



**Maryland Department of Planning
Review Comments
Draft 2015 Charles County Comprehensive Plan Amendment
April 2, 2015**

The Charles County Board of County Commissioners adopted the current comprehensive plan in 2006. The County's Planning Commission initially prepared a 2012 draft comprehensive plan update, which was submitted to the Charles County Commissioners for consideration. This draft plan received a significant amount of public comment. In September 2013, the Governor's Smart Growth Subcabinet sent a letter to the Commissioners expressing its concern that the 2012 draft plan was contrary to longstanding sound planning that occurred in Charles County for many years. After reviewing the plan and considering public comments received, the Charles County Commissioners remanded the draft plan back to the Planning Commission and directed staff to first work on preparing a Growth Tier Map, in accordance with the Sustainable Growth and Agricultural Preservation Act of 2012 (also known as "the Septics Law"). The Charles County Commissioners adopted a Growth Tier Map in April 2014. The adopted Growth Tier Map assisted the planning office and the Planning Commission in their preparation of the 2015 draft comprehensive plan update, which included a number of major changes from the 2006 comprehensive plan. Some of these changes include:

1. Incorporates the adopted Tier Map and recognizes the Septics Law criteria and the impacts on use of septic systems in rural areas;
2. Reinstates the Agricultural Conservation District, and redefines the Rural Conservation District. It also includes a Priority Preservation Area;
3. Removes the Deferred Development District (DDD) and replaces it with the Watershed Conservation District (WC);
4. Adds 1,100 acres from the previous DDD to Residential land uses (east of Middletown Rd) with use of Transferrable Development Rights (TDRs);
5. Promotes existing employment parks, economic development efforts, including rural broadband services;
6. Establishes a new Redevelopment District for the Waldorf Urban Redevelopment Corridor (WURC) and the County's Transit Corridor;

7. Updates the Water Resources Element (WRE) based on the Tier Map and new aquifer permit use restrictions;
8. Relocates farm and forest data to a new Chapter 11: Farmland, Forestry and Fisheries, and includes new policies for stronger protection of these resources;
9. Establishes new TDR Receiving Sites in White Plains and Newburg – Sub Area Planning Area;
10. Recognizes Rural/Historic Villages importance and the community revitalization and tourism ongoing efforts;
11. Includes a new Energy Conservation Element to promote energy conservation, baseline of energy use; and
12. Supports the Airport Land Use study and Military Base Joint Land Use studies (JLUS) and implementation measures;

MDP has reviewed the 2015 draft Charles County Comprehensive Plan and offers the following comments.

Chapter 1: Introduction

- Page 1-4:1-5: In the section on “Other Adopted Plans,” please specify that the Historic Preservation Plan listed refers to the County’s 2004 plan. Charles County would be welcome to incorporate by reference PreserveMaryland, the 2014-2018 statewide preservation plan, which may be viewed online at <http://www.mht.maryland.gov/plan.shtml>. Please note that there is no requirement to incorporate the statewide plan.

Chapter 2: Background

- Table 2- 2 lists the Deferred Development District in its breakdown of housing units, population and employment projections. The County will need to update the Table since the Deferred Development District is being eliminated and 1100 acres is being added to the County’s Development District.
- Page 2-7 – Table 2-3 and Figure 2-3: MDP recommends that the table compare the 2002 and 2010 MDP land use/land cover datasets. This table currently references MDP’s land use/land cover dataset. It uses the 1997 version as the base year. MDP does not recommend using this dataset, as it was based on a different mapping methodology and base data. It is not comparable with the more recent versions of the datasets. Further, MDP’s land use updates occurred in 2002 and 2010. In 2010, MDP added a “Very Low Density Residential” land use category (which represents residential development on 5-20 acre lots) and a “Transportation” category. MDP produced an adjusted 2002 dataset, available upon request, which resolves inconsistencies between the 2002 and 2010 datasets. Please see <http://planning.maryland.gov/ourwork/landuse.shtml> for more information about the land use/land cover dataset. MDP is happy to provide specific technical assistance on this point.

