



**SOMERSET COUNTY
DEPARTMENT OF TECHNICAL AND COMMUNITY SERVICES**

Gary R. Pusey, Director

January 17, 2013

Rich Josephson, Director
Planning Services
Maryland Department of Planning
301 West Preston St., Suite 1101
Baltimore, MD 21201

RE: Somerset County Growth Tier Map Adoption – Additional Materials

Dear Mr. ^{Rich} Josephson:

Since the submittal of Somerset County's adopted Growth Tier Map in late December, 2012, we have had several discussions with staff members from the Maryland Department of Planning (MDP) to clarify certain designations shown on the Map. These discussions have been helpful to us and I'd like to summarize their outcomes in anticipation of MDP's report to the General Assembly. These comments are in addition to those I included as an attachment to you in a letter dated December 28, 2012 (copy attached).

First of all, I'd like to give you some perspective on residential development, and growth in general, in Somerset County. With 26,470 residents (2010 Census), Somerset ranks 22nd in the State, with only Kent County having fewer residents. When you exclude the approximate 3,400 inmates at Eastern Correctional Institute, the County has almost 1,100 fewer residents today than it did in 1890. The long-term effects of Hurricane Sandy are unknown, but Crisfield city officials are concerned that a number of people who had severe damage to their residences won't return, further reducing population.

The County issued only 15 building permits for single-family dwellings during the 2012 calendar year, after issuing only 21 permits in 2011. No major subdivisions (more than 5 lots) have been recorded in the last three years. Only 29 new lots have been recorded during this three-year period.

Development of any kind has been hindered by a variety of factors, including environmental constraints. The County has extensive Critical Area lands, tidal and non-tidal wetlands, and although not necessarily prohibiting development, more than 80% of the County contains hydric soils.

Given this background, the County, and MDP as evidenced by its population projections, does not anticipate rampant future residential growth. The County-adopted Growth Tier maps

designated 82% of the County as Tier 4, and with the preserved lands that I'll discuss below, this percentage will most likely increase.

Specifically, we designated certain parcels, all in the Princess Anne/Westover Growth Area, as Tier 3 that we have since discovered are either preserved from development by a conservation easement or are owned by the State of Maryland or by the County. Combined, these nine parcels total about 750 acres and will never be subdivided for residential development. Since these are "protected" lands, the Planning Staff would have no objection to re-classifying them as Tier 4. (Although would require County Commissioner approval, the Staff would favorably recommend these changes to the Commissioners.) These are in addition to 15 other parcels totaling 1,600 acres that were changed from Tier 3 to Tier 4 based on comments initially received from MDP and already approved by the County Commissioners.

Also, much of Smith Island is designated Tier 3 on our adopted Map. Given the limited potential for residential subdivision on the Island due to many issues, including environmental concerns, we have no objection to revising that to Tier 4 (again, this does require County Commissioner approval).

Based on MDP's analysis of our Map, 93% of areas "dominated by agriculture and forest" have been mapped as Tier 4. In addition, 92% of areas within the Department of Natural Resources' GreenPrint Targeted Ecological Area have been mapped Tier 4. I believe these figures indicate the level of seriousness that the County took in developing its Map to meet the Senate Bill 236.

An issue that has been raised concerns the recommendation in the County's 1996 Comprehensive Plan that Primary Growth Areas, such as the Princess Anne/Westover Area, are intended to be served by public water and sewer, and that instead of designating areas within the Growth Area as Tier 3, they should instead be Tier 2A.

In response, we recognize that our Plan is outdated, and although we have been working on the update off-and-on for the last couple years, we made the decision locally to delay the complete revision until significant State legislation had been complied with (i.e., SB 236) so that it could be incorporated into our County Plan. We are now in a position to move forward, and will do so during this year.

Regardless, a couple things have happened since the Plan was adopted in 1996. First, the Water and Sewer Plan was adopted and then revised several times, most recently in August 2008. The Plan does not show service areas in those areas we designated Tier 3 in the Growth Areas (which was the basis for that Tier 3 designation). That was in recognition that it was unlikely that those Tier 3 areas would be served by public sewer, certainly not within the 10 year Plan timeframe, but possibly much longer. I've spoken with Robin Street, Director of the Somerset Sanitary District, and he confirmed that there is a cap on the Princess Anne Wastewater Treatment Plant based on the pounds of nitrogen that are allowed to be discharged into the Manokin River. Mr. Street stated that this cap would preclude the Tier 3 properties from being served with public sewer for the foreseeable future.

