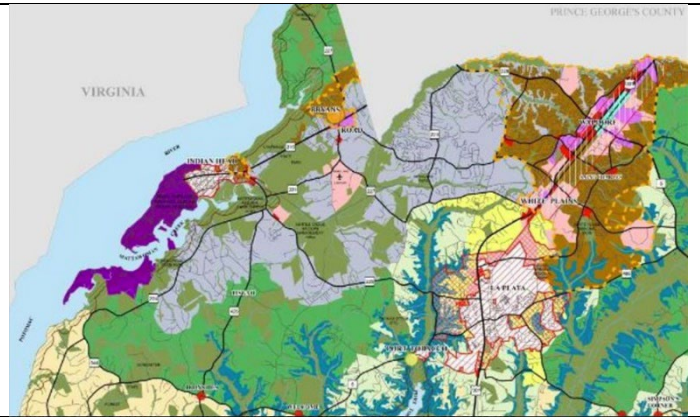
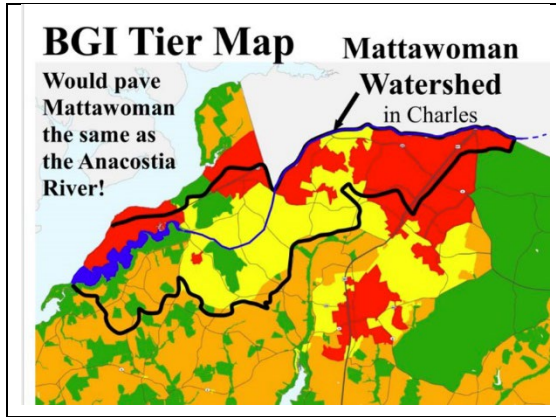


Good 2016 Comp Plan - but CC is implementing the BGI Plan

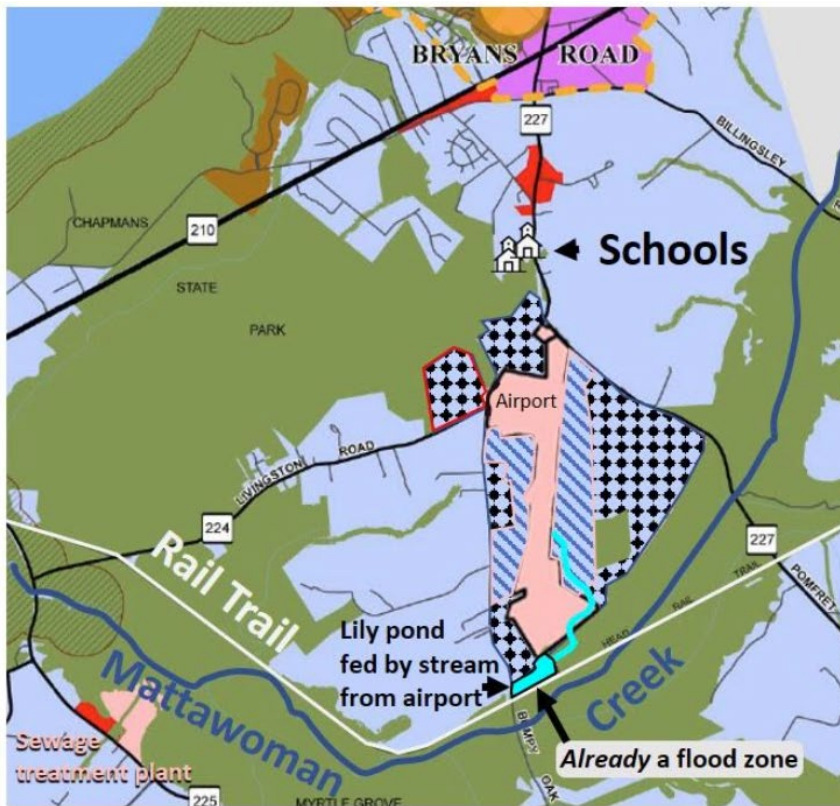



Balanced Growth Initiative Draft Plan

2016 Comprehensive Plan

Airport Aviation Zone (ABP) - the BOCC will soon hold a hearing, but no date yet.

In 2019 the 215-acre private airport sold for 2 1/2 million dollars, to PSM Holdings, LLC. PSM already owns 183 acres in the Watershed Conservation District, surrounding the airport. The rezoning will create a private 400-acre airport. This point has never been shared in the rezoning process. The county states the purpose of the rezoning is not to rezoning the airport. (see legend for airport ownership parcels)



-  Watershed Conservation District (WCD) (allows up to 8% impervious)
 -  Proposed conversion of WCD to industrial (allows up to 70% impervious)
 -  50 acres given by MD to Charles Co in 2005
 -  Industrial today (incl. 215 acre airport owned by PSM Ventures)
 -  Proposed airport expansion into WCD (owned by PSM Ventures)
 -  Protected land
- 1 mi

Bryans Road Sub Area Plan - passed by BOC - but inconsistent with the Comprehensive Plan. Is CC working on an amendment to the Comp Plan? New housing is proposed on sensitive land in the WCD in the Bryans Road Sub Area Plan. DNR concerns (attached) were never discussed in the planning process. Serious problems with public outreach in the BR Sub-area Plan process.

