

**BOARD OF COUNTY COMMISSIONERS' MEETING**

**Tuesday, February 19, 1991**

**Present:** Commissioner Carl M. Loffler, Jr., President  
 W. Edward Bailey, Commissioner  
 Robert T. Jarboe, Commissioner  
 John G. Lancaster, Commissioner  
 Barbara R. Thompson, Commissioner  
 Edward V. Cox, County Administrator  
 Judith A. Spalding, Recording Secretary

**CALL TO ORDER**

The meeting was called to order at 9:00 a.m.

**APPROVAL OF MINUTES**

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to approve the minutes of the Commissioners' meeting of Tuesday, February 12, 1991. Motion carried.

**APPROVAL OF BILLS**

Commissioner Bailey moved, seconded by Commissioner Lancaster, to authorize Commissioner Loffler to sign the Check Register as presented. Motion carried.

**COUNTY ADMINISTRATOR'S ITEMS**

Present: Edward V. Cox, County Administrator

1) **APPOINTMENTS**  
**BOARDS, COMMITTEES, COMMISSIONS**

Commissioner Bailey moved, seconded by Commissioner Thompson, and motion carried, to appoint the following individuals with terms as indicated:

<b>Council on Children and Youth</b>	<b>Terms to Expire</b>
Anthony W. Pitt	12/31/91/94
<b>Zoning Board of Appeals</b>	
Sal Raspa (Alternate)	12/31/92/96

2) **DEPARTMENT OF ECONOMIC & COMMUNITY DEVELOPMENT**  
**RENTAL ALLOWANCE PROGRAM GRANT APPLICATION**

The County Administrator advised that because of the deadline for submission, a majority of the Board of County Commissioners approved and authorized Commissioner Loffler to sign the Rental Allowance Grant Application on Thursday, February 14. Affirmation of that action is needed in this week's minutes.

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to affirm action by the majority to approve and authorize Commissioner Loffler to sign the Rental Allowance Program Grant Application. Motion carried.



3) HOUSE BILL 473  
LOCALLY FUNDED GOVERNMENTAL UNITS  
STATE FINANCIAL ADMINISTRATIVE CONTROL

The County Administrator presented correspondence addressed to the County's legislative delegation in Annapolis expressing support of the referenced HB 473 which would transfer from the county to the state the cost of certain state offices.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to sign and forward the correspondence as submitted. Motion carried.

4) COASTAL ZONE MANAGEMENT GRANT

On behalf of the Office of Planning and Zoning, the County Administrator presented the Coastal Zone Management Grant in the amount of \$10,000 for St. Mary's County's standard coastal zone management activities.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner Loffler to sign the Coastal Zone Management Grant as presented. Motion carried.

5) REVISED STORMWATER MANAGEMENT GRANT APPLICATION

On behalf of the Office of Planning and Zoning, the County Administrator presented the referenced revised Stormwater Management Grant Application. Mr. Cox stated that Department of Environment correspondence of January 14, 1991 indicates that the Sediment and Stormwater Management Administration has reduced its participation in the SWM grant-in-aid because of reduction of available of funding. Therefore St. Mary's County's grant has been revised from \$69,381 to \$60,963 and a modification is required.

Commissioner Thompson moved, seconded by Commissioner Bailey, to approve and authorize Commissioner Loffler to sign the revised Stormwater Management Grant Application as presented. Motion carried.

6) CHARLES COUNTY COMMUNITY COLLEGE SITE AT ST. MARY'S

The County Administrator presented correspondence addressed to Mr. John Horton responding to his February 9 letter regarding the referenced site.

The Commissioners agreed to sign and forward the correspondence as presented.

