

COMMISSION ON THE ENVIRONMENT (COE) MINUTES
Commissioner Conference Room
Minutes of June 6, 2007

Members present were Barne Wheeler, Chair, Troy Hansen, Sandy Neville, Bob Shreve, Marta Kelsey, Susan Blake, and Caroline Miller.

Members absent were Frank Allen and Daryl Calvano.

Jada Stuckert of LUGM was the recording secretary.

Others present were Chris Burch and Dudley Lindsley.

- I. Call to Order:** Mr. Wheeler called the meeting to order at 7:05 p.m. with a quorum present.
- II. Review/Approval of May 2007 minutes:** Because not everyone had been provided a copy of May's minutes, a decision was made to defer approval until the next COE meeting.
- III. Continuing Business:**

- Introduction of new COE members. Status of remaining vacancies
Mr. Wheeler introduced two new members to the Commission; Mr. Troy Hansen and Ms. Caroline Miller. They were welcomed by the Commission. Mr. Wheeler stated that John Rowland is no longer a member of the Commission. Mr. Wheeler stated that there is now one additional opening on the COE and Ms. Deloris Lacey would like to have the BOCC vote on the new members on June 26, 2007. Mr. Wheeler stated that Ms. Lacey still has the spreadsheet of recommended members however guidance should be given on how to use this list. After further discussion ***Ms. Kelsey made a motion to allow Ms. Lacey to utilize the spreadsheet of recommended members for the purpose of appointment to the Commission with the ground rule that the applicant's name appeared within the top three priorities of the list and Mr. Shreve seconded the motion. The motion passed with a 7-0 vote.***

Mr. Wheeler stated that there are now three openings on the Water Policy Task Force (WPTF) for citizen members and one opening for someone from the COE, if anyone is interested please let Mr. Wheeler know.

- Discussion of future Minutes Format
A discussion of the future agenda and minutes format was held. After discussion ***Susan Blake made a motion to have the following amended format and Marta Kelsey seconded. The motion passed with a 7-0 vote.***

Commission Name, Date, Time, Place

Members Present, Members Absent, Others Present

- I. Call to Order
- II. Review/Approval of Minutes – Date of Minutes
- III. Continuing Business
 - All Items to be in a Bulleted List
- IV. New Business
 - All Items to be in a Bulleted List
- V. Announcements
- VI. Adjournment

ACTION ITEMS: List of items that members stated they would take care of.

It was also ***included in the motion*** that a separate page of motions would be submitted with the minutes.

- Status of proclamation for Nancy Smith

Ms. Neville stated that she has been really busy this month and would like to have some help in writing the proclamation. Mr. Wheeler stated that there are three women with PIO who could help with this. Mr. Wheeler stated he would send Ms. Neville their email addresses.

- Status of thank you letters to Forum participants

Ms. Blake stated that the letter is written but she still needs to come up with addresses for some of the vendors. Ms. Kelsey and other members stated they would send Ms. Blake any addresses they may have to help with this. Ms. Blake stated she would have the letters sent out prior to the next meeting.

Ms. Kelsey stated that the Commission needs to begin discussing the 2008 Forum location and theme. It was *decided* that this would be on the next agenda.

The Commission discussed moving the July 4, 2007 meeting to June 26, 2007 at the same time as the WPTF. This would allow the COE to hear the WPTF briefing for the Commissioners, and to have a July meeting to accomplish some work.

- Status of Annual Report

Mr. Wheeler stated he had turned the annual report in personally to Donna Gebicke. Mr. Wheeler stated that there were two items included that we are requesting feedback on from the BOCC: use of the “greensomd” website and goals & objectives. Mr. Wheeler stated he wanted to make sure the BOCC is happy with the Commission’s new goals & objectives and with the Commission using another website in conjunction with the County’s.

The COE forwarding letter also reiterated the COE’s previous views on the TDR program, and that we were preparing a proclamation letter for Nancy Smith, the previous COE Chairman.

