TITLE: County Comprehensive Plan Amendment – Growth Tier Map

REQUEST: Public Hearing regarding an amendment to the County Comprehensive Plan to include the Growth Tier Map.

STAFF: Jim Gugel, Planning Director

RECOMMENDATION: Recommend the County Comprehensive Plan be amended to include the Growth Tier Map.

Enclosures:
Staff report
Growth Tier Map
Agency comments
December 4, 2017

TO Frederick County Planning Commission

FROM Jim Gugel, Planning Director

RE County Comprehensive Plan Amendment – Growth Tier Map

ISSUE
Staff is requesting a recommendation to amend the County Comprehensive Plan to include the Growth Tier Map.

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.

Additional Revisions and Comments
Based on agency and jurisdiction comments received, the revisions described for Lewistown and New Market would be recommended to the July 21, 2017 Draft Growth Tier Map.

1. **Lewistown** – With the recent approval of a sewer service area to address various health and septic failures, the properties now classified as PS and S-5 would be shown in the Tier II A category. Lewistown is designated on the Comprehensive Plan as a Rural Community and is not considered a growth area. Refer to Map 1.

2. **Town of New Market** – The Town adopted an updated comprehensive plan in June 2017. This Plan identifies several county properties within the Town’s Municipal Growth Element (MGE) for future annexation into the Town. Since these properties are not reflected on the County Comprehensive Plan within the New Market growth area and are not shown within a water/sewer service area they would be reflected on the Growth Tier Map as Tier II A. Refer to Map 2.
3. **Town of Middletown** – The Town is requesting that two properties, shown in the Tier II A, on the north side of Town that are within Town’s defined growth area be included within the County’s designated growth area for Middletown. This request to amend the growth area line is beyond the scope of this amendment, which is solely to include the Growth Tier Map in the County Comprehensive Plan.

4. **Town of Mt. Airy** – The Town references the Zeltman property, which is on the north side of Town and is designated for development on the County Plan but not the Town’s Plan. The property is classified Planned Service (PS) on the Water/Sewer Plan. The Tier II classification is the best fit for this property. The 84 Lumber area, which includes several properties all zoned Limited Industrial in the County are included within the growth area on the County Plan but NOT the Town’s Plan. The designation of these properties in Tier II is appropriate and does not create any obligation of Mt. Airy to serve them with public sewer and/or annex the properties.

5. **Town of Myersville** – Based on the Town’s recent 2016 Town Plan and some annexation updates there are several properties that would shift from Tier II to Tier II A. The annexed properties will no longer have a Tier designation. Refer to Map 3.

**RECOMMENDATION**
Staff recommends that the County Comprehensive Plan be amended to include the Growth Tier Map, with revisions for Lewistown, Myersville and New Market.

**Attachments**
Staff report
Draft Growth Tier Map – July 21, 2017
Agency/jurisdiction comments
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
   - Mill Bottom WWTP – Samhill Estates and Harvest 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
   - Lewistown Rural Community
2. Areas within a Municipal Growth Element (MGE) NOT planned for sewer service
   - Would include properties around Mt. Airy, Middletown, Myersville, 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, Myersville and Walkersville community growth areas

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**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

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- Wedgewood West
  - 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. Based on recent municipal comprehensive plan updates in New Market and Myersville there are properties proposed to shift primarily into the Tier II A category since they are within the municipality’s growth area but not reflected on the County Comprehensive Plan.

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