COURT PSYCHOLOGIST

Present: Frank Sullivan, Dir., Mental Health & Rehabilitation  
Gary Anderson, Asst. Dir. for Services, DSS  
Sam Bauman, Director, Tri-County Youth Services Bureau

The referenced individuals appeared before the Commissioners to request the Commissioners' support for a Court Psychologist. Mr. Sullivan stated that various agency directors have been working together to develop a service package which would entail coordination of public and private sector services. He stated that currently people entering the court system are not readily identified as having mental health problems and are incarcerated without evaluation or treatment. Major responsibilities include evaluation and referral; act as court liaison between treatment providers and court system; coordinate court referrals to private providers for evaluations; coordinate custody evaluations; and conduct pre-trial evaluations and assessments. The court psychologist would also conduct and interpret psychological evaluations on candidates for the Sheriff's Office.



The estimated total cost for Fiscal Year 1992 is \$51,045 and would cost the County approximately \$20,418 a year. Mr. Sullivan pointed out that the State has committed 100% funding for the balance of Fiscal Year 1991.

During discussion the Commissioners expressed concern regarding current budgetary constraints and indicated that they would like to see cost savings from other departments' budgets that would pay for this program. The Commissioners further expressed concern regarding the State not honoring its commitment for funding for other programs.

After discussion the Commissioners requested an identification of cost savings from other departments and that the County Administrator and Director of Finance prepare recommendations for discussion in two weeks.

In closing Mrs. Mary Clements, representing Alliance for Mentally Ill (AMI), stated that AMI is in support of the court psychologist.

**FISCAL YEAR 1991 SUPPLEMENTAL BUDGET**

Present: Edward V. Cox, County Administrator  
Charles Wade, Director of Finance

Mr. Wade presented a variety of financial data on economic conditions of the County, including new revenue information and suggested that the Commissioners review the supplemental budget request. The Commissioners agreed to wait a week until the information could be presented in a more formal fashion.

**OFFICE OF COMMUNITY SERVICES**  
**ALLIANCE FOR ALCOHOL/DRUG ABUSE PREVENTION**

Present: Cynthia Brown, Director, Office of Community Services  
Walt Biscoe, Prevention Coordinator  
Joe Dick, Executive Director, Alliance

The referenced individuals appeared before the Commissioners to present a federal grant application for the St. Mary's County Summer Fun Camp Program for High Risk Youth for submission to ACTION. Total cost of the project is \$70,288. Mrs. Brown advised that the grant would allow the County to expand the summer camp program from three sites to five. Materials on alcohol/drug abuse prevention will be introduced at the summer camps for the youths, volunteers and staff. The grant would also allow for the camp sessions to be expanded from four weeks to six weeks and would increase the number of youths attending from 200 to 500.

After discussion Commissioner Jarboe moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner Loffler to sign the grant application as presented. Motion carried.

**PROPOSED STATE 2020 GROWTH ALLOCATION PLAN LEGISLATION**

The County Administrator presented County Commission position statements to be read on the referenced legislation (SB 227 and HB 214) February 26 and February 28 consecutively.

During discussion Commissioner Bailey stated that he would like to see the legislation defeated rather than deferred.

After discussion Commissioner Thompson moved, seconded by Commissioner Jarboe, to accept these statements as the county's official position on the proposed 2020 legislation. Motion carried.



LAND CLEARING DEBRIS LANDFILL

Present: Ron Pickett, Applicant  
Dave Gerdel, Department of Public Works  
Joe Densford, County Attorney  
Laura Clarke, Office of Planning and Zoning

Mr. Pickett advised that he has applied for a land clearing debris landfill in Charlotte Hall on Md. Rt. 6. He advised that the Board of Appeals has approved conditional use for the landfill and the State of Maryland has requested letters indicated that the conditional use zoning was approved and that the landfill is in compliance with the County's Comprehensive Solid Waste Plan.

Mr. Pickett indicated that the geographic area of St. Mary's, parts of Charles and Brandywine would be drawn on for the landfill. The operation would be a landfill for tree stumps and other land clearing debris and would not include construction rubble. One of the Solid Waste requirements is that the County cannot accept out-of-county solid waste. He pointed out that this issue must be resolved in order to get his state permit.

