

**SPECIAL ADVISORY COMMITTEE REPORT
TO THE PLANNING ADVISORY BOARD IN RE:
THE 2009 ANNE ARUNDEL COUNTY
GENERAL DEVELOPMENT PLAN**

Committee Members:

Ernest Bristow - Severn	Harold Kumer - At Large	Eliot Powell - At Large
Wendy Cozzone - Odenton	Spear Lancaster - Crownsville	Timothy Reyburn - Jessup/MD City
Anthony Frank - Glen Burnie	Erik Michelson - Deale/Shady Side	Anthony Savia - Crofton
Michael Galey - Edgewater/Mayo	Michael Littleton- Pasadena/Marley Neck	Henry Schmidt - Lake Shore
Sally Hornor - At Large	William Nevel - Broadneck	Stuart Schoenburg - At Large
Albert Johnston - Severna Park	Peter Notari - BWI/Linthicum	Dinsmoor White - Annapolis Neck
	George Perry - South County	

Ladies and Gentlemen:

The Members of the Special Advisory Committee ("SAC") would like to thank County Executive John Leopold for their appointment and the opportunity to serve Anne Arundel County ("County" or "the County") and its citizens during the development and drafting phases of the 2009 Anne Arundel County General Development Plan ("GDP" or "Plan"). It has been both a rewarding and enlightening experience to work with the professional staff of the County and the many knowledgeable and dedicated citizens involved in this process.

The SAC's charge has been to provide citizen advice and input to the Planning Advisory Board (PAB) regarding both the process and content of the GDP. For over a year, the 19 members of the SAC have met on a regular basis to review various technical background reports prepared by county staff, in addition to other pertinent information, which forms the basis for the GDP. Where possible, the following comments have been informed by input from community organizations and individual citizens from throughout the County.

In carrying out its charge the SAC utilized 11 evaluative criteria¹ to review the above-mentioned background materials, several preliminary drafts and the "final draft" of the GDP to identify, in the language of the Plan, "goals, policies and actions" that will foster the County's rapid progress toward more informed and contemporary decisions regarding land use, environmental quality and growth management in order to maintain and, indeed, improve both the quality of life and economic future of the County and its citizens.

The following document represents a consensus² of issues in the 2009 Plan that the SAC considers warrant additional comment and may require further consideration, revision and/or study.

Sincerely,

Harold Kumer, Chairman

¹ See Foreword.

² See Appendix 2 (Individual and Group Comments)

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FOREWORD

The SAC has endeavored to use the following "evaluative criteria" in developing its comments and proposals regarding the 2009 GDP and associated processes.

1. ACCOUNTABILITY – Does this Plan build on the previous GDP and related planning documents such as the Small Area Plans ("SAPs")? Does it recognize both positive and negative actions that have influenced growth and development over the last 10 to 15 years? Does it consider the demographic context in which the plan will operate in the next 10 to 15 years? Is there a framework by which deviations or deficiencies in either the plan or its ultimate implementation may be addressed?

2. COMPREHENSIVE – Is the Plan comprehensive both in scope of elements considered (Land Use, Transportation, Environment, Public Services, etc.) and in geographic considerations? Does it build on and recognize the County's major overall issues as well as the more specific growth and development needs of the major districts in the County? Does it relate the geographic needs with specific major district needs?

3. VISIONARY – Does the Plan follow the eight visions established in the Maryland Economic Growth, Resource Protection and Planning (EGRPP) Act of 1992? Does it articulate a vision of where communities in the County should be in the next 10 to 20 years? Does it do this in both general terms, and also with sufficient specificity that recognizes issues, attributes, problems and goals in the major districts within the County?

4. COORDINATION – Does the Plan coordinate all the various elements? For example, are Land Use, Transportation, Environment, and Sewer/Water, Public and Emergency Services elements overlaid and related in a coordinated fashion? Are the various County agencies aware of, and prepared to implement the plan elements where their jurisdiction may overlap. Has the County actively engaged neighboring jurisdictions, particularly the City of Annapolis, during the GDP development process to ensure some measure of inter-governmental collaboration?

