

CONSTELLATION ENERGY AND G.S. PROCTOR & ASSOCIATES: PROPOSED EXPANSION OF CALVERT CLIFFS NUCLEAR REACTOR SITE

Present: Tom Roberts, V.P., Unistar Nuclear Energy
Steve Proctor, CEO, G.S. Proctor

Mr. Roberts and Mr. Proctor provided an informational overview about the Calvert Cliffs Nuclear Power Plant and the proposed third reactor unit. Calvert Cliffs is located in Calvert County, on the Chesapeake Bay in Lusby, MD. Units 1 and 2 have been in operation since 1975 and 1977 respectively. The Construction phase of CCNPP Unit 3 is estimated to take 54 months, with completion in late 2015.

An economic benefit to St. Marys will be the amount of jobs created. There will be an estimated 4,000 jobs during the peak construction phase and 360 permanent jobs once Unit 3 becomes operational. It is estimated that 20% of the workforce will come from St. Marys County.

Board Discussion:

- Disposition of spent fuel and fuel rods - Calvert Cliffs has an existing on-site facility for storing spent fuel. There is also interest in reprocessing (recycling) spent fuel.
- Workforce housing - Mr. Roberts said they are open for suggestions and are considering options, including temporary housing on-site, cruise ships, etc. Concern was raised for not only the impact on housing, but the potential impact on schools, should a number of families temporarily relocate during the construction phase.
- Concern was also raised about the increased traffic and congestion on the Thomas Johnson Memorial Bridge. Ferry service may be an option. Mr. Roberts said a detail traffic study is being conducted. Mr. Roberts also noted that during the construction phase, workers will work in shifts.
- St. Marys County supports and participates in CALVEX (graded evacuation exercise, coordinated and conducted every two years by Constellation Energy), requiring staff time to prepare for and during the exercise. The County does not receive financial support for CALVEX or for other commitments in support of Calvert Cliffs, including training for emergency and public safety resources and preparation for an actual emergency that would, for example, require evacuation. The Emergency Operations Facility (EOF) in St. Marys has limited space and is crowded, particularly during CALVEX exercises. Another project benefit would be if funding support could be factored in that could support expanding/upgrading the EOF in St. Marys and to off-set costs associated to CALVEX and being prepared for an actual emergency.

COMMISSIONERS TIME

The Commissioners highlighted upcoming events and events attended over the past week and personal interest items.

APPROVAL OF CHECK REGISTER

Commissioner Raley moved, seconded by Commissioner Dement, to authorize the Commissioner President to sign the Check Register for checks dated July 1, 2008, as submitted. Motion carried 4-0. (Commissioner Jarboe was not present for the motion).

RIBBON CUTTING CEREMONY FOR THE NEW ANDOVER ESTATES PRESSURE SEWER SYSTEM

The St. Marys County Metropolitan Commission (MetCom) hosted a ribbon cutting ceremony for the new Andover Estates Pressure Sewer System. The new pumping station is located on Rt. 249, Piney Point Road.

PUBLIC HEARING: PROPOSED TEXT AMENDMENTS TO THE COMPREHENSIVE ZONING ORDINANCE AND SUBDIVISION ORDINANCE REGARDING ADEQUATE PUBLIC FACILITIES (APF) AND THE COUNTY'S ANNUAL GROWTH POLICY

Present: Denis Canavan, Director, LU&GM
Phil Shire, Deputy Director, LU&GM
Ford Dean, Co-Chair, APF Task Force
Jack Candela, Co-Chair, APF Task Force

The public hearing commenced at 6:30 PM in Room 14 of the Potomac Building (Governmental Center). Mr. Phil Shire stated for the record that notice of the public hearing was advertised in the June 13, and June 18, 2008 editions of the Enterprise newspaper.

The purpose of the public hearing was to review and discuss the Annual Growth Policy (AGP) and revisions (text amendments) to the appropriate sections of Zoning and Subdivision Ordinances to implement and facilitate the Growth Policy, to receive public testimony, and to set the open record period.

At their June 9, 2008 meeting, the Planning Commission (PC) voted to forward favorable recommendations to the Board of County Commissioners in support of an AGP and related Zoning and Subdivision Ordinance text amendments. By a 6-0 vote, the Planning Commission adopted PC Resolution 08-08 Annual Growth Policy and, also by a 6-0 vote, adopted PC Resolution 08-09 Recommended amendments to Chapters 21, 29, 60, and 70 of the St. Marys County Comprehensive Zoning Ordinance to modify requirements for the finding of adequacy of public facilities.

