit applicable GIS shapefiles for all new growth related changes and zoning map amendments listed in *Sections I(B)* and *I(D)*. GIS shapefiles may be uploaded on the online Annual Report Webtool or via email or cd/dvd disk.

(B) Were there any growth related changes identified in *Sections I(B)* ? Y ☐ N ☒

1. If no, go to (C).

2. If yes, then include GIS shapefiles and map(s), that identify the location of each growth related change identified in *Section I(B)*. If your jurisdiction does not utilize GIS then clearly identify the growth related changes on a map(s).

(C) Were there any zoning map amendments identified in *Section I(D)*. Y ☐ N ☒

1. If no to (A) and (B), skip *to Section III: Consistency of Development Changes*.

2. If yes, then include GIS shapefiles and map(s), that identify the location of each zoning map amendment identified in *Section I(D)*. If your jurisdiction does not utilize GIS then clearly identify the growth related changes on a map(s). *Contact MDP for mapping assistance*.

Section III: Consistency of Development Changes

(A) Were there any growth related changes identified in *Sections I(B) through (D)*? Y ☒ N ☐

1. If no, skip to *Section IV: Planning and Development Process*.
2. If yes, go to (B).

Annual Report Worksheet
Reporting (Calendar) Year 2019

(B) For each growth related change listed in *Sections I(B) through (D),* state how the development changes were determined to be consistent with:

1. Each other;

n/a

2. Any recommendations of the last annual report;

n/a

3. The adopted plans of the local jurisdiction;

n/a

4. The adopted plans of all adjoining jurisdictions;

n/a

5. Any adopted plans of the State and local jurisdictions that have responsibility for financing or constructing improvements necessary to implement the jurisdiction's plan.

n/a

Section IV: Plan Implementation and Development Process (5-Year Report)

(A) Is the adoption date of your comprehensive plan prior to January 1, 2011? Y ☒ N ☐

1. If no, then skip to (B). Identify adoption month and year:

2. If yes, has your jurisdiction submitted a five-year implementation update (5-Year Report) under §1-207(c)(6) of the Land Use Article? Y ☒ N ☐

   a. If yes, skip to (B).

   b. If no, include a summary of the following:

      (i). Development trends contained in the previous annual reports filed during the period covered by the narrative;

      (ii). The status of comprehensive plan implementation tools such as comprehensive rezoning to carry out the provisions of the comprehensive plan;

      (iii). Identification of any significant changes to existing programs, zoning ordinances, regulations, financing programs, or State requirements necessary to achieve the visions and goals of the comprehensive plan during the remaining planning timeframe;

      (iv). Identification of any State or federal laws, regulations, or requirements that have impeded local implementation of the comprehensive plan and recommendations to remove any impediments;

      (v). Future land use challenges and issues; and

      (vi). A summary of any potential updates to the comprehensive plan.

(B) In the current reporting year, did your jurisdiction identify any recommendations for improving the planning and development process within the jurisdiction?

Y ☐ N ☒

1. If no, go to (C).

2. If yes, what were those recommendations?

(C) In the current reporting year, did your jurisdiction adopt any ordinances or regulations needed to implement the 12 planning visions under §1-201 of the Land Use Article?

Y ☐ N ☒

1. If no, go to *Section V: Measures and Indicators*.

2. If yes, what were those changes?

Section V: Measures and Indicators

(Note: The Measures and Indicators Sections (D) – (G) are only required for jurisdictions issuing more than 50 new residential building permits in the reporting year).

(A) In the **Total** column in *Table 1, New Residential Permits Issued (Inside and Outside the PFA*) in (C) below, enter the total number of new residential building permits issued in 2014. Enter 0 if no new residential building permits were issued in 2014.

(Note: For annual reporting purposes, tabulate the amount of new residential building permits issued at time your jurisdiction has granted the ability for a new residential unit to be constructed. It does not mean that the unit has been constructed, will be constructed, or is occupied. If your local definition of building permit varies, please indicate the definition used to tabulate new residential building permits. Reconstruction or replacement permits should be included as new residential permits. Additionally, tracking the amount of reconstruction, replacement or demolition of residential units in Table 2A may be beneficial when conducting the Development Capacity Analysis in Section VIII.)

(B) In the **PFA** column in *Table 1*, enter the total number of permits issued inside the Priority Funding Area (PFA). Enter 0 if no new residential building permits issued inside the PFA in 2014.

(C) In the **Non-PFA** column in *Table 1*, enter the total number of permits issued outside the PFA.
Enter 0 if no new residential building permits issued outside the PFA in 2014.

Table 1: New Residential Permits Issued (Inside and Outside the PFA)

Residential	PFA	Non - PFA	Total
# New Residential Permits Issued	63	0	63

(Note: At a minimum, each jurisdiction should submit the information requested in Table 1: New Residential Permits Issued (Inside and Outside the PFA) as part of their Annual Report. If no residential permits were issued, then indicate 0 in each column.)

(D) If the **Total** number of new residential permits in *Table 1* is less than 50, then *Tables 2A and 2B are* optional and can be used to locally monitor changes less than 50 permits. Skip to (E) if the **Total** number of new residential permits in *Table 1* is 50 or more.