5. MEANINGFUL – Does the Plan recognize the major land use, transportation, energy, environmental, public/emergency service, and safety issues that are likely to be part of the County's growth and development over the next 10 to 15 years? Does it incorporate and attempt to influence the regional context in which the plan must operate? Does it meet County citizenry's expectations for maintaining and enhancing their quality of life?

6. DIRECTION – Does the Plan provide a framework and methodology to guide the County over the next 10 to 15 years? Does it recognize and incorporate, where appropriate, the deliberations of the SAC and the PAB? Does it recognize the value and directions of the Small Area Plans and other expressions of citizen interest?

7. UNDERSTANDABLE – Is the plan clear, concise and readily understandable? Are the text, maps, tables, and graphics coordinated? Are there missing elements? Will the plan be fairly easy to use by the various decision makers as a reference document during deliberations about growth and development?

8. CONTINUING – Does the plan provide for a continuing planning process – a process that

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recognizes that, as conditions change, the GDP should be formally updated to reflect those changes? While the plan is supposed to be reviewed by the Office of Planning and Zoning ("OPZ") and suggestions for updates offered to the County Council every five years, the planning process in the interim should be a continuous process.

9. IMPLEMENTATION –Does the plan describe tools that are necessary to achieve its implementation? Are tools included that are both customary (zoning, capital improvement programs, etc.) and contemporary (mixed use districts, overlay districts, smart growth, concurrency, etc.)? Are these tools applicable to county-wide issues as well as specific district issues and concerns? Are they strong enough to give teeth to local efforts at implementation and enforcement? Does it address the short and long term fiscal implications of implementation? Does it envision and attempt to foster intergovernmental (county, state, federal) responsibility as well as public/private partnerships?

10. CONSISTENCY AND COMPLIANCE – Are the Plan’s goals and policies consistent with the visions of the 1992 EGRPP Act? Do the goals and policies take into account the necessity for a strong connection between Plan "visions," the provisions of planning and zoning codes and the legal framework of enforcement? Is the GDP supported by proposals for enforceable standards in the County Code and Capital Improvements Program? Does the plan reflect a commitment to “Smart Growth”?

11. AVAILABLE – Is the plan readily available to the general public, boards and commissions, community associations, developers, and other public and private stakeholders? Can an abridged summary of the GDP be prepared that would be suitable for newspaper publication?

The members of the SAC would like to take this final opportunity to gratefully acknowledge the invaluable work of the staff of the Anne Arundel County Office of Planning and Zoning (“OPZ”) for their commitment to the GDP process and the efforts of this Committee.

Special recognition is accorded to Planning and Zoning Officer Larry R. Tom, Long Range Planning Administrator Lynn Miller and Assistant Planning and Zoning Officer Carole Sanner not only for their unflagging support, but for their indefatigable patience with the SAC as it struggled to assimilate a significant quantity of technical information while simultaneously attempting to understand its role and to develop a method for distilling the collective will into a coherent final product. Most importantly their obvious dedication to the health and vitality of the County and its citizens, as well as its irreplaceable resources has served as an inspiration to the SAC to persevere in its mission, even in the face of frequently onerous time constraints and the realization that a significant majority of its work would most likely not be incorporated into the final Plan.

CODES, ENFORCEMENT AND IMPLEMENTATION – GDP – Ch. 11

To ensure that deviations from the "guiding" principles set forth in the GDP are rare the County Code should be amended to include language substantially similar to the following:

“Any exercise of Anne Arundel County’s authority regarding land use, the environment, water and sewer facilities, growth allocations, and annexation must be consistent with the County General Development Plan.”

The SAC has been repeatedly admonished, and various opinions by Maryland's appellate courts demonstrate, that General Development Plans do not, in and of themselves, have the force and effect of law. The SAC also recognizes that the GDP is designed to set forth the fundamental principles that should inform the decisions of county officials, as well as any entity with reviewing authority, responsible for implementation and oversight of Plan elements.