Mr. Denis Canavan presented the Annual Growth Policy (AGP). The AGP will establish measures to ensure a healthy rate of residential growth that went out-pace Adequate Public Facilities (APF) schools in particular; and direct the growth to suitable areas. If adopted as written, the AGP will be reviewed annually and if necessary may be easily adjusted annually to fit the needs of the County at that particular time. Under current legislation, a major sub-division could no longer be approved, as of December 2004.

The AGP is a separate piece of legislation apart from the amendments to the Zoning Ordinance and Subdivision Ordinance. There are three elements of the Annual Growth Policy as recommended in the legislation:

1. The first element would place a cap on the number of dwelling units that may be approved within a year by applying a growth factor, measured in a percent, to the cumulative number of dwelling units in the County. The resultant number of dwellings may be approved by the Planning Commission at subdivision plan or site plan review within the year. The growth factor of 2.25% in the draft legislation is lower than the yearly average of 2.64% experienced in previous years. Applying this

percent to the cumulative number of dwellings in the County would result in a maximum allowance of 941 dwellings that could be approved on plans.

2. The second element of the AGP is the Allocation of Dwelling Units in Residential Districts. This is the geographical distribution of the allotted dwellings to be approved between the designated growth areas of the County versus the Rural Preservation District (RPD) areas. The draft legislation would allow a maximum of 30% of the proposed dwelling units for the year to be located in the RPD and 70% of the units assigned to designated growth areas (development districts, town centers and village centers). The allocation of dwelling units would also include the maximum amount of dwellings that could be assigned to both minor and major subdivisions for single family homes and a separate allotment for multi-family units. The only exemption to the requirement would be a single lot to be created in the RPD for a family member.
3. The third element of the AGP is the Allocation of Dwelling Units for each 12 month period per individual Subdivision or Project. This element would allocate residential dwellings to vary dependent on the size of the requested residential development. The increment of no more than 25 lots per year for subdivisions with less than 100 lots; no more than 30 lots per year for subdivisions between 100 and 200 lots; and no more than 40 lots per year for subdivisions greater than 200 lots may be approved by the Planning Commission at time of preliminary plan consideration. Multi-family developments may receive an allotment up to 100 units per year. This allocation process is dependent upon the Department of Land Use and Growth Management to maintain an administrative process that is fair and equitable to the participants waiting for their requested allocation.

The proposed text amendments to the zoning and subdivision ordinances are intended to implement and facilitate the AGP measures.

Mr. Shire conducted a detail review (walk-through) of the PCs recommendations relative to changes to the St. Marys County Comprehensive Zoning Ordinance and the St. Marys County Subdivision Ordinance. Along with staffs recommendations, the PCs recommendations (blue mark-up version) were reviewed and compared to those of the AGP Task Force (red mark-up version).

As documented in the staff report and as reviewed by Mr. Shire during the public hearing, a section-by-section analysis of both zoning and subdivision text amendments is as follows:

St. Marys County Comprehensive Zoning Ordinance text amendments

1. 11.2.5, Conflict with Other Laws and Regulations

PC recommends no change from existing language and proposed paragraph b is not needed. The version with red addition implies that the growth policy would supersede the ordinance provisions, but this was not the intent.

2. Figure 21.1.a (Flow Chart)

Actual allocation at concept stage is premature, especially for a large development that may take 2 to 3 years to achieve final site plan approval and therefore tie-up school seats for a prolonged period before implementation. The recommendation is to leave the flow chart as is and make APF findings at final site plan stage (which more or less equates to preliminary subdivision approval as far as investment in engineering expenses for the developer).

3. 29.4.1.1.(1), Contents of DRARA

PC supports this provision to allow Development Rights and Responsibilities Agreement (DRARA) as a method of giving credit for off-site donations, including school sites. The Task force letter of July 11, 2007 recognizes that a developer could donate a school site in return for something of value, but not to be confused with mitigation for school capacity.

4. 60.5.2, Concept Site Plan

PC supports reinstating phasing plans as a valid method to extend approvals in accord with the growth allocation process.

5. 60.5.4, Concept Site Plan

PC agrees with the proposed required finding that a development is consistent with the annual growth policy and that phasing plan approval be integrated into the required findings for concept plan approval by the Planning Commission (the blue version contains an additional strike through in paragraph 4.b to eliminate a repetitive citation).

6. 60.8.1, Expiration

PC supports a minimum, two-year duration for concept approval and in addition, that the site plan remain active as long as it is compliant with the approved phasing plan.

7. 60.10, PWA and Performance Bonds

PC agrees that bonding mechanisms be expanded to include letters of credit and other surety.

8. 70.1.f, Purpose

PC agrees to the inclusion of the Capital Improvement Program (CIP) with the other functional plans and policies listed here for the purpose of facilitating APF review.

9. 70.2, Applicability

Although no change was proposed to line 39 by the task force, staff proposes replacement of prior to final with at preliminary (as it is more accurately describes current practice).

