



Maryland DEPARTMENT OF PLANNING

December 23, 2024

James Thompson, Chair
Planning Commission
St. Mary's County
P.O. Box 653
41770 Baldrige St.
Leonardtown, MD 20650

Re: Draft St. Mary's County Comprehensive Plan - Land Use Amendments

Dear Chair Thompson,

Thank you for the opportunity to comment on the draft land use map amendments (Plan Amendment) to the St. Mary's County Comprehensive Plan, adopted 2010 (Comprehensive Plan) and Lexington Park Development District Master Plan, adopted 2016 (LPDD Master Plan). The Maryland Department of Planning (MDP) believes good planning is important for efficient and responsible development that addresses resource protection, adequate public facilities, housing, community character, and economic development. Please keep in mind that MDP's comments reflect the department's suggestions for county considerations as the amendment process proceeds.

MDP forwarded a copy of the Plan Amendment to several state agencies for review, including: the Maryland Departments of Transportation, Environment, Natural Resources, Commerce, Environment, and Housing and Community Development. To date, we have received comments from the Maryland Department of the Environment, which are attached to this letter. Any plan review comments received after the date of this letter will be forwarded to you upon receipt.

This Plan Amendment includes proposed land use designation changes for the Cusic Properties, LLC property (Three Notch Rd.), Belden property (Goddard Rd.), and Pax River Village Center properties (FDR Blvd.). As noted in the county's submission materials, all three amendments would require updates to the 2030 Land Use Concept Plan Map on page 4-11 of the Comprehensive Plan. In addition, the Belden Property amendment, if adopted, would require updating the boundary of the Lexington Park Development District in both the Comprehensive Plan and LPDD Master Plan, as well as the property's land use designation in the LPPD Master plan. The Pax River Village Center amendment would similarly require updating the properties' land use designations in the LPDD Master Plan.

MDP notes that the Plan Amendment appears to be driven by property owner applications to both amend the Comprehensive Plan/LPDD Master Plan and rezone the subject properties. Amending the properties' land use designations prior to a rezoning is an appropriate step in the planning process. MDP's comment below do not otherwise address the rezoning requests, which are subject to the decision making and legislative process of St. Mary's County and the requirements of the Land Use Article.

General Comments

- All three proposed land use amendments would increase the economic and residential development potential of the subject properties in areas either already planned for growth, adjacent to existing growth areas, or already containing compatible uses. MDP supports targeted growth planning to enhance economic growth and an increased housing supply.
- As the land use category changes seem to indicate increases in use intensity and development/redevelopment density, has the county conducted an analysis of the impact of the increased intensity/density on future demand and capacity for water and sewer resources? Has the county considered how the increases in intensity/density will impact storm water, nutrient loading, and climate change considerations? MDP's [Water Resources Element \(WRE\) Guidance Update](#) can be used to guide the county regarding best practices for water resources planning.
- The Lexington Park Development District mixed-use land use designation naming appears to be inconsistent across the Comprehensive Plan, LPDD Master Plan, and the [St. Mary's County Full GIS Map](#). For example, the Comprehensive Plan uses the label "Downtown Mixed-Use", while the LPDD Master Plan and GIS Map use "Mixed-Use High Intensity". The county should consider using this amendment process to unify the definitions and labeling of mixed-use categories across all three planning documents.
- If these amendments are adopted, as part of the adoption process the county should also amend the Comprehensive Plan's Distribution by Land Use Table on page 1-6.
- For state roadways, the State Highway Administration's access management policies and processes can guide and support potential developments that may result from the proposed land use/zoning changes.

Cusic Properties, LCC Property - Three Notch Rd. (Tax Map 20, Parcel 163)

This amendment would change the land use designation for a portion of the property from Rural Preservation to Rural Commercial Limited. The property currently has a split designation, with the northwestern portion already designated as Rural Commercial Limited and containing existing small scale commercial uses. The property is not designated as a county growth area nor as a Priority Funding Area and is significantly detached from the Lexington Park and Leonardtown Development Districts.

The Comprehensive Plan describes the Rural Preservation and Rural Commercial Limited Land Use Concepts on page 3-6. The Rural Preservation description acknowledges that nonconforming commercial and residential uses exist in these areas but also states that the designation "limits their expansion and creation". The Rural Commercial Limited description notes that the designation, which this amendment would extend to the entire property, is intended to "not alter the historic character of these areas that are located outside of a development district or town center".