Historically, the GDP has relied heavily upon words such as “advisory” and “guidance,” but has contained few recommendations for the adoption of new language for strengthening the legal ability of the County, or a private stakeholder, to require close conformity to its goals and policies. The statutory language linking, and thereby limiting, the exercise of a County agency's discretion to some degree of compliance with the provisions or elements of the county's “vision” in the GDP are largely missing. Both the 1985 and 1997 Plans established a "vision" for the county. Unfortunately, the current GDP draft suggests no changes to local ordinances that would materially evolve the plan from being “advisory” in nature to a true “regulatory” enforcement and implementation tool to regulate growth and enforce broad policies and goals.

The SAC is concerned that without a comprehensive review and amendment of the enforcement and implementation provisions of the County Code, there may continue to be frequent deviations from the "vision" established by the GDP. As the opening paragraph of this section suggests, each and every request for a substantial change that involves the planning and zoning elements of the County Code should be held to the strictest standards of consistency and conformity with the Plan. Code requirements for design standards, setbacks, parking ratios, height and bulk provisions, as well as other urban design requirements should be updated, strengthened and rigorously enforced.

As an example, in the specific case of parking requirements, limited parking is an issue in recently built townhome neighborhoods due to the “2 parking spaces per a three bedroom home” rule which includes the garage as parking space. Very little to no guest parking is provided. Narrow roads, tight parking, undersized townhome widths and other factors create an urban appearance in what would otherwise be suburban residential areas. Examples of this abound in many communities in the western, as well as other, parts of the County with apartments and narrow-width townhomes.

On the subject of zoning changes SAC members have noted that change can beget further change. The Board of Zoning Appeals has in the past engaged in the circular reasoning that proposals for a zoning change may be granted because change has occurred in an area since the last GDP was adopted, provided the proposed change is found to be consistent with the changes in the area that have already occurred. The zoning process should be modified to preclude the use of “intensification,” by itself, to justify a re-zoning. The SAC urges the PAB and County Council to

consider including language in the 2009 GDP to strengthen the necessary statutory provisions in order to preserve, at all times, the intent of the GDP.

GROWTH – GDP – Ch. 3

The SAC strongly urges the PAB and the County Council to address in this plan, in compliance with state mandate, the somewhat amorphous principles of Smart Growth, in order to demonstrate the County's commitment to be at the forefront in making informed decisions regarding growth and development. County staff has indicated that they believe the current plan is based on "smart growth" principles. However, the historical evidence of growth and development suggests that, in practice, such principles have not been followed and significant development has occurred that, under current County plans and standards, could be considered inappropriate, if not illegal.

The GDP and resulting Comprehensive Plan are designed to provide the County with guidance as to both future growth trends as well as the areas to which that growth should be directed. "Smart growth" principles most frequently channel new growth and development to areas where infrastructure exists, or is planned, and funded in capital budgets. Green space, agricultural areas and open space are vigorously protected. The Chesapeake Bay ("Bay"), perhaps the County's most important environmental and recreational asset, needs to be a primary focus in both the GDP and the Comprehensive Plan. Growth, both new and revitalization, is inevitable and in many cases may be desirable, but it should be in accordance with County plans and within the County's power to control. The anticipated influx of residents and the attendant stresses on infrastructure in the western regions of the county resulting from the Base Realignment and Closure Act ("BRAC") will have major impacts throughout the County and is just one instance where the application of "smart growth" principles would be of major benefit in planning and implementation. BRAC, in particular, provides the County with an opportunity to demonstrate how "smart growth" principles can be utilized to foster the public interest.

Additionally, the idea that growth in population, and development to meet the needs of that population growth, will lead to improved fiscal stability has been challenged in many forums throughout the United States in recent years. This Plan must consider the very real probability that further commercial, residential, industrial, or population growth will not pay for itself and may only serve to aggravate the County's existing fiscal issues. A history of budget shortfalls, continuing environmental problems, and increasing deferred maintenance backlogs that have occurred during periods of strong growth, seem to belie the idea that growth is always good because of the net revenue it produces. The notion that real estate development produces positive net revenue for the County is highly debatable and the SAC suggests that the GDP should make it clear that this is an issue of contention.

