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Transition Team Report
Department of Planning and Zoning
Highlights and Recommendations Memorandum

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*Both team members' support the content of this
Highlights and Recommendations Memorandum
except where footnoted otherwise.*

C O N T E N T S

Introduction.....	2
The Dimensions of the Department.....	2
Overall Assessment.....	2
Historical Context –The Inherited Planning System	3
Looking Forward – Beneficial Growth	3
Working Conditions.....	4
Public Perceptions and Expectations	5
The Department's Vision and Sense of Mission.....	6
Organization of the Department's Planning Section	6
Current Work Program	6
A New Planning System That Could Work	7
Migrating to the New Planning System.....	8
A Planning Advisory Board.....	9
Creating Room for Change.....	10
Recommended Timetable for Commissioner Actions.....	10

Given the brief time allowed for this project the following information is deemed to be a preliminary look and an overview. The thoughts and suggestions contained herein are not necessarily conclusive. This information is intended for the sole use of the Queen Anne's County Commissioners.

Introduction

The Transition Team (Rodger Weese and Richard Altman) met with Director Faith Elliott- Rossing, Deputy Director Steve Cohoon, and Zoning Administrator James Barton on the afternoon of November 30, 2006 at the Planning and Zoning Building. The Director and her staff were well prepared for our visit and knew the scope of the transition team's assignment. They provided the forthright and insightful self-analysis and other materials that accompany this memorandum.

The Dimensions of the Department

\$2.1M current annual budget; grants (value and nature unknown at this time); 25 employees (15 planning, 10 zoning); 6 related Boards and Commissions; 11,000 square feet leased (average 440/employee); a very high degree of public interaction.

Note that permit, development review fees, appeal fees and compliance fines go to the County general fund and are not offsets to the Department budget.

Boards and Commissions with terms expiring within next 7 Months:

Planning Commission: Chairman's and one-member's terms expiring on **12/06**

Board of Appeals: Chairman's term expiring on **12/06**.

Local Ag Board: Chairman's and one-member's terms expiring on 6/07.

Liquor Board: One-member's term expiring on 6/07.

Electrical Board: One-member's term expiring on 6/07.

Overall Assessment:

The Department is composed of two related but distinct sections– the Zoning section and the Planning section. The Zoning section of the Department, deals with permits, inspections and code enforcement. This section is operating effectively with a stable and experienced staff.

The Zoning section seeks to earn and maintain the public's confidence through consistent code enforcement. The Department requests that the new Commissioners immediately confirm or modify the code enforcement policy established by the prior administration. Code enforcement officials would also like the Commission to establish protocols they will follow when forwarding constituent concerns to the Department (perhaps facilitated by the new Community Liaison office being considered). County builders wish the Department could provide an online data system through which the status of permits and inspections could be monitored and updated.

The Planning section of the Department is responsible for community planning, subdivision and site plan review, and the maintenance of the County's Geographic Information System (GIS), an integrated computer mapping and data system. The Department has stable and experienced GIS and administrative staff and is operating effectively in those areas.

However, **for the core functions of community planning, planning program development, ordinance writing, subdivision and site plan review the Department is experiencing difficulty operating effectively.** The origins and dimensions of this

situation (outlined below) are complex, systemic and have been accumulating for many years. **Left uncorrected, this dysfunctional situation will confront the new Commission with near crisis conditions early in their term.** Substantial, but achievable, changes to current practices are warranted.

A description of this situation with suggested new and remedial policies follows:

Historical Context –The Inherited Planning System:

With the benefit of hindsight, it is clear that since the construction of the first Bay Bridge, Queen Anne's County has had planning policies and systems that vacillated wildly. From –naïve incompetence (subdividing vast areas of wet waterfront lands on Kent Island and elsewhere into small tract lots with no plans for the necessary infrastructure) –to inappropriate and unnecessary complexity (performance based zoning; overlay critical area mapping; a Montgomery County style affordable housing program; an intricate, but dysfunctional and unused TDR Program, Planned Development zoning with almost total flexibility) – to the failure to complete of prudent growth management measures (6 overly large and densely zoned growth areas, designated but only superficially planned, then released en masse to the region's overheated housing market with no growth management plan) – to the incongruous Ag preservation proposition that attempts the impossible (to preserve farming and agricultural land by randomly developing many of the County's most productive farms with luxury housing)¹.

