

Draft

Rockville Environment Commission Minutes of the Meeting of Thursday, February 1, 2018

Black-Eyed Susan Room, City Hall,
111 Maryland Avenue, Rockville, Maryland

Attendance

Commissioners Present: Chair John Becker, Sy Garte, Alicia Hosmer, Larissa Johnson, Clark Reed, Lea Rosenbohm, Monica Saavoss, Steve Sprague and Fedon Vayanis.

Commissioners Absent: None

Council Liaison: Mark Pierzchala

City Staff: Erica Shingara, Rob DiSpirito, Andrew Gunning, Tim Chesnutt and Jim Wasilak

Guests: Angelica Valderrama and Ben Parry

Meeting Commencement and Introductions

The meeting convened at 7:00 pm by Chair Becker with introductions.

Approval of Agenda

Commissioner Vayanis moved and Commissioner Reed seconded a motion to approve the February 1, 2018 agenda. The motion passed (9-0).

Approval of Meeting Minutes

Commissioner Rosenbohm moved and Commissioner Saavoss seconded a motion to approve the January 4, 2018 planning retreat minutes. Chair Becker requested postponing approval to allow more time for review. Commissioner Garte inquired about the full results of the priority voting exercise. Staff reported that the top three priorities were recorded at the meeting; however, a numerical ranked list of all actions could not be reconstructed after the meeting because several actions did not contain a priority number (1,2,3). Commissioner Hosmer inquired why some topics previously discussed at Commission meetings were identified as new initiatives. Staff noted that the new initiatives section includes topics Commissioners submitted as new in the online survey and items that were not previously included on the Commission's previous work plan. Commissioner Garte moved Commissioner Reed seconded a motion to approve the retreat minutes. The motion passed (7-0-2). Chair Becker and Commissioner Hosmer abstained.

Parkland Acquisition Initiative

Rob DiSpirito (City Manager), Andrew Gunning (Acting Director of Community Planning and Development Services), and Tim Chesnutt (Director of Recreation and Parks) presented options for a new parkland acquisition initiative. Mr. DiSpirito described how the City could benefit from better tools and dedicated funding for parkland acquisition that apply to development projects to address the added stress on parks and recreation facilities. He noted that the current system for parkland acquisition generally relies on negotiations or the use of the general fund as opportunities arise. Other jurisdictions have tools in place to ensure new parks and recreational facilities are provided as new development occurs. The goal is to provide parks and recreational facilities, or to collect fees to create them, as new development occurs so that the new development does not overburden the existing park system, and the City continues to provide facilities that serve all residents.

Mr. Gunning noted that the 2002 Comprehensive Master Plan recommended requiring a 20% allocation for new parkland. While this was a goal, a requirement was never incorporated in the development review process. Staff researched tools used by other jurisdictions and identified two options to provide a consistent, standardized, legally-sound approach for the acquisition or expansion of parks and recreation facilities to meet the additional demand of new growth. Staff described the following two options and responded to the Commission's questions on implementation, benefits, and limitations.

Option 1: Parkland dedication, or fee-in-lieu when dedication is not feasible

- This approach would implement the Master Plan recommendation through a zoning ordinance standard requiring a percentage of onsite parkland dedication as a starting point, but also allow offsite dedication, or a fee-in-lieu-of dedication, or a combination of approaches. Parkland dedication requirement could be based on a percentage of the total site area. It would vary by zoning district, similar to the current open area and public use space requirements.
- Staff believes it is important to have a threshold below which this option would not apply because it would likely generate either very small parcels of proposed dedicated park areas which would not be desirable for the City to maintain, or would generate a modest fee-in-lieu amount that would be restricted in terms of how, where and when it could be spent.
- Staff recommends including a suitability standard for dedicated parkland (e.g., minimum size, usability, accessibility, etc.).
- When dedication of parkland (either onsite or off-site) is deemed by the City to not be feasible due to the suitability standards described, payment of a fee-in-lieu-of dedication would be required. Fee-in-lieu funds would be spent in the general vicinity of the development from which the fees were paid. The funds can be pooled with other in-lieu payments, or other City or park funds, for the acquisition of land for new parks or expansion of existing ones. However, they cannot go toward operations, recreational programs or maintenance of parkland or facilities. Any fees that are generated must be spent in a timely manner so they benefit the new residents creating the demand. The amount of a required fee-in-lieu payment would be based on the assessed value of the land at the time of pre-application.
- The Commission inquired if there was a list of potential parcels to acquire for parkland. Mr. Chesnutt noted that the Department of Recreation and Parks monitors areas for new park opportunities and shared a map of the City's parks with an analysis of areas outside of a ten-minute walk. While the map illustrates that most areas have access to parks, there are some areas with gaps that present opportunities to improve parkland access.
- The fees collected will need to be accounted for separately from other funds. If the City does not expend the fee payment within seven (7) years of being paid, the applicant/developer (or successor) may request a refund for the portion of the fee that was not expended.

