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Getting Good Government



***Land Use Planning
Should Reflect
Citizens' Values—***

But Why Doesn't It?

Look Inside...

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September 2005

A man wearing a denim shirt and safety glasses is leaning over a table, looking intently at a large map or blueprint. The map shows a detailed layout of a property with various sections and lines. In the background, there is a window with a grid pattern and some office equipment. On the table, there is a white plastic jug, a metal cup, and a roll of paper.

Getting Good Government in Planning and Zoning

The mission of Queen Anne's Conservation Association is to promote stewardship of our natural resources. We recognize that an informed citizenry is the most important resource of all.

Dear Queen Anne's County Citizen:

In our previous mailings, we've talked about Good Growth – growth in the right places, at the right pace, much of it affordable, all of it attractive.

But our County will never get Good Growth until it has Good Government.

Good Government advances the values of its citizens. Good Government doesn't allow itself to become the tool of any special interest.

In planning and zoning in our County, we have bad government. Our current Commissioners have left the developers and land speculators in control – just as they were in 2002.

Throughout the process of planning, zoning, and subdivision regulation, developer influence is pervasive. Citizens are marginalized and excluded.

As a result, our land use policy is in the hands of those who are only too ready to help fast-buck developers turn our County into a sprawling, congested suburb. That's why we're not getting Good Growth.

Let's look the special interest problem square in the eye. Be sure that the next County Commissioners have the ability, energy, and commitment to bring Good Government – the people's values -- to planning and zoning.

Without that change, nothing else will make any difference.

Sincerely,

Queen Anne's Conservation Association

Getting Good Government in Planning and Zoning

What's wrong with this picture?

The Chairman of the County's Planning Commission is one of the County's largest developers. He is a principal organizer of a developer lobbying group that opposes land preservation and fights against ethics reform.

Neither the Chairman nor any member of the Planning Commission is required to make financial disclosures of any interests they may have in real estate or development in the County.

The County Commissioners, in making appointments to the Planning Commission, have systematically excluded persons active in citizens' conservation groups like the Kent Island Defense League, the Save Our County coalition, and the Chester River Association.

The Planning Commission refuses to allow its sessions to be televised. Development proposals to be considered by the Planning Commission are not displayed for public inspection in advance. At Planning Commission sessions, the room is configured and the sound system is operated so that developer presentations cannot readily be seen or heard by the public. Public comment on development proposals or policy is discouraged.

To contest a Planning Commission decision before the Appeals Board, a citizen must pay a filing fee of \$1000, the highest of any jurisdiction in Maryland. The fee was recently raised to this level to deter appeals by citizens. Before the Appeals Board, citizens regularly confront technical procedural objections advanced by the Planning

Commission's lawyer to prevent the appeal from being considered on its merits.



Employees of the Planning and Zoning Department have close professional and personal relationships with developers and the engineering and legal firms serving developers. A former director of the Department has become the leading developers' lawyer in the County.

Another former employee presents development proposals on behalf of the leading developers' engineering firm in the County.

Planning officials in the region were recently asked in a newspaper interview to identify the goals of planning. While others talked about goals like citizen involvement and farmland preservation, our Planning Director said that the goal of planning in Queen Anne's County was "[t]o provide professional and courteous customer service to anyone that is in need of our services whether

it be from site plan review or permit issues" (Chesapeake Business Ledger, June 2005, p.17). That pretty well sums it up.

What is it about developers?

It's not that developers and those who work for them are bad people—as people, they're probably no worse or better than the rest of us.

The problem is that the values of the developers, who are in control of planning and zoning in this county, are different from the values of the vast majority of the citizens, who are excluded from the planning process.

Ordinary people value many things that developers care much less about. A developer doesn't have to live in or near his own developments. He may spend much of his time on his ranch in Wyoming or at his home in Florida—or he may not live in our area at all. So

why should he value the unspoiled rural character and small towns of Queen Anne's County?

More precisely, why should a developer value our way of life here *more* than the opportunity to make a fortune through development? Sure, he may like to hunt here, or drive on our country roads, enjoying the water and the sky. Maybe he even grew up here, amidst the beauty of the woods and fields. But if he has to lose those things to make a fortune, hey, that's the price you pay—no pain, no gain, right? And we're talking big gains.

A developer has values different from the rest of us.

What's to be done?

In a democracy, it is the citizens' values that should prevail. A government that gives control of one of its most important functions to those with opposite values from the citizens is, by definition, a bad government.

By their appointments and personnel decisions, the County Commissioners who were elected in 2002 have continued bad government in planning, zoning, and subdivision regulation. That is probably their greatest single failure as a Board.

We have to look to the next County Commissioners for Good Government in Planning and Zoning. It's time for a change.

I It is time to take a new broom to the Planning and Zoning Department. The current County Commissioners left in place the personnel they inherited, filling the vacant director's job from the inside. We need a **New Team of Planners and Zoners**. The next County Commissioners should replace the top-level people and the lawyer. The Planning and Zoning Department urgently needs fresh

leadership that can attract and retain qualified staff—and give us a new perspective on planning as community-building, not just development-processing.

2 It is time to stop appointing to the Planning Commission persons engaged in development in Queen Anne’s County.

We need a **Developer-Free Planning Commission**. The developers’ “point of view” or “expertise” is quite adequately supplied by the expensive lawyers, engineers, experts and lobbyists that they hire. Or if that isn’t enough, the next Commissioners should limit their developer appointments to persons who develop in another county or are retired from development.



3 It is time to end the policy of not appointing to the Planning Commission individuals who have worked to preserve what is valued by the citizens of this County. Once there was at least a single “conservationist” seat on the Commission, but now there isn’t even that token. We need a **Conservationist-Tolerant Planning Commission**. What possible excuse can there be for deliberately trying to make the Planning Commission completely unrepresentative of the people’s shared values for this still-beautiful land?

4 It is time to end the exclusion of citizens from the land planning and community development process in Queen Anne’s County. The next Commissioners should enact the **Public Participation in Planning Act of 2005**, submitted

this past August by us, the Queen Anne's Conservation Association. Our planners and zoners need to stop thinking of citizens as a nuisance, and start thinking of them as contributors to a process that can't produce good results for the community without their participation.

5

It's time for financial disclosure and an end to conflicts of interest among the planners and zoners.

Earlier this year, at the instigation of Benjamin Cassell, the County Commissioners (with the honorable exception of Mike Koval) carried on an intimidating, baseless "investigation" against the County's Ethics Commission. The Ethics Commissioners had proposed a stronger ethics code for County departments and commissions which the developers felt they couldn't live with. They let the County Commissioners know it in no uncertain terms—and the "investigation" immediately followed. The

next Commissioners should be persons who are strong enough to override the developers' veto and adopt the **Ethics Commission's Ethics Code.** ◆

This is our last mailing in this series. Whether or not you agree with any or all of what we've said, we hope we've been able to inform you on the desperately serious growth-related issues facing our County.

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Questions? Further Information?
Contact us at qaca@atlanticbb.net