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**Elizabeth Rosborg**  
**Chair, Citizens Advisory Committee**

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**Plan2040**

**Citizens Advisory Committee (CAC)**

Meeting Notes

September 18, 2019 - 5:00 PM

Chesapeake Conference Room, 2<sup>nd</sup> Floor  
2664 Riva Road, Annapolis, MD

**CAC members present:** Elizabeth Rosborg (Chair), Cate Bower, John Clark, Bill Dodd, Thomas Fahs, Joel Greenwell, Melanie Hartwig-Davis, Patricia Huecker, Matthew Korbelak, Patricia Lynch, Charles Mannion, Gary Mauler, Ellen Moyer, Kristin Pauly, Allan Straughan

Citizens Environmental Commission (CEC) members: Kate Fritz, Jesse Iliff, Sally Hornor, Richard Hergenroeder, Steve Miller, Carmera Thomas, Jette Findsen

**Office of Planning and Zoning (OPZ) present:** Planning & Zoning Officer, Steve Kaii-Ziegler; Mark Wildonger, Long Range Planner; Don Zeigler, Long Range Planner;

**Attendees:** Paul Christensen, Chris Graae, Matt Johnston, Jeremy Hanson, Lynne Rockenbacuch, John Van de Kamp, Matt Minahan, Ann Fligsten, Susan Cochran

**Administrative and Approval of Meeting Notes – September 4, 2019**

*Ms. Rosborg, Chair*

*Introduction:*

Ms. Rosborg opened the meeting by announcing tonight's meeting is a joint meeting with the Citizens Advisory Commission (CAC) and the Citizens Environmental Commission (CEC). She announced that the meeting was being taped and thanked all visitors for coming. Ms. Rosborg announced that CAC members, Anthony Brent and Melanie Hartwig-Davis, were making an introduction on behalf of the Anne Arundel Peninsula Coalition Committee.

Before Mr. Brent's and Ms. Hartwig-Davis' presentation introduction began, there was a round of introductions from all meeting attendees that included CAC and CEC members.

Mr. Brent started his presentation by stating that he was representing Mayo Peninsula and Edgewater communities and that three years ago when he moved to Mayo there was a moratorium within the Mayo Sewer Service Area until expanded wastewater plant upgrades were complete and the service area could connect to the Annapolis Sewer system. Once the project was completed and

the County lifted the moratorium, the community learned there were close to 640 infill lots available for development. The community wondered how that was possible given the limited infrastructure and compromised environment. From there, the Neighbors of the Mayo Peninsula (NOMP) was created. The NOMP found out that two parts of Adequacy of Public Facility Ordinance (APFO) requirements for development had issues. APFOs have to reach certain thresholds before a developer could move forward with developments. On Peninsulas, APFOs did not protect the resources in peninsulas. NOMP then reached out to other peninsulas who had similar issues.

Ms. Hartwig-Davis continued the Anne Arundel County Peninsulas Coalition presentation by stating that she was not involved early on with the Coalition until a development cleared out 18 acres of forest on Loch Haven Road. A good portion of the site was put into preservation, but the forest was still lost. 18 acres was cleared, but the developer was not required to replant a single tree due to a loophole in State Law. Current proposed County legislation that is backed by the Peninsulas Coalition would fix the loophole. Ms. Hartwig-Davis stated she reached out to see who could help peninsulas and found the NOMP. Ms. Hartwig-Davis researched how things were regulated and monitored so that they could influence of how development was processed. She stated another development of 41 homes will threaten to clear out more forest. She noted how she is slowly seeing the environment disappear before her eyes. There is strength in numbers and there are five peninsulas that are all having similar problems. She suggested that the peninsulas need an overlay to protect the peninsulas.

Ms. Hartwig-Davis concluded and then introduced Matt Minahan who will be making a presentation about Peninsula Principles on behalf of the Coalition.

### **Peninsula Principles and Priority Actions**

*Mr. Minahan, Anne Arundel County Peninsulas Coalition*

Mr. Minahan started the presentation with an aerial of the Magothy River and pointed out that what you see is development and impervious pavement, but not trees, shade, watershed, protections, and things that protect the Chesapeake Bay from runoff, pollution and impacts from development. The Coalition represents not just the Mayo peninsula, but also County-wide interests. Too much of the County looks like the aerial being presented of the Magothy River aerial and if this trend continues there will not be enough capacity to meet the Chesapeake Bay Clean-up goals and improve the quality of life for the peninsulas.

