

## **Cecil County Citizens Land Use Forum Questions and Concerns January 9, 2006**

*The questions and concerns below have been transcribed from the 3x5 cards distributed and collected during the Cecil Citizens Land Use Forum at the Cecil Community College. Some people have volunteered their names and signed their questions in which case, they are so noted. Most chose not to sign their cards.*

### **Bonus Density:**

Why do we reward developers with higher bonus density in our agricultural areas? Shouldn't we be giving these kinds of incentives for building in the growth corridor?

*Granting bonus density in the Rural Conservation District (RCD) and the Resource Protection District (RPD) is consistent with the County's Comprehensive Plan. The Comprehensive Plan states "In areas not served by public water and sewer, clustering of residential units is encouraged through density bonuses. In rural districts this achieves the preservation of open space."*

*The RCD specifically states "clustering residential development and providing for large common open space areas, preferably to be left in a natural state, provides the maximum opportunity to achieve the goals of the Rural Conservation District. Density and other incentives for clustering should be established in the Zoning Ordinance. A density of one dwelling unit per three acres should only be permitted when up to 60 percent of the site is dedicated to common open space." Additionally, the Plan states that in the RCD and RPD, "the County should encourage compact development forms that retain open space" and "density at the higher end of the range recommended for the Rural Conservation District should only be permitted in those projects which preserve substantial open space areas and support the goal of continuation of agriculture in the District." The RCD recommends one dwelling unit per three acres if dwelling units are clustered.*

*The RPD recommends "clustering of residential development and providing for large common open space areas, preferably left in a natural state, provides the maximum opportunity to achieve the goals of the RPD. Density and other incentives for clustering should be established in the Zoning Ordinance. A density of one dwelling unit per five acres should be permitted when up to 60 percent of the site is dedicated to common open space." Additionally, the RPD states "a limited increase in permitted density may be used as an incentive to encourage cluster development" and recommends "one dwelling unit per five acres if dwelling units are clustered."*

## **Comprehensive Plan:**

What is the County's plan to provide the necessary infrastructure to meet the needs of growth?  
Don Craig Rising Sun

In the Cecil County Planning Process, it seems the only document taken into consideration is the zoning regulations. According to Maryland law, how does the County comprehensive plan fit into the Planning Commission's deliberations?

*The Comprehensive Plan establishes seven land use districts. Of these seven, future land use is directed to four districts (Development, Suburban, Town and to a lesser extent, the Village). The goals of the Plan include concentrating high density development in carefully designated areas contiguous to existing population centers and public facilities, provide for orderly suburban growth at densities consistent with the ability of the county to provide adequate infrastructure, adopt a regional concept for sewage and wastewater treatment to eliminate proliferation of wastewater treatment plant point discharges, plan and encourage a water supply under the control of the County Government for the needs of development within the county. The Plan also calls for the "provision of a system of community facilities, public services, and utilities which is responsive to residents needs, and which encourages a form of development consistent with the Plan." The Plan also recognizes that "to protect natural resources, as well as farming and forestry industries that these resources support, can only be achieved if most of the development occurs in the Development, Town, and Suburban Districts. Provision of adequate public water and sewage collection and treatment capacity in these districts is essential to reduce the development pressure in the Rural Conservation and Resource Protection Districts."*

*The Comprehensive Plan recommends an Adequate Public Facilities Ordinance (APFO) and the Commissioners are considering different options contained in draft APFO's presented for review to us and to the Council of Governments. It should be noted that an APFO is not a panacea that some think it is. Additionally, an n APFO needs to be tied to an aggressive CIP and needs to have a dedicated funding source. If an APFO is perceived to be subterfuge for growth control, the courts will invalidate the ordinance.*

## **County Commissioners:**

Why is Cecil County pro-development at all costs?

Four years ago I was in this very same room at a Forum discussing the very same issues. Nothing I have seen has changed as far as the County Commissioners (Democrat and Republican) response to uncontrolled growth. It still appears that developers and realtors have

a stronger influence than citizens. Even if this is only a perception how do we get them to listen? We still have a chance to do it right!

APFO – Adequate Public Facilities Ordinance - what are the holdups in getting this implemented? Why hasn't this been done already?

*The Board of County Commissioners of Cecil County strives to enforce the County's laws through the adopted regulatory regime of the various departments. We try to remain fair and balanced in the execution of these laws and regulations. County government shows no favor to any segment of the community, all are held to the same standards of review and enforcement. It should be noted that on occasion, the correct decision is not always the popular decision. The rule of law must prevail over rule by plebiscite, otherwise we will as a County descend into a state of chaos governed by whatever whimsical fancy is fleetingly being worshipped. The growth that is occurring is taking place in accordance with the goals and objectives of the County's Comprehensive Plan. If it is not consistent, it is disapproved. We should also be aware that this Board recognizes the need to establish a truly viable growth area so that we can have a two pronged complete approach to holistically managing our growth. This will permit us to aggressively protect the rural character and agricultural viability of the RCD and RPD while at the same time directing a majority of our commercial, industrial, and residential growth into our designated growth area.*

### **Downzoning:**

Would changing the NAR/SAR five acres/house to 30 acres per home help or hurt efforts to maintain our quality of life? If so, how much can we influence our commissioners?

