

**CECIL COUNTY COMPREHENSIVE PLAN OVERSIGHT COMMITTEE
 AGRICULTURE, PRESERVATION and MINERALS (APM) SUBCOMMITTEE
 MEETING MINUTES
 January 15, 2009**

Member	Present
Diana Broomell	X
Shawn Day	
Sandra Edwards	X
Phyllis Kilby	X
Daniel Polite	X
Vic Priapi (Vice Chair)	X
Owen Thorne (Chair)	X
John Bennett	X
Donna Deckard	
Robert Hodge	
Rupert Rossetti	X
Other Attendees	Affiliation
Randy Hutton Jim Gawthrop	CPOC Member York Builders

Call to Order – Thursday, January 15, 2009 at 6:35 p.m., Cecil College, North East Campus TC 205, Technology Building.

Old Business – Update on the Small Group Committee Meetings

Chairman Thorne: The Small Group has been meeting to draft a new scenario. Diane Lane has sent to everyone an updated aligned goals list. She wanted to get input from all of the subcommittees for any updates of new goals. This APM Subcommittee will submit goals that have not been included on the list.

Rupert Rossetti (Update on the Small Group Committee): The small group meeting has been meeting quite a bit and this is the final map we came up with which I would say is the closest to consensus we could get. (Preliminary Draft Land Use Map). In shape it isn't too dissimilar to the 1990 Land Use Plan. We're constrained by the fact that we have this transportation corridor through the middle of the county. The differences are that we've tried better to define the growth corridor as opposed to the growth area. What doesn't appear here is how dense the high density development is within that growth area. The densities they have for high is greater than 12 units per acre, medium to high is 6 to 12 units per acre, medium is 2 to 6 units per acre, and low is 0 to 2 units per acre. The area we are most interested in for the APM Committee is the buff area (north) and the dark green area (south). What we are interested in as a full committee is if the people aren't going in the designated areas, they'll be spilling into the surrounding areas. The question is how dense is it going to be packed. We got to the point where we were arguing among ourselves over should this little bit be

yellow or buff? Should little bit be orange, red or purple? We went around like this for awhile because the key is going to be with this type of land use (high density), what is the carrying capacity of those particular land areas that we've designated. We need to run the models because it could be that the land use that we've defined and the changes of density that we've defined, we're going to end up with a carrying capacity of the land with much more than the 67,500 (edu) theoretical limit. If so, we have two options: either drop the allowable densities down in here or we shrink the size of the areas. The thought was that we somewhat agree on the logical outline and the committee generally agrees that it makes some sense but what if the numbers come back and it generates 250,000 new living units. Will we then increase the high density areas? The comment from Michael Bayer in terms of land area felt it would be a significant increase in the county capacity. Clive's comment was that if you keep this expanse of land use in the development area, it's going to trend to low density everywhere which the state will regard as sprawl. We don't know that, though, until we run the models. The small group has done just about everything they can and we were very conscious that the main group hasn't seen anything because we haven't met since November. So this small group has been trucking along with no input from the main group and it's not just the colors which have changed on the map but also some of the disposition. The next meeting is scheduled for January 21 and we also meet February 4 and again February 18. So the next step is to run the models. (Note: this schedule was subsequently changed eliminating February 4th & include Wednesdays, February 18th, March 4th, March 18th)

Phyllis Kilby: Are these areas representing the towns on the map coming from the towns or is it something that this committee is proposing to the towns? I see Rising Sun's area looks much different.

Rupert Rossetti: It's a changing process with the towns. Rising Sun said that area is now not in their intended growth pattern and asked that we please take it out. Michael Bayer is going around to each of the towns, showing them the revised map and checking to see if it's their current intent.

John Bennett: Compared to the Greenbelt Scenario we looked at in the fall versus the draft you're looking at now, particularly between North East and Elkton (Rt. 7 and Rt. 40), it was a greenbelt corridor and now it's a high development area. What's the rationale?

Rupert Rossetti: In some cases the green corridor didn't reflect the reality on the ground. The second part is that the scale of the map wouldn't be able to show the buffers. The corridor along Principio Creek is going to be there as well but it doesn't show up on this scale. I've encouraged (Graham and Clive) to do a blowup of the map in those areas to show what it will look like on the ground within the land use.

Chairman Thorne: How wide is that corridor along Principio Creek?

Rupert Rossetti: The map which we got from Gary Stewart around the wetlands and streams shows the buffers from 650 feet up to 1,200 feet. They have a very detailed map and it would be good for illustrative purposes to show us an inset of those affected areas.

Jim Gawthrop: I would say 650 feet might be too much at the narrowest areas because of the steep slopes. A more realistic number would be a couple hundred feet. There are some wetlands that you would have to stay 25 feet away from any way.

Chairman Thorne: Is that wide enough to be a green corridor based on our GI Study. If it were 650 feet on either side, it might be a successful long term green corridor from the northern part of the county to the southern part of the county. But if we're talking about areas that are much narrower and the land forms are dictating Gary Stewart's map, we might run into areas that the buffers aren't large enough to maintain the corridor effect.

John Bennett: I wanted to get back to the corridor between North East and Elkton because that corridor we're losing completely. The Conservation Fund felt there was good reason to put that in their Plan. It is possible to increase the buffer and forest retention requirements to protect the streams in these areas.

Jim Gawthrop: Another suggestion would be to allow flexibility for the land owner of where to apply the buffers and how much buffer would be provided. There are other tributaries in that area in which buffers will also be included so the fish will be protected.