Mr. Densford pointed out that the issue is the type of materials being brought in from the outside as to whether they meet the definition of "solid waste." He stated that in 1988 the Commissioners adopted the Solid Waste Ordinance and "rubble" was not listed under the definition of "solid waste." Mr. Densford stated it was his opinion that rubble, including stumps would be a part of a different landfill operation. The purpose of not accepting solid waste from outside the county is because the solid waste facility is funded by taxpayers' dollars. This is a private operation.

County Administrator Cox stated that the Department of Public Works was concerned that this would set a precedent to bring out-of-county trash to St. Mary's County; however, this particular case is being addressed which had been approved by the Board of Appeals as a waiver for this situation only. Any future cases would be subject to the same review and consideration.

During discussion Miss Clarke presented the minutes from the January 10 Board of Appeals meeting which approved the applicant for conditional use and listed 25 conditions.

After discussion Commissioner Bailey moved, seconded by Commissioner Jarboe that stumps and land clearing debris does not meet the definition of "solid waste," and therefore is allowable with regard to the application by Mr. Pickett for a land clearing debris landfill. Motion carried.

REGIONAL TOURISM COMMITTEE

Present: Audrey Davenport  
John Simpson  
Joanne Roland  
Cindy Woodburn  
Betty Koehl  
Ann Marum  
Shirley Colleary  
Estelle Seaward  
Brady Bounds

The referenced individuals appeared before the Commissioners to present a report on the activities of the Regional Tourism Committee and to request the Commissioners continued support. Mrs. Davenport provided the Commissioners with a packet of information outlining projects and programs of the Regional Tourism Committee.



Mrs. Davenport indicated to the Commissioners that the Regional Tourism Committee believed that tourism could best be served by the three counties rather than under the umbrella of the Tri-County Council. She stated that the Committee had been appointed by the Commissioners approximately six months ago and the Commissioners would be unable to evaluate the progress of the group because they are in the process of working on several tourism marketing projects. She did point out, however, that whether tourism is with Tri-County Council or the Tourism Committee, there needs to be input from the private sector that has been involved in the past six months. She also stated that each of the County's Tourism Coordinators need to be involved.

Commissioner Jarboe pointed out that Tri-County Council Chairman, Mac Middleton made a presentation to the Board on February 12 and also to the other two boards regarding placement of regional tourism. He stated that the Tri-Council Executive Committee will be making a recommendation which has not yet been made.

The Commissioners thanked the Regional Tourism Committee for their presentation and advised that they would get back to them at a later date.

**PROCLAMATION**  
**DAFFODIL DAYS**

Present: Mike Dugan, American Cancer Society

The Commissioners presented the referenced Proclamation designating March 14 - 16, 1991 as Daffodil Days on behalf of the American Cancer Society.

**OFFICE OF PLANNING AND ZONING**

Present: Jon Grimm, Director  
Scott Kudlas, Environmental Planner  
Peggy Childs, Recording Secretary.

Also Present: Ren Serey, State Critical Area Commission staff  
Mike Whitson, St. Mary's County representative to the  
Critical Area Commission.

**PUBLIC HEARING - GROWTH ALLOCATION SUBMISSIONS**

**DESIGN COMPETITION**

Mr. Grimm explained that the Growth Allocation Process is akin to a rezoning; it is a request for a change in the zoning classification of the Critical Area Overlay, of which there are three: RCA (Resource Conservation Area); LDA (Limited Development Area); and IDA (Industrial Development Area). Under the St. Mary's County Critical Area Ordinance, 5% of County land zoned RCA may be assigned for more intense development over a 15 year process. This equates to slightly under 1700 acres which may be allocated at roughly 112 acres per year - 60% for the Design Competition Process, 20% for Minor Subdivisions, and 20% for single-lot subdivisions. This is an experimental process for St. Mary's and we are the first County in the State to use this setup. Following this first cycle we will review the process and make recommendations for revisions as required.

This public hearing was advertised in The Enterprise on January 30 and February 6, 1991. The Planning Commission has conducted a public hearing and forwarded their recommendations to the County Commissioners. The Commissioners will decide and forward their decisions to the State Critical Area Commission for final approval and sanction to amend the Critical Area Program accordingly. Following that, the projects will proceed to site plan approval.



