

Chapter 1

Background, Purpose and Process

Introduction

In 2003, the Queen Anne's County Commissioners requested that the Queen Anne's County Planning Commission update the Community Plans for Chester and Stevensville adopted in 1997 and 1998, respectively. The County Commissioners appointed a Citizen Advisory Committee (CAC) to review the 1997 / 1998 Community Plans and make recommendations for revising them to the Planning Commission. In 2004, the CAC decided to combine the Chester and Stevensville planning areas. The CAC acknowledged that the 1992 Maryland Planning Act directed the county to "concentrate development in suitable areas" and that, in the opinion of the CAC, Kent Island was not a "suitable area" for high density/high impact growth. The citizens of Kent Island, through elections of Commissioners who pledged to maintain the historic growth rate and the circulation of petitions to contain growth, had made their stand on the growth issue very clear. In October 2004, the CAC finalized its version of a Chester / Stevensville Community Plan. The CAC also forwarded a revised Community Area Map that defined the boundaries of the Chester / Stevensville Planning Area.

The Planning Commission has endorsed the CAC's recommendation that Chester and Stevensville be treated as a single Planning Area. The Planning Commission has also agreed with many of the CAC's proposals as appropriate for the next planning cycle in the Chester and Stevensville areas. The Planning Commission was mindful, though, that its responsibilities, as prescribed by Article 66B, Annotated Code of Maryland, are to chart a course for future planning and zoning decisions in the Planning Area. The Planning Commission's responsibilities do not include making some of the judgments included in the CAC's draft Community Plan regarding the motivations or objectives of present or former representatives of Queen Anne's County. Therefore, the Community Plan recommended by the Planning Commission will represent its considered judgment of the appropriate course of action for the Chester / Stevensville Planning Area for the foreseeable future.

Growth and change have been a way of life in both the Chester and Stevensville communities since the opening of the Chesapeake Bay Bridge. Stevensville today is the most heavily populated area in the County. Chester and Stevensville historically have been the fastest growing communities in Queen Anne's County, largely due to their proximity to more metropolitan area markets and availability of public water and sewer. This Plan acknowledges the strong development pressure facing the Chester and Stevensville communities and the impact it can have on both communities, the natural environment and the character of Kent Island over time. The primary goal of this plan is to direct a limited amount of growth to appropriate areas in Chester and Stevensville which will have a positive impact on, and add value to, both communities as they presently exist.

Purpose of the Plan

It is the mission of this Plan to chart a responsible course for the future of the Chester and Stevensville communities which maintains and enhances the quality of life for existing and future residents.

The Chester/Stevensville Community Plan is designed to establish specific growth management strategies for the Stevensville and Chester planning areas. This plan updates past efforts to manage growth and modifies the recommendations of the 2002 Queen Anne's County Comprehensive Plan (See Queen Anne's County Comprehensive Plan: Land Use Policy 1A: page 20), where appropriate. A central premise of the County Comprehensive Plan, adopted in 2002 was that both Chester and Stevensville would fulfill their role as two of the six designated planning areas within Queen Anne's County. Given recent growth trends, and recent approval of several large scale developments, many residents of Kent Island have become concerned that continuing to follow past policies and trends will result in a rate and pace of development that will diminish the quality of life, livability, desirability, property values and Island character which serves as the larger setting within which the communities of Chester and Stevensville have traditionally been defined. Concerns include current levels of highway congestion, gridlock on local roads, and the ability of the County to provide public services to keep pace with development and the impact of development on environmental resources and sensitive areas.