In addition, our Water Resources Element (WRE) was adopted in March 2010, and was included as an amendment to the 1996 Comprehensive Plan. The WRE detailed a development scenario that was based on the adopted Water & Sewer Plan, so that those properties outside the sewer service areas (our Tier 3) would be developed on septic systems. Again, this was in recognition that the 1996 Plan was outdated as to how future development will occur (at least in regards to public sewer vs. septic systems); unfortunately, we have not updated the Plan to recognize the changing perceptions that are evident in the Water and Sewer Plan and with the WRE.

As a result, we don't believe the Tier 2A designation would be in agreement with the WRE, which is an element of the Comprehensive Plan, so in our opinion the Tier 3 designation would be more appropriate at this time. Admittedly, we have created this discrepancy in our own Plan, but I believe the development scenario contained in the WRE is more relevant since it's the more recent.

I hope the information I've provided in this letter will help to explain more fully how the County developed its Growth Tier Map. We appreciate the input and assistance MDP has given us during this process.

If you have any questions, please feel free to call me at 410-651-1424.

Sincerely,



Gary R. Pusey, Director
Somerset County Dept. of Technical &
Community Services

Cc: Ralph D. Taylor, Somerset County Administrator
Richard E. Hall, Secretary, Maryland Department of Planning
Matt Power, Deputy Secretary, MDP
Jason Dubow, Director, Environmental Planning, MDP
Tracey Gordy, Director, Lower Eastern Shore Regional Office, MDP

Enclosure



SOMERSET COUNTY
DEPARTMENT OF TECHNICAL AND COMMUNITY SERVICES

Gary R. Pusey, Director

December 28, 2012

Rich Josephson, Director
Planning Services
Maryland Department of Planning
301 West Preston St., Suite 1101
Baltimore, MD 21201

RE: Somerset County Growth Tier Map Adoption

Dear Mr. Josephson:

On December 18, 2012, the Somerset County Commissioners adopted a Growth Tier Map for the unincorporated areas of the County in accordance with the provisions of the Sustainable Growth and Agricultural Preservation Act of 2012.

The adopted map was prepared after extensive review and discussion by the Planning Commission, Planning Staff, local municipal officials, and residents of the County, and included input received from your Department, prior to being submitted to the County Commissioners. The Growth Tiers are shown on the enclosed compact disc.

A number of changes were made to the County's initial Draft Maps as a result of informal comments received from your Department. Although not all of the recommended changes were made, the majority of the discrepancies are due to minor mapping issues and interpretation of boundary locations contained in the County's adopted plans, such as service areas in the Water and Sewer Plan and growth areas in the Comprehensive Plan. A general explanation of the comments that did not result in mapping revisions is included in the attachment to this letter.

If you have any questions, please feel free to call me at 410-651-1424.

Sincerely,

Gary R. Pusey, Director
Somerset County Dept. of Technical &
Community Services

Cc: Ralph D. Taylor, Somerset County Administrator (without CD)
Richard E. Hall, Secretary, Maryland Department of Planning (without CD)
Matt Power, Deputy Secretary, MDP (without CD)
Jason Dubow, Director, Environmental Planning, MDP
Tracey Gordy, Director, Lower Eastern Shore Regional Office, MDP

Enclosure

SUMMARY OF INFORMAL COMMENTS RECEIVED FROM MDP SOMERSET COUNTY GROWTH TIERS MAP

EXISTING SEWER SERVICE

MDP Comments: This review element highlights parcels that have been mapped [by the County] as Tier 1, but not included in the Sewer map as existing service. Verification that these parcels are currently served is needed.

County Response: The County's Water and Sewer Plan identifies the location of existing sewer lines primarily along roads with a general sewer service area designated as "S-1" located on either side of the sewer lines. The S-1 areas do not correspond with parcel boundaries but instead are shown, for planning purposes, as generalized areas, with the result that some parcels may be divided into two categories. For the Growth Tier Maps, the County has designated the Tiers to coincide with parcel boundaries, so in some cases it may appear that the S-1 sewer service areas are being enlarged, but in reality the Tier 1 areas are only including the entirety of parcels that contain a portion of their land area within an existing sewer service area.

The first map highlighted by MDP was the Fairmount area, with a number of areas that contained comments. The County agreed that one parcel east of Hall's Creek Road and bordering Hall's Creek needed to be revised from "1" to "4" as this parcel was not located within an existing sewer service area. One other change affected a parcel near Nevette Muir Road that was revised from Tier 4 to Tier 1 since this parcel was partially located within an "S-1" sewer service area. Of the other areas highlighted by MDP, these were left unchanged as they were "split" by the S-1 sewer service area boundary, and in most cases the entire parcel was included as Tier 1. In a few cases, however, the parcel was left as a "split" parcel between Tiers 1 and 4, as these parcels were larger and it appeared more likely (due to environmental issues) that the only sewered development would occur along the front portion of the parcels adjacent to the road. Examples of this are parcels Hewitt Ford Road and north of Nevette Muir Road.

