



ALLEGANY COUNTY
DEPARTMENT OF COMMUNITY SERVICES

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BOARD OF COMMISSIONERS

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December 21, 2012

Mr. Jason Dubow, Director
Division of Environmental Planning
Maryland Department of Planning
301 W. Preston St
Baltimore, MD 21201-2365

RE: Tier Adoption pursuant to SB 236

Dear Mr. Dubow:

Enclosed in **Attachment A**, please find the Allegany County Tier Map ("Map"), which includes tier designations pursuant to Senate Bill 236. The Allegany County Tier Map was adopted by the Board of County Commissioners of Allegany County on December 20, 2012 and will become effective on December 31, 2012 (see Motion, **Attachment B**).

This Map was generated by a GIS model utilizing the following data layer designations:

- Tier I:** S1 areas from Water & Sewer Plan (currently served by public sewer)
Municipal boundaries
- Tier II:** S2-S5 areas from Water & Sewer Plan (MDE approval with comment dated February 7, 2012) – (planned to be served within next 10 years)
Priority Funding Area (PFA - current State version)
Municipal growth areas
- Tier III:** Urban Zoning Districts
Rural Villages (from State PFA map)
- Tier IV:** Conserved Lands
State and Federal Forests
Rural Legacy
Program Open Space (POS)

Maryland Environmental Trust (MET)
The Nature Conservancy (TNC)
Flood buyout properties
Maryland Agricultural Land Preservation Foundation (MALPF)
Agriculture and Conservation (Non-Urban) Zoning Districts
County's Existing Land Use-Agriculture and Forest

The following methodology was utilized in developing the GIS model that resulted in the Map:

Tier I data layers supersede all other data layers. Areas that are within municipal boundaries and/or have existing public sewer service are designated as Tier I.

Tier II data layers supersede both Tier III and Tier IV data layers. Areas that are identified in the current Water & Sewer Plan as future growth areas (planned to be served within the next 10 years) are designated as Tier II. Also, any areas within the current State version of Allegany County's PFA are designated as Tier II. Utilizing the PFA results in a smaller coverage of Tier II than "locally designated growth area" from our 2002 Comprehensive Plan; however, it is a more current representation of areas where public sewer installation is anticipated. Municipal growth areas for the Towns of Barton, Lonaconing, Luke, Midland and Westernport, and the Cities of Cumberland and Frostburg, as identified in each municipality's comprehensive plan, are also designated as Tier II. See **Attachment C** for documentation of municipality coordination and concurrence. Notably, the Town of Midland has not provided a letter of concurrence per our request; however, no opposition to the proposed map has been expressed.

Tier III data layers supersede only one Tier IV data layer – the County's existing land use coverage of agriculture and forest. Areas identified as urban zoning districts and rural villages from the PFA map are designated as Tier III.

Tier IV designations are essentially the remainder of the County after Tier I, II and III designations. Areas that are conserved by various types of acquisitions, as well as non-urban zoning districts (agriculture and conservation), are designated as Tier IV.

Allegany County's Tier designations result in the following:

Tier I	27,715 ac (10%)
Tier II	17,470 ac (6.5%)
Tier III	16,093 ac (6%)
Tier IV	210,515 ac (77.5%)

GIS Shapefiles: Shapefiles were provided to MDP in August 2012 for preliminary review. The only change made to the files since the August 2012 submittal is a minor modification to Cumberland's

municipal growth boundary on the northwest side. The current GIS shapefiles are included in **Attachment D**.

Minor Subdivision Definition: By Code Home Rule Bill 8-12 dated November 8, 2012, Allegany County adopted a new definition for Minor Subdivision. A minor subdivision is defined as 7 lots or less, effective December 24, 2012. See **Attachment E**.

Grandfathering: Allegany County has very little development demand at this time. We have no subdivisions in the development pipeline that would be subject to SB236 grandfathering provisions.

Tier IV Exemption Request: Allegany County requests MDP review of County data to determine the maximum zoning yield of our Tier IV designated area for consideration of a Tier IV Exemption. A submittal of relevant data is forthcoming early in 2013.

We believe this submittal to be sufficient in documenting compliance with SB 236. If any additional data is needed, please contact Mrs. Angie Patterson, Land Use & Planning Engineer, at 301-876-9509 or apatterson@allconet.org.

Sincerely,



David A. Dorsey
Acting Planning Coordinator