All of these undistinguished chapters in our planning history have left the County with much remedial work to do, an unnecessarily cumbersome and self-defeating planning system, and a citizenry and development community that are highly skeptical of County government. The "friction" and inherent shortcomings of the current system are defeating progress and exacerbating community tensions. Continuing to "force it" using current methodology will require deferring implementation of helpful remedial steps and the adoption beneficial new strategies.

It is no wonder that the planning staff is under stress and having difficulty operating effectively. What is necessary is to commit to– doing the deferred remedial work– simplifying and streamlining the planning system and–clarifying and responding to the real needs of the community.

Looking Forward – Beneficial Growth

The nature of an effective planning system should be derived from the vision the County holds for its future and the principle that it is committed to follow when making community decisions. Clearly there are options the future of Queen Anne's County. Two clear but opposite options for the future –1) Respond to state growth pressures and transform Queen Anne's County into an extension of the suburban development pattern of the western shore metropolitan region or –2) Choose to grow in ways that respect the small town, rural and maritime heritage of this place known as the Eastern Shore, recognized as unique worldwide. What is needed to accomplish this second alternative is citizen support, creative County leadership with the political will to make it happen.

¹ Rodger Weese disagrees with this characterization of the consequences of rural housing development.

The transition team has assumed that County citizens and County leadership prefer this second future— one that is consistent with, and based upon, the unique character of what is here. Decisions affecting the existing the community— the character, location and rate of future growth— decisions about how and what to protect to best conserve this place— decisions related to all the programs and policies that are the essentials of local government, both town and county— ought, therefore to be guided by a principle that can be called "Beneficial Growth."

Following this principle requires "first-order" consideration of the impact that proposed changes will have for the residents, businesses and institutions that are here now, and consideration of the effect the proposed change will have upon the community character and environment of our place. In its most constructive form, this principle results in change (development) that is viewed as a community service – change that makes the community better not just bigger.

Unfortunately, the Bay Bridge inspired tract subdivisions from the 50's and 60's and the similarly motivated massive Kent Island Growth Area development proposals of recent times did not adhere to this principal. Arguably this development resulted in the community getting bigger but not better – benefiting primarily a few landowners, absentee land speculators and regional/national developers and builders— creating in the process significant unforeseen collateral impacts to the community and the environment. Much of that negative impact remains un-mitigated today.

The planning system, recommended later in this memorandum, assumes that the Commissioner Board is committed to the principle of "Beneficial Growth."

Working Conditions:

All activities of the Department are housed in a freestanding building on Couresvall Drive in Centreville. **The lease on this building will expire in two years.** The building is workable, but perhaps overly large, for current department functions. The HVAC system has never operated properly and there have been periodic problems with roof leaks.

If new quarters were contemplated, a more ideal arrangement would co-locate the Department with the related Departments of Public Works, Parks and Recreation, and Environmental Health. This would maximize interdepartmental interaction and provide more convenient access for the public.

The professional staff of the planning section (Director, Deputy Director and six staff members) report stressful working conditions related to workload pressures, changing priorities, constant scrutiny, public criticism, and lack of trust. Turnover has been high, filling vacant positions has been difficult, and training time extensive. All funded positions have been recently filled. **The total longevity for the current employees in the 6 professional staff positions is 8 years 4 months.**

The GIS staff has less public interaction and is somewhat insulated from this dynamic. The Department is proud of its GIS capability and feels that it offers the capacity to improve planning accuracy and the public's access to information. **The Transition Team recommends, as a prudent investment, that Department budgets gradually fund GIS terminals and "GIS literacy training" for all members of the professional staff.**

Public Perceptions and Expectations:

There are several concrete indications that eroded public trust will be major impediment for the Department in prosecuting the planning objectives that will be established by the new administration. **The trust and confidence of the public and the development community must be re-established.** Indicators of the community's current state-of-mind include:

- The Department, consultant, and citizen advisory committee completed the "Update" to the Chester/Stevensville Community Plan in 13 months. Protracted Planning Commission, Commissioner, inter-jurisdictional and public review followed and is now expected to require 29 months. This has involved approximately 11 Planning Commission meetings, hearings and work sessions– and 3 more by the Commissioners. The Update may finally be adopted early next year with several more months required to complete map revisions and zoning text changes.
- The Wye Mills Community Plan was prepared in 9 months by minimizing citizen input and by not completing the underlying strategic planning recommended by the Comprehensive Plan. But it now seems destined to become entangled and perhaps abandoned in the review and approval process.
- Cases at the Board of Appeals have increased from 9 in 2004 to 26 in 2005 and 2006.
- Citizen, developer and Commissioner sponsored text amendments have increased from only a few a year the recent past to 13 in 2005 and 8 so far in 2006.
- The business and commercial development sector has requested that a "business liaison" planner be designated within the Department to manage all their work.
- The public was promised a progressive package of three growth management regulations (impact fee, adequate public facilities, and growth control ordinances) by the last two Commissioner Boards. The 1999-2002 Board made modest but incomplete progress in the final year of their administration. The 2003-2006 Board left without completing promised revisions to the prior administrations impact fee and public facilities ordinances and refused to address the most essential of the three components– the growth control ordinance.

