



Maryland Department of Planning

Sustainable \_\_\_\_\_ Attainable

December 27, 2012

The Honorable Tari Moore  
County Executive of Cecil County  
200 Chesapeake Boulevard, Suite 2100  
Elkton, MD 21921

RE: MDP's review of adopted Tier map

Dear County Executive Moore:

On December 18, 2012, the Maryland Department of Planning (MDP) received a copy of the Cecil County Tier Map, administratively adopted by you on December 14, 2012. This action establishes growth tiers under the Maryland Sustainable Growth and Agricultural Preservation Act of 2012 (the "Act") for Cecil County.

Upon review of the adopted Tier map, MDP finds that it does not conform to the intent or the criteria established in the Act. The County's adopted Tier map will allow a significant number of major subdivisions on septic systems on forested and agricultural lands, resulting in adverse impacts to local streams and the Chesapeake Bay. It appears that had the County adopted a map that conformed to the criteria in the Act, it would accommodate the County's projected future growth within the county's designated growth corridor. In so doing, the amount of agricultural and forest lands converted to development would be reduced, resulting in less nutrient pollution to the County's streams, rivers and the Bay.

This letter is to advise you that the adopted Tier map does not satisfy the statutory guideline for designation of growth tiers under the Act, as listed in the Land Use Article, Subtitle 5, Section 1-508. The Tier map violates the Act because it does not include in Tier IV the county's Priority Preservation Area, Rural Legacy Areas, areas planned or zoned for land, agricultural, or resource protection, preservation, or conservation, and areas dominated by agricultural lands, forest lands, or other natural areas. Only protected lands are mapped as Tier IV on the County's Tier map. The adopted Tier map does not include as Tier I or Tier II all portions of the county's locally designated growth areas. The adopted Tier map also does not include as Tier II all areas "planned to be served by public sewerage systems and in the Municipal Growth Element" (see attached "Cecil County Adopted Tier Map Review" for further information).

As was noted in our pre-adoption letter to the County dated November 26, 2012, if MDP, as part of its statutory responsibilities stemming from the Act (Land Use Article, Subtitle 5, Section 1-505), comments on a tier or an area within a tier, the local legislative body or planning board

Martin O'Malley, Governor  
Anthony G. Brown, Lt. Governor

Richard Eberhart Hall, AICP, Secretary  
Matthew J. Power, Deputy Secretary

301 West Preston Street - Suite 1101 - Baltimore - Maryland - 21201

Tel: 410.767.4500 - Toll Free: 1.877.767.6272 - TTY users: Maryland Relay - Planning.Maryland.gov

The Honorable Tari Moore  
RE: MDP's review of adopted Tier map  
December 27, 2012  
Page 2

must hold at least one public hearing on MDP's comments and review the tiers adopted by the jurisdiction in light of the Department's comments. After this hearing and consideration of MDP's comments, a recommendation must be made whether the tier or area within a tier should be changed. The recommendation is to be forwarded to the jurisdiction's decision making body (Land Use Article, Subtitle 5, Section 1-507).

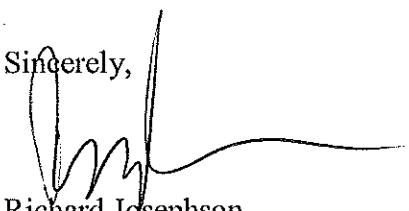
Although the Act does not set a timeline for the public hearing on MDP's comments or the review of the mapped growth tiers adopted by the jurisdiction in light of MDP's comments, MDP recommends that Cecil County complete this process no later than 60 days after the map was adopted by the County. We are happy to meet with you in advance and discuss our comments with you and your staff in more detail.

Please be advised that the Act requires that the growth tiers are to be incorporated into the County's comprehensive plan or an element of the plan when the county conducts its six year review of the plan. If the growth tiers are not incorporated into the comprehensive plan or an element of the plan during that 6-year review, the Act provides that the growth tiers may not be considered as adopted and the restrictions on major subdivisions outside sewerred areas shall apply.

Municipalities within Cecil County may be submitting growth Tier maps to the Department. To date, we have not received adopted Tier maps from any municipality within the County. Should there be any conflicts between municipalities' tier mapping and that of the County, the Act provides a process for resolution.

Should you have any questions, please don't hesitate to contact me at 410-767-0901.

Sincerely,



Richard Josephson  
Director of Planning Services

cc: Eric Sennstrom, Director of Planning & Zoning  
Richard Hall, Secretary, MDP  
Jay Sakai, Director, Water Management Administration, MDE

Attachments: Cecil County Adopted Tier Map Review