

**BROADNECK COUNCIL OF COMMUNITIES, INC.
RECOMMENDATIONS FOR ANNE ARUNDEL COUNTY'S
GENERAL DEVELOPMENT PLAN 2008/2009
PUBLIC REVIEW DRAFT**

February 27, 2009

The 2008/2009 DRAFT GDP reflects the tremendous efforts of many people, the Planning and Zoning staff, the Planning Advisory Board, the Special Advisory Committee and the citizens who have made suggestions and asked questions. The County has asked all of the citizens to review the GDP Draft and make comments and recommendations. The Broadneck Council of Communities, Inc, (BCC) has taken this responsibility very seriously and provides the following review.

CHAPTER ONE – INTRODUCTION

The BCC recommends that:

- Because the Small Area Plans (SAP) are a crucial part of the Planning Framework, they must be the guidelines for land use development within the County.

The introduction specifically cites that the SAPs (that were developed from and amended the 1997 GDP) are part of the “Planning Framework”.

As such, these SAPs should be a defining force for the new GDP since there has been no effort to update and revise them as a part of the current GDP process. There must be a compelling and overwhelming reason to not comply with these standards in the new GDP.

CHAPTER TWO – OVERVIEW OF ANNE ARUNDEL COUNTY

The BCC recommends that:

- This new GDP should include a segment on accountability for attainment of the key elements from the '97 Plan particularly as reflected in Part 1, (pgs 22-44) to summarize where these recommendations were accomplished, if they have been superseded or if they need to be carried over to the new GDP. This review would determine performance for the actions plans and policies in the twelve years between the old and new GDPs.

It is only through this documentation that the County can be held accountable for the results of its past planning efforts.

Major Trends

The BCC recommends that:

- This GDP include demographic documentation that provides an analysis of the distribution of general population, school age population, senior population, housing, etc. existing and projected. (p.18)

These issues are critical to understanding existing and anticipated future trends. These maps must be included in this GDP.

CHAPTER FOUR - COMMUNITY PRESERVATION

Commercial Revitalization

The BCC recommends that:

- The GDP list the 16 individual Commercial Revitalization Districts (CRD) along with the justification or rationale for their designation, the desired outcome(s), their current status and a projected completion date for the outcome(s). (p.43)
- The GDP include more information on the only two successful re-developments of commercial properties, both of which were in North County. (p.43) This would provide insight into the impact on communities where CRDs have been designated.
- The map on page 44 needs to be reviewed for clarity and usefulness as this map is virtually unintelligible. The sixteen Revitalization Areas cannot be accounted for in this document. The small frames within this figure should each get a minimum of 1/2 page so they can be read and understood by the community.

Neighborhood Conservation

The BCC recommends that:

- The best way to “Preserve the character of established communities that have unique qualities and distinctive character,” (p. 46) is to rely on the contents of the SAPs developed for all areas of the County, including the Broadneck Peninsula, during the last GDP.

For example, the BCC has already seen the land use plans of the Broadneck SAP violated on a consistent basis. A five or six-plus acre wooded parcel of land at the intersection of Cape St. Claire Road and College Parkway was totally stripped of trees and the contour of the land was radically altered by the Four Seasons Development Corporation. Both the style and density of the project forever altered the overall character of the surrounding neighborhoods. Because of the nature of the project, there were consistent run-off problems during construction further endangering the headwaters of the Little Magothy River.

In addition, the approval for and construction of a new office building on the south side of Rt. 50 near the McDonalds, resulted in the additional clear cutting of several acres of land at the headwaters of Whitehall Creek. Impervious run off from these two projects will have an adverse environmental impact for decades to

come. The BCC believes that such projects, along with other ill-advised, high-density projects are inconsistent with the Broadneck SAP and should not set the pattern for the GDP in this area.