In describing the Rural Commerce Land Use Concept, page 4-25 the Comprehensive Plan states that the expansion of commercial uses in these areas should be "consistent with the principle of the rural preservation district". Finally, page 4-3 of the Comprehensive Plan states that "[n]ew commercial uses must not be scattered along the County's rural roads, but promoted as infill development in and around traditional rural service centers, such as Budd's Creek, Oraville, Helen, Avenue, St. James, Dameron and Park Hall". The Cusic Properties, LLC property is not located in one of those rural service centers. MDP acknowledges the practicality and consistency that a unified land designation for this property would

provide, but also suggests that the county consider if the expansion of other small scale commercial uses on this property aligns with the land use descriptions and Comprehensive Plan actions listed above.

Belden Property – Goddard Rd. (Tax Map 51, Parcel 101)

This amendment would change the property's land use designation from Rural Preservation to Mixed-Use Medium Density. The amendment would also extend the Lexington Park Development District boundary to include the property. The property is not designated as a county growth area nor as a Priority Funding Area but is adjacent to the Lexington Park Development District across MD Route 5 and bordered by Mixed-Use Medium Density properties to the west, Industrial and Non-Profit Industrial properties to the north, and other Rural Preservation properties to the east and south.

The county should consider if development in proximity to this property since Comprehensive Plan adoption warrants the amended land use designation. Page 2-1 notes, when describing implementation of the previous 2002 comprehensive plan, that "[b]ecause the Comprehensive Plan reduced the size of the Lexington Park and Leonardtown Development Districts, corresponding areas northwest of Leonardtown and southwest of Lexington Park were down-zoned from Residential Low Density (RL) to Rural Preservation District (RPD)". MDP does not know if the subject property, which is immediately southwest of the Lexington Park Development District, was part of that downzoning, but the reduction in land use intensity/density to support the shrunken growth areas highlights an intentional decision by the county to limit growth southwest of the Lexington Park Development District. Does the county believe that development adjacent to the property, since these down-zonings were enacted, indicates a need to expand the growth area where once it was reduced?

If the county adopts this land use amendment and adds the property into the Lexington Park Development District, it should also consider the impact on the Great Mills Corridor and the county's water and sewer plan (WSP). If added, will the property be included in the Great Mills Corridor Subarea (Subarea and Focus Area Designations Map, Page 1-6 of LPDD Master Plan), to which it is immediately adjacent, and thus be subject to the same strategies described on pages 2-14 and 2-15 of the LPDD Master Plan? The property is also not designated for public and water service in the county's WSP. Does the county intend to amend the WSP to designate the property for service if the amendment is adopted? If so, the county should consider designating the property as Priority Funding Area following adoption of a WSP amendment to plan the property for service.

Pax River Village Center – FDR Blvd. (Tax Maps 43A and 43, Parcels 105, 338, 339, 100)

This amendment would change the properties' land use designations from Limited Commercial/Industrial and Mixed-Use Medium Intensity to Mixed-Use High Intensity. The properties are designated as a Priority Funding Area and included in the Lexington Park Development District's Downtown Subarea. They are bordered by Mixed-Use High-Density properties to the north, Limited Commercial/Industrial properties to the south and east, and parkland to the west.

The proposed land use intensification for the subject properties appears to align with the policies and strategies of the LPDD Master Plan. The "Transforming the Downtown Area" visions on page 1-2 foresee a mix of uses and varied housing options. In describing the Downtown Subarea, the LPDD Master Plan prioritizes two areas for redevelopment, one of which includes the subject properties. The LPDD Master Plan envisions it as a "Downtown Gateway that extends along FDR Boulevard south of Pegg Road. This

area offers easy access to NAS Gate 1 and is envisioned to provide lodging, restaurants, services and activities for tourists and for personnel associated with the NAS" (page 2-2). The Pax River Village Center properties also appear to be labeled as a "Potential redevelopment" area on the Downtown Development Strategy Map on page 2-3. The intensified land use designation would support redevelopment.

