



Maryland DEPARTMENT OF PLANNING

August 25, 2020

The Honorable Larry W. Dodd, President
Wicomico County Council
Government Office Building
125 N. Division Street, Room 301
Salisbury, MD 21801

Re: Growth Tier Map Amendment – The Ponds at Nutters Subdivision

Dear Mr. Dodd:

We received a July 24, 2020 letter from Keith Hall, Deputy Director, Wicomico County Department of Planning, Zoning and Community Development, indicating that the Salisbury-Wicomico Planning and Zoning Commission (the “Commission”), at its October 17, 2019 meeting, amended a portion of the adopted Wicomico County growth tier map, from Tier IIA to Tier III, for The Ponds at Nutters subdivision, located in the southeast corner of the intersection of the Route 13 bypass and Route 12. The process used by the Commission to complete this amendment is described in Appendix 6 of the *2017 Wicomico County Comprehensive Plan*, which appears to delegate to the Commission the authority of the Wicomico County Council to amend the tier map to Tier III “[if] an applicant in Tier II or IV achieves preliminary approval of a new residential subdivision (eight or more lots served by individual onsite sewerage disposal system) from the Planning Commission and Health Department...” As a reminder, under Section 1-504 of the Land Use Article of the Code of Maryland, Wicomico County must notify the Maryland Department of Planning (“Planning”) each time it amends the adopted Wicomico County growth tier map, including when an amendment is made through the process described in Appendix 6 of the *Plan*.

Planning has reviewed this amendment to the Wicomico County growth tier map and, for purposes of Section 1-505 of the Land Use Article, has no “comment” on the map amendment. As such, no public hearing is required under Section 1-507 of the Land Use Article.

Planning encourages the County to amend its water and sewer plan to remove the planned sewer designation for the area affected by this tier map amendment, as well as references to the adjacent Nutters Crossing Subdivision’s proposed private sewer system, given the Commission’s description of it being “scrapped” (Commission’s October 17, 2019 meeting

minutes, p. 5, attached). Making these changes would result in conformity between the Tier III designation and the County's water and sewer plan.

Regarding approval of The Ponds at Nutters subdivision, a major subdivision in a Tier III area, I direct your attention to Section 5-104 of the Land Use Article (attached), which requires the Commission to review (i) the cost of providing local governmental services to the subdivision (unless a local jurisdiction's adequate public facilities law already requires a review of government services) and (ii) the potential environmental issues or a natural resources inventory related to the subdivision. The Commission's October 17, 2019 meeting minutes do not reflect conformance with these requirements.

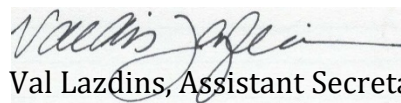
Last, we note that Appendix 6 of the *2017 Wicomico County Comprehensive Plan* describes certain circumstances that may cause a tier map amendment to expire. Specifically, the *Plan* states that with respect to a tier map amendment:

...language about the new Tier designation for the property...will be incorporated into the Planning and Zoning Certification/Signature Block on an approved final plat, which will indicate the Tier designation for the residential development...[c]onsistent with current subdivision code requirements, recordation of an approved final plat shall occur within three years or the approval expires (unless a legislative action revises the regulation). If an approval expires prior to recordation, the property will revert back to the original Tier designation as contained in the adopted Comprehensive Plan.

Consistent with Section 1-504 of the Land Use Article, if a tier map designation reverts back to its original tier designation in the manner described in the *Plan*, then the County must notify Planning of this change.

If you have any questions, please contact Jason Dubow at (410) 767-3370.

Sincerely,



Val Lazdins, Assistant Secretary of Planning Services

cc: Lori Carter, Director, Wicomico Co. Dept. of Planning, Zoning and Community Development
Keith Hall, Deputy Director, Wicomico Co. Dept. of Planning, Zoning and Community Development
Jason Dubow, Joe Griffiths, Tracey Gordy, Maryland Department of Planning