Given these concerns, many of the 2002 Comprehensive Plan assumptions and policies regarding the capacity of Chester and Stevensville to absorb previously planned levels of growth have been re-examined. Based on visible evidence of the increased traffic congestion and the accelerated rate and pace of development on Kent Island and in the Chester and Stevensville Planning Areas in recent years if all proposed residential developments are approved, this plan seeks to modify those past trends. Noteworthy is the fact that this plan proposes a number of policy changes intended to reduce the amount and potential pace of growth within the Chester and Stevensville Community Planning Areas. These changes include a reduction in the land area designated for growth in each of the two planning areas. Many of the changes have been prompted by the recognition that the demands to provide the infrastructure necessary to support development would substantially exceed the resources and capacity of the County. Moreover, the Planning Commission notes that many CAC members identified specific reasons why growth, at a pace in keeping with recent trends, would adversely impact the quality of life for residents within the two planning areas. Many CAC members also were concerned that accelerated development will threaten the traditional Eastern Shore environment and "Island" character considered important to residents in both communities and may eliminate the distinction between the Chester/Stevensville communities and the larger Island landscape that serves as the context within which they are defined.

The Plan establishes a "vision" for the future Chester and Stevensville communities and a number of goals, objectives and recommendations to guide the location, form, character, qualities and costs of future growth and development within the Chester and Stevensville Communities. The Plan also seeks to influence investment decisions regarding the physical development of both

communities. This Plan presents a strategy for managing change that recognizes the long term desire of residents to protect the unique quality of life and fragile island character of the region.

The key underlying premise of this Plan is that with forward thinking, the use of better place-making tools and sustained community commitment through plan implementation, the quality of life for Stevensville and Chester's citizens can be enhanced. Properly managed, future development can strengthen and better define the image of both communities by fostering more pedestrian friendly environments that serve as existing and future centers and improve the character and qualities of the man-built environment within each community. This Plan also identifies opportunities to improve the transportation system connections between existing communities, grow new jobs and to augment the diversity and array of community shopping, services, entertainment and cultural offerings to better serve residents' needs.

This Plan acknowledges that with such opportunities come challenges which include protecting key environmental resources, heritage resources and scenic views. Managing the cost of growth and ensuring appropriate infrastructure improvements necessary to support it are key challenges.

Background for Planning

A hierarchy of county and state plans and regulations have influenced the future of the Chester and Stevensville Planning areas. Both communities and surrounding lands were designated as growth sub-areas by the 1993 Queen Anne's County Comprehensive Plan and its subsequent update in 2002. The 2002 County Comprehensive Plan conforms with the Maryland Economic Growth, Resource Protection and Planning Act of 1992, and Maryland's Smart Growth legislation of 1997.

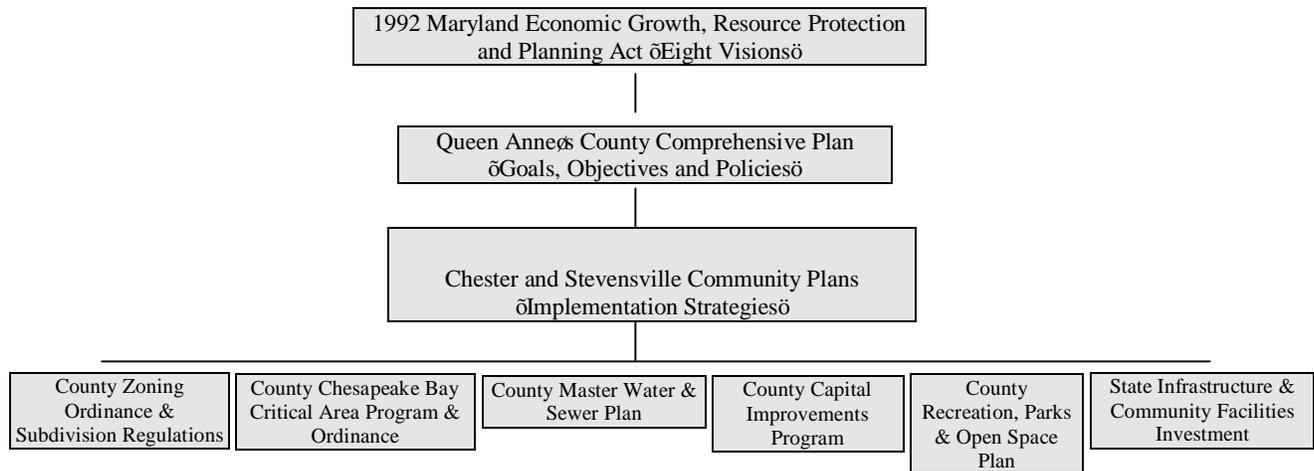
The 1993 Queen Anne's County Comprehensive Plan called for two-thirds (2/3rds) of growth for Queen Anne's County to be directed off Kent Island. The 1998 Stevensville Community Plan stated that "without responsible planning, the amount of growth . . . could easily consume the entire island and seriously compromise the quality of life for its citizens." The 1997 Chester Community Plan addressed the need to reduce the rate of growth on Kent Island. However, the strong development pressures in Chester and Stevensville, coupled with a favorable economy and low interest rates, encouraged land owners to propose a number of residential developments that if approved, would exceed the rate of growth anticipated in 1997 / 1998 or 2002, and, the majority of the CAC felt that the Queen Anne's County 2002 Comprehensive Plan did not in any way address the problem with the rate of growth on Kent Island.

