



Maryland Department of Planning

Sustainable _____ Attainable

February 4, 2013

Mr. Peter Aluotto, Director
Planning and Growth Management
P.O. Box 2150, 200 Baltimore Street
La Plata, MD 20560

Re: Planning Commission Preliminary Draft Comprehensive Plan for Charles County

Dear Mr. Aluotto:

The Maryland Department of Planning (MDP) appreciates the opportunity to review the draft Comprehensive Plan for Charles County dated November 2012. Comprehensive plans are important blueprints for a community's future and we recognize County planning staff for their hard work. MDP recognizes the benefits of several of the plan's components such as 1) increased densities in key areas within the County's 301 Corridor, 2) policies to promote local transit and, 3) the focus on renewable resources in the Energy Conservation section of the draft. These policies will have a positive impact on the County's future.

However, MDP has significant concerns about the drastic policy changes that promote large lot sprawl development outside of the existing Development District. If adopted, these changes would be the most drastic policy reversal in a comprehensive plan that this agency has ever seen. Previous County Comprehensive Plans and related efforts for decades have consistently provided unequivocal language in support of protecting the County's farmland, open space and other sensitive lands while taking steps to focus development in areas where the infrastructure exists to accommodate it. This draft plan appears to be a reversal of long standing Charles County land use planning, environmental protection and growth management policy. The document also does not address the fiscal and infrastructure impacts of highly dispersed development.

MDP forwarded the draft Comprehensive Plan to other State agencies for review. Highlights of MDP and State agency concerns include:

- Stated objectives to protect the County's rural character and environmentally sensitive lands are inconsistent with land use policies that promote large lot sprawl development and are contradictory to farmland and woodland conservation.
- Promoting higher density development within the Waldorf Urban Core while allowing

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

Richard Eberhart Hall, AICP, Secretary
Matthew J. Power, Deputy Secretary

February 4, 2013

Peter Aluotto

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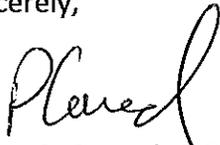
low density development to occur virtually everywhere else in the County will make it difficult to attract transit oriented development to the urban core.

- Under SB236, the County is to consider areas dominated by agriculture and forest lands in developing its Tier Map. These areas would typically be Tier IV areas where development is least desired. The County's draft plan shows these areas to be mostly large lot development areas, contrary to the criteria established in SB236.

MDP attended numerous public meetings leading up to the development of three land use scenarios created by County staff. It was promising that the County was taking steps to implement many of the policies included in the County's previous plans. We were surprised to find that this draft reverses many policies that support land conservation as well as smart growth principles.

The Maryland Department of Planning remains committed to continued communication and planning coordination with Charles County. We are attaching other state agency comments. If you have any questions please feel free to contact me at (410) 767- 4553 or Michael Paone at (410) 767-4554.

Sincerely,



Peter G. Conrad, ANCP
Director, Local Planning

Attachment: MDP, MDOT, MDE and DNR comments

cc: Rich Josephson, Director, Planning Services
Michael Paone, Regional Planner
Rita Elliot, MDP Clearinghouse



**Maryland Department of Planning
Review Comments
Draft 2012 Charles Co. Comprehensive Plan Amendments
February 4, 2013**

The following comments are based on Maryland Department of Planning's (MDP) review of the County's 2012 Draft Comprehensive Plan. Each section of the Plan was reviewed and staff comments are provided. MDP's primary concern with this draft Comprehensive Plan is the change in County policies that are now directed toward promoting development outside of the County's growth areas and encouraging the proliferation of large lot sprawl development, without consideration for environmental impacts or the increased cost of growth related infrastructure to both the State and local government.

Land Use

Since 1990, a primary focus of the County has been to limit sprawl development while retaining the rural and agricultural character of the County. .

This most recent plan update does not include the same level of commitment to preserving the rural landscape and function. While the objectives of the Land Use plan still appear to seek concentrated growth and an intention to limit sprawl types of development, the changes to the strategies appear to be in conflict with these objectives.

