



City of Annapolis
Planning Commission
Department of Planning & Zoning
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April 2
~~March 5~~, 2015

To: Annapolis City Council

From: Planning Commission

Re: Findings on O-35-14: Planning Commission Member Qualifications

Summary

Under O-32-14, changes have been proposed to the Forest Conservation requirements and standards. In conjunction with the legislation, O-35-14 proposes to change the requirements under section 21.08.030 B for membership on the Planning Commission to require one member of the Planning Commission to have a working knowledge in the fields of forest conservation and environmental matters. An amendment to the legislation proposes the language be modified to require one member of the Planning Commission have "technical or scientific experience in the fields of forestry and/or environmental science."

Background and Analysis

On February 5, 2015, the Planning Commission convened in a public meeting to hear testimony and receive information on O-35-14, Planning Commission Member Qualifications.

Currently membership on the Planning Commission is subject to the following:

"The Planning commission shall consist of seven residents of the City who have demonstrated interest with regard to planning policy and with regard to land use matters and procedures of the City. The members shall be appointed by the mayor and confirmed by the City Council."

The change to the membership qualifications is proposed in conjunction with O-32-14 which proposes extensive changes to the Forest Conservation requirements, standards and process.

The Planning Commission is established under Title 2, the Land Use Article of the State of Maryland Code which does not mandate any specific requirements for members of Planning Commissions in Maryland.

Public Hearing and Deliberation

In accordance with Title 21 of the code of the City of Annapolis, the Planning Commission held a public hearing and invited the public to comment following the staff report presentation. Alderman Littman and Alderman Arnett commented on the legislation. Two members of the public spoke in opposition.

After the close of the public hearing, the commissioners entered into deliberations and found the following:

- No current member of the Planning Commission is required to have any specific technical expertise. The requirement of a general interest in planning matters invites a wide range of experiences to the Commission.
- The Planning Commission in addition to the review and approval of planned developments and subdivisions also reviews amendments to the zoning code, planning studies, and annexations. Specific technical expertise in forestry or environmental science is not necessarily an asset in those reviews.
- There are many aspects of the plan review process that require technical evaluation, such as traffic, critical areas, storm water management, environmental impact, forest conservation, etc. The Planning Commission relies on qualified City staff to review and evaluate projects for technical compliance.
- An individual with specialized technical expertise could lead to that individual and that aspect of review dominating what should be a comprehensive review.
- Adding a member qualification so specific would place limitations on who could serve on the Commission.
- The qualification language is so imprecise that it invites litigation.
- The legality of whether the Planning Commission could take action on an application if a required position with specific technical expertise was vacant has not been addressed.

Recommendation


Under section 21.32.010 Purpose and authority of the City Code, it states the following:

For the purpose of promoting the public health, safety, morals and general welfare, and conserving the value of property throughout the city, the city council, from time to time, in the manner set forth in this chapter, may amend the regulations imposed in the districts created by this title; provided, that in all amendatory ordinances adopted under the authority of this chapter, due allowance shall be made for existing conditions, the conservation of property values, the direction of building development to the best advantages of the entire city and the uses to which property is devoted at the time of the adoption of the amendatory ordinance.

The code further requires under section 21.32.020 that "Within thirty days after the commission has completed its review of the proposed amendment, but in no case longer than ninety days after the matter has been placed on the agenda of the commission, the commission shall submit its written recommendations to the city council".

The Planning Commission by a vote of 6-0 recommends **AGAINST** O-35-14 to the City Council.

Adopted this 6th day of March, 2015


William Herald, Chair

4-2-15