

**Open Work Session
Comprehensive Plan
March 15, 2016**

Mr. Keith Hall, Long Range and Transportation Planner, and Mr. Jack Lenox, Director of Department of Planning, Zoning and Community Development, came before Council. Mr. Hall provided a copy of the Growth Tier Map to all Council members. Mr. Hall said we have been going through the process of deciding whether or not the County should have a Growth Tier Map and, if the County has a Growth Tier Map, what would that map be predicated on and what type of flexibility would the map have built into it above and beyond what state law currently allows. Mr. Hall said we are trying to work with the new administration at the state to provide them with something that can be almost a template for them to look at when administering a Growth Tier Map for a rural county, such as Wicomico County. Mr. Hall said, at the last meeting, he discussed with Council the language that would go into the draft Growth Tier Map and the process, such as what Council would be allowed to do and what would be the role of the Planning Commission and Council. He said the septic bill does not replace zoning, zoning still prevails, but this is an overlay that determines what level of a subdivision you are going to have in an area in addition to zoning, as well as the sewer treatment system. He said there are two types of subdivisions that apply to the Growth Tier Map. You have minor subdivisions, which is asking for no more than seven lots, but you still have to meet all Health Department regulations and go through the development review process with the Planning Commission. You then have major subdivisions, which is eight lots or more. He said the septic bill is strictly limited to new residential subdivisions. Mr. Hall said when you are looking at the Growth Tier Map it consists of four tiers. The state has criteria for designating the four tiers, so it is not an arbitrary designation. Mr. Hall said the map in front of Council has areas that are orange as well as brown, and those areas are currently served with a public service or as a function of an urban services district. The brown areas are outside the designated growth areas; orange is inside the designated growth areas. Mr. Hall said using the Water and Sewer Plan all the information was readily available, so they were able to proceed with outlining what is going to be Tier I, whether it is inside or outside the designated growth areas. Tier II areas consists of areas that are planned for service within the ten-year planning horizon of the Wicomico County Water and Sewer Plan. He further said there is a degree of speculation that those are properties that will be annexed; those are green on the map. Mr. Hall said there is a very limited amount of green inside the metro core as well as the designated growth areas around the local incorporated jurisdictions. If you are in the Tier II area, you can do a major subdivision, using a private, public or shared wastewater treatment plant. If you are using onsite septic systems, you are limited to no more than seven lots, contingent on meeting all Health Department regulations as well as going through the development review process with the Planning Commission. Mr. Hall said there is a restrictive nature to Tier II, if you do not annex, or if you do not have a community system. He said one caveat he would like to point out as part of a broader ongoing discussion is that through Senate Bill 236 there is the condition that should the County do private or packaged or community wastewater treatment plants, the County would have to be the controlling authority, which can be outsourced to a third party. Mr. Hall continued, he said the areas in yellow is Tier III, which are areas that he refers to as business as usual. You can have a minor or major

subdivisions using onsite septic systems. Also, Tier III allows you to use a wastewater treatment plan. Tier III offers the greatest flexibility especially when you are using onsite septic systems versus a function of connecting to a public system. Tier IV are the areas in white, which are very restrictive. You are limited to minor subdivisions using onsite septic systems, therefore, you are not allowed to ask for more than seven lots, and you have to meet all Health Department regulations as well as Planning and Zoning Commission approval. The areas in dark gray are the municipalities. At this point, most of the local incorporated jurisdictions have adopted their own tier maps. The areas in light gray are nonresidential zoned areas in the County to which the Growth Tier Map does not have any application whatsoever. Mr. Matt Holloway asked if this is county owned land, to which Mr. Hall responded county lands, state lands, lands with easements on them. It would be some of the nature conservancy lands as well. Land that are protected or preserved and their development potential is limited as best. Mr. Hall said Tier II and Tier IV have a contingency provision. If you meet two requirements, with the limitation of the soil, you can go over to a Tier III that will allow you to do major subdivisions with onsite septic systems. The two requirements are as follows: (1) Preliminary planning approval from the Planning Commission to exceed over seven lots. (2) Health Department approval that you can exceed over seven lots. If you can meet those requirements, you can move over to a Tier III, which is less restrictive resulting from onsite septic systems. Mr. Cannon said Mr. Hall keeps referencing the seven lots, asking if those are restrictions implemented by the State of Maryland, to which Mr. Hall said that is correct. Mr. Cannon asked once the Council issues a Tier Map, can the County then begin to peruse growth more aggressively, to which Mr. Hall responded, yes. Mr. Hall said since the County has not adopted a Tier Map, anything that is part of Tier I, Tier II, Tier III or Tier IV, you are limited to asking for no more than seven lots. Once the County adopts a Tier Map, you fall into the provisions of what Senate Bill 236 allows as far as where you can do major subdivisions and minor subdivisions and what treatment systems will be used to serve them. The County is trying to add the hybrid component to the Growth Tier Map, which says we understand the state does not want to see a lot of excessive residential growth out in the agriculture zoned areas. As Council is seeing with the poultry house discussion, it is a fine line planners walk on preserving property rights and trying to discourage incompatible uses being contiguous to one another. Mr. Cannon said the County is accepting the seven lots as a standard now. Mr. Hall said the County did move from three lots to the maximum the state would allow which is seven. The state has set seven or less for minor subdivisions and eight or more for major subdivisions. Mr. Matt Holloway asked if the seven lots could be changed to a higher number, to which Mr. Hall responded not as part of what is defined in the County Code as a minor subdivision. The way you can change that is go from an area that only allows seven on septic systems to an area that will allow more than seven or a major subdivision. What we are trying to do is create a system that allows people to move between tiers contingent upon good soils, which are becoming harder to find in Wicomico County, and factor in new and existing technology as far as what role it will play to serve failing septic systems. Mr. Joe Holloway asked if there is a breakdown in the percentages. He said he would like to see the percentage of the light gray as far as what percentage of the County that is. He said there is a lot of land in those areas. Mr. Hall said he thinks he is looking at public as well as protected land that is about 30,000 acres, but he has a table in the Comprehensive Plan that will show how much is exactly there. Mr. Matt Holloway asked if the Growth Tier Map shows the Maryland

