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November 1, 2022

VIA EMAIL

HuntC@CharlesCountyMD.gov

Reuben B. Collins, II, Esq.
President
Charles County Commissioners
200 Baltimore Street
LaPlata, Maryland 20646

**Re: Swan Point Development Company, LLC –
Zoning Text Amendment (Bill 21-169) – Critical Area Zone Layer**

Dear Commissioner Collins:

This law firm represents Swan Point Development Company, LLC (“SPDC”) regarding its various land use and environmental matters. With respect to the above-referenced matter that is scheduled for a public hearing on November 2, 2022, SPDC objects to Zoning Text Amendment 21-169 (ZTA-169) and ZMA 21-02 as they relate to SPDC’s real property. As set forth below, no action should be taken on ZTA 21-169 and/or ZMA 21-02 because SPDC did not receive written notice of a map revision affecting its property and the proposed maps contain inaccuracies/errors.

As the Charles County Commissioners (“Commissioners”) are aware, SPDC owns approximately 900 acres fronting on the Potomac River and Cuckold Creek. A portion of that property thus lies within the Chesapeake Bay Critical Area. Since 2005, SPDC has invested millions of dollars in restoring a severely eroded shoreline and planning an environmentally sensitive project working with various agencies such as Charles County, Critical Area Commission, Maryland Department of the Environment and Department of Natural Resources. These efforts and expenditures will be severely compromised if the Commissioners adopt ZTA-169 and ZMA 21-02 in their current form. Attached is a copy of the proposed map that includes the Limited Development Zone (“LDZ”) along the Potomac River and Cuckold Creek. These proposed LDZ mapping revisions affect SPDC’s land plan by altering proposed infrastructure design and residential development that has been reviewed extensively and nearing approval by the County. The revised maps clearly show an increase in the land affected that would be classified as LDZ.

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In addition, SPDC has not received any written notice from the County relating to the proposed map changes as part of ZTA-169 or ZMA 21-02. This is contrary to the County's presentation to the Commissioners on October 4, 2022. Simply put, SPDC has not been provided adequate notice and thus not received due process. Furthermore, based on SPDC's preliminary consultant's review, the revised maps for SPDC's property are inaccurate. SPDC is amazed that the County would prepare a revision of such magnitude and impact on SPDC's property without discussing it prior to now.

SPDC requests the Commissioners to delay any final vote on ZTA-169 and ZMA 21-02 until the County and SPDC meet to address the proposed map inaccuracies as it relates to SPDC's property. Moreover, ZTA-169 and ZMA 21-02 require amendments. In ZTA-169, the amended Section 297-127(C) should have the word "initial" removed in line 21. The focus and intent of the revisions to subsection (C) is to "grandfather" the SPDC projects as approved by the applicable regulatory agencies so that all of SPDC's and the County's efforts would not be for naught. This would further be consistent with the Growth Allocation and Docket 250 Indentures. With respect to ZMA 21-02, similar language as proposed for Section 297-127(C) should be included to ensure SPDC's project is grandfathered.

Please note that SPDC, by commenting on the above matter does not waive any rights, remedies or defenses it may hold, and expressly reserves the same, regarding this matter.

If you have any questions, please contact me.

