TITLE: Comprehensive Plan Amendment – Growth Tier Map

FILE NUMBER: 

REQUEST: Staff is requesting concurrence to release the Comprehensive Plan Amendment for the Growth Tier Map for the 60-day review.

STAFF: Jim Gugel, Planning Director

RECOMMENDATION: Release the amendment for public review

Enclosures: Staff report Growth Tier Map
September 8, 2017

TO    Frederick County Planning Commission

FROM  Jim Gugel, Planning Director

RE    County Comprehensive Plan Amendment – Growth Tier Map

ISSUE
Staff is requesting concurrence to release the Comprehensive Plan Amendment (CPA) for the Growth Tier Map for the 60-day review and referral period.

BACKGROUND
The purpose of the Comprehensive Plan Amendment (CPA) is to incorporate the Growth Tier Map into the County Comprehensive Plan. The need for the CPA is also being driven by the transition to a state mandated comprehensive plan review cycle from a six-year cycle to a ten-year cycle. This plan update cycle was changed as part of House Bill 409 adopted in 2013.

When the Septic Bill was passed in 2012 it allowed the initial adoption of Growth Tiers to be done administratively with the provision that the growth tier map would be subsequently adopted and incorporated into a jurisdiction’s comprehensive plan. Related to the comprehensive plan update cycle transition and based on the adoption of the County Comprehensive Plan in 2010, Frederick County would have been required to incorporate the growth tier map into the comprehensive plan by 2016.

RECOMMENDATION
Staff recommends the CPA for the Growth Tier Map be released for the 60-day review and referral period.

Attachments
Staff report
Draft Growth Tier Map
PROPOSED AMENDMENT

The purpose of the Comprehensive Plan Amendment (CPA) is to incorporate the Growth Tier Map into the County Comprehensive Plan. The need for the CPA is also being driven by the transition to a state mandated comprehensive plan review cycle from a six-year cycle to a ten-year cycle. This plan update cycle was changed as part of House Bill 409 adopted in 2013.

When the Septic Bill was passed in 2012 it allowed the initial adoption of Growth Tiers to be done administratively with the provision that the growth tier map would be subsequently adopted and incorporated into a jurisdiction’s comprehensive plan. Related to the comprehensive plan update cycle transition and based on the adoption of the County Comprehensive Plan in 2010, Frederick County would have been required to incorporate the growth tier map into the comprehensive plan by 2016.

The current growth tier map was adopted by the prior Board of County Commissioners in February 2013. The growth tier map proposed in this CPA has been revised to reflect revisions to the sewer plan classification of properties and annexations into several municipalities since 2013. Since this amendment is specifically for the County Comprehensive Plan, the growth tiers will not be shown within the municipalities except for the Village of Rosemont.

BACKGROUND

The Maryland General Assembly passed Senate Bill 236, the Sustainable Growth and Agricultural Preservation Act of 2012 (i.e. the Septic Bill) during the 2012 legislative session. The goal of the legislation is as follows:

“To limit the disproportionate impacts of large subdivisions on septic systems on our farm and forest land, streams, rivers and Chesapeake and Coastal Bays.”

Growth Tier Mapping

The primary component of SB 236 is the growth tier mapping, which applies to both counties and municipalities. Below is a brief description of the Tiers. The Maryland Department of Planning (MDP) has prepared an implementation guidance document for local jurisdictions to use in preparing the tier mapping.

Tier I – areas currently served by public sewerage systems
Tier II – areas planned to be served by public sewerage systems
Tier III – areas not planned to be served by public sewerage systems and would allow for major subdivisions on individual septic systems.
Tier IV – areas planned for agricultural, resource protection, preservation, or conservation

To reiterate from the Septic Bill Highlights, any limitation on major subdivisions ONLY applies to residential developments. Major subdivisions on septic for commercial, industrial and other non-residential developments will continue to be allowed in any property in a Tier III or IV area,
Properties within Tiers I and II are not permitted to have major residential subdivisions on septic systems. Since the County’s Water and Sewer Plan already prohibits properties from using septic systems if they have a sewer classification of S-1 to S-4, being in a Tier I or II would not create any additional restriction.

Application of the Growth Tiers for Frederick County
Using MDP’s implementation guidance document, staff has applied the growth tier criteria using the terminology of the County’s Comprehensive Plan. The County has also established definitions for the references to “served” by public sewerage and “planned” to be served by public sewer based on the County’s Water and Sewerage Plan classifications. Classifications served by a public sewerage system are defined as S-1 or S-3. Classifications planned to be served by a public sewerage system are defined as S-4, S-5, or PS. For areas that do not fit the criteria described below, the State allows for the identification of sub-categories such as Tier I A, Tier II A etc. The County has several areas that are in such sub-categories and are noted below.