Chapter 3: Land Use

- The plan does a good job of incorporating the Growth Tiers Map throughout the land use element and linking both the Tier Map and the Land Use map. Rural Residential District – It should be noted that much of the area designated for Rural Residential is built out or already subdivided. While there are still agricultural and forested areas within the area, the predominant land use is large lot residential.
- The County is to be commended for reinstating the Agricultural Conservation District (AC) and redefining the Rural Conservation District (RC). These areas are designated as Tier IV in accordance with the Septics Law which only permits minor subdivisions served by individual onsite septic systems. It is further the intent that areas designated Tier IV are predominantly conservation related uses. The RC and AC boundaries appear to be consistent with the Tier IV mapping for the County.
- Protected lands should be explained as a note to the land use map. It is MDP's understanding that the plan's use of the term protected lands is to include more than permanently preserved parcels through land easement restrictions. The casual reader may not understand this broader intended use of protected lands and assume these lands cannot be developed. MDP recommends clearly defining these terms.
- The County is encouraged to continue to work with the Town of La Plata to resolve differences in growth areas around the town. The intended purpose of a municipal growth element is to facilitate coordination between the county and a municipality to achieve consensus on the character, intensity and timing of growth.
- Page. 3-17: The adoption date of the Growth Tiers Map is stated as March 11, 2014, while the map indicates it was adopted on April 29, 2014. Please clarify.
- Page 3-20 (Table 3-2): Why is the anticipated average density for residential development in the Watershed Conservation District 0.05 du/acre? Is this because of site level constraints and/or the fact that the entire area is Tier IV? Why aren't the density yields adjusted for the Agricultural Conservation or Rural Conservation areas to reflect the fact that these areas are in Tier IV?
- Page. 3-23 (Action 2): MDP would be interested in partnering with the County on an analysis of nonresidential development capacity
- It appears that this section of the plan, addressing land currently developed as residential is using MDP's 2010 Land Use Land Cover data. Please verify that the plan is using the final released MDP data.
- 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 encourage more development patterns that consume less land. 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, the costs of providing infrastructure, 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 MDPs 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.
- There is a significant amount of land located west of Middletown Road that currently falls outside of a County PFA designation but is located within the County's development district. Has the County considered reducing the development district in this area or are these lands planned to be PFA's in the future?

Chapter 6: Energy Conservation

- The County is to be commended for developing an Energy Conservation Chapter with the draft Comprehensive Plan. In particular the Green Codes and Standards study recommended numerous changes to codes and ordinances and consideration of several policy changes, including: requiring LEED certification for new County buildings; ENERGY STAR certification for all existing County facilities; requiring LEED-accredited professionals as part of the County building inspection team; a County property tax

credit incentive program, expedited permitting process for LEED certified commercial and multi-family projects and changing the zoning ordinance to reduce the levels of required parking and adding bicycle storage or giving preferential parking to carpools. None of these alone will make significant changes but when combined the County has developed the basis for creating a well-rounded Green Code.

- The County should consider taking the lead from the St. Charles Community which has a Green Initiative under which commercial and residential buildings have been constructed to high energy efficiency standards and require all new development to be LEED Certified.

Chapter 7: Economic Development

- Section 7 – 4 discusses the Maryland Airport study. The Airport is an underutilized asset. The County needs to decide whether it wants to continue to market the Airport and lands adjacent to the Airport for employment/industrial use or develop some other type of plan for this site. The County must also ensure that development regulations on this site protect the environmentally sensitive lands while allowing the Airport to thrive and contribute to the County's economy.
- According to the recent Land Use Market Supply and Demand Study conducted by the County, there are approximately 6,807 acres of undeveloped land in Charles County that are designated for commercial/employment uses. The Study also indicates that the demand for these uses over the next 20 years is less than 3000 acres and therefore the County has an ample supply of employment use and should not actively be looking to expand these types of uses.

Chapter 10: Community Development

MDP commends the County's effort to further Maryland's Planning Visions, particularly Community Design, through its attention to physical layout, settings and character of housing, retail and employment areas.

- Community character is the sum of the characteristics that make a place distinctive. Community development involves efforts to enhance those features or characteristics that the community values so that its overall community character is enhanced. The Plan does a good job at breaking down community character into nine characteristics and defining each by its location in the County. This provides the reader with a general feel for different areas of the County such as Rural, Waterfront, Historic, and Agricultural.
- Page 10-26: The Community Development chapter mentions the importance of affordable housing, but it was not apparent within this chapter or the transportation chapter if there was an affordable housing policy tied to TOD or high density, mixed use development within the WURC. If not included, one may consider exploring to increase opportunities for workforce housing near transit.