Table 2A: Amount of Residential Growth (Inside and Outside the PFA)

Residential	PFA	Non - PFA	Total
# Units Approved	115	0	115
# Units Constructed	51	0	51
# Minor Subdivisions Approved	0	0	0
# Major Subdivisions Approved	0	0	0
Total Approved Subdivision Area (Gross Acres)	N/A	0	N/A
# Lots Approved	0	0	0
Total Approved Lot Area (Net Acres)	N/A	0	N/A
# Units Demolished*	0	0	0
# Units Reconstructed/Replaced*	0	0	0

**Not required.*

Table 2B: Amount of Commercial Growth (Inside and Outside the PFA)

Commercial	PFA	Non - PFA	Total
# Permits Issued	3	0	3
# Lots Approved	0	0	0
Total Building Square Feet Approved (Gross)	10,508	0	10,508
Total Square Feet Constructed (Gross)	16,548	0	16,548

(E) Were more than **50** new residential building permits issued in 2017? Y ☒ N ☐

1. If no, then the remainder of this Section is optional. Skip to *Section VI: Locally Funded Agricultural Land Preservation.*

2. If yes, then complete *Tables 3 through 5* for Residential Growth and *Tables 6 through 8* for Commercial Growth in (F) and (G) below.

(F) Amount, Net Density and Share of Residential Growth:

(Note: To calculate the amount, net density and share of residential growth, jurisdictions must identify the total number of new residential building permits issued; the total number of new residential units approved; the total number of new residential lots approved; the total approved gross acreage of new residential subdivisions; and net lot area. A number of values are repeated in Tables 1 through 5. Be sure to enter consistent values for each similar category used in these tables.)

Table 3: Amount of Residential Growth (Inside and Outside the PFA)

Residential	PFA	Non - PFA	Total
# Permits Issued	63	0	63
# Units Approved	115	0	115
# Units Constructed	51	0	51
Total Approved Subdivision Area (Gross Acres)	N/A	0	N/A
# Lots Approved	0	0	0

Table 4: Net Density of Residential Growth (Inside and Outside the PFA)

Residential	PFA	Non – PFA	Total
# Units Approved	115	0	115
Total Approved Lot Size (Net Acres)	9.86	0	9.86

Table 5: Share of Residential Growth (Inside and Outside the PFA)

Residential	PFA	Non – PFA	Total
# Units Approved	115	0	115
% of Total Units (# Units/Total Units)	100%	0	100%

(G) Amount, Net Density and Share of Commercial Growth:

(Note: To calculate the amount, net density and share of commercial growth, jurisdictions must identify the total number of new commercial permits issued; the total square footage of the commercial building approved; the total number of new commercial lots approved; the total new commercial subdivision area (gross acres); and the total approved subdivision net lot area, in acres for all new commercial subdivisions. The total building square footage (gross) and total lot size values (net acres) should be the same for Tables 6 through 8. For annual report purposes, all approved square footage (gross) should be tabulated, with the understanding that not all building square footage reported may be used for commercial or retail related activities. Commercial growth should include retail, office, hotel, industrial uses and may include other uses, such as, mixed-use, institutional and agricultural structures, if approved for commercial use.)

Table 6: Amount of Commercial Growth (Inside and Outside the PFA)

Commercial	PFA	Non - PFA	Total
# Permits Issued	3	0	3
Total Building Square Feet Approved (Gross)	10,508	0	10,508
# Lots Approved	0	0	0
Total Subdivision Area (Gross Acres)	0	0	0

Table 7: Net Density of Commercial Growth (Inside and Outside the PFA)

Commercial	PFA	Non – PFA	Total
Total Building Square Feet Approved (Gross)	10,508	0	10,508
Total Lot Size (Net Acres)	3.22	0	3.22

Table 8: Share of Commercial Growth (Inside and Outside the PFA)

Commercial	PFA	Non – PFA	Total
Total Building Square Feet Approved (Gross)	10,508	0	10,508
% of Total Building Sq. Ft. (Total Bldg. Sq. Ft./Total Sq. Ft.)	100%	0%	100%

Annual Report Worksheet
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Section VI: Locally Funded Agricultural Land Preservation

(A) How many acres were preserved using local agricultural land preservation funding? Enter 0 if no acres were preserved using local funds.

0 Acres.

Section VII: Local Land Use Percentage Goal

(A) Is all land within the boundaries of the jurisdiction in the PFA? Y ☒ N ☐

1. If yes, then the local land use percentage goal does not need to be established. Skip to *Section VIII: Development Capacity Analysis.*

2. If no, then the jurisdiction must establish a local percentage goal to achieve the statewide land use goal, under §1-208(2) of the Land Use Article, to increase the current percentage of growth located inside the PFAs and decrease the percentage of growth (new lots and new residential units) located outside the PFAs. Go to (B).

(B) What is the jurisdiction's established local land use percentage goal? %

(C) What is the timeframe for achieving the local land use percentage goal? Years.

(D) Has there been any progress in achieving the local land use percentage goal?

