



Maryland Department of Planning

Sustainable _____ Attainable

March 27, 2014

Commissioner Candice Quinn Kelly
President
Charles County Board of County Commissioners
200 Baltimore Street
La Plata, MD 20646

Re: Comments on Adopted Septic Tier Map

Dear Commissioner Kelly:

I am writing to comment on the Charles County Septic Tier Map (Tier Map) adopted by the Board of County Commissioners (BoCC) on March 11, 2014 under Title 1, Subtitle 5 of the Land Use (LU) Article of the Annotated Code of Maryland. Overall the map is a significant improvement from the one adopted by the Planning Commission (AKA the BGI Map) on November 5, 2012, however, we have some concerns about the additional 9,000 acres of Tier 2 added to the map at the time of adoption by the BoCC. This letter and its attachments provide our comments on the map and are also notice of the need for the BoCC to hold a public hearing on our comments.

As you know this map was the subject of much discussion and analysis. This included meetings of the Septic Tier Workgroup, of which I was a member. After weeks of work, members of the workgroup coalesced around a consensus map and draft additions to the comprehensive plan that strengthened local agricultural, forestry and fishery industries. That map was presented to the County Commissioners on March 4, 2014. At that meeting the Commissioners directed state and county staff to work with the workgroup to tweak and bring it back the following week. That was done and a new map was presented to the County Commissioners on March 11. At that meeting the County Commissioners voted to add 9,000 acres of Tier 2 area to the map and then adopted it.

The law provides that Tier 2 areas are planned for public sewer and mapped as locally designated growth areas, and also be designed to satisfy development demand consistent with long-term growth policies after consideration of the capacity of land areas available for development, including infill and redevelopment, within the county (see *Implementation Guidance for The Sustainable Growth and Agricultural Preservation Act of 2012*, p. 11).

The map raises concerns about the oversupply of land needed to accommodate future growth in the county. In fact, there is almost twice as much land designated for growth than what is needed to

Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor

Richard Eberhart Hall, AICP, Secretary
Amanda Stakem Conn, Esq., Deputy Secretary

satisfy countywide demand to 2040. In total, 62,037 acres of land has been mapped within Tiers 1 and 2 on the County's adopted map. By comparison, Baltimore City and Washington, D.C. are both comprised of less land and more than four times the population. Baltimore City is 51,802 acres in size and has 621,342 residents; Washington, D.C. is 43,712 acres and has 633,427 residents; Charles County has 150,592 residents (U. S. Census Bureau 2012 Population Estimates).

We recommend the county revisit the Tier 2 area they added to the map on the night of adoption. This option was not considered by the Workgroup and is not needed to meet projected growth demand.

This additional Tier 2 area also constitutes approximately 50 percent of the RC(D) zoning district (8,997 acres) that was changed from Tier 4 to Tier 2 on the county's adopted map (see attached map). The remaining 9,000 acres of RC(D) is mostly undevelopable land that is mapped as Tier 4. Almost all (93 percent) of this added Tier 2 area is located within the Mattawoman Creek Watershed. The Maryland Department of Natural Resources (DNR) has significant concerns that extensive development within the Mattawoman Creek Watershed will irreparably harm this water body, which supports a diverse, high quality aquatic ecosystem. According to DNR, the Mattawoman Creek Watershed is ranked eighth of Maryland's 137 watersheds for freshwater stream biodiversity, is one of the most productive spawning areas for shad and herring and is prized for its largemouth bass fishery, drawing high-profile tournaments and anglers from all over the country throughout the year.

There are also several Tier II Stream watersheds (not to be confused with Tier 2 on the septic map) within the RC(D) area. These watersheds are identified by the Maryland Department of the Environment as high-quality streams that must be given extra consideration for preservation. Any new or expanded discharge into these streams would require an anti-degradation review. Approximately 30 percent of the portion of the RC(D) zoning district mapped as Tier 2 on the adopted septic Tier Map is within the watersheds of Tier II Streams.

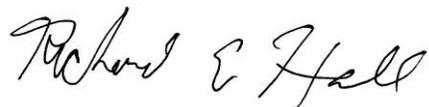
The above concerns as well as the attached analysis constitute MDP's official comments on Charles County's adopted Tier Map. In accordance with LU §1-505, when MDP comments on a tier or an area within a tier, the local legislative body or planning board must hold at least one public hearing on MDP's comments and review the adopted tier map in light of the department's comments. After the hearing and consideration of MDP's comments, a recommendation must be made whether the tier or area within a tier should be changed. The recommendation is to be forwarded to the jurisdiction's decision making body for a final decision (LU §1-507).

MDP recommends that Charles County complete this process no later than 60 days after the date of this letter. We are happy to meet with you in advance and discuss our comments with you and your staff.

Please be advised that LU §1-509 requires the growth tiers to be incorporated into the county's comprehensive plan or an element of the plan when the county conducts its review of the plan. If the growth tiers are not incorporated into the comprehensive plan or an element of the plan during that six-year review, this section provides that the growth tiers may not be considered as adopted and the restrictions on major subdivisions outside sewer service areas shall apply. It should be noted that the Tier Map adopted by the Board on March 11 or any subsequent changes to the adopted Tier Map will require significant changes to the County's Comprehensive Plan, Water and Sewer Plan and Zoning Map.

As always, MDP is available to work with Charles County to resolve these remaining issues with the tier map.

Sincerely,

A handwritten signature in cursive script that reads "Richard E. Hall".

Richard E. Hall
Secretary

Attachments

cc: Charles County Board of County Commissioners
Mark Belton, County Administrator
Peter Aluotto, Director, Planning and Growth Management
Steven Ball, Planning Director
Charles Rice, Natural Resources Planner