

**CECIL COUNTY COMPREHENSIVE PLAN OVERSIGHT COMMITTEE
 AGRICULTURE, PRESERVATION and MINERALS (APM) SUBCOMMITTEE
 MEETING MINUTES (Pending subcommittee approval)
 July 10, 2008**

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	X
Rupert Rossetti	X

Other Attendees	Affiliation
Gary Stewart	APM Member Stewart Associates
Randy Hutton	APM Member
Jim Gawthrop	York Builders
Sharon Weygand	Commissioner candidate and a concerned citizen

Call to Order – Thursday, July 10, 2008 at 6:35 p.m., Cecil College, Technology Building, Room 214 (Moved at last minute from locked room TC 208.) Mr. Day is away on training and sends his regrets. Ms. Deckard has yet to attend a meeting of the subcommittee.

Approval of Minutes – Minutes of the June 12 meeting accepted unanimously with minor requested changes to be submitted by Robert Hodge. He will forward clarifications as suggested changes to chair for Secretary and subcommittee members.

Next regular meeting will be Thursday, August 14, 2008 @ 6:30pm. Tentative meeting date scheduled for Monday, August 25, 2008 @ 6:30 p.m. if work is not completed at the August 14th meeting. Chairman will try to get the same room for both (Room 214 in the Technology Building, Cecil College, North East).

Old Business - Agri-business zoning speakers scheduled for Thursday, August 14 include Mike McGrath, State of Delaware; Dean Severson, Lancaster County; John Bunnell, Mayor of Cecilton and Don Moore, Cecil County. Each speaker will have 5 – 10 minutes to speak. Question and answers follow. Subcommittee will then consider new business included any unfinished “goals work” and consideration of Scenarios.

Meeting in October (10/9/08) will have speakers on the Forest Conservation Program Chairman will ask Anthony Di Giacomo, Cecil County Principal Planner and/or David Black, County GIS Coordinator to talk about the county’s forest conservation program and how it operates.

John Bennett suggests changing the structure of the October 9th meeting. Instead of having DNR speak on a general overall view, invite Marion Honeczy, acting head of the DNR Forest Conservation to speak on the current status of the statewide structure and current status of forest conservation. Mr. Bennett also suggested that if there are any questions from the subcommittee regarding the documents which the Conservation Fund used in their green infrastructure study, DNR provided much of the information which was used regarding water quality, forest stand delineation. We can ask DNR how that information was compiled.

Chairman Thorne agreed and noted that was why he wanted Tony Di Giacomo and David Black at the October

meeting. They could let the subcommittee know the current state of Forest Conservation in the County.

John Bennett also suggested that we might want to look at how other counties have been updating their Forest Conservation Plans {FCP.} Many of the FCA (Forest Conservation Act) concerns are not restricted to {Cecil} county but are statewide concerns. For example, the current FCA regulation cites specimen trees in a forest stand delineation {FSD} as 30 inches. Harford and Montgomery County would like to see the size brought down to 24 inches. Mr. Bennett will draft a letter to DNR requesting speakers and topics of discussion. Mr. Bennett will forward the proposed agenda to the Chairman to make sure it's not too extensive. Rupert Rossetti advised that the main point person with DNR regarding Green Infrastructure is Christine Conn cconn@dnr.state.md.us . It was also suggested that we may want to include a water quality expert from DNR. Because forestry is currently not a big economic driven factor in the county, we should focus the presentation on reviewing the merits of forest conservation for environmental benefits instead of an economic factor. {Chair notes: Green Infrastructure Plan presenters cited many economic advantages of forest above and beyond traditional woodsman's work.}

Chairman Thorne asked the subcommittee if we should have a speaker on wildlife at the October meeting. Eileen Butler had previously mentioned she had contacts for this topic but there was concern that there may not be enough time to address this topic in October. Chair also wondered which subcommittee is responsible for covering historic preservation – land forms, structures, burial grounds.

Chairman Thorne mentioned that the equestrian portion of the agri-business industry is an area that may not have been adequately addressed, is especially high profile, and is a large industry in Cecil County. Subcommittee may want to review at a future meeting. {Chair: Need ideas for input. Ask Dr Lee again?}

Vic Priapi agreed to ask the Cecil Farm Bureau for input on extending allowable uses in areas zoned for ag.