Option 2: Impact fee for parks and recreation facilities

- An impact fee could be charged to new development applications during the permitting process. An impact fee is a commonly accepted financing mechanism used by local jurisdictions to offset the cost of expansion of infrastructure or government facilities that would be required to be built as a result of new development. For an impact fee to be valid, it typically must satisfy two conditions: "rational nexus" and "rough proportionality." There must be a sufficient nexus between the fee assessed and the proportional cost of providing

the benefits supported by that fee to the affected property owners. It should be used to defray the costs of infrastructure and capital expenses, but not for operating costs.

- Staff noted that City consultant conducted an impact fee study in 2008/09 that included a calculation of potential residential and non-residential fees based on the incremental cost of replacing the current recreational and park facilities owned and operated by the City.
- The Commission discussed the fee scale in comparison to national impact fees. Staff recommends that the impact fees be adjusted downward slightly from the fee levels determined through the consultant work. It is customary for jurisdictions enacting new impact fees to not charge the full amount allowable, since this introduces a new financial impact to the economics of development projects.
- Commissioners inquired if the fees would result in enough funds to successfully implement capital projects.

Staff and the Commission reviewed examples of how both tools would apply to previous development process and discussed the merits and challenges of both options. Staff noted that they are meeting with the Recreation and Parks Board, Planning Commission, and Environment Commission to present the options and get feedback. The initiative is scheduled for a Mayor and Council work session on February 12 for discussion and guidance. If the Mayor and Council choose to move forward, a public hearing on the proposal would provide additional opportunities for public feedback.

Chair Report

Chair Becker provided updates:

- Reappointments of Commissioners Garte and Saavoss are scheduled on the February 5th Mayor and Council meeting.
- Commissioner Rosenbohm's term is the next to expire on September 1, 2018.
- Maryland Open Meetings Act: Commissioners Garte, Johnson, Sprague and Becker completed training. Other Commissioners are reminded to take the online training at: https://www.igsr.umd.edu/VLC/OMA/class_oma_intro1.php
- Committee should submit budget requests.
- Hometown Holidays planning: He spoke with staff about coordinating on a table with the Humans Rights Commission.
- Reminder to provide any roster updates to staff.

Committee Reports:

- ***Composting and Recycling Committees:*** Commissioner Rosenbohm reported the committee discussed refocusing efforts on the Commission's retreat priorities, specifically the Climate Action Plan (CAP). Discussed the opportunity to better coordinate with other boards and commissions and government entities on CAP elements. The committee could work on CAP items that fall outside of other REC committee purviews, i.e., recycling, waste reduction (particularly food), promotion of alternative transportation, etc. They will further explore this proposal at the next meeting. They also shared Commissioner Johnson's edits for a sample food waste flier for restaurants.
- ***Energy Committee:*** Commissioner Reed reported the committee met last month and discussed the RE-volv proposal. It is scheduled to be on the Ethics Commission's February 21 agenda. Members supported maintaining the current committee structure.

- **Sustainability:** Commissioner Hosmer reported the committee met last month and inquired if the Sustainable Maryland Certified is still in their purview or a Commission initiative. She met with Croydon Creek Nature Center to discuss the Mayors' Monarch Pledge. They also discussed other initiatives, including meatless Mondays. They have not decided on a committee structure yet.
- **Watersheds:** Commissioner Vayanis reported the committee discussed options that would encourage volunteers to attend Commission meetings. They suggested having all committees meet on the same day as the Commission, prior to the full Commission meeting. This would allow all volunteers an opportunity to participate in committees and attend the beginning of the Commission meeting. They inquired if other committees would shift their meeting day to better integrate with the Commission. He also noted that the Maryvale Stream Cleanup is scheduled for April 14 and the Commission will need volunteers. The committee also discussed outreach to neighborhood organizations about rebates, coordination with new breweries, and new items for HTH outreach.
 - **Action Item:** Committees should discuss the proposal to modify the meeting schedule. The Watershed Committee will discuss piloting the change.
 - **Action Item:** Committees should send staff agendas and meeting minutes so they can be attached to the Commission minutes.

Environment Management Division (EMD) Update

Staff reported on upcoming dates and invited Commissioners to attend:

- Lunar New Year (Feb. 24): EMD staff will host an education and outreach table at the event. Commissioners are invited to join.
- Env. Excellence Awards Presentation and Earth Month Proclamation (March 19): All Commissioners are encouraged to attend the Mayor and Council meeting at 7 p.m. Commissioner Vayanis volunteered to introduce the award. Chair Becker volunteered to accept the proclamation.
- Potomac Watershed Cleanup (April 14)
- Hometown Holidays (May 26)

New Business

Chair Becker noted his term as chairperson expires and expressed interest in serving a third term.

- **Action Item:** Staff will include the election of a chairperson on the March meeting agenda.

Adjourn

The Commission adjourned by acclamation at 9:07 p.m.

Next Commission Meeting

The next Commission meeting is tentatively scheduled on **Thursday, March 1, 2018 at 7:00 pm.**