

Carpenters Point and the Comprehensive Rezoning Process

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On April 19, the County Commissioners should complete the last step in the multi-year process of creating a new Comprehensive Plan and the supporting Maps, Ordinance, and Regulations to implement the plan. The remaining rezoning decision involves the water-oriented community of Carpenters Point. It has involved the biggest public participation in a zoning issue since the beginning of the Aston Pointe controversy. And it also highlights some learnings about this generational process of implementing a new Comprehensive Plan.

The Issue:

As part of the Comprehensive Rezoning of the county that has followed the 2010 adoption of a new Comprehensive Plan by the County Commissioners, York Building Products (YBP) submitted a request for a change in the zoning of two parcels of land that they own south of US 40 in the western part of the county. Such rezoning requests are routine when a Comprehensive Rezoning is done; there were over 70 such requests that the Planning Commission and County Commissioners have considered over the past several months, with some approved and some not. The complete list is available at http://www.ccgov.org/uploads/PlanningAndZoning/ComprehensiveRezoning/Documents/ComprehensiveRezoning_ChangeRequests.pdf.

York Building Products is a major sand and gravel business in the county, and they requested a change in one parcel of land that they own from the proposed zoning of Heavy Industrial (M2) to Mineral Extraction (MEA). YBP's request for MEA zoning on an adjacent property was withdrawn. That parcel is zoned Northern Area Residential (NAR) with Mineral Extraction permitted as a special exception. Both parcels are adjacent and cover the land from MD Rte 7 and Carpenters Point Road to Mountain Hill Road. Both parcels are part of the Mineral Extract District in the Comprehensive Plan, but are currently not developed and are forested. These zoning change requests are listed as 05-51 and 05-52 in the list mentioned above (on the second page).

The residents of Carpenters Point have mobilized to fight this request, beginning with the first commissioners hearing on 5th district rezoning. A number of protections for residents were offered by York Building Products in hearings before the Commissioners. Commission President Jim Mullin put an option on the table that was similar to York Building Products in its 500' buffer along Carpenters Point Road, but with LDR zoning in the buffer. Diagrams of these proposals can be viewed on the county web site at http://www.ccgov.org/uploads/PlanningAndZoning/ComprehensiveRezoning/Documents/YorkBuildingProductsProposal_05-51.pdf and http://www.ccgov.org/uploads/PlanningAndZoning/ComprehensiveRezoning/Documents/MullinProposal_05-51.pdf.

An additional meeting with the community was held by York Building Products on April 4, at which YBP added a commitment to provide a permanent conservation easement on both properties after their

mining operation is complete. A special Public Comment section was included in the Commissioners' April 5 meeting. The Elk Room was full for that meeting. The well-organized citizens of Carpenters Point presented a group of speakers covering all aspects of the Comprehensive Plan intent and the needs of the community as they relate to this zoning change. CLUA also spoke in support of rejecting the mining request covering both the poor revenue of mining for the county and the key filtering role of the forest in reducing pollution of the North East River as it joins the Chesapeake Bay.

At this moment, Saturday, April 16, the Carpenters Point group is focused on "no mining" but the permanent conservation easement has interest. The County Commissioners are scheduled to make their decision on Tuesday, April 19. If the mining extraction request is approved, YBP will have "by right" mining use of the property. The commissioners can also change the zoning to NAR or another zone with or without inclusion of the property in the mineral extract district. But, to stay within the guidance of the comprehensive plan, the commissioners will need a strong overriding good-of-the-county reason to exclude the property from the mineral extraction district. The Chesapeake Bay watershed mandate to reduce the daily load of pollutants entering the Bay from each jurisdiction may be that good reason along with the water resources element of the Comprehensive Plan.

The Learnings:

A change in the Comprehensive Plan is both extremely powerful and so infrequent that even those close to the process get tripped up in the rules. The Comprehensive Plan committee, with its 41 members, got fairly regular coverage in the local press. The implementation process, managed as an administrative activity of the county's Office of Planning and Zoning, got almost no coverage.

1. The implementation process needs more publicity. A public meeting run by the Office of Planning and Zoning on the process would be worthwhile, along with a short guide on how to participate. (This might be something CLUA could assist with.) Previews in the media with reference to how to view the materials would help.
2. The parts of the process should be broken into separate portions so that appropriate attention is given to changes in the controlling ordinance and the subdivision regulations, as well as the maps of zoning status. It might be useful to have a preview period on the ordinance and regs to improve clarity and correct errors before the documents are finalized for the hearing process.
3. All the documents should be available for at least one month before deadlines for requesting changes.
4. With the availability of on-line detail on ownership of parcels, individuals whose land is affected should be notified of any proposed change. Currently, anyone can, and did, put in requests to change the zoning on property they do not own.

If anyone has additional thoughts and recommendations on this process, I'd be interested in hearing them.

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