He noted there are three main principles:

- Establish a zoning overlay district for Peninsulas
- Conduct detailed, citizen driven land use planning to support quality of environment and quality of life
- Define and enforce criteria for development

Mr. Minahan stated that the Coalition has about 40 citizen activists from communities along the coast who represent the commitment of more than 200 citizens and community associations.

He explained that because peninsulas are surrounded by water, wrapped by sensitive shorelines, confined by limited road access and heightened impact on water quality; they are unique and require

additional attention, such as an overlay. He suggested an overlay is necessary because the existing planning and zoning frameworks do not account for the unique geography of peninsulas.

According to County Code (17-5-403(b)), a peninsula is defined as an area with a single road in and out. The Coalition interprets this meaning that there are four to five peninsulas in the County, but does not include the Broadneck peninsula. The Coalition hopes that the definition is expanded to include all areas along the shoreline and that the proposed policy area maps will just not apply to the five defined County Code areas, but to other peninsula areas as well.

The Coalition has identified several near term priorities for the County Council and the Executive Branch. One priority is to enact a moratorium on developments of three or more units until the General Development Plan is approved. He noted that this effort has not been successful as no Councilmember is willing to sponsor a Bill so far. A second priority is to pause all development on peninsulas that have a "D" level of service rating or less. They are working with attorneys to craft language that reflects this desired result. He noted that the County Code allows the OPZ Officer to take discretionary action to protect peninsulas. A third priority is to support the proposed Forest Conservation bill which received criticism during a recent Council work session.

Ms. Leahy of the CAC questioned Mr. Minahan's assessment of the Council work session and stated that the Council had very specific concerns about the bill and that the bill is not perfect. Ms. Pauly of the CAC stated that the forest bill was very heavy handed and that there are growth areas that would be affected by the bill. There were several conflicting positions with valid points and people have to work together. Mr. Fahs of the CAC, also voiced concern about the forest bill suggesting that it may stymie growth areas and smart growth. He believes the work session was very partisan and that there are good points made on both sides and that they should meet in the middle.

Ms. Leahy and Mr. Fahs both commented that the bill is not perfect and needs amendments and their impression is that the Coalition wants the bill passed without any amendments.

Mr. Minahan continued with the Coalition's priorities stating that they would like the Executive Branch to create a peninsula overlay, begin citizen-involved baseline mapping of environmental resources, and ensure that peninsula citizens are fully engaged in the Regional Area Plans.

Mr. Minahan stated that a peninsula overlay should look at the cumulative impact on the entire peninsula; be a part of an inclusive, transparent process with greater notifications; align with a new APFO process tailored for Peninsulas; improve quality of life and the environment; and establish long-term comprehensive planning instead of piecemeal planning decisions.. He clarified that APFOs in peninsulas will be different than APFOs for the remainder of the County.

The peninsula overlay would restrict development that would impact water quality, shoreline forest buffers, forest conservation and land preservation that has seen the degradation of the environment; establish rules, criteria and building codes for the peninsulas; exceed the basics of Maryland state minimums and buffers of tidal- and non-tidal wetlands; and eliminate the modified buffer area which gives homeowners too much flexibility within the Critical Area. He emphasized that a lack of governance leads to degradation.

The Coalition's medium term priorities include creating base line mapping; ensuring more citizen involvement and engagement; creating APFOs for peninsulas; setting impact fees at 100% and

ensure it is spent where it is impacted; increase standards for forest preservation on peninsulas; and continue to improve inspections, monitoring, and oversight. Mr. Minahan concluded by stating there is an opportunity to create a vision for how to live sustainably on the County's peninsulas with limited resources.

Mr. Clark of the CAC asked about the impacts to streams that feed into peninsulas. Mr. Minahan agreed that streams outside of the peninsulas have an effect and feels the idea of a peninsula boundaries needs to be expanded.

Ms. Fritz of the CEC asked if any GIS mapping has been done to map the expanded buffers. Mr. Minahan said not at this time. Ms. Hartwig-Davis also responded and said they do expect to get access from the Chesapeake Conservancy. Matt Johnston stated that from the administration's perspective, he and Mr. Kaii-Ziegler will work together as options come up to expand the non-tidal wetland buffer and they will do an analysis of what that looks like.

Ms. Pauly of the CAC felt that the "D" level of service was interesting and asked how they justified the language. Mr. Minahan stated they consulted with the Office of Transportation and other groups on how to craft that specific language. Ms. Huecker followed up by asking if most roads into the peninsulas are State or County. Mr. Minahan stated that most of the roads are State owned. Ms. Leahy wondered how it will be enforced. Mr. Minahan stated that the County decides what to do, such as amount of development, when it reaches a certain level.

