

Watershed Conservation District (WCD) Frequently Asked Questions (FAQ)

Additional Questions 10, 11 & 12 added on December 19, 2016.

Additional Questions 13, 14 & 15 added on December 28, 2016.

1. Why is this rezoning being done to such a large area?

The rezoning implements the policy direction of the Comprehensive Plan which was adopted last summer. It establishes the detailed development standards and regulations for the general policy issue of the plan and ensures the plan is carried out.

2. How did you arrive at the boundaries for the WCD?

The objective is to protect the Mattawoman Creek Stream Valley and the headwaters of the Port Tobacco River, and to protect the watershed area's natural resources for its long term value to the community, its ecological, aesthetic and scenic values, and for its recreational and economic value as a sustainable natural resource.

The boundary was developed by a Mattawoman Creek watershed boundary analysis created by the Maryland Department of Natural Resources. 1,100 acres of the headwaters of the Port Tobacco River were also included. The boundary was adopted as a part of the Comprehensive Plan which was approved by the County Commissioners in July, 2016.

3. What is the zoning of my property?

The current zoning can be found on the official zoning maps. It corresponds with the permitted uses in the Zoning Ordinance. Zoning Maps can be viewed on line at <http://www.charlescountymd.gov/pgm/rim/pgm-maps>. They can also be viewed at the County's Department of Planning & Growth Management at the Administrative Offices in La Plata.

4. How do I know if my property is in the WCD?

The County web site has information on the WCD which contains a generalized map. <http://www.charlescountymd.gov/pgm/planning/water-conservation-district-wcd> An interactive map is also available online and allows you to zoom into particular areas. <http://www.charlescountymd.gov/pgm/rim/pgm-maps>. See the tab labeled "PGM GIS Interactive Map" The WCD map can also be viewed at the County's Department of Planning & Growth Management at the Administrative Offices in La Plata.

5. How does this new zoning affect my property?

Existing developed properties will remain. For new subdivisions, the density within the WCD zone will be established at one (1) unit per twenty (20) acres with the adoption of

the Ordinance. For new subdivisions, impervious surface coverage (those areas where rain cannot penetrate such as the house footprint, driveways, sheds, etc... will be limited to 8% of the total area, or 10,000 square feet for property under 2 acres. Additions or accessory uses to existing homes can be up to 25% of the main building. For new development, the permitted uses will be limited to those allowed by the new ordinance.

6. Are there grandfathering or exemption criteria? What are they?

In order to continue an approved project that is not built or partially built, you must have one of the following:

- o An executed and valid Development Rights And Responsibilities Agreement (DRRA) or similar development contract;*
- o An approved site development plan;*
- o An approved Development Services Permit;*
- o Preliminary Plans that are in compliance with Section 25 of the Charles County Subdivision Ordinance (Commencement of Construction- Recorded 25% of lots and associated infrastructure has been build);*

You can also obtain a Residential Building Permit or permits for other permitted uses if you have an existing legal lot of record, even if your property is less than 20 acres.

7. How do I determine if I meet the grandfathering or exemption criteria?

Any Property Owner who asserts they have contractual or property zoning rights (as based on the criteria listed in the previous question) and thus should be exempt from the Watershed Conservation District Zoning Regulations may apply to the Zoning Officer for a letter of Zoning Determination of Exemption. You should submit a letter that explains how you comply with the criteria along with a \$52 fee requesting the Zoning Determination. You will need to drop it off at the Permit Counter with the fee at the Planning & Growth Management Office in La Plata.

8. What does it mean if I want to subdivide my property and sell some land?

The WCD Zoning means each lot you create in a new subdivision must be a minimum of 20 acres. Smaller lots are permitted which is called "clustering" if you meet the overall density of one unit per twenty acres and other clustering criteria. You will need to follow the subdivision rules and regulations of the County.

9. How does this zoning change effect my selling TDR's?

Transfer of Development Rights (TDRs) and purchase of Development Rights (PDRs) can still be applied for in the WCD lands. TDRs and PDRs are not a land acquisition program, but a conservation easement program which is competitive and where qualifying landowners are paid a fee to keep the property in farm or forest land. Not everyone can qualify for PDRs or TDRs. The WCD is a "sending area" which means you can sell or

transfer development rights to a willing buyer outside of the WCD boundary. The areas which purchase development rights are called “receiving areas”.

The watershed Conservation District (SCD) shall serve as a TDR ‘Sending Area’ per article XVII: Transferable Development Rights (TDRs) in designated Agricultural Land.

10. When was the legislation that initiated this rezoning work?

The legislation was the adoption of the Comprehensive Plan in Resolution 2016-19 adopted by the County Commissioners on July 12, 2016.

11. When will the proposed rezoning legislation be approved?

It is working through the legislative process and scheduled for a 2nd public hearing before the Planning Commission on January 9, 2017. After that we anticipate the Planning Commission will hold the record open for a few weeks and then make a recommendation to the County Commissioners for their consideration. We expect their recommendation will be transmitted in February or March. The County Commissioners will hold a public hearing before making a decision on the proposed legislation. This should occur in late Spring of 2017.

12. What will be the impact on properties?

The impacts are site specific. The proposal is to change the density for new residential subdivisions from one unit per ten acres to one unit per twenty acres. There are other proposed new development standards that will apply to new development. Existing development will remain as existing legally approved, but now non-conforming development. Existing legally created lots of record less than 20 acres will be allowed one house.

13. I have an existing home in a developed area. Will I be affected by this change?

Existing homes will not be impacted by the change in zoning and will remain in place. The change is focused on controlling sprawl growth and major new subdivisions by limiting density.

14. How will this change help protect the Mattawoman Creek Watershed?

The new zoning will reduce residential density so that new residential subdivisions will only be allowed on one unit per 20 acres. It also will control water runoff of pollutants and sediments by limited how much of the lands surface can be covered by development.

15. I have existing vacant property less than 20 acres. Will I be able to build a future house?

Yes, If you have a legally created lot (what is commonly referred to as a lot of record) you can still build one house on your land even though it is less than 20 acres.