In a community that has consistently demonstrated that growth one of its greatest concerns, this failure is a major violation of public trust. **It is critical that this entire three-ordinance package be addressed promptly in the new administration, and refined during the Comprehensive Plan process.** It should not be deferred to the end of the administrations term.

In short, "the natives are restless" and don't have confidence in the County's leadership. **Political will to respond to constituent concerns has been lacking and the planning "system" is not working.** Both the general public and the development community, are increasingly attempting to take matters into their own hands!

The Department's Vision and Sense of Mission:

The Department defines its mission as – "To provide courteous assistance to the public that we serve and assure compliance with all County and State laws and regulations."

As written this statement includes two laudable goals that alone are, perhaps, sufficient for the permits and code enforcement (Zoning) section of the Department. But for the Planning section, additional goals are necessary and appropriate. The Department should establish a clear vision for the enhancement of the County's existing communities and a clear physical vision for the evolving character of the County. Without this critical element the County is left floundering, guided only by a system that is entirely regulation driven . . . as if we believe that what complies with the regulations must be what we wanted. In fact currently most development proposals are *engineered* to meet the regulations, but not *designed* to implement the vision.

In the opinion of the Transition Team, careful and creative implementation of the missing vision is fundamental to restoring public trust and providing a "roadmap" the future and for rebuilding the County's ailing planning system.

Organization of the Department's Planning Section:

Until recently the Planning Section of the Department was divided into two approximately equal groups– Community Planning and Current Planning. This division proved to be problematic given the turnover in staff and the dynamic work program. At present, the six professionals have been combined into a single staff pool supporting all planning activities. While this may be a necessary coping strategy, it is unclear how successful this "jack-of-all-trades" scheme is.

The Department leadership suggests that the County's diverse community pattern might be the basis for again dividing the professional planning staff into two groups–defined, this time, as rural or growth areas specialists.

Current Work Program:

The planning section is currently processing approximately 100 subdivision and site plan applications, conducting 20 major planning studies and ordinance updates, and evaluating or initiating 10 text amendments.

Because the Department work program must be segmented into discrete annual budget segments, many of the "Community Plans and Programs" tasks described in the attached materials relate only the currently active phase of a multi-phase task and could more precisely be called "sub-tasks." (For example: completing a community plan may be a work program item that is not complete until compatible zoning text and map amendments follow, completing the task).

The Department leadership estimates that to accomplish the current workload and meet current expectations using current practices that the professional staff needs to increase from 6 to 9. The 3 new positions would require roughly a 15% Departmental budget increase. That does not account for the hiring and training lag.

Clearly, it is prudent to review both current workload and current practices to seek a more efficient and effective balance between needs and resources.

A New Planning System that Could Work:

While it might be argued that the current workload situation precludes consideration of additional needs, a more complete assessment of needs and opportunities may actually clarify the way forward. Further, some of the current tasks may be unnecessary or could be accomplished more efficiently. Specific suggestions will be described in the next following section.

Addressing unmet needs and unaddressed issues will require additional or substitute tasks be included in the reformulated the work program. Task Force committees, similar to the highly successful 2003 Preservation Task Force, could address many of these issues for eventual incorporation into an Integrated Comprehensive Plan:

- The need to find new approaches to the creation of workforce and affordable housing.
- The need to create an effective and truly sustainable farming and farmland protection program.
- The need to find new residential development patterns for both growth and rural areas that do not overwhelm the County's small towns or destroy the County's rural areas with suburban style sprawl.
- The need to continue to study and develop means of alternative septic systems and or package treatment facilities and to identify County locations suitable for the establishment of new infrastructure.
- The need to fully plan for the implications of delivering sewer service to southern Kent Island.
- The need to complete the local frontage road network and plan the sewer and water distribution infrastructure in the Route 50/301 corridor on Kent Island.
- The need to create mechanisms for planning and implementation of roadway and utility infrastructure and a means to secure capital improvement funding.
- The need to create a growth control mechanism that modulates and directs residential growth throughout the County and the incorporated towns and refine it as a part of the Integrated Comprehensive Plan.

