

Tiers Map Will Benefit Cecil County

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Probably by this time you have read or heard something about the “tiers map” being proposed by the county commissioners. Much that has been said about it is nonsense. One special-interest group has even taken out ads in both the Whig and Guardian opposing it, and there was a well publicized, but not well informed, protest about it in Elkton yesterday.

The map has been proposed in response to a state law passed by the General Assembly earlier this year, the “Sustainable Growth and Agricultural Preservation Act of 2012”, which is often called by its bill number, SB236, or its previous nickname, the “septics bill”. The law requires each county to divide its area up into four residential development “tiers”, or areas, according to sewage system availability. A description of the tiers and what they mean for residential development, put together by the county Office of Planning and Zoning, can be found at http://cecillanduse.org/resources/SB236_FactSheet.pdf.

The purpose of the law is two-fold: to restrict the amount of groundwater nitrogen that will be added to the Chesapeake Bay watershed in future years from new septic systems, and to help preserve the remaining agricultural base of each county. Nitrogen from septic systems is one of the fastest growing sources of nitrogen that is hurting the Bay. Furthermore, in the view of the General Assembly, counties have not been forceful enough in limiting the residential sprawl development in rural areas that weakens and eventually kills agriculture there. Sprawl development, in addition to its effect in fragmenting agriculture, also adds to counties’ infrastructure costs (schools, roads, emergency services, etc.), adding to the tax burden for everyone.

In Cecil County (one of the first counties to complete a tiers map), the local controversy has centered around the extent of Tier 4. See the current tiers map proposal at http://cecillanduse.org/graphics/SB236_DraftMap4_7_27_12.pdf. Tier 4 (green on the map) represents areas dominated by farmland or forests, or that have some kind of protected status, and that do not have any public sewer availability. In Tier 4, residential development based on septic systems will be restricted under the new law to minor subdivisions (5 houses or less) per land parcel. In the map being considered now, Tier 4 constitutes about half the land area of the county, in the northern and southern agricultural zones and in part of the Elk Neck Peninsula. Needless to say, those with large-scale development interests oppose Tier 4 — or, at least, they oppose Tier 4 as currently drawn.

However, Tier 4 on the current map was drawn up to conform to the state law. In fact, our Tier 4 areas satisfy three separate criteria in the law that requires them to be Tier 4, when any one of those criteria would suffice.

Although we have some minor concerns about it, the CLUA Board supports the tiers map currently being considered and we have been communicating our views to the commissioners over the past month. We opposed a previous draft map that had a smaller Tier 4 area because we did not believe it conformed to the law — and our position has recently been supported by the Maryland Department of Planning. We will be urging the commissioners to incorporate MDP’s suggested changes to better align the county tiers map with the law, our Comprehensive Plan, and our planning maps.

We believe that the growth restrictions in Tier 4 will benefit future water quality in our local streams and rivers, and help Cecil County achieve its Bay cleanup goals (under the Watershed Implementation Plan). Furthermore, we believe that the Tier 4 restrictions support the county’s Comprehensive Plan. We regard the new law as just another tool to help us do what citizens of this county said, during the Comprehensive Plan process, was important: to support growth in areas with current or planned infrastructure, while maintaining a viable agricultural economy in the rural parts of the county.

A public hearing on the tiers map will be held at the first County Commissioners’ meeting after Labor Day, on the evening of September 4, and public testimony will again be heard at the September 18 meeting (both meetings are at the County Administration Building and begin at 7 p.m.). The commissioners plan to make a decision on the map at their September 18 meeting. We hope you will show your support for the map by testifying in favor of it at that hearing, by writing letters of support to the commissioners, or writing letters to the editors of the county newspapers.

Here are some additional facts to consider:

* The areas within Tier 4 on the current map are all Priority Preservation Areas (PPAs) defined in the county’s Comprehensive Plan; they are all in agricultural protection districts (Rural Conservation District in the north and Resource Preservation District in the south); and they are all dominated by either farmland or forest. Any one of these criteria is sufficient under the law to require these lands to be in Tier 4. The Tier 4 area on the Elk Neck peninsula contains the highest concentration of forested land in the county.

* The tier designation does not affect zoning, the number or value of development rights (rights that can be sold in accordance with the county’s transfer-of-development-rights ordinance), or the tax basis of any property. The property tax on most land in the Tier 4 areas is already based on the low agricultural rate, and that won’t change. The tiers map will not affect county tax revenue.

* The tiers map does not restrict commercial development anywhere. (About 25% of the land in the north and 17% of the land in the south is already developed.)

* Although some are claiming a potential reduction of property value for larger parcels in Tier 4, that is mere speculation. Previous studies of such “downzonings” have been inconclusive, probably because supply and demand tend to rebalance the market.

Development value is mostly determined by other factors: the thousands of approved but unbuilt lots in the county; the tightening of the mortgage market; and the significantly lowered future population projections for Cecil County.

* Those who say that restricting development in rural areas will lead to future tax increases for current county taxpayers fail to consider that residential development most frequently ends up as a net sink of county resources rather than a net gain. Thus, preserving agriculture in our rural areas will undoubtedly *save* the county money down the road. We challenge those who believe otherwise to simply look at the county tax rates in Maryland counties as a function of their population density.

* If the county does not adopt a tiers map by December 31 of this year, then by law no new major subdivisions will be allowed anywhere in the county except in those areas already serviced by sewer systems. If the county adopts a map contrary to the law, it risks further action by the General Assembly in 2013.

* The opposition to the map is organized and well funded. If the developers, realtors, and tea party do not speak for you, then please make sure your views are heard! Testimony at the public hearing or e-mail to the commissioners is needed, else we risk having our Comprehensive Plan reduced to meaningless words by those who favor an anything-goes policy. This would be a disaster for the future of our county.

Thank you for your support of the proposed tiers map. Remember the public hearings on September 4 and 18.