



Maryland Department of Planning

Sustainable _____ Attainable

February 1, 2013

The Honorable Dirck K. Bartlett, President
Talbot County Council
South Wing, Talbot County Courthouse
11 North Washington Street
Easton, Maryland 21601

Dear Councilman Bartlett:

RE: MDP's review of adopted tier maps; No comments

Thank you for providing the Department of Planning with a copy of the official Talbot County Tier Map adopted by the County Council of Talbot County on December 11, 2012. This action establishes growth tiers under Title 1, Subtitle 5 of the Land Use Article ("LU") of the Annotated Code of Maryland for Talbot County.

Under LU §1-505, the Department may comment on mapped growth tiers when the Department determines that the growth tiers do not meet the statutory mapping criteria.

The Maryland Department of Planning is pleased to advise you that the official Talbot County Tier Map adopted by the County Council of Talbot County satisfies the criteria for designation of growth tiers under LU §1-508. The Department, therefore, has no comments on the adopted map.

Please be advised that LU §1-509 requires that the growth tiers are to be incorporated into the County's comprehensive plan or an element of the plan when the County conducts its six year review of the plan. If the growth tiers are not incorporated into the comprehensive plan or an element of the plan during that 6-year review, this section provides that the growth tiers may not be considered as adopted and the restrictions on major subdivisions outside sewer areas shall apply.

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

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

The Honorable Dirck K. Bartlett, President
Talbot County Council
February 1, 2013
Page 2

We received an administrative adoption letter from Easton (December 28, 2012) and resolutions from Oxford (signed November 13, 2012), St. Michaels (October 24, 2012), and Trappe (December 5, 2012), along with the adopted municipal Tier maps. MDP has compared the municipal growth area designations from the four municipalities to the County's municipal growth area designations. There are no conflicting tier designations between the Easton, Oxford, Trappe, and Talbot County adopted tier maps. However, MDP has identified two small areas of conflicting tier designations between the St. Michaels adopted tier map and the Talbot County adopted tier map. St. Michaels has designated one part of its growth area (south of the town's boundary) as Tier II, while the county has designated this area as Tier III. Also, the town has designated a part of its growth area (northeast of the town's boundary) as Tier IIA, while the county has designated this area as Tier IV.

The law, §9-206(i) of the Environment Article ("ENV"), establishes a process for resolving conflicting tier designations¹. As a first step, MDP requests that Talbot County work with St. Michaels to resolve the conflicting tier designations in the St. Michaels growth area. Please let us know as soon as possible how you propose to resolve this conflict. If the conflict is not resolved, MDP will proceed with the process established in ENV §9-206. Specifically, a meeting with the Maryland Department of the Environment (MDE) and the jurisdictions to seek resolution of the conflicting tier designations will be scheduled, and if necessary, MDP will recommend the preferred tier designations for the two areas in question to MDE.

¹ ENV §9-206(i) provides:

(1) If two or more local jurisdiction adopt conflicting growth tier designations for the same area, the Department [MDE] and the Department of Planning shall confer with the local jurisdictions to seek resolution of the conflicting designations.

(2) If a conflict in growth tier designations is not resolved, the Department of Planning shall recommend to the Department and the Department may approve the preferred local jurisdiction designations as recommended by the Department of Planning based on the following best planning practices or factors:

(i) The comprehensive plan, including the municipal growth element, the water resources element, the land use element, and, if applicable, the priority preservation element;
(ii) growth projections and development capacity; and
(iii) availability of infrastructure.

The Honorable Dirck K. Bartlett, President
Talbot County Council
February 1, 2013
Page 3

Should you have any questions, please don't hesitate to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rich Josephson', with a long horizontal flourish extending to the right.

Rich Josephson
Director of Planning Services

cc: Corey W. Pack, Vice President, Talbot County Council
Thomas G. Duncan, Talbot County Council
R. Andrew Hollis, Talbot County Council
Laura E. Price, Talbot County Council
Sandy Coyman, Planning Officer, Talbot County Planning and Zoning
Jean R. Weisman, Town Manager, Town of St. Michaels
Richard Hall, Secretary, MDP
Jay Sakai, Director, Water Management Administration, MDE
Matt Power, Deputy Secretary, MDP
Jenny King, Chief-of-Staff, MDP
Peter Conrad, Director, Local Planning Assistance, MDP
Jason Dubow, Director, Environmental Planning, MDP
Stephanie Martins, Analysis Coordinator, MDP
Tracey Gordy, Director, Lower Eastern Shore Regional Office, MDP