There was discussion on whether the subcommittee would need to invite an expert on Transfer of Development Right Programs. Robert Hodge suggested changing the TDR program to allow banking of TDRs. Anyone could purchase a TDR and either hold them or sell them but they wouldn't have to go through the Planning Commission procedure first in which the sending and receiving issues are worked out ahead of time. Basically, they need to separate sending and receiving. The Cecil Land Trust or the Eastern Shore Land Conservancy could buy the TDRs and negotiate with them or extinguish them.

It was acknowledged that the current TDR Program has not been used but it may be because of the current economic situation. Chairman Thorne pointed out it wasn't the subcommittee's job to craft a working TDR Program, only to present a goal recommending a viable TDR Program.

Chairman Thorne requested that the subcommittee send any suggestions by email for future meetings and to be sure to let him know if the emails were just for him or if the sender would like the email to be forwarded to all the members of the subcommittee.

New Business - Review draft of collected goals from members. The 3 page list was compiled in the order they were received. The subcommittee will need to reduce 25 of the suggested goals to about 6 - 10. Two elements we are responsible for: preservation and continuation of natural resource based industries.

Rupert Rossetti: It would be effective to make sure that our goals are consistent with other subcommittees.

Robert Hodge: Our economic development subcommittee combined a lot of goals because they were pretty much the same. Some we eliminated because they weren't as important. Others were covered by other

subcommittees so it's not necessary to duplicate.

Rupert Rossetti: On Water Resources we didn't drop the goals that we thought other subcommittees were addressing. We made them into recommendations.

Owen Thorne: Are we talking about overall goals for the County or goals that the Agriculture Subcommittee hopes to include in the Comprehensive Plan as their portion?

Rupert Rossetti: I think it's the latter.

Owen Thorne: There are two elements that we are responsible for: an agricultural element and a preservation element.

Sandra Edwards suggested looking at the current goals of the Comprehensive Plan. The idea is to keep the goals broad, not too specific.

Goals

1. Identify and protect sensitive environmental lands, our network of green infrastructure hubs and corridors, and areas critical to the health of our watersheds, wildlife habitats, and the Chesapeake Bay.

2. Identify and protect our agricultural and forested lands by prioritizing and encouraging sustainable resource based industries.

John Bennett did not believe that forestry would be a viable economic industry in the county anytime soon. He mentioned that Dan Ryder from DNR will tell you in terms of biomass energy, he does not see a future for Maryland (ie. a feasible and economic alternative energy plan for Maryland). It does work in areas with more forest and probably will be a valuable resource in the future for other states but it probably will not happen in Maryland. The wood based products industry is promoting very heavily with state money the use of wood burning products to provide heat (geothermal). Geothermal is being used in the penitentiary on the lower eastern shore and is the largest program operating in Maryland right now.

Phyllis Kilby pointed out that this is a long term vision and there are a number of industries in the State that have evolved in a manner that we never could have predicted. If we are going to do a resource based industry goal, we want to encourage any future governments to support those resourced based industries into what they might evolve into (whether it's horticulture, nurseries or small family based businesses). While the big day for traditional forestry might be gone, we don't know what is going to happen in the future. I would like to leave a loop hole in here just in case.

Conversation arose on non growth areas which brought up the question of exactly what the boundaries were for the growth and non growth areas. Diana Broomell said this question was addressed with Diane Lane after the Chair and Vice Chair meeting. Ms. Lane had at first stated that it could be addressed after the scenarios were presented by the consultants but then realized that it would have to be addressed before the scenarios were compiled. Ms. Lane had agreed this might be a topic to be discussed at the next general meeting by the whole committee. Robert Hodge stated he believed the growth and non growth areas are fine the way they are. Rupert Rossetti disagreed and stated that right now the whole county is a growth area, it is just the rate of growth that varies from district to district; it's just a matter of how it's worded.

Question was presented if this committee needed to include a goal restricting the placement of gasoline stations

in areas not serviced with water and sewer. Rupert Rossetti said the topic was included by water resources as one of their policies for well head protection areas and included critical areas and stream side buffers. (Later note from Rupert: Erratum. WRE does not address this quite so specifically as I had recalled. Suggest that APM includes a recommendation to WRE that this be considered). Chairman Thorne agreed the topic needed to be addressed because the law enacted last year restricting gas stations in areas served by well water was not strong enough.