Rupert Rossetti: If you look at the GI Plan around the area you were talking about, it's a lot skinnier than the green belt scenario on the map. When I look at the work I've been doing, there is some woodland there but not much. I'm wondering if this is the land use plan which should include a sensitive areas overlay which reflects the kind of concerns you are talking about.

John Bennett: Not only is it valuable for the ecology of the area but also valuable if you're putting high density on either side to have that set aside for recreational areas. We know Principio Creek will be protected but in the North East area there is nothing to protect that area besides the required buffer of 110 feet along the river. There is no other geographic impetus to expand that corridor beyond what is required from Cecil County Planning & Zoning. But there is along Principio and that's why I say it's going to be there regardless if it's shown green there on the map or not.

Update Goals

Chairman Thorne: If we're going to act on that, I'd like to first draw your attention to goals that we've already established: #5 "To create a natural resources district. . ." As part of that district could we create a sensitive areas and forest overlay of the map like Rupert suggested? This would identify the Principio and North East Creek as sensitive areas and therefore require that we maintain a buffer wider than 110 feet because 110 feet will not be wide enough to preserve that stream or that area as a green infrastructure corridor. Therefore, should we add that as our first bullet point on #5? At this point I don't know how we are going to create a Natural Resources District or where it's going to be? Is it off the corridor somewhere, is it a bunch of different areas around the county, or should it be a bunch of different systems of hubs and corridors that would be kept linked together in order to maintain the health of our green infrastructure for the future?

John Bennett: When I proposed a Natural Resource District I had in mind the Elk Neck Peninsula. I was assuming that the compromise between the greenbelt and full growth scenario would be something in the North East area. If I had to choose a preservation area between North East or Elk Neck, it would have to be the North East area.

Chairman Thorne: Do we need to limit ourselves in that manner?

John Bennett: I have to defer to Randy (Hutton) and Rupert as to what they are seeing out of that small group.

Chairman Thorne: I'm not willing to let that small group make all the decisions for the Oversight Committee. Our job is to decide what we want to put forth before the whole committee. We need to tell the whole group that our (APM Subcommittee) priorities include a Natural Resource District. Not just one little area but a system of areas throughout the county that are interlocked that we must maintain and protect in order for the county's ecosystem to remain healthy. Otherwise, we don't have clean water, protected wildlife, fresh air, corridors to hike, bike and recreate. If we don't establish as a protected area, they're going to build right up against it and through the growth corridor and it will look like New Castle County.

Diana Broomell: We should have a Natural Resource District in the areas designated by GI Study and they

should be contiguous just as the forest representatives had indicated for the wildlife. If they want the high density communities on the growth corridor, we need the parks in there to add value to this area.

Chairman Thorne: If the parks are linked to the streams which are linked to each other, and the Bay, and the NAR and SAR areas are preserved on the other end, then we have a system that is protected. Maybe it shouldn't go under #5 as a Natural Resources District but it makes sense to me that this was a good place to put this.

Diana Broomell: Rupert had mentioned previously of an overlays map that would have allowed for mitigation purposes to plant trees in other areas if you take them down on another property. This map could also be used for that purpose in designating the area of where we want extra trees planted.

John Bennett: We really need to take a look at the North East stream bed corridor from Mechanics Valley over to Rt. 272. We need to physically see what's on the ground now. My impression if you drive north on Mechanics Valley and you look left (which is West), there certainly are a lot of single family homes but there are also a lot of woodlands when you get up to the B & O Tracks.

Rupert Rossetti: What I would suggest at our next meeting on the 21st is that John ask about the green areas he has concerns with and have David Black pull up the aerial photographs of an area and then zoom into it.

Jim Gawthrop: The area around the North East Creek which John is concerned about does have a rocky landscape. I worked at Maryland Materials and had to go up and down the little North East Creek. There's a lot of single family homes around there.

John Bennett: It's not prime agriculture but it would be a prime area for your corridor. It would be more of a barrens park. That's what I had pictured when it was proposed by the Conservation Fund. It would be a park land with some forest and recreational venues and development on either side. I still think it's important that we keep that in the map. Going back to the natural resources on the Elk Neck Peninsula, that property is still forested. It's not a question of whether it's going to change with development because it's primarily owned by one land owner and they keep it forested. The question is how long before they convert big tracts of land to something else. That to me is where the opportunity for natural resources is because it still has hundreds of acres of contiguous forest. And when the mineral extraction is completed on the surrounding lands those forests will be gone and the Elk Neck Peninsula will be the last remaining contiguous piece of forest around.

Diana Broomell: That was the area identified by Dr. Conn of DNR as the highest rated preservation area?

John Bennett: Yes. It had the highest quality of forested land that contributes to water quality.

Chairman Thorne: So your argument is that we should create a goal separate from the Natural Resources District and not water down your natural resources district goal by this sensitive areas enforced overlay to protect the streams?

John Bennett: I don't know if we're tilting our windmills over this issue. I don't know what decisions the small group has made on these types of issues. What I've seen from this small group, their plan looks like the 1990 land use plan and that's been an argument all along: why not just go with the 1990 Plan. If that's where we're headed there's not point in fighting against it.

Rupert Rossetti: I would fight.

Diana Broomell: Could you explain in more detail how the proposed high density growth corridor could potentially produce sprawl?

