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Elizabeth Rosborg
Chair, Citizens Advisory Committee

Plan2040
Citizens Advisory Committee (CAC)
Meeting Notes
October 16, 2019 - 5:00 PM
Chesapeake Conference Room, 2nd Floor
2664 Riva Road, Annapolis, MD

CAC members present: Elizabeth Rosborg (Chair), Anthony Brent, John Clark, Bill Dodd, Joel Greenwell, Melanie Hartwig-Davis, Patricia Huecker, Matthew Korbelak, Elizabeth Ysla Leight, Patricia Lynch, Charles Mannion, Gary Mauler, Billy Moulden, Ellen Moyer, Kristin Pauly, William Shorter

County staff present: Cindy Carrier, Long Range Planning Administrator; Patrick Hughes, Long Range Planner; Mark Wildonger, Long Range Planner; Laura Layton, Engineer Manager - Utility Planning; Chris Murphy, Engineer Administrator – Utility Engineering

Attendees: None

Introduction:

The meeting was called to order at 5:04 p.m.

Ms. Rosborg reminded the CAC that starting tonight; meetings will be to discuss the more substantial elements of the GDP, such as the goals, policies, and strategies. The CAC's role is to review and provide input. The discussions are not meant for wordsmithing.

Ms. Carrier said tonight's discussion would focus on the goals, policies, and strategies for environmental protection, resource conservation, and water quality. The water quality section fits into the required water resources element and the environmental protection section fits into the sensitive areas element, both required by State. These strategies have been developed with various County departments. Chris Murphy and Laura Layton from the Department of Public Works (DPW) are in attendance to assist with any questions. Ms. Carrier noted that several members have asked how climate change will be addressed in the GDP. She said that will be discussed in a separate chapter. She also mentioned that there will be overlap of issues and some issues may be addressed in other sections.

She read Mr. Straughan's email that expressed concerns about a lack of a timetable or measurement. She said the timetable will be determined when all the strategies are identified in conjunction with an understanding and prioritizing of County resources. Measurement can be addressed in several forms, quantitatively such as x acres of land preserved or qualitatively such as text amendment to the County Code. There will also be an annual report to evaluate the implementation of the GDP.

Mr. Mauler asked why, in the draft Plan2040 Outline, there is an annual report and a four-year report under the "Measuring Our Success" section. Ms. Carrier said the annual report is monitoring the progress of the strategies, whereas the four-year report is measuring the performance of how well the strategies are implementing goals in the GDP. Mr. Mauler suggested the outline should say the County will develop an implementation schedule. Ms. Carrier indicated the section about "Measuring our Success" is titled "Implementation Plan" and that an implementation action committee will be created after adoption of the GDP to ensure the GDP is implemented. Mr. Mauler requested that a specific statement that in the plan outline that says the County will develop a schedule and work on implementation. Ms. Carrier reiterated that the "Plan Implementation" section will identify how the strategies of the GDP are implemented. Mr. Mauler asked where in that section it references a schedule. Ms. Carrier said the County used the word "timeline" to indicate how the GDP would be implemented. Mr. Mauler also requested the goals from 2009 GDP be included in this GDP. Ms. Carrier reminded the CAC that this was addressed in an exercise in the Visioning public forums and the intent is to include those recommendations that were not implemented, if still applicable.

**Review/Discussion of Draft Goals, Policies, and Strategies:
Environmental Protection, Resource Conservation, Water Resources**

Ms. Rosborg, Chair

Goal #1: Preserve, enhance and restore sensitive areas including streams and their buffers, floodplains, tidal and non-tidal wetlands, steep slopes and unique habitats

Ms. Pauly asked if there is a priority stream plan or current assessment of existing conditions to help inform priorities. Ms. Carrier said there is a watershed implementation plan for each of the County's watersheds. Mr. Murphy said he believes there is a list of prioritized streams as part of the Watershed Protection and Restoration Program within DPW, who is part of the project team. County staff will determine how to best address priority streams in the strategies section given different classifications of streams. For example, the Resource Sensitive Policy Area is based on the best information available, and is not necessarily ground-truthed.