- Changing large areas from Agricultural Conservation to Rural Residential on the land use map is significant given the County's past goals of balanced growth and preservation while reducing fiscal burden. Large lot development across a majority of the County's landscape will have a significant financial impact and a profound impact on the County's rural lands. The County is encouraged to complete an evaluation of the fiscal impacts of this land use plan.
- Establishing Rural Residential areas as future large lot development areas will not satisfy the requirements set forth in SB236 that jurisdictions include areas dominated by agriculture or forest in Tier IV. The County will still be required to consider existing areas dominated by agriculture and forest lands.
- Page 3-4: Point 3 states that the Agriculture Conservation District (AC) has been revised to only include the Rural Legacy Area. There is no AC district shown on the land use map on page 3-3. It appears that the Rural Legacy Area is shown as Rural Conservation (RC) and that the AC district has been eliminated from the map.

- Page 3-10: The draft plan states that “Village designation in the Comprehensive Plan is important in that designated villages are Priority Funding Areas (PFAs.)” The County should be aware that PFA Rural Villages are only those designated in the county comprehensive plan as of July 1, 1998. Therefore any new or expansions to Villages outlined in this plan are not automatically PFAs. The County should review these areas in the context of Finance and Procurement Article §5-7B-02 to determine eligibility for State funding of growth related projects. Additionally, Finance and Procurement Article §5-7B-02 indicates that Rural Villages should not be growth centers and that State funding is restricted to projects which maintain the character of the community. The projects must not increase the growth capacity of the village or community except for limited peripheral and infill development.
- Page 3-19: Please verify that the anticipated average density for the Deferred Development District (DDD) is correctly reported in Table 3-2. The draft plan shows the DDD with an anticipated density of 1 du per 20 acres (.05). The plan provides a footnote explaining that this is the anticipated yield based on the Sustainable Growth & Agricultural Preservation Act of 2012 (SB236), it further states that this is the unit yield within Tier IV areas.
- SB236 did not in any way mandate or establish a yield of 1 unit per 20 acres in Tier IV areas. Tier IV areas are not permitted to have major subdivisions on septic. They are permitted to have minor subdivision in these areas. The number of lots allowed for minor subdivisions is based on the County’s Subdivision regulations as of 12/31/2012. It is MDPs understanding that Charles County allows up to 7 lots for minor subdivisions. Additionally, it appears that the DDD is designated as Tier II in the map and not Tier IV as this footnote implies.
- Page 3-19: Table 3-2 provides yields for the Agriculture Conservation district, which is no longer on the land use map.

Proposing Rural Residential in very large areas of Charles County will lead to significant environmental impacts to the County’s water bodies, environmental resources, and agricultural land. Some of the most significant impacts are as follows:

- 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. They are the “best of the best” in Maryland. See <http://www.greenprint.maryland.gov/> for more information and maps of the Targeted Ecological Areas within Charles County.
- An estimated 339 major residential subdivisions on septic could be built under the proposed map within DNR’s Targeted Ecological Area, generating an additional 324,000

lbs. of nitrogen per year to the environment (groundwater and edge-of-stream impacts) or 215,000 lbs. of nitrogen per year if best available technology septic systems are used. For comparison, the La Plata WWTP is limited to a maximum nitrogen discharge of 18,273 lbs. of nitrogen per year.

- Nine watersheds for MDE-Designated High Quality Waters have significant land area mapped as Rural Residential on the proposed land use map. See <http://mde.maryland.gov/programs/Water/TMDL/Water%20Quality%20Standards/Pages/HighQualityWatersMap.aspx> for maps of these water bodies within Charles County. Six of these nine watersheds have more than 60 percent of their land area mapped as Rural Residential.
- An estimated 123 major residential subdivisions on septic could be built under the proposed map within these MDE-Designated High Quality watersheds, generating an additional 75,000 lbs. of nitrogen per year to the environment (groundwater and edge-of-stream impacts) or 50,000 lbs. of nitrogen per year if best available technology septic systems are used.

