

Public Hearings - Dorchester County - Deep Water Phase II & Amendment to Zoning 1990 MSA 51930-75

BEFORE THE CHESAPEAKE BAY CRITICAL AREA COMMISSION
DORCHESTER COUNTY AMENDMENTS PANEL

: :
1 IN THE MATTER OF: :
2 : : FILE NO. DC-A10
3 DEEP WATER, PHASE II :
4 : :

5 IN THE MATTER OF: :
6 : :
7 AMENDMENT TO LOCAL :
8 IMPLEMENTING ORDINANCE : FILE NO. DC-A11
9 (ZONING) :
10 : :

Monday, January 22, 1990

Pursuant to Notice, the above-entitled hearing
was held before ROBERT N. SCHOEPLIN, HEARING EXAMINER
for the Maryland Department of Economic and Employment
Development, at Court Lane, Cambridge, Maryland,
commencing at 7:30 p.m., there being present:

SAMUEL BOWLING
Chesapeake Bay Critical Area Commission
275 West Street
Suite 320
Annapolis, Maryland 21401

SHEPARD KRECH, JR.
Chesapeake Bay Critical Area Commission
275 West Street
Suite 320
Annapolis, Maryland 21401

ROBERT R. PRICE, JR.
Chesapeake Bay Critical Area Commission
275 West Street
Suite 320
Annapolis, Maryland 21401



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1 ROBERT N. SCHOEPLEIN, PH.D.
Maryland Department of Economic & Employment Dev.
2 217 E. Redwood Street
11th Floor
3 Baltimore, Maryland 21202

4 ALSO PRESENT:

5 THOMAS H. VENTRE
Chesapeake Bay Critical Area Commission
275 West Street
6 Suite 320
Annapolis, Maryland 21401

7 STEVE DODD
Director of Planning
8 Dorchester County
P.O. Box 307
9 Cambridge, Maryland 21613

10 REPORTED BY: EVELYN CHAVIS, NOTARY PUBLIC
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1 record. The purpose of this meeting this evening is to
2 hear two proposed local program amendments for the
3 Dorchester County Critical Areas Plan. This panel sits
4 this evening to hear public comment and comment from
5 Dorchester County regarding the proposed ordinance --
6 proposed program amendments.

7 We are here to listen and to receive input.
8 No decisions are rendered at this panel hearing tonight.
9 Rather, the panel will convene prior to the Chesapeake
10 Bay Critical Area Commission at large, will review your
11 comments this evening and other information, and will
12 make recommendations to the Commission at large.

13 At this time, Mr. Steve Dodd from Dorchester
14 County will speak to the two proposed local program
15 amendments.

16 MR. DODD: I'd like to start with the proposed
17 map amendment, that being the Deep Water Phase II
18 subdivision, which I believe you have a copy of the
19 subdivision plat before you. Before we get into the
20 specifics, I would like to enter into the record and
21 provide the panel members with an update on the amount



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1 of allocation the county has available.

2 As I'm sure you're all aware we've used a
3 substantial amount, even though we started with probably
4 more than anybody else in the state of Maryland. I've
5 basically broken down the acreage by sub-categories,
6 the first being the land and subdivisions approved after
7 December 1, 1985 and before the county adopted the
8 program. Next, I deducted the amount of land in the
9 interim subdivision, and I'm sure the panel is familiar
10 with the term "interim" as I use it.

11 These are those subdivisions which received
12 preliminary approval by the Planning Commission but did
13 not get recorded prior to program adoption.
14 Approximately 700 acres of those subdivisions -- of
15 those 19 interim subdivisions have been before this
16 Board and have been approved by the full Commission.
17 Another 221 acres are represented by those subdivisions
18 which have interim status but which have not yet come
19 before you, 300 acres reserved for the towns of
20 Cambridge, Vienna, and Secretary, 200 acres reserved
21 specifically for those allocation requests that involve



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1 commercial industrial uses. And then tonight, we have
2 12.1 acres of allocation request. So we're looking
3 about 1,200 acres remaining.

4 The request tonight is for growth allocation
5 on a portion of a 14 lot subdivision. That 14 lot
6 subdivision is located off of Deep Point Road off the
7 fishing creek on Church Creek. This portion of the
8 subdivision tonight does not have any water frontage,
9 and only a portion of it actually lies in the critical
10 area. As you can see with the copy -- I don't know what
11 plat you have -- perhaps I can indicate it up here on
12 the map Mr. Ventre has provided.

13 This is the boundary of the entire
14 subdivision. And the shaded portion is in the critical
15 area in RCA, and it involves -- or the shaded portion
16 contains approximately 12.1 acres and it involves
17 approximately six building lots. Immediately adjacent
18 to the RCA area is an area that is not in the critical
19 area at all. It's more than a thousand feet away from
20 any tidal water or any tributary. And then adjacent to
21 the non-critical area portion is an LDA designated area.



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1 Also immediately to, let's see, the north of the area in
2 question tonight is an area designated as LDA.

3 So if we're concerning ourselves with
4 contiguous adjacency -- not contiguous but adjacency to
5 an existing LDA, we have that with this particular
6 subdivision. That is not a requirement as I understand
7 it in approval of a growth allocation request, at least
8 not in our county. We do not require it, although we
9 do give precedence to subdivisions or any allocation
10 request that is adjoining an LDA or an IDA.

11 This subdivision is served by a Bermed
12 Infiltration Pond, again a common waste disposal method
13 in Dorchester County. This parcel is basically not
14 wooded at all and would require a forestation on 15
15 percent. There is a note indicating that on the
16 subdivision plat. The road shown on the proposed
17 subdivision is existing, having been built for Phase I
18 of the subdivision.

19 As far as the -- procedurally, as far as how
20 this subdivision was reviewed, we have -- in Dorchester
21 County, we have a special evaluation criteria



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1 methodology which the county developed as a tool in
2 aiding the county in ranking growth allocation
3 requests. The criteria lists a total of 10 points
4 which -- each one containing a weight. The points that
5 are used to determine the value of the subdivision
6 include adjacency, sewer service, water service,
7 accessibility, open space ratio, average building lot
8 size, forest protection, farm land protection, habitat
9 protection, and preservation of other sensitive
10 features.