Rupert Rossetti: If we have an additional 67,500 living units at full build out we have to accommodate in the growth corridor, then where are we going to put them? How much high density land does it take to get 67,500 units? If it takes a small amount of high density land and yet we have the whole growth corridor slated for development, the likelihood is that we're never going to achieve the really high density and probably just have low density everywhere. By definition, low density development over a large area is sprawl. That's why Clive says we need to tightly constrain where the development will occur and if I had my way, we wouldn't have any of the yellow area (0 - 2 per acre) at all.

Phyllis Kilby: So if we have some green corridors in there it would help make it compact development not to mention, more desirable to live there.

John Bennett: Mike Pugh's counter argument is that we shouldn't be setting this. Let the market decide and then deal with the issues as they come. Is this an issue we can win?

Randy Hutton: In the small group what we've discussed is that most of these green areas are already gone.

Rupert Rossetti: Yes, we looked at those areas in detail but not with the John Bennett thinking of the thickness of the corridor and he articulates a very good point. I need to get counsel from Diane Lane on this on whether it's appropriate for this subcommittee to react and respond to this map tonight or whether to wait until after the presentation on the 21st to ask the questions and have a dialog. Then it's supposed to go back to the subcommittees for input.

Chairman Thorne: But that's another 2 month cycle.

Rupert Rossetti: Maybe you could suggest two separate corridors: one at Principio and the other in North East.

Dan Polite: But those areas need to be highlighted so they won't be ignored.

Rupert Rossetti: It doesn't matter which one (GI Plan or Natural Resource District) you use. If you want to go with the Conservation Fund Plan they have some maps that show the highest value areas in terms of conservation value for water quality and reforestation for water quality. One of those happens to be right on the North East Creek. We could be doing something like: "We believe as an Ag Preservation Mineral Subcommittee that we ought to be avoiding those designated areas with high density development." Then try to make those areas yellow (0 -2 density) at best.

Chairman Thorne: To define our urban/growth boundary line we want to identify the certain areas for densities but we want to overlay that with our existing green infrastructures in certain key areas if not all of it and say we want to prioritize protection of these areas. It's our number one goal that we've already adopted. We can create the map, use the Conservation Fund's or one of Rupert's. I think the subcommittee should pick one of them and move it forward along those lines. I think what we run the risk of is running this current map by the group with everyone getting tired and they say ok and we have a growth corridor running from one end of the county to the other and it cuts through streams.

Jim Gawthrop: I think there are a lot of different zoning practices that can not be depicted on the map. It's being painted with a broad brush and in general you're saying this is the growth corridor or preservation area and mixed in you have other areas in between. So I think you should focus on your goals on how you want to

preserve things.

Sandra Edwards: As part of the existing Comprehensive Plan the county did an amendment specifically for greenways. That's one way to get the overlay in. Obviously greenways serve a couple different purposes - hiking, biking, equestrian - but there is also biodiversity and habitat corridors.

Randy Hutton: Did they use a map?

Sandra Edwards: Yes. There is a map associated with it. When there was a parcel that came in to be developed along the greenway we required a dedication of property on the greenway. Our committee, Housing and Recreation, hasn't met for awhile but it could come up through that committee too.

Phyllis Kilby: From a Planning Commission perspective I think an overlay map would be effective in defining those areas we want to protect.

Dan Polite: Who's responsible for creating that Natural Resource Protection District Map? Our group?

Rupert Rossetti: If it's an overlay, I believe it's a recommendation that this committee would do.

Dan Polite: So we could go to David Black and ask him to draft an overlay of this area and we have a polygon shaped file on the North East Creek and Principio area and say this is what we would like to submit as our Natural Resource District.

Rupert Rossetti: We have got 3 sets of goals: the goals that we've approved already, goals that we are going through and the goals that Diane Lane incorporated which does not include the goals that we have already agreed on as a subcommittee. There are a lot of goals under the heading "Preserve, Conserve and Protect." It talks about prioritizing the existing GI hubs and corridors, focus efforts to protect as many of the high priority areas as possible. That's one of the things we could do very easily and the other comes from the 2001 watershed plan which states: Create watershed priority zoning overlays to discourage development in high value natural areas using the watershed priority zoning review and approve subdivision designs that direct the required open space into the priority zones.

Chairman Thorne: Is that a motion?

Phyllis Kilby: Yes and I'll second it.

Chairman Thorne: Motion by Rupert to adopt a goal #10 & #11 to: "Prioritize the existing green infrastructure hubs and corridors. Focus efforts to protect as many of the higher priority areas as possible including those within the growth corridor particularly higher priority streams including but not limited to the Principio, North East, Mill and Elk Creeks." The second motion states: "Create watershed priority zoning overlays to discourage development in high value natural areas. Using the watershed priority zoning, review and approve subdivision designs that direct the required open space into the priority zones."

John Bennett: It might be easier to send by email to vote because it's difficult to follow going back and forth.

Chairman Thorne: Diana will send it out and if it's not what we said, then make sure you chime in. These are proposed goals 10 and 11. Goal #9 was accepted at our last meeting which states: "Protect, preserve and sustain at least 80% of remaining agricultural and forested land outside of the designated growth areas."

Further discussion? Hearing none I call for a vote.

Unanimously adopted.

Chairman Thorne: Let's go back to our draft goals. We decided at our last meeting not to take a position on the build out number of 67,500 because it wasn't our area. Although I would revisit if there were enough people who wanted to. So we added #2 to one of the bullet points under #3. #8 is provide concentrations of growth and I believe we covered that in our goals. #3 and #13 are Vic's suggestions. We will skip #3 because Michael Bayer is talking with the people of the towns and we agree it's their job to figure it out. #13 talks about rural and village road hubs which are outside of the towns but also outside the growth corridor. Do we want these areas to be targets for commercial development? Should we talk about the danger for doing so?