3. *Set strict limits on development in non growth areas by utilizing*

- *Effective TDR and PDR Programs*
- *Implement & Promote the use of APFO's*
- *Implement & Promote the use of impact fees*
- *Upgrade our zoning laws and subdivision regulations*
- *Expand allowable resource based uses for agricultural and forested lands*
- *Maximize participation in land conservation programs, including but not limited to MALPH, Rural Legacy, Program Open Space and Forest Legacy*
- *Encouraging county government to work with land trusts*
- *Make preservation easements permanent if funded or purchased with tax dollars*

Robert Hodge questioned whether the TDR Program could also be used for the protection of land with trees and believed the TDR Ordinance may have been worded to apply to crop lands only. However a few subcommittee members did not believe that the lands were restricted only for crop lands. Chairman Thorne said we were not limited to crop land and that these programs should be used for forest conservation and that other programs could be used as well. The goal should be to protect our agriculture and forested lands by prioritizing and encouraging sustainable resource based industries. Then we have another goal to do that: set strict limits on development in non growth areas, repair the TDR & PDR Programs, craft new programs for preservation . . .these are all ways to make that new goal happen.

4. *Craft new programs & amend subdivision regulations to preserve useful, sustainable open spaces and encourage reforestation in designated open spaces.*

5. *Create a Natural Resources District encompassing higher priority green infrastructure areas, develop and implement protection mechanisms for a zero net loss of forest in that Natural Resources District, and create the capability to work with officials at all levels to develop a systematic approach to protecting this green infrastructure and to draw on any funding available to help with this goal.*

John Bennett: For the sake of practicality, I am requesting a goal to create a Natural Resources District. There are certain green infrastructure areas that have a higher priority than others because of the amount of contiguous forest or because of watershed quality issues. The Conservation Fund basically identified two areas. One was the high priority forested areas in the Elk Neck area. The highest non forested, reforestation potential area is located in Calvert, East of 272. Reasonable people can argue that science may look at it differently depending on how you calculate water quality and contiguous forest. To be practical, we are assuming that the county (within 30 years) would be able to afford that Green Infrastructure Coordinator. Currently, there certainly are a number of volunteers within the county that would be happy to work with county government to work towards this type of goal looking at where we prioritize these resources and how we can leverage whatever funds are available to try to preserve and protect in the highest priority area. That's why I am arguing that a Natural Resources District as a zoning district would help to focus our attention on working towards this goal.

Rupert Rossetti: I would be shocked in 20 years time if the county government didn't have someone whose job

was to focus on monitoring and reporting on our natural resources. Looking at job descriptions currently with other local county governments, monitoring and reporting on natural resources is the primary role for many of the job descriptions.

John Bennett: If we do create a Natural Resources District Committee, we would then be eligible to apply for funding from the Green Fund or Atlantic and Coastal Bay 2010 Trust Fund of \$25 million dollars. This would be a golden opportunity and I would hate to lose it. The funding is used to address non point source pollution efforts that are directed towards specific targeted watersheds. Unfortunately, we don't have a lot of watershed groups in Cecil County who are working on watershed issues like they do in other counties who are ready right now to start grabbing at this funding to start working on things in their county.

Rupert Rossetti: DNR has a portion of the money and that is going to go into watershed targeted implementation projects (in the ground) to improve water quality. One of them is a 30,000 acre watershed level and they are offering \$600,000 to \$5million blocks of money on an annual basis to targeted sub water sheds. Harford County has a very specific one that they are looking at where all storm water management ponds there have to be retro fitted to improve that specific watershed. The MDE fund has \$6 million this year and \$12 million next year. Their focus is on "Non-point Pollution Control Projects" such as Stormwater retrofits, buffer enhancements, rain barrels, etc. See www.mde.state.md.us/assets/document/CBTrust_factsheet.pdf for more details.

John Bennett: The point is we have to be partnered with local government in order to access these types of funds.

Owen Thorne: This Committee would act as a catalyst or go between with our county government and state agencies who might have money available. It would certainly be to our benefit to establish a volunteer committee, before this department is established with a paid employee of the county, because of the funding which the county could have access too now.

Phyllis Kilby: This is similar to how the land trusts work in the county. Basically, the land trust does a majority of the work and then goes through county government to apply for the funding.

Rupert Rossetti: Wicomico County has green infrastructure written into their codes and regulations. A lot of the counties recognize green infrastructure as a concept.

6. Maintain the equity value of natural resource land. Maintain the equity value of agricultural land.

Sandra Edwards: The top priority of a Natural Resource District would be to have a zero net loss.