11 The maximum points possible to be scored on
12 this evaluation criteria is 144, and according to the
13 evaluation from the planning staff, this subdivision
14 scored 103 points. The subdivision received preliminary
15 plat approval from the Dorchester County Planning
16 Commission on August 2, 1989; that is a pre-requisite
17 for receiving growth allocation for subdivisions
18 request. The Planning Commission approved the growth
19 allocation request on October 4, 1989. The County
20 Commissioners approved the growth allocation request at
21 a public hearing on November 14, 1989. And I'm sure,



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1 Tom, you have the public hearing notice --

2 MR. VENTRE: Yes.

3 MR. DODD: -- that I think should be entered
4 into the record.

5 That's basically it, gentlemen. This is not
6 an interim subdivision. This is one of the subdivisions
7 that has come through what we call locally our lotto
8 system, and that is we review growth allocation requests
9 twice a year and we use our ranking methodology to
10 decide which requests merit allocation. We limit
11 ourselves to 200 acres a year. That was a decision of
12 the County so that we wouldn't use it up too quickly.
13 Quite frankly, the demand for allocation hasn't been
14 that high and we haven't even come close to that limit
15 so far. I'd be glad to answer any questions

16 MR. PRICE: Steve, why would this be Phase II?
17 Is that because of this bermed infiltration pond
18 approval?

19 MR. DODD: It's Phase II because the initial
20 part of the subdivision, which was on the water side to
21 the east, was Phase I.



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1 MR. PRICE: This included at that time -- I
2 wondered just as a practical matter.

3 MR. DODD: Well, the developers here may be --
4 might be a financial reason. I'm not sure. But, Phase
5 I took place on land that was originally designated as
6 LDA. It did not include or require growth allocation.
7 Are there any other questions?

8 HEARING EXAMINER SCHOEPLEIN: Is there anyone
9 in the audience who wishes to address this proposed
10 local program amendment which we call Deep Water Phase
11 II?

12 MR. BOWLING: The large lot in the -- that's
13 probably the largest bermed infiltration pond I've ever
14 seen.

15 MR. KRECH: It's close to three acres.

16 MR. BOWLING: Will there also be a building on
17 that lot, or is that strictly set aside for that?

18 MR. DODD: There is no home site shown on this
19 parcel. The developer and the engineer are both here.
20 I'd feel more comfortable with them addressing the
21 technical questions.



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1 MR. BOWLING: Well, ask them.

2 MR. DODD: Ray, are you willing to come
3 forward:

4 MR. STEVENS: Sure.

5 MR. DODD: Please do. Come forward --

6 MR. KRECH: How do you determine the size of
7 your BIP vis-a-vis the number of houses that you're
8 going to have pumped into it?

9 MR. STEVENS: My name is Ray Stevens and I am
10 not the developer. I'm the real estate broker who
11 represents them in this case.

12 The size of the pond is determined by the
13 Health Department. And it used to be -- this has been
14 modified under the new laws for the Maryland Department
15 of the Environment, but it was 10,000 square feet per
16 residency. Now it's on a sliding scale so that the more
17 houses you get, the greater the number gets to be. 14
18 is the maximum number of lots that you can have on a
19 bermed infiltration pond.

20 This was set by Jane Godfitz' office for
21 the Department of the Environment. And all I know is



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1 when you set up, they set it up originally at 140,000
2 square feet, and then there's a reserve area that was
3 based on 10,000 square feet per lot and it's since been
4 modified.

5 MR. BOWLING: My question concerning that is
6 it appears that, if there's no residence on it, then
7 that lot is going to be left when you finish your
8 development. Under whose ownership?

9 MR. STEVEN: I believe this one is scheduled
10 to get a -- or could have a house put on it. The other
11 one in Phase I has a house off the pond site.

12 MR. BOWLING: Most of the others I've seen
13 houses on it. I did not see one here. Does that mean
14 any individual winds up owning the community sewer
15 system or --

16 MR. STEVENS: Well, the way this is set up --
17 this gets very complicated down here and I'm not sure if
18 it's the same in other places. We have encouraged
19 homeowners associations to be formed, but our local
20 county attorney didn't want that to happen. BIP's are
21 operated and maintained by the county sanitary



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1 commission and we have to have their approval, and each
2 home owner is levied \$150 annual fee.

3 At this point, the BIP's are relatively new,
4 and as far as I know, they haven't had to spend any
5 money on them. But they're anticipating a time in the
6 future when they will need to fund some sort of a
7 capital improvement.

8 At this point the pond itself is on land. It
9 is owned by an individual with a right of way to public
10 road, and in the deed it specifies an access agreement
11 for maintenance by the sanitary commission and whoever
12 else has to go. There is an electric meter that goes
13 on the property too for a pump. That is paid for.
14 Apparently, no one thought of this. If you don't have a
15 homeowners association, it's paid for by the developer.

16 So when I first ran into this, I went back to
17 the sanitary -- to the developer and I said, "You're
18 going to be paying electric until you sell all the lots
19 and have an electric meter." So it's since been
20 addressed. As far as I know the sanitary commission is
21 going to take care of that in the future.



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1 MR. BOWLING: Going to work --

2 MR. PRICE: Do you have any problem with the
3 houses being close to these ponds?

4 MR. STEVENS: The size of the pond is so great
5 and they're so deep. They're 10 to 12 feet deep, and
6 you probably know that the way they're structured --
7 there is sand in the bottom and the clay sidewalls.
8 Water is changing the part of the -- putting all this
9 together. We've been using over here a company called
10 Earth Data in St. Michael's to do the work. They
11 actually tell you where the pond must go, the size, the
12 direction. When I say "direction," they shape the pond
13 and they turn it with the idea that as the effluent
14 comes in the bottom of the pond to a main collector
15 pipe, it's then diluted and then eventually passed
16 through the sand as it's filtered and routed on through.

17 Frankly, I don't know much about it. Earth
18 Data provides all this information, and from there it
19 goes to the Department of the Environment after it's
20 reviewed by our local health department. But, we go
21 over and the water is as clear as can be in the pond.



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1 MR. BOWLING: Do you have to fence those for
2 safety or something like that?

3 MR. STEVENS: Yes --

4 MR. KRECH: Does it have to be aerated in
5 winter time?

6 MR. STEVENS: Yes.

7 MR. KRECH: They can freeze over?

8 MR. STEVENS: Yes. Is there anything else I
9 can help you with?

10 MR. BOWLING: We're planning a lagoon system
11 where where the discharge --

12 MR. STEVENS: Well, the volumes are actually
13 pressure caused by the level of the water that -- it's
14 almost like a head forces it into the ground -- the
15 ground infiltration system. As you pointed out, there
16 are nearly three acres in size -- calculate the depth
17 and figure the open sewage company houses in that volume
18 of water.

19 MR. BOWLING: What fluid level do you attempt
20 to maintain, three feet, four feet, two feet?

21 MR. STEVENS: It's whatever ground water is.



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1 It fluctuates. That's why part of the reason that
2 they're so deep. The Health Department will only put
3 them in under certain soil conditions.