The amendment advances compatible use priorities with Naval Air Station PAX River (PAX River) as described in the Comprehensive Plan and LPDD Master Plan. The properties are outside of the Air Installation Compatible Use Zone (AICUZ). The Comprehensive Plan includes a policy to "[e]ncourage building heights that will make mixed use projects economically feasible, except where AICUZ and AE (Airport Environs) zoning districts lower heights" (page 4-7), while the LPPD Master Plan includes recommendations to "[p]romote viable new residential development in and near Downtown outside of the AICUZ" and "[c]ontinue coordination with the Navy to protect the AICUZ for both accident potential zones (APZ) and noise zones pursuant to the latest studies" (page 1-7). MDP encourages the county and property owners to engage PAX River on redevelopment plans for the Pax River Village Center and during the county's comprehensive plan update.

If you have any questions or concerns regarding these comments, please email me at joseph.griffiths@maryland.gov.

Sincerely,



Joseph Griffiths, AICP
Director, Planning Best Practices

Enclosures: Review Comments, Maryland Department of the Environment

cc: Jessica Andritz Esq., Director, St. Mary's County Land Use & Growth Management
Courtney Jenkins, AICP, Deputy Director, St. Mary's County Land Use & Growth Management
Carter Reitman, Lead Housing Planner, MDP
Susan Llareus, Planning Supervisor, MDP



St. Mary's County Land Use Map Amendments (60-Day Review)

Maryland Department of the Environment – WSA/WPRPP

REVIEW FINDING: R1 Consistent with Qualifying Comments
(MD20241025-0812)

Water and Sewer:

The properties located at 25741 Three Notch Road, Hollywood, and 20698 Goddard Road, Great Mills are shown as not planned for with water or sewer service in the County's Water and Sewer Plan. If because the change in Landuse would necessitate connection to the service, a Water and Sewer Plan Amendment will be necessary for the properties.

Tier II:

Direct any questions regarding the Antidegradation Review to Angel Valdez via email at angel.valdez@maryland.gov, or by phone at 410-537-3606.

Special protections for high-quality waters in the local vicinity, which are identified pursuant to Maryland's anti-degradation policy.

Anti-degradation of Water Quality: Maryland requires special protections for waters of very high quality (Tier II waters). The policies and procedures that govern these special waters are commonly called "anti-degradation policies." This policy states that "proposed amendments to county plans or discharge permits for discharge to Tier II waters that will result in a new, or an increased, permitted annual discharge of pollutants and a potential impact to water quality, shall evaluate alternatives to eliminate or reduce discharges or impacts." Satisfactory completion of the Tier II Antidegradation Review is required to receive numerous State permits, such as those for wastewater treatment, nontidal wetlands disturbance, waterways construction, and coverage under the general construction permit.

The Tier II review is applicable to all portions of the project within the Tier II watershed of **McIntosh Run 2 & Hillton Run 1**. The Review consists of (1) a no-discharge alternatives analysis which considers if the activity can avoid any impacts to Tier II waters, i.e., an alternative site or strategic design, (2) a minimization alternatives analysis to limit associated water quality degradation, and potentially (3) a mitigation analysis to account for net loss of vital resources such as forest cover. If there is no assimilative capacity within the Tier II watershed identified above, additional social and economic justification for

unavoidable impacts is required. No assimilative capacity means that new water quality data indicates that the Tier II stream segment has degraded below Tier II standards.

To ensure that essential information is provided to MDE when conducting the Tier II Review, MDE has developed forms to assist applicants in completing the no-discharge alternatives analysis, minimization analysis, and mitigation analysis. Adequate completion of these forms and accompanying Tier II report is required to successfully satisfy the Review and is necessary for State permitting and other approvals. A Tier II report template, which uses the information from the completed forms, is also available to help with document formatting and information organization. There are some activities that may require MDE permitting and approval but may not warrant additional Tier II review. Applicants are encouraged to review the Tier II Determination of No Additional Review Form and its applicability to the project before proceeding with the more detailed review analysis explained below.

Determination of No Additional Tier II Review Form V1.1¹

1. Code of Maryland Regulations (COMAR) 26.08.02.04-2 (G(1)) states that “If a Tier II antidegradation review is required, the applicant shall provide an analysis of reasonable alternatives that do not require direct discharge to a Tier II water body (no-discharge alternative). The analysis shall include cost data and estimates to determine the cost effectiveness of the alternatives”.
2. This form is for the evaluation of land disturbing activities such as those requiring a nontidal wetlands or waterways construction permit, or a general stormwater construction permit (NOI), to demonstrate that:
 - a. the project is exempt from the no-discharge alternatives analysis; and
 - b. the project consists of minor, unavoidable impacts to on-site streams, including stream buffers averaging 100’; and
 - c. the project will not cause net forest loss in the affected Tier II watershed, or loss will be less than 1 acre; and
 - d. all impervious surfaces associated with the project are treated with environmental site design practices, with existing structures with remaining capacity.