Mr. Clark recommended the review of the document start at the beginning of the document. Mr. Mauler indicated he did not agree with the order of the goals in the document. Ms. Rosborg said the draft document goals are in no particular order and they will be re-ordered at a later time.

Ms. Rosborg asked whether there should be additional uses included in the strategy "Redefine the County's Open Space (OS) Zoning District to separate limited active uses from conservation uses". Ms. Carrier said the OS zoning district does not have currently identify conservation areas. The intent is to separate lands set aside for protection or passive recreation lands to be designated as Open Space.

Mr. Moulden suggested the County consider how it defines open space to ensure it does not conflict with the requirement of Program Open Space funding. Ms. Carrier confirmed the County would be compliant. Mr. Moulden also asked how sea level rise will be addressed in the GDP. Ms. Carrier said it would be addressed in the “Planning for the Built Environment” element.

Ms. Rosborg asked how the wetlands review for development proposals are conducted. Ms. Hartwig-Davis said the Maryland Department of the Environment (MDE) verifies the designation.

Mr. Brent, on behalf of Mr. Straughan who was absent, suggested, in general, that the goals should be more specific and clear; measurable; relevant to the GDP; achievable; and establish a timeframe. He offered the example of the first goal “Preserve, enhance and restore sensitive areas including streams and their buffers, floodplains, tidal and non-tidal wetlands, steep slopes and unique habitats”. Mr. Straughan asked what should be preserved, to what standard should it be restored to, and how is “unique” defined. He also recommended other words be defined.

In regards to the “Protect the Jabez Branch, Magothy Bog Complex and other unique ecosystems” policy, Mr. Straughan asked how this policy differs from all of the foregoing except in that specific resources are named. Ms. Carrier noted that in the GDP, there will be a discussion at the beginning of the element to provide context to the goals, policies, and strategies. The background reports, previously presented to the CAC, also help provide context for the goals, policies, and strategies.

Mr. Brent suggested the addition of an Adequate Public Facility Ordinance zone overlay for the peninsulas under the “Evaluate whether environmental overlay zones should be established for unique ecosystems” strategy. Ms. Carrier said that is the intent of the strategy, to evaluate a strategy like that. Ms. Hartwig-Davis said that that strategy is pointless because it says evaluate, rather than implement. Ms. Carrier said that it is inherent that the County would then implement the strategy if it was feasible. Mr. Brent would like to see the specific language in the strategy to eliminate leeway. Mr. Mauler agreed that the strategy should include specific language.

Ms. Moyer asked if the definition of a “Fisheries Habitat Protection Zone” includes oysters and spawning areas. Ms. Carrier would look into the question.

Ms. Pauly suggested that any terminology that had a specific definition have a different font or color. Mr. Mauler added that the GDP should be readable by the general public and not have specific planning terminology. Ms. Carrier agreed that some words may not be known to the public and hyperlink or reference can be provided, but there are certain words or terms that must be used so the professionals who are responsible for implementing the GDP understand the intent or they have a specific meaning within the County Code. She reminded the CAC that the Background Reports that have been provided and presented at previous meetings help provide context.

Ms. Moyer asked how the County reclaims old stream beds. Ms. Carrier said that this is already part of the County’s workplan and ongoing projects are not included in the GDP. Ms. Moyer suggested it be included as a recommendation so it can be codified.

Ms. Lynch recommended the addition of a strategy that addresses the removal of siltation in the County’s waterways as well as a recommendation to strengthen the County’s best management practices for stormwater management.

Ms. Pauly suggested that wetland loss reports be made available to be public. Ms. Carrier said Mr. Straughan made a similar comment that “track, measure, and report” be added to the strategy.

Goal #2: Retain existing forest cover and increase urban tree canopy

Ms. Hartwig-Davis recommended the strategy pertaining to the modification process for clearing priority forest retention areas be consistent with State requirements “as a minimum”.

Mr. Dodd suggested the reference to “Small Area Plans” be updated to “Region Plans”. He also asked whether the strategy to define priority forest retention areas would also map the resources listed. Ms. Carrier clarified that additional resources, such as the greenways, would be included in the definition and that some resources such as specimen trees would not be mapped.