John Bennett: We put in #3 and #13 because of concerns that were raised about some of the towns' plans. Now there's been some restructuring of those plans but it's not to say there couldn't be new plans later. What the State is trying to do now is to say that once it's in the plan then the plan becomes a formal document and is not subject to being ignored as what happened with Terrapin Run out in Allegheny County. That's legislation being introduced so it's important to me if we want to make sure that things don't change we need to specify what we want to see.

Chairman Thorne: But #13 is not talking about towns, it's every cross road in the county. It only takes one zoning change and then the whole village becomes a target area.

John Bennett: I would argue to leave #3 in. I don't want to imply that we're getting into the towns' business but on the other hand it's a philosophy that we want to restrict growth in the towns that are outside the growth area. By saying that it's on the record as one of the goals of this group.

Chairman Thorne: How about remove the words "in and" and say "control development around the towns of Cecilton, Chesapeake City . . ." It's presumptuous to say we want to control development in the town.

Phyllis Kilby: We're just encouraging.

John Bennett: The only concern is if a town decides to do a high density development, does that then lead to increased crime and other problems where you have a small town with a high density development that suddenly goes down hill very quickly because they have no industry to support it or can't afford the protection. We've seen some of the towns on the Eastern Shore get run down and an element moves in and it presents a problem.

Rupert Rossetti: Right now the proposed scenario is indicating a density of 2 - 6 units per acre which is consistent with smart growth. If you're going to annex and grow it should be in keeping with the densities of the town and this is.

Jim Gawthrop: The planner from Pennsylvania had said they were encouraging people to move to the towns and have the farmers keep their farms in large parcels. Rather than have the farmer subdivide his parcel for his kids.

Diana Broomell: And they were providing the incentive by helping to fund the infrastructure.

Chairman Thorne: Pennsylvania is different because they have that township arrangement. What you're saying is correct though. What we want to say is if you're going to choose a place to build, we want you to choose Cecilton. Not a mile east or west outside the town limits.

Rupert Rossetti: If you look at these orange areas (2 - 6 density) around the towns, they are in the county. And we're saying (if we leave the orange areas in) we support these orange areas on the map. To me this makes sense.

Randy Hutton: One issue with respect to Chesapeake City, because the county has it orange just outside the town if Chesapeake City annexes it, Chesapeake City can basically make the density whatever they want. If it's not orange, they can only double they're density.

Sandra Edwards: I think if the towns want to annex something that is buff colored or orange, they should require the developer to buy TDRs for a greenbelt.

Chairman Thorne: Do I hear a motion to make it a part of #3? It would state: "Require the developer of annexed property to use TDRs or develop at county density." This could be a bullet for #3.

Sandra Edwards: So if they want to annex in the rural protection or rural conservation areas, they will have to pay. But if it's in the designated areas for growth, they don't have to pay.

Chairman Thorne: So the new #12 goal reads: "Encourage modest, controlled development adjacent to towns outside the growth corridor." The bullet under that would include "Require the developer of annexed property to use TDRs or develop at county density." What we've discussed thus far we will put together and send out. I'm hesitant to put this off any longer because we need to get this information to Diane for next week's meeting. That carries us over to #13 of the draft and #13 on the adopted goal. Now we're discouraging commercial and residential development in villages and road hubs outside the growth corridor.

Rupert Rossetti: When we're looking at protecting the farmers we have to keep in mind the number of ag related businesses that are located in these areas. Just look at the economic engine that you've got in the area of Colora alone. We have to be careful not to write this in the wrong way. I suggest that we instead say we encourage the ag related businesses.

Randy Hutton: But didn't we go down this road when we talked about starting a welding shop to weld farm equipment and then you have a business where you're working on Mack Trucks.

Sandra Edwards: I like the wording on the proposed goal which states: Promote and support the expansion of allowable uses for the farming and forestry industry.

Chairman Thorne: We want to discourage commercial, residential and industrial development but we want to promote the expansion of allowable uses on agricultural lands.

Jim Gawthrop: In your adopted goals #2 it talks about agribusiness: "Identify and protect our agricultural and forested lands and encourage sustainable agribusiness and other resource based industries by including value added agricultural related enterprise in the zoning code."

Chairman Thorne: Do we need to add anything to this because we want to do more than discourage the zoning of rural property? What I'm worried about is if you look at the zoning map of the county, there's little pockets all over the place for BL (Business Local) and BG (Business General) that currently encourage this kind of growth. I'm mainly worried about the gas stations. I don't know if this is the same thing as the rezoning goal and I think it's a different goal. I don't mind excepting agribusiness specifically in this goal somewhere. We could say discourage non agribusiness development. I'm making a motion.

Rupert Rossetti: You probably want to add “outside the growth area”. I’m wondering, are villages static or are they growing? Why are the Priority Funding Areas (PFAs) in these areas?

Chairman Thorne: The villages shouldn’t be growing. We’re supposed to grow where there is infrastructure. We’ll have to check on the PFAs to make sure they are in designated growth areas.

Sandra Edwards: On the Land Use Map that the small group has developed, do they show the villages because they are shown on the current comp plan map?

Rupert Rossetti: No, they’re not included.

Sandra Edwards: My guess is that they have VR (Village Residential) Zoning with infill.

