

The CLUE

Calendar of Events

Tuesday, February 15, at 4:30 pm **Deadline** for submitting zoning change requests, or suggested text changes to zoning regulations, to county

Wednesday, February 16, at 7 pm

Planning Commission (County Admin. Building) *Consideration and recommendations on requests for individual parcel zoning changes and text changes to the Zoning Ordinance and Subdivision Regulations*

February 24, at 7 pm

CLUA meeting: Panel Discussion on the **Comprehensive Rezoning**, with guests Jim Mullin, Diana Broomell, Ken Wiggins, and Tony DiGiacomo (Elkton library)



In This Issue: New CLUA officers (p. 1); Comprehensive Rezoning (p. 2); Another look at TDR's (p. 3); Implementing the 2010 Comp Plan (p. 4); Watershed watch (p. 5)

Your New CLUA Officers

The Cecil Land Use Alliance held its annual meeting on January 20 to elect Board members and discuss priorities for 2011. Elected to the CLUA Board of Directors were:

Just elected to two-year terms:

Julia Belknap
Steve French
Paul Harjung
George Kaplan
Wendy Moon
Nancy Valentine

Elected last year and continuing their terms:

Jill Burke
Charles Herzog
Rupert Rossetti

The Board met on Feb. 3 to elect the CLUA officers for the year. They are:

President: Jill Burke
Vice President: Steve French
Secretary: Nancy Valentine
Treasurer: Wendy Moon

The Comprehensive Rezoning

George Kaplan

Cecil County is in the middle of the Comprehensive Rezoning, a massive effort that follows the adoption last year of the new Comprehensive Plan. The county's Zoning Ordinance and Subdivision Regulations have been updated in accordance with the new Comp Plan, and are available on the county web site for review

(http://www.ccgov.org/dept_planning/ComprehensiveRezoning.cfm). All of the new zoning categories are described in the Zoning Ordinance and have been drawn into new zoning maps, covering the entire county, which are also available at the above address. **We strongly suggest that you review the zoning for your property and the properties surrounding you.**

The deadline for requests for zoning changes for individual parcels, and also for suggested changes to the new documents, is **February 15**. A form is available on the county website; the link is

http://www.ccgov.org/uploads/PlanningAndZoning/ComprehensiveRezoning/Documents/ComprehensiveRezoningRequest_2010.pdf The list of submitted requests — both zoning changes for individual parcels and text changes to the documents — is at http://www.ccgov.org/uploads/PlanningAndZoning/ComprehensiveRezoning/Documents/ComprehensiveRezoning_ChangeRequests.pdf

The Planning Commission (PC) is now meeting on Wednesday nights to try to wade through all the requests for rezonings, now numbering over 70. They also plan to consider requests for changes to the text of the zoning and subdivision documents at their meeting on Wednesday night, February 16. Several CLUA members have submitted well thought out suggestions for changes to the text of the documents — see the following stories for examples. Many of these suggestions arise from a mismatch between the county's new Comprehensive Plan and the proposed Zoning Ordinance.

The CLUA Board is not comfortable with the PC's plan to consider all the suggested text changes to the Zoning Ordinance and Subdivision Regulations at its meeting on February 16. That meeting is primarily devoted to reviewing a number of individual parcel rezoning requests. We have written to the Planning Commission and Board of County Commissioners asking for a completely separate meeting for considering possible changes to these important and lengthy documents. We have suggested that such a meeting be scheduled for early March, that there be an extension to the deadline for sending in text change suggestions, and that an appropriate form be provided for making

such change requests. But as of now, the text change suggestions will be considered by the PC on Wednesday night, February 16.

CLUA's next meeting, on **February 24**, is devoted to an explanation of the Comprehensive Rezoning process and its relationship to the new Comprehensive Plan. That meeting will begin promptly at 7 p.m. at the Elkton library (we must end by 8:45 pm). We will have a panel discussion with Q&A featuring:

Jim Mullin, President, Board of County Commissioners
Diana Broomell, Vice President, Board of County Commissioners
Ken Wiggins, member, Planning Commission
Tony DiGiacomo, AICP, Principal Planner, Office of Planning and Zoning

This is obviously a group with a lot of experience and influence, and we're looking for a lively and informative discussion. Please come, and also help us publicize this meeting!