*The issue of downzoning has been discussed a great deal in this County recently. The Comprehensive Plan Citizen Review Committee considered this matter and decided not to recommend changing the densities in the NAR and SAR zoning districts. The Planning Commission had several votes on the subject and its membership split on the issue. We as a Board held a public hearing on this matter and after carefully weighing the comments pro and con from the public, voted to leave densities as they are. There are many studies that proselytize positions that it is a good thing to downzone or that it is ruinous to downzone. This member of the Board of County Commissioners does not believe that downzoning would be beneficial to the property owners that would be affected by the change in density nor do I feel it is necessary for the long term growth management in the County. Having a viable growth area would be a better growth management tool than downzoning.*

**Farmers Concerns:**

What can be done to protect the small (30-100 acres) farm owner who wants to keep his farm but is slowly being assessed and taxed at higher and higher rates? George Balog- North East

Choice is of paramount importance to all landowners especially farmers. How are you proposing to protect farmers land use choices? Mary Scheeler

What can residents of Cecil County do to ensure all of our farm land is not developed?

*The farmer that feels his assessment is too high can appeal that assessment to the Department of Assessment and Taxation. Additionally the landowner could seek relief by requesting an agricultural assessment on the property. I am a firm believer in permitting the landowner to make the choice as to what is most appropriate for the future of their land. If they choose to take advantage of one of the land preservation programs available to them, that is their decision, if they opt to develop a portion or portions, that is their decision. We should remember that the Comprehensive Plan does not prohibit development in RPD and RCD. The Plan recognizes that development at the densities codified in our Zoning Ordinance are appropriate for these areas.*

*Residents can support the County Commissioners initiatives relating to our Purchase of Development Rights Program, our draft Transfer of Development Rights Program, our initiatives to establish water and sewer infrastructure in our growth area and our Right to Farm Ordinance so that we can implement the goals and objectives of our Comprehensive Plan. This will permit us to maintain a viable agricultural economy in the County.*

**Growth Corridor:**

Along with incentives provided to developers to build in the growth area, shouldn't there be restrictions and detriments to building outside those areas? Robert Moreland Elkton MD

Why with current growth areas designated, is more growth occurring outside the growth areas? James Baker Elkton MD

Developers will want to develop in areas that the general public wants to be: Seashores and rural pastoral tracts of land. How do we make the growth corridor a more desirable place to live to relieve pressure on these other areas? Michael Goetz.

*The difference in the permissible densities between a high of 16 apartments per acre in the Multi-Family Residential zone in the growth area and 1 dwelling per eight acres in the Southern Agricultural Residential (SAR) zone in the RPD could be considered as a detriment to building in the rural areas. However, we need to remember that development is not prohibited in the RCD and RPD. It is appropriate at the specified densities.*

*Growth County wide is occurring at densities consistent with the recommendations of the Comprehensive Plan. The County recognizes that if we are to direct the majority of that growth to the designated growth area, we must move aggressively to establish the necessary water and sewer infrastructure to accommodate that growth. This Board is taking the necessary action to establish that infrastructure so that we can ensure the proper implementation of our Plan.*

*Permitting innovative design standards and flexibility of design to encourage attractive higher density development to our growth area will, along with the higher densities permitted by the zoning districts in this area, will make it an attractive place to develop properties.*

**Housing:**

How do you answer the rising cost to rent a decent place to live in Cecil County? Poor are using more of their income to pay rent. What is your answer to least cost?

*The County's Comprehensive Plan recognizes the importance of attainable housing for the workforce within the County. This leads to economic benefits for employers in the community and enhances the quality of life in the community. The establishment of water and sewer infrastructure in our growth area will permit flexibility in housing type and design that is afforded by higher density development. This in turn could lead to a wider segment of products in the housing market that can satisfy more niches in that market. For those projects that are still aimed at the higher end of the market, incentives could be built in to the projects allowing a certain number of units above the maximum if they are set aside as workforce attainable housing.*

**Impact Fees:**

Why doesn't Cecil County have an impact fee per each new house when most MD counties have enacted a fee?