The following environmental impacts could be avoided if the Targeted Ecological Areas and MDE-Designated High Quality Waters currently mapped as Rural Residential were instead mapped as AC or RC (meaning they would be Tier IV on the SB236 growth tier map):

- Within DNR's Targeted Ecological Areas, 242,000 lbs. of nitrogen per year to the environment (groundwater and edge-of-stream impacts) or 161,000 lbs. of nitrogen per year if best available technology septic systems are used.
- Within the MDE-Designated High Quality watersheds, 45,000 lbs. of nitrogen per year to the environment (groundwater and edge-of-stream impacts) or 30,000 lbs. of nitrogen per year if best available technology septic systems are used.

Land Supply, Market Supply, and Demand Analysis

- It appears that this section of the Plan, addressing land currently developed as residential land uses is using MDP's 2010 Land Use Land Cover figures,. Please verify that the Plan is using the final released MDP figures.
- The draft plan presents an analysis estimating the types of housing units and acres needed to accommodate the projected population by 2040; this analysis assumes the same proportion of housing types and acres will be developed as in the past. Based on past trends the County assumes that 70 percent of future units will be single-family detached and that an estimated 9,730 acres of rural residential land and 17,370 acres of Low

Density Residential land will be needed to accommodate the future growth in single-family homes. While MDP recognizes that the County is establishing this as an Upper Bounds projection, this approach of calculating future land needs is discouraging given the County's past goals to provide more smart growth types of development patterns. It would be more appropriate to see a scenario which presents the impact of implementing a more compact growth plan. The County may also want to evaluate the impact of this choice on future land use and the ability to provide services.

- MDP's analysis of the methodology used by the County in calculating the County's total available land shows that it is substantially underestimated. The analysis assumes that, all existing residential lands identified in MDP's land use/land cover layer have no additional capacity for growth. This assumption eliminates any potential infill development. Additionally, the lands considered developed include MDP's Very Low Density land use category, which are defined as lots between 5 and 20 acres. These lots may have significant additional capacity depending on the underlying zoning. MDP routinely prepares estimates of future housing capacity using its' Growth Simulation Model. Based on this analysis MDP estimates there may be capacity for an additional 5,000 units in these lands. Of this 2,000 of the potential units are within the Very Low Density residential land use category. MDP recommends the County assess the capacity for future development within these areas.
- The discussion of residential supply versus demand estimates a total of 32,208 units will be needed to accommodate the projected population increase through 2040. The plan also estimates that only 24,198 of the 30,926 committed lots will be developed by 2040; therefore land for an additional 8,010 units will be needed. The plan states that these 8,010 units would be built on "other developable land" which is defined as those areas not classified as existing residential in the land use/land cover dataset. While "other developed lands" does also include the Waldorf redevelopment project and Waldorf Crossing, the County should evaluate other infill potential within the "existing residential" land use categories as an alternative to greenfield development.
- All of the forecasted development in Charles County over the next 20 years could be accommodated in the County's existing Priority Funding Areas (PFAs), which have capacity for an estimated 20,000 new housing units.

Land Conservation

- The Plan changes the Agricultural Conservation District (AC) to apply only to the Rural Legacy Area. Rural Legacy limits the conservation district to the County's Zekiah Swamp Run watershed which is the County's Rural Legacy Area. This is to be

designated as a “Tier IV” Area of the Tier Map by the Sustainable Growth and Agricultural Preservation Act of 2012.

- The Plan changes the Rural Residential Land Use Category to be more accurately described as Suburban – Large Lot (1 unit per acre) to correspond with the designation of this area as “Tier III” on the Tier Map. Provides direction for future comprehensive rezoning of this area as such. This paragraph makes it sound like the whole Rural Residential category will be changed to Suburban—Large Lot, but only a portion of it will be.
- Revises the majority of the previously designated Agricultural Conservation and Rural Conservation land uses to be more accurately described as Rural Residential Land Use (1 unit per 3 acres) to correspond with the Planning Commission’s direction to designate this area as “Tier III” on the Tier Map such that the future vision for the land use will no longer be dominated by agriculture or forestry, but predominantly residential large lot uses of 3 acres or greater. Provides direction for future comprehensive rezoning of this area as such.
- The Rural Residential District used to be Agricultural Conservation District, which would have put the land in Tier IV. The 2012 Plan changes that: “Rural Residential Districts are intended to allow for rural development at one unit per three acres [1:1 with clustering] while preserving the rural character and open space whenever possible. Rural Residential also provides for a full range of agricultural and farming uses....” However, extensive development at that density cannot preserve rural character and open space, and a full range of agricultural and farming uses is far more likely to disappear than to thrive. The plan acknowledges this.