Ms. Lynch of the CAC felt that the County should be conducting traffic studies for proposed developments, rather than allowing a developer to hire their own consultant. Mr. Minahan felt that there are plenty of government processes that favor developers. He stated he brought the issue up to Mr. Hager who said OPZ does not have enough staff. Mr. Minahan said he has also communicated the issue to Mr. Pittman that there needs to be more planners. Ms. Hartwig-Davis stated that it's an issue in other jurisdictions and that there should be one person to review these requests even if they cannot go out to the site. Mr. Fahs strongly disagreed and stated that the County reviews the applications and the studies per the County Code requirements. Mr. Kaii-Ziegler clarified the traffic study process and noted that the traffic study review is not conducted within OPZ, but in three other agencies - Department of Public Works, Office of Transportation, and Inspections and Permits. The vast majority of transportation planning goes through those three agencies. With the scope, everyone works with the same set of rules and the County determines the scope of a traffic study.

Mr. Mauler of the CAC stated that the peninsulas are lucky if they get a "D" rating because it does not happen in West County and that the scope of projects is far too limited and does not count the total scope of street traffic.

Mr. Dodd of the CAC asked how citizen-reported overlays would work. Mr. Brent stated that the Coalition was looking at a cumulative effect of subdivisions and infill lots. Infill lots are also not subject to APFOs. The Coalition has had lawyers craft language for roads for APFOs and they want to expand how many secondary intersections and beyond are affected. They would also like to look at other APFO issues. Mr. Brent shared that he is not satisfied with how the CAC has provided input and that the citizens' voice is being heard.

## **Environmental Resources Element and the General Development Plan**

*Mr. Wildonger, OPZ*

Mr. Wildonger stated that the Maryland Land Use Article grants planning and zoning powers to local jurisdictions and requires them to adopt a comprehensive plan. He briefly noted the State Land Use Act of 1974; the Critical Area Law; the Economic Growth, Resource Protection, and Planning Act of 1992; 2006 and 2009 Planning legislation, and the Sustainable Growth and Agricultural Preservation Act of 2012 as some examples of how environmental resources are required to be protected and addressed in municipal comprehensive plans.

He reviewed that the purpose of the GDP is provide a vision, inform County decisions and how public money is spent. There are certain elements, such as land use; development regulations; sensitive areas; transportation; water resources; and housing, that are required to be addressed in the comprehensive plan. He reviewed the Plan2040 process to emphasize the importance of the planning process. He noted that the first step in developing a plan is to understand the current conditions and challenges; which was the background report phase. He provided information on where the public can find the Environmental Protection and Resource Conservation and the 2009 GDP status report background reports online. The County also held a series of listening and visioning forums and surveys to hear from the public. With that information, the County begins identifying goals and policies, with the CAC advising. In regards to the timeline, he noted the County is at the Goals, Objectives, Policies and Actions phase. He reviewed an example of how the goals, objectives, and strategies would be applied to an environmental issue. The text is just one way environmental resources are addressed in the GDP. Environmental resources are also analyzed in the development of the Planned Land Use Map and the Policy Areas and Map. He added that OPZ is working with Mr. Johnston to best identify these resources and include them in the GDP.

Once the GDP is adopted, it is implemented through various mechanisms, such as development regulations, Region Plans, and various functional master plans. He provided an example of how a Region Plan would implement recommendations. He also discussed the planning and implementation feedback loop which emphasizes the connections between gathering information, visioning, developing recommendations, implementing, and monitoring and evaluating the plan before starting the process again.

Ms. Pauly asked how granular the plans and policy areas could be. Mr. Wildonger pointed out that there were three policy areas in the 2009 GDP and there are five proposed policy areas with additional sub-areas. The CAC will continue their discussion about policy areas at the next meeting. Mr. Kaii-Ziegler stated that the GDP can go as close as needed, for example at the parcel level. Ms. Huecker stated that she was at a Crofton meeting where Mr. Pittman stated that the CAC was working on adequacy of public facilities and she believes that they are not. She would like to know how much growth is sustainable in Anne Arundel County given that there is so much development in the pipeline that to see change is going to be very difficult. She needs to know what is in the pipeline so they can plan accordingly in the future.

Ms. Rosborg reviewed the draft Policy Areas which was the subject of the last CAC meeting. She explained that the CAC's homework is to review the draft policy area maps. She also reminded the CAC that the Region Plans process will take approximately three years to complete. Per Bill 21-18, the GDP will identify at least seven planning areas with at least 11 people selected for community representation.