- Page 10-26: Please clarify that the Maryland Inventory of Historic Properties is informational and does not have a regulatory function. The Inventory can help educate County staff and local officials about the potential for historically and culturally significant properties, but the County landmark process should be the basis for development review. The Inventory includes tens of thousands of listings; if the 1,000 listings cited are Charles County properties, please specify that.
- Page 10-26: Please correct “Maryland Inventory of Historic Sites” to “Maryland Inventory of Historic Properties.” Please also change the wording of “A historic preservation easement program monitored by the Maryland Historical Trust” to “A historic preservation easement program administered by the Maryland Historical Trust.”
- Page 10-26: we recommend including reference to the County’s review program for archeological sites – particularly, the program’s structure and goals – within the “Historic Resource Recognition and Protection” section, or adding another section on archeological resources.
- Page 10-27: The section on “Local Landmark Designation” would be an appropriate place to mention that Charles County was named a Certified Local Government in 2013. The Certified Local Government program, jointly administered by the National Park Service and the Maryland Historical Trust, recognizes counties and municipalities that have made a special commitment to preservation. This commitment includes, but is not limited to, establishing a qualified historic preservation commission to designate and review historic properties. Inclusion in the program qualifies Charles County to receive technical assistance and an opportunity to compete for grant funding each year.
- If the County has any priorities for the survey and designation of historic and culturally significant properties, we recommend including those priorities in this section.
- Page 10-30:10-31:Under the section “Heritage Tourism Planning & Development,” we recommend adding the following language to meet the statutory requirement that local jurisdictions must include, by reference, the approved Heritage Area Management Plan in comprehensive or master plans (Financial Institutions Article, Title 13, Subtitle 11, Annotated Code of Maryland, § 13-1111 (e)):

- The Southern Maryland Heritage Area Tourism Management Plan was adopted and made a part of the comprehensive plans of Charles, Calvert and St. Mary's Counties in 2003. This update of the comprehensive plan, when adopted by the County, incorporates by reference all portions of the Southern Maryland Heritage Area Tourism Management Plan, except those portions solely relating to other jurisdictions within the Heritage Area, as part of the comprehensive plan.

LAND CONSERVATION REVIEW

The plan does a good job of reinforcing the concept that growth should occur in growth areas and resource areas should be protected. It emphasizes the extent and ecological importance of Charles County's rivers, forests, farms, and wetlands and the need to protect them. The transformation of Route 301 from a traditional strip development into a denser, walkable mixed-use center served by transit helps reduce growth pressures in the county's rural areas. Comments about specific items, particularly agriculture and land preservation, appear below:

Priority Preservation Area

- The plan includes a map of the proposed Priority Preservation Area (PPA) but not a PPA plan element. We assume that this is forthcoming. If and when Charles County applies for recertification of its farmland preservation program, MDP would offer to review and comment on a draft application before the official submittal.
- The proposed PPA is not nearly as large as one proposed in 2011, which included both the Zekiah Run Rural Legacy Area and the Nanjemoy area. However, at 54,000 acres the PPA is sizable and full protection of it would be a significant accomplishment, but only if the county targets its MALPF easements there. The county's ranking criteria for MALPF easements would need to give extra weight to location in the PPA. The plan acknowledges this on page 11-2: "The County will develop criteria to focus the use of farmland conservation funds and various programs (including the newly formed Purchase of Development Rights, PDR Program) as a priority area for those farms within the PPA..."
- The County's zoning is still too dense for rural- and natural-resource areas. On the other hand, about 61% of the County is placed in Tier IV, including the PPA, RLA, and Nanjemoy, which should reduce density build out. The plan should include an analysis of the reduction of potential lots as a result of Tier IV designation compared to what full density at build out would have been under zoning alone. If many of the parcels in Tier IV are small, the 7-unit cap on minor subdivisions may still allow excessive development.