The growth tier criteria only describe the application to the County’s jurisdiction with the exception for the Village of Rosemont, which is still referenced since they do not have a municipal comprehensive plan. The other municipalities have the ability to adopt their own growth tier mapping.

Tier I Criteria
Unincorporated Growth Areas
1. Within a community growth area boundary, AND
2. Sewer classification of S-1 or S-3

Tier I A
1. Areas with existing public sewer service NOT in a growth area
   - Pleasant Branch WWTP – Knolls of Windsor development and other uses in the service area
   - Samhill WWTP – Samhill Estates and Heritage Ridge developments
   - White Rock and Crestview subdivisions
   - Knoxville Rural Community
   - Blue Ridge Summit Rural Community (served through Washington County)
   - Mill Bottom Rd. area just west of Mt. Airy that has been identified as a potential sewerage problem area due to failing septic systems

Tier II Criteria
Unincorporated Growth Areas
1. Within a community growth area boundary, AND
2. Sewer classification of S-4, S-5, or PS

Tier II A
1. Areas planned for public sewer NOT in a growth area
   - Village of Rosemont
2. Areas within a Municipal Growth Element (MGE) NOT planned for sewer service
   - Would include properties around Mt. Airy, Middletown, Woodsboro, and Thurmont
3. Areas within an Unincorporated Growth Area NOT planned for sewer service
   - Be applied to Future Growth Areas as described in the County Plan and include areas within the Urbana, Jefferson, and Walkersville community growth areas
Tier III Criteria
Properties within Tier III are permitted to have major subdivisions (greater than five (5) lots) on individual septic systems.

Areas outside of Community Growth Areas
1. Designated Rural Communities, OR
2. Areas designated Rural Residential that are outside of a PPA, OR
3. Areas designated Limited Industrial, General Industrial, or Mineral Mining

Tier IV Criteria
The Tier IV area is primarily zoned Agricultural and Resource Conservation (RC). Under the Septic Bill properties within a Tier IV area would not be allowed to have major subdivisions (as defined by the respective jurisdiction) on septic. The legislation allows for the ability to request an exemption from this limitation, which Frederick County did apply for and received from MDP on May 31, 2013. While this Tier IV exemption was suspended for a time due to concerns about the County’s adoption of the Agricultural Rights Transfer Ordinance (ARTO), the exemption was reinstated as of November 7, 2016 when the ARTO was repealed.

Areas outside of Community Growth Areas
1. Areas designated Agricultural/Rural, Natural Resource, or Public Parkland/Open Space
2. Areas within a Priority Preservation Area (PPA)

PROPOSED GROWTH TIER MAP REVISIONS
Along with the process to amend the County Comprehensive Plan to include the growth tiers, the mapping is proposed to be revised to reflect changes in a property’s sewer plan classification. As properties receive a sewer classification of S-3 they would be able to shift from Tier II to Tier I. There are no changes proposed in the Tier III or Tier IV areas. The following developments are proposed to shift from Tier II to Tier I.

Urbana
- Northern Town Center MXD
- Urban Green
- Boxwood section of Villages of Urbana

Monrovia
- Landsdale

Linganore
- Linganore Town Center
- Properties along Yeagertown Rd.

Spring Ridge/Bartonsville
- Beshers property
- Preserve at Long Branch (Rayburn)
- Tallyn Ridge

Ballenger Creek
- Jefferson Technology Park
- Jefferson Park West
- Manor at Ballenger
- Wedgewood West

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Jefferson
• Woodbourne Manor

Municipalities
Relative to the municipalities the revised map will no longer reflect growth tiers within the municipal boundaries. The mapping will however still show growth tiers for the designated municipal growth areas that are still under the County’s jurisdiction.

RECOMMENDATION
Staff recommends that the Growth Tier Map with proposed revisions be adopted and incorporated into the County Comprehensive Plan.
Growth Tier Map - Frederick County

Proposed Revisions - Tier II to Tier I

Tier I
Tier II
Tier III
Tier IV
Tier IA
Tier IIA

Note: Each municipality is responsible for adopting their own growth tier mapping.

While efforts have been made to ensure the accuracy of this map, Frederick County accepts no liability or responsibility for errors, omissions, or positional inaccuracies in the content of this map. Reliance on this map is at the risk of the user. This map is for illustration purposes only and should not be used for surveying, engineering, or site-specific analysis.

Division of Planning and Permitting
February 10, 2017

Draft - February 10, 2017