The County and its citizens need to seriously consider what the principles of "smart growth" are designed to achieve. Policies should then be formulated to include those principles in the GDP, each attendant comprehensive plan, as well as county ordinances, in order that every action by the County is both guided by and legally subject to, "smart growth" principles. The SAC encourages the PAB to suggest to the OPZ that the Plan includes a section devoted to the concept of "smart growth."³

³ See, Appendix 1

ENVIRONMENT AND PRESERVATION – GDP – Ch. 5

The SAC is concerned that the GDP does not sufficiently emphasize that the future well-being of the County's environmental and natural assets requires the investment of significantly more resources as well as strong measures on many fronts to stop and reverse the degradation that has resulted from years of inadequate recognition of their value and many of the causes of their decline. Preservation of historic buildings and archaeologically significant sites must also continue with adequate support from the County.

The value of forests in preservation of water quality and air quality is well-documented and well understood. Under current zoning, given complete "build-out" conditions, the County theoretically stands to lose vast amounts of forest cover to development. For instance, the Severn River watershed is currently comprised of 22 square miles of forested land cover. Full build-out conditions under current zoning would result in a reduction to 4.15 square miles. As watershed models are developed, projections of expected loss of forest cover should be included in the consideration of every proposed land use modification. Currently such information is available for the Severn, South and Magothy Rivers and should be made available not only to planners but to citizens as they consider land use changes.

ENVIRONMENTAL STEWARDSHIP – GDP – Ch. 5

The roots of the degradation of the County's natural resources go back at least to the earliest years of European settlement of the area. Massive land clearing, forest removal, and the virtual extirpation of critical species such as the American beaver, represented a first wave of sudden, unchecked and barely understood dramatic alterations to a landscape which had previously absorbed almost all of the rain falling from the sky and ex-filtrated it as cool, clean base flow to streams and creeks, and ultimately the receiving tidal waters of our rivers and the Bay. Slowly at first, and then more rapidly through the 19th century, the forests were cleared from the landscape and more and more of the land was used for agriculture.⁴

This included cultivation in environmentally sensitive areas such as floodplains, where the fine silts and nutrients that had been trapped provided fertile soil for crops such as nutrient depleting tobacco. As the uplands were cleared and wetlands were channeled, fine textured agricultural soil ran off with virtually every rain event. It collected in floodplains behind mill dams and stream valley impoundments, as well as dropping out in tidewater, choking once deep tidal creeks with thick, black ooze. Eventually agriculture gave way, the use of lumber for fuel diminished, and the forests have slowly come back. Many of the current "old" forests in the County probably got their start around this time. There are widespread anecdotal reports that water clarity was still impressive in the 1940s and 1950s, though there are simultaneous accounts of significant declines in the productivity of fisheries, albeit most likely the result of a myriad of environmental stresses, including over-harvesting, during this same period.

Steadily, during the post-war period, the Chesapeake region, and the County in particular, began to grow and the use of the land to shift from primarily rural activities to an increasingly suburban, and in some areas, urban mix of uses. Development through the early 1970s proceeded with, again,

⁴ See, Appendix 3

little understood and possibly misguided storm-water controls, largely following the old engineering adage that, “the solution to pollution is dilution.” The goal was to run water off the landscape, preferably via pipes or hardened conduits, as quickly as possible, to tidewater or to the tributaries feeding these creeks. Both scientific and anecdotal accounts of the health of these natural resources mark this era as one of steep decline. Today, over 16 million people live and work in the Bay watershed.⁵

As the County became more suburbanized due to the attractiveness of its abundant recreational and economic resources, manual and chemical removal of submerged aquatic vegetation (SAV) occurred to prevent propeller fouling or to promote a more pleasant swimming experience, worsening the health of waterways. Through the 1970s and 1980s, the population of the County almost doubled. Thousands of acres of former farmland and forest were converted into subdivisions, each with more or less well-functioning storm water controls, but with the added stress of the widespread application of herbicides for the purpose of creating "more attractive" surroundings, all discharging their increasingly voluminous flows into drainage basins which had developed slowly over several millennia in response to significantly smaller flow events.

Streams that had previously suffered inundation on only an occasional basis were now being forced to accommodate dramatically increased storm water events from pipes placed conveniently across the landscape. The results, as we now know, were fairly predictable: increased run-off, decreasing water quality, silt accretion in shallow creeks requiring dredging on a regular basis, and the loss of almost all the submerged aquatic vegetation in our rivers.