Mr. Brent shared Mr. Straughan’s comment that establishing a policy of no net loss of forest effectively creates a “zero growth GDP” and shifts all development to redevelopment areas. He was unsure if that is the intent. Mr. Straughan stated that the strategy to “track forested acres preserved, planted, and lost and report the status every year” is not a strategy. Mr. Brent disagrees and suggested the County needs to know what the current figures are before it can be tracked.

Mr. Clark asked if two strategies related to developing plans and programs would actually be implemented. Ms. Carrier said the word “implement” could be added to the strategies.

Ms. Pauly suggested “track, measure, and report” be added to the “create a Countywide inventory of potential reforestation properties” strategy. Ms. Pauly also expressed her displeasure of the reforestation program by stating that an existing forest has more value than a new one. Ms. Carrier noted that not all forests are healthy and existing forests should be evaluated on a case by case basis. Mr. Mauler agreed with Ms. Pauly’s position about reforestation.

Goal #3: Expand, enhance and continue to protect the County’s greenways, open space, rural areas and the Priority Preservation Area

Ms. Rosborg suggested a strategy be added that makes it harder for conservation easements to be modified. She also suggested a recommendation that elevates the preservation of sensitive environmental areas to the same level as the 2009 GDP agricultural and rural area standards. Ms. Carrier clarified that this recommendation relates to the first strategy in the first goal that addresses the preparation of a natural resources inventory plan which would inform the development envelope for the proposed project.

Ms. Moyer noted that the Department of Natural Resources (DNR) goal is to create bicycle and pedestrian connections between all counties. Ms. Carrier clarified that is the definition of a greenway and those connections will be addressed in an update to the 2002 Greenways Master Plan. Ms. Moyer recommended it be included in the capital budget.

Ms. Pauly asked if all lands, public and private, are included in analyses. Ms. Carrier confirmed that they all lands are analyzed.

Mr. Clark asked for clarification about adding a project in the capital budget for land acquisition for the specific purpose of land conservation. Ms. Carrier said this strategy would add a line item in the

budget for land conservation because there is currently no line item that sets aside funds for land acquisition.

Mr. Dodd asked if the strategy to inventory surplus property is for land already owned by the County. Ms. Carrier clarified that the intent is for County and possibly State owned land. There is a process already, but this strategy is more proactive.

Mr. Mauler asked how the point system works for the County's Agricultural and Woodland Preservation Program. Ms. Carrier said this strategy has since been deleted since it is already a County policy. She said that if a property owner approaches the County and to put their property in the Agricultural and Woodland Preservation Program and if they are already in the designated Priority Preservation Area, they receive additional points. She reiterated that this program is explained in the Background Reports and presentations that were provided to CAC.

Goal #4: Improve and protect water quality

Ms. Pauly asked if there is a strategy for stopping a development project if there is a violation, for example inadequate stormwater management techniques. Ms. Rosborg explained that is already a policy within the Department of Inspections and Permits. Mr. Mauler suggested there should be a strategy for a corrective action, specifically penalties when an engineer makes a mistake. Ms. Rosborg offered that the strategy should be to update the stormwater management requirements more frequently. However; some issues do meet the standards and some are enforcement issues. Ms. Carrier noted that the third policy in the goal addresses this concern. Ms. Ysla Leight asked what the process is if the development is in an adjacent jurisdiction. Ms. Carrier said Anne Arundel County does not have jurisdiction and that MDE will review the issue.

Mr. Clark asked for clarification for the strategy "Implement a new process for the transfer of responsibility for maintaining stormwater BMPs from developers to HOAs that considers funding sources and expertise necessary for long term maintenance of BMPs". He asked how that would occur after the fact. Ms. Carrier said this issue was identified in listening session and the current process does not adequately address it. Ms. Hartwig-Davis agreed there is no transfer of knowledge between the developer and the HOA regarding the stormwater facilities.

Ms. Carrier noted that under the second policy, the strategy "Encourage, or when possible, require the abandonment of shallow, unconfined water wells to be re-drilled by current regulations" should be added. This would be at the homeowner's expense.