(E) What are the resources necessary for infrastructure inside the PFAs?

(F) What are the resources necessary for land preservation outside the PFAs?

Section VIII: Development Capacity Analysis (DCA)

(A) Has an updated DCA been submitted with your Annual Report or to MDP within the last three years?

(Note: A DCA is required every 3-years and whenever there is a significant change in zoning or land use pattern. See §1-208(c)(iii) of the Land Use Article. A DCA may be submitted independently from the Annual Report, such as, part of a comprehensive plan update.)

Y ☐ N ☒

1. If no, explain why an updated DCA has not been submitted, such as, no substantial growth changes, etc.

   No substantial growth changes

2. If yes, then skip to *Section IX: Adequate Public Facility Ordinance (APFO) Restrictions.*

(Note: MDP provides technical assistance to local governments in completing development capacity analyses. Please contact your MDP regional planner for more information.)

(B) When was the last DCA submitted? Identify Month and Year: 7/2013

(C) After completing the DCA, provide the following data on capacity inside and outside the PFA in *Table 9, Residential Development Capacity (Inside and Outside the PFA)*:

Table 9: Residential Development Capacity (Inside and Outside the PFA)

Parcels & Lots w/ Residential Capacity	PFA	Non – PFA	Total
Residentially Zoned Acres w/ Capacity			
Residential Parcel & Lots w/Capacity			
Residential Capacity (Units)			

Annual Report Worksheet
Reporting (Calendar) Year 2019

Section IX: Adequate Public Facility Ordinance (APFO) Restrictions
(Section IX is only required by jurisdictions with adopted APFOs)

(A) Does your jurisdiction have any adopted APFOs? Y ☒ N ☐

1. If no, skip this Section.
2. If yes, go to (B).

(B) Has your jurisdiction submitted a biennial APFO Report under §7-104 of the Land Use Article?

Y ☐ N ☒

1. If yes, skip this Section.
2. If no, then complete (C) through (I) below for each restriction.

(Note: Jurisdictions with adopted APFOs must submit a biennial APFO report when a restriction within the PFA occurs within the reporting period. The APFO report is due by July 1 of each even year and covers the reporting period for the previous two calendar years, currently 2013 and 2012. APFO reports were due by July 1, 2014. APFO reports for 2014 and 2015 are due July 1, 2016.)

(C) What is the type of infrastructure affected? (List each for Schools, Roads, Water, Sewer, Stormwater, Health Care, Fire, Police or Solid Waste.)

(D) Where is each restriction located? (Identify on a map if possible).

(E) Describe the nature of what is causing each restriction.

(F) What is the proposed resolution of each restriction (if available)?

(G) What is the estimated date for the resolution of each restriction (if available)?

(H) What is the resolution that lifted each restriction (if applicable)?

(I) When was each restriction lifted (if applicable)?

(J) Has your jurisdiction reported the restrictions reported in (C) through (I) above as part of the required biennial APFO annual reporting requirements?

Y ☐ N ☒

We have not had any restrictions as a result of our APFO

Section X: Submitting Annual Reports and Technical Assistance

(A) Annual Reports may be submitted via email or hyperlink to david.dahlstrom@maryland.gov (preferred) or one copy may be mailed to:

Office of the Secretary
Maryland Department of Planning
301 W. Preston Street, Suite 1101
Baltimore, Maryland 21201-2305
Attn: David Dahlstrom, AICP

(B) Annual Reports should include a cover letter indicating that the Planning Commission has approved the Annual Report and acknowledging that a copy of the Annual Report has been filed with the local legislative body. The cover letter should indicate a point of contact(s) if there are technical questions about your Annual Report.

1. Was this Annual Report approved by the planning commission/board? Y ☒ N ☐
2. Was this Annual Report filed with the local legislative body? Y ☒ N ☐
3. Does the cover letter:
   a. Acknowledge that the planning commission/board has approved the Annual Report. Y ☒ N ☐
   b. Acknowledge that the Annual Report has been filed with the local legislative body? Y ☒ N ☐
   c. Answer if all members of the Planning Commission/Board and Board of Appeals have completed an educational training course as required under under §1-206(a)(2) of the Land Use Article? Y ☒ N ☐ (See http://planning.maryland.gov/YourPart/MPCA/PCBZACompletedEd.shtml for a list having completed the course.)
   d. Indicate a point of contact(s)? Y ☒ N ☐

(C) You may wish to send an additional copy of your Annual Report directly to your MDP Regional Office via email or hyperlink (preferred) or hardcopy.

(D) If you need any technical assistance in preparing or submitting your reports, our Regional Planners are available to assist you. Regional Planner contact information can be found at: http://planning.maryland.gov/OurWork/local-planning-staff.shtml

(E) Copies of this Annual Report worksheet and links to legislation creating these Annual Report requirements can be found on the Maryland Department of Planning website: http://planning.maryland.gov/YourPart/SGGAnnualReport.shtml

(F) If you have any suggestions to improve this worksheet or any of the annual report materials, please list or contact David Dahlstrom at david.dahlstrom@maryland.gov.