

BOARD OF COUNTY COMMISSIONERS / PLANNING COMMISSION  
COMPREHENSIVE PLAN WORK SESSION  
RUSSELL CONFERENCE ROOM, CARTER BLDG., LEONARDTOWN, MARYLAND  
Monday, February 1, 1999

All County Commissioners and Planning Commission members were present. DPZ staff present were Jon Grimm, Director; Planners Jeffrey Jackman, Sue Veith and Mary Hayden; and Peggy Childs, Recording Secretary. Also in attendance was Michael Dyett, of Dyett & Bhatia, the Comp Plan Consultants.

Mr. Grimm distributed copies of "Agricultural & Open Space Protection Menu" – an options and tools list prepared by staff, and his memorandum dated 1/29/99 - changes to January 1998 draft per 1/19/99 work session.

Consultant Michael Dyett advised as follows, in writing the final document:

- Flushing out the details should not hold up adoption of the Plan, as long as there is a commitment to implement it.
- The Plan is the long-term vision of the county. The Plan maps should reflect the policies; the zoning maps and overlays should carry them out.
- Make sure your land use classifications state the density/intensity you want to achieve. The January draft relies somewhat on the density/intensity of the zoning and could be more assertive in this regard. *If you need new zoning, direct that it be done.*
- Don't count the undevelopable land in development calculations.
- Provide a clear difference in density from growth areas to rural areas - this is important in channeling development for managed growth.
- Thinking in global terms is important. How can we achieve these goals and provide the compensation that may be needed or the incentives to participate in rural/agricultural areas?
- Clarify "edges" and provide overlays around areas you want to protect. Use and modify the existing zoning; don't think of it as a given.
- Look at identifying future opportunities for water-related activities such as convention centers, hotels and marinas. Use the map to give a sense of where the county wants to be.
- Base density in the agricultural areas – develop "themes" for the agricultural areas. Look at the soils and who has been using the land to establish a basis for the agricultural overlays and then protect them by using larger minimum lot sizes. 1:3 density will not protect the agricultural areas.
- TDR sending ratio from agricultural areas doesn't have to be twice what it is in other rural areas; start on a level playing field because there are other programs to compliment and compensate - sale of easements, purchase of development rights, tax sharing, agricultural extension program, farmsteads, etc.
- Use the map to think about where we want sending and receiving areas; we don't necessarily have to have across-the-board ratios. Determine priority areas, such as McIntosh Run, where we can make TDRs work.
- Economics – not essential but desirable as an alternative to accompany a straight trade TDR program; other areas have benefited from an in-lieu or open space fee, from a TDR bank run by a trust or non-profit organization, or by the county stepping in as a buyer of last resort at 80% of value, not at market rate. The TDR Program in Calvert is working well because the TDRs are less expensive to buy than more land.

- Clustering

Promote rural clustering; determine policy. Provide specific guidance, not just a performance-based program. Provide incentives to increase the clustering percentage for more clustering and more net density; don't reduce from 60% to 50% just because you can get a forest conservation exemption. Queen Anne County has 90%-10%. Provide alternatives, but take a *strong* position in the Plan about what we want to accomplish in rural areas. Establish limits in cluster size; show on the map where we are willing to consider larger rural subdivisions and where we don't want "negative designation" concepts. This can apply to shoreline as well.

Consider clustering for farmsteads. Rural conservation clustering can be a very powerful tool outside of the agricultural overlay areas.

Give developers guidance. They want to know what the rules are and that, if they follow the rules, there's a likelihood they'll be approved.



- Development Districts

Rather than having across-the-board downzoning to 1:1 and requiring everyone with a development site to get a TDR, look at different areas; e.g., existing sewer versus planned sewer, as one way of setting up infill. Complete the infill sites, maybe don't require TDR but open space fee.

There may be some areas in town centers with some lowered and some RPD zoning that will be upzoned to accommodate development intensities; maybe they, too, should have to earn that upzone by picking up a TDR for a 10:1 ratio. For each 10 acres that might come in at 3-5 units per acre, if it's going up from 1 per 3 acres to 3:5, they would have to "save" 10 times as much land in the agricultural area. 3,000 – 5,000 acres of priority areas can save 30,000 – 50,000 acres in agricultural areas. That kind of arithmetic with the map as the basis, not just the parcel information, would help us see whether we've got the right depth.

Consider at some point, as a compliment to where we want to be in the rural areas, to increase the base density, to use an open space fee in lieu of TDRs and to allow increases in density where we have contiguous, ready-to-go land – something that's going to contribute to the community.