The conventional wisdom is that the people and entities responsible for controlling such activities have a substantially greater understanding of the issues involved and sufficiently improved modeling and technological processes to not only avoid placing such pressures on the environment in the future, but to actually reverse the damage done and revitalize the County's once incomparable natural resources. The Maryland Department of the Environment ("MDE") has developed a revised storm water manual that will address all these issues and "all will be well." Unfortunately, every generation has believed that it possessed the wisdom to properly manage complex ecosystems. This excessive egoism has not served us well.

Despite the fact that every one of the County's 12 sub-watersheds is impaired for two or more pollutants according to the U.S. Environmental Protection Agency ("EPA")⁶, there are essentially no significant recommendations within the 2009 GDP that address these issues. There is no recommendation regarding the creation of a revenue stream for remediation, there is hardly even an acknowledgement that they exist. The Clean Water Act states that: “No permit may be issued to a new source or new discharger if the discharge from its construction or operation will cause or contribute to the violation of water quality standards,” yet this GDP proceeds along with a growth plan that will knowingly do just that.

This GDP should contain language acknowledging that the decline of the Chesapeake Bay has resulted in severe damage to one of the County's most important economic assets. Oyster harvests have been decimated, the crab population at least until recently, appears to be in a dangerous long–

⁵ See, Appendix 3 (Population Estimates)

⁶ See, GDP "Water Resources Report"

term decline, and a number of fish species have declined in the Bay. Fish kills (from oxygen depletion) and diseased fish have occurred regularly in recent years. Among the negative effects of the Bay's decline is the damage that the seafood industry has experienced in losses of employment, income, tax revenue, and food sources. The decline of the Bay has cost the County (as well as the State) millions of dollars. Many experts, people who have dedicated much of their lives to the health of the Bay, believe that recovery can be achieved if strong actions are taken now. Members of the SAC believe that any long-range plan for the future of the County should articulate immediate concrete steps to repair existing environmental degradation and preclude future adverse impacts. Such actions would advance real positive economic growth in the County and the entire Bay area.

ADEQUACY OF PUBLIC FACILITIES – GDP – Ch. 6

“Public Facilities” consist of all services and programs paid for out of county budget funds. However, the county only "measures" adequacy of public facilities ("APF") for schools, roads, fire and emergency response, water supply, and sewage treatment. APF measures need to be expanded to take into account all programs and services, *e.g.*, storm water management, libraries, elderly services, transportation, public health services and recreation and parks, all of which impact "quality of life" for county residents.

Chapter 11 regarding "Concurrency" suggests that the county aims to pace development and growth with its ability to provide adequate public facilities. This GDP section, and smart growth principles, suggests that schools, roads, fire protection, Emergency Management Services, and storm water management facilities will be made adequate, before or as, new growth and development takes place. The Plan should include recognition that new methods of measurement aimed at true impact or adequacy levels should be developed for this implementation period. More rigorous enforcement of APF requirements, where reasonable and warranted, is also needed. New developments need to pay for their full impact on the actual costs of providing public facilities. The Tischler/Bise Fiscal Impact Analysis (“FIA”) seems deficient on this point and the SAC suggests that it be reevaluated, and revised to reflect the real cost burdens imposed by new developments.

SAC members are aware that county schools are suffering from a backlog of facilities improvements and needed new construction totaling over \$1 Billion. Other county facilities and programs have backlogs that total another \$1 Billion. As an example, it took Annapolis Neck over seven years to obtain funding in the county budget for a badly needed fire station in its eastern sector, and another several years before the facility could be built. Further, SAC members have expressed alarm at the magnitude of deferred maintenance and the lack of provision for new facilities over prior periods of planning. Such deferrals are likely to cost billions of dollars to bring up to current standards, let alone what might be considered adequate ten years from now. Concurrency should contain some provision for budgeting for deferred maintenance and replacement reserves as part of the APF program.