Finally, the Comprehensive Plan update says that the County commissioned an evaluation of local agriculture, which concluded the following (quoted from the plan):

- Charles County agriculture is likely to continue to be driven by a small number of large farms that produce grain and a growing number of small farms that produce nursery, greenhouse, and vegetable crops and provide agri-tourism opportunities. Charles County has the advantage of proximity to the Washington, DC metro region, which features affluent consumers who value fresh-grown produce and horticultural plants.
- The profitability of the farming industry is essential to the preservation of agricultural land that the County hopes to achieve. The County can help the farming industry through: 1) removing land use regulatory barriers to on-farm enterprises; 2) marketing; and 3) farmland preservation, including both the transfer of development rights and the purchase of development rights.

At the very least, the Comprehensive Plan should be revised to include an agricultural land preservation acreage goal—land under easement, not just zoned for preservation or undevelopable—that can accomplish the County’s goals for agriculture. In addition, the plan should indicate the following:

- How the County will finance these easements;
- The timeframe needed to acquire the easements; and

- How these protected lands can accomplish the goals when the easements are not contiguous but separated by the development that this plan and its implementing zoning are sure to allow.

Population, Housing and Employment Projections

- Charles County population projection is slightly more (1,100 or 0.5%) than MDP projections.
- On page 2-6, “housing costs will remain somewhat lower in Charles County than in other counties in the region” is not entirely accurate. Among the adjacent counties, owner occupied housing costs are higher only in Calvert County. Owner occupied housing costs are lower in Prince Georges and St. Mary’s Counties. Median monthly rent is the highest in Charles County compared to the adjacent counties as shown on Table 10-1 on page 10-23. MDP’s residential sales data derived from the State Assessments and Taxation data also indicate higher residential costs for Charles County compared to its adjacent counties. Assuming the same trends will continue into the future, housing costs will potentially be higher in Charles County compared to adjacent counties.
- The trends for housing show a vacancy rate of around 7 percent, possibly as a result of the recession (page 10-23). Forecasts for housing units were developed assuming a 7 percent vacancy rate as shown in Appendix B on page 10. Forecasts for housing units would tend to over-project housing needs and also the need for more land for residential use. Two percent reduction in vacancy rate (at 5 percent vacancy rate) from the assumed 7 percent would equate to around 644 less housing units and potentially preserve 719 acres.
- The Housing affordability section on page 10-24 indicates there is a need for affordable housing for certain income groups and noted that there were very few for sale houses within their affordability range. Is this issue being addressed with any recommendations or just noted as an area of concern?
- Projections of jobs by type are marginally higher than MDP projections but consistent overall. New jobs created by 2040 in the retail and office sector are estimated to be over 9,000 and land needed to accommodate these jobs are calculated based on land available/zoned for commercial use. Consideration should be given to mixed-use development concepts which have many benefits (more tax generated per acre, less traffic on roadways and lower emissions). Land needs projections should also be based on mixed use type of development where certain parcels or zones could cater to both retail/office and residential uses. This would not only address the need for more commercial land as noted on page 7-4 but also address the need for affordable housing in the County.

Transportation (MDP Comments – see separate MDOT comments)

- The Plan includes transportation and land use planning policies and strategies that support smart growth in designated growth areas and promote multimodal transportation including the emphasis of transit and support of pedestrian and bicycle travel means and other TDM actions.
- MDP is pleased to see the County's strong support for transit and that the County identifies improving transit as its transportation priority. We commend the County's recent planning efforts in developing land use and transportation policies, design guidelines, zoning regulations, and implementation strategies in the Waldorf/US 301 corridor area to encourage mixed-use, compact and transit supportive land use and development.
- The designations of Redevelopment District, Transit Corridor and Mixed-Use Districts and the current Feasibility Study of infrastructure funding mechanisms for the Waldorf redevelopment area will set forth a strong planning foundation for transforming the US 301/Waldorf corridor, currently a single-use, relatively low-density or strip commercial development area, to a smarter growth place in the County.
- The County has been proactively working with MDOT/MTA, Prince George's County, and other state and regional agencies to study the feasibility of planning and building a high quality transit service along the US 301/MD 5 Corridor. As discussed above, the County has taken the steps to enhance land use policies and regulations in support of transit. In addition, the Plan calls for the preservation of a future transit right-of-way as designated in the MTA's Southern Maryland Transit Corridor Preservation Study.
- We support the County's transportation policies that emphasize the need for creating well-connected roadway networks and implementing access controls and management on major state and local highways to support planned development, enhance local and regional traffic mobility, and protect major state highways' capacity and safety. The County's coordination and support to implement access controls and management on US 301, MD 210 and other major state highways are greatly appreciated.