Robert Hodge: I think that "zero net loss" is too extreme.

Chairman Thorne: Even for one district in the county?

Robert Hodge: Yes. Currently the Conservation Fund offered up two districts as priorities but what happens if they come back with more? Who's to say where they are? How big are they? Who's going to delineate them? Will it be an overlay or a district?

Chairman Thorne: The Commissioners will make that final determination. Then we will go through a Comprehensive Rezoning when the Comp Plan process is finished.

Rupert Rossetti: I'm guessing that if we have a goal like this, one of the scenarios they will come out with is for the county to use some foresight in preservation for green infrastructure. In Montgomery County, somebody had the foresight a long time ago to buy up lands. The County has parks along all of their major rivers. Their linear parks protect their water quality.

Robert Hodge: I would feel a lot better if we tempered on all of these topics that the community is going to provide funding for purchasing easements, right of ways, preservation, etc. The basic concern is when the new department is implemented, it will give them all new kinds of discretion to design and delineate. And then they are going to pass all new types of rules and regulations to prevent property owners from utilizing their property. So I would like to see this committee come up with a goal that will say we will pay property owners for the loss of their value of their property because of the restrictive use of it. If we did that I could go for the zero net loss language.

John Bennett: The only amendment I would offer is that you don't limit it to just county funding.

Robert Hodge: We could have county, state, federal and private funding to pay for this.

Chairman Thorne: All zoning by definition limits property owners on what they can do with their property. Sometimes zoning changes increase the value of property and sometimes they decrease the value.

Robert Hodge: What would be the potential uses for this district?

Chairman Thorne: Beauty. Clean the air, the water and provide natural habitat for wildlife, provide recreational opportunities, etc... Tourism.

Sandra Edwards: It doesn't mean development can't occur. There would be guidelines on how it would occur. However, there is a current goal {in the Comp Plan} which the county is using which addresses the issue we are discussing: Maintain the equity value of agricultural land.

Owen Thorne: So, to address this issue we should have as one of our goals: "Maintain the equity value of natural resource lands?"

John Bennett: I think it's important that we reassure the public that we are not out to take away the use of private property owner's land.

Rupert Rossetti: One of the focuses of funding might be the as yet unpublished point source and non point source nutrient trading policy that they are working on. We as a county will really struggle with that. If we have these high priority areas from a natural resources perspective, then they will probably become targets for trading.

Owen Thorne: Just like our Priority Funding Areas do in getting funds from government to build infrastructure. Our Priority Preservation Areas can be tools to leverage funding from the State and federal sources to pay land owners back for their perceived loss of value if we tell them they can't cut down as many trees.

Robert Hodge: My concern is for a total prohibition of any development or change of property use under the current zoning.

7. Identify areas most suitable for surface drinking water reservoirs, large scale tertiary treatment wetlands, spray irrigation, and other public service needs.

Rupert Rossetti: I submitted this goal because it showed up in the 1996 or 1997 surface studies which **Arro** conducted. They identified about seven different reservoirs that were a potential for use in a long term vision for the county. One of the reservoirs identified was the Elk Mills {Quarry} Reservoir. That won't be available until 2065. One of the recommendations they had in their report was start negotiations now. It's one of the best solutions that I have ever heard. It's about a 200 foot stow away from the Elk River into this quarry that would only take the Elk River at flood stage and gradually fill up with billions of gallons of water. If we were to move now it would be a good decision. It's beyond our 2030 scope but we really ought to be operating early on this. We had the same opportunity with the Stancill's Quarry but no one ever approached them. They were a high priority for a surface water reservoir. What a pity.

Robert Hodge: I think you're right and I would like it to include but not limited to solid waste reservoir.

Owen Thorne: We don't know what those mineral extraction areas might be useful for in the future but it's never too early to get started on it. We need to have plans in place now on how to utilize this quarry before the quarry stops operating.

Rupert Rossetti: The large scale tertiary treatment wetland is another solution for living within our nutrient cap which we have for our waste water treatment plants. They do a remarkable job in other areas of the country. Near Atlanta, Georgia they've got one county that can process 10 million gallons a day of waste water treatment plant effluent. The bottom end of the fourth wetland cell is a drinking water reservoir.

When I first drafted the goal, I had written identify and set aside. However, I was given counsel on some of my goals in water resources that could restrict what could be done in an area. Apparently you then get on really shaky ground. They basically said you can't set aside a piece of ground for spray irrigation or just for this or just for that. The only things you can restrict are such things as uses within a well head protection area.