Very truly yours,



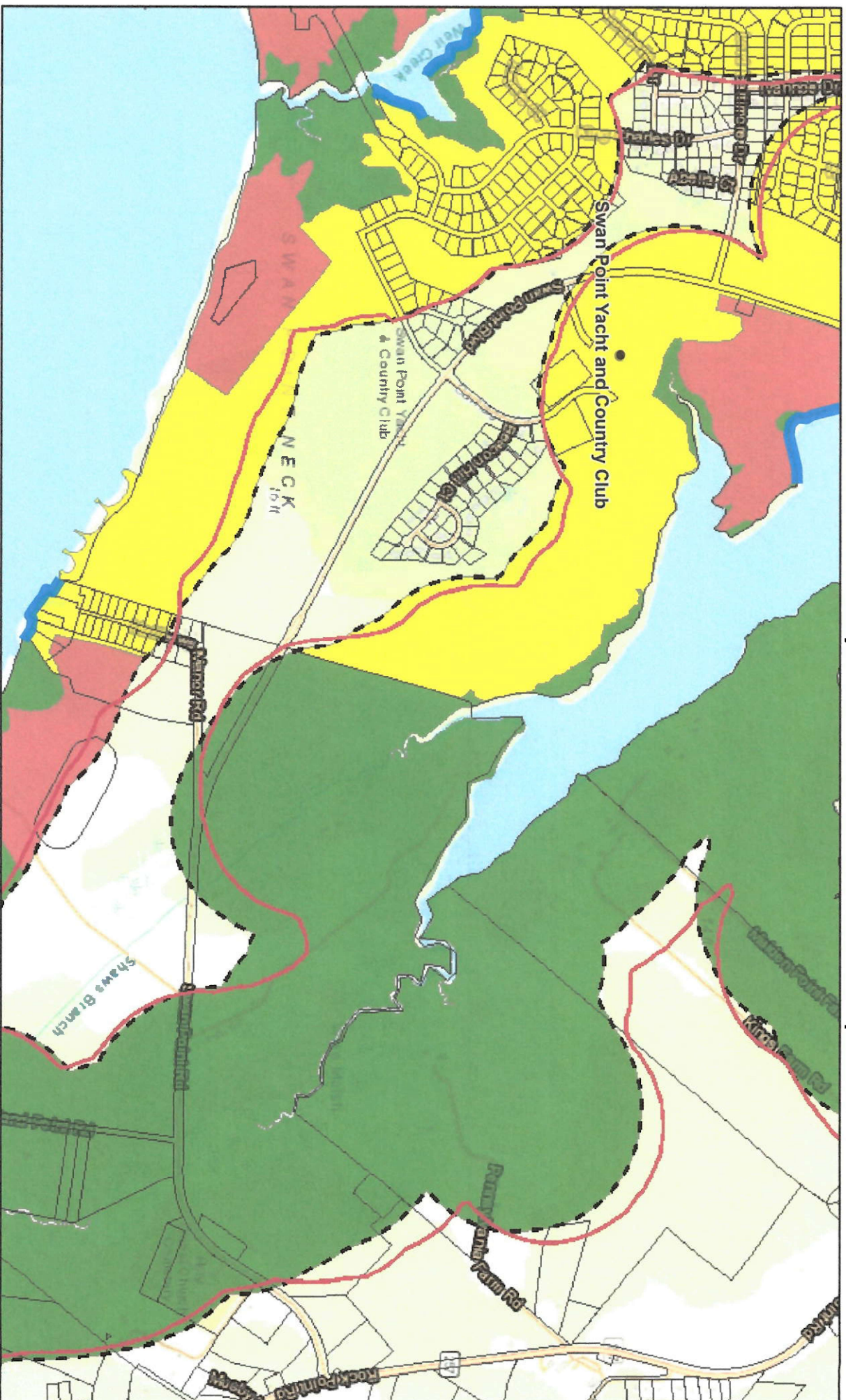
Charles R. Schaller

CRS/dmh

Enclosure

cc: Swan Point Development Company, LLC
David Martinez, Esq.
Wes Adams, Esq.

Charles County PGM GIS Interactive Map



11/1/2022, 11:08:26 AM

- Points of Interest
- Buffer Modification Area
- Proposed Designations
- FED
- IDA
- LDA
- RCA
- Parcel Highlights
- Updated Boundary
- Current Boundary
- Current Boundary
- Proposed

1:18,056

0 0.1 0.2 0.4 mi

0 0.17 0.35 0.7 km

VITA, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, NIEIT/USDA, VITA, Esri, HERE, GeoTechnologies, Inc.