4 MR. BOWLING: In other words, they don't
5 maintain a level above ground water? They maintain the
6 ground water level in that area?

7 MR. STEVENS: That's correct. But there is a
8 berm just in the event of the exception, high water
9 table --

10 So far it's worked. Is there anything else I
11 can answer for you? I'll try.

12 HEARING EXAMINER SCHOEPLEIN: Are there any
13 other comments or remarks regarding Deep Water Phase II?

14 If not, Steve, do you want to proceed to the
15 next matter? Thank you very much.

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1 MR. DODD: The second item before the panel
2 tonight is the proposed text amendment to the Dorchester
3 County Code. I believe that a copy of the proposed
4 language was included with the agenda labeled at the top
5 in growth allocation. We're proposing that the County's
6 Zoning Ordinance, specifically 155-47.1, be amended to
7 include this proposed language. I have a copy of the
8 minutes from the County Commissioner's public hearing on
9 December 5, 1989, which I would like to enter into
10 record as evidence that the local Board did have a
11 hearing. It's under -- we've labeled it under zoning
12 case 180-12-89.

13 What this does, gentlemen, this adds a growth
14 allocation section to the zoning ordinance. There is no
15 growth allocation. There's no discussion or provision
16 for growth allocation in our zoning ordinance. It's in
17 our subdivision regulations. And it came to our
18 attention that, although it may just be technicality,
19 we've had trouble with technicalities before and we want
20 clarify our intent to allow growth allocation for
21 projects that may not be subdivisions. So there will



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1 come a time when a project comes before us and
2 ultimately before you for a non-subdivision which would
3 require growth allocation in order to go forward.

4 So we are proposing that our zoning ordinance
5 be amended to create a growth allocation section for the
6 subdivision -- for the zoning ordinance similar to the
7 subdivision regulations. What we have done is in some
8 aspects only mirrored the existing language in our
9 subdivision regulations. And then I think we've gone
10 one step further and at the same time clarified some of
11 that language that may have been confusing or difficult
12 to understand by -- certainly by certain numbers of the
13 Commission and the Commission staff.

14 This was done in concert with Mr. Ventre. We
15 did meet to discuss some of these proposed amendments,
16 and I have a letter here from Tom, dated October 2,
17 1989, and it's captioned "Zoning Ordinance Amendments."
18 And I'll enter that into the record as well where Thomas
19 suggested certain language for the code amendments.

20 I'll just go through them very briefly.
21 Obviously you've had an opportunity to read them. Maybe



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1 we can save some time and you can just ask me questions
2 if you have any about them. In the first section under
3 1A, we state that land -- in order to eligible for
4 allocation, land must be designated as RCA to request an
5 LDA. Land must be designated as an LDA to request an
6 IDA, which means that if you're designated RCA, you're
7 not eligible to go directly to IDA.

8 I know that the Commission, at least the
9 Commission staff, has communicated with us that the
10 leapfrogging, if you will, from RCA to IDA is
11 permissible and that our language is more restricted
12 than the criteria. We understand that completely. It
13 was decided at the County Commissioner's public hearing
14 that at this time we would not request to amend that
15 specific language to allow that leapfrog to begin.

16 We've also added a sentence, "Conversion from
17 a higher to a lower development zone shall not require
18 growth allocation." Maybe that's just common sense.
19 But I wanted to include that in the event that someone
20 did come in and want a redesignation to a lower zone for
21 whatever reason. Since it's a pyramiding-type zone as I



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1 understand it, which means if you have a higher
2 designation you can automatically do what's in the lower
3 designation, I don't see where we would ever use this
4 provision. But I think it should be in there just for
5 clarity.

6 Under 1B --

7 MR. BOWLING: I'm surprised you're not asking
8 for credit when you do that.

9 (Laughter.)

10 MR. DODD: Do you have a pen?

11 "The tract of land, any portion of which may
12 be proposed for development requiring growth allocation
13 and reclassification, shall be at least five acres in
14 size." I call this the Wigglesworth method, because we
15 had a request which was submitted by Mr. Wigglesworth
16 which was for a 20-acre parcel, and he wished to invoke
17 the building envelope concept which we permit in our
18 county. He created a two-acre envelope basically around
19 the second dwelling that he placed on the property.

20 And, apparently, the Commission and staff felt
21 that the language as it was drafted originally did not



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1 permit that because the requested -- the request for
2 allocation was not at least five acres. So we wanted to
3 clarify what our intent was here, and that is that the
4 gross parcel land upon which the allocation is requested
5 must contain at least five acres.

6 MR. PRICE: You indicate, then, that somebody
7 could still come in and ask for just two of the five to
8 be converted?

9 MR. DODD: Yes.

10 MR. PRICE: If you don't follow -- you say you
11 don't consider this county being adjacent to an LDA
12 mandatory criteria. It's one of your phases. So in
13 theory you really could have one acre LDA's scattered
14 all over the place?

15 MR. DODD: You could have. With the building
16 envelope concept, you could have -- you could possibly
17 have -- let's take the Deep Water subject and assume
18 that those were larger lots and they were requesting one
19 acre building envelopes on each lot. Those envelopes
20 don't have to be adjacent, not according to our local
21 program. You could have 14 non-adjacent building



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1 envelopes in that subdivision, each containing a minimum
2 of one acre. It's not an ideal situation. We would
3 prefer that they cluster so that those envelopes are
4 adjacent. But the program does not require that.

5 Under "C" and 1C, "A proposed residential
6 development must exceed one dwelling per 20 gross
7 acres." That's pretty obvious, I think. If you're
8 going exceed the one per 20, then you would require
9 gross allocation.

10 "D" is something new, and I think this is a
11 section of the criteria that is lacking and I've talked
12 with Tom about this. It may have been the intent of the
13 Legislature to not specifically address this issue so
14 that each county and town could come up with their own
15 set of rules.

16 "Commercial and industrial developments are
17 eligible for growth allocation." What is commercial and
18 what is industrial? Look in the criteria. See if you
19 can find the words defined. You're not going to. We
20 feel that in absence of any definition in the criteria,
21 you have to look to the zoning -- local zoning code.



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1 And someone has to make -- somebody has to make a
2 decision as to whether specific use requires growth
3 allocation. Every zoning ordinance contains a wide
4 range of -- wide variety of uses ranging from home
5 occupations in existing structures all the way up to the
6 heaviest of industrial uses.

7 All those uses must fit in one of those three
8 development zone designations. Who decides what zone
9 they fit in? We believe and we are proposing that our
10 local planning commission be given that authority in the
11 event that the criteria did not specifically categorize
12 a particular use to a particular zone.