*An impact fee is a fee imposed by a government entity such as Cecil County as compensation for the otherwise unmitigated impacts of the proposed development project. The fee imposed must pass what is commonly referred to as the "rational nexus test". That is to say that there must be a demonstrated connection between the amount being charged and the impact of the proposed project. If Cecil County Government imposed an impact fee to pay for bridges, as an example, the fee imposed on the proposed project would need to be tied to the impact that proposed project would have on the bridges serving it. The fee collected must be restricted in use and spent within a reasonable time*

*on the facility to be impacted. The Board of County of Cecil County needs the approval of the Maryland General Assembly in order to enact an impact fee. Our delegation has adamantly refused to sponsor the necessary legislation.*

### **Jobs /Opportunity:**

How can we best capitalize economically on the opportunity to foster "rural industry" such as equine, tourism, farming etc... to avoid ending up looking like New Castle County?

Can economic progress at the same rate under either "smart growth" or "poor growth"? Does "smart growth" stunt the economy?

*The complete implementation of our Comprehensive Plan ensures that we will have a viable agricultural economy in this County. Our Comprehensive Plan's implementation will preclude the willy nilly hodge podge approach to growth that has characterized New Castle County, Delaware's growth over the years.*

*Economic growth in a robust economy such as ours will continue unfettered by any perceived limitations imposed by the latest fashionable clichés and passing fashionable fads such "smart growth". We must be reminded that certain areas of the County are designated as a growth area that will absorb the majority of our future residential industrial and commercial growth. The development of these areas will ensure the successful implementation of our Comprehensive Plan and will help to maintain our quality of life.*

### **Open Space:**

As population increases and open space declines, preservation of parkland becomes more vital than ever. How can this fit with the required growth in housing to support a growing population?

Parkland should be maintained for its primary purpose: recreation, open space and wildlife preservation and unfettered access to those that paid for it: private citizens. None of these goals or purposes should be compromised for the purposes of economic development. What will Cecil County be doing to maintain parkland for future generations without resorting to privatization? Michael Goetz

*Cecil County Government has recently updated our Land Preservation Parks & Recreation Plan. This document has inventoried our present situation and has identified deficiencies that need to be addressed. We will move to implement the recommendations in the Plan in an aggressive but fiscally prudent approach to provide the necessary recreational opportunities for the citizens of the County. Several parks are presently*

*under design (Conowingo, Elk River) or are in development (Cecil Sports Complex, Chesland).*

### **Planning and Zoning Commission:**

It's not unusual for Cecil C. planning commission/commissioners to review between 15-20 developments per month!

There should be a minimum specified time period for the details of any proposed changes to County Plans or Ordinances to be reviewed by the Office of Planning and Zoning, and examined by the public. Currently, at least for amendments to the master Sewer and Water Plan, this is not the case. Details for MS&WP do not have to be available prior to the hearing before the Planning Commission either for OPZ staff or public review. cursory review by OPZ the night of a Planning Commission hearing is inappropriate and a disservice to County residents.

The Planning board often says it must rule for a project because they have to follow the rules, not public sentiment. How are rules established and how can they be changed to let public sentiment play a role?

Should there be a residency requirement to serve on the Planning and Zoning Commission?

The Planning and Zoning Commission appears to represent developer's interests. Why don't we make them accountable to the citizens and elect them?

Often during the construction of new development there are questions/concerns regarding violations or potential violations of codes or good building practices with regards to protection and conservation of the land and water resources of Cecil County. i.e. improperly installed or no silt barriers and other protections. How many resources are dedicated to identifying these issues and correcting them? Both through stop work orders, fines, sanctions, and county bans for further business within the county?

Does County planning have a process for citizen input similar to this process (tonight)/ How do they institutionalize citizen input pro-actively?

*The length of Planning Commission agendas are dictated by the number of submittals by the required deadlines. The number of items varies from month to month. The Planning Commission has revised its policy for the daytime session to start earlier if ten or more items are submitted for their review.*

*Items appearing on the evening agenda of the Planning Commission are submitted by the third Thursday of the previous month. They are also advertised in the legal notices of the local newspaper on two separate occasions fifteen days in advance of the first meeting. Planning Commission daytime submittals are made on the first Monday following the*

*Technical Advisory Committee meeting. Public notices are erected on the properties submitting for review and any interested parties are invited to peruse the files. All submittals are given careful scrutiny by the Office of Planning & Zoning prior to the public hearings and staff recommendations are made based on the regulatory requirements and the law. These staff recommendations are not arbitrary or capricious. As I stated earlier, the correct decision may not always be the popular decision.*

*The regulations the Planning Commission follows are a combination of State Law (Article 66B of the Annotated Code) and local law (Zoning Ordinance, Subdivision Regulations, Comprehensive Plan). The latter are adopted and amended from time to time by the Board of County Commissioners and the former is amended by the General Assembly.*

*The Planning Commission is not elected. The citizen members are appointed to three year staggered terms by the Board of County Commissioners. There is presently no residency requirement nor is one necessary.*

*The Planning Commission represents the interests of the County by making decisions based on the recommendations of the Comprehensive Plan, and the requirements of the Zoning Ordinance and Subdivision Regulations. They are fair, impartial and balanced in the adherence to the law. The Planning Commission cannot let emotional appeal taint their decision making with the appearance of being arbitrary and capricious.*

*Citizen input can occur throughout the public hearing process through either written comment or oral comment. The County encourages attendance and participation in this process.*

*Any observed or perceived violations should be reported to the County as soon as possible so that their veracity can be properly vetted.*

**Resources:**

Water Supply – Is the State concerned? Is the county? I have neighbors in those \$300,000 houses that can't use /access water aquifer. Shouldn't we consider this a fundamental resource for growth?

