

TESTIMONY OF HERRING BAY ADVOCATES
on Anne Arundel County Proposed Legislation
Bill # 3-05 concerning Subdivision Development and
Bill # 4-05 concerning Zoning
January 24, 2005

My name Mike Brewer and I am speaking tonight on behalf of Herring Bay Advocates, a newly formed group on the Chesapeake Bay in the Fairhaven area of South County. We are an organization of long-time residents and homeowners who are committed to preserving and enhancing the environment of the Herring Bay region, a tributary of the Chesapeake Bay.

As a matter of principle, we believe that the zoning and subdivision rules must err on the side of protecting our unique environmental resources, particularly the Critical Areas and related buffer zones. We also believe that protecting those resources requires a decision-making process that is transparent and accountable to all of the citizens of the county.

There are at least three aspects of the proposed legislation that we believe should be deleted or strengthened:

- **The law should not allow roads, bridges, or utilities to be built in 100-foot buffers or expanded buffer zones.** We oppose the provisions in Bill #3-05 that would amend the Critical Area Overlay to allow such facilities to be built in the buffers “if there is no other feasible alternative” (26-8-302(b)). This change is not needed, because developers already have the option of applying for a variance or exception if they face extenuating circumstances. The proposal lacks verifiable criteria and the kind of public review process needed to ensure that these small, but vital buffers are protected.

- **The law should explicitly provide for more public notice and ensure that community groups can appeal zoning and other land-use decisions.** We agree with those who call for statutory changes that would require greater transparency and accountability in the planning and zoning decision-making process, such as those proposed by the Sierra Club, the Severna Park Council, and the South River Federation. The county’s rules should expressly recognize the rights of community organizations to have standing to appeal decisions made by the Office of Planning and Zoning, and such appeals should be made on the merit of the decisions, not just the “arbitrary and capricious” criteria proposed in Bill # 3-05 (26-2-109). We also agree that interested community associations and persons must be notified of proposed meetings and that such information should be readily available on the County’s website.

- **The law should strengthen, not weaken, protections of environmentally sensitive areas, including those not in the Critical Area.** Several provisions in the bills would reduce the environmental protections afforded under current law. We specifically object to weakening the definition of steep slopes (from 15 percent to 25 percent, 26-1-101 (58)) and allowing higher levels of covered surfaces for certain conditional uses and exceptions in RA districts than in RLD districts.

As advocates for Herring Bay, which is bracketed by two large marinas, we also support the addition of the following sentence to Bill # 4-05 regarding uses in Maritime Districts: “All uses must be consistent with the Critical Area requirements noted in Article 26, title 8, and Article 27, Title 13.”

Finally, we would like to express our support for the provisions in Bill #4-05 that exclude steep slopes, tidal and non-tidal wetlands, and the 100-year flood plain from the definition of the “net area” used to calculate the number of dwelling units per acre. (27-1-101 (60) and (61)). The density of development should be based on appropriate measures of useable land and should not include such environmentally sensitive areas.

Thank you very much for this opportunity to present the views of the Herring Bay Advocates.

Herring Bay Advocates
President: Kim McCaig