13 MR. BOWLING: In other words, as long as we
14 don't define it, you all want the right to define it?

15 MR. DODD: That's correct.

16 MR. BOWLING: That makes sense.

17 MR. PRICE: Yes, but, wouldn't these
18 regulations going in your zoning ordinance, they would
19 just overlay your existing zoning right now. For
20 example, as I understand, somebody would come in the
21 County Commission and say they want growth allocation.



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1 They have some underlying zoning. I don't know the term
2 Ag or R1 or R2, something of that type, and I guess
3 they'd have to convince the County Commissioners that
4 they -- because it is zoning not subdivision. They're
5 not going to propose any subdivision.

6 They just -- for whatever reason, they say we
7 want to upgrade this area. And the county may want it
8 upgraded. I think it would be accompanied always really
9 by some kind of zoning designation. I can't hardly
10 think of why anybody would stay at a -- you'd probably
11 get your gross allocation first and zoning later.

12 MR. DODD: I think we have many instances in
13 our code where you would be permitted to perform a
14 certain commercial use in a non-commercial zone. That
15 might surprise you.

16 Let me give you an example. In the South
17 Dorchester area, we had an MAR zone, which stands for
18 Maritime Agricultural Residential. One of the uses
19 which is permitted in an MAR zone is a restaurant. Now,
20 there's a restaurant permitted in the RCA. Again, that
21 may depend on a number of features about the site, about



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1 the size of the parcel, the size of the restaurant, the
2 size of the parking lot.

3 There are a number of things that have to be
4 addressed. The planning commission is saying, "Hey,
5 it's our job to do site plan and subdivision review.
6 Give us the opportunity as part of that review to
7 determine whether growth allocation is required." I
8 think there are instances where no re-zoning is
9 necessary, but perhaps the critical area designation --
10 the floating zone is not proper to permit that specific
11 type of use.

12 MR. PRICE: Well, you can't have any new
13 commercial or industrial in the RCA. That's clear.
14 That's just a one flat-out sentence. It says it.

15 MR. DODD: But, that's an example, I agree.

16 MR. PRICE: We wrestle with institutional uses
17 and there is a hole there. It is something to think
18 about. It says no commercial, no new industrial.

19 MR. BOWLING: It appears that what's lacking
20 in here is the Commission's definition of what is
21 commercial, what is industrial, and so forth. And



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1 until we define it these people are left without
2 adequate guidance.

3 MR. PRICE: I don't have any problems with
4 this "D." I mean to me it's pretty straightforward.
5 If it is a shortcoming, it's ours.

6 MR. BOWLING: Let me give you this scenario.
7 Somebody comes in and convinces you, for whatever
8 reason, the County Commissioners, that 50 acres down
9 near Horn Point would make a good industrial park. And
10 they agreed. I mean, they handle their sewer and
11 whatever and they think it's a good economic -- and
12 that's what growth allocation is for. Some of the
13 neighbors might not agree with it, but -- and I would
14 say they would probably zone it -- manufacturing or
15 whatever.

16 I don't have any problem at all. I didn't
17 really know what it was. I really thought that's what
18 IDA was for, unless you wanted to go more than four
19 units per acre for an apartment. Most people would want
20 to test development like the man did for the ferry
21 system. I don't think he particularly wanted a test



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1 development. I think the order more or less required to
2 have it --

3 MR. DODD: According to staff, the criteria
4 required an RDA for that use. The ferry is a good
5 example of a use that required a redesignation that did
6 not require re-zoning. That use was permitted in the
7 underlying zone. So you're not always -- particularly
8 in our county, you're not always going to have a re-
9 zoning request accompany a growth allocation.

10 HEARING EXAMINER SCHOEPLEIN: There are no
11 leapfrogging -- the RCA, LDA, IDA. Is that
12 specifically with regard to residential construction?

13 MR. DODD: No. It's not limited to that.

14 MR. BOWLING: Plain no leapfrogging.

15 HEARING EXAMINER SCHOEPLEIN: If you overlay
16 your zoning and your critical areas, are there some
17 industrial commercial zones that are in RCA now?

18 MR. DODD: Yes, there are.

19 HEARING EXAMINER SCHOEPLEIN: Because the use
20 as of December 1, 1985 zone, the property exhibited the
21 RCA characteristics?



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1 MR. DODD: Right.

2 MR. PRICE: Steve, have you all considered any
3 rezoning amendment in the critical area, a program
4 amendment?

5 MR. DODD: Yes.

6 VOICE: They've gone beyond the requirement
7 criteria.

8 MR. DODD: In fact, we have.

9 MR. PRICE: So what you're kind of envisioning
10 here, as I understand, would be most of your growth
11 allocation amendments would also be accompanied by an
12 underlying zoning amendment almost in the same package.
13 Is that what you --

14 MR. DODD: Again, if the particular
15 requirement of the underlying zone and of the growth
16 allocation overlays then required that both those
17 actions be taken, in other words, in re-zoning any
18 growth allocation be granted, then it would be a
19 package. But, we're going to see a number of
20 allocation requests where the underlying zoning is
21 either permits that use is outright or through the Board



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1 of Zoning. And there's no re-zoning needed.

2 MR. PRICE: Such as residential?

3 MR. DODD: The number of residential --

4 MR. PRICE: Under 20 units.

5 MR. DODD: Virtually, all residential will be
6 that. Virtually, all residential will not involve re-
7 zoning unless we have an expansion of a sewer line
8 beyond one of the towns that would allow a higher
9 density than what is permitted in an LDA.

10 When we originally -- just to give you an
11 example. When we did our original designation of our
12 three zones, we could not find a single area in the
13 county that qualified as an IDA under the residential
14 definition. You just don't have that high of a density,
15 and there are virtually no multi-family or duplex
16 housing available outside of the town limits. That's
17 really what you need to get up to that IDA designation.

18 HEARING EXAMINER SCHOEPLEIN: In terms of
19 industrial commercial potential use, you have sufficient
20 miles of shoreline that are LDA or IDA. At this point
21 you have options.



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1 MR. DODD: We have about 8,200 acres of LDA.

2 MR. SCHOEPLEIN: That's good.

3 MR. PRICE: Do you all consider a text
4 amendment to your zoning ordinance that affects land in
5 the critical area as a program amendment? Do you
6 understand what I'm --

7 MR. DODD: I understand what you're saying. I
8 think there's a fine line there. This request clearly
9 tonight is a program amendment because it deals with
10 that section of the ordinance that was created as a
11 result of the adoption of local programs. In other
12 words, 155-47.1 is the critical area chapter of the
13 zoning code. You can have a text amendment that affects
14 all land in the county in and out of the critical area.
15 And unless there's some specific language in there that
16 relates to the critical area restrictions, I would not
17 consider it a program amendment.

