

# **KCC Responses**

to Planning Department Assessment of the  
Public Hearing

**All KCC responses are**

**In red**

## Public Comment Themes –

- Rapid Additional Growth
- Calvert County Comprehensive Plan Superseding the Town Center Master Plans
- Super Big Box Stores
- Eliminating all Growth Controls
- Buildout Limits

**KCC - All of the points listed above relate to the issue of growth. How the county handles future growth is the central issue. It is not adequately addressed in the Comprehensive Plan.**

# Response to Public Comment

## What we heard: The plan creates an environment for rapid growth

- The Town Center concept began as a means to protect rural character was articulated in the first Comprehensive Plan, adopted in 1967; then developed into a policy in the 1983 plan that has continued through all subsequent plans, including this proposal.
- The Town Center concept was originally planned to prevent sprawl outside of the Town Centers and to protect rural heritage.
- The new plan continues to support directing growth to Town Centers, consistent with the original vision of the first plan.

**KCC fully supports the concept of protecting rural character and directing growth to Town Centers. That is not the issue. The issue is how to ensure that growth does not exceed the county's capacity to pay for the infrastructure needed to support growth and how to control what growth looks like. The plan does not provide clear direction on either of these two points.**

# Response to Public Comment

## What we heard: The plan creates an environment for rapid growth

- Adequate Public Facilities (APF) is a legislative method to tie public infrastructure to growth. APF ties development approvals to the adequacy of existing public facilities, such as roads, schools, fire and police, and water and sewer systems. If the proposed development overwhelms capacity of these facilities, then it can not be approved until the facilities are expanded or improved.
- Provisions for APF are in place and will remain.
- The Commissioners instructed staff to further enhance APF by adding new requirements including: water, sewer, storm water, roads, schools, law enforcement, fire, and emergency medical services.
- The state Agricultural Preservation Sustainable Growth Act – also known as Tier Mapping – prevents new residential subdivisions served by on-site sewer disposal.

### **KCC - The statements above only tell part of the story:**

- 1. APF can only hold up a development project for 7 years. After 7 years, it must be approved, whether facilities are adequate or not.**
- 2. The state law allows the County to amend Tier Maps. Tier 3 and Tier 4 areas are not protected until the owners choose to permanently preserve their properties.**

# Response to Public Comment

## What we heard: The Comprehensive Plan supersedes Town Center Master Plans

**KCC- We didn't make it up. It was in the proposed Board resolution.**

- Updates to Town Center Master Plans occur after adoption of the Comprehensive Plan and will follow a public process to gain input. **KCC – This is true, but how can we trust that the town center update process will be any different from this one where the public never is given explanation for changes and the public comments are rarely acknowledged or addressed?**

- Town Center Master Plans will remain in place and their unique vision will remain the same. **KCC – then why was that wording added to the proposed Board resolution? Who made the decision to put it in there?**

- Land use changes within the Town Centers cannot occur until the Town Center Master Plans and Zoning Ordinances are updated.

**KCC – The statements above are completely misleading. The Comprehensive Plan includes maps showing new Town Center boundaries and states that Master Plans and Zoning ordinances must be consistent with the Comprehensive Plan. Master Plans and Zoning Ordinances should determine boundaries – not the Comprehensive Plan.**

# Response to Public Comment

**What we heard: “Super big box” stores are automatically approved with the new Comprehensive Plan.**

- Big box stores are not approved by the new Comprehensive Plan. **KCC- Without explaining why, the Commissioners have removed the distinction between major and minor town centers. The reason has not been explained. In the current Plan, minor town centers are for local-resident convenience, not regional shopping. Without the distinction, how do we know if big box stores will be allowed in the current minor town centers?**
- Big box stores are regulated in the Zoning Ordinance, not the Comprehensive Plan. **KCC – Without the distinction, the town center zoning ordinances have no guidance as to what uses should be allowed.**
- Per the Zoning Ordinance, the standard in Town Centers is 25,000 square feet • Exceptions: Zoning allows up to a 150,000-square-foot building ONLY in the New Town District of Prince Frederick, 950 feet away from Route 4. **KCC – The exception cited above was made despite huge protest from citizens and helped ignite the anger and mistrust that still exists today.**
- A 75,000-square-foot building is allowed in Dunkirk Town Center. **KCC – Not sure of the point here.**

# Response to Public Comment

## **What we heard: *The Comprehensive Plan is eliminating residential buildout***

- The Comprehensive Plan cannot legally establish a residential buildout cap.
- Residential buildout is a function of zoning.
- Zoning determines how many homes can be built in a designated area.
- Values stated in the Comprehensive Plan include preservation of rural landscape and the creation of vibrant Town Centers. The focus on preserving rural character has been in place since the first Comprehensive Plan published in 1967.