Tier II No-Discharge Analysis Form V1.2²

1. Code of Maryland Regulations (COMAR) 26.08.02.04-2 (G(1)) states that “If a Tier II antidegradation review is required, the applicant shall provide an analysis of reasonable alternatives that do not require direct discharge to a Tier II water body (no-discharge alternative). The analysis shall include cost data and estimates to determine the cost effectiveness of the alternatives”.

¹ https://mde.maryland.gov/programs/water/TMDL/WaterQualityStandards/Documents/Tier-II-Forms/TierII_NoAdditionalReview_v1.1.pdf

²

https://mde.maryland.gov/programs/water/TMDL/WaterQualityStandards/Documents/Tier-II-Forms/TierII_NoDischargeAnalysis_Form.pdf

2. For land disturbing projects that result in permanent land use change, this ‘no discharge’ analysis specifically evaluates the reasonability of other sites or alternate routes which could be developed to meet the project purpose, but are located *outside* of the Tier II watershed. Reasonability considerations, as applicable, may take into account property availability, site constraints, natural resource concerns, size, accessibility, and cost to make the property suitable for the project.
3. This analysis shall be performed regardless of whether or not the applicant has ownership or lease agreements to a preferred property or route.

Tier II Minimization Alternative Analysis Form V1.2:³

1. Code of Maryland Regulations (COMAR) 26.08.02.04-2 (G(3)) states that “If the Department determines that the alternatives that do not require direct discharge to a Tier II water body are not cost effective, the applicant shall: (a) Provide the Department with plans to configure or structure the discharge to minimize the use of the assimilative capacity of the water body”.
2. This form helps to ensure that water quality impacts due to the proposed project are comprehensively identified and minimized.
3. To demonstrate that appropriate minimization practices have been considered and implemented, applicants must identify any minimization practices used when developing the project, calculate major Tier II resource impacts, consider alternatives for impacts, and adequately justify unavoidable impacts.

Tier II Mitigation Analysis Form V1.0:⁴

1. Code of Maryland Regulations (COMAR) 26.08.02.04-2 (G(3)) states that “If the Department determines that the alternatives that do not require direct discharge to a Tier II water body are not cost effective, the applicant shall: (a) Provide the Department with plans to configure or structure the discharge to minimize the use of the assimilative capacity of the water body”.
2. No net change in Tier II water quality is the overarching goal of the Tier II Review, and mitigation is an essential part of the analysis process to reduce cumulative degradation prior to justification of unavoidable impacts.
3. This form helps to ensure that alternatives to mitigate or offset unavoidable impacts to Tier II watersheds and streams are identified and properly implemented.
4. Mitigation and offsets are required before MDE can evaluate any social and economic justifications.

³ https://mde.maryland.gov/programs/water/TMDL/WaterQualityStandards/Documents/Tier-II-Forms/TierII_Minimization_Form.pdf

⁴ https://mde.maryland.gov/programs/water/TMDL/WaterQualityStandards/Documents/Tier-II-Forms/TierII_Mitigation_Form_v1.0.pdf

Construction Stormwater Antidegradation Checklist - Version 1.3⁵

1. To complete the checklist, applicants are required to coordinate with the County or appropriate approval authority when developing construction plans and stormwater management plans.
2. Applicants are required to provide this form when seeking a NOI/DOI for coverage under the General Permit for Stormwater Associated with Construction.
3. Applicants are required to submit a Tier II Letter of Completion before coverage under the General Permit for Stormwater Associated with Construction is granted.

McIntosh Run 2 & Hillton Run 1, which is located within the vicinity of the Project, has been designated as a Tier II stream. The Project is within the Catchment (watershed) of the segment. (See attached map).

Currently, there is assimilative capacity in this watershed; therefore at this time, no detailed social and economic justification is needed.