The ten-year growth average for the entire County has been 424 houses per year. One third of the 424 average would generate 141 houses on Kent Island per year. Projects in the plan review process generate a potential for over 400 houses per year on Kent Island. The CAC found this growth rate unacceptable. The Planning Commission understands and endorses the CAC's concerns.

The CAC recommended that the 2002 Comprehensive Plan be revised to reflect the rate of growth on Kent Island expected in the 1993 Comprehensive Plan and the 1998 and 1997 Stevensville and Chester Community Plans.

Figure 1-1 shows the relationship of the Chester/Stevensville Community Plan to these other existing plans and regulations.

Figure 1-1 Hierarchy of County/State Plans and Regulations



Maryland Economic Growth, Resource Protection and Planning Act of 1992

The Maryland Economic Growth, Resource Protection and Planning Act of 1992 (the Planning Act) took effect on October 1, 1992. The Planning Act mandated that, by July of 1997, all local governments in the state adopt plans and implementation strategies that achieve seven general "visions". The Act was subsequently amended in 2000 to add an eighth vision.

These "Eight Visions" are as follows:

1. Development is concentrated in suitable areas;
2. Environmentally sensitive areas are protected;
3. In rural areas, growth is directed to existing population centers and resource areas are protected;
4. Stewardship of the Chesapeake Bay and the land is a universal ethic;
5. Conservation of resources, including a reduction in resource consumption, is practiced;
6. To assure the achievement of 1 through 5 above, economic growth is encouraged and regulatory mechanisms are streamlined; and
7. Adequate Public facilities and infrastructure, under the control of the County, are available or planned in areas where growth is to occur.
8. Funding mechanisms are addressed to achieve these visions.

The Act requires that all state and local government investments in infrastructure (roads, sewer, water, schools, etc.) be consistent with adopted local growth management plans. In addition the Act mandates that local jurisdictions adopt policies and regulations to protect sensitive areas and to streamline the development review and approval process. These "Eight Visions" of the Maryland Economic Growth, Resource Protection and Planning Act of 1992 are hereby incorporated as goals of the Chester/Stevensville Community Plan.

1993 and 2002 Comprehensive Plan for Queen Anne's County

Queen Anne's County was the first local jurisdiction in Maryland to update its comprehensive plan and development ordinances to be consistent with the Planning Act of 1992. The County's 1993 Plan identified six "growth sub-areas" where development should be encouraged to concentrate, so as to discourage continued patterns of environmentally-insensitive and fiscally-irresponsible sprawl development throughout rural areas.

The designated "growth sub-areas" are: Stevensville, Chester, Kent Narrows, Grasonville, Queenstown and Centreville. These communities were all existing population centers with some infrastructure, and each had been previously identified in earlier County Comprehensive Plans (1964 and 1987) as areas where future development and growth should be directed.