Chairman Thorne: So we’ve got “Discourage non agribusiness commercial, industrial and residential development in around rural village and road hubs. Prohibit new petroleum filling stations for auxiliary petroleum fuel sales outside areas not served by public water.”

John Bennett: I’ll second it but I want to see it in writing before we actually adopt it.

Rupert Rossetti: And our rationale for that is that it changes the character, encourages sprawl and contaminates the ground water.

Chairman Thorne: All in favor?

Unanimously approved.

Chairman Thorne: Now we’re looking at shared facilities. The Reynolds Farm is four miles from infrastructure and the developer is using shared facilities.

Diana Broomell: When the shared facilities fail, then the county has to take them over.

Chairman Thorne: The problem comes when they fail and they are located far away from any infrastructure. We should prohibit shared facilities in areas not serviced by water and sewer or areas not in the master water and sewer plan.

Rupert Rossetti: That will be in part conflict with the water resources goals where we recognized that in some areas we may need that simply to address health concerns for areas that have failed.

Chairman Thorne: So we state . . . “except in areas with failed septic systems or wells.” Can we do that?

Rupert Rossetti: That will probably work.

Sandra Edwards: We should restrict it for new development.

Randy Hutton: Are you confusing shared facilities with a community system?

Chairman Thorne: What’s the difference?

Randy Hutton: Shared facilities you still have to have 10,000 square feet of approved septic area for each unit.

The only difference is you put them in an area and you pump everything to it. The Community facility is a package plant like in Harbour View or the Highlands. Since we went to the more intense testing for septic systems in the late 70s, we're required to have 10,000 square feet which for a four bedroom house is about 3,500 square feet for a system. Then in Cecil County you have to have 2 reserve systems. Since the 70s, Chuck Smyser said there is only two that have failed. I know in some of the other committees they are encouraging the use of shared facilities if you're going to do subdivisions outside the growth area.

Chairman Thorne: Why do they want to do that?

Randy Hutton: What makes sprawl in those areas now is that the perc test determines the layout of the subdivisions. What you'll find is pockets in a field and you'll have 7 to 8 acres of perfect percs but when you have to put the house on there with the perc on one end, your well has to be 100 feet away and your neighbor's well 50 feet away and it gobbles up a lot of ground. With shared facilities you can take that same 10 or 12 lot subdivision and put it on much smaller lots away from the views of the roads and the engineers can lay the subdivision out according to the topography of the less desirable farm land and farm the better part.

Chairman Thorne: It encourages clustering.

Randy Hutton: But it's never been used. It was in the comp plan in 1993 and they never wrote the language to allow it to be used in Cecil County.

Diana Broomell: The other side of the argument is that shared facilities allow you to get more houses on a parcel of land because many times the perc tests fail on certain portions of the overall parcel.

Randy Hutton: It absolutely does.

Diana Broomell: So it might not have to do with beautifully platted developments. You are still confined designing a subdivision to where the shared facilities would work on a plat.

Randy Hutton: But that's the idea of zoning limits.

Phyllis Kilby: But it also allows you to put houses on land that you otherwise would not be able to develop.

Rupert Rossetti: Other guidance which we got from MDP was that they didn't like what the County had done.

Diana Broomell: I spoke with Joe Tassone and he discouraged the use of shared facilities in areas that were never intended to be a part of the master water sewer plan. The assumption is that these facilities are only to be used temporarily until the homes can be hooked into the water and sewer when it comes into the area. Systems that fail outside the master water and sewer plan are dependent on the systems.

Chairman Thorne: This goal is only proposing to restrict shared facilities in areas not intended to be served with water and sewer.

Rupert Rossetti: Why would you need a shared facility if you already had water and sewer?

Phyllis Kilby: I think the idea is that you can use shared facilities in the growth corridor until such time you get the water and sewer infrastructure in place.

Chairman Thorne: That's exactly the argument that was used when they adopted the shared facility ordinance.

If the county can't provide the water and sewer infrastructure, the developers can put the shared facilities in first and then hook up to the water and sewer when it's implemented. But what we've seen so far are shared facilities used to facilitate growth in rural areas like the conservation areas we talked about where we don't plan for growth and we don't plan for facilities. I think that's what this goal addresses

Randy Hutton: I think that we're confusing a few issues. If a 100 acre farm north of the canal allows 10 houses to be built on it, with shared facilities you can still farm every acre that's being farmed and pump the effluent there and you can put them on quarter acre lots and hide them with the topography of the land. The fact is people want to live out there and the farmer can still farm his land. Shared facilities can be done outside the water and sewer area. I'm not talking about 100 or 300 hundred houses out in a rural area, I'm talking the best use of a resource. If you have the density this is the best way to do it.

Chairman Thorne: I'm not sure that the shared facility ordinance restricts it to only 10 or 20 houses.

Randy Hutton: It doesn't but you have to be in the water/sewer service area.

Chairman Thorne: The shared facilities now allows you to put them wherever you want. They've already approved two in the north and south conservation areas.

Randy Hutton: Didn't they include those areas in the master water and sewer plan. That was what I was against because they you could run water and sewer up to them and build package plants.

Chairman Thorne: I don't think they were included.

John Bennett: With the term restrict, wouldn't it allow the use of shared facilities in areas where it is appropriate.

Rupert Rossetti: I don't think I understand what the implications are.

Chairman Thorne: I'm confused on how the community systems are different than shared facilities.