18 I'll give you an example. In December, we had
19 a hearing on a text amendment that would redefine the
20 way the density in camping areas are calculated. You're
21 going to have camping areas in and out of the critical



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1 area. We did not submit that as a program amendment
2 because it did not deal specifically with land in the
3 critical area.

4 MR. PRICE: But it did exclude the critical
5 area?

6 MR. DODD: No, it didn't. I would say, to
7 make the argument, that virtually any text amendment to
8 the zoning order or subdivision regulations will
9 directly or indirectly affect land in the critical area.

10 MR. PRICE: But what you're saying really is
11 that you would kind of leave it up to your planning
12 commission to decide whether it was important enough to
13 devise a critical area amendment. For example, let's
14 say in your residential district you decide you're going
15 to have country inns with a restaurant as a conditional
16 use in your resource conservation area. And you think
17 these are harmonious with that. I use that example
18 because that's a common Kent County example. Do you
19 think something of that type would -- how would your
20 machinery operate, I mean?

21 MR. DODD: I can tell you what -- in practice,



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1 what the planning commission has been doing. We even
2 got to the point where we couldn't decide which home
3 occupations were permitted in an RCA. And the planning
4 commission basically adopted a standard operating
5 procedure which mirrors "D," and that is they said,
6 unless the critical area criteria state otherwise, we
7 will decide with a site plan review when we require a
8 critical area assessment by the applicant.

9 It demonstrates to the Planning Commission
10 what potential impact that could have on the critical
11 area, and then they decide based on that what
12 development zone designation would be required. So
13 they're doing informally what they're asking you to let
14 them do formally.

15 MR. BOWLING: Do they have any ground rules by
16 which they're operating? For example, in your camping
17 ordinance which you spoke of earlier, if you increase
18 the density allowed in the camping area, could that have
19 an impact that would make you want to call that a
20 program amendment? That's the one thing that I could
21 see where if it increased the intensity of use within



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1 the critical area, then you would have to, I think,
2 consider whether it has to be reclassified. If it did
3 not increase the intensity of use or you would decrease
4 the intensity of use, I think you'd probably say, well,
5 that's an improvement rather than the other way.

6 MR. DODD: Well, the current code allows eight
7 units per acre, which is an IDA -- would require an IDA
8 designation. So, we're already -- anyone requesting a
9 camping area who was proposing that density, we already
10 know where he's going or what zone he needs.

11 MR. BOWLING: You're saying if he had eight
12 campsites per acre, you would put him in IDA?

13 MR. DODD: If he had eight dwelling units per
14 acre --

15 MR. BOWLING: Or the equivalent of eight
16 dwellings.

17 MR. DODD: Yes.

18 MR. BOWLING: Do you use equivalency?

19 MR. DODD: The code specifies tenths, RV's --

20 MR. BOWLING: As dwelling units?

21 MR. DODD: No. In determining -- we're



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1 talking about determining how many of these camping
2 units are permitted per acre of land under the zoning
3 code. The ordinance does not tie the camping areas or
4 their equivalency to dwelling units. So I don't know
5 how that translation would be made.

6 MR. BOWLING: That's why I'm asking you. I
7 could see where you could in some trailer courts --
8 trailer parking, they have probably 15 to 20 units in an
9 acre. And that's certainly the equivalent. If you talk
10 about human impact or impact on the area, it's certainly
11 much more than you would have from eight dwelling units
12 per acre.

13 MR. DODD: Even if it's only seasonal --

14 MR. BOWLING: Even if it's only seasonal. But
15 in the period of time that it is used, it is -- it
16 certainly has no habitat value, for example, or anything
17 like that.

18 MR. DODD: I agree with you.

19 MR. KRECH: Basically habitat --

20 MR. DODD: Sure.

21 MR. BOWLING: I don't see how you could have



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1 something like that in RCA. Whether you go IDA or LDA,
2 that would have to depend on how many of these you stuff
3 into an acre of ground.

4 MR. PRICE: Let me ask you another question.
5 Do you all submit any zoning amendments to the
6 committee, either map amendments or text amendments?

7 MR. DODD: Well, this is a text amendment.

8 MR. PRICE: I know it is.

9 MR. DODD: So obviously the answer is, yes, we
10 do. We have only had one re-zoning request since our
11 program went into effect. It was sent up to the
12 Commission for review after the planning commission
13 reviewed it. And it was never responded by -- on by the
14 Commission. Quite frankly, we were very disappointed.
15 And I think the Commission needs guidelines on how -- if
16 it doesn't have them, on how it reviews re-zonings.

17 MR. PRICE: I agree with you.

18 MR. DODD: What is your basis -- do you use
19 66B or 25A? Do you use what the counties follow -- the
20 change in the State rule in determining whether a map
21 amendment should be approved? I don't know.



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1 MR. BOWLING: If we don't, we should.

2 MR. PRICE: I did kind of get -- I would agree
3 with you. You should have been responded to. You say
4 you didn't hear anything?

5 MR. DODD: We did not hear anything. I'd be
6 glad to provide you with documentation of the fact that
7 we sent -- that particular request was dropped before it
8 got to the County Commissioner. So, the answer is that
9 county did not proceed forward and adopt the amendment
10 without the permission of the Commission. But the
11 question about how these things are treated at the
12 Commission level was never answered to our satisfaction.

13 MR. BOWLING: I think we should get that --
14 take it back to the Commission and see if we can't get
15 an answer.

16 MR. PRICE: Don't you get a card -- a postcard
17 back that they received it within 24 hours?

18 MR. DODD: This, Mr. Price, was done before
19 that procedure was put in effect. It works very well
20 now. This is not an attack on Tom or anybody else. In
21 fact, I don't think Tom was even on staff. But at the



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1 time --

2 MR. PRICE: But doesn't the criteria of law
3 say you can't have a zoning change except for a mistake?

4 MR. DODD: Yes it does. It certainly does,
5 unless you do it during your comprehensive update.

6 MR. PRICE: Comprehensive plans.

7 MR. DODD: Comprehensive re-zoning.

8 MR. PRICE: Right.

9 MR. DODD: Then you would be permitted to use
10 the -- subject to that issue.

11 MR. PRICE: Apparently they never asked
12 somewhere back in the early stages when we were still
13 approving plans and all -- I think it's time we picked
14 it up and ran with it again.