Adverse transportation impacts of low-density residential land uses

- The designation of Rural Residential Districts and continuation of certain land use policies and regulations in other non-PFAs, i.e., the areas outside of Priority Funding Areas, will have significant adverse impacts on the County's transportation system. This auto-dependent land use pattern would put greater travel demand on the already stressed state and local roadway networks. If current growth and travel trends continue, vehicle

traffic on major highways will continue to grow rapidly, e.g., traffic on US 301 would grow from current 82,600 vehicles per day (vpd) to 112,800 vpd by 2030 according to the State Highway Administration.

- The low-density sprawl land use pattern has greater fiscal impacts on transportation facilities. It costs more to build and maintain local and state roadways that are needed to accommodate such a development pattern. MDP has conducted a statewide county-level comparison analysis of roadway construction and maintenance costs for Current Trends and Smart Growth Scenarios. For Charles County alone, the Current Trend Scenario would have an estimated public and private cost of almost \$2 billion more for roadway construction and maintenance as compared to the Smart Growth Scenario. As the State continues facing a transportation funding shortage, many currently planned roadway improvements can't be funded, let alone funding additional projects to accommodate additional traffic from sprawl development. State smart growth policies do not support transportation improvement projects that encourage or accommodate sprawl developments.
- Continuous increase in single occupant vehicle (SOV) travel resulting from sprawl development isn't consistent with the County's goal of reducing greenhouse gas (GHG) emissions. According to the Metropolitan Washington Council of Governments' 2007/2008 Regional Household Travel Surveys, Charles County has the longest vehicle miles of travel (VMT) per household, 66 miles/household, in the DC Region. As an Outer Suburb in the region, the County's daily household trip rate is 9.3, which is 35% higher than Core Jurisdictions' which average is 6.9. Based on a recent American Community Survey, on average, Charles County residents take 42.8 minutes to work, the longest mean travel time to work in the State. These travel patterns are much related to the land use and development patterns in the County. As the current development trend continues, the County residents VMTs will continuously grow at a higher rate as will greenhouse gas emissions (GHG) from vehicle travel.

Transit planning

- Expand transit supportive land use planning along the US 301 corridor

It is commendable that the County took bold steps by designating a Transit Corridor along US 301 and adopting TOD land use regulations. To support a high quality transitway, additional land use measures are needed. In addition to enhancing TOD land use planning in future station areas, we recommend the County consider appropriate land use policies and development regulations outside of the Transit Corridor but within the overall transit catchment areas where connections are made by different travel means and appropriate land use patterns are needed. The mode of transportation affects the time and distance patrons are

willing to travel to transit stations. Here is the guidance for various modes' catchment areas: Bicycle: 1-2 miles; Feeder Transit: 2-4 miles; Auto/Taxi: 3-4 miles; and Park & Ride: 4-6.6 miles.

In addition, as discussed above, minimizing low-density developments in rural areas is needed to make the higher density development more practical and implementable.

