



Martin O'Malley, Governor

September 20, 2013

The Honorable President and Members
Charles County Board of Commissioners
P.O. Box 2150
La Plata, Maryland 20646

Re: Draft Charles County Comprehensive Plan

Dear President and Members of the Board of County Commissioners,

The Maryland Smart Growth Subcabinet, representing 13 state agencies, is writing to express its serious concerns regarding the draft comprehensive plan forwarded to you in August by your planning commission.

We commend Charles County planning staff for their work with elected and appointed officials, the citizens, and businesses in the county to prepare the initial draft plan. However, the planning commission draft plan, which is different than the staff plan, changes the land use designation of large areas of the county from rural and agricultural conservation to rural residential development areas. This marks a significant shift from previous county land use policies, going back several decades.

The draft plan is contrary to longstanding sound planning that occurred in Charles County and largely ignores the county's wealth of natural resources, productive farmland and a prior focus on improving existing communities. Millions of dollars in state financial resources for land preservation, community revitalization and infrastructure improvements have been provided to support the county's past planning efforts. That level of support from the state is now jeopardized by a plan that moves the county in an unsustainable direction.

Charles County is rich in natural resources and livable communities. It has ecologically valuable and diverse habitats such as the Zekiah swamp that are significant not only for Charles County but also statewide and the eastern seaboard. County residents enjoy the abundance of local natural areas to hunt, fish and recreate, many supported by state programs and resources. At the same time, Charles County residents benefit from state resources to enhance existing communities such as Hughesville, La Plata and Waldorf that have been designated as Sustainable Communities and could receive much-needed resources to improve those communities.

The Smart Growth Subcabinet is charged under state law with, among other duties, providing "a forum for discussion of interdepartmental issues relating to activities that affect growth, development, neighborhood conservation and resource management" and with working "together using all available resources to promote the understanding of smart growth." [Md. Code Ann., State Government Article, §9-1406(h)]. Since you may soon vote on the plan, we want to enumerate our comments and concerns with what we consider a 180-degree turn in decades long county land use policy. While several state agencies have already commented directly and more specifically about the draft comprehensive plan, this letter serves to highlight our overall concerns.

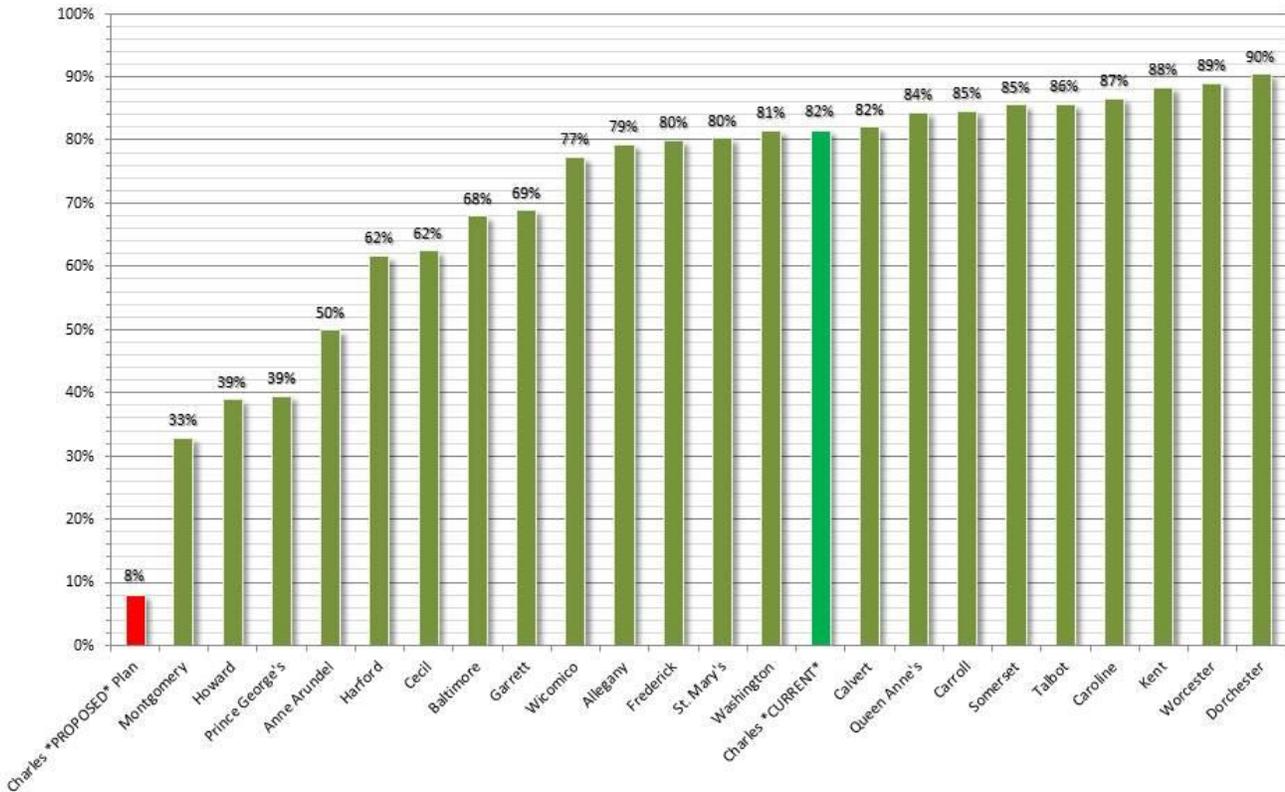
The draft plan changes approximately 150,000 acres designated for agricultural and rural conservation to rural residential use and reduces the amount of land designated for rural conservation to approximately 24,000 acres (a decrease of nearly 43 percent or 18,000 acres from approximately 42,000 acres).