- The GDP include a much broader emphasis within Neighborhood Conservation that seeks not only to protect “distinctive or historic neighborhoods,” but to protect all existing neighborhoods through appropriate zoning and controlled growth. (p.46)
- The GDP clearly state that the change from R-1 and R-2 properties on the Broadneck Peninsula, especially to any level of commercial zoning, is inappropriate at best and environmentally devastating at worst. (p.46)

Preserving Rural Areas

The BCC recommends that:

- The GDP recognize those areas of the Broadneck Peninsula that meet the “Rural” criteria used in the GDP. (p.47)

This area extends from south of Rt. 50, from the Chesapeake Bay to Rt. 2 and along the Severn River and it shares the "distinct character" of the other rural areas cited in the GDP. The draft GDP states that “Rural” areas are found in South County predominantly, but **also** in the Crownsville, Millersville, and Gambrills areas. They are developed at low densities with primarily residential uses or farming operations and the preservation of open areas and wooded areas is a common goal throughout.” (p. 47) One only has to drive along the Broadneck roads of St. Margaret's, Pleasant Plains, Browns Woods, Bay Head, Forest Beach and Joyce Lane in Arnold to see how this area meets the “**rural**” criteria. Therefore it should be defined as **rural**, based on the size of the lots, the woodlands, and the open spaces included in this area.

The Pleasant Plains/St. Margaret’s area of the Broadneck Peninsula is featured in a new Smithsonian exhibition at the Museum of American History with recently excavated skeletal remains of a young man dating from the 17th century. Other artifacts have been found in this rural area which should be preserved as a historical site.

- Preservation policies and objectives in the GDP should not be limited geographically to the areas stated in Chapter 4.

If it is worth preserving woodland and farms in South County, so should it be a priority in ecologically sensitive and long established neighborhood areas on the Broadneck Peninsula.

Protecting Historic Resources

The BCC recommends that:

- The area known as Goshen Farm and its surrounding land (a total of 22 acres) be preserved in keeping with the GDP’s statement that the "county needs to take a

proactive role by identifying potential development sites that will negatively impact listed or eligible resources...to prevent inadvertent destruction of sites." (p.48)

Broadneck residents have formed the Goshen Farm Preservation Society (GFPS) and have received state grant monies to renovate and preserve this historic property. The County Board of Education, which owns the property, has refused to sign a long term lease for the Farm offered by GFPS. County agencies must work *together* with citizens to proactively save historic sites, especially those that they already own!

- The zoning established in the Small Area Plans stay in place for this GDP throughout the Broadneck Peninsula.

While the GDP should encourage “smart growth”, R-1/R-2 zoning is an important part of preserving woodlands and minimizing the environmental impact of development.

CHAPTER FIVE - ENVIRONMENTAL STEWARDSHIP

Watershed Protection

The BCC recommends that:

- The GDP environmental management plan define actions that, when implemented, will actually restore water and ground cover quality. These strategies should be included in the “Actions” on p.56.

We are beyond the loading capacity of the remaining forestland to impede runoff. There are insufficient environmental safeguards to support the required improvements of the water quality in the Bay. Preventive and remedial actions must be taken immediately. The current GDP proposes only to take measurements for the next ten years. This will not *SOLVE* the problems.

Septic System Strategy

The BCC recommends that:

- The following stronger language be included as a modification to the Policy 2 statement on p.61: “Extension of public sewer in such cases will not be considered *as a justification for changing the Land Use Plan or zoning in these areas...*”

The installation of sewer in these septic only areas should be excluded specifically and completely in any request for up-zoning not in conformance with the GDP or the SAPs.

- The County should perform a cost benefit analysis on replacing septic with sewers where the GDP supports this action.

Buffers

The BCC recommends that:

- The GDP require buffers around farm fields that must be required to minimize catastrophic erosion from field plowing such as has been experienced in the Broadneck area. (p.62)

Subwatersheds

The BCC recommends that:

- Aggressive outreach programs, such as partnering with non-profits, must be planned and implemented to plant many more trees in all subwatersheds where past forest clearing has decimated the protective landscapes. This effort should extend beyond the Greenway Network. (p.74)

Priority must be given to reforestation within 1000 feet of riparian features, both tidal and non-tidal. These plans must be incorporated into the land use and pollution loading modeling (Ch. 5, pg. 62).

Steep Slopes

The BCC recommends that:

- All slopes over 15% within *300 ft.* of riparian features, tidal and non-tidal, should be considered steep slopes. (p.66)

Wetlands

The BCC recommends that:

- The GDP state that development in wetland areas, especially the sensitive areas of the Broadneck Peninsula, should be totally prohibited. (p.67)

Wetlands are irreplaceable natural resources critical to the survival of the ecosystem of the Chesapeake Bay.