**KCC- The 2004 Plan did not set a buildout “cap”; it set a buildout “goal” which was then used to guide zoning. Setting a residential buildout goal has never been challenged and is a common sense, practical way to help ensure that residential development does not exceed the county’s ability to provide necessary infrastructure. The reasons why it has been eliminated have never been explained.**

# Response to Public Comment

**What we heard: The Comprehensive Plan draft eliminates all growth controls.**

**KCC – what you heard citizens say is that the Plan removes any reference to relating residential growth to adequacy of public facilities. Zoning laws must relate to the intent of the Plan and that wording was removed.**

- Growth control measures remain in place through adequate public facilities criteria, zoning and the tier program created by the State Agricultural Preservation and Sustainable Growth Act, also known as Tier Mapping. **KCC- Adequate Public Facilities regulations only apply to the development of individual properties, not the cumulative impact if all properties were to develop. Tier mapping is only intended to limit the amount of development on septic systems. It does not prevent the county from extending sewer lines anywhere the County Commissioners wish.**

- The 1967 Comprehensive Plan recommended cluster development that became the Town Center concept model adopted 1983, which aimed to direct higher-density residential growth away from farms and rural areas. This draft Comprehensive Plans continues to support that vision. **KCC supports the vision but growth controls are still needed.**



# Response to Public Comment

## What we heard: The Comprehensive Plan draft eliminates all growth controls.

- The new plan continues to direct growth to Town Centers, consistent with the original vision of the first Comprehensive Plan in 1967.
- Adequate public facilities criteria in the draft plan prevent the elimination of growth controls. **KCC- APF may not stand a legal challenge if the plan does not link resident growth to the adequacy of public facilities. Why won't the Commissioners just add the wording?**
- The State Agricultural Preservation Sustainable Growth Act prevents new major residential subdivisions (more than 7 lots) served by on-site sewer disposal in the rural areas, also known as Tier Mapping. **KCC – Tier maps are not zoning maps. The basis for changing the tier maps relates to the County willingness to provide public sewer. Rural lands are not protected until the owners are willing to sell or donate an easement on their lands.**

# Response to Public Comment

## What we heard: The Comprehensive Plan expands the Town Centers.

- Most of the proposed Town Center expansions are within the one-mile radius in Prince Frederick. **KCC – Town Center zoning is proposed for all town centers AND the reasons for and possible impacts of the zoning have never been publicly explained. Question: Does the one-mile radius expand with the expansion of Town Centers?**
- Expansion of the Prince Frederick Town Center will require amending the Town Center master plan and the zoning for the Town Center. **KCC – If this is so, then why are particular properties shown for specific zoning?**
- Phase II does not occur until the plans are updated, as well as meeting future Adequate Public Facilities regulations considerations, including meeting established water, sewer, and public safety criteria. **KCC – Why does phase one happen immediately without an analysis of the impact of such designations? Why is it that the specific properties the President of SBIG asked for through his attorney shown in phase I? Why not just express the types of areas suited for expansion and then leave the designation of properties for the update to the town center plans?**

# Recommendations

- Require the Planning Commission to evaluate, biennially, the rate of growth of each Town Center and make zoning recommendations, if needed, to the Board of County Commissioners. **KCC - Agree**
- Incorporate, by reference, the findings of the Transportation Plan update, the Historic Preservation Plan, the Water and Sewer Plan and the Land Preservation and Parks and Recreation Plan. **KCC – The Comprehensive Plan should guide these documents, and not the other way around. The County should use the information from the new Transportation Plan and other plans to guide the goals, objectives, and actions of the new Comprehensive Plan.**
- Modify the adopting Ordinance to ensure Town Center Master Plans are not superseded by implications so that they may continue to carry forward their original themes. **KCC – Agree but wording could be clarified.**
- **Add the following wording to the Plan: “Continue to support policies that link the amount, location and rate of residential growth to County land use objectives, including highway, school, water quality and aquifer capacities.”**
- **Delete Town Center Boundary maps from the Comprehensive Plan and add wording to state that expansion of Town Center boundaries will be considered as part of Town Center Master Plan updates.**