This change results in a substantial decrease - from 82 percent to eight percent - of county land planned for resource conservation to the lowest of any county in the state by far (see chart below). The next lowest county, Montgomery, has one-third of its land designated for resource conservation, yet has a population more than six times that of Charles County. Most of the counties in the state have more than 80 percent of lands planned for resource conservation.

The state has provided much financial support (Rural Legacy and Program Open Space) for land preservation in Charles County. Most recently, from 2008 to 2013, the Maryland Agricultural Land Preservation Foundation (MALPF)



Percent of County Lands Planned/Zoned for Resource Conservation



Data Provided by Local Jurisdictions and the Maryland Department of Planning, August 2013

has invested more than \$8 million in Charles County land preservation, the fifth highest investment in the state, resulting in more than 1,700 acres of agricultural land placed under easement. During the same period, Charles County contributed an additional \$5 million to the MALPF investment, bringing the total land preservation funding to more than \$13 million. Additionally, more than \$3.6 million has been provided to Charles County, between 2008 and 2012, through the Rural Legacy program to purchase easements in the Zekiah Rural Legacy Area.

These substantial state investments were made in the context of the county's 2006 comp plan, which envisioned that 82 percent of county lands would be planned for resource conservation. The county may not have been as competitive for those investments had it presented a vision for only eight percent land resource conservation.

Charles County is required to incorporate and implement the 12 state statutory land use policies (known as the visions) enumerated in §1-201 of the Land Use Article (LU Article) into the local comprehensive plan. [LU §§3-201 and 3-301]. Seven planning visions were first established in 1992 and later updated to 12 visions in 2009. Charles County is also required by state law to implement these state policies through zoning laws and land use ordinances and regulations. [LU §3-303] While the plan speaks to these planning policies/visions, the draft plan and its planning elements are inconsistent with the state's statutory land use policies.

We find that the draft plan is contradictory to and not consistent with the state's land use policies in LU §1-201 that address the following:

Environmental Protection: This policy states: “Land and water resources, including the Chesapeake Bay and its coastal bays, are carefully managed to restore and maintain healthy air and water, natural systems and living resources.”

Resource Conservation: This policy states: “Waterways, forests, agricultural areas, open space, natural systems and scenic areas are conserved.”