Planners should be aware of legal obligations related to Tier II waters described in the Code of Maryland Regulations (COMAR) 26.08.02.04 with respect to current and future land use plans. Information on the Antidegradation Policy can be obtained online at:

<https://dsd.maryland.gov/regulations/Pages/26.08.02.04.aspx>

and Tier II Waters are located at

<https://dsd.maryland.gov/regulations/Pages/26.08.02.04-2.aspx>

Planners should also note as described in the Code of Maryland Regulations (COMAR) 26.08.02.04-2(B), "Compilation and Maintenance of the List of High Quality Waters", states that "When the water quality of a water body is better than that required by water quality standards to support the existing and designated uses, the Department shall list the water body as a Tier II water body. *All readily available information may be considered to determine a listing. The Department shall compile and maintain a public list of the waters identified as Tier II waters.*"

Additional Tier II resources are available on the Maryland's High Quality Waters (Tier II) website:

https://mde.maryland.gov/programs/water/tmdl/waterqualitystandards/pages/antidegradation_policy.aspx.

The public list is available in PDF from the following MDE website:

http://mde.maryland.gov/programs/Water/TMDL/WaterQualityStandards/Documents/Tier_II_Updates/Antidegradation-Tier-II-Data-Table.pdf.

⁵ <https://mde.maryland.gov/programs/water/TMDL/WaterQualityStandards/Documents/Tier-II-Forms/Antidegradation-Checklist.pdf>

The interactive Tier II webmap is located at the following website:
(<https://mdewin64.mde.state.md.us/WSA/TierIIWQ/index.html>).

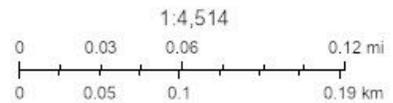
Direct any questions regarding the Antidegradation Review to Angel Valdez via email at angel.valdez@maryland.gov, or by phone at 410-537-3606.

MD20241025-0812 - McIntosh Run 2



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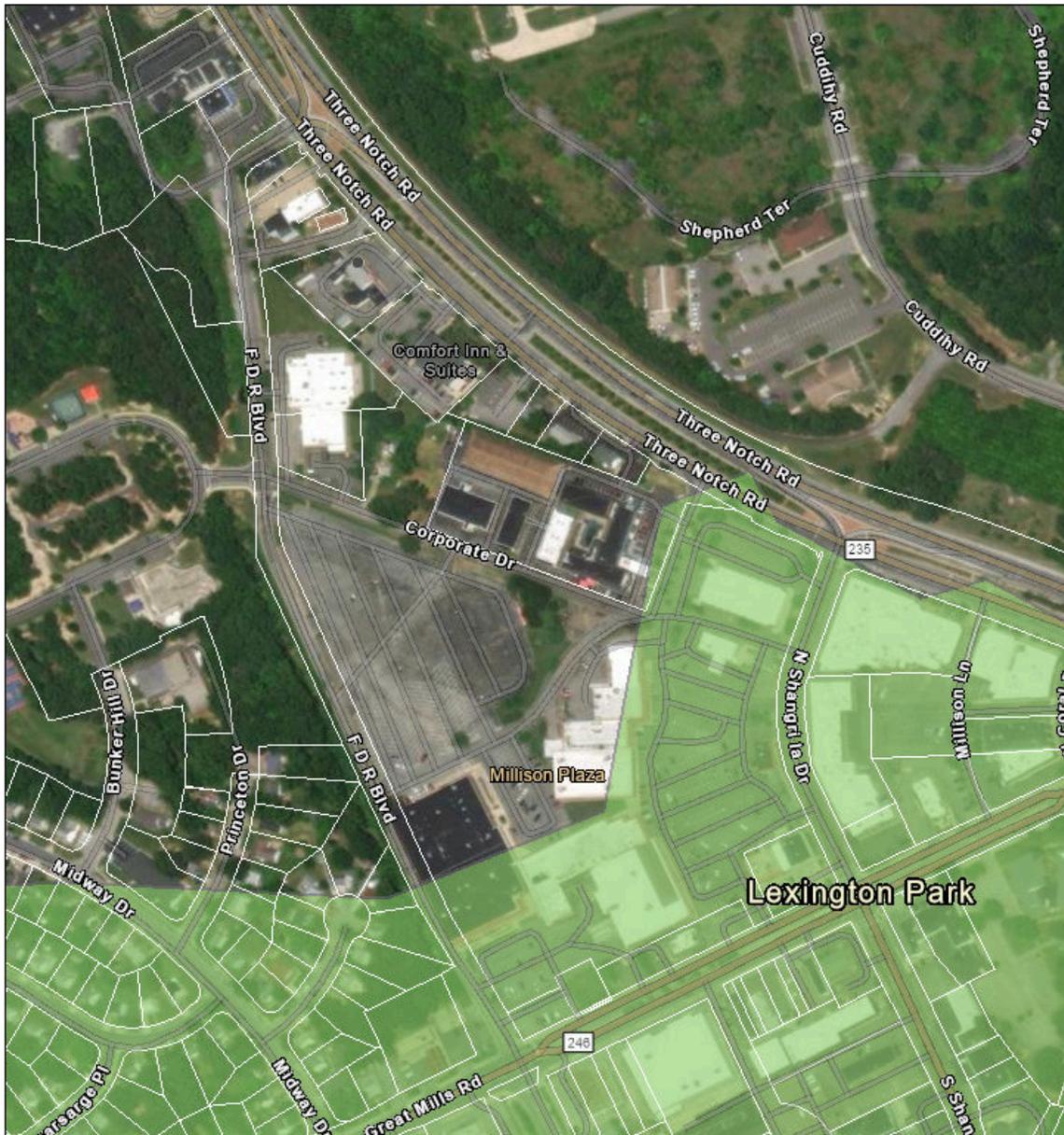
- MD_ParcelBoundaries - Parcel Boundaries
- Tier II AC Catchments 2022
 - Assimilative Capacity Remaining
 - No Assimilative Capacity Remaining
- Tier II Stream Segments 2022
- Tier II Baseline Stations 2022
- Maryland County Boundaries