Mr. Kudlas stated the underlying concern of the Planning Commission was how to deduct the minimum acreage possible in order to preserve our remaining growth allocation. As a result of that meeting, staff reviewed the Ordinance language extensively, and now believes the intent was not to create two mapping alternatives, but only one: the "development envelope" approach (20 acres restricted plus the mapped growth allocation acreage), and the staff reports reflect this position. Further, both State and County agree that the 20 acres cannot include any wetlands or other nonbuildable land, and the restricted area must be contiguous.

The State Critical Area staff appears to disagree with staff's interpretation as to the "development envelope" approach, believing the language does create two distinct mapping strategies, the "parcel subdivided" being the best approach.

**STSP #89-1446 - Avenmar Community Center**

Requesting review of site plan for change in overlay classification for 13.5 acres of RCA to LDA to accommodate the community center complex. The property is zoned RPD (RCA Overlay) and is located in the Third Election District off of Knight Road; Tax Map 40; Parcels 123 & 124.

Owner/Applicant: Potomac Investment Associates  
Agent: Norris, Gass & Ocker Engineering, Inc

Present: Don Franyo & Charlie Barbeau, Potomac Investment Associates  
John Norris & Cindy Reynolds, of NG&O  
Jim Kenney, Attorney for Applicant

PC Recommendation: Development Envelope approach using actual acreage of all impervious area, not to exceed 13.5

**NOTE:** Commissioner Loffler did not participate in the Avenmar discussion, stating one of his firms has had a financial transaction with Avenmar. Commissioner Bailey assumed the Chair as Vice President.

Ms. Reynolds presented the plan and orientation for the community center, caretaker's residence, stables and paddock area, with a boat ramp and storage area for small boats, using existing walkways and natural features of the site for minimum disturbance of the site and natural habitat protection. Mr. Norris stated there seems to be some disagreement regarding the deduction of acreage; he said they want to accommodate the County and State but they do want to retain their density and be able to build the community center.

Mr. Kudlas responded that staff has always tried to accommodate the project, where staff disagrees with Mr. Norris is that staff feels the entire 222 acres should be used to calculate density, as follows:

222.0 acres  
-13.5  
188.5 acres  
Divided by 20 (RCA Density)  
= 9 Dwelling Units  
- 7 Units already approved in  
Sections 1 & 3  
= 2 DUs remaining for area not mapped  
(Section 2)

There are two ways staff feels applicant could maintain density and still get the community center complex and remapping:



13.5 acres  
Divided by 3.0 (RPD Density)  
= 4.5 Dwelling Units  
- 1.0 (or 2.0) for Community Center  
- 1.0 for Caretaker's Residence  
= 2.5 (or 1.5) DUs to be accommodated  
in 13.5 acres

The second way, which staff feels may be an option, would be to apply the maximum building lot size of 1.5 acres to Design Competition projects that is allowed in Minor Subdivision and Single Lot Subdivision categories, and it seems fair to do that. This would yield:

13.5 acres  
Divided by 1.5 acre lot size  
= 9.0 Dwelling Units  
- 1.0 (or 2.0) for Community Center  
- 1.0 for Caretaker's Residence  
= 7.0 (or 6.0) DU to be accommodated  
within 13.5 acres  
if the restricted 20 acres can be used to  
make up the density residue at 3 acre RPD  
Density

Staff feels one of these alternatives should be chosen; we will have mapped the minimum area for growth allocation and still maintained the density, provided the 10 acres is restricted for RPD Density. This is the fundamental issue staff feels the Commissioners must decide. If the Commissioners choose to go with the Planning Commission's recommendation, the acreage must be modified to include wetlands and buffers as one of the approval conditions, to comply with the Ordinance.