Very significant systemic inefficiencies were incorporated into the planning system by the '90's decision to designate, initially plan, and make available to the overheating regional residential market, the six very large, densely zoned growth areas stretching from the Bay Bridge to Centreville. Each was considered to be a mini-comprehensive plan—requiring all the steps that are appropriate to a full countywide Comprehensive Plan (citizen advisory committee, planning consultant, Planning Commission review, inter-jurisdictional review, State PFA review, public hearings, and Commissioner review; followed by zoning map and zoning text amendments and their review and approval process). Because each community plan was born this way, the County staff has assumed that each would be updated on the 6-year cycle the state mandates for comprehensive plans.

Comprehensive Plans must adhere to several State mandates covering both process and content. The States Zoning and Planning Article ~ 66B, as well as components of the Natural Resources and Environment Article and the policies of the Maryland Department of Planning all must be complied with in the Plans creation and review. This complexity is warranted and manageable *periodically*.

However if done on time, the planning process chosen by the County commits to repeat this complex process 8 times in 6 years (once for each of the 6 growth area Community Plans, possibly 7 if Wye Mills is included, and once for the county-wide Plan). To complete this considerable undertaking, the Department must arrange and manage public participation and the Planning Commission and the Commissioners must provide opportunity for and then consideration of public comment for each of the 7 or 8 Plans in the series. History suggests that this process is difficult, exhausting, and expensive.

There has got to be a better way!

The difficulty of fulfilling this unquestioned assumption is compounded by the fact that for a variety of reasons many of the Community Plans have not been successful. Arguably the Kent Narrows and Grasonville Community Plans have been successful, while the other four have not. All suffer from a lack of coherent infrastructure planning. These failures have seriously eroded the public's trust in the County's planning system.

The difficulties encountered in the update of the very unpopular Stevensville and Chester plans are representative of these inefficiencies. If finally completed next year, this planning process will have required four years to un-do much of the original plan. The Queenstown and Centreville plans have the added complexity of including semi-autonomous municipalities and both have encountered problems with town/county trust and cooperation.

The Transition Team recommends retreating from the unsuccessful aspects of these plans and embedding the growth area planning process into the soon-to-start Comprehensive Plan Update. This will be much more efficient and will allow all components to be considered from a countywide perspective.

Kent Island's unique geography and planning issues suggests that a special section of the Comprehensive Plan Update dealing with the *entire* island is warranted.

Migrating to the New Planning System:

This proposal is a *concept* for rebuilding and reconstructing the County's planning system. Often a concept comes into sharper focus, is more easily communicated, refined, and understood if tested by application to the specifics of the situation at hand. A pro forma for the transition to new system follows:

- Migrating to a Single Integrated Comprehensive Plan Update:

Ultimately, the County would update an Integrated Comprehensive Plan only once every six years unless state law changes require intervening amendments. Migrating to this process requires consideration of, and transition strategies for, each of the current growth area plans. This could be done as follows:

- Stevensville/Chester- complete and adopt promptly, then conform the zoning map and zoning text to the adopted plan. (For the last time as a freestanding planning process).
 - Kent Narrows- conform the zoning map and zoning text to the adopted plan. (For the last time as a freestanding planning process).
 - Grasonville- defer the update and embed that work into the 2008 Integrated Comprehensive Plan Update.
 - Queenstown & Centreville- Review the current County Comp Plan to for County lands surrounding these municipalities. Support and participate in the comprehensive planning process underway in each municipality – after adoption of the new plans by the towns (hopefully prior to completion of work on the 2008 Integrated Comprehensive Plan Update) incorporate the municipal plan and appropriate County plan elements into the County Integrated Plan.
 - Wye Mills- Suspend work on this Plan. Incorporate planning studies for the Wye Mills area and planning for County employment uses into the 2008 Integrated Comprehensive Plan Update process.
- Creating Issue-Based Task Forces:

Create a series of Issue-Based Task Forces to inform the 2008 Integrated Comprehensive Plan Update. These study teams would address specific problems, opportunities, or potential policy changes (listed tentatively above) and make findings and recommendations using the far more informal and flexible procedures modeled upon the initial parts of the Preservation Task Force study. Each of these task force recommendations could be debated and discussed with the promising ideas forwarded for possible adoption as part of the 2008 Integrated Comprehensive Plan Update.