The above two policies are violated by the designation of Rural Residential in very large areas of Charles County, which will lead to significant environmental impacts to water bodies, environmental resources, and agricultural land. Some of the most significant impacts include:

- 88,000 acres of the Maryland Department of Natural Resources' (DNR's) GreenPrint Targeted Ecological Areas have been mapped as Rural Residential on the proposed map. Targeted Ecological Areas are lands and watersheds identified by DNR as the most ecologically valuable areas in the state, the “best of the best” in Maryland.
- An estimated 339 major residential subdivisions on septic systems could be built under the proposed map within DNR's Targeted Ecological Area, generating an additional 324,000 pounds of nitrogen per year to the environment (groundwater and edge-of-stream impacts) or 215,000 pounds of nitrogen per year if best available technology septic systems are used. By comparison, the La Plata wastewater treatment plan is limited to a maximum nitrogen discharge of 18,273 pounds of nitrogen per year.
- Under the proposed comprehensive plan 66% of Tier II watersheds in Charles County could be mapped to permit major residential subdivisions. Tier II watersheds drain to high quality waters that must be protected. By allowing major residential subdivisions in these watersheds, the County is jeopardizing the health of these high quality waters. The County should focus efforts on rigorous watershed planning, implementing restrictive land use designations to protect these waters and re-directing planned growth out of these watersheds.

Charles County ranks third among Maryland counties for overall ecological value based on assessment of its GreenPrint Targeted Ecological Areas, designated as Maryland's most ecologically important lands and waters. The land use policies outlined in the draft Comprehensive Plan that encourage large lot rural development will result in significant and permanent degradation of these important resources and the ecosystem services they provide.

The draft plan, if adopted, would designate substantial areas dominated by agricultural or forest land as areas that would be suitable for major development, which is clearly contrary to the Septic Law passed by the General Assembly in 2012.

The state has provided Charles County with more than \$61,000,000 in grant and loan funding to upgrade and expand three Waste Water Treatment Plants (WWTPs) – Mattawoman, Indian Head, and La Plata. The upgrade of these plants has resulted in total nitrogen reductions of 491,940 lbs/yr. These plants currently have enough capacity to add 19,000 sewered households. By changing the land use designation in the rural areas, the county is promoting the proliferation of subdivisions on septic systems. This will only serve to dramatically increase the nitrogen pollution coming from development, nullifying much of the environmental benefit that has been realized through WWTP upgrades and degrading the health of Charles County's waterways, the Patuxent River and the Chesapeake Bay.

Beyond that, Charles County will face challenges to provide water via private wells to the new subdivisions that could be built, considering that the volume of groundwater needed would be quite large and it is not clear that such a large quantity could be withdrawn sustainably.

Quality of Life and Sustainability: This policy states that “A high quality of life is achieved through universal stewardship of the land, water and air resulting in sustainable communities and protection of the environment.”

The designation of large areas of the county's rural and agricultural areas for residential development is not sustainable over the long term. It will require enormous expenditures of state and local funds to pay for new schools, new roads and many other new public facilities. It has been well established that the cost for new roads, schools, water

and sewer facilities and other public facilities such as libraries, fire, police and emergency medical services, to serve development in a dispersed pattern, as is being proposed in this draft plan, is greater than if development is located closer to existing communities and existing facilities.

Growth Areas: This policy states: “Growth is concentrated in existing population and business centers, growth areas adjacent to these centers, or strategically selected new centers.”

According to the plan transmitted by the planning commission, growth will occur virtually everywhere within the newly designated Rural Residential area, thus making it more difficult to concentrate growth in existing centers like Waldorf and La Plata.

La Plata, Waldorf and Hughesville have been designated as Sustainable Communities, making them eligible for specially targeted state funds for revitalization from such programs as Community Legacy and Neighborhood BusinessWorks. These funds aim to concentrate growth in existing communities. The applications for these designations maintained that state revitalization investments would be reinforced by the county’s smart growth policies. This will no longer be true if the draft plan is approved.

Community Design: This policy states: “Compact, mixed-use, walkable design consistent with existing community character and located near available or planned transit options is encouraged to ensure efficient use of land and transportation resources and preservation and enhancement of natural systems, open spaces, recreational areas, and historical, cultural, and archeological resources.”