Forest Conservation

The BCC recommends that:

- The County Forester be included in those permitting decisions that involve removing trees within the Critical Area. (p.74)

The County must take immediate steps to protect and safeguard Critical Area forestlands from overzealous developers and supportive County planners. The majority of the trees on residential forested lots are cleared for home building when these trees should be retained to further protect the Bay watershed from storm water runoff. It is impractical to think that the two county foresters can effectively oversee the removal of every tree and limb within the Critical Area. Currently the foresters and planners have separate reporting structures. The foresters, who are experts in their field, are not consulted on forest removal decisions that are part of a developer's request for variances in sensitive locations near tidal zones.

- Mitigation for tree removal within the Critical Area must occur only within the same subwatershed of Critical Area. Adding trees to North County boulevards will not improve the condition of the Chesapeake Bay. Penalties, as a viable deterrent, must be significantly increased for those who break this law.

Current fines make it easier to beg forgiveness than ask permission.

CHAPTER SIX – QUALITY PUBLIC SERVICES

The BCC recommends that:

- Data be included in the GDP to indicate where services are insufficient or lacking.

LIBRARY SERVICES

The BCC recommends that:

- Library services should be available seven days per week (p. 88)

POLICE PROTECTION

The BCC recommends that:

- The fifth police district should be located in the Broadneck area since this geography is resident to over forty thousand citizens of this County. It is also the location of the Rte #50 corridor east of the Severn River Bridge. There is no County or State police facility in this critical area (p.99)

EMERGENCY EVACUATION PLAN

The BCC recommends that:

- The County mandate that Emergency Evacuation Plans be developed, particularly for the Broadneck region, and incorporated into the GDP. (p.99)

The Broadneck area is bounded by bridges on the west, east and south side of its geography. Natural and manmade disasters will result in total gridlock. This needs to be mitigated by an adopted, published emergency plan.

- As mandatory recycling is necessary to achieve environmental goals, a plan should be established that can be implemented in the next 10 years. (p.103)

Jordan Park

The BCC recommends that:

- The GDP include a specific recommendation for the county to purchase the Jordan property off of Rt.2 in Arnold to function as an Arnold Trail Park.

The park would solve the current parking problem at Arnold Station and create a picnicking/rest area that hikers, bikers, seniors and handicapped could access from the trail. Public restrooms that are “ecologically green” should be provided. This site is centrally located for use by trail users and would be easily accessible to Rt.2. (p.86)

CHAPTER SEVEN - LAND USE

The BCC believes that the GDP is neither comprehensive nor complete without the inclusion of overlays that include, transportation, environmental features, storm/sewer/septic, MDE tributaries, natural heritage, non-tidal, flood plains, bogs and woodlands.

One of the principal reasons for preparing a GDP is to create a comprehensive land use plan based on an analysis of existing conditions, best estimates of future (10-15 year) impacts, and development policies where they can be articulated on a map overlay. A GDP is “comprehensive” in the sense that it overlays the various components

(transportation, public services, environmental impacts, etc.) to create a recommended land use plan that will serve as a guide for the duration of this GDP. The purpose of including these overlays is to minimize growth and development conflicts and integrate complementary functions.

The GDP Public Review Draft presently does not include or integrate the various physical and policy factors into this Chapter. Because the Broadneck Peninsula includes a substantial amount of undeveloped land in or near the Critical Area, we are very concerned about the presentation and analysis of these overlay factors. Therefore, it is our recommendation that these overlays be an integral part of this Chapter. The land use and overlay maps should be comparable in size to those in the '97 GDP, (1”=1.5miles) so that they can be understood.

Further we recommend that this Chapter, as it brings all of these overlay elements together, be moved to the concluding physical factors element in the GDP, just prior to Chapter 11, Concurrency Management Plan.

The BCC recommends that:

- As the Small Area Plans are the basis of the GDP, an explanation of how this GDP incorporates the SAP’s adopted recommendations, including a map of the SAP designated areas. (p.106)

Residents of the Broadneck Peninsula devoted literally thousands of hours (collectively) in developing the Broadneck Small Area Plan. The BCC requests that a new section be added to the GDP, “Relationship of the Adopted Small Area Plans (SAPs) and the Updated Land Use Plan.” The SAPs must be a component of this GDP (i.e., land use, transportation, public services, etc.) Also, if this updated GDP modifies the previously adopted SAPs, a rationale for this modification needs to be presented.