What will be added to the plan to correct the county landfill problem which will be compounded by additional growth? Despite the odor problem – the life of the landfill should be shortened because of the added intake.

What is the County's plan to provide the necessary infrastructure to meet the needs of growth?  
Don Craig Rising Sun



*The provision of a long term dependable water supply to the County's designated growth area is of paramount importance to the Board of County Commissioners. We are moving aggressively to make this a reality with several initiatives that are presently in negotiation with private parties and other governmental entities. In areas that depend on individual wells for their water, we depend on the Maryland department of the Environment to issue groundwater appropriation permits to withdraw the water.*

**Schools and Taxes:**

At what rate are the schools going to be able to keep pace with growth?

Where is the County going to place all the new incoming children within the existing schools and districts?

Please comment on the important consideration of our public school system when developing.  
R. L. Price

Is development increasing traffic, our taxes, and burden on our schools?

How can we continue to allow development of houses that generate about \$2000 in real estate taxes and cost about \$17,000 per year (2 children) in school expense alone, plus other infrastructure costs?

*There is no question that development will cause an increase in traffic. If a development is of a significant size, a traffic study would have to be done. A big impact would require the upgrading of road patterns.*

*The property tax has not been increased in 8 years. The property assessments have increased, which have provided an increase in funds. If our Delegation would give their approval, impact fees on new homes would alleviate a need for tax increases. Harford County has an impact fee of over \$7,400 per home.*

*As schools are remodeled, we are adding rooms. Only a few of the schools are over the State rated capacity. Since we do not have an Adequate Public Facilities Ordinance, we cannot use schools as a reason to deny development. A new study is being performed on development, and it is anticipated that when a home hits a certain price it pays for the services required for the residence. The number of school children per home in 1998 was as follows for single family detached:*

$\frac{K-5}{0.291}$

$\frac{6-8}{0.13}$

$\frac{9-12}{0.176}$

**Transit:**

Can you talk about the impact of extending MARC service to Elkton and possibly linking MARC to SEPTA in Cecil?

*The County has initiated studies to look at the extension of SEPTA service from Newark Delaware to Elkton and at the extension of MARC service from Perryville to Elkton. As one can imagine the price tag for the options identified are staggering. However, as we successfully implement the goals and objectives of our Comprehensive Plan, we will build the critical mass of density in our growth area that will support this type of transit service. This will also provide multi-modal travel options for individuals and reduce dependency on our automobiles.*

**Visual Heritage:**

For those areas slated for housing development, why not require more aesthetically pleasing designs; incorporating more open spaces and sustainable environmentally friendly technology?

*As you can readily imagine, the notion of what is aesthetically pleasing to one person may not be to the next person. Therefore, the County has established certain minimum landscaping and buffer yard thresholds that must be met for residential and commercial/industrial developments. These requirements take time to mature and fulfill their intended goal, but eventually, they will provide a vegetative screen that will serve to ameliorate the impact of development. In the rural areas, landscaping and buffers are also required and our new shared facilities ordinance will afford additional opportunities for creative design by disengaging the placement of the lots from limitations on where the property percs.*

**Zoning:**

Approval or disapproval recommendations by the Office of Planning and Zoning for zoning ordinance or plan changes should not reside solely with the Director of the Office of Planning and Zoning. They should have a carefully weighed staff review. Decision making by one person, after perhaps only cursory review of such important matters is simply not appropriate and can lead to erroneous interpretations and oversight errors detrimental to the County.

*The present Director of the Office of Planning, Zoning, Parks & Recreation is an individual whose vast knowledge, impartiality, and productivity are nonpareil. The director is the chief executive officer of the planning department and serves at the pleasure of the Board of County Commissioners. The Board values the Director's recommendations and input on a plethora of land use issues and finds his comments to be well thought out, germane to the subject at hand, fair and balanced, and it is always weighed heavily by us prior to a decision. We have never received any recommendations that could be considered cursory or that have lead to erroneous interpretations over*

*oversight detrimental to the County. The Board considers itself fortunate that a person of such high caliber is presently filling the position of Director of Planning zoning, Parks & recreation.*