The FIA shows that the current \$2 billion deficit will not be eliminated even in 18 years, assuming current trends. Again, there seems to be a disconnect between the current state of County facilities, and the ability of future revenue streams to adequately fund badly needed improvements to county infrastructure and resources including water quality and supply, central sewage treatment facilities,

and in-ground septic systems. Senior services, health clinics, libraries, detention centers, and other important functions are in need of program updates and improvements that cannot now be provided due to lack of funding. Members of the SAC are very concerned at conclusions in the Executive Summary of the FIA that states that new growth and development pay for their public facilities needs. External costs (e.g., water pollution, traffic) seem to have been largely ignored in the cost-benefit analysis of additional development.⁷

LAND USE, ZONING – GDP – Ch. 7

The SAC's understanding of the GDP is that it should, *inter alia*, be a land use "concept plan" to guide and direct new growth to areas that are appropriate and suitable for the "growth" and the County's goals. Revitalization of older neighborhoods, where infrastructure exists or could readily be improved, should be given priority in determining to what areas new growth should be directed. If a GDP goal is to preserve the quality of life in the County, and to protect agricultural and recreational resources as centerpieces of both the County's past and future, then up-zoning through variances or appeals should be very rare.

A County Global Information System (GIS) is being developed concurrently with the GDP and represents a very valuable planning tool. The SAC is concerned that the county may fall behind in the achievement of its planning "goals" unless the new analytical and overlay systems allowed by the GIS mapping program are implemented expeditiously. Of equal concern is the degree of public participation in the Planning and Zoning ("P&Z") process. Stringent public notification requirements as to the origin of each proposed change should be imposed on the individual or entity proposing modifications. Proposals should also explain how the change conforms to the GDP land use plan and how the change benefits the public interest.

Creative new planning techniques that are now available such as Overlay Districts and Special Area Designations, should be given a priority in future P&Z efforts. As indicated previously, county ordinances should be amended to improve the County's ability to take advantage of these new planning capabilities, as well as to provide for more efficient and streamlined implementation. Of course, all of these tools would allow for more rigorous and consistent enforcement of the Comprehensive Plan, Small Area Plans, Sector Plans and Functional Master Plans and will improve the county's ability to protect and improve the quality of life in the County.

The 1997 GDP contained a number of "general" or conceptual land use changes, with many more changes being made during the subsequent Comprehensive Rezoning, which occurred eight or more years into the GDP planning cycle with no concurrent revision to the goals, policies or concepts embodied in the 1997 GDP. Such changes are contrary to both the letter and spirit of the GDP and standard procedures and should not be allowed to become an alternative to statutorily mandated processes. The SAC appreciates that the GDP is a potentially effective means to announce that the county plans to seek certain zoning changes. However, it should be clear that all zoning changes will be subject to full, open zoning processes.

Finally, and as discussed in the comments on "Growth," the SAC suggests the new GDP contain a complete chapter on "Smart Growth," with language demonstrating a commitment by the County to

⁷ See, Executive Summary, FIA, p.2

"Smart Growth" prominent in the final document.⁸ This chapter should include a definition of "smart growth," as well as a statement of the underlying actions being considered or developed for its implementation.

TRANSPORTATION – GDP – Ch. 9

Recognizing that many variables are involved, SAC members are, nevertheless, concerned that the 2009 GDP fails almost entirely to address one of the main issues in transportation, *i.e.*, that of laying the groundwork for improved access to public transportation and an eventual lessening of County residents' dependence upon automobiles. Air pollution from vehicle emissions continues to be a problem for this county as it is nationwide. One immediate investment designed to promote efforts to reduce vehicular emissions could be the purchase of low emission vehicles for county staff use.

The GDP discusses some programs for alternate methods of transportation, yet appears to continue to focus on roads and the continued use of automobiles as the primary means of getting from "A" to "B". Mass transit, just like highways, benefits everyone, but ridership should not be the only source of supporting revenue. The Plan fails to mention the necessity of substantial revenue streams to begin the lengthy, and frequently conflict-ridden, effort of planning for future alternate modes of transportation. Because the planning and construction of all dedicated travel modalities, *e.g.*, light and heavy rail, require many years to complete, the SAC strongly encourages the PAB and the County Council to include in the 2009 GDP a vigorous conceptual focus on increased bus and rail transit as a way to start the process in this planning cycle.