15 MR. DODD: You're going to be receiving
16 another one, and I don't know at what point you want to
17 see a map amendment or re-zoning request. This
18 particular request will involve a down-zoning. As a
19 matter of fact, I was going to ask you whether you even
20 needed to see it. It involves a re-zoning from a
21 private industrial area to a residential area, which I



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1 would think you would be pleased to see right along the
2 edge of the Choptank River.

3 MR. BOWLING: Is it currently LDA?

4 MR. DODD: It is LDA, yes. What will be done
5 will be LDA.

6 MR. PRICE: Steve, I think the state law
7 says you have to notify the Commission of any re-zoning.

8 MR. DODD: I think you're right.

9 MR. PRICE: So what are we -- I mean, it just
10 says it. Period. One sentence.

11 MR. KRECH: We should respond and say we don't
12 need --

13 MR. PRICE: I'm going to get you off the
14 subject here, so go ahead.

15 HEARING EXAMINER SCHOEPLEIN: Are there any
16 comments from anyone in the audience regarding the
17 proposed changing to the zoning ordinance of Dorchester
18 County? Why don't you come up?

19 MR. WILLIS: My name is Raymond Willis. I'm --
20 Dorchester County Economic Development Office. And if I
21 could, I'd like to ask Mr. Dodd a question. Steve, if I



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1 understand it correctly, the County has decided that you
2 could not leapfrog from an RCA to an IDA?

3 MR. DODD: Raymond, that's correct. The
4 minutes of the December 5th County Commissioner Public
5 Hearing indicate that -- well, let me read one sentence
6 from it. "After discussion on the amendment Mr. Dodd
7 suggested they strike the wording 'intensely developed
8 areas.'" Now there's a number of comments from citizens
9 that precede that comment. But the County Commissioners
10 voted to approve the amendment with the change that the
11 ability to leapfrog, if you will, was struck.

12 MR. WILLIS: That leads to my next question.
13 Assuming the most expeditious -- best example as far as
14 processing, what would be the loss of time if you were
15 to proceed with, for example, an RCA to an IDA as
16 opposed to an RCA to an LDA to an IDA?

17 MR. DODD: Six months.

18 MR. WILLIS: Six months. So that would -- I
19 mean, assuming that that scenario -- that would really
20 be the only effect.

21 MR. PRICE: You have a double growth



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1 allocation?

2 MR. WILLIS: I don't know.

3 MR. PRICE: Well, I mean, if I understand what
4 you are saying, you are RCA, and you've got an LDA. You
5 go through this process and have a hearing. You assess
6 growth allocation, and you come back a month later and
7 say I'm LDA and now I want to go to RDA. You have got
8 to use the other part of your 50 percent or something.

9 Was this non-skip thing a result of some
10 fallout from this ferry boat? Have I asked a bad
11 question? I don't know.

12 MR. DODD: Yes, we are. I can only say --

13 MR. PRICE: I've been around long enough to
14 know.

15 MR. DODD: After the Commissioners discussed
16 it, they decided that it was in their best interest just
17 to drop it.

18 MR. PRICE: All right. I understand.

19 MR. DODD: I think that's an excellent
20 question, though. Do we get charged twice for use of
21 growth allocation?



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1 MR. BOWLING: In the scenario that you just
2 described, I don't know how you avoid it really --

3 (Laughter.)

4 MR. DODD: Which makes it particularly
5 difficult considering we only have 200 acres set aside
6 for commercial industrial use. You could have a big
7 project wipe it out.

8 MR. WILLIS: Thank you, Steve.

9 MR. KRECH: Put it outside the critical area,
10 Steve.

11 MR. DODD: 48 percent -- a lot in there.

12 MR. ALSTON: I'm Jim Alston. I live not near
13 the ferry at all. I live a in residential district west
14 of where the zoning is, two acres. And virtually all of
15 it is resource conservation except that which has been
16 found to be a part of LDA in the initial mapping.

17 I would just like to comment about the public
18 hearing that took place in connection with the County
19 Commissioners' decision, with respect to the
20 leapfrogging or the non-leapfrogging, whether you have
21 to go through LDA. Much of the public comment was to



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1 the effect that the dropping an IDA in the middle of a
2 resource conservation area has a tremendous impact
3 towards the people who live in that area.

4 It almost always will extinguish the local
5 zoning, which varies all over the county. And so, it was
6 said by some at that hearing that this at least gave the
7 public two opportunities to deal with that question --
8 two sets of public hearings. The other comment that I
9 think carried weight with those who attended those
10 hearings was that the -- Mr. Price raised the issue
11 earlier, the question of these small allocations being
12 distributed around the resource conservation area.
13 Steve Dodd, himself, said tonight that from a planning
14 point of view it would have been better had the language
15 established that, a request for an LDA.

16 And in our point system, we do give credit for
17 its adjacency to another LDA. But I think any map will
18 show that these growth allocations are dropped right
19 down in the middle of various RCA's.

20 But the second point made in the public
21 hearing which I think you should know was simply this.



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1 The question that the public worries about is that if
2 the language has changed in the subdivision and the
3 zoning ordinances here in the county, except for some
4 pro forma language at the outset of these ordinances
5 which deal with the critical area, the prevention of
6 leapfrogging is the only restrictive language that
7 really appears. And the public fears that if it is
8 eliminated, nothing will remain except the pro forma,
9 we'll do our best, et cetera.

10 Whereas, it has been shown in the case of the
11 ferry proposal, that it stopped it in its tracks and
12 allow a lot of public comment, and it's much to Steve
13 Dodd's credit, and the County Commissioners for that
14 matter, that they elected not to push forward as they
15 could easily have done. And instead, as I understand
16 it, Steve, that will be -- that specific question will
17 be given to the Critical Areas Commission at some point
18 officially, will it not?

19 MR. DODD: Yes.

20 MR. ALSTON: Whether or not this county may
21 change this regulation to permit leapfrogging, will this



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1 be seen as consistent with the critical area law? And
2 that is a question that will ultimately go before the
3 Commission as a whole, and was the concern of the public
4 as expressed in those meetings. I hope that Steve will
5 agree that one of the two major points raised was, if
6 so, that is likely to be the last of the restrictive
7 language that exists in the document as a whole because
8 the contractor who wrote that in draft included it, I
9 think, deliberately to act as a proxy for all of the
10 language that tells us in the critical area law that we
11 want to be careful what we do with the habitat.

12 We want to be careful what we do with a
13 fragile land at the waterfront. And all of these
14 warnings that we see through the law itself are pretty
15 much compressed in the current county ordinances and to
16 -- hey, we won't allow this leap that will surprise
17 everybody in an RCA suddenly to have approved an IDA,
18 which will allow, among other things, extinguish the
19 local zoning. I think that's a fair representation of
20 what went on.