Diana Broomell: Community systems are the package plants like they used in Harbour View and in mobile home parks. I think we should include them in the goal because Harbour View is something we don't want to repeat.

Randy Hutton: I agree with that.

Sandra Edwards: I'm thinking that if you can't increase your density with the shared facilities, maybe it is a better use of the land in that you can save your best land to keep farming on.

Diana Broomell: The manner which we've seen them used though is to increase the amount of lots allowable because previously they was a lack of percable land.

Rupert Rossetti: What I would propose is that on #32 we put "Restrict the use of shared facilities and community systems in rural areas not planned for service by water and sewer infrastructure." And put an asterisk on it because it sounds like there is an awful lot of unknowns. One of us get in touch with Joe Tassone and get some clarification. The Planning Commission had a task force that recently met which included Wyatt Wallace, Joe Janusz and others that were looking at clustering in the rural areas. One of the major disconnects is that none of the people on that task force are on the Comprehensive Plan Review Committee. They

formulated some conclusions that ought to be heard. They're talking about how we can preserve as much farmland as possible. I'm wondering if we can get them to talk to us because they're also looking at the rural areas.

Phyllis Kilby: If I recall correctly, there has to be a certain number of houses before it's feasible to use a shared facility and I don't think 5 was the number. I think it was 15 or 20. The other point is that farmers and houses don't mix very well. They can if you have to but if you can restrict them, it works a lot better.

Chairman Thorne: I understand that when we lost the bonus density in the rural areas we lost our incentive to cluster. And I think what the planning commission committee is doing is working on that problem and I'm encouraged by that. But I don't think building community systems in the middle of nowhere is the answer to how we get back to clustering. So we'll put it in with an asterisk and Diana will talk with Joe Tassone.

Rupert Rossetti: Who in the county is the one most knowledgeable about the background of this?

Randy Hutton: Tony DiGiacomo or Chuck Smyser. I learned from my Water Resources Committee that all septic systems are really bad so if we could use community systems everywhere we would be better off.

Phyllis Kilby: But when they fail you have a nasty problem.

Randy Hutton: That's true.

Chairman Thorne: The next goal is a political one. We have a situation now where we see all sorts of minerals leaving the county and some people feel like they're not paying their fair share of taxes.

Rupert Rossetti: Isn't this a state level issue?

Diana Broomell: I believe this is a state law but I have heard another county put in a tax for their county and the state didn't stop them.

Chairman Thorne: So should we even address this issue?

Jim Gawthrop: We already have to pay for the lights and the trucks already pay taxes for wear and tear on the roads. So we pay our fair share of infrastructure costs already.

Diana Broomell: But on the county level we're not seeing any benefit from those highway use taxes.

Jim Gawthrop: The county receives a share of the fuel taxes and that goes into the highway trust fund money. The developers are becoming more responsible to pay for the infrastructure costs that are required for that development. The Principio industrial park paid for the water and sewer lines, traffic light, and the turn lane.

Randy Hutton: That's two different issues. You're talking about infrastructure costs and the other issue is the severance tax.

Chairman Thorne: We see that there is going to be costs that aren't going to be borne by the developer whether it's commercial or residential. I think this goal was to produce a new source of revenue to help develop the lands once the minerals have been extracted.

Jim Gawthrop: That's how it's worded but I don't know how you would charge someone on something you have no clue on what it's going to look like. Once you're done mining you have to go back to the planning

commission to propose your plan and they have the opportunity to say yea or nay and decide what proportion of that land you are going to have to pay for.

Diana Broomell: Personally I am for an extraction fee but that is not how this goal is written. Regarding development costs, they should be covered by impact fees or developer's rights and responsibilities but neither one of those have been implemented.

Phyllis Kilby: If you're looking for an extra revenue source, extraction fees historically have not been worth the trouble because you don't get very much for the effort.

Jim Gawthrop: The sand and gravel quarries in Maryland are competing with companies in Delaware and New Jersey for customers and they don't have a tax.

Chairman Thorne: So we'll scratch this one off the list as a goal.

New Business - Proposed PPA in the Northern Agricultural Region with maps.

John Bennett: The small group study drafted a land use map and it repeats the two differences in the northern and southern areas. The southern area is the resource preservation area and the northern the rural conservation area. We had talked as a group of having one area north and south that had the same purpose: to discourage development in both areas. The second point was that we were looking for a PPA in the northern area. So on the first point I am unhappy with the two separate designations because I would like to see one designation. The second point is that there is no designation from this map of a proposed PPA in the northern area.

Rupert Rossetti: The reason there is no PPA is that it's this group's job to define PPAs. We did talk in the small group and I'm running the models this time around for a density in the south of 1:30 and the northern area at 1:20. We asked ERM why not run them both at 1:25 and we didn't seem to get an answer.

Sandra Edwards: Why aren't the rural legacy areas included?

Dan Polite: This is the MALPF PPA.

John Bennett: The problem I have with your PPA is that it doesn't include the Elk Neck Peninsula area.

Dan Polite: And the reason for that is that MALPF is geared towards prime ag soils.

John Bennett: We've had the discussion with DNR where they thought MALPF could be amended to include large wooded areas because it does give some wiggle room in that language.