The second map was in the Westover area along Revels Neck Road. Two areas were highlighted by MDP as needing verification. The County agreed that the western-most parcel along Revels Neck Road should not be a Tier 1; however, since this parcel is zoned for development and is the anticipated future site of a large-scale distribution center the classification was changed to "3." The other area highlighted by MDP is along Kings Creek and the parcels are "split" in the County's adopted Water and Sewer Plan, with parts of those properties identified as "S-1." In accordance with the Guidance Document prepared by MDP, the entirety of these parcels was designated "Tier 1" so that the Tier boundaries would coincide with parcel boundaries.

The third map was also in the Westover area near Fairmount Road, where three areas were highlighted by MDP for verification. In each case, the parcels were split in the Water and Sewer Plan between being served (“S-1”) and “No service.” In accordance with the Guidance Document prepared by MDP, the entirety of these parcels was designated “Tier 1” so that the Tier boundaries would coincide with parcel boundaries.

PLANNED SEWER SERVICE

MDP Comments: This review element highlights parcels that are within a planned service area yet have not been mapped as Tier 2. Even those parcels that are currently protected or within a Rural Legacy Area, yet within a planned service area, should be mapped as Tier 2.

County Response: MDP provided two maps showing areas of concern – the first area is along Dividing Creek Road near Pocomoke City and the second area is near the village of Marion. For both of these maps, the County agrees that these areas are within a Planned Sewer Service Area and should be designated as Tier 2, and the County’s map has been revised to reflect this change.

AGRICULTURAL ZONING AND AREAS DOMINATED BY AGRICULTURAL AND FOREST LANDS

MDP Comments: This review element highlights parcels that are within the Agricultural zoning district, but have not been mapped as Tier 4.

In addition, MDP notes that “Some areas mapped as Tier III should instead be mapped as Tier IV, including areas zoned for agricultural or resource conservation and areas dominated by agricultural lands, forest lands, or other natural areas.”

County Response: MDP provided one map of the Westover area showing four areas of concern. These included the Fairmount Road area; an area between Old Westover Marion Road and Wedda Scott Road; an area east of Wedda Scott Road and Turkey Branch Road; and an area north of Route 13 near Curtis Chapel Road.

The County had designated all of these areas as Tier 3 because they were located within a County Growth Area as contained in the County’s Comprehensive Plan. The County’s Plan shows growth areas as general areas not delineated by parcel lines. When these generalized areas are superimposed on tax maps it’s clear that individual parcels are split by the growth area boundary. In these cases, due to the generalized nature of the comprehensive plan, when developing the Tier Maps the County extended the Tier 3 boundary to include all of a parcel. This was the case with almost all of the areas highlighted by MDP for closer inspection so the County has kept these areas as Tier 3. However, one large parcel north of Curtis Chapel Road and west of Arden Station Road questioned by MDP did appear to be located outside of a County Growth Area, and the County has revised its map to designate this parcel Tier 4.

Concerning the designation of areas zoned for agricultural or resource conservation as Tier 4, the County included all lands with a County zoning of "CO Conservation" as Tier 4, as well as a large majority of land zoned "AR Agricultural Residential." The only AR-zoned land not designated Tier 4 was in a County growth area and was instead designated Tier 3. Overall, approximately 82% of the County's land area is designated Tier 4. The law does not define "dominated by agricultural lands, forest lands, or other natural areas" and while the County recognizes that MDP recommends that these areas be defined by 100 acre "blocks," the County believes this standard would be better applied in more densely-developed areas of the State where large agricultural or forested tracts are not as prevalent as they are in Somerset County. Regardless, extensive natural areas were designated by the County as Tier 4, and as noted above, an overwhelming majority of the County also (82%). When the County reviewed MDP's initial informal comments regarding this issue, it appeared most of the areas being questioned were in a County growth area as defined in the County's Comprehensive Plan. These areas have been designated Tier 3 to meet the recommendations of the County's adopted Plan.

PROTECTED LANDS

MDP Comments: This review element highlights parcels that are currently under preservation but have been mapped as Tier 3. Parcels under preservation, outside of existing or planned sewer service areas, are to be mapped Tier 4.

County Response: MDP provided a detailed map of the Princess Anne/Westover area that indicated areas of concern; that is, properties that are preserved either through State-ownership or through some type of easement that restricts development. The County has reviewed these areas and agrees that those parcels under preservation should be designated Tier 4, and the County maps have been revised to reflect these changes. However, in some cases, parcels appeared to be under private ownership and in these cases, the County kept them as Tier 3 due to their location either within a County growth area or due to being zoned for development.