Chairman Thorne: It just seems like such a good idea that if you've identified something as necessary, you should set it aside and protect it now.

Rupert Rossetti: Yes, but you have to procure it.

8. Protect mineral resources for future extraction, provide for reclamation of extracted land for other uses compatible with the surrounding area, and encourage dialog with the community to create a common vision while protecting the sensitive natural resource areas along streams.

Gary Stewart (Stewart Associates): These areas could be reclaimed as a business park, recreation park, residential or mixed use community. We have already laid out our property 50 years in advance. We know ideally what we want it to look like. The reclamation is dictated by surrounding uses, infrastructure, location to 40 & 95, topography. The reclamation projects we have completed now are the Principio Business Park and the Villages of Elk Neck.

Stancill's strategy is an exit strategy. Their reclamation project is different than ours because when they are done with the quarry, they are leaving the county. We are still doing business with the county and have a presence in the county.

Sandra Edwards: I'm just saying that the reclamation project shouldn't be just left up to the owners of the quarry. The zoning was mineral extraction and since the zoning is going to change, the public should have an opportunity to have a say in the change being proposed.

Gary Stewart: The public has an opportunity during the rezoning process to comment.

I have problems with the green infrastructure study. Stewart Associates has 300 acres in preserved forest which will never be touched. We went over and beyond stream and wetland setbacks. We have shown that we care about how our projects look and we want to have integration between humans and nature. When we go in and build we don't level the land and build everything on top of it. That's just landowner responsibility and being a business in a community. I'm more of the carrot vs. the stick mentality where others are more of the stick vs. the carrot.

Chairman Thorne: Recognizing that you are good stewards of the land, not everyone is such a good steward of their land. That's why we have to have a government to make sure that people don't overstep their rights and responsibility for the land. If you have a plan that's 50 years out, I think that's great and you should share it with the community. What I'm concerned about is in the future when mineral extraction is completed – and there is a very large amount of mineral extraction land in the community (over 8,000 acres) – I think the community should have a voice in what happens beyond going to one public hearing on a rezoning.

Gary Stewart: Let me read what we have drafted as a goal on our economic development committee: "Once mineral extraction is no longer viable or ceases to exist on the property or some portion thereof, the mineral extraction area in the growth area shall be transitioned into the development district or suburban district or other like district that provide for high density mixed use or industrial development opportunity like in other parts of the growth area."

Phyllis Kilby: Is that accurate that every mineral extraction district is in the growth area?

Gary Stewart: Most are on the I-95/Rt. 40 corridor and Elk Neck area. There is one outside Port that is outside the growth area. Marshall, Right and Arundel are below Rt. 40. Maryland Materials is south of I-95. A considerable portion of the Stewart Properties are north of I-95.

Chairman Thorne: Where is the growth corridor is our question again.

Rupert Rossetti: On the Stewarts' Property on Belvedere Road there is a very thin strip between the wetlands. I was out there with the EPA and the day after they had a sediment and erosion control fence break. There is a necessary protection for the sensitive natural resource area. It's the same sort of thing when you look at what's going on Rt. 7 right now. My point is what you have read gives the same amount of disquiet to a section of the community. Therefore I would include in the goal: "*...while protecting the sensitive natural resource areas along streams.*"

The language recognizes that it's not 100% concrete. We were just talking about maintaining the equity in the land. When it goes to the wider audience, you have to have qualifications to reassure people that they are not going to have 8,000 acres of concrete.

Robert Hodge: Wouldn't that be in the subdivision regulations?

Rupert Rossetti: That may be but it's a simple clause that says we're not going to pave the whole area. It's the direct equivalent of what we were talking about earlier. We are reassuring the community that we will be maintaining the equity value of the land.

Gary Stewart: In reality, all it's saying is that it will be adaptable to compatible uses.

Chairman Thorne: On one side the adjacent uses are rural areas and farms and on the other side it's a high density development. Which side is it adjacent to? I'm looking at the big chunk of Stewart Associates land in the center of the county. To the north you have rural areas and forests. On another side you have developed areas. People are disquieted when you say "it's up to us to decide what we are going to do after the mineral extraction is done."

We can submit the goals that we have drafted now – nothing is engraved in stone. In August we are going to get feedback from the scenarios so we will revisit in August.

Motion to adjourn at 9:16 p.m.