Mr. Norris responded that he doesn't disagree with what Scott has said, but because of his knowledge of the property he knows what Mr. Kudlas is proposing will take more of the land area than he realizes, and asks that the Commissioners approve this in a manner that will allow them to work out the details, being cognizant of the natural features of the property. Mr. Franyo commented that if they could put units in the 13.5 acres Mr. Kudlas' plan would work, but they can't because they only have one septic system - the ground won't allow it.

There being no further comments, the Avenmar portion of the public hearing was closed, and Commissioner Loffler resumed the Chair for the remainder of the public hearing.

**STSP #89-1551 - Calvert Estates/Chesapeake Industrial Park**

Requesting review of site plan for change in overlay classification from LDA to IDA for 25.20 acres, zoned I-1/LDA, RL/LDA and RH, located in the 3rd Election District south of Maryland Route 5 between Cedar Lane and Gregory Road; Tax Map 40, Parcels 52, 57 and 113.

Owner: Phil Dorsey III and Maryland Capital Corporation  
Agent: Norris, Gass & Ocker Engineering, Inc.

Present: John Norris and Greg Stevens, of NG&O

PC Recommendation: Development Envelope approach using actual acreage of lots and all areas included in growth allocation, not to exceed 25.20 acres.

This project received the highest number of points in the scoring of Design Competition projects; it is a joint venture consisting of 5.5 acres industrial area and a residential area of approximately 15 acres in the lower area and seven acres in the upper area of the property. The entire site is wooded except for the existing Mini-Tech building and the existing Breton Bay Garden Apartments.



Mr. Stevens presented details of the plan and site specifics. The project would add several single story commercial/industrial buildings and possibly a two-story commercial office building with parking; a large portion of the property would remain undisturbed. Town house developments are proposed on the higher land, preserving as many trees as possible; the units would have access to the new Cedar Lane connection which is part of the Route 5 Bypass presently under construction. Growth allocation is being requested to construct the townhouses in commercial areas, as they cannot be constructed under the LDA designation.

Mr. Kudlas commented staff really likes this project, but the Ordinance language makes it a problem to some extent because there are only approximately 24.628 acres in the Critical Area, which appears to make the 20 acre restriction required under the development envelope not possible, but said the project may not need growth allocation because a mitigation plan could be worked out for clearing the trees. Should the Commissioners feel growth allocation is necessary, staff proposes either to:

- (1) Map only the industrial use area IDA for growth allocation;
- (2) Map the proposed 9.25 acre IDA and restrict the remaining 19.193 acres, keeping in mind the 20 acre restriction requirement; OR
- (3) Map and deduct the entire 25.20 acres from growth allocation.

The Chair opened the hearing to public comment. Hearing none, the Calvert Estates portion of the public hearing was closed.

**CSUB #89-0470 - Bashford Creek Estates**

Requesting review of 10 lot subdivision for change in overlay classification from RCA to LDA for 23.41 acres, zoned RPD with RCA Overlay), located in the 4th Election District off of Mill Point Road in Maddox; Tax Map 22, Block 18, Parcel 005.

Owner/Applicant: Alan R. Schmitt  
Agent: D. H. Steffens Company

Present: Herb Redmond, of DH Steffens  
Mr. Schmitt

PC Recommendation: Approval using Parcel Subdivided approach, the actual acreage of lots and all areas, not to exceed 23.41 acres.

Mr. Redmond located the property as being west of MD Route 238 adjoining Mill Point Shores, approximately 2-1/2 miles from Chaptico. The development will be a contiguous envelope of lots beginning along the road frontage but not coming as far back as the Creek. The farm is being retained along with the farmhouse and existing buildings. Grass and Christmas trees have been planted on a portion of the property, with an understudy of walnut, and there will be some additional plantings as the project proceeds; the shoreline will not be disturbed, nor will the farm pond and drainage swale. The applicant has applied for percs which will, hopefully, be conducted next week, the results of which will dictate final configuration of the plan.

Mr. Kudlas stated in light of staff's new understanding of the regulations it may be possible to map only the 15 acres from the growth allocation for this project, if the Commissioners sanction a consistent 1.5 acre building lot size for all growth allocation categories as suggested earlier, with an additional 20 acres restricted one time only to satisfy the RPD density requirement.



