

**MINUTES OF THE ST. MARY'S COUNTY PLANNING COMMISSION MEETING
ROOM 14 * GOVERNMENTAL CENTER * LEONARDTOWN, MARYLAND
Monday, December 11, 2006**

Members present were Steve Reeves, Chair; Howard Thompson, Vice Chair; Lawrence Chase; Merl Evans; Shelby Guazzo; and Brandon Hayden. Susan McNeill was excused. Department of Land Use and Growth Management (LUGM) staff present were Denis Canavan, Director; Sabrina Hecht, Planner IV; Jeff Jackman, Senior Planner; Sue Veith, Environmental Planner; Bob Bowles, Planner II; and Cindy Koestner, Recording Secretary. County Attorney, Christy Holt Chesser, and Deputy County Attorney, Colin Keohan were also present.

The Chair called the meeting to order at 6:30 p.m.

APPROVAL OF THE MINUTES – The minutes of November 27, 2006 were approved as recorded.

PUBLIC HEARINGS

CWSP #05-110-004 – STRICKLAND SUBDIVISION, LOT 1

The applicant is requesting an amendment to the St. Mary's County Comprehensive Water and Sewerage Plan (CWSP) to amend service area map III-43 to change the service area category from W-6 (service in 6 to 10 years) to W-3D (service in 3 to 5 years, developer financed) in anticipation of providing service to a low density residential development. The property contains 76.93 acres; is zoned Residential Low-Density District (RL); and is located on Tax Map 43, Grid 19, Parcel 574, Lot 1.

Owner: Bruce Strickland
Present: Robin Guyther

Legal advertisements for this public hearing were published in the *St. Mary's Today* on 11/26/06 and 12/3/06. The property was posted and notice was mailed to adjoining property owners. Copies of the proposed amendments were placed on the County website; at the Public Information Office, located at 23115 Leonard Hall Drive, Leonardtown, Maryland; and in all branches of the County libraries.

Mr. Jackman explained sewer service to the property will be by individual septic tank; therefore, the Applicant is only requesting a change to the water category. The Applicant received a waiver from the requirement to connect to public sewer. Mr. Jackman noted this subdivision received concept approval from the Planning Commission on November 27, 2006. He added there is only one lot proposed for this subdivision. Mr. Reeves asked if the Applicant plans to develop the entire parcel. Mr. Guyther responded no, but the Applicant applied for the water category change for the entire parcel because the proposed Lot 1 cannot be recorded without water and sewer. He noted MetCom approved a service connection for this property as opposed to installation of a water main; therefore, adjoining property owners will not be required to connect.

The Chair opened the hearing to public comment.

Donald Strickland, local resident and brother of the Applicant, explained he is opposed to development in the area, but he is in favor of allowing the category change in this case. He explained his brother wants to build a house further down the road from the current house that is on the subject property.

The Chair closed the hearing to public comment.

Mr. Reeves asked if the Planning Commission feels the water category should be changed for the entire parcel or just the proposed lot that the Applicant plans to subdivide out. Mr. Thompson replied he feels the category should only be changed for that one lot. Mr. Guyther noted the Applicant prefers the water category only be changed for the proposed lot. Ms. Guazzo asked how many acres the proposed lot contains. Mr. Guyther responded 2.89 acres.

Mr. Thompson moved that having accepted the staff report, dated December 5, 2006, and having held a public hearing on the request for amendment to the St. Mary's County Comprehensive Water and Sewerage Plan (CWSP), and having made findings of adequacy with respect to the objectives and policies of the CWSP as required by the Environmental Article of the Maryland Annotated Code and of consistency with the St. Mary's County Comprehensive Plan, the Planning Commission vote to recommend to the Board of County Commissioners to amend service area map III-43 to change the service category from W-6 (service in 6 to 10 years) to W-3D (service in 3 to 5 years, developer financed) for the 2.89 acres described as the proposed Lot 1 of Parcel 574 of Tax Map 43 in the 8th Election District, as approved in concept by the Planning Commission on November 27, 2006; and further moved that the Planning Commission authorize the Chair to sign a resolution on behalf of the Planning Commission to transmit this recommendation to the Board of County Commissioners. The motion was seconded by Mr. Hayden and passed by a 6-0 vote.