Zoning Text Amendment (ZTA) #22-170 on the WCD

The Board of County Commissioners approved ZTA #22-170 WCD on 11/14/2023. There are issues of transparency with this process. The 8/21/2023 Staff Report to the Planning Commission includes a section entitled *Background*. This Background did not include the following clause found in Bill No 2017-03 Watershed Conservation District (ZTA 16-142): **WHEREAS, the new Comprehensive Plan includes changes in land uses to the Bryans Road area to limit expansion of residential and commercial development to a village size.** This clause is important because it confirms that the WCD is consistent with the Comprehensive Plan after the Airport Comp Plan Amendment. See detail on separate page.

ZTA#21-165 Independent Living Senior Housing Complex (located in the WCD) Hearing before the CC Commissioners on Tuesday, February 6th.

Staff does not support this ZTA because it is not consistent with the goals and intent of the WCD. The PC was repeatedly warned about this being an example of spot zoning. The PC strongly urged approval of the ZTA because the Comp Plan references the need for affordable housing and different kinds of housing. The WCD was in place when the property was purchased by the church.

Watershed Impact to a Wetland of Special State Concern, in one of the two top Mattawoman subwatersheds.

The draft MS-4 report [draft update to the municipal stormwater restoration plan](#) is out for comment from MDE. All of the above projects would require removal of WCD protection, exacerbating the acute threats to Mattawoman. Issues include:

- Percent impervious surface for Mattawoman's watershed was rounded to 9% in their presentation.
- It will take the County 36 years to reach Mattawoman's phosphorus TMDL goal.
- There is not enough stormwater BMP capacity to reach the nitrogen TMDL goal.
- The County is proposing to get MS-4 "credit" by reducing septic inputs and fixing leaks in the sewer trunk line.

ZTA #22-170 WCD detail

The Board of County Commissioners approved ZTA #22-170 WCD on 11/14/2023 immediately after the Public Hearing. There are issues of transparency with this process.

1: The 8/21/2023 Staff Report to the Planning Commission includes a section titled *Background*. This Background did not include the following clause found in Bill No 2017-03 Watershed Conservation District (ZTA 16-142): **WHEREAS, the new Comprehensive Plan includes changes in land uses to the Bryans Road area to limit expansion of residential and commercial development to a village size.**

This clause is important because it confirms that the WCD is consistent with the Comp Plan after the Airport Comp Plan Amendment.

2: The Staff's briefing presentation *Summary of Proposed Changes* notes that the ZTA will remove language in the Zoning Ordinance that *conflicts* with the Amended Comprehensive Plan. However, some of the language deleted from the Zoning Ordinance by this amendment not only does not conflict with the Comp Plan, it is the *enabling* language that implements one of the changes called for in the Comprehensive Plan, to rezone undeveloped lands in Bryans Road to a lower and more appropriate density outside of the Development District.

Specifically, the ZTA removed the following from the WCD regulation:

Article VI § 297-98 WCD Watershed Conservation District

D. (2)(b) *The commercial and mixed-use commercial areas in the Bryans Road area shall remain in the WCD boundary in order to plan its future as a village and not a growth area.*

This section **D.(2)(b)**, is sandwiched between two **D.(2)(a)** The County-owned Indian Head Science and Technology Site shall remain in the WCD boundary area; and **D.(2)(c)** The commercial and industrial lands around the airport shall remain in the WCD boundary. Removing §D(2)(a) is consistent with the Amended Comp Plan because the former Indian Head Science and Tech park no longer exists, and those lands are protected by a conservation easement, (except for the 50 acres). §D(2)(c) should be removed from the ordinance because it is inconsistent with the adopted Airport Comp Plan Amendment. **However, removing D.(2)(b) from the ordinance is not only inconsistent with the Comp Plan, it is inconsistent with what the public and Commissioners were told were the changes that were being considered.**

It appears that the removal of §D(2)(b) is a violation of Maryland State Land Use Law that zoning regulations be consistent with a local government's comp plan.

3: The Planning Commission recommended that the BoCC revisit the base density within the WCD recommending a 1:10 acre density. Staff recommends this issue be evaluated during the Comprehensive Plan update, not with the ZTA. The Staff failed to mention that changing the density would *require* a comp plan amendment before the Zoning Ordinance could be changed.

The process for amending the Comprehensive Plan and the Zoning Ordinance is complicated. Much of the public, and some members of the Planning Commission and Board of County Commissioners, seem not to fully understand the process and their role in the process. Commissioner Bowling has stated from the dais that he

committed to supporting the Airport Aviation Park, and changing the density in the WCD from 1:20 to 1:10. It seemed unclear to him, that the 1:10 change was not part of the ZTA.

The County is coming up on its 10-year review of the Comp Plan, which should be in 2026. It is unclear if the BoCC will push for the two additional Comp Plan Amendments to change the density in the WCD and support the Bryans Road Subarea Plan if they will combine the two in one amendment, or if they will wait for the 2026 update.