Ms. Findsen asked how the CEC can provide input. Ms. Rosborg stated that every CAC member has a Gmail account or that Ms. Rosborg could also be contact and provided her email. Mr. Wildonger also showed where all the CAC members' email addresses are located [aaccounty.org/Plan2040](http://aaccounty.org/Plan2040).

### **Public Comment**

Ms. Rosborg introduced Ms. Fritz, the commissioner of the CEC and opened up the meeting for public comment. Ms. Fligsten of the Growth Action Network asked where the growth policies are going to come from. She suggested that a sustainable growth policy should be identified first. Mr. Kaii-Ziegler said the growth policy is developed by gathering information in the GDP process to ensure transparency. Many policies in the GDP will address growth and how much and how fast the County will grow. Ms. Hartwig-Davis stated that the CAC all had maps that broke down each area and identified where specific policy areas are going to be located.

Ms. Cochran from Edgewater said that Edgewater and Mayo are two different areas and Edgewater by Route 2 is not a peninsula. She indicated that she feels like she is not being represented. She added that she would like to make comments about the draft policy areas. Ms. Rosborg stated that the maps will be put online after October 2<sup>nd</sup>. Ms. Pauly asked if CAC members are supposed to get feedback from the communities they represent. Ms. Rosborg stated that each representative should go back to their respective communities to let them know what is happening.

Mr. Christensen, from Tracys Landing, is very pleased that these two groups are working together and hopes that all stakeholders can all work together. He said that all stakeholders need to get groups working together to help develop environmental overlays.

Mr. Miller asked if a final report was done on how the three environmental elements from the 2009 GDP were implemented. Mr. Wildonger stated that the implementation report is online and showed where the public could find the report online. Mr. Kaii-Ziegler added that he has heard the public is frustrated that previous plans were not implemented well. Mr. Kaii-Ziegler shared his ideas, such as an implementation advisory group, as a way to better implement plans. These groups would be created after the Region Plans are adopted. Each group will be unique and they will be appointed. That process will take about three years and comprehensive rezoning will follow. He indicated there would be a pilot process of how this would work this Fall. He shared his and OPZ's commitment to have a robust implementation process following the GDP and Region Plans, but added that the community will play a role as well. He said that implementation also requires both capital and operating money. Each of the groups would also need to meet with the County Executive and Council to share their needs and successes. Mr. Johnston also wanted to add that comprehensive rezoning will occur later, but that does not mean that changes cannot happen before the official comprehensive rezoning. The Administration and the departments are already looking at Articles 16 and 17 that define what the County can and cannot do for wetlands and streams protections. All of this is going to be ongoing and the Council should expect new ordinances between now and the comprehensive rezoning process. Mr. Kaii-Ziegler stated that the Zoning Code and the Subdivision and Development Code are living and breathing documents and will be changing soon.

Mr. Brent stated that he also reviewed the Small Area Plan implementation report and encouraged the CAC members to do so as well to better understand where the County was successful and where they not and what were the shortfalls.

Ms. Leahy asked whether the work the CAC is doing will impact the GDP. She also commented that there are bills that are being passed that directly impact the GDP. She asked what the CAC is doing if the administration is passing bills that impact the work of the CAC. Mr. Kaii-Ziegler said there are many inputs into the development of the GDP and this is the Administration's way of providing their input. The CAC does have an influence on the GDP and the Region Plans, for example determining the number of Regions. With this GDP process, there will be a Planned Land Use Map. There will be an application process for property owners to request Land Use changes. The CAC will help draft a GDP with a draft Planned Land Use map that will help determine how future land use and zoning decisions are made. He said the CAC is influencing the GDP along with the administration and the staff.

Ms. Bower asked what the target is for when there will be a draft GDP. Ms. Rosborg stated that the County hopes to have a draft GDP to the Council by September. Mr. Kaii-Ziegler said the Council has 90 days to make comments, but a draft GDP would be available to the public well before that. Ms. Rosborg said the hope is for a draft plan and Land Use Map around May 2020.

Mr. Mauler asked Mr. Kaii-Ziegler how he plans to track the implementation of the GDP. Mr. Kaii-Ziegler said there were multiple applications that involved various County staff and different software. He was very involved in implementation processes when he was in Alexandria and encouraged CAC members to review those summaries on the Alexandria website. Mr. Mauler felt there needs to be a tool to track resources.

Ms. Rosborg called for a motion to approve the previous meeting minutes. Ms. Bower made a motion, and it was seconded by Ms. Hartwig-Davis. The meeting was adjourned at 7:04 p.m.