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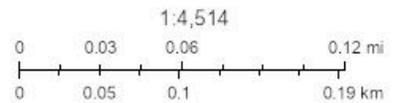
Web AppBuilder for ArcGIS
MDE | Creator: Maryland Department of the Environment, Water and Science Administration (MDE WSA) | MD IMAP, MDP, SDAT | Maxar | Esri Community Maps Contributors, Calvert County, St

MD20241025-0812 - Hillton Run 1



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- MD_ParcelBoundaries - Parcel Boundaries
- Tier II AC Catchments 2022
 - Assimilative Capacity Remaining
 - No Assimilative Capacity Remaining
- Tier II Stream Segments 2022
- Tier II Baseline Stations 2022
- Maryland County Boundaries



Creator: Maryland Department of the Environment, Water and Science Administration (MDE WSA), MDE, Esri Community Maps Contributors, St Marys County, VGIN, OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS, Maxar

MDE Comments for Environmental Clearinghouse Project
St. Mary's County Land Use Map Amendments
(60-Day Review)

Response Code: R-1

1. Any above ground or underground petroleum storage tanks, which may be utilized, must be installed and maintained in accordance with applicable State and federal laws and regulations. Underground storage tanks must be registered and the installation must be conducted and performed by a contractor certified to install underground storage tanks by the Land and Materials Administration in accordance with COMAR 26.10. Contact the Oil Control Program at (410) 537-3442 for additional information.
2. If the proposed project involves demolition – Any above ground or underground petroleum storage tanks that may be on site must have contents and tanks along with any contamination removed. Please contact the Oil Control Program at (410) 537-3442 for additional information.
3. Any solid waste including construction, demolition and land clearing debris, generated from the subject project, must be properly disposed of at a permitted solid waste acceptance facility, or recycled if possible. Contact the Solid Waste Program at (410) 537-3315 for additional information regarding solid waste activities and contact the Resource Management Program at (410) 537-3314 for additional information regarding recycling activities.
4. The Solid Waste Program should be contacted directly at (410) 537-3315 by those facilities which generate or propose to generate or handle hazardous wastes to ensure these activities are being conducted in compliance with applicable State and federal laws and regulations. The Program should also be contacted prior to construction activities to ensure that the treatment, storage or disposal of hazardous wastes and low-level radioactive wastes at the facility will be conducted in compliance with applicable State and federal laws and regulations.
5. The proposed project may involve rehabilitation, redevelopment, revitalization, or property acquisition of commercial, industrial property. Accordingly, MDE's Brownfields Site Assessment and Voluntary Cleanup Programs (VCP) may provide valuable assistance to you in this project. These programs involve environmental site assessment in accordance with accepted industry and financial institution standards for property transfer. For specific information about these programs and eligibility, please Land Restoration Program at (410) 537-3437.
6. Borrow areas used to provide clean earth back fill material may require a surface mine permit. Disposal of excess cut material at a surface mine may requires site approval. Contact the Mining Program at (410) 537-3557 for further details.