

RESOLUTION NO 391

A RESOLUTION AMENDING THE 1996 DORCHESTER COUNTY COMPREHENSIVE PLAN TO DESIGNATE AN AREA OF LAND LOCATED ON THE SOUTH SIDE OF THE CITY OF CAMBRIDGE AND ANNEXED INTO THE CITY OF CAMBRIDGE, CURRENTLY DESIGNATED AS DEVELOPMENT DISTRICT, NATURAL RESOURCE AREA AND AS AGRICULTURAL DISTRICT, AS "TOWNS - ADJOINING AREAS."

WHEREAS, Article 66B of the Annotated Code of Maryland empowers the County Council of Dorchester County (the "County Council") to adopt and amend the Comprehensive Plan; and

WHEREAS, the Dorchester County Planning Commission held public hearings and has approved this amendment and recommended it to the County Council for adoption; and

WHEREAS, the County Council held an advertised public hearing on February 10, 2004 regarding the Comprehensive Plan amendment and have given careful consideration to the comments received from the public hearing. The findings of fact made by the County Council in connection with the amendment are attached as Exhibit A and incorporated by reference.

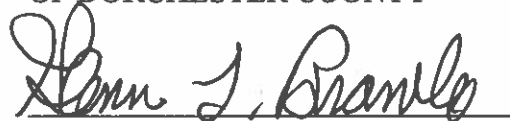
NOW THEREFORE, the County Council, having complied with the procedural and substantive prerequisites of Article 66B, Annotated Code of Maryland, do hereby amend the Dorchester County Comprehensive Plan of 1996, to replace the Land Use Concept Plan (Figure 2-1) herewith attached; and be it further resolved that a true and exact copy of the amendment to the Comprehensive Plan shall be certified to the Clerk of the Circuit Court of Dorchester County.


Adopted this 8th day of June, 2004.


ATTEST:


Jane Baynard, County Manager

THE COUNTY COUNCIL
OF DORCHESTER COUNTY


Glenn L. Bramble, President


David Yockey, Vice President


Effie M. Elzey


Thomas A. Flowers

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William V. Nichols

THE COUNTY COUNCIL OF DORCHESTER COUNTY

FINDINGS OF FACT

1. Applicant: Egypt Road, LLC (assignee of the contract purchaser)
2. Requested change: The Applicant has requested an amendment to the 1996 Dorchester County Comprehensive Plan (the "County Plan") to designate land located on the south side of the City of Cambridge (the "City") and bisected by Egypt Road currently categorized as "Development District," "Natural Resource Areas" and as "Agricultural District" to "Towns – Adjoining Areas" under the Land Use Concept Plan (Figure 2-1) in the County Plan.
3. Area affected: The "Amendment Area" is bordered on the north by Egypt Road Regional Park and the Cambridge-South Dorchester High School/Maple Elementary School complex, on the east by the Little Blackwater River, on the south and west by private landowners, and is located within the corporate boundaries of the City on the east and west sides of Egypt Road. The amendment area is comprised of land owned by William Henry Thomas, Robert E. Connelly, Jr. and Sherrie L. Connolly, totaling approximately 1,061 acres. (Parcels 42 and 128 of Dorchester County Tax Map No.41, and Parcels 2, 31 and 13 of Tax Map No. 52)
4. County Council of Dorchester findings: After considering the testimony received at our public hearing on February 10, 2004, subsequent written comment from staff, the applicant and the general public, actions by the City, and other pertinent information; we make the following findings relative to the application before us:
 - (A) Following due consideration of a concept plan provided by the Applicant, which set forth the design plans for a mixed use residential development with a public golf course and related facilities including a club house, pro shop, restaurant and driving range, approximately 50,000 square feet of appropriately buffered and landscaped commercial development, and multiple public and private open space and recreational amenities, and the representations of the Applicant and other testimony at hearings before the County Planning Commission on November 12, 2003 and January 28, 2004, the County Planning Commission determined that the proposed re-designation of the Amendment Area would be consistent with the County Comprehensive Plan and recommended favorable consideration by the County Council.
 - (B) Pursuant to Resolution No. A-2003-06 of the Commissioners of Cambridge, the City unanimously approved the annexation of the Amendment Area on March 22, 2004, conditioned on the preparation of an annexation agreement mutually satisfactory to the annexation petitioners and the City and on the enactment of an ordinance establishing the City zoning for the Amendment Area as Planned Water Resort Development ("PWRD"). The City approved the annexation agreement on

May 10, 2004. The PWRD Ordinance may be approved by the City subsequent to the amendment of the County Plan as set forth herein.