- Sensitive Areas

Consider *quality* of sensitive areas and provide protection and buffering for prime habitat areas.

- Correlate GIS mapping information with planning proposals; make it accessible.
- Focus implementation on 20-year horizon with strategic capital improvement program and adequate facilities, geared to rural standards in rural areas and development standards in development districts as a basis for APF, flushing out details with schools and parks and creating a "public realm," where greenways and schools can help build neighborhoods, don't just approve subdivisions.

#### Themes for Agricultural Preservation

- Think of Agricultural Preservation as a package, with traditional zoning, the tools that staff has laid out, the right-to-farm provisions – a voluntary, cooperative mechanism that should be tailored to the needs of the different farming communities; i.e., the Amish community may have different needs. One size may not fit all, but the Plan could be sensitive to those differences.
- This applies also to rural character. Keep rural land use policy straightforward and consistent as a strong compliment to agricultural policy. Think about how the growth areas can help drive and fit those.
- Consider an open space fee not just in terms of residential development, but commercial and industrial development as well. People follow jobs, and the Plan could include policy direction to develop a rural lands protection fee that would apply to major commercial and industrial development, in the same way you might offer a developer in the town center or rural district the option of paying an open space fee instead of buying a TDR. We *all* benefit from preservation of the rural character. While this would be plowing new ground, it is certainly defensible and a useful theme to explore.
- Use caution in downzoning across-the-board.
- Use caution regarding buy-back provisions. If a development right has been sold, it has been transferred; someone has paid real money for it. The farmstead or interfamily option still needs to be in there, but the large-scale revenue transaction that may occur when you sell a right shouldn't be unwound just because someone decides they want it back. Developers may not want to participate in a program where there is a risk that the right he thought he had might be somehow encumbered at some future time.

Mr. Dyett reiterated his perspective that the Plan should provide clear direction, and a lot of details can be worked out in the Unified Code.

Discussion by the commissioners included ways to help farmers, particularly small tobacco farmers in the county who have been "bit" by the anti-tobacco effort. Mr. Parkinson said there is money to be made on hydroponics, but the capital outlay for infrastructure is phenomenal, and what we don't do in this Plan is incentivize ourselves to make capital investments to help the farmer make the transition to truck-farming. We only have 2 implement dealers in the county and, if they leave, it will cost more money to get equipment to the county and have it repaired. Commissioner Anderson replied he thinks that, as a result of the tobacco settlement, for the first time there is a realistic chance of some real money coming into the county to assist farmers in this transition as part of the Strategic Plan currently underway in this area. Commissioner Randall suggested commission members put their heads together and come up with an additional section in this area that will lay the policy, lay the groundwork, and send a



clear signal that we don't just want to look like farmland, we want to preserve and assist farmers. Commissioner Guazzo stated truck-farming requires labor and the county needs a policy that will help farmers with migrant labor. Mr. Grimm noted policies 5.1.2 and 5.1.3 of the economic development section on page 116 of the Plan which support farming and said there are also some provisions under the public facilities section which relate to programs offered in the school systems, which would continue to "grow" farmers.

As a result of tonight's discussion, the Commissioners directed the following:

- 1) Using the amendments contained in Appendix "C" of the Peer Report to address the issues discussed at the work sessions, staff will write the final draft for a February 18<sup>th</sup> work session, providing it several days prior for review.
- 2) The action statements implementing the Plan will be contained in a second document, which will also allow yearly reports to measure performance. The consultants will continue work on the Unified Development Code, and Mr. Dyett said that document will be presented to the Board of County Commissioners within 60 days of action on the Plan.
- 3) The Dameron Ag Overlay must be added to the Plan. This will not necessitate a public hearing because the overlay was requested by citizens during the public hearing on the Plan.
- 4) Establish a "usability" policy and quality of life strategy for individuals with disabilities.
- 5) Flush out details of LexPark-Tulagi Place Master Plan and include as implementation item.
- 6) Make sure increased density in development districts meets Smart Growth (Peer Review comment on page 33). If TDRs work, this will not be an issue.
- 7) Consider options for subdivisions of more than 5 lots in Rural Residential without rezoning.
- 8) Provide cross-references or user's guide to link action/implementation to the Plan. Remove outdated comments and information.
- 9) Ask consultant to review the February 18<sup>th</sup> document.

The meeting was adjourned at 9:10 p.m.