21 And I don't want to speak for Steve, but I



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1 think that it's still those minutes probably say that
2 the County Commission will -- to ask the Commission, the
3 Critical Area Commission as a whole, whether they can
4 eliminate the prohibition of leapfrogging and change the
5 ordinance as had been proposed.

6 And I'm glad to hear that this language is
7 carefully in conformance with that decision made that
8 night, because had the decision gone otherwise, I'm sure
9 that Steve might have been obligated to ask that these
10 ordinance changes permit leapfrogging concept.

11 MR. PRICE: I was asking one of the State
12 officials whether the Department of Health and Mental
13 Hygiene was still involved with -- the organization who
14 handles that --

15 VOICE: Department of the Environment?

16 MR. BOWLING: There are minimum standards for
17 a private road?

18 VOICE: Yes.

19 MR. BOWLING: As a matter of fact, since this
20 amendment was submitted, the County has taken steps to
21 eliminate private roads from its ordinance. So,



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1 probably within the next 30 days, a private road will
2 simply mean a road built to county road standards, but
3 not owned and maintained by the county.

4 HEARING EXAMINER SCHOEPLEIN: Do you have any
5 other questions? Shep?

6 MR. KRECH: No. None, Bob.

7 HEARING EXAMINER SCHOEPLEIN: Are there any
8 other questions or comments from anyone in the room?

9 The record of this Dorchester County Panel
10 will remain open for two weeks. Until the close of
11 business on Monday, February 5, 1990, you may correspond
12 and submit for the record material to the Chesapeake Bay
13 Critical Areas Commission, 275 West Street, Suite 320,
14 Annapolis, Maryland 21401. The telephone number of the
15 Critical Areas Commission is Area Code 301-974-2426.

16 Any other remarks? If not, then this panel
17 stands adjourned. Thank you.

18 (Whereupon, at 8:33 p.m., the above-
19 entitled hearing was adjourned.)

20 (Exhibits attached.)

21



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E X H I B I T S

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No. 1 Dorchester County Commissioners'
Minutes, Page 6, 12/5/89

No. 2 Letter to Steve Dodd from
Thomas H. Ventre, 10/2/89

- - -



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CERTIFICATE OF NOTARY

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I, EVELYN CHAVIS, the officer before whom the foregoing testimonies were taken, do hereby certify that the witnesses whose testimonies appear in the foregoing transcript were duly sworn by me; that the testimonies of said witnesses were taken by me by magnetic tape and thereafter reduced to typewriting by me or under my direction; that said testimonies are true records of the testimonies given by said witnesses; that I am neither counsel for, related to, nor employed by any of the parties to the action in which these testimonies are taken; and, further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of the action.

Evelyn Chavis
EVELYN CHAVIS
Notary Public in and for
the State of Maryland

My Commission Expires:

July 1990



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Dorchester County
Commissioners minutes
12/5/89

Mr. Dolan stated he felt the fence should be spelled out and pointed out it was the zoning inspector that had approved the fence for the cresote plant but nothing enforced.

Commissioner Dayton suggested spelling out whatever fences they could and any other fence be approved by the Director.

Commissioner Wingate stated he felt they needed an enforcing authority.

Motion was made by William I. Wingate, seconded by Jack C. Colbourne and unanimously passed to approve the amendment.

Case 180-12-89 - This amendment will include a growth allocation approval process in the zoning ordinance. This amendment pertains to land within the critical area. It would not permit redesignation from RCA to IDA as the Planning Commission had withdrawn the original amendment that would have permitted this. Mr. Dodd advised if this were not approved he did not feel the Commissioners would have the authority to approve an industrial growth allocation under the current language.

Mr. Dolan stated he felt the preservation of a waterfront area would be better served by not having industry at all and he felt they should protect themselves from industry locating in waterfront areas and dumping chemicals into the water.

He further stated the zoning code states anyone found guilty of polluting loses their zoning permit but this has not occurred in the case of the cresote treatment plant in his area.

Mr. Dodd advised any growth allocation request would require a public hearing be held. After discussion on the amendment, Mr. Dodd suggested they strike the wording intensively developed areas.

Motion was made by Charles E. Dayton, seconded by William I. Wingate and unanimously passed to strike IDA area and approve the amendment.

GENERAL OBLIGATION BOND VOUCHERS

Motion was made by William I. Wingate, seconded by Jack C. Colbourne and unanimously passed to approve the following 1989 General Obligation Bond Vouchers:

W. B. Venable & Son - Jail Site	\$96,125.40
Dorchester County Commissioners	\$38,806.18



JOHN C. NORTH, II
CHAIRMAN

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREAS COMMISSION
WEST GARRETT PLACE, SUITE 320
275 WEST STREET
ANNAPOLIS, MARYLAND 21401
974-2418 or 974-2426

SARAH J. TAYLOR, PhD
EXECUTIVE DIRECTOR

COMMISSIONERS

October 2, 1989

Thomas Osborne
Anne Arundel Co.

James E. Gutman
Anne Arundel Co.

Ronald Karasic
Baltimore City

Ronald Hickernell
Baltimore Co.

Albert W. Zahniser
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William Corkran, Jr.
Talbot Co.

William J. Bostian
Wicomico Co.

Russell Blake
Worcester Co.

Mr. Steve Dodd
Dorchester County
Planning and Zoning
P.O. Box 307
Cambridge, MD 21613

Re: Ordinance Amendments

Dear Steve:

I have attempted to clarify the current language at 140-51.B.(2) by distinguishing the tract to which the five (5)-acre minimum for eligibility applies.

Of course, you may rewrite them as you like. You and I want to make it clear that the tract of land existing prior to allocation-reclassification, and out of which some portion may be awarded allocation-reclassification, is the tract that must satisfy the eligibility requirement.

Let me know what you think.

Sincerely,

Thomas H. Ventre

THV:msl

CABINET MEMBERS

Enclosure

Wayne A. Cawley, Jr.
Agriculture

Robert Schoeplein
Employment and Economic Development

Robert Perciasepe
Environment

Ardath Cade
Housing and Community Development

Torrey C. Brown, M.D.
Natural Resources

Ronald Kreitner
Planning

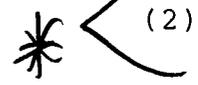


Red 10/4

Suggested New Wordings for 150-51.B.(2):



(2) The tract of land of which the proposed development is a lesser part must be at least five (5) acres in size.