CASE #06-245-001 – RYKEN HIGH SCHOOL

The applicant is requesting correction of a Critical Area overlay mapping mistake by converting 23.277 acres of Resource Conservation Area Overlay (RCA) to Limited Development Area (LDA) for developed portions of the parcel. The applicant is subsequently requesting consideration to award those 23.277 acres of growth allocation to convert from LDA to Intensely Developed Area (IDA), necessary to accommodate planned expansion of campus facilities. The property contains 105.339 acres; is split-zoned Rural Preservation District (RPD) and RCA; and is located at 22600 Camp Calvert Road, Leonardtown, Maryland; Tax Map 41, Grid 7, Parcel 7.

Withdrawn from the agenda.

DEVELOPMENT REVIEWS

PSUB #04-120-039 – THE CROSSING AT RIVERSIDE FARM

The applicant is requesting preliminary review and approval of 43 lots in a major subdivision. The property contains 146.48 acres; is zoned Rural Preservation District (RPD); and is located at the end of Greens Crossing Court, south of Greens Rest Drive from Flat Iron Road; Tax Map 58, Grid 20, Parcel 98.

Owner: Arrowhead, LLC (Dean and Joann Beck)
Present: Dean Beck

Mr. Bowles explained the only outstanding issue related to preliminary approval is that 38 Transferable Development Rights (TDRs) will be required for 19 of the 43 lots. He added the Planning Commission granted concept approval on December 13, 2004 and forwarded a recommendation to the Board of County Commissioners (BOCC) to amend the water and sewer category from No Planned Service (NPS) to Rural Water (RW) on March 28, 2005. The BOCC signed a resolution to change the CWSP category on May 24, 2005. Mr. Bowles noted the property already contains a minor subdivision of five lots; therefore, the entire subdivision will contain 48 total lots with approval of the additional lots tonight.

Mr. Bowles explained the dwelling units will be restricted to occupancy by persons aged 55 years or older. Access to the subdivision will be through Greens Crossing Court to Greens Rest Drive to Flat Iron Road. The lots are clustered on approximately 50 percent of the tract and

6.3 acres will be dedicated for recreation purposes. Ms. Guazzo asked why Greens Crossing Court extends to and ends at the adjacent property. Mr. Beck replied the Department of Public Works and Transportation (DPW&T) required the road be left open at the end to allow for future inter-parcel connection. Ms. Guazzo inquired about the outparcels on the site plan. Mr. Beck explained the first outparcel is for open space requirements and the other outparcel is now platted for the original five lots approved as a minor subdivision. Mr. Thompson inquired about traffic on Greens Rest Drive. Mr. Beck responded he met with DPW&T and was required to add two feet to the pavement width of Green's Rest Drive. Mr. Reeves asked if the lots will retain the requirement that occupants be 55 years of age or older. Mr. Bowles explained the requirement is not permanent but a new application is required to change the age requirement if school seats open up.

Mr. Thompson moved that having accepted the staff report, dated November 30, 2006, and having made findings pursuant to Section 30.5.5 of the Subdivision Ordinance (Criteria for Approval of a Preliminary Plan), including adequate facilities as described in the November 30, 2006 report prepared by Denis D. Canavan, Director of Land Use and Growth Management, the Planning Commission grant approval of the preliminary subdivision plan. The motion was seconded by Mr. Chase and passed by a 6-0 vote.

CWSP #06-132-022 – TAMARA'S CHANCE

The applicant is requesting review of a concept development plan in order to proceed with an amendment to the Comprehensive Water and Sewerage Plan. The property contains 14 acres; is zoned Residential Low-Density District (RL); and is located on Hermanville Road, Lexington Park, Maryland; Tax Map 51, Grid 23, Parcel 361.