Another Look at the New TDR Regulations

Jill Burke

The new Transfer of Development Rights regulations (draft Zoning Ordinance, Section 246, p. 347-352) are a step in the right direction for our county. I believe that they can lead to greater land preservation, put money in land owners pockets without selling to a developer, and be a win-win situation for developers, land owners and county residents.

I believe that the new regulations do have two large issues with them. The first is that the minimum number of acres that qualify a parcel of land for eligibility of the Transfer of Development Rights program is 50 acres, as written in §246.8a(2), p. 347. This means that a smaller land owner can not benefit from this program. This will lead to smaller developments dotting the rural landscape of the NAR and SAR. I believe that a parcel should have 15 acres or more to qualify for the TDR program. This would mean more land owners can take advantage of the program and fewer smaller developments would be built in the critical areas.

The second issue is that in §246.8c(3), p.351 and in §246.8d(3), p.352 the regulations state that receiving areas should be in an "area planned to be served in the next ten (10) years" by water and sewer facilities. The date of the 10 years needs to be specified because the clause, as it stands, is extremely ambiguous. The master water and sewer plans were last amended in 2008 and 2009, respectively. Does the 10 years run from the last amendment, or from today, or from the date of any, and all future amendments? Indeed, there should be no amendments to the plans that are considered to be within the ten year period. Better wording would be:

(3) Receiving area parcels shall be currently served with water and sewer facilities, or in an area planned to be served in the next ten (10) years **as designated on the master water and sewer maps as of February 15, 2011**, or be serviced by a developer-financed approved shared facility.

Without a definite date that the “ten years” is measured from, the maps can be amended to include whatever area a water company would like to service. Then the receiving area can grow outside the bounds of the presently designated receiving areas.

It is important to make all of our issues known to the Planning Commission, so please come to the meeting on February 16th at 7 pm at the County Administration building.

One Observer’s Comments on the Proposals to Implement the 2010 Comprehensive Plan

Nancy Valentine

The proposed county Zoning Ordinance and Subdivision Regulations and the associated maps do a couple of things well. The maps overall came up with a good match to the decisions incorporated into the Comprehensive Plan of 2010. The ordinance and regulations have added new zoning districts and definitions to match these changes. They also incorporate new features, like a developed process for Transfer of Development Rights (TDR) and requirements for stormwater management plans. And though initially a bit shaky in process, the hearings on the maps have been well-run and decisions generally are well-reasoned.

At the same time, there are some fairly significant issues in two areas.

The first is the failure to place the growth corridor/growth area zoning districts in relation to current conditions, such as availability of water and sewer or designation as Rural Conservation or Rural Preservation Districts. I think the task of drafting the new documents was daunting as it was, but without these considerations, some appropriate growth opportunities get missed and some preservation areas get lost. Second, the new ordinance and regulations are a bit cobbled together, resulting in conflicting information that must be fixed. Below are some examples.

Zoning Ordinance Issues:

A new **TDR section** is included in the Ordinance spelling out the sending and receiving areas and options in each. The idea of diverting development from rural areas to the growth corridor and areas around towns through TDR’s and new zoning are good. However, the ordinance has conflicts, such as allowing use of TDR’s to increase density in the Low Density Residential (LDR) area to four units per acre when the Comprehensive Plan clearly maxes the zone at two units per acre. The mixes that can be combined to reach maximum density are not defined. And High Density Residential (RM) is not even mentioned in the TDR options. Do we attend to just give that density away?