(2) The tract of land--any portion of which may be proposed for development requiring growth allocation and reclassification--shall be at least five (5) acres in size.

(2) The tract of land within which the area proposed for growth allocation and reclassification is situated shall be at least five (5) acres in size.

(2) The tract of land for a proposed development requiring growth allocation and reclassification must be a part (portion) of a larger tract of land that is at least five (5) acres in size.

PROPOSED LOCAL PROGRAM AMENDMENT

FILE NO: DC-A 11

JURISDICTION: Dorchester County

TYPE: Amendment to Local Implementing Ordinance
(Zoning)

REASON: Add new language to Zoning Ordinance --
eligibility requirements for growth allocation,
and review procedure

LOCAL STATUS: Amendment approved by County Commissioners
12/6/89; submitted for CBCAC review and action
12/13/89.

DESCRIPTION: (See attached.) The proposed amendment would
add a growth allocation review procedure to the
Dorchester County Zoning Ordinance, similar to
language already contained in the County's sub-
division regulations. The objective is to
clarify ordinance language concerning the eligi-
bility of "nonsubdivision" development for
growth allocation and reclassification.

LOCAL PANEL
HEARING: January 22, 1990/7:30 p.m./Cambridge

CBCAC ACTION BY: March 13, 1990

OVER

" N. Growth Allocation

(1) Eligibility requirements. To be considered for growth allocation a proposed development project shall meet the following criteria:

(a) Land which is designated as a Resource Conservation Area (RCA) may be converted to a Limited Development Area (LDA). Land which is designated as a Limited Development Area (LDA) may be converted to an Intensely Developed Area (IDA). Conversion from a higher to a lower development zone shall not require growth allocation.

(b) The tract of land -- any portion of which may be proposed for development requiring growth allocation and reclassification -- shall be at least five (5) acres in size.

(c) A proposed residential development must exceed one (1) dwelling unit per twenty (20) gross acres.

(d) Commercial and industrial developments are eligible for growth allocation. The specific development zone designation for the proposed development shall be determined by the requirements of the Dorchester County Ordinance. In absence of a specific development zone designation for a specific proposed use, the Planning Commission shall determine the proper development zone designation for the proposed use.

(e) The site must have frontage on and be accessible from a public road, or a private road with right of access.

(f) The site must be serviceable by the extension of existing public sanitary sewer and water systems, or must be demonstratively capable of supporting on-site sewer and water systems acceptable to the Maryland Department of Health and Mental Hygiene.

(2) Special submission requirements and procedure for review of submissions. The special submission requirements and the procedure for reviewing the submission of growth allocation requests shall be identical to those required in the Dorchester County Subdivision Regulations. "

STATUS OF GROWTH ALLOCATION

Dorchester County 01/23/90

Beginning Allocation	2,900.00(acres)
- Subdivisions approved between 12.01/85 and program adoption	267.47
- Interim subdivisions which have been granted growth allocation	700.15
- Interim subdivisions which have had allocation "reserved" for them but have not yet received allocation	221.15
- Reserved for municipalities	300.00
- Reserved for Commercial/Industrial users	200.00
- Requested tonight	___12.1
	1,199.13

PROPOSED LOCAL PROGRAM AMENDMENT

FILE NO: DC-A 10

JURISDICTION: Dorchester County

TYPE: Growth Allocation/Land Reclassification for a Residential Subdivision (Deep Water, Phase II)

ALLOCATION: 12.1 acres (more or less)

RECLASSIFICATION: RCA to LDA

REASON: To allow residential development at higher density

LOCAL STATUS: Subsequent to local advertised public hearing, an award of growth allocation was granted by the Dorchester County Commissioners, 11-14-89; request for review and action submitted to CBCAC 12/6/89.

DESCRIPTION: The proposed subdivision is situated on peninsula surrounded by waters of Fishing Creek and Church Creek (tributary and subtributary, respectively, of the Little Choptank River. The peninsula is known locally as "Deep Point." The site is approximately seven crow-flight miles southwest of the center of Cambridge. The rectangular site lies in an east-west orientation. The eastern and western thirds lie within the Critical Area, and are classified respectively as "LDA" and "RCA." The middle third of the site lies outside the Critical Area. (Please refer to the photocopies of plat notes attached to my memorandum of December 27, 1989.)

The developers of "Deep Water, Phase II" propose to subdivide 34.37 acres into 14 building lots (and roadways). The request for growth allocation and reclassification applies to 12.1 acres at the western end of the site, which is presently classified as "RCA." Land immediately adjacent to the north of the request is classified "LDA."

OVER

Local Program Amendment
DC-A 10

The Phase II lots would be served by a single on-site private wastewater treatment system, presumably of the "bermed infiltration pond (BIP)" type. The area indicated for the effluent pond (141,453 sq. ft.) would be situated on the middle portion of the site, outside the critical-area lines. The average size of the 13 building lots is 2.09 acres.

SITE VISIT: Staff visited the site on January 12, 1990, accompanied by Commissioner Krech. The site was a farm until recently. The terrain is very flat, very low and very wet. There is one 2-story house with outbuildings; presumably this was the farm house. Gravel roadways with parallel drainage ditches are in place. To the north lies a settlement of smaller, older homes along the Fishing Creek shoreline, typical of older Bayfront communities. The only road access to this community as well as to the proposed subdivision is via Deep Point Road, off Maryland Route 16.

LOCAL PANEL

HEARING: January 22, 1990/7:30 p.m./Cambridge

CBCAC ACTION BY: March 6, 1990

CHESAPEAKE BAY CRITICAL AREA COMMISSION
275 West Street, Suite 320
Annapolis, Maryland 21401

January 5, 1990

MEMORANDUM

TO: Dorchester County Amendments Panel
Bob Shoeplein, Ch./Bill Bostian/Sam Bowling/
Shepard Krech/Ron Kreitner/Bob Price

FROM: Tom Ventre ~~WJ~~ CBCAC Staff

SUBJ: Dorchester County Local Public Hearing

A date has been set for this panel to conduct a local public hearing on two proposed amendments to the local Critical Area Program and ordinances submitted by the Dorchester County Commissioners for this Commission's review and approval.

The hearing has been scheduled for Monday, January 22nd at 7:30 p.m. in Room 110 of the County Administration Building in Cambridge. The required advertisement will be published in the Cambridge Daily Banner two weeks prior, on Monday, January 8th.

I call your attention to the documentary material which was attached to my memorandum to you dated December 27, 1989. A site visit will be made, after which I shall send additional information to supplement material already in your hands.

Please contact me at (301) 974-2426 if you have questions or need more information. (I shall not be in the office on Wednesday, January 10th.)

/jjd