Owner: Alamo Properties, LLC (Rory Feicht)
Present: John Norris of NG&O Engineering

Mr. Bowles explained there are no outstanding issues related to this concept development plan. The Applicant is proposing 36 townhouse units for this development and the property is located in the Lexington Park Development District. The current CWSP categories are W-6 and S-6 (service in 6 to 10 years) and the Applicant will request an amendment to change the categories to W-3D and S-3D (service in 3 to 5 years, developer financed) in order to access the water and sewer lines currently serving Pembroke Subdivision.

Mr. Evans moved that having accepted the staff report, dated November 30, 2006, and having made a finding that the referenced project meets concept plan requirements to proceed with a Comprehensive Water and Sewer amendment to change the water and sewer categories from W-6 and S-6 (service in 6 to 10 years) to W-3D and S-3D (service in 3 to 5 years, developer financed), and noting that the site plan must return to the Planning Commission for concept review and approval in accordance with Zoning Ordinance Section 60.5, the Planning Commission grant approval of the concept development plan. The motion was seconded by Mr. Hayden and passed by a 6-0 vote.

The Chair called a recess at 7:10 p.m. The Chair called the meeting back to order at 7:15 p.m.

DISCUSSION

COMMUNITY BASED ANNUAL GROWTH POLICY REPORT

Present: John A. "Jack" Candela and Ford Dean of the APF Task Force;
Brad Clements, Chief Operating Officer, St. Mary's County Public Schools

Jack Candela and Ford Dean presented recommendations of the Adequate Public Facilities (APF) Task Force to remedy problems caused by current APF policy, mainly in relation to public school capacity and school seat allocation. Mr. Dean discussed some of the problems presented by the current APF regulations. At the present time, the Planning Commission is prohibited from approving any new subdivision lots at the preliminary stage in the Chopticon and Leonardtown service areas due to the unavailability of school seats. The Great Mills service area will soon be closed to approval of new lots as well. Mr. Dean noted the cost of housing rises when no new lots can be approved. He stressed current APF policy has created the misconception that County schools are overcrowded. There is currently a large difference between the County's calculated APF school capacity and the actual annual school enrollments. Mr. Dean explained the allocation of lots at preliminary approval of a major subdivision ties up school seats when many of those lots will take years to reach final build-out. In addition, the people buying those houses don't necessarily have children right away, yet school seats have already been allocated for those lots. Mr. Dean explained the current APF policy has forced developers to build in areas where growth is not desired, such as in the Rural Preservation District (RPD) zones. He expressed concern the current APF regulations are unfair to developers and people purchasing homes in the County. If left unchanged, there will continue to be large increases in the number of minor subdivisions built and the cost of residential housing.

Mr. Dean explained the Task Force came up with five recommendations for the County to consider for remedying problems with APF, as follows:

1. Adopt a growth policy in order to manage growth, which will allow the County to provide the infrastructure to support the population when it is needed. The school system will be able to better calculate anticipated school capacity. The growth policy should include a set annual rate of growth allowed in the County, lower than the rate of growth in recent years, which should be reviewed and modified on an annual basis. The growth policy should allocate only 30 percent of new dwelling units in the RPD and 70 percent in zones other than the RPD. The growth policy should also phase approval of lots based on what a developer can reasonably be expected to build on each year; but, there must be a fair method of placing developments in line to receive their annual portion of lots. Mr. Dean noted the Task Force does not recommend prohibition of single-lot family conveyances between parents and children or grandparents and grandchildren. Mr. Dean stressed the growth policy will not replace the current APF regulations, which will act as a stop-gap if the County fails to build needed infrastructure.
2. Increase the school portion of the Economic Impact Fee (EIF) in order to have funding available to finance a new school in the time frame in which it is needed. Mr. Dean explained the Task Force feels it is inappropriate for the cost of new schools to be paid only by new home owners. The construction cost for new schools has increased drastically and State funding assistance for new schools is scarce. In addition, the State does not provide any funding for things such as land acquisition or staffing, and the current schools also need to be maintained. Mr. Dean noted the State may not be able to provide funding for a new school in the same time frame as when the County actually needs it; thus, the County must be prepared to fund the construction of the school in anticipation of receiving reimbursement from the State at a future date.
3. Reconsider the policy of EIF exemption on lots conveyed from parents to children because it is only fair for everyone in the County to share in the cost of new schools.
4. Do not forward-fund the construction of new schools because the County will risk not receiving any reimbursement from the State. Mr. Dean noted the Task Force does recognize the County may need to forward fund a school in the immediate future in order to obtain that school at a lower cost; however, it is not a good policy to fund schools in this manner because the County runs the risk of footing 100 percent of the cost if the school is constructed without involvement from the State.