(C) Development in accordance with the concept plan and the representations made by Applicant will be consistent with the County Plan for the following reasons, provided Applicant proceeds as represented and the County and the City condition approvals on compliance with the below noted conditions Applicant represented it will implement and undertake:

(i) The City of Cambridge is the vital hub for new development in the County, and the Amendment Area is now part of City. The recreational, educational and commercial amenities provided by the proposed development will be integrated with and enhance existing amenities in the City.

(ii) The planned mixed use residential development within the City will provide a variety of housing types at a range of price levels that will include cluster lots and reduced lot sizes, as well as larger lots, which shall be compatibly buffered so as to be attractive to a range of buyers, and should create a housing stock attractive to middle and upper level income households with heads of households involved in commercial and industrial trades (*i.e.*, households employing middle management persons and move-up residences), which should help to attract and retain commercial and industrial business in the County.

(iii) A school site within the Amendment Area shall be provided by Applicant to the County, so that schools remain accessible to the community. The suitability of such site is to be determined by the County pursuant to the agreement.

(iv) Improvements to the Amendment Area will be serviced by City water and sewer systems, which services will be extended by Applicant to land that Applicant will provide for school/recreational facilities that will be required to service the residents to whom housing will be marketed.

(v) Applicant will reconfigure, improve and buffer Egypt Road so that it will accommodate existing traffic, including agricultural and industrial vehicles, and traffic generated by the development, including the traffic from outside the development that will utilize the commercial space in the development, so that such traffic is not a nuisance or danger to the residential, recreational and school improvements to be located in the Amendment Area.

(vi) Applicant will contribute to or fund off site intersection improvements required to maintain a suitable traffic rating on existing County roads and intersections handling the traffic generated by the development

(vii) Applicant will provide pedestrian and bicycle passages and linkages with existing City pedestrian and bicycle passages and existing and planned City,

County and State recreation facilities and planned County schools. Applicant will designate and contribute land for bicycle and pedestrian passage that may be incorporated into the Blackwater Refuge Loop and the Cambridge Loop, which will enhance the recreational opportunities to residents of the development as well as to existing County residents.

(viii) Applicant will maintain, at a minimum, the buffers required under the Chesapeake Bay Critical Areas Program

(ix) The development of a public golf course with amenities should enhance the County and the City as a destination for recreational tourists as well providing an amenity that will make the City, as the commercial and industrial hub of the County, an attractive candidate for economic development compatible with the agricultural and Chesapeake Bay resources of the County.

- (D) An estimated 270 acres of the Amendment Area is presently designated in the County Plan as a growth area, in the category of "Development District".
- (E) Pursuant to Resolution No. 386 of the County Council, adopted March 2, 2004, an approximately 950-acre area of land directly east of the Amendment Area was re-designated "Towns - Adjoining Areas" under the County Plan with a focus on commercial, institutional and industrial development.
- (F) The change to Figure 2-1 of County Plan to designate the Amendment Area "Towns - Adjoining Lands" updates the County Plan to reflect current jurisdictional boundaries resulting from the City's annexation of the Amendment Area and recognizes that if the Amendment Area is developed as represented in the concept plan, the Applicant's stated plans for development, and the Chesapeake Bay Critical Area Program constraints, such designation is consonant and consistent with the exiting planning criteria in the County Plan and the designation of similarly situated properties already designated "Towns - Adjoining Area" in the County Plan.
- (G) The County Plan states that the incorporated towns and areas adjoining the towns should absorb sixty to seventy percent of new growth in Dorchester County. It further provides that the Cambridge area should absorb thirty to forty percent of the County's future projected growth. The designation permits growth within existing City boundaries consistent with the County Plan.
- (H) The amendment is consistent with the 1998 Cambridge Comprehensive Plan (the "City Plan"), which recognizes that "future growth of the [City's] tax base [is] dependent upon more than simply the provision of public services to outlying areas, but also expansion into those areas." To that end, it provides "Cambridge shall take an aggressive posture with respect to annexation," which "should be used as an effective tool in meeting the targeted goals of the County's Comprehensive Plan for market share of new activity by the city." The City's