The final review process (Citizen Advisory Committee, Planning Commission, Adjacent Jurisdictions, State Agencies, County Commissioners, et al) for task force recommendations chosen to be embedded into the Integrated Plan would occur collectively *after* they had been added into the fabric of the Integrated Plan.

A Planning Advisory Board:

It may be helpful to establish a Planning Advisory Board (modeled of similar Boards and Commissions assisting other County departments) to assist design and reconstruction of the planning system. Such a Board would focus initially on the reforms necessary to create an effective planning system and might be regarded as an extension of the Transition Team. The Board would not duplicate the Planning Commission's role of directing the substance of plans or the review of development applications.

The Board should be manageably small, meet frequently, and include experienced persons. It might include a planning professional working in other similar jurisdictions, Planning Commission and Commissioner liaisons, a local developer, an owners agent, an advocate familiar with Queen Anne's County's planning history and current practices and a legal advisor.

Such a Board could further refine this proposal, clarify the changes necessary to implement the new planning system, and oversee the transition within the Department and with related Departments.

Creating Room for Change:

Clearly some substantial changes are warranted in the County's planning system. If the new Commission chooses to embark on these changes, "Room for Change" will be required. The Departmental analysis above suggests a possible strategy composed of three elements:

- Continue accepting and processing building permits–(the Zoning section of the Department, handling permits and inspections, is operating effectively).
- Continue processing subdivision and site plan applications (+/- 100) that have achieved initial approval by the Planning Commission or Planning Director.
- Develop guidelines to permit temporarily suspending acceptance of new subdivision and site plan applications pending reconfiguration of the planning system–(the Planning section of the Department is not currently operating effectively and will be those most involved with the reconsideration and reconfiguration of the County's planning system).

Recommended Timetable for Commissioner Actions:

- Immediate Actions Proposed (First 100 days):
 1. Consider the proposal to create "Room for Change" described above, weigh alternatives, then establish the Department's near-term work program and staffing levels.
 2. Complete consideration of the feasibility of the proposed Integrated Comprehensive Plan Update recommended above. Promptly mobilize to begin this work. Amend the existing Comp Plan where required and realign Department's work program.
 3. Further define and form the discrete, Issue-Based Task Forces recommended above as policy and program "feeder studies" for the Integrated Comprehensive Plan Update.
 4. Complete legislation to initially establish a Purchase of Development Rights Program (PDR) and pledge funding from existing Ag transfer tax monies and from an increase in the recordation tax rate².
 5. Review, confirm or modify the prior administration's commitment to address the community health concern of failing septic systems on Kent Island. Establish, with the Public Works Department, an Issue-Based Task Force focused on the road, water, sewer, storm water management, emergency preparedness, and community services implications of this commitment.
 6. Complete and adopt the Stevensville/Chester Community Plan Update.

² Rodger Weese does not support funding a PDR Program through tax increases.

7. Review, confirm or modify and adopt, the prior administration's proposed impact fee and adequate public facilities ordinances.
 8. Confirm or modify the code enforcement policy the Department is expected to follow, and explore ways the channel Commissioner/Constituent interaction with the Department.
 9. Reduce the application window for citizen/developer-sponsored text and map amendments from twice a year to once a year. Define a protocol for consideration of Commissioner-sponsored text and map amendments.
- Near Term Actions Proposed (1-2 years):
 10. Complete zoning map and text amendments implementing the Kent Narrows and Stevensville/Chester Community Plans.
 11. Complete a framework for a growth management ordinance within the first year of the administration. Negotiate with the towns to assure that it applies to the entire County. Refine and adopt during the Integrated Comprehensive Plan Update.
 12. Explore methods to improve cooperation, the exchange of data, and policy consistency with all County municipalities and with neighboring County jurisdictions. Solicit help in these matters from the County's State delegation.
 13. Create a long-range facilities plan for all County functions and renegotiate (if appropriate) the Couresvall building lease.
 - Longer Term Actions Proposed (1-4 years):
 14. Begin immediately working to achieve a simplified zoning, subdivision and environmental codes, related maps to create more user-friendly and accessible documents consistent with a long-term vision for the County as the implementing vehicle of the 2008 Integrated Comprehensive Plan Update.

This initial Transition Team report is submitted on December 8, 2006. Both team members' support the content of this Highlights and Recommendations Memorandum except where footnoted otherwise. The supporting materials that follow the Memorandum were created or assembled by the Planning and Zoning Department.

Thank you for the opportunity to participate in this important work.

Rodger Weese

Richard Altman