The Chair opened the hearing to public comment.

In response to a question from John Wright, of the St. Mary's Today, Mr. Kudlas explained staff now interprets the Ordinance that development envelope is a way of dividing a parcel, therefore "development envelope" and "parcel subdivided" are really the same. Ren Serey, of the State Critical Area Staff, pointed out, though, that CAC staff would consider the 1.5 acres to be the entire lot, not merely the buildable lot size of a 3 acre lot. Mr. Kudlas agreed, but said staff's position is that the remainder of the 3 acre lots could be used as common area to make up the 20 acre restriction of the RPD.

Mr. Schmitt asked how he would define his buildable land? Mr. Grimm referenced Section 49.02 of the Ordinance which states that "buildable land" is anything that is not tidal wetlands. With this, the Bashford Creek portion of the hearing was closed.

#### MINOR SUBDIVISIONS

##### CSUB #90-1724 - Maydel Manor, Section 2

Requesting change in overlay classification from RCA to LDA for this 4 lot subdivision, containing 6.0 acres, zoned RPD and RPD/RCA, located in the 3rd Election District on Breton Beach Road, to Maydel Drive, to Cryer Court; Tax Map 48, Block 15, Parcel 16.

Owner/Applicant: Cryer Company  
Agent: Tom Howard, of Baseline Engineering

Present: Thomas Cryer  
Mr. Howard

PC Recommendation: Approval for 6 acres growth allocation, per conditions A through D of the staff report.

Mr. Howard stated a portion of the property was subdivided previously and the road paved and turned over to the County; growth allocation is the only means they have to subdivide this portion, the road already having been paved, however they could only get percs for three of these lots. They have set aside 1.5 acre for each house plus additional land to comprise the 20 acre restriction, Mr. Howard said, but the owner would like to sell the 1.5 acre remainder to the owners for their own use; however, they can go either way.

Mr. Kudlas stated the Minor Subdivision category is slightly different in that it does not specify reservation of any additional acreage; it does specify though that the maximum lot size shall be 1.5 acres. Regarding Mr. Serey's comment that CAC staff would consider 1.5 as the entire lot size, Mr. Kudlas said staff has always felt they could create the building lot of 1.5 acres, and then, under Section 4 of the Subdivision Regulations, allow the applicants to convey the 1.5 acre remainder as an agricultural division to meet the 3-acre density, should they wish to do so. Thus the configuration of the minor subdivision requests. This applicant was caught in the rezoning situation and has a public road, and staff feels it is a reasonable way for them to complete their project, and supports the request.

Commissioner Loffler stated there would have to be a note on the plat in the tax records regarding the agricultural division. Mr. Howard said he had no problem with doing that.

The Chair opened the hearing to public comment. Mr. Serey said the Critical Area Commission is concerned the County may have put itself in a bind with the 1.5 acre lot restriction. Commissioner Loffler said the restriction was set deliberately so no applicant would "overload his plate" in drawing down the allocation.



The Maydel Manor portion of the public hearing was closed.

**CSUB #88-0775 - Eppard Property**

Requesting change in overlay classification from RCA to LDA for this four lot subdivision, containing 6.0 acres, zoned RPD (RCA Overlay), located in the 3rd Election District along Route 243 in Compton; Tax Map 39, Block 18, Parcel 273.

Owner/Applicant: Eppard Family

PC Recommendation: Approval of 6 acre allocation with conditions A through D of staff report

Mr. Kudlas presented the staff report and stated staff recommends approval. Again, growth allocation is the only way the project can be approved. However, only 3 EDUs from the St. Clements Shores Treatment Plant have been verified for the project. If not used within three years, the EDUs would revert back to MetComm. In order to meet that condition the applicant would have to have an approved easement or EDU from the Health Department or MetComm and would have to have his water appropriations. The plat would not be recorded until the sewer issue is resolved.

The Chair opened the hearing to public comment.

