

CLUA Meeting - January 14, 2009  
7:00 pm, North East Library

Attendance: 18  
Adjourn: 9:15 p.m.

**Agenda**

**Treasurer's report**

- \$787 in the bank

**CLUA annual election**

Nomination Committee nominees for CLUA Board of Directors (2-year terms) were as follows:

Julia Belknap  
Diana Broomell - returning  
Vernon Duckett - returning  
Wendy Moon - returning  
Nancy Valentine

There were no nominations from the floor  
Motion to move the nominations closed was made, seconded & carried by general acclaim.

Discussion: George to be asked to be invited to participate in Board activities in his role as past president

**Board to meet and elect officers:**

- **Wednesday 21<sup>st</sup> Jan; 4:30 p.m. North East Library.**
- **Venue & time confirmed by George**

**TDRs**

This was the first of what we hope will be several discussions of the Cecil County Transfer of Development Rights (TDR) program

- Note: TDRs will be the focus of our next meeting, Feb. 27

## Background:

- The County, in a split decision, down-zoned our rural lands in 2006, from 5 acres to 1 house in north (NAR), and 8 acres to 1 house in south (SAR) to 10 to 1 in the north and 20 to 1 in the south
- A TDR program set up to compensate landowners
- Both the down-zoning and the TDR Programs were very controversial, and likely would have been overturned without the change in Commissioners due to the 2006 election.
- So far, the TDR Program hasn't worked

## Jim Mullin: Comments on the State Growth Task Force

- You have to have some type of minimum rural zoning to be recertified to receive MALPF Funds
- State will rank order the counties by effectiveness of Rural Zoning and will preferentially direct funds to the most protective.
- They will also push market-based TDRs
- Priority Preservation Areas (PPAs) are now a required element of all Comp Plans, per House Bill 2 (2006)

## Discussion

- Q: Financial analysis on the TDR mechanism - was it done in 2006? A: No.
- We need to designate minimum densities for the receiving areas, not maximums
- It is not out of ordinary to have to change the densities and other provisions after the TDR Program is enacted.
- Today our TDR Program is a one to one transaction between a land owner and a developer. What if it were a fungible, where the transactions are disconnected?
  - It takes years to for the farmer to get their money, with the current set up
- Q: Was there analysis done on receiving areas? A: Yes.
- Point of Information: ESLC Report on Cecil's TDR - Receiving Capacity 55,000; Sending Capacity 27,000
- Robert Hodge: Concerned about trying to do major rework on the ordinances today ... wait until Comp Plan is in draft form

- Due in 2<sup>nd</sup> / 3<sup>rd</sup> quarter
  - COC will take a position, but will not re-engineer the TDRs
- We won't get any movement until we have infrastructure in the growth corridor
- The TDR ordinance is really opaque .. very poorly written
  - Make it simple; loosen up the regulation!
- Look at Calvert County as an example
- Next Steps: Get educated.

John Theilacker, Associate Director for the Brandywine Conservancy's Municipal Assistance Program, will speak to us about using Transferable Development Rights (TDRs) to protect rural lands, while managing growth and achieving other objectives.

Friday, February 27th, 2009, 7 pm

Elkton Library

301 Newark Ave.

Elkton, Maryland 21921

#### **Side Discussions:**

#### **Shared Facilities:**

- Bracebridge Estates ... shared facilities in a rural area, but a much better outcome than what was originally planned for that property, and perceived as a real improvement... "much better than they could have done".

#### **Open Government:**

- Commissioner Meetings now being recorded. You can download the audio, though it is not yet user friendly. *(OK, I couldn't find the link!)*
  - Robert Hodge. Scott Mesneak is also working on video ...

#### **The new Comprehensive Plan**

- Most activity has been to reevaluate the alternatives for land use via a set of maps, with the current single map the consensus of a sub-group including Ed Cairns, Vernon Duckett, Rupert Rossetti & Carl Walbeck
  - Down to one scenario, after the initial three from ERM were rejected.

- One interpretation is that all we've accomplished is to make a lot of minor variations on the current land use map
  - But, have also better defined the growth corridor, and encourage much more dense growth within it
- Also have formulated Goals & Objectives, initially by subcommittee, now being consolidating into one aligned set.
- Next Steps:
  - ERM will take the proposed land use plan and run it through the various models, using Build Out Projections ...
- Models are from State
  - Planning
  - Transportation
    - Impact on intersections, and required upgrades
    - Done at the street level
  - Water Resources
- Perceived Problems
  - Models do not factor in preservation of land
  - Developers can't get the densities that they are modeling
  - We're uncertain how these models work and how we'll use them
- Expecting/hoping to see the financial analysis
  - This should be in the Comp Plan, and will be a real boon for the Planning Commission, who are seeking to play a more holistic planning role.
- Next meetings of the full Committtee
  - 21 Jan @ 6 p.m. TC 208 College
  - 4 Feb @ 6 p.m. TBD, hopefully TC 208 College
  - 18 Feb @ 6 p.m. TC 208 College

#### "Natural Resource Atlas" — Rupert

- Rupert presented a series of map layers which depict the county's natural resource inventory

#### Planning Commission Discussion

- Planning Commission moving towards proactive planning
- Planning Commission is seeking support from the Commissioners, and seeing that support.
- Meeting on 27<sup>th</sup> Jan: PC / CC joint meeting
- May need more statutory authority, or learn to use what we've got.

Other New Business (if any)

Potential Speakers:

Transportation - potential link with Ted Patterson

- Vernon Duckett on TOD
- Wilmapco Exec Director

Next Meeting: Friday, February 27, 7 p.m., Elkton Library.

Speaker: John Theilacker, Brandywine Conservancy, will speak on Transferable Development Rights