10. 70.2.1.a and b, Subdivisions

PC agrees with the Task Force proposed text to include minor subdivisions in the general requirement for APF findings.

11. 70.2.2, Site Plans

Task Force proposes that findings for APF be made at concept site plan approval. PC and Staff contend that it is premature to make APF findings at the conceptual stage and recommends the language of this section remain the same (i.e. APF findings for site plans will continue to be made by the Director at time of final site plan approval).

12. 70.3 Exemptions

PC Concurs with the exemption from the school allocation process for a single, family conveyance lot, but does not support the deletion of an exemption for non-residential developments containing less than 5,000 square feet of floor area as it is not pertinent to the annual growth policy.

13. 70.4, Essential Public Facilities

PC agrees with task force recommended change. Staff has merely added a period in line 41, and inserted the absence of which as it is the lack of APF that would delay an approval.

14. 70.5.2.i (1), School Impact Study

PC Resolution supports the task force proposed text strike-throughs (deletions).

15. 70.5.2.i (2), School Impact Study

PC agrees with the strike-throughs as proposed by the Task Force. The deleted language required applicants to provide detailed information for a school impact study, but this information is in fact maintained and generated by staff when issuing the directors APF report for any given project, and is not readily available to applicants.

16. 70.11.1.c, School Capacity Applicability

PC concurs with task force text that allows for an exception from school adequacy findings for a single family conveyance lot.

17. 70.11.3.a, School Adequacy Standards

PC recommendations for enrollment in excess of state rated capacity (SRC) as follows: allow high school enrollment at a maximum 116% of SRC based on cumulative capacity

for all high schools in the county; allow middle school enrollment at a maximum 109% of SRC based on cumulative capacity for all middle schools in the county; allow elementary school enrollment at a maximum 107% of SRC based on the cumulative capacity for elementary schools within the respective north, central or south service areas established by Resolution #R03-11 (copy attached). The text has also been changed to stipulate that a proposed school can not be counted for capacity calculations until the third year of the CIP.

18. 70.11.3.b, School Adequacy Standards

PC concurs with the Task Force changes which replace the current requirement for budgeted design funds with improvements that are programmed in the third year of the CIP, and also reinforces the ability to make findings of adequacy for phased plans.

19. 70.14, Grandfathering

This is a new section proposed by staff and the PC to grandfather minor subdivisions that have been properly submitted prior to adoption of these provisions, and also to exempt approved PUDs that have satisfied APF requirements.

St. Marys County Subdivision Ordinance text amendments

1. 11.2.4.b, Conflict with Other Laws and Regulations

PC recommends no change from existing language and proposed paragraph b is not needed. The version with red addition implies that the growth policy would supersede the ordinance provisions, but this was not the intent.

2. 24.3, 24.4 and 24.5, Grandfathering and Effect of Previous Regulations

The intent of Chapter 24 was for vesting projects submitted and reviewed under the prior Subdivision Regulations. Since all those projects have either been recorded or have obtained approvals necessary for recordation, there is no need to amend this chapter. Staff has addressed grandfathering of submitted projects in # 19 of the zoning Ordinance text amendments, 70.14, Grandfathering.

3. 30.5.5, Criteria for Approval of a Preliminary Plan

PC and Staff concur with Task Force recommended text that adds a required finding that a proposed subdivision is consistent with the Annual Growth Policy.

4. 30.6.2, Preliminary Plan Application Procedures

Staff agrees with Task Force recommended change to require a phasing plan if a subdivision application exceeds 25 lots.

There are two significant issues that remain unresolved between the AGP Task Force, Board of Education, Planning Commission and staff; i.e., mitigation for purposes of APF finds and the number of elementary school service areas for the purpose of adequacy determination.

1. Mitigation for purposes of APF findings

The task force and Planning Commission agree that donation of a school site should be compensated by something of value to the developer (such as waiver of the school portion of impact fees, etc.), but that it is not appropriate to gain school seats ahead of other, queued-up projects for such a donation. The School Board and LUGM staff are not opposed to mitigation for school seats when a donated school site is identified as the chosen site for a school project within the third year of the capital improvement program and, when incremental allocations are in accordance with the annual growth policy as adopted. This will allow all other developments to move forward that otherwise must remain in queue indefinitely had the school site not been donated.

2. Number of elementary school service areas for the purpose of adequacy determination

While there is agreement between the task force and Planning Commission that a single county-wide service area may be suitable for determining adequacy at the secondary (middle and high) school levels, the Planning Commission recommends the current, three service area approach for determining elementary school adequacy. The Board of Education has proposed a compromise that would divide the County into two service areas (north and south).

