

THE EFFECTIVE DATE OF THIS RESOLUTION IS April 16, 2019

RESOLUTION NO. 19-08

RE: **AMENDED MONOCACY SCENIC RIVER MANAGEMENT PLAN 2017**

RECITALS

After the Maryland Scenic and Wild Rivers Act of 1968 was adopted, the first inventory, Scenic Rivers in Maryland, was released in 1970. The Monocacy River was identified as a significant state resource, worthy of immediate study, and as prime candidate for State Scenic River designation. On April 30, 1974, the Monocacy River was added to the Maryland Scenic River System.

The Monocacy River is one of nine (9) State-designated scenic rivers in Maryland, each with a management plan and an advisory body, as described in the Maryland Scenic and Wild Rivers Act (Ann. Code of Maryland, Natural Resources Article, §§8-401 – 8-403).

In 1990, the Monocacy Scenic River Local Advisory Board, with technical assistance from The Department of Natural Resources (DNR) prepared the initial Monocacy Scenic River Study and Management Plan. This Plan was approved by both Carroll County and Frederick County in May 1990. The 1990 Plan included a number of issues and recommendations to provide guidance to the River Board and other bodies (e.g. planning commissions and elected officials) for decisions that may affect the River corridor.

The 2010 Frederick County Comprehensive Plan¹ addresses the Monocacy River resource in Chapter 3, “Conserving our Natural Resources and Green Infrastructure.” Chapter 3 outlines a green infrastructure plan element, which is comprised of forest, mountain, stream valley, and parkland/protected land resources. The Monocacy River is also listed as a specific resource in the

¹ The 2010 Frederick County Comprehensive Plan was re-adopted in September 2012, by Resolution No. 12-19 without change to the text referenced herein.

Sensitive Areas Element of Chapter 3, which is a state mandated component of the Comprehensive Plan, intended to address the protection of environmentally sensitive areas. The 2010 County Comprehensive Plan contains the following goals, policies, and action items to address the protection of natural resources in general and the Monocacy River in particular.

Goals

- NR-G-01: *Protect natural resources and environmentally sensitive areas in Frederick County.*
- NR-G-01: *Manage growth and land development in Frederick County in a manner that is in harmony with the conservation and protection of our natural resources.*

Policies

- NR-P-04: *Encourage inter-agency and inter-jurisdictional cooperation and coordination of environmental protection plans and actions.*
- NR-P-06: *Promote the establishment and protection of forested buffers along streams and the Monocacy River.*
- NR-P-10: *Support the application of Resource Conservation zoning to steep slopes, forested lands, wetlands, and habitats of threatened and endangered species along the Monocacy River and its tributaries.*

Action Items

- NR-A-05: *Target areas along the Monocacy River as Forest Resource Ordinance priority areas (forest plantings and forest banking) in addition to stream in the Agricultural zoning district.*
- NR-A-06: *Initiate an update of the 1990 Monocacy Scenic River Study and Management Plan, including examination of a Monocacy River Greenway and optional forms it could take.*
- NR-A-07: *Establish a new variable-width development setback/buffer, specific to Catoctin Creek and the Monocacy River, which addresses water quality protection, topography and other landscape elements, wildlife habitat, historic and archeological resources, and scenic viewsheds.*
- NR-A-10: *Amend the Agricultural Preservation ranking system to grant additional points to farms with frontage along the Monocacy and Potomac Rivers.*

In furtherance of the Action Item *NR-A-06* in the 2010 Frederick County Comprehensive Plan, the Monocacy Scenic River Citizens' Advisory Board (River Board) initiated an update of the 1990 Monocacy River Plan in 2014, with technical assistance provided by the planning staff from both Carroll and Frederick Counties.

The River Board's Initial Draft Plan was released in October 2016. Extensive public and property owner outreach efforts included the direct notification of river front property owners, placement of the Initial Draft Plan at several public libraries, and posting the Initial Draft Plan on the Frederick County web page. Staff supporting the River Board also presented information about the Initial Draft Plan to various community organizations and the Town of Walkersville.

