



FREDERICK COUNTY PLANNING COMMISSION
July 12, 2017

TITLE: **Draft Solid Waste Management Plan
(SWMP) 2018-2037**

FILE NUMBER:

REQUEST: Staff will present the draft SWMP update for a finding of consistency with the County Comprehensive Plan.

PROJECT INFORMATION:

LOCATION:

ZONE:

REGION:

WATER/SEWER:

COMP. PLAN/LAND USE:

APPLICANT/REPRESENTATIVES: (as applicable)

APPLICANT:

OWNER:

ENGINEER:

ARCHITECT:

ATTORNEY:

STAFF: Jim Gugel, Planning Director

RECOMMENDATION: Find consistent with the Comprehensive Plan

Enclosures:

DUSWM memo

Draft SWMP document



FREDERICK COUNTY GOVERNMENT

DIVISION OF PLANNING & PERMITTING

Department of Planning

Jan H. Gardner
County Executive

Steven C. Horn, Division Director
Jim Gugel, Director

June 29, 2017

TO Frederick County Planning Commission

FROM Jim Gugel, Planning Director

RE Solid Waste Management Plan (SWMP) 2018-2037 Update

ISSUE

The Draft SWMP 2018-2037 update will be presented to the Planning Commission for a finding of consistency with the County Comprehensive Plan.

BACKGROUND

The state mandates each county to maintain a solid waste plan that covers at least a 10-year period with reviews every three years. As the current plan covers the period 1998-2017 this draft plan will establish a new 20-year period from 2018 to 2037. The draft plan also proposes various text revisions and updates. The Plan is organized into the following chapters:

1. Goals and Regulatory Framework
2. County Background Information
3. Existing Solid Waste Management Program
4. Assessment of Solid Waste Management Alternatives
5. Solid Waste Management Plan of Action (2018-2037)

The one revision of note with this Plan is the documentation of the decision in 2014 by the prior Board of County Commissioners to discontinue the pursuit of a waste to energy (WTE) facility.

The Plan does not propose any specific locations for planned solid waste facilities that would be addressed on the Land Use Plan map of the Comprehensive Plan. The Plan, in chapter 4 page 4-41, does describe the factors and constraints that would be considered in siting solid waste facilities in the County.

Basis for a Finding of Consistency

The Land Use Article of the Annotated Code of Maryland provides general requirements with regards to a finding of consistency with a comprehensive plan. Section 1-303 *Consistency – General requirement* of the Land Use Article further defines consistency with a comprehensive plan to mean “ an action taken that will further, and not be contrary to the following items in the plan:

- 1) Policies;
- 2) Timing of the implementation of the plan;
- 3) Timing of development;
- 4) Timing of rezoning;

- 5) Development patterns;
- 6) Land uses; and
- 7) Densities or intensities

The Maryland Department of Planning in its Models and Guidelines document '*Achieving Consistency under the Planning Act*' also provides guidance on determining consistency with a comprehensive plan.

"...land use regulations and decisions should agree with, and implement what the Plan recommends and advocates. A consistent regulation or decision may show clear support for the Plan. It may also be neutral – but it should never undermine the Plan."

County Comprehensive Plan

The 2010 County Comprehensive Plan, in the Serving our Citizens chapter, includes a Public Utilities Element that addresses Solid Waste Management. This element also includes the following policies specific to solid waste management.

Solid Waste Management Policies

- PU-P-10 Cooperate with other jurisdictions in developing regional solutions to solid waste management problems.*
- PU-P-11 Integrate solid waste management systems and programs to ensure reliable, safe and cost effective disposal and recycling services for Frederick County residents.*
- PU-P-12 Construction of a regional energy recovery facility or waste-to-energy (WTE) per the Board of County Commissioner approved plan and to be located in the McKinney Industrial Park adjacent to the Ballenger Creek Wastewater Treatment Plant and Division of Utilities and Solid Waste Management headquarters is consistent the County Solid Waste Management Plan and this Countywide Comprehensive Plan.*

RECOMMENDATION

Staff finds the draft SWMP 2018-2037 to be consistent with the County Comprehensive Plan.