The County's 1993 Comprehensive Plan acknowledged that previous planning efforts to direct growth toward specified population centers had not been entirely successful despite the adoption of disincentives to develop in rural areas. In 1987, Agricultural zoned land, comprising 80 percent of the County, was "downzoned" from approximately one house per every one or two acres to one house per every eight acres with requirements that development be clustered and 85 percent of any tract reserved as permanent open space. In 1989, the County's Chesapeake Bay Critical Area Ordinance effectively "downzoned" most undeveloped waterfront areas to one house per every twenty acres.

The County adopted an update of the 1993 Comprehensive Plan in 2002. Although changes were made to the 1993 Plan, the basic framework for planning and designation of growth areas, and components of the County's Critical Area Program remained largely unchanged.

1997 Smart Growth and Neighborhood Conservation Initiatives

In 1997, the Maryland legislature took the Planning Act one step further by enacting Governor Glendening's Smart Growth and Neighborhood Conservation initiative that consisted of five pieces of legislation and budget initiatives collectively known as "Smart Growth." Whereas the Planning Act provides the policy framework to begin the process of local growth management, the Smart Growth legislation gives the State programmatic and fiscal tools to assist local governments in implementing policy goals. The Smart Growth legislative package consists of several measures, the centerpiece of which is the "Priority Funding Areas" regulation; the other

pieces address programs for Brownfields, Live Near Your Work, Job Creation Tax Credits, and Rural Legacy. The Smart Growth Act limits most State infrastructure and economic development funding to those areas local governments target for growth. This approach is beneficial in two ways. First, fiscal support is provided to areas approved for development and those already developed. Second, it ensures that the State will not fund infrastructure in rural areas where growth is undesirable, except under special circumstances.

The Smart Growth Act requires the State to direct State funding for growth-related projects, as well as certain specific projects that are not growth-related, to Priority Funding Areas (PFAs). In addition to amending the Annotated Code of Maryland, including Article 23A (Municipalities) and the Transportation Article, the Act significantly added to the **State Finance and Procurement Article, providing a new Subtitle 7. Priority Funding Areas**. The projects covered by the legislation include most State programs for highways, sewer and water construction, economic development assistance, and State leases or construction of new office facilities.

The Act affected State funding for most:

Transportation capital project as defined in §2-103.1(a)(4) of the Transportation Article (of the Annotated Code of Maryland)

Department of Housing and Community Development funds, including State funding neighborhood revitalization

Department of Business and Economic Development funding, including the MD Industrial Land Act, the MD Industrial and Commercial Redevelopment Fund, the MD Industrial Development Financing Authority, the MD Small Business Development Financing Authority, the MD Energy Financing Act, and the Economic Development Opportunities Program Fund.

Department of the Environment funding for any project under the Water Quality Revolving Loan Fund (except for non-point source pollution projects), Water Supply Financial Assistance Program, and The Supplemental Assistance Program.

Therefore, State funding is not available for certain types of projects that are not in priority funding areas. Counties designate PFAs that meet minimum criteria based on land use, water and sewer service, and residential density criteria specified in the Act. And the county's designation of a PFA must be certified by the State in accordance with the Maryland Department of Planning's procedures and format.

Areas eligible for county designation include:

Areas with industrial zoning (however, if zoned after January 1, 1997, must be within the county designated growth area and be served by a sewer system.

Areas with employment as the principal use that are served by, or planned for, a sewer system (Areas zoned after January 1, 1997, must be in county designated growth area)

Existing communities (as of January 1, 1997) within county designated growth areas which are served by a sewer or water system and which have an average density of two or more units per acre.

Rural Villages designated in the Comprehensive Plan as of July 1, 1998

Other areas within the county designated growth areas that:

Reflect a long-term policy for promoting an orderly expansion of growth and an efficient use of land and public services;

Have existing or planned water and sewer systems; and

Have a permitted density of 3.5 or more units per acre for new residential development.