- Coordinate with Prince George's County on land use and transportation
The County is reaching out to Prince George's County on transportation and other planning issues. We encourage the County to continue such efforts. Transit supportive land use planning should be enhanced along the US 301/MD 5 corridor in Prince George's County as well. Prince George's County included the US 301/MD 5 transitway in its 2009 Countywide Master Plan of Transportation and 2009 Sub-Region 5 Master Plan, which will enable the County to preserve the transitway right-of-way.
- Support interim improvements to current transit service to build the ridership over time
Recent transit studies for the US 301/MD 5 corridor found that until projected ridership increases, it may be premature to start a NEPA Project Planning Study for a fixed-Guide-Way transit along the corridor. Nevertheless, we encourage the County to continue to work with the State, the MPO – the National Capital Region Transportation Planning Board (TPB), and other local jurisdictions, e.g., Prince George's County, to enhance current commuter transit services in the County by exploring, supporting, and implementing interim transportation system management (TSM) type improvements, e.g., measures to speeding up express buses along US 301 and MD 5. The County may want to consider the evaluation of a Bus On Shoulder (BOS) option along US 301/MD 5 as part of the TPB's BOS Study.

Road/highway planning

- Table 8-5 – Road Improvements includes 17 long range state highway planning projects which mostly come from the SHA's Highway Needs Inventory, which is "a long term, financially unconstrained technical reference" and does not represent a state commitment to implementation. Many of these projects are outside the County's Priority Funding Areas (PFAs). The State PFA Law and the Planning Policy prohibit the State from funding major transportation projects that are outside PFAs and/or inconsistent with the State Planning Policy except for a project whose purpose is primarily for safety improvements or meets other exception conditions defined in the PFA law. The County should re-evaluate these project needs, particularly in the context of how these projects may or may not be consistent with the State smart growth policies.
- Table 8-5 also includes the Cross county Connector as a short term project. Chapter 8 – Transportation doesn't include an east-west corridor alternatives study as mentioned on Page

3-4 of Chapter 3 – Land Use. Building a 4-lane highway through the low-density residential areas would further facilitate and accommodate the widespread low-density developments in the Mattawoman Creek and Port Tobacco Creek watershed areas. Both land use and transportation measures should be considered for transportation safety needs in these areas.

Pedestrian and bicycle facility planning

It is commendable that the County has developed a countywide pedestrian and bicycle plan and is taking steps to implement planned facilities. MDOT has several programs that support pedestrian and bicycle projects, e.g., Transportation Enhancement Program (now as part of the new Alternative Transportation Program under MAP-21 – Moving Ahead for Progress in the 21st Century, the new federal transportation legislation), Safe Routes to School Program (also as part of the Alternative Transportation Program under MAP-21), Bikeways Network Program, Community Safety and Enhancement Program, Sidewalk Program, Pedestrian Access to Transit, Streetscapes and Minor Reconstruction, and other minor roadway improvement programs for which pedestrian and bicycle facilities are required to be considered if they deem to be appropriate.

Adequate Public Facilities Ordinance (APFO) Update

The Plan calls for revising the current APFO (page 3-22). We encourage the County to also consider revising the current Level of Services (LOS) Standards to support smart growth in designated growth areas, especially in Redevelopment Districts, Transit Corridor, Mixed-use Districts, and other high density development districts as appropriate. Many local jurisdictions in Maryland have adopted relatively lower LOS standards, e.g., LOS E, in TOD, compact/mixed-use areas to accommodate and encourage higher density/intensity developments. Since transit usage/measures and pedestrian and bicycle facilities are part of transportation solutions in these growth zones, it is reasonable to combine a lower LOS standard with alternative transportation provisions as part of APFOs requirements or credits. Better community and land use designs also help to shorten travel distances so as to reduce the need for roadway capacity improvement. A lower LOS standard also helps to build community context sensitive roadway or intersection improvements, e.g., few lanes/narrower roads and smaller intersections, which are friendlier to pedestrians and bicycles.

Other Transportation Comments

On page 8-8, the information on commuter patterns should be updated by using either Census 2010 or the current American Community Survey data.