Dan Polite: That's 100% correct and these maps aren't set in stone. This is a work in progress. The first map entitled Proposed PPA (the more colorful one) shows 3 preservation areas: Fair Hill Rural Legacy Area, Sassafras Legacy Area and then the MALPF PPA which is the north and the south combined all as one. Charlie Hayes and I worked on this map together and he presented this map at the Ag Advisory Council on Monday evening. We identified where all of our prime ag soils were located, which are the blue areas on the map, and defined a line around those soils. That's what MALPF'S intentions are: you are trying to preserve prime agricultural land sustainable for the agriculture industry. We tried to incorporate in this area the highest producing soils and designate some type of line around that. The first map I emailed to the committee didn't include this first half so we know we have more than enough area. We also have all the different pipeline

divisions, the major subdivisions, the towns which Rupert already mentioned and that Rising Sun was not continuing down that far. On the other map I just took out the soils and showed the two districts or PPAs. Previously I had the forest on there as well but it was too complicated. So the first map shows where we got the two PPAs - that it was based on the soils - and then we showed it on a cleaner map.

We need to ask is 55,000 acres enough to preserve agricultural lands. If you take a 300 acre parcel of land in the county, how much of that is tillable land? Maybe 60%. So maybe 60% of the 55,000 acres would be tillable. Is that enough to sustain farming in the county or should we increase the amount to 100,000 and have the 55,000 as the available tillable land?

John Bennett: And you don't know what the agricultural products of the future are going to be or what kind of agriculture we'll be doing?

Dan Polite: Exactly. Charlie Hayes and I agree that we need to get more information from David Black which would include an impervious surface layer, the buildings, the forest, and figure out what is the actual tillable land in these PPAs. Will it be enough for the 80% of the land to be put into the PPA? That's a requirement that is out there that 80% of what is left undeveloped has to be in the PPA. The part that has already been developed has been taken out of the PPA. The total acreage between the two PPAs is about 98 acres.

Chairman Thorne: Preserved can include both tillable land and forested land.

Dan Polite: Where do we go to find out exactly what is a good number that we need to use for preservation?

Chairman Thorne: Can we come up with a goal that says figure out what that number is and then implement it?

Phyllis Kilby: One of the things that you talk about is wanting a sustainable agricultural and access to resources for that farming industry. One of the advantages that we have in the northern end of the county is that we're right up against Lancaster County and they are doing an admiral job of maintaining the ag industry. So they have all of those nice services up there and we get 75% of our services for our business up in Lancaster County.

John Bennett: Dan, I would suggest that you submit the PPAs to the State as they've already been written and let them do the work. They can say if they are satisfied or not. It would save you a lot of work and time because we've already had preliminary discussions with them on this and know they're amenable to the idea.

Phyllis Kilby: I haven't seen the PPA application form but I am more than willing to work on the arguments and the language to support the northern PPA and say why we think it's important.

Dan Polite: The whole purpose of me generating this Proposed PPA is that Owen had stated to the group that we needed to do this. Dan Rosen explained at the meeting that we have to have some backbone on where we came up with our proposed PPA which is why I showed the different layers with the soils and other influences.

Rupert Rossetti: It would be interesting to update the portion of land that is no longer in Rising Sun's growth area. I would also do the watershed boundaries. I don't know if that helps with the proposed PPA but it would be make sense to go back to the GI Study and look at those priority watersheds and make some sense there.

John Bennett: What did the ag advisory board think of your proposed PPA?

Dan Polite: They pretty much accepted the fact that the APM Subcommittee is working on it and they supported what Charlie presented Monday night. It was the original map I sent to everyone.

John Bennett: The farm bureau has come out against any down zoning. The talk that I'm hearing is that there is discussion of down zoning in that area.

Rupert Rossetti: The logic that I'm hearing from ERM is that we've already got a 1:20 in the south and 1:10 in the north so what I'm hearing is let's run a different set of models to see what the difference is. It's not, "We're recommending 1:20 here or 1:30 there."

John Bennett: I understand but there is discussion of down zoning as an integral part of this PPA process. Did that discussion come up with the ag advisory board?

Dan Polite: I'm not sure because I didn't attend the meeting with Charlie. Dan Derr was there.

John Bennett: If I understood what Dan was saying, he could not support a Northern PPA with down zoning. But right now it's based on what the Farm Bureau supports.

Chairman Thorne: The State will not view it as a sustainable PPA with 1:10 zoning.

Phyllis Kilby: I would like to inject that not all Farm Bureau members support that position. Ted Shelsby had an article in the Baltimore Sun about 3 weeks ago about the Maryland Farm Credits System. One of the arguments that farmers use about down zoning is that it takes away your ability to finance your farm. The article talks about how the farm credit system is one of the most stable banking systems in the United States. It talks about what they went through in the 90s and how they changed their way of financing farms. They went to a system where they assessed the farmer and his ability to repay rather than the assessed value of the farm.

Randy Hutton: My banker has offered to come up and speak. I talked to Diane about getting this committee and the Land Use Committee together in a joint meeting to discuss how the down zoning affects values. He spoke before Queen Anne's County when they proposed an ordinance to limit 5 homes on every farm in Queen Anne's County. The average farm in Queen Anne's County is 376 acres and the downzone would be 1:80 or 1:100 depending on how big the farm is. The farmers and the banks all spoke in opposition and the bankers froze all ag lending in Queen Anne's County and will not renew any lines of credit until this is resolved because they will have to reappraise every farm.

John Bennett: So basically what you're saying is that this opposition would probably occur in Cecil County as well if down zoning is proposed that lines of credit would be frozen?

Randy Hutton: The banks in this area are cash flow lenders, not equity lenders. In other words, it doesn't matter how valuable your farm is, if you don't have cash flow they're not going to lend to you anyway.

