

Pertaining to the Implementation of Senate Bill 236

RE: Adoption of the Calvert County Growth Tier Map, Pursuant to the State of Maryland's Sustainable Growth and Agricultural Preservation Act of 2012

WHEREAS, the Maryland General Assembly enacted the Sustainable Growth and Agricultural Preservation Act of 2012 (Senate Bill 236, a.k.a. "SB 236"), and the act was signed by the Governor;

WHEREAS, SB 236 was approved as part of the State's process for developing a Watershed Implementation Plan (WIP) to meet the Total Maximum Daily Load (TMDL) established by the U.S. Environmental Protection Agency for the Chesapeake Bay, and the Governor signed the legislation into law;

WHEREAS, SB 236 authorizes a local jurisdiction to adopt certain growth tier designations and establishes certain mandatory and discretionary provisions relating to the adoption of certain tiers;

WHEREAS, while the adoption of a growth tier map is considered discretionary, approval authority for certain residential subdivision applications is restricted if the local jurisdiction has not adopted a growth tier map;

WHEREAS, the Board of County Commissioners is committed to pursuing improvements to the water quality of the Chesapeake Bay in a prudent and fiscally responsible manner that is balanced and cognizant of private property rights;

WHEREAS, the Board of County Commissioners is concerned that SB 236 may infringe on private property rights and may unnecessarily burden property owners;

WHEREAS, after study and evaluation, the Calvert County Department of Community Planning & Building recommended to the Planning Commission of Calvert County, Maryland (hereinafter, the "Planning Commission") and the Board of County Commissioners adoption of the Calvert County Growth Tier Map;

WHEREAS, after due notice was published, the Board of County Commissioners and the Planning Commission conducted a joint public hearing on January 29, 2013, to solicit public comments on the proposed Calvert County Growth Tier Map; the record was held open until April 30, 2013; no written comments were received during this time; and the record was closed;

WHEREAS, after due notice was published, the Board of County Commissioners and the Planning Commission conducted a joint public hearing on October 25, 2016, at which time the proposed Calvert County Growth Tier Map was discussed, staff's recommendations were considered, and public comment was solicited;

WHEREAS, at the conclusion of said public hearing the Planning Commission voted not to recommend adoption of the Calvert County Growth Tier Map, but that the Calvert County Growth Tier Map be considered as part of the Comprehensive Plan revision then underway;

WHEREAS, the Planning Commission conveyed its recommendation to the Board of County Commissioners by resolution;

WHEREAS, at its regular meeting on October 25, 2017, the Board of County Commissioners left the record open to accept additional comments and directed staff to work through adoption of the Growth Tier Maps as part of the Comprehensive Plan and Zoning Ordinance revisions then underway;

WHEREAS, staff provided, in open session on March 21, 2017, the Board of County Commissioners a recommendation originating in public comment from the County's Planning consultant and, on March 21, 2017, the Board passed a motion to reconsider its action of October 25, 2017 and to announce the closing the record of the public hearing; and

WHEREAS, after considering the comments that had been presented at the public hearing and the open record period regarding the proposed Calvert County Growth Tier Map and the recommendation of the Planning Commission, and in furtherance of the public health, safety and welfare, the Board of County Commissioners determined it is in the best interest of the citizens of the County to adopt the Calvert County Growth Tier Map, as set forth in Exhibit A, attached hereto and made a part hereof.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Calvert County, Maryland, acting under duress, that the Calvert County Growth Tier Map **BE**, and hereby **IS**, adopted as shown in attached Exhibit A hereto and made part hereof.

BE IT FURTHER ORDAINED by the Board of County Commissioners of Calvert County, Maryland that in the event any portion of this Ordinance is found to be unconstitutional, illegal, null or void, it is the intent of the Board of County Commissioners to sever only the invalid portion or provision, and that the remainder of the Ordinance shall be enforceable and valid.

BE IT FURTHER ORDAINED by the Board of County Commissioners of Calvert County, Maryland that the foregoing recitals are adopted as if fully rewritten herein.

BE IT FURTHER ORDAINED by the Board of County Commissioners of Calvert County, Maryland that this Ordinance shall be effective upon recordation without publication of a fair summary.

BE IT FURTHER ORDAINED by the Board of County Commissioners of Calvert County, Maryland that the Calvert County Department of Community Planning & Building is hereby authorized and directed to transmit a copy of this Ordinance, including the adopted Calvert County Growth Tier Map, to the Maryland Department of Planning.

DONE, this 25th day of April 2017 by the Board of County Commissioners of Calvert County, Maryland.

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and Agricultural Preservation Act of 2012
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Aye: 5
Nay: 0
Absent/Abstain: 0

ATTEST:


**BOARD OF COUNTY
COMMISSIONERS OF CALVERT
COUNTY, MARYLAND**



Maureen L. Frederick, Clerk


Tom Hejl, President


Approved for form and legal
sufficiency by:


Evan K. Slaughenhoupt Jr., Vice President

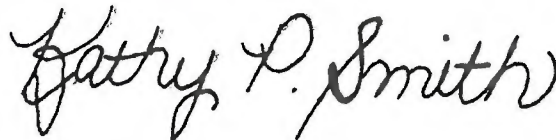

Mike Hart


John B. Norris, III, County Attorney


Pat Nutter


Steven R. Weems

Received for Record... April 26, 2017
at 9:55 o'clock... A.M. Same day
recorded in Liber KPS No. 51
Folio 474... COUNTY COMMISSIONERS
ORDINANCES AND RESOLUTION.



BK 00051 PG 477

Calvert County, Md. Growth Tier Map

Legend

- TIER I
- Tier I A - Served by Sewer Not Residential Growth Area
- TIER II
- TIER III
- Tier III A - Approved Preliminary Subdivision
- TIER IV

General Layers

- County Designated Growth Areas
- Municipality
- Town Center
- Employment Center
- Municipality - (Not included: they are responsible for adopting their own Growth Tier Maps)
- Rural Village Priority Funding Area
- Rural Legacy Area
- One Mile Radius