- The GDP include a description of the impact of **Major Known Developments.** (p.109)

In this chapter, there should be a summary description of Major Developments already in the works, such as BRAC, David Taylor (in Broadneck), Crownsville State Hospital, etc. BRAC is a major concern, as this development will continue to impact the County through the timeframe of this GDP update. It will impact North and West County directly, and Central and East County as well. There will be an increase in commuter traffic and this will impact major highways such as Rte 50 and 2 as the corridor to the Eastern Shore.

The timeframe allocated for the preparation of the GDP has been unacceptably shortened due to the required plans for BRAC. However, we have not found reasonable or sufficient plans for BRAC in this document.

Proposed '08 Land Use Plan

The BCC recommends that:

- The GDP should explicitly justify any proposed land use changes.

Reference Appendix A, Table A, 2008 Land Use Map Changes (1 thru 6).

The “Comments” section of the Table does not justify these changes. Are these changes supported by appropriate transportation, public services, water and sewer and other impacted infrastructure? For changes 4 and 5, have the “developers” presented appropriate impact analyses that would justify these changes?

In the GDP stated '08 land use changes, the justification for a change from RI is only that “the Developers want to add this acreage into their site development plan for an extension of National Business Park.” This is a “Developers want” not a compelling justification.

(We agree with proposed changes 7 thru 10.)

Development Policy Areas

The BCC recommends that:

- That the “rural” designated areas on the Broadneck Peninsula (7-3 (p.114) be reconciled with those “rural” areas on 7-1 (p.110).
- The correct land use classification be displayed for the David Taylor facility, also on 7-1.

The BCC requests that Planning and Zoning make these corrections.

CHAPTER NINE - THE TRANSPORTATION PLAN

Route 50/Bay Bridge Comprehensive Study

The BCC recommends that:

- A combined county-state sponsored planning/engineering study of Route 50 be accomplished ASAP to include the traffic corridor from Rte #97 east to the 50/301 split in Queen Anne's County (p.140) and the Bay Bridge.

The study should include safety, traffic flow, access and egress (especially on the service roads on both sides of Route 50), corridor land uses (existing and projected), roadway alternatives, including public transport, structural concerns, emergency evacuation plans, the need for a supplemental or replacement bridge (especially the eastern span), alternative funding sources and an implementation plan. Average daily traffic (ADT) is expected to increase from nearly 70,000 vehicles per day to 90,000 vehicles per day by 2015, which is only a few years away in any planning horizon. This increase in traffic will complicate an already unacceptable and unsafe situation for our neighborhoods in Broadneck. Alternatives need to be addressed before there are any more deaths or major accidents in this corridor. The recommended plan review should include a Citizens Advisory Committee with representatives from communities adjacent to Route 50, especially those near the Chesapeake Bay Bridge.

All of this should be included in the "Actions" portion of Policy 1 (p.161)

Safety

The BCC recommends that:

- Documents and recommendations on safety be included as part of the GDP.

This Chapter should include a map that shows the location of major traffic accidents (fatalities, vehicular, pedestrian, bicycle) with some text and a table of recommended safety improvements over the life of the GDP.

Also, the eastbound structure of the Bay Bridge must be carefully studied to determine the longevity and safety factors of the bridge, as planning for a replacement or expansion must be scheduled ASAP.

Major Roadways/Bikeways

The BCC recommends that:

- The GDP require that County and State efforts be coordinated for upgrading and modifying all major roadways and bikeways on the Broadneck Peninsula. (p.157)

Broadneck's major roads include Route 50, Route 2, (Ritchie Highway) and College Parkway. These provide our only regional access and should be included in a countywide Emergency Evacuation Plan. The County and State should coordinate their efforts to identify safety and congestion issues, especially relating to pedestrian and bicycle crossings. The BCC particularly recommends a pedestrian overpass at the intersection of Rte 2 and Arnold Road.

- The Bikeway element of the SAP should be completed. (p.150)

Public Transit

The BCC recommends that:

- The GDP more adequately address public transportation on the Broadneck Peninsula. (p.161)

Broadneck and comparable medium to low density areas require a range of public transport services in order to achieve the goal of one vehicle per household. This will require some regular conventional bus service, light rail in the more densely traveled corridors and a strong commitment to flexible transit service (demand responsive transit) in the lower density areas. Plans for conveniently located Transfer/Information Centers, Park and Ride lots and bus shelters should be included in the GDP.