The procedures by which a county establishes its PFA's need to be applied consistently, and a Comprehensive Plan or Community Plan is used to guide the mapping of the PFA in order to avoid arbitrary or capricious designations.

Additional Smart Growth programs like "Rural Legacy" and "Live Near Your Work" contribute to the overall goal of preserving rural resources, and at the same time, making developed communities and towns more liveable. Clearly, the financial and programmatic support afforded by the Smart Growth initiatives provides a logical progression from the 1992 Planning Act's "Eight Visions." When taken together, the State legislation and the County Comprehensive Plan in large part form the framework upon which this Chester/Stevensville Community Plan is based.

The Economic Growth, Resource Protection and Planning Act of 1992 amended Article 66B, Maryland's Land Use enabling legislation, to require jurisdictions to periodically review their Comprehensive Plans and implementation measures. This Act, in furtherance of Maryland's Visions for growth and protection, requires that local jurisdictions review and, if necessary, to update their Comprehensive Plans every six years.

This Plan has been prepared to complement and conform to the "visions" of the 1992 Maryland Economic Growth, Resource Protection and Planning Act as amended, and the general goals, objectives and policies established by the County's Comprehensive Plan. The Chester/Stevensville Community Plan will also serve as the basis for any required amendments to the County's Zoning Ordinance and Subdivision Regulations, Chesapeake Bay Critical Area Program and Ordinance, Master Water and Sewer Plan, Capital Improvements Program, Recreation, Park and Open Space Plan, and any other County plans or regulations affecting the future growth and development within the two communities.

In addition, any County or State funded infrastructure or community facilities investments in the Chester and Stevensville Planning Areas must be consistent with this Plan.

Implementation of this Plan will be phased in over a period of years based on funding resources. The Plan establishes a realistic vision for the future of Chester and Stevensville which is flexible enough to be revised as conditions warrant and community objectives are revised. It is intended that this Plan should be reviewed at least every six (6) years in accordance with the 1992 Planning Act.

The Process for Developing this Plan

In 2003, the Queen Anne's County Commissioners determined that the formulation of the Community Plans for the Chester and Stevensville growth sub-area would be a public process guided by Citizen Advisory Committees to be appointed within each community. The County Commissioners appointed the Stevensville Citizens Advisory Committee and Chester Citizens Advisory Committee (CAC) after advertising and soliciting letters of interest from residents and property owners. Appointments consisted of one County Commissioner as a voting member, one Planning Commissioner as a voting member and sixteen residents as voting members from Stevensville and surrounding areas to represent the Stevensville CAC. The Chester CAC had an identical composition. The appointment of County Commissioners and Planning Commission members was designed to assure both of these Commissions would be informed of progress in developing the plans and provide linkage between the activities of the Commissions and Committees. The consultant team of Redman/Johnston Associates and ARCHPLAN, Inc. was retained to provide technical support and facilitate the work of both Committees. The first two meetings of the Committees were held jointly in November 2003 and January 2004 to orient Committee members and to establish guidelines for conducting future work. At that time, the two committees determined that the interests and issues facing each of them were sufficiently common in nature to permit their consolidation into one larger committee for purposes of undertaking their assignment.

Thereafter, the CAC began working with the Consultant team and County Department of Planning and Zoning in January 2004. The CAC continued to meet either monthly or weekly as needed to complete its assignment to prepare a recommended plan for both communities for submission to the County Planning Commission by September 30, 2004. The deadline was extended through the end of October. Initially the CAC concentrated on the current state of each community, including existing land use and environmental resources.

During subsequent meetings in February and March 2004, the CAC was actively involved in identifying (and later prioritizing) Strengths, Weaknesses, Opportunities, and Threats (SWOTS). Members were asked to identify and outline their perceptions concerning the Strengths and Weaknesses apparent in the two communities and surrounding areas of Kent Island as well as the Opportunities and Threats that both communities currently faced or could anticipate in future years. The major strengths identified by the Committee focused on many of the Island's

environmental resources. The major weaknesses and threats centered on growth and growth-related impacts to the quality of life in both communities and surrounding areas of the Island. Additional information concerning many of the other SWOTS identified by the Committee is provided in later sections of this plan.