Chairman Thorne: Did they freeze it the last time we down zoned in Cecil County?

Randy Hutton: Well no. This is Queen Anne's County they're going from a density of 1:8 to 1:80. I don't think you would see the banks freezing lines of credit with a down zoning of 1:20. I have said all along it does take value out of the land but it's one thing for the farmer to say and another for the ag lender to say it.

Rupert Rossetti: Do you think Bruce Yerkes (Chairman, Maryland Soil Conservation) would come to that meeting?

Chairman Thorne: Yes. {someone answered "Yes" but it was not Owen.}

Sandra Edwards: Mid Atlantic has come out against the Queen Anne's County down zoning which is in conflict with the Shelsby article. It's also in conflict with what Kenny Bounds has told me previously.

John Bennett: The other point I'd like to make is the PPA in the Elk Neck area.

Rupert Rossetti: Dan Rosen did say it was viable.

John Bennett: There is an issue with the soils with MALPF but it can be done. The question is does this subcommittee support it?

Dan Polite: Having the PPA doesn't mean you're going to get funding for that. It doesn't mean you can't preserve outside of these areas. It just means you get a higher rating when you go for your preservation.

John Bennett: I will point out that the value of the land to be preserved in the Elk Neck area for forest is much less than the recent purchase of \$14 million for 4,700 acres in Worcester County.

Dan Polite: The only issue I have is that you put the PPA in the Elk Neck area outside the State Park because inside the park it's already protected.

John Bennett: I agree there's no point in putting that in but you should show it's adjacent to the park because you get extra value. I'm guessing the value for preserving in the Elk Neck area is \$6,000 to \$7,000 per acre so you get a lot more bang for your buck in that area than you can per acre per farm. I know they're apples and oranges but I'm just pointing that out because it is a big difference in money.

Rupert Rossetti: Do they require to have a different PPA for a forestry area rather than an ag area?

Chairman Thorne: We heard at the meeting in November that the PPA could be forested land. It doesn't need to be a different piece of land. We could submit one PPA that's non adjacent.

Sandra Edwards: Program Open Space (POS) funds targeted areas.

John Bennett: But POS has not purchased forested lands in Cecil County. There's been a mindset against it.

Rupert Rossetti: There are similar arguments in those two areas for why they would be in PPAs. There's a different set of arguments for forested area. We would end up with 3 pods of PPAs.

Phyllis Kilby: Backing John up on this, I think we can make separate arguments for each one. We would have to because they're so different and they're uses are so different.

Diana Broomell: What I heard from Mike or Ben was that 2 or 3 proposed PPAs would be too much designated area for PPAs - but I don't agree with that.

Phyllis Kilby: And that isn't what Dan Rosen said. He said to make the arguments for each area.

John Bennett: I would move that we accept the proposed PPA for the Northern Agricultural District as designated on the map with proposed adjustments as discussed.

Dan Polite: I can make the proposed changes and have it ready for the next meeting. It doesn't have to be

ready tonight. It's a work in progress.

Sandra Edwards: On the next map I would like to see all the protected lands including government owned, private with dedicated easements and then have David Black calculate to see what has already been protected.

Dan Polite: I would like to have a bullet list of what we want David Black get for us to include on a map. I think this committee should utilize the GIS expert because he does have access to all that important information.

Chairman Thorne: The list should include all preserved lands, overlays for how much is forested and how much is tillable, show how much is already developed in the PPAs, impervious layers, and have David go through and check on the developments to make sure the densities accurately portray what is there.

Dan Polite: I did a rough estimate up north and I came up with 11,000 acres of developed land out of 44,000 acres on that northern PPA. That was developed land which doesn't include forested or impervious acres and I don't know if that includes commercial buildings.

Rupert Rossetti: There are developments David has included as pink areas but they haven't moved in years.

Dan Polite: There are also some yellow areas that signify developments but they haven't been built. I do question why they have been included. I don't know how accurate these layers are or how old they are.

Diana Broomell: Should we put in a goal that there would be an expiration time on these developments?

Chairman Thorne: That is something that the Cecil Land Use Alliance is strongly behind.

Rupert Rossetti: Is that an issue for this committee though?

Diana Broomell: I think it's good land use policy to at least keep track of how many of the approved developments have actually been built.

Sandra Edwards: There are expirations on concept plats after 2 years and they only give extensions if you've shown that you've made some movement. But if a final is given, it could go on for years. They could sell it.

Rupert Rossetti: Regarding the PPA application, is MDP going to be using the 2007 land use map?

Phyllis Kilby: Not if we have more accurate information and we could defend our position.

Rupert Rossetti: We should request from David Black the digitized building information. He's basically digitized every piece of this county and knows what buildings are on your property. He's got the septic lagoons and describes them as reservoirs and drainage ditches. When I go to David I would ask him what information do you have we can use to out cite MDP. If we have better information than MDP it will show we've got better science.

Dan Polite: There was a motion for the PPA in the northern area and another for the Elk Neck Peninsula. John will have to forward the boundary lines he envisioned for that area.

John Bennett: I urge everyone to follow the progress of the legislation which the Governor is supporting that says once a county passes a Comprehensive Plan, it must be followed and can't be ignored.

Chairman Thorne: Diana and I will send out to everyone on the APM Committee what we have adopted so you can review the language. Then we'll send out what we haven't adopted and what we still need to cover.

Our next scheduled meeting is Thursday, January 29, 2009 at 5:30 p.m.

Motion to adjourn at 8:25 pm.