BOCC discussion:

Commissioner Mattingly questioned the number of multi-family dwelling units (can be 100 per developer), with no limit for the number of developers/multi-family dwellings in a current year, relative to the 70% allocation of dwelling units assigned to designated growth areas. There is a yearly maximum allowance of 941 dwellings (based on the 2.25% growth factor), of which 70% of that number is allocated to be in designated growth areas; e.g., development districts.

A memo addressing Commissioner Raleys questions during the first reading on January 15, 2008, was provided just prior to the public hearing. In summary: (1.) The AGP policy will not override APF thresholds (e.g., with regards to school seat limitation). The AGP will not trump the ordinance. (2.) Minor sub-divisions (lots of five or less) are proposed to be governed by school seats capacity. (3.) Changing the three school districts (and borrowing across districts) is one of the two significant issues. (4.) The impact of raising the state rated capacity (SRC) levels on school attendance projections have been reviewed by staff and task force, resulting in recommendations for higher levels. (5.) The 120-day limit for text amendments applies to sub-ordinances as well as CZO. (6.) School mitigation is the second significant outstanding item that needs in-depth discussion.

Commissioner Jarboe asked what Calvert Countys recommended growth rate is in their growth policy. He said that he believes it is 1.9%. The expansion of Calvert Cliffs (constructing an additional reactor unit) will undoubtedly result in the need to build new homes to support the temporary construction workforce. Growth may be pushed to St. Marys (or north). Need to look at Calvert Countys numbers and run at least a parallel track. Commissioner Jarboe expressed concern for spiking the Countys growth (impacting schools) to support the temporary workforce and over taxing the bridge. During peak construction, there will be 4000 temporary jobs, of which 20% is estimated to be filled by workers from St. Marys County.

The 2.25% annual growth rate equates to 941 dwellings; and potentially an estimate of 450 500 children (.47 factor). Commissioner Raley said the maximum number of children needs to be considered relative to modulars and the number of teachers.

The number of new homes in the County (based on preliminary sub-division and site plans, not based on permits) is off by 47% from this time last year (first four months).

Should have a work session to discuss school district structure, and also discuss ability to share (borrow) across school districts. An APF work session is scheduled for July 22, 2008 at 1:30 pm.

APF Task Force

Mr. Ford Dean and Mr. Jack Candela, Co-chairs of the APF Task Force, provided a brief presentation. Mr. Dean cited the importance of the growth policy relative to growth occurrence being consistent with the goals of the Comprehensive Land Use Plan and at a rate consistent with the Countys ability to provide the public infrastructure required to support the growth. Mr. Dean pointed out that the task forces proposal has been reviewed by the Board of Education, the Planning Commission (a public hearing was conducted), and LU&GM staff.

There has been general support with the task forces proposal, with only three areas of some difference:

1. The number of attendance zones to be established with respect to the calculation of APF elementary school capacity.
2. Which year in the six year CIP would proposed school construction project be counted in the calculation of available APF school capacity.
3. Whether to provide for the allowance of mitigation measures in the case of a finding of a finding of inadequate APF school capacity.

In closing, Mr. Dean said the task force will submit to the BOCC written follow-up comments within the 10 day comment period and would be available to participate any work sessions. A copy of Mr. Deans presentation notes will be submitted to record.

Commissioner President Russell opened the hearing for public testimony at 8:12 pm.

Public Testimony

Mr. Bill Clement signed the sign-in sheet to speak, but declined.

Kim Howe (St. Marys County Public Schools) **27190 Point Lookout Rd., Leonardtown MD 20650**

Ms. Howe presented testimony on behalf of St. Marys County Public Schools, stating:

- Establishing one zone for the elementary school level may be criticized based on the perception that development could be approved in one end of the County based on seats available at the other end of the County, which could imply redistricting would be undertaken to balance capacity needs.
- The school system concurs with the PCs recommendation to only count projects within the first three years of the CIP.
- The school system did propose a mitigation plan that was not recommended (as a text amendment change). This mitigation plan would allow a developer to donate a site for schools and to get APF for schools. The site would have to be designated for a school that was identified as a project within the first three years of the CIP.

A copy of the letter referenced by Ms. Howe, dated June 26, 2008 from SMCPs to Commissioner Russell, was provided to the BOCC during the public hearing and a copy was submitted to record.

Having no one else wishing to provide public testimony, Commissioner President Russell closed the public hearing at 8:19 pm and set the 10 day open record period.

MOTION TO ADJOURN

**Commissioner Jarboe moved, seconded by Commissioner Raley, to adjourn.
Motion carried 5-0.**

The meeting adjourned at approximately 8:25 pm.

Minutes Approved by the Board of County Commissioners on _____

Betty Jean Pasko, Sr. Admin. Coordinator