The role of current water and sewer availability and the difference between a major private supplier of water and sewer throughout the county (with a county franchise and regulated by the state Public Service Commission) and a community water and sewer facility (under

home owner association control) are not thoroughly defined. Unfortunately, in my view, the Zoning Ordinance then encourages community facilities for clustered developments in the Northern and Southern Agricultural Residential zoning districts. Probably the most important issue in this regard is the lack of clarity as to how the Master Water and Sewer Plan should be used to direct development in line with the Comprehensive Plan, since it might be influenced by a private supplier's desire to expand its franchise. (This may be a subject for the County Commissioners but needs to be addressed for any county control over growth.)

What looks like the result of overlaying new sections onto the 1993 ordinance shows up again in preserving the option of a high-density minor subdivision in the NAR and SAR that may no longer be relevant. (George Kaplan has submitted a text amendment on this to assure the end to "bonus density" in a development achieved through combination of a major and minor subdivision.)

The second of three public hearings have been held with most observers noting pretty reasonable decisions. The third will be on Wednesday, February 16 at 7 pm in the Elk Room of the County Administration Building. There is still time to get your request for map or text change submitted, but the deadline is **Tuesday February 15**.

Find the information you need at <http://www.ccgov.org> and select the Comprehensive Rezoning page to find access to the change request form as well as the zoning maps, Zoning Ordinance, and Subdivision Regulations.

Cecil Watershed Watch

February 2011

Rupert Rossetti
(RupertRossetti@aol.com)

Upcoming Events:

- *Sassafras Sampler Training: Saturday February 19th, 2011 from 9 AM to 12 Noon at Washington College. See article below.*
- *Streamwaders Training: Saturday February 19th, 2011 Community College of Baltimore County- Catonsville (Baltimore County). This is the annual benthic macro-invertebrate sampling program that takes place every spring. I have a reservation which I will be unable to use. Email me if you would like to go in my place.*
- *Cabin Fever: Saturday March 12, 2011 from 11 a.m. to 2 p.m. Moore's Chapel United Methodist Church 392 Blake Road Elkton, Maryland, an event to show people recreational opportunities, how to do them safely, where they can "go outside and play" and be eco-friendly.*

How-to Video:

The 9 min 20 sec video in the link below shows what some Anne Arundel County residents are doing to restore their creek, and how you, too, could reduce contaminated runoff into your creek! Know any situations like this in Cecil County?

www.beinginplace.org/html/environment_manhattan.html

Thanks to the Anne Pearson of the Alliance for Sustainable Communities and Keith Underwood of Underwood Associates for a great video on the rationale for and construction of the Manhattan Beach "regenerative stormwater conveyance"!

Watershed News

Sassafras River Association

Kudos to the SRA, who have released the first annual [Sassafras River Report Card](http://sassafrasriver.org/whatwedo/SassafrasReportCard2009.pdf), <http://sassafrasriver.org/whatwedo/SassafrasReportCard2009.pdf> a report on ecosystem health within the Sassafras River Watershed. The report summarizes water quality of the estuary (tidal) and creeks (non-tidal) within the Sassafras ecosystem during 2009.

If you live in the Sassafras Watershed, SRA is in need of volunteers and is conducting Sassafras Sampler Training on Saturday February 19th, 2011 from 9 AM to 12 Noon at Washington College. Call 410-708-3303 to sign up or if you have any questions.

For more about all the SRA and all that they do, follow this link:

www.sassafrasriver.org/

Octoraro Watershed Association

The recently completed Stone Run watershed assessment provided a prioritized list of projects that will help Cecil County meet its pollution diet. We have just received a follow-up grant for the design of a half-acre stormwater wetland to be installed in the Town of Rising Sun's Triangle Park. When installed, the wetland will treat the run-off from 20 acres of suburban homes and roadways, reducing the amount of nitrogen, phosphorus and sediment discharging into the Stone Run main stem and restoring a habitat for native plants and animals that we hope will be just as attractive to town residents.