Water Resource Element (WRE)

- Under the State Land Use Article, the WRE must “identify suitable receiving waters and land areas to meet the stormwater management and wastewater treatment and disposal needs of existing and future development proposed in the land use element of the plan.” The Charles County WRE does not discuss the suitability of receiving waters. To address this requirement, one option would be to include the following sentences: “the presence of a TMDL is a sign that pollution control efforts must offset any additional pollution impacts (for example, from new development) to prevent further degradation of the waterbody. For the receiving waters in Charles County without a nutrient TMDL, a determination of the suitability of receiving waters cannot be made. However, for waterbodies with nutrient TMDLs, including Mattawoman Creek and the Port Tobacco River a preliminary assessment can be made. Charles County recognizes that Mattawoman Creek and the Port Tobacco River can only be considered suitable receiving waters if future nutrient impacts will be completely offset by pollution control efforts.”
- Contrary to the concerns raised in the WRE (p. 4-29), development within PFAs, even within watersheds with nutrient TMDLs, is possible. Smart growth forms of development, such as infill and redevelopment, can have minimal impacts or positive improvements to environmental quality, especially compared to more sprawling forms of development, which depend on higher polluting septic systems and consume larger areas for each new household.
- MDP notes that the County might be underestimating available capacity given the benefits of its innovative wastewater re-use measures. These measures should be included in the County’s assessment of available capacity in its water and sewer systems.
- Chapter 3 outlines the land use categories of the 2013 Comprehensive Plan Recommended Scenario and the map changes from the 2006 Charles County Land Use Plan Map. These changes indicate the expected SB 236 Tier Area designations, however they do not consider the inclusion of areas “dominated by agriculture and forest” within their proposed Tier III areas; such areas must be designated Tier IV under the law. This provision of the law affects the Tier III designation beyond the underlying zoning provisions. On pages 4-5 the text refers to Appendix C for discussion on the different Growth Scenarios, however, it should be Appendix D. Similarly, correct the text in Chapter 4 where all reference is made to Appendix C for information regarding the maps or discussion on water and wastewater information.
- Technically, the WRE addresses the prescribed water resource analyses, however the outcome of the land use selection is contrary to the findings for water resources conservation, smart growth, and for conformance with SB 236. The WRE is to guide the County towards selecting the best land use plan that incorporates all sources of nutrient loading and best water resources management to ensure consistency between the goals and policies of the Plan. This “best” land use plan selection, to meet consistency with

State and local laws, goals, and policies, was not made inclusive of the forest cover and impervious surface findings (page 4-30), and seems to look away from the tenets of Smart Growth, as well as consistency within the Plan document between the different Elements, particularly, Transportation and Natural Resources.

- The water use analysis is restricted to two growth scenarios, the Recommended Plan vs. the Merged Scenario (reflective of the two Open House Scenarios which all delineate a PPA.) The Recommended Scenario does not have a PPA thus allowing for major subdivision activity in the rural areas that projects to double the number of lots between the two proposed land use plans, more than doubles the water usage and doubles the non-point loads of nutrients at full build out, yet the County chooses this growth plan so as to avoid the need for downzoning, to proclaim a larger Tier III area, and to maintain its wide opportunity for Economic Development at the expense of compromising its agricultural and wood production industries.
- The County should be commended for its work with wastewater re-use efforts and goals to restore the Tier II watershed of Jennie Run through diverting sewerage effluent to the Mattawoman WWTP.

Natural Resources

- Page 5-9: We do not recommend using MDP's Land Use/Land Cover dataset to show the distribution of Forest or Agricultural lands by Type. While these Land Use codes are provided in the Geographical Information database our data documents provided on our website explain that these 2010 data are best reported at summarized scale (agricultural or forest). Please refer to the documentation link provided below.

http://planning.maryland.gov/PDF/OurWork/LandUse/Methodology_MappingProcess.pdf

General Comments

- The Chapter headings provided in the Table of Contents do not match the titles provided at the beginning of the Chapters. For example Chapter 1 is called "Framework" and "Introduction."
- Page 2-6/2-7: The draft plan uses the Maryland Department of Planning's Land Use/Land Cover data set to provide an overview of these trends since 1997. There are a few issues that we would like to bring to your attention when using MDP's land use/land cover dataset.

1. MDP has changed the methodology for estimating changes in land uses over time. While you appropriately footnote this fact, we would urge you to remove the references to the 1997 land use figures. The comparability of these figures is not accurate.
2. Please verify that the data being used is the most updated information. Reference is made to a 2007 and 2011 product. MDP has only produced a 2010 product which used 2008 MDPV products and 2007 NAIP imagery. Please check our website to ensure you are using the correct figures throughout this document.

<http://planning.maryland.gov/OurWork/landuse.shtml>