Six (6) public meetings on the Initial Draft Plan were held by the River Board, which resulted in revisions being made to the Initial Draft Plan. River Board Staff gave eight (8) presentations on the Revised Plan to various community groups. The River Board's Final Draft Plan (the 2017 Plan) was released on June 16, 2017, followed by a River Board public hearing on July 12, 2017.

The 2017 Plan retained the same general framework as the 1990 Plan, and focused on the conservation and enhancement of the Monocacy River corridor and less on the entire Monocacy River Watershed, as was done in the 1990 Plan. Overall, the 2017 Plan retained large sections of the 1990 Plan, and also included updated information and narrative on scientific research regarding ecology and water quality; land use management policies; best practices for the agricultural sector; and water quality restoration and protection recommendations.

The Frederick County Planning Commission held a work session on September 13, 2017, to receive information about the contents of the 2017 Plan, and on October 18, 2017, held a public hearing to receive public comments regarding the Plan. The Frederick County Planning Commission recommended on November 8, 2017, by a vote of 5-2, to adopt the 2017 Plan.

The Frederick County Council held a workshop on November 14, 2017, to receive a presentation regarding the contents of the Plan and the process by which it was prepared.

The County Council held a public hearing on February 28, 2018, to receive public comment on the Plan and after amending the plan, voted on July 24, 2018 to send the plan back to River Board for review and inclusion of the Amendments.

After several public meetings during the summer of 2018, the River Board developed a revised plan which was released October 3, 2018 (the 2018 Plan). The Carroll County Commissioners approved the 2018 Plan on November 27, 2018.

The County Council held a workshop on February 12, 2019, to receive a presentation regarding the contents of the revised plan and the rationale behind the changes to the 2017 Plan. The Frederick County Planning Commission voted unanimously on February 13, 2019, to deny recommending the 2018 Plan.

The County Council held a public hearing on the 2018 Plan on February 26, 2019, voted to rejected the 2018 Plan on March 5, 2019, and voted to then revive the 2017 Plan. Amendments to the 2017 Plan were introduced on April 2, 2019, and the Council voted to approve all 22 amendments. A public hearing on the 2017 plan and 22 amendments was held on April 9, 2019.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF FREDERICK COUNTY, MARYLAND:

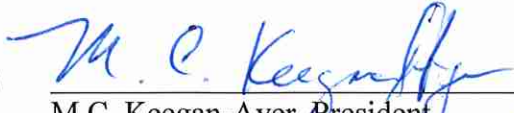
1. The Council finds that the Amended 2017 Monocacy Scenic River Management Plan does not:
 - a. Advocate for public use of private land;
 - b. Rezone agricultural or resource conservation land for public use;
 - c. Compromise property rights or diminish the rights of owners of property adjacent to the Monocacy River;

- d. Regulate or control the uses of private property adjacent to the Monocacy River;
 - e. Encourage public access to or across privately held properties adjacent to the Monocacy River; or
 - f. Promote the development of a public trail system adjacent to the Monocacy River.
2. The County Council also finds that the Amended 2017 Monocacy Scenic River Management Plan encourages all citizens to preserve and respect the River as an important and valuable natural resource.
 3. The County Council supports posting information at public access points to educate the public about the proper uses of the river, public access points, and to respect the rights of the owners of private property bordering the Monocacy River.
 4. The County Council also finds it noteworthy that the Amended 2017 Monocacy Scenic River Management Plan does not propose establishment of a river keeper for the Monocacy River.

AND BE IT FURTHER RESOLVED THAT THE COUNTY COUNCIL OF FREDERICK COUNTY, MARYLAND, approves and adopts the Amended 2017 Monocacy Scenic River Management Plan, by a vote of 6 - 0 (____ opposed.)

The undersigned hereby certifies that this Resolution was approved and adopted on the 16 day of April, 2019.

COUNTY COUNCIL OF
FREDERICK COUNTY, MARYLAND

By: 
M.C. Keegan-Ayer, President BB

COUNTY EXECUTIVE ACTION: Approved Vetoed



Jan H. Gardner, County Executive

4/23/19