Transportation: This policy states: “A well-maintained, multimodal transportation system facilitates the safe, convenient, affordable and efficient movement of people, goods and services within and between population and business centers.”

The promotion of high-capacity transit appears to remain a high priority to the county, as reflected within the transportation section of the draft comprehensive plan. Transit is best served by areas developed at higher densities and intensities. The growth of rural residential areas in the county will not create the compact densities needed to support high-capacity transit. Rather, dispersed growth will contribute to unwalkable suburban sprawl areas that cannot be easily served by transit – either commuter bus or high capacity premium service.

In addition, the designation and subsequent build out of low-density land use for a substantial portion of the county will require residents living in those areas to travel longer distances to work and shop. Transit, walking and bicycling will be much less attractive and effective options. Currently, the county has the highest vehicle miles of travel per household in the Washington, D.C. region and the highest mean travel time to work in the state. This travel pattern would continue or worsen under low-density land uses so as to make the Transportation and Community Design visions harder to obtain.

Housing: This policy states: “A range of housing densities, types, and sizes provide residential options for citizens of all ages and incomes.”

The change in land use designation from agricultural and rural conservation to rural residential will result in large-lot single family homes rather than a diversity in housing types for varied income ranges and will make the Sustainable Community plans approved for Waldorf, La Plata and Hughesville much more difficult to implement because low density residential development draws private investment away from other areas.

Economic Development: This policy states: “Economic development and natural resource-based businesses that promote employment opportunities for all income levels within the capacity of the State's natural resources, public services, and public facilities is encouraged.”

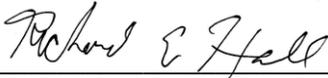
Economic development is tied to income-producing businesses and employment that serves people conveniently and in close proximity within developed areas. Dispersed development, as proposed in the draft plan, requiring greater travel distances and times to employment and services, is not consistent with the stated economic development policy.

A lack of continued commitment by county leaders in approving effective local land use tools, which will occur if the County Commissioners approve the recommended changes in land use designations in the comprehensive plan, calls

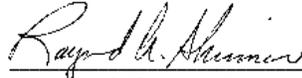
into question the level of future effort and commitment that should be provided by the state.

Our agencies look forward to supporting local planning efforts in Charles County, however, we cannot support land use policies that run counter to state law and longstanding, sound planning principles and practices. Please consider the long-term impacts of loss of valuable natural resources as well as the fiscal impact of dispersed development on county and state financial resources to Charles County residents and businesses.

We are happy to work with you and your staff in resolving these issues prior to adoption of the comprehensive plan. Sincerely,



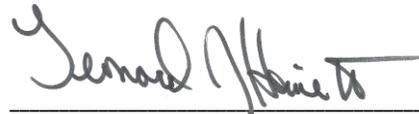
Richard Hall, Secretary, Department of Planning
Chair, Smart Growth Subcabinet



Raymond Skinner, Secretary, Department of Housing and
Community Development



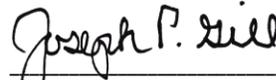
Earl Hance, Secretary, Department of Agriculture



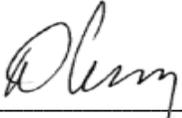
Leonard Howie, Secretary, Department of Labor, Licensing
and Regulation



Eloise Foster, Secretary, Department of Budget
and Management



Joseph Gill, Secretary,
Department of Natural Resources



Dominick Murray, Secretary, Department of Business
and Economic Development



James Smith, Jr., Secretary, Department of Transportation



Robert Summers, Secretary,
Department of the Environment



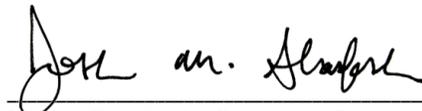
Abigail Hopper, Director, Maryland Energy Administration



Alvin Collins, Secretary, Department of General Services



Danette Howard, Secretary, Maryland Higher Education
Commission



Joshua Sharfstein, Secretary, Department of Health and
Mental Hygiene



Gerrit Knaap, Director, National Center for Smart Growth