Goal #5: Provide and maintain a safe and adequate capacity for wastewater treatment services and water supply to meet current and future needs while providing the highest level of treatment economically achievable in order to reduce pollutant loads to area tributaries

Ms. Moyer said the strategy to evaluate the potential impacts of sea level rise has already been completed by DNR. The strategy should be to address the impacts of sea level rise. She also suggested that the County should address water quality problems, not just assess them. Mr. Murphy said that this is a Health Department issue and is in regards to the private wells. He could not speak to what their capability is to address them. Ms. Moyer felt that if it is not codified, then it may not be implemented. Ms. Carrier reminded the CAC that the GDP is a vision plan and there will be

strategies that may need to be implemented through additional function master plans, such as the Master Plan for Water Supply and Sewerage Systems.

Mr. Korbela said the County needs to have firm plans about relocating and building new wastewater treatment facilities when sea level rise occurs. Mr. Murphy agreed and said the proposed strategy is about how to evaluate those scenarios and how to adapt.

Ms. Hartwig-Davis asked when the County Council will receive a map the details the impacts of sea level rise. Ms. Carrier said that if they do not already have one, then one would be provided in the GDP.

Mr. Mauler asked how reports and studies are presented and shared with the public. Ms. Carrier said it depends on what the report is, and if it is something that would be of value to the public. Most reports are on the website; but other reports may be too voluminous or technical to be shared. She said the implementation plan would document the status of these reports.

Goal #6: Create resilient, environmentally-sound and sustainable communities

Ms. Hartwig-Davis suggested the first policy is two separate policies. Ms. Carrier agreed that it should be separated and will be elaborated upon. The term “outreach” should also be defined. Ms. Hartwig-Davis said she would work on the policies and strategies for this goal and send her recommendations to staff.

Mr. Straughan, via email, said the goal and policy sound more like a strategy. He suggested separating the goal into three goals.

Mr. Shorter suggested the strategy to pursue innovative funding sources needs to be explained more and be more specific.

Mr. Korbela said there needs to be a statement that states what the County’s policy is on energy usage and sources.

Ms. Moyer said each strategy needs to explain how it will be accomplished.

Ms. Pauly asked for clarification on the process for the CAC’s review of the goals, policies, and strategies. Ms. Carrier said these goals, policies, and strategies will be reviewed by topic and then the next public involvement will be regarding the land use plan. She anticipates nine forums to receive input on the draft land use plan and development policy areas. Once the draft land use plan is finalized, the County will refine the goals, policies, and strategies which will then be incorporated into a draft GDP for public comment.

Mr. Mauler said he does not see any reference to the protection of the wildlife. Ms. Carrier said this is addressed in the Greenways Master Plan. Mr. Mauler would like to see language that references wildlife in the GDP.

Administrative and Approval of Meeting Notes – October 2, 2019

Ms. Rosborg, Chair

Ms. Ysla Leight motioned to approve the minutes and it was seconded by Mr. Clark.

Ms. Rosborg also shared that DNR has prepared new draft Critical Area maps and is holding a series of public forums. She encouraged CAC members to attend a public forum to learn more about the process and draft maps. She said the draft maps will then be presented to the County Council for adoption. Ms. Rosborg also noted that the Office of Community Engagement and Constituent Services (CECS) is updating the master list of community organizations and HOAs. She encouraged any members who represent a group or HOA to get in contact with CECS.

Ms. Carrier shared that on Friday, October 18, the draft Vision, draft Vision Themes, and draft Region Boundaries will be posted to the Plan2040 website for public review and comment. The Land Use change request application will also be released on Friday. Work on the Development Policy Areas will continue. Ms. Carrier reminded the CAC to be careful when meeting or emailing as group in order to avoid violating the Open Meetings Act. She will follow up with the specific regulations of what constitutes a violation.

Mr. Mauler expressed his interest in better coordination with the State Highway Administration (SHA). Mr. Brent thought SHA may have more positive responses if the CAC has specific questions. Ms. Carrier said this issue can be discussed in more detail during a future meeting in January when transportation goals, policies, and strategies are discussed; however; SHA would not be present at the meeting. The County's annual priority project letter to SHA is based on recommendations in the GDP.

Will shorter motioned to adjourn and Mr. Clark seconded. The meeting was adjourned at 7:09 p.m.