Public Transportation, commuter bus services and alternative modes of transportation need to be encouraged and put into place. An aging population, the handicapped and lower-wage workers may have only limited means to get to and from their destinations. Commuter bus connections to rail stations are needed. Maryland remains the only state in the country whose capital does not have rail service and restoring a light rail connection to Annapolis should be a primary consideration along with other multi-mode transportation options. Recreational facilities for hiker/biker trails, bike lanes, sidewalks and better roadways should be considered as other means to expand on what is already in place. The use of Neighborhood Electric Vehicles ("NEV") should be encouraged in urban areas where speed limits are 30 MPH or less. The GDP should reflect the County's recognition that increasing fuel costs and increased traffic congestion are likely to make automobile transportation much less attractive than at present.

In order to achieve the foregoing goals coordination is vital between the County, the City of Annapolis, as well as the State to ensure that traffic and future transportation solutions address the concerns and serve the needs of both county and city residents. One potential step forward in achieving these goals would be the creation of a County transportation agency to plan, coordinate, assess traffic impacts, broker services, pursue and fund grants, and contract with the private sector for analytical services. This agency could also serve as a centralized information center for community and citizen concerns regarding traffic issues, proposed development, results of traffic analyses, and consultants' reports on traffic and transportation; it would help to insure that proper traffic mitigation is undertaken so proposed new developments meet County standards to minimize

⁸ See, Appendix 1

congestion and accidents. Traffic impact measurements and methods, including road capacity calculations, may need to be redesigned so that the impacts of development can be more accurately predicted. Empirical observation of traffic density and field conditions should be applied to the ratings system to ensure their continued validity.

Although several areas lend themselves to the study of traffic congestion, with its associated adverse impacts, the SAC suggests that any plan for a specialized study should initially address the effects of the Chesapeake Bay Bridge congestion, particularly with respect to the Broadneck Peninsula. The PAB and County should, at the earliest opportunity, institute efforts to engage neighboring counties and the State in a planning and engineering effort to address this ever-worsening burden on the peninsula and surrounding cities, towns and villages.⁹

WATERWAYS, WATER QUALITY – GDP – Ch. 10

The SAC encourages the PAB and County Council to focus on the subjects of Water Quality, Watershed Planning and Soil/Slope Characteristics as truly a single combined subject to help minimize adverse impacts and achieve the State Planning Vision of a cleaner Chesapeake Bay. Inadequate controls on growth, development and agricultural practices have been among the many causes contributing to the deterioration of the Bay. Improvements in sewer treatment and septic systems are essential. Now is the time for Anne Arundel County to intensify its efforts to stop the flow of pollutants such as nitrogen, phosphorus and sediment that have led to the destruction of vital underwater habitats as well as the economic and recreational opportunities in and around the Bay and its tributaries. "Minimum Impact Planning" should occur for every county watershed feeding into the Chesapeake Bay. With over 400 miles of shoreline, County policies are extremely important factors in the health of the Bay.

Local and regional commerce and industry have historically relied on the Bay watershed as an important economic asset. Seafood production, recreation, tourism, boat and marine equipment sales, service and manufacturing, repair and maintenance, and marinas and all the attendant retail hospitality businesses rely on the health of the Bay to provide jobs, pay taxes and maximize the benefits of this natural asset as a vital part of the economy of the County and beyond. Additionally, the County Health Department has the following "preemptive advisory" on its website: "After rainfall, all Anne Arundel County beaches are under a no swimming/no direct water contact advisory for 48 hours, due to predicted high bacteria levels." This constitutes an embarrassing public health problem that affects all of the above-mentioned industries and degrades the quality of life of county residents. Investment in the health of the Bay and its tributaries, even if marginally successful, are capable of producing significant returns for both the County and the State.

Storm Water Management specifications and technologies that allow on-site infiltration into the water table have advanced dramatically over the past decade. Of course, the major component of the storm water problem is from established, existing development. Storm water controls in newer developments are significantly better, but the County does not seem to have been able, as yet, to garner enough support for a more extensive program. Existing developments need to be encouraged and future developments required to implement these technologies in order begin the process of restoring the Bay and its tributaries. Incentives at both the individual and community level for the

⁹ See, Afterword In Re "Emergency Management"

use of on-site infiltration techniques should be employed and advertised. The County should continue to press for comprehensive storm water mitigation with adequate funding and plan to utilize the volunteer resources of associations and communities to help effect waterway improvements.