TDR Program

- The plan highlights the importance to land preservation of an effective TDR program. MDP concurs that successful TDR programs are integral to overall success in meeting land preservation goals. Revisions to the program are mentioned in item 5 on page 3-24. We do not expect the draft plan to provide details about sending and receiving densities, especially because they may soon change; however, it is recommended that the county confirm and clarify if the information in the Table “Bonus Densities for Using TDRs in Receiving Zones” is accurate and which parts are likely to change as the TDR program is amended.
- Are the base densities in the TDR receiving areas low enough to ensure that they will be effective in attracting the use of TDRs to meet demand for extra units? Note 2 on page 3-21 says that “Maximum residential densities may be achieved through floating zones, density bonuses of varying types, and/or transfer of development rights.” For a TDR program to be effective, TDRs should be the only mechanism for adding density. (A step in the right direction is Item 11 on page 3-5, which says that “Higher densities [than 1:1] can be allowed in [the Development District, Residential] only through the use of transferable development rights....”) Action 3 on page 11-6 calls for “a workgroup to examine ways to balance TDR supply and demand”

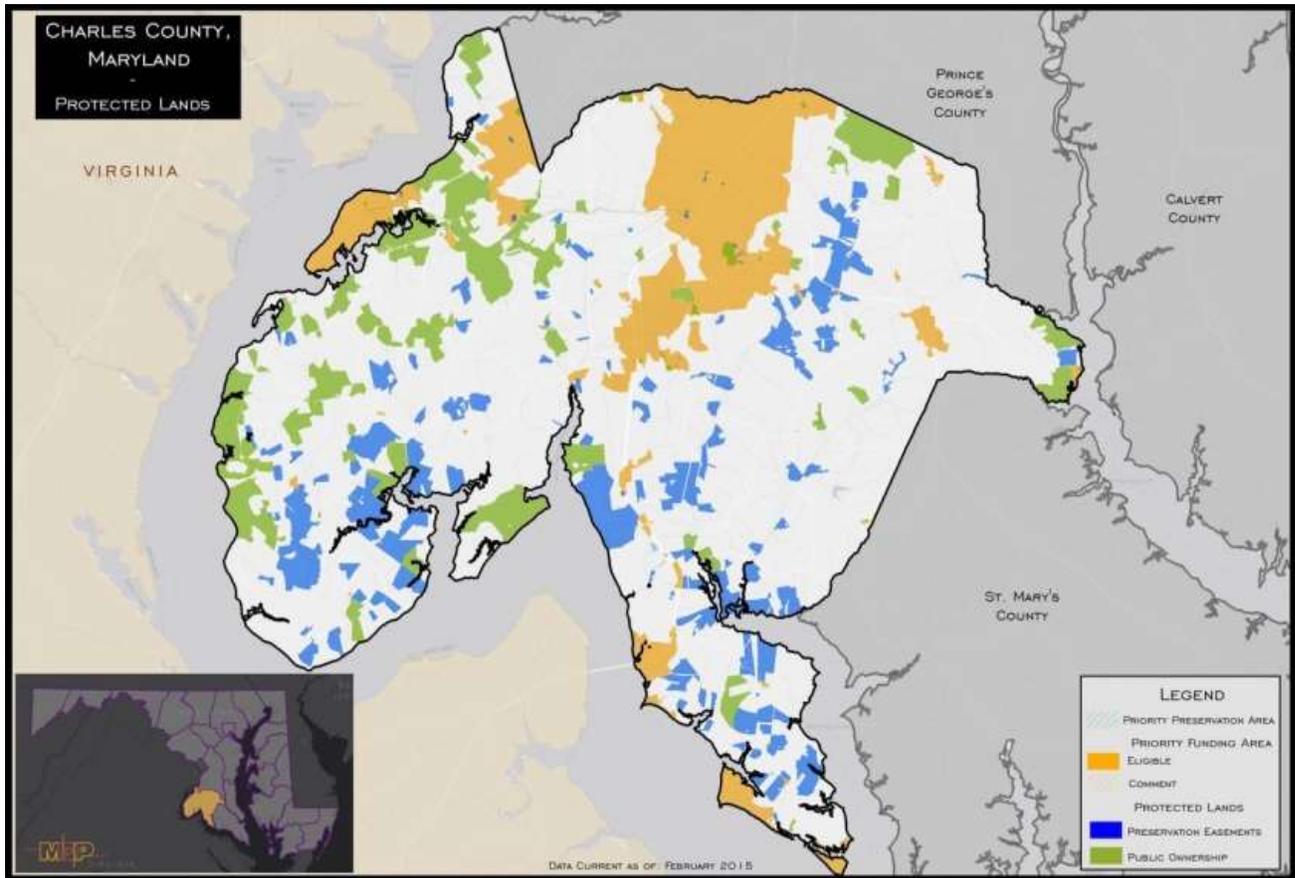
PDR Program