Irene Parrish expressed concern about the Eppard EDUs, saying they were granted in 1985 prior to the subdivision plat approval in 1989; furthermore, MetComm says the Eppards have never paid the front foot benefit charge. She asked that MetComm be directed to do an audit of how many EDUs are available in the St. Clements Shores Sanitary District. She said she is also concerned because the subdivision was originally an intra-family transfer.

Mr. Kudlas said it is his impression that the subdivision was originally 12-14 lots, which fell by the wayside because of the EDU situation between B. I. Mattingly and the Eppards. After that they attempted to get an intra-family transfer, which was approved by the Planning Commission; what was denied was their request to convert the intra-family transfer into a subdivision for sale. Mr. Grimm said he has asked Mr. Petty about the EDUs and would have the information to the Commissioners before their decision.

The Eppard portion of the public hearing was closed.

**CSUB #90-1724 - Lore's Landing**

Requesting change in overlay classification from RCA to LDA for this 4 lot subdivision, containing 6.0 acres, zoned RPD (RCA Overlay), located in the 1st Election District off Bonnie Lane and Wynne Road; Tax Map 70, Block 11, Parcel 83.

Owner/Applicant: Joseph Lore

PC Recommendation: Approval of 6 acre allocation with Conditions A through D of staff report.

Mr. Kudlas presented the final request, noting that the "adequate facility" language is appropriate to this project also; i.e., sewer easement approval and water appropriations within three years of the date of the growth allocation award.

The Chair opened the hearing to public comment.

Minnie Russell, adjacent property owner, expressed concern as to how the project can be approved without approved percs and what could be done with the property if it doesn't perc, stating her concern that the



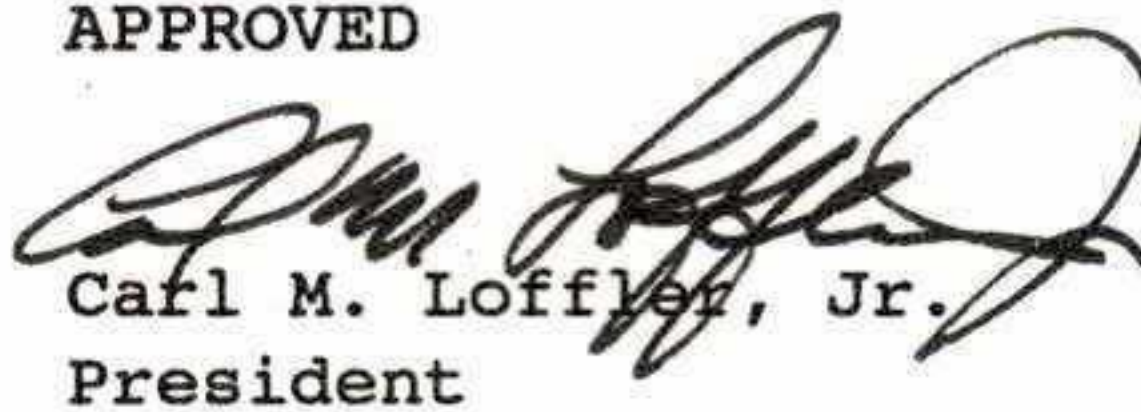
property will be used for campers. Mr. Kudlas stated the 6 acres approved under growth allocation would be for the purpose of establishing residential units, provided sewer and water facilities are in place; the rest of the property would have to be recorded as "unbuildable". Commissioner Loffler replied if sewer/water is not approved within 3 years the property would revert back to nonbuildable lots, and the subdivision cannot be recorded until the sewer/water is approved. Commissioner Bailey said Mr. Lore could not be prevented from selling the lots, but no one could build on them.

The Lore's Landing portion of the public hearing was closed.

Since no requests for single lot subdivisions were received, Mr. Kudlas said, that allocation will not be used this year.

The public hearing was closed at 3:50 p.m. Commissioner Loffler stated the record would be held open for a ten-day period, following which the Commissioner will make their decisions.

APPROVED



Carl M. Loffler, Jr.  
President