Topics considered by the CAC evolved to include growth projections for the Chester/Stevensville Planning areas, and discussion of alternative development concepts and growth management strategies for the Planning Area as a whole. CAC members developed a "Vision" for the Chester/Stevensville Planning Area which is presented in a later section of this Plan document. Members of the CAC also participated in a Mapping workshop which was designed to identify alternative recommended land use plans. Three (3) such plans were developed and were reviewed during the months of June and July 2004 as a basis for preparation of a consensus land use plan map.

A public forum was conducted on July 28, 2004, at the Kent Island High School. As part of this forum, the SWOTS, the Vision Statement and the recommended land use plan were presented for public review and comment. Citizen comments were received, reviewed, discussed, and considered. Based upon these comments, changes and additions were made. The citizen comments are on file in the Department of Planning and Zoning.

Through the course of the CAC process the atmosphere was often contentious and charged with strong and divergent feelings on whether or not the Island should grow and if so, how it should grow. Many CAC members were distrustful of the process, based on experiences with the previous Chester and Stevensville CACs. Group decisions were made based on a majority vote of CAC members present for the vote. As the months wore on, a number of CAC members disengaged from the process. Unfortunately, one member, Jan Gervin, died midway through the process. Although the CAC originally consisted of 33 appointed members, less than 20 members remained to participate in the completion of the final draft. During the last several months there was considerable disagreement between the consultant and the majority of CAC members, resulting in a public statement by the consultant that they could not endorse the plan as it existed in the late August draft. There was some degree of modification and adjustment as the plan was finalized.

By the end of August 2004, a working draft of the Community Plan update was prepared for review by the CAC. The CAC conducted multiple work sessions during the months of September and October 2004 to review draft plan elements. Changes and revisions were incorporated in the initial draft plan as a result of long hours of work sessions during evening meetings so that the final report would truly reflect the concerns of these dedicated citizens who continued to serve on the CAC. In its final form, the document forwarded to the Planning Commission represented the best effort of the majority of those CAC members who served throughout the life of the Chester/Stevensville CAC, from November '03 through October '04.

After the Planning Commission conducted multiple work-sessions throughout the next year, on November 23, 2005, the Draft of the update to the Chester / Stevensville Community Plan was issued by the Queen Anne's County Planning Commission for the 60-day review pursuant to

Article 66B, Section 3.07 (c) of the Annotated Code of Maryland. Copies of the Plan were distributed to the appropriate State Agencies and adjacent jurisdictions as well as the municipalities within the County for review and comment. Copies of the document were sent to all members of the CAC and were available for the public at the Department of Planning and Zoning, and it was also posted on the County's webpage.

The Planning Commission's Public Hearing was held on January 25, 2006, after which the record was left open for submission of written comment until the close of business on February 8, 2006. During March and April of 2006 the Planning Commission conducted work-sessions to review and address the State agencies and public comments. Changes were incorporated into the draft as a result of these work-sessions. The table in Appendix F contains a brief summary of each of the public hearing comments, and the Planning Commission's decision with respect to each comment.

Thus, at a Special Meeting on April 20, 2006 the Planning Commission resolved to amend the 2002 Queen Anne's County Comprehensive Plan to remove the 1997 Chester Community Plan and the 1998 Stevensville Community Plan and substitute in their place instead the April 20, 2006 Chester / Stevensville Community Plan. The Planning Commission forwarded this Plan as its recommendation to the Queen Anne's County Commissioners for adoption of updated Community Plans for Chester and Stevensville.