CHAPTER TEN – WATER RESOURCES PLAN

Septic Systems

The BCC recommends that:

- The GDP contain stringent steps to fund testing, reporting and effective mitigation of failing septic systems. (p. 185)

The County must require that all who live in the Broadneck Critical Areas, and other similar locations, must maintain a clean and healthy environment. Nitrogen, phosphorus and sediments are beyond what the ecosystem can handle. The proposals as laid out in Chapters 5 and 10 do not contain sufficient plans for County required actions for storm water management and septic systems.

Storm Water Management/Nonpoint Source Loads

The BCC recommends that:

- The GDP needs more defined and aggressive action plans, such as installing pond and marsh filtration systems near riparian systems to capture and cleanse non-point source storm water from pre-existing development (p.202).

These plans should restore habitat, reduce pollutants to safe levels, and eliminate channeling and erosion beyond natural carrying capacity. The Chapter 10 Mitigation Plan (p. 194) suggests there is little that can be done to reach truly ecologically friendly levels. This is not an acceptable answer.

Further reduction of phosphorus and nitrogen in storm water and non-point source run-off to safe environmental levels (Fig 10-13, 10-14) should also be

addressed with legislative proposals to protect and increase forest cover, with emphasis on areas near tidal and non-tidal riparian features. These plans should be implemented not only through legislation but through the Priority Preservation Areas program (Ch. 8, pg.129), and enforced in the Broadneck area, not just limited to South County.

CHAPTER ELEVEN – THE CONCURRENCY MANAGEMENT PLAN

(This chapter provided valuable details on integrated management and data modeling to our Broadneck Council Board)

The BCC recommends that:

- While Concurrency Management Reporting updates should be provided to the public at regular intervals, any changes to GDP policy resulting from integrated analyses should still be guided by the established framework of the Small Area Plan standards.

Public Roads –Level of Service Standard (p. 205)

The BCC recommends that:

- The GDP must include a plan to mitigate the unacceptable and dangerous traffic conditions on the Broadneck Peninsula that does not meet the LOS standard set by the SHA.
- In traffic analysis, the Level of Service the SHA recommends is LOS D or higher as a design standard for operation during peak hours. While the BCC understands that this is not always achievable, a continual LOS F rating on two major arterials, Ritchie Highway—(Rte #2 south) and John Hanson Highway – (Rte #50 east/west-Broadneck area), are problematic and forecasted to worsen during peak load traffic.

Rte #2 traffic merges with Rte #50 west into Annapolis and is highly congested during peak travel times. The John Hanson Highway with eastbound beach traffic operates at LOS F during weekends from June through September projected to increase to 90K cars daily, twelve months of the year by 2012. As mentioned in the “Transportation Plan” Chapter 9, the BCC comments provide more detail on travel and safety problems encountered in the Rte #50 corridor. BRAC traffic will further exacerbate the LOS levels with no solutions offered in this GDP. This will lead to intolerable traffic conditions in the Broadneck area on both Rte #50 and the service roads.

With the availability of Stimulus Funding, the BCC is requesting that the required funds be dedicated to improving the LOS of both Rte #2 and Rte #50 through effective planning prior to 2015 when the effects of BRAC and increased east- west traffic become a reality.

Public Schools (p. 207)

The BCC recommends that:

- As Broadneck (and Severna Park) High School is at capacity, we recommend that the option enjoyed by developers --which allows them to hold land for six years and then develop properties without regard for the standard constraints of a overpopulated school district—be repealed.

The Fiscal Impact Reports were not provided in the PublicReview Documents for the Broadneck Area. The Fiscal Impact Analysis, Phase 1 report is requested for review by the SAC and PAB and members of local citizens groups.

Fire and Emergency Service (p. 214)

The BCC recommends that:

- There must be an effective emergency evacuation plan for the Broadneck area as detailed in Chapter 6 - Quality Public Services.

While the Broadneck area enjoys a well planned network of fire stations with a high level of service (LOS) there is currently no emergency evacuation plan for this area. Funds should be allocated to complete this plan as this peninsula has three bridges on the east and southwest boundaries and the congested Ritchie Highway –Rte #2 on the north. An analysis of the LOS to evacuate critical government agencies, educational institutions, businesses and citizens located in the Annapolis area dictates that an evacuation plan be determined through immediate and careful planning.