- Discuss the new Chamber of Commerce 2.25% growth proposal

Mr. Wheeler stated the Commission requested Denis Canavan to come and give a presentation on the Chamber of Commerce and Land Use and Growth Management Plan for changing the Adequate Public Facilities Ordinance so that more planned development could occur. Mr. Wheeler said he felt the May meeting minutes did not do justice to Mr. Canavan’s presentation. Mr. Wheeler then gave the following re-cap of the presentation.

In the current Zoning Ordinance there is an Adequate Public Facilities Ordinance that says if public facilities are not available you can’t approve new housing developments. The current Zoning Ordinance on Adequate Public Facilities (APF) says you can’t have any new housing approved other than minor subdivisions (developments of 5 dwelling units or less) once schools reach 107% of their capacity. This restriction, for a year and a half, has put a moratorium on any new major subdivisions in the County because schools have reached the 107% overcrowding status. It has also produced a deluge of minor subdivisions being requested; however, these minor subdivisions also add student load and thus contribute to continued overcrowding. Recognizing the problem, the Chamber of Commerce, in conjunction with Dept. of Land Use & Growth Management, developed recommended changes to the County’s zoning ordinance. This new plan attempts to address the disconnect between the County’s APF rules and the way the State allocates money for new schools. In fact the State, in a complicated set of rules, basically requires our schools to be 50% over capacity before they will allocate money to construct new ones. This mandated overcrowding is clearly at variance with the County’s 7% overcrowding rule. Highlights of this new plan are summarized in the paragraph below:

First, the county will, each year, select a growth rate for new housing with the initial rate at 2.25%. Every house in the County under this plan will be

counted as a part of the 2.25% including minor subdivisions. This will eliminate the unintended spurt of minor subdivision requests produced by the current APF rules. Second, the Growth Proposal also includes language that requires 30% of the houses approved go in the Rural Area (RPD) and 70% in the Designated Growth Areas where the County wishes to direct development. Third, the Adequate Public Facilities rule governing maximum overcrowding will not be abandoned, but will be modified to provide different percentage criteria for Elementary Schools, Middle Schools, and High Schools to accurately reflect what actually happens in these different school populations. If these percentages are exceeded, the APF rule will take effect and no more houses will be approved for construction. Fourth, the impact fee charged for each dwelling unit, currently at \$4500, will be raised by \$3000. This raise will, in conjunction with the County Transfer Tax, provide a more realistic figure which each new house adds to the load on County public facilities e.g., roads, schools, etc. Fifth, every year the 2.25% growth policy will be re-evaluated to determine if any change needs to occur, so the 2.25% is an initial number and subject to review each year.

Mr. Wheeler stated that he thought that this current proposal was fairer to developers, especially in view of the revelation that the State requires schools to be overcrowded by 50% before allocating funds for new construction. So far, the only concern he could see was how the growth rate was determined each year and who participated in that decision. Additionally, he believes that the rationale for the growth rate chosen each year should be fully documented in writing and any variances with State Department of Planning growth projections should be recorded. After further discussion Mr. Wheeler agreed to try to get electronic copies of the 2.25% Growth Policy and send them to all the members. Thereafter, a **decision** regarding whether the COE wants to take a position on the proposal will be discussed at the next meeting.

- Review of Cat Creek discussion

Mr. Wheeler stated that there is a lot of undeveloped and developed property immediately bordering tidal wetlands and tributaries. In the vicinity of Cat Creek, a man wanted to develop his property and make his house bigger. Apparently, in the process of doing so anything and everything bad that could happen, happened, e.g., erosion on steep slopes, water grasses destroyed, creek silting, etc. A few neighborhood ladies watching this process went to the Board of Appeals (BOA) to complain. It turned out that grand fathering issues were involved and the property owner received his approval from the BOA. These same ladies came to the COE's May meeting with an impassioned plea that something needed to be done about development in sensitive areas. At that meeting, Mr. Wheeler told the ladies that the COE was not chartered to look into a specific complaint; however, the COE could and should look into an environmental issue to determine if it had applicability to the County as a whole. If so, then the COE could look into the matter and make recommended improvements if warranted. Mr. Wheeler stated that the Cat Creek matter appeared to fall into four categories as follows, and that each of these, except for the last, had been included in the COE's new Draft Goals & Objectives, and that the last would be added:

Category 1: Variances associated with what you're allowed to do in the Critical Area and Buffer Zone. Category 2: Conditions by which these Variances can be granted.

