



April 15, 2011

Honorable Jerry Walker
County Councilmember, District 7
P.O. Box 2700
Annapolis, MD 21404

Dear Mr. Walker,

As part of the comprehensive planning process, Mr. Philip Hazen has requested that about 0.82 acres in Fairhaven, Maryland, be rezoned from RA to R-2 (Case CZ09-1117). The Advocates for Herring Bay urge the county to deny this application because it would increase development rights in an area designated as a Resource Conservation Area under the Maryland Critical Area law.

Under the 1984 Critical Area law, the county was required to allocate all of the land within the Critical Area into one of three categories: intensely developed areas (IDA), limited development areas (LDA), and resource conservation areas (RCA). The county based its designations on a holistic assessment of the land use patterns in 1985. Once the classifications took effect in 1988, the county was obligated by law to “conserve, protect, and enhance the overall ecological values of the Critical Area, its biological productivity, and its diversity” for areas mapped as RCA, using such tools as promoting conservation easements and providing incentives for sustaining agriculture, forestry, and natural habitats (COMAR 27.01.02.05). Subsequent changes to the initial classifications are governed by a growth allocation process, which limits on the amount of acreage that can be changed from RCA to LDA or IDA. As of 2010, Anne Arundel County had exhausted all but 40 acres of its RCA growth allocation.

Increasing development rights for land designated by the county as RCA would directly conflict with the county’s statutory obligation to protect and preserve those habitats. As shown in Attachment 1, the Hazen property is among the properties that the county mapped as RCA in the Fairhaven area. That classification was in effect when the applicant purchased the property in 1996. Up-zoning the Hazen property would effectively reclassify land from RCA to LDA, setting a precedent for other property owners to use this administrative venue to undermine the framework of the Critical Area law and circumvent the statutory intent of the growth allocation limits.

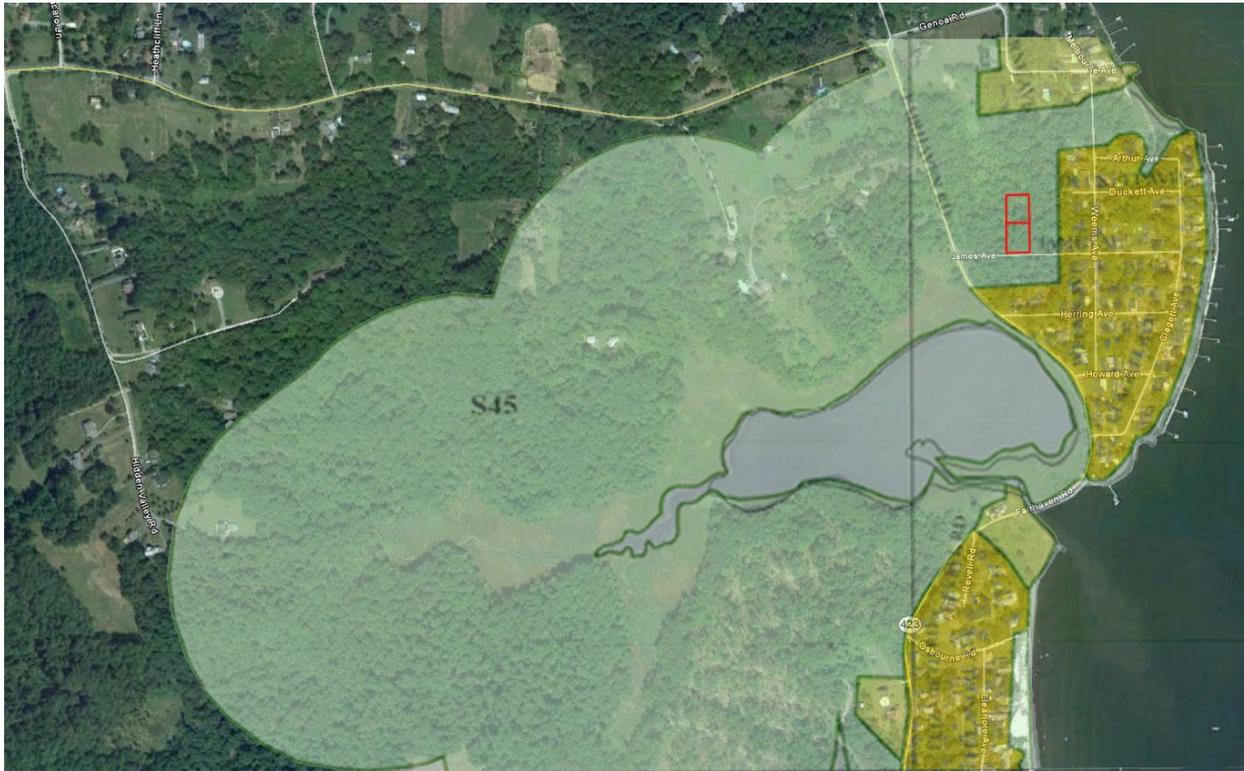
In addition, a similar application for this property (SCO-011) was rejected by both the South County Small Area Plan Committee and Planning and Zoning staff in the 2001-2002 planning process. We believe the county should reject this request as well.

Sincerely,
Kathleen Gramp

Cc: Mr. Larry Tom, Director, Planning and Zoning
Ms. Lisa Hoerger, Critical Area Commission

AHB ♦ 404 Arundel Road ♦ Tracys Landing, Maryland 20779 ♦
<http://home.comcast.net/~herringbay>

Attachment 1
Map of Hazen Property Within the Critical Area in Fairhaven, Maryland



Source: Anne Arundel County Critical Area Map and Advocates for Herring Bay

Key:

Green = RCA

Yellow = LDA

Orange = IDA

Hazen Property = Red