5. Designate different classes of RPD zoning based on differing criteria for developing within these classes. Mr. Dean explained not all parcels of RPD land are equal in value with respect to their use for agricultural purposes and maintenance of rural character.

Mr. Evans noted he is also a member of the Task Force, which includes several members representative of many community interests.

Ms. Guazzo asked if the Task Force reviewed APF policies in place in other counties. Mr. Dean replied no, but the Task Force recognized the need for a reasonable rate of growth for the County and based the recommendations on the amount of growth that has occurred in the County in the past. Mr. Thompson asked if the schools would be overcrowded without the use of the portable classrooms. Mr. Clements replied yes, but not to the extent that they would reach the County's calculation of full school capacity. Mr. Dean explained many counties utilize portable classrooms to provide space for students until a school has enough additional students for the State to recognize the need for a new school. The State will not provide any funding towards a new school unless at least 50 percent of the students who will occupy the new school are already enrolled and the remaining 50 percent must be in place when construction of the school is completed. The maximum funding the State will provide varies by county depending upon the wealth of each county.

Mr. Reeves inquired about the difference between cash-flow funding, discussed in recommendation number two, and forward funding, discussed in recommendation number four. Mr. Dean responded cash-flow funding is when the State does not have the funds available to give to the County for a new school but the State recognizes the need for a new school. The County can fund the construction and then seek reimbursement from the State at a later date. The State pays the reimbursement annually as the project moves along. Forward funding is when the County builds a school even though the State does not recognize the need for the new school. In this case, the County is not likely to receive any reimbursement from the State. Mr. Clements added, if a school is forward funded, any reimbursements paid by the State are based on the construction costs when the school was built and the number of students in place when the school was built, not on actual costs and students at the time reimbursement is paid.

Ms. Guazzo inquired about the maximum core capacity. Mr. Clements responded maximum core capacity is the number of students supported by the core facilities of a school, such as the cafeteria and gymnasium, which adds seats to the State-calculated capacity of a school. Portable classrooms are often used to provide class space to those additional students. Ms. Guazzo asked if the State only reimburses "bricks and mortar" costs. Mr. Clements replied yes, the State only reimburses a percentage of the actual construction costs, which does not include land, design, staffing, etcetera. Ms. Guazzo inquired about the recommendation to allow development in a service area even if the high school is over capacity. Mr. Dean responded the State looks at school capacity of elementary schools and middle schools based on the total capacity of the service area in which the schools are located. However, the State looks at high school capacity on a county-wide basis because there are so few high schools in the County. Mr. Dean noted APF policy should retain the current three service areas for elementary schools and middle schools, but expand the service area for high schools to include the entire County in order to match the State.

Mr. Dean informed the Planning Commission that the Task Force will work on language to establish a growth policy and then bring a draft back before the Planning Commission for recommendations. Mr. Reeves announced the Planning Commission will meet in a work session in early January to further study the report prepared by the APF Task Force that was presented at this meeting.

ADJOURNMENT

The meeting was adjourned at 8:50 p.m.

Cindy R. Koestner
Recording Secretary

Approved in open session: January 8, 2007

Stephen T. Reeves
Chairman