Category 3: Inspection of what's being done. Are sufficient inspectors available in sufficient numbers to complete required inspections correctly?

Category 4: Are penalties for failing to comply with the rules adequate to provide sufficient deterrence against repeated violations?

Category 5: What reviews or safeguards are in place to insure that engineering designs submitted are adequate to protect the environment?

After further discussion Mr. Shreve agree to provide the members with a research paper on this issue.

- Discussion of Water Policy Task Force (WPTF) letter to the Commissioners
Mr. Wheeler stated that a year ago (2005) the BOCC had signed a letter outlining the County's water policy. This letter delineated how the County would manage the three aquifers from which we draw all our potable water. The letter was the culmination of a six-year study process. Just recently however, the WPTF discovered a study on the water situation in Ann Arundel County completed three years earlier (2002), which cast significant question on whether or not the recommendations we took to the BOCC were in fact accurate. Mr. Wheeler stated the WPTF had prepared a letter for signature by the BOCC to Senator Dyson asking for a resolution of our concerns. Mr. Wheeler stated a briefing for the Commissioners would probably be required to explain the situation and conclude by asking that the letter be signed and dispatched to Sen. Dyson. If the COE could meet, in conjunction with the WPTF, at its June 26, 2007 session to review the briefing, considerable time would be saved. The combined meeting could also serve as a COE meeting (the July COE meeting falls on July 4 and so won't be held).

IV. New Business:

- Goals & Objectives refinement, prioritization
Mr. Wheeler stated this is the best way to say what they would like to do in the future. Since there were two new members present for the first time, Mr. Wheeler asked the COE to again confirm that this was the direction the Commission wanted to take. The Commission agreed on the goals & objectives approach by consensus. The next step is to refine and prioritize the goals and objectives, and to obtain Commissioner acknowledgment and guidance.
- Addition of Menhaden to Objectives?
Mr. Wheeler stated the Menhaden population is down dramatically. An adult Menhaden apparently filters 10 times the amount of organisms that create the damaging algae blooms. This makes the Menhaden more efficient than an oyster as a filtering agent. So, in addition to being a baitfish which several other species, including the Rockfish, feed upon, the Menhaden helps to clean the bay as well. Wheeler stated in a future meeting Menhaden should be discussed to see whether it wished to add it to its list of objectives to be investigated.
- Discussion of COE web site: approach, content; Climate Change web site – something to post?
Mr. Wheeler stated he has had significant trouble getting items posted on the website. Mr. Wheeler stated he spoke with Karen Everett, County PIO Officer, and she stated the County website is an inappropriate place to have dynamic information and that she was all in favor of the COE using another web site, www.greensomd.com, as an additional source for posing information to the public. Mr. Burch, webmaster, gave an overview of www.greensomd.com.

The question was asked if there would be a cost. Mr. Burch stated there would be no cost unless the site received 1,000 hits an hour.

After further discussion it was the *consensus* of the Commission to have the BOCC approve using an alternate website and then move forward.

- Networking...discussion of contact list

Mr. Wheeler stated he is looking for e-mail contacts to add to the list provided for networking purposes.

V. **Announcements:** None

VI. **Adjournment:** The meeting was adjourned at 9:05 p.m.

ACTION ITEMS:

- **Mr. Wheeler will contact Deloris Lacey regarding new member appointment guidelines, quarterly meetings, send Ms. Neville PIO email addresses to help with the writing of the proclamation, send electronic copies of the 2.25% Growth Policy to all the members.**
- **All members if you have addresses for any of the vendors of the last forum please send them to Ms. Blake so she can get the "Thank You" letters sent out.**
- **Mr. Wheeler agreed to call Donna Gebicke to see if the Commission needs to present the annual report to the BOCC or if they are just going to read it and respond in written form.**
- **Mr. Shreve agreed to provide members with a copy of his research paper.**