Agriculture Land Preservation areas. Mr. Matt Holloway said there is one on White Lowe Road and one on Quantico Road that is not showing on the map. Mr. Hall said he can work with Mr. Frank McKenzie on identifying those, or he can show those areas as white and try to have all the nonresidential dwelling zoning districts covered up, so Council knows where it does not apply. Mr. Joe Holloway said they are always hearing the County is building out, but, if you look at the map, there is land you cannot build on and there is land not suitable for building, so there is not a lot of land left. Mr. Hall said approximately 16% to 25% is what is left in the unincorporated portion of the County that has soil suitable for individual septic systems. Mr. Hall stated but you never know what impact advances in technology will have on allowable growth. The Growth Tier Map is a reflection of the County's zoning, which is consistent with the land use, which is also consistent with the Water and Sewer Plan. If the Council is okay with the approximate delineation of the various tiers, as well as the conversion mechanism, respecting that there is already a public process for this as any movement between tiers is going to be as a result of some type of plan for a new residential subdivision being submitted, which the Council does not have a role in. Mr. Hall said staff from Planning and Zoning would like to make a recommendation that the Growth Tier Map be submitted to the Maryland Department of Planning and Zoning for informal comments. He said this would not be an official submittal. However, since this is predicated on the Comprehensive Plan, it would be good to get an idea of where the new administration is at and how receptive they are to the conversions. Mr. Hall said the conversions are not the norm; they are going to be the exception. You really have a lot of soils that have limitations with regards to supporting intensive residential development. Mr. Matt Holloway asked about the process for commercial development. Mr. Hall said he will add that language to the outline that was presented to Council on March 1st. He said planning staff would like to produce a Tier Map to the Maryland Department of Planning, Council, Executive, and public that is easy to understand. This does not have to be codified. It will part of the Comprehensive Plan. Mr. Matt Holloway asked if Mr. Hall has any idea of when the state will submit comments back to the County. Mr. Hall said it would be within 60 to 75 days. They will take into consideration the current Comprehensive Plan from 1998, and the draft 2016 Comprehensive Plan. He thinks the state is looking to entertain innovative ideas. He said the Growth Tier Map meets 90% of the criteria for Senate Bill 236. The one criteria that was not taken into consideration is the land covering, such as if you are a predominately wooded land cover, you are supposed to be a Tier IV. Mr. Hall said in that situation, the whole County would be a Tier IV. Mr. Cannon asked what is land cover, to which Mr. Hall responded just looking at what is on the ground today so, if you have forest or farmland in a designated growth area, the Maryland Department of Planning, under the previous administration, would comment that the land should be in a more restrictive tier designation. Mr. Creamer commented; if Council comes to a consensus on the Tier Map, then they need to get input from the Executive, because the Maryland Department of Planning does not want a Growth Tier Map from the Council and then one from the County Executive. There was a consensus from Council to move forward. Mr. Hall said he will work with the Executive's Office to see where they are with the Council's consensus.