- Action 1 on page 11-5 recommends the creation of a county PDR program financed by “bond funding, a county transfer tax and/or additional sources...” MDP supports this approach. The county would then have a tool kit that includes MALPF, Rural Legacy, PDR, TDR, local land trusts, MET, and CREP. The county can and should make the case that land preservation is economic development and that the one-time cost of an easement is less than the ongoing cost of servicing homes that could be built instead. The action also states that “If a transfer tax is utilized, 50% of the money...could be used to fund infrastructure in Priority Funding Areas to promote growth away from resource based industries.” This is an innovation worth trying.
- The creation of a revolving loan fund for lands trusts, action 2 on page 11-5, is also a good idea.

Protected Lands

- Among its protected lands, the County includes land in the Resource Protection Zoning District, which is an overlay zone covering “stream valleys, steep slopes, associated wetlands and floodplains...” where “most forms of development are prohibited” (page 5-7). MDP considers land to be protected only if it is publicly owned or subject to a preservation easement. In any case, we believe the Land Use map (Figure 3-1) and PPA

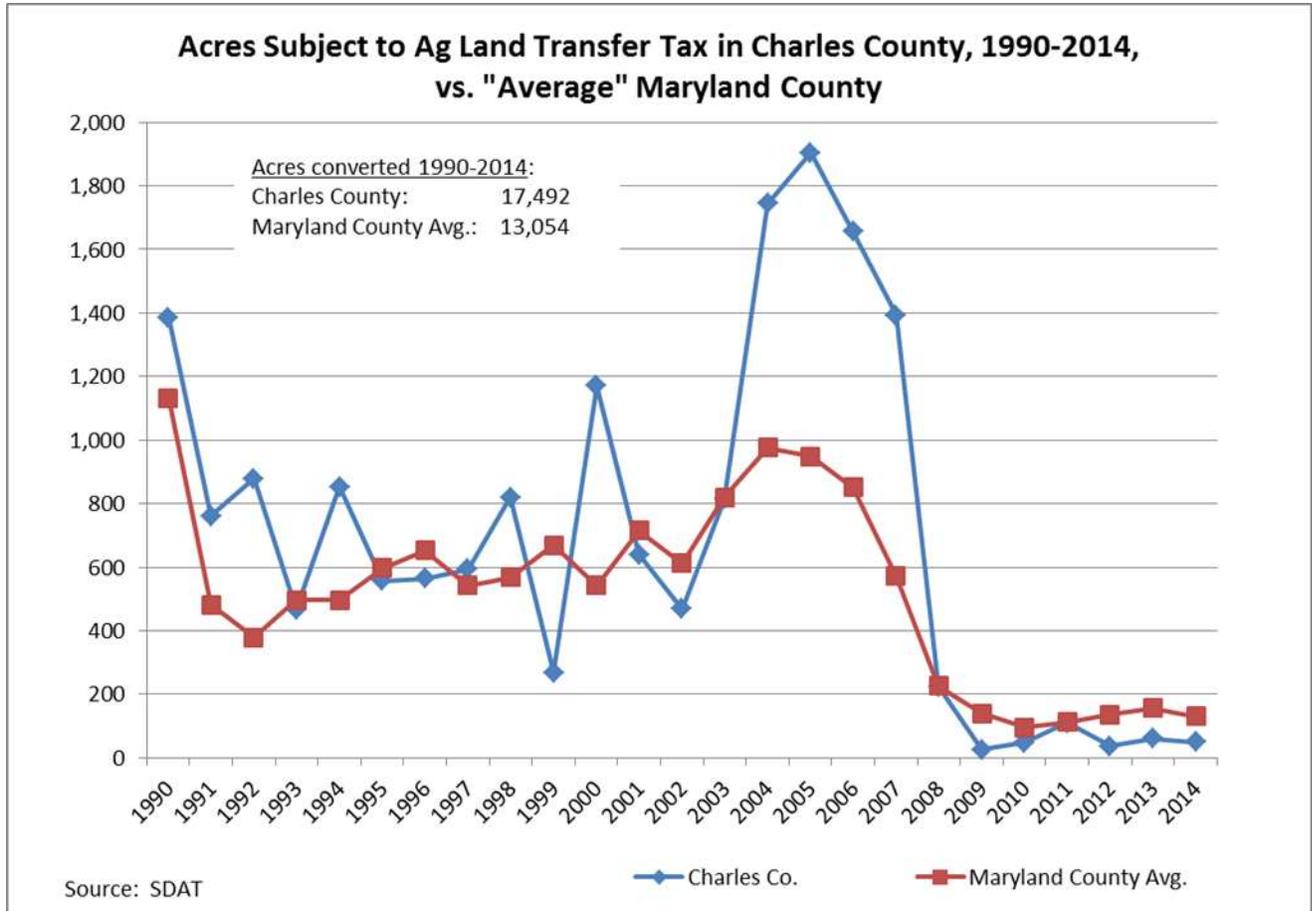
map (Figure 11-1) could benefit from a simpler companion map that shows just easements and public lands, as below:



Miscellaneous (Ag)

- Goal/Objective 3.4 calls for “an effective growth management system that accommodates population growth at the rate of approximately 1.7 percent but less than 2.0 percent per year....” MDP supports local governments determining its target growth rates, particularly in fast growing jurisdictions, as means of planning for needed infrastructure and services to support the anticipated growth relative, and not having growth outpace public services. Page 3-18 mentions that the Planning Commission was interested in the techniques used in St. Marys County which actually limits new units to 1.9% growth per year.
- The chart below shows agricultural land conversion—i.e., acres subject to agricultural land transfer tax—in Charles County since 1990, and compares it to the “average” Maryland County. Land conversion is much higher in Charles County than in the average county. Only six counties have converted more farmland: Montgomery, Prince George’s, Carroll, Frederick, Cecil, and St. Mary’s. It appears that agricultural land conversion dropped off only because of the downturn in the real estate market. It

would be good for the comprehensive plan to say how the county's programs and policies, rather than a depressed market, can limit high rates of agricultural land conversion in the future.



TRANSPORTATION REVIEW (MDP)

- We are pleased to see the revised land use plan contains enhanced protection of agricultural, rural, and water resource lands. This should help to reduce the potential for low-density developments in the rural parts of the County and greatly help the County achieve its goals of concentrating 75% of future residential growth in the Development District and fostering mixed-use, high density, and transit oriented developments along the US 301/Waldorf urbanized corridor. This also will enhance support for a high quality transit way along the US 301 corridor. Other transportation benefits that could result from the implementation of the revised land use plan include, but not limited to, achieving cost savings on less road improvement needs, few vehicle miles traveled, and helping to reduce roadway congestion.

- The County is encouraged to reevaluate the extensive highway improvement proposals listed in Table 8-5 for their consistency with the County's growth goals. In coordination with the Maryland State Highway Administration, the County should reassess the need for the amount and type of state highway improvements listed in Table 8-5, especially for those improvements outside of the Priority Funding Areas (PFAs). The Maryland PFA law prohibits the State from funding a major transportation project that is located outside PFAs except for a project whose purpose is primarily for safety enhancement or meets other conditions defined in the PFA law. In addition, state law requires a major state transportation project be consistent with the State Planning Policy, i.e., the 12 Planning Visions.
- The County may want to consider an action item to support the County's participation in the MPO's regional transportation planning process, i.e., the Metropolitan Washington Council of Governments' Transportation Planning Board and to coordinate the County's transportation policies and improvements with the regional transportation plan and program.
- Page 8-19 – 8-24, Table 8-5: there are several roadway projects in the Development District/planned growth areas which do not include pedestrian and bicycle facilities, i.e., C-3, C-17, C-18, C-19, and LP-2. This doesn't seem to be consistent with the County's proactive support for considering pedestrian and bicycle facilities.
- The Plan should address whether older residential communities will be retrofitted with bicycle and pedestrian amenities and if off- site connections to nearby facilities will be considered, especially in PFA's or in areas near existing/planned mixed use or TOD.
- Page 8-36, Policy 8.6: the County should include the "Watershed Conservation District" in the policy statement for limited transportation improvements.
- Page 3-4, # 4: The statement language should be revised to clarify the intent. It is unclear what is the purpose of the east-west corridor alternatives study. Is C-5, the alternatives study in Table 8-5 in Chapter 8? Please clarify.