Plan notes that annexation is “essential to the [City’s] growth process,” “fundamental to the fiscal survival of the City” and important to the City’s ability to control the “character of the community.”

- (I) The Applicant has engaged in a comprehensive exchange with the County and the City about the development of the Amendment Area as a master-planned, mixed-use residential development in a manner that is consistent with the State’s Smart Growth Areas Act of 1997 (the “Smart Growth Initiative”), the County Plan, the City Plan, and the State’s Chesapeake Bay Critical Areas Program.
- (J) The Maryland Department of Planning reviewed the proposed amendment and provided written comments ranging from concerns for the presence of environmentally sensitive areas and protected lands in the Amendment Area to a recognition that the Amendment Area is “a logical spatial extension of the City’s pattern of growth.”
- (K) There are many benefits to the master-planned development of a large tract of land that generally are not as readily achieved when such tract is developed in a piecemeal fashion, including but not limited to the integration of roads and bicycle and pedestrian passageways, water and sewer infrastructure, active and passive recreation facilities and transitional buffers between differing uses. In addition, it is generally easier to accommodate appropriate transition zones in a master-planned development with existing surrounding uses. Furthermore, a developer that is capable of securing approval of a large tract of land has the capability of making off-site contributions capable of ameliorating the impact and cost of the off-site infrastructure improvements required to accommodate the development.
- (L) The County Council has entered into an agreement with Applicant for the purpose of obtaining Applicant’s commitment to develop the Amendment Area in accordance with certain requirements and/or parameters intended to ensure that the Amendment Area is developed in a manner that is consistent with the County Plan, thereby making the re-designation of the Amendment Area to “Towns - Adjoining Areas” merely a matter of conforming the reality of existing conditions with the intent and objectives of the County Plan. A copy of that Agreement is attached hereto and incorporated by reference as if set forth herein. Among other things, pursuant to the agreement:
 - (i) In furtherance of the County Plan’s goals of preserving and promoting existing agricultural operations, Applicant has agreed not to request or support any restrictions that would limit the use of Egypt Road by agricultural vehicles or equipment.
 - (ii) Additionally, to further the recreational and non-motorized transportation goals of the County Plan, the Applicant has agreed to construct and maintain a public bicycle and pedestrian path along Egypt Road in the Amendment Area, and

to enable future bicycle and pedestrian linkage between Egypt Road Regional Park and Blackwater National Wildlife Refuge.

(iii) The Amendment Area lies within the Little Blackwater River watershed. Concerns expressed by the public regarding drainage in the watershed can be addressed through a watershed drainage study, which the Applicant has agreed to partially fund, and through proper engineering and design of any development in the Amendment Area, which the City will require as part of any subdivision and/or development approval process.

(M) Under the agreement with Applicant, the County has no obligation to amend the County Plan. The agreement specifically provides, "[t]his Agreement is not intended to limit the exercise of police powers of the County, to limit the operation of the County government, or to guarantee the outcome of any administrative process."

Based on the above findings, and subject to Applicant's continuing fulfillment of the representations and agreements that underpin these factual findings, the County Council of Dorchester County approves the application to amend the 1996 Comprehensive Plan on this 8th day of June, 2004.

THE COUNTY COUNCIL
OF DORCHESTER COUNTY

VOTING FOR:


Glenn L. Bramble, President


Effie May Elzey


Dr. Thomas A. Flowers


David Yockey

William V. Nichols