Stormwater Management (p. 214)

The BCC recommends that:

- The highest LOS should be applied to this area due to the extensive critical area of the Broadneck peninsula (75 miles of shoreline/14% of the County's 533 miles of shoreline). Funding must be planned and allocated to install systems that convey stormwater runoff to an appropriate system to further protect the waterways of this area from well defined pollutants.

The detail for this topic is covered in Chapter 5— Environmental Stewardship.

Revenue Strategies and Taxes

The BCC recommends that:

- Funding collected through the high taxes charged residents –especially waterfront owners—in the Broadneck area, should be applied to enhance the quality of life and the protection of the environment, much of which is located in the critical areas.
- Demand analysis should be aligned with the LOS standards that are satisfactory to County citizens under the comprehensive framework of the Concurrency Management Plan. As ongoing data analysis is performed throughout the period

covered by this GDP, policies formulated as the result of concurrency analysis should be guided by the recommendations and standards as stated in this GDP. Changes outside the policies of this GDP should not be implemented without full public disclosure and public hearings.

RECOMMENDATIONS FOR A COMPREHENSIVE CONCURRENCY MANAGEMENT PLAN

It is important that demand analysis be aligned with the LOS standards that are satisfactory to County citizens under the comprehensive framework of the Concurrency Management Plan. As ongoing data analysis is performed throughout the period covered by this GDP, policies formulated as the result of concurrency analysis should be guided by the recommendations and standards as stated in this GDP. Changes outside the policies of this GDP should not be implemented without full public disclosure and public hearings.

CHAPTER TWELVE - IMPLEMENTATION PLAN

The BCC recommends that:

- An Implementation Plan must be provided as stated in the GDP.

The Implementation Plan in Chapter 12 of this GDP, (p.233), has not yet been provided. In the 1997 GDP, the implementation plan chapter details proposed actions and regulations, along with necessary code changes, to implement the elements of the plan *on a graphed time line*. Each element in this GDP must also have a scheduled time line for implementation to ensure accountability by the responsible department. This will allow the SAC and PAB members and County citizens to monitor the progress of proposed plans and changes. It is requested that the County Executive order a yearly review of the GDP progress, as documented by Department heads to members of the SAC or designees and responsible community leaders, to enable them to track updates, actions and hopefully...the successful implementation of proposed GDP actions.

This will enable all of those who must depend on the Plan for approval and execution of recommended actions – (County Government Officials and staff, County Council, State and Federal Government Departments, Citizens, Developers, Consultants and Community Associations) -- to view and understand interrelationships of the Plan, the directions and policies supporting the detail and the timeline for implementation.

The Plan must coordinate all land use changes, subdivision regulations, building codes, transportation and transit requirements, environmental laws and other dependencies. The GDP must conclude with –as comprehensive plans do- a Recommended 2020 Comprehensive Plan Map (this is not a land use map). Direction should be provided so relevant boards and commissions use the GDP in making their decisions on land use changes, zoning and growth policies in conformance with the adopted plan.

Also, all transportation plans must relate recommendations to the capital improvement program, intergovernmental planning and funding with regional, state and federal entities.

- The enforceability of the GDP be strengthened.

The County Code should be amended to include language that requires any proposed zoning, variance, special exceptions and other land use and/or zoning requests be “in conformity with the GDP provisions.”

The BCC and associated communities support the Governor’s proposed legislation in this General Assembly in SB280 and HB297 as an effort to make the GDP more than a vision.

Governor O’Malley has said:

“A good comprehensive plan does not predetermine every land use decision that will be made, but it charts a course for the jurisdiction. The plan is not a straitjacket, but neither is it merely advisory. The course it lays out should be implemented, and land use ordinances and regulations should be consistent with the local comprehensive plan.”

The County should independently adopt a law with language that parallels SB280 and HB297 to insure that the GDP is not subverted by developers, boards and commissions, planners and other interest groups.

It should be noted that the citizens of the State of Maryland are best served if land use decisions are consistent with the locally adopted comprehensive Small Area Plans which amended the 1997 GDP and provide the foundation for the current General Development Plan.