Mark your calendars: Keith Williams, Education Director at North Bay Adventure will be the Guest Speaker at the OWA Annual Dinner Meeting on April 21st 2011. His talk will feature "The View Below, an underwater exploration of the Octoraro", which was filmed last year by Keith and a group of Rising Sun Middle School students on the Octoraro main stem at Richardsmere.

How Healthy is your Tidal Tributary?

The Sassafras River Report Card is one of seven Tributary Report Cards published for 2009 under the guidance of Ecocheck, a partnership program between [NOAA Chesapeake Bay Program Office](#) and the [Integration and Application Network \(IAN\)](#) at the [University of Maryland Center for Environmental Science \(UMCES\)](#). You can read more about Ecocheck here www.eco-check.org/ and more about the reportcards here: www.eco-check.org/reportcard/chesapeake/2009/tributary_reportcards/

If you follow the last link, you'll see that volunteer citizen scientists such as the Sassafras Samplers are a crucial part of the program.

If you live on one of Cecil's other four rivers, Susquehanna, North East, Elk or Bohemia, what would it take to do something similar for your river?

Watershed Implementation Plan - Phase II

Hosted by the Hughes Center for Agro-Ecology and sponsored by the Chesapeake Bay Trust and the Town Creek Foundation, the State agencies have been holding regional meetings across the state to provide participants with a greater understanding of the background, general process and expectations of the Phase II Bay Watershed Implementation Planning (WIP) Process. The WIP is the state's response to new EPA regulations that will limit the amount of nitrogen, phosphorus, and sediment flowing into the Chesapeake Bay - the Total Maximum Daily Load (TMDL).

The morning segment of the workshop provides participants with an overview of the TMDL process including the agenda for the Phase II WIP. Presentations by State representatives provide participants with an understanding of the State's expectations and introduction of the tools provided to assist during the process. The afternoon session affords participants the opportunity to break out by counties and begin the process to develop their Phase II WIP.

The Upper Eastern Shore session, including Cecil, Kent, Queen Anne's, Caroline & Talbot counties, took place on Wed 9th February. Feedback from yesterday's meeting attendees confirmed the magnitude of the challenge this represents, the need to get

input from many stakeholder groups, and the need to work together to develop a solution locally.

Next step is for the local Watershed Implementation Plan Advisory Committee (WIP AdComm) to meet.

Initial representation includes:

Member	Organization
Eric Sennstrom	Cecil County Planning Office, Director
Jeanne Minner	Town of Elkton Planning Office, Director
Doris Behnke	Cecil County Extension Office
Frederick C. von Staden	CCHD, Environmental Health, Asst. Dir.
Wyatt Wallace	Cecil Co. Planning Commission
Adam Gould	Artesian Water
Robert Penman, III	Artesian Water, (Alternate)
Rupert Rossetti	Cecil County Citizenry
Charles Hayes	Cecil Soil Conservation District
Gary Stewart	Economic Development Commission
Fred Scheckles	Development Community
Ronnie Carpenter	Engineering Community
David Strouss	Engineering Community (Alternate)
Robert Hodge	Cecil County Commissioners
Diana Broomell	Cecil County Commissioners (Alternate)
Steve Connelly	Cecil County Farm Bureau
W. Scott Flanigan	Department of Public Works, Director
Tim Whittie	Department of Public Works, Chief, DVS

The first meeting is scheduled for Monday February 28th.

Let us hear from you! The CLUE belongs to you. We'd like to know what you have to say. What are your concerns and interests regarding Cecil Land Use? Tell us about your pet peeves, your ideas for improvement, people you'd like to praise, process suggestions, new problems identified, new opportunities arisen, or new challenges to face. Speak up, and share with us. Write to the editor at info@cecillanduse.org .

The Cecil Land Use Alliance newsletter is published periodically under the auspices of the Board of Directors. It is provided to all members, directors and available to the public at large. Suggestions and articles are welcome. They should be submitted to the editor by e-mail to info@cecillanduse.org, or by mail to P.O. Box 215, Coloma MD 21917. We encourage our readers to visit our website at <http://cecillanduse.org>