On July 25, 2006, the County Commissioners conducted a Public Hearing to receive public comment on the April 20th Chester / Stevensville Community Plan as recommended by the Planning Commission. Subsequently, on August 15, 2006, the County Commissioners rejected the recommendation and returned the Chester / Stevensville Community Plan to the Planning Commission to review two issues. The first item related to two locations identified for future park sites, which are described in Chapter 5 of this Plan. The two sites are the Kent Island High School Expansion & Park Site and the Davidson Farm Park Site. The County Commissioners indicated that if "the County has not purchased the properties at the end of [a] two year period, their designation as future park sites would be removed." (Memorandum dated August 21, 2006 from the County Administrator's Office) The other area of concern was with respect to the portion of the Camp Wright property located within the Planning Area, and the County Commissioners conveyed their preference to "take Camp Wright entirely out of the growth area." (Memorandum dated August 21, 2006 from the County Administrator's Office)

The Planning Commission has since revised the text of this Plan to address the concern with respect to these two future park sites. However, after deliberations the Planning Commission made no changes in regard to the Camp Wright property.

Additionally, the Planning Commission also discussed the need to facilitate the orderly planning for serving specific communities on Kent Island, which are not within the Chester / Stevensville Planning Area, with the necessary public utilities for their personal health, the health of the waterways on Kent Island, and improvement of water quality in the Chesapeake Bay, through the extension of public sewer and water. These areas are identified as sewerage disposal problem priority areas in the County's Comprehensive Water and Sewerage Plan, and are also referenced

in Water and Sewerage section of Chapter 6 of this Plan, due to the large number of existing septic systems that discharge directly to groundwater during seasonal high water table months.

These concerns were previously articulated during the Planning Commission's review of the Comprehensive Water and Sewerage Plan in September of 2005, while still a draft and prior to the County Commissioners' adoption in February 2006. The concerns focus on the need to take a comprehensive approach to evaluating and providing adequate infrastructure and government services to meet the long-term needs of the communities to be served by public sewer. The Planning Commission is also concerned that the proliferation of individual wells on small lots in these communities would intensify the existing problem of salt water intrusion into the Aquia aquifer. Therefore, public water should be installed concurrent with the public sewer lines to adequately serve the long term needs of these communities. Moreover, if water service is not installed jointly with the installation of sewer lines the future consideration of providing public water would be cost prohibitive.

Since adoption of a new Chester / Stevensville Community Plan is both an implementation of, and an amendment to, the 2002 County Comprehensive Plan, the Planning Commission also determined that the County needs to comprehensively address issues such as stormwater management, improvements to the local road network, demand on the public school system, parks and recreational facilities, and location for future commercial services for the new growth that will occur as a result of the sewer line extension. Strategies to implement these facilities and services also need to be developed.

Subsequently, on October 26, 2006, the Planning Commission revised the Chester/ Stevensville Community Plan and decided to re-issue it for the 60-day review pursuant to Article 66B, Section 3.07 (c) of the Annotated Code of Maryland. Copies of the October 26, 2006, Plan are distributed to the appropriate State Agencies and adjacent jurisdictions as well as the municipalities within the County for review and comment. Copies of the document are also available for the public at the Department of Planning and Zoning, and it also posted on the County's webpage.

Following the 60-day review, on February 8, 2007, the Planning Commission conducted another Public Hearing to receive comments from the public, various agencies, and adjoining jurisdictions. Accordingly, on March 8th the Planning Commission resolved to amend the 2002 Queen Anne's County Comprehensive Plan to remove the 1997 Chester Community Plan and the 1998 Stevensville Community Plan and substitute in their place instead the March 8, 2007 Chester / Stevensville Community Plan. The Planning Commission forwarded this Plan as its recommendation to the Queen Anne's County Commissioners for adoption of updated Community Plans for Chester and Stevensville. Adoption of a new Community Plan for Chester and Stevensville is both an implementation of, and an amendment to, the 2002 County Comprehensive Plan.

After receipt of the recommendation, the County Commissioners scheduled, advertised, and held a Public Hearing on April 24, 2007. Subsequently, the County Commissioners approved Resolution #07-05 that adopted the Chester / Stevensville Community Plan on May 1, 2007.