Finally, Water Supply and Sewage/Septic Treatment methods are essential to achieve the goals of improved water quality and healthier Bay. Overburdened older septic systems discharge effluent that finds its way into County waterways. The EPA lists all of the County's sub-estuaries as impaired waters with excessive amounts of nutrients, sediments, bacteria, and toxic chemicals. The SAC encourages the PAB and the County to examine the efforts of Calvert County, for example, which has had much more success in implementing the state-funded septic replacement program. Again, such technologies allow on-site infiltration into the water table and enhance the aquifers, which are beginning to show sign of depletion. The benefits of these measures will eventually be of great import to the many citizens who depend on well water and will help to slow, and perhaps eventually, eliminate much of the pollution from infiltration. The anticipated west county BRAC developments are a key opportunity to show how to use the best practices to effectively manage water quality. No concrete plan seems to exist for dealing with the County's storm water and ever-worsening septic issues and the GDP could be much improved if such a plan were included.

REVENUE STRUCTURE – GDP – Ch. 11 & 12; FIA – ES

The SAC does not believe that the GDP places sufficient emphasis on the apparent fact that the current County revenue system is inadequate to support and restore the quality of life that its citizens expect and deserve. Unfortunately, the current tax, impact fee and revenue structures practically guarantees the County a future characterized by budget crises, inadequate funding of important county programs and the potential disappearance of public services. The Executive Summary of the FIA bears this out in at least one of its analyses,¹⁰ demonstrating that without substantial changes in the County's fiscal structure, the current backlog of about \$2 billion dollars will still be substantially with us, having been reduced only to a level of about \$1.4 billion over the next 18 years.

Impact fees collected from both commercial and residential development will help fund infrastructure in areas of "new growth." As the County's fiscal picture and outlook demonstrate, the collection of impact fees over at least the last 20 years have been inadequate to compensate for the real total costs of growth and development. Fortunately, impact fees were recently increased and this, in association with other measures will help the County balance its revenues with the fiscal requirements of future growth.

Perhaps most disturbing to many members of the SAC, are the self-imposed tax and revenue "caps" in the County and the negative affect this produces in preventing the County from taking advantage of relatively high incomes, stable employment and high property values from which revenues could be made available. The County's income tax factor is well below the legal limit; there is a limit on increases in property taxes on existing individual property; in addition, there is another limit on the total revenue that can be collected from property taxes. The SAC urges the PAB and the County to consider a detailed analysis or study of the County's fiscal structure with a stated goal of receiving

¹⁰ See, FIA – ES (page 11, scenario 3)

recommendations to address the issues identified in the FIA.

AFTERWORD

EMERGENCY MANAGEMENT

The SAC has considered comments from Committee members regarding the need to incorporate the concept of "emergency management" into the GDP. County staff has also advised the Committee that the Anne Arundel County Office of Emergency Management ("OEM") in conjunction with its State counterpart is involved in many aspects of county planning. Yet it is, or at least ought to be, an important subject that should be recognized by the County and its residents moving forward into this next phase of controlled planning and development. Areas of particular concern include the impacts of both natural and man-made disasters.

Given the peninsular nature of the County and frequently limited means of egress, the prospect for loss of life is magnified should the area be faced with sudden flooding. Additionally, September 11, 2001 remains the only successful act of foreign terrorism of any significance on American soil. However, it would be shortsighted not to consider that the County occupies a somewhat unique location in relation to what could be considered "targets" of interest in the context of terrorism. There exist many Federal installations of a highly sensitive nature in the County, Washington, D.C. is a close neighbor, and there are major ports, as well as a nuclear power plant, just short distances away from the County.

In recognition of the foregoing, the SAC, again, recommends that the PAB and the County Council include in the GDP language that would, where appropriate and to the extent possible, require that county agencies coordinate their planning efforts with the OEM.¹¹

¹¹ See, Appendix 2 (Schoenberg Comments)