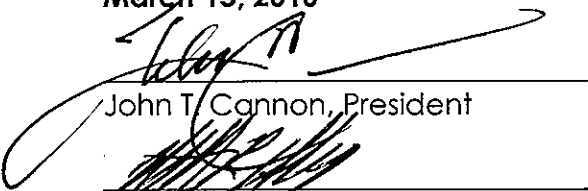
Mr. Hall continued, he said that all Council members were presented with a draft 2016 Comprehensive Plan today. He said some may ask if this is the same plan as the 2014

plan. He said from a land use perspective, yes. However, all the socioeconomic, demographic data, as well as building permit activity was updated. He said, if there is a table and there is new information, it got updated. Mr. Hall said whenever Council is ready to adopt the Comprehensive Plan, we need to make sure it has been updated with the latest data because this plan will run for 10 years. He said the function of preparing the Comprehensive Plan is stated in the Maryland Annotated Code under the Land Use Article. He said given that Wicomico County is a charter County, the Planning Commission is responsible for the document. He said this started in 2007 with different legislation that impacted the County that they were trying to stay ahead of, as well as going back to review the 1998 Comprehensive Plan. The County is currently working under the 1998 Comprehensive Plan that was amended in 2009 to include a water resources element. When looking at the plan document, there are five major components. You need to look at the existing plan and review it. Check to see what is still applicable, as a lot of the plan is still applicable. Also look at what new planning legislation has come out and how that may change, and look at the technological advances. In 1998, mapping was very limited. Today, what we can do with mapping is very impressive. Mr. Hall continued, he said then you have to develop public participation. This is making sure the public is at the table at every step in the development of the plan. He said the last thing planners or legislators want to do is take action on legislation or a plan that has not been vetted publically. He said that is never a good way to find out what type of opposition you have and usually not a good way to encourage support. Mr. Hall said as part of this plan update there were 13 public meetings in various locations of the County. He said the meetings were very well attended. The public was asked what is their vision of Wicomico County. One of the themes they heard over and over was the protection of the agriculture economy as well as encouraging residential development where there is existing or planned services. That is the balance they are looking for. Looking back at 2007, 2008 or 2009, there was not much residential development in those years, the decade before created the need to go back and look at if the growth area is too big, too small, etc. He said those are the discussions the Planning Commission has gotten into over the years. In addition to the 13 public meetings, there are surveys. There have been draft surveys available for public consumption. There have been over 40 planning meetings that have been open to the public. They have email list-serves to make sure they can distribute information. Mr. Hall said this is probably the most well vetted document in the history of Wicomico County. Like any policy document, it does not have a regulatory role like the zoning code. Mr. Hall said the next part is the hard part, as you have to create the plan. The Comprehensive Plan is roughly 200 to 250 pages. He said when you look at it, if you have any trouble sleeping at night, he recommends starting with Chapter 3. The plan incorporates the water resources element that was drafted in 2009. He said the water resources element was predicated in the land use plan. Mr. Hall said they have already gotten some strong endorsements from the Maryland Department of Planning. At the time of adoption of the water resources element, which amended the Comprehensive Plan, Wicomico County was one of three counties that complied with the expectations. Mr. John Hall asked when that amendment was done, to which Mr. Hall responded summer of 2009. Once the plan was prepared, it was put out for public comments. They continued to work diligently with the Planning Commission. Mr. Hall said the Compressive Plan has many linkages to other plans. When Council is looking at the plan, it is not advised to read only one element. Mr. Hall stated

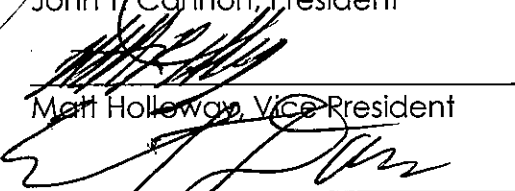
Mr. Cannon mentioned before that he was not able to locate failing septic systems in the plan. He said if you look at Chapter 5, which is the water resources element, or Chapter 7, which is the land use element, you will see implementation strategies that address that situation on a high policy level. Mr. Hall said the Comprehensive Plan has gone to the Maryland Department of Planning's clearinghouse. A lot of their comments were based on the need of having a tier map in the Comprehensive Plan. He said we are now at the adoption stage. Mr. Hall said they will take Council through the various elements. Some of the elements they will pay more attention to than other elements. Mr. Hall said as Council begins to review the plan, they may want to ask some questions, such as if the County wants to get the certification of its agriculture program back. He said right now the County does not have that certification. Mr. Hall further said Council may also want to familiarize themselves with land use as there are regulatory connections with this policy document. He said if there are land uses changed within the policy document, they should be consistent with the zoning map and zoning code. Mr. Hall said the discussions on the poultry industry regarding designated growth areas and non-designated growth areas, what should be uses or not be uses, how do we eliminate capability, that is what a good land use planner does. Right now the County has been in a very fortunate position to have good zoning in place as well as land use. He recommends reviewing the plan a few chapters at a time. He will point out the linkages/companion documents as the planned is reviewed. Mr. Cannon asked Mr. Hall what he would like to address at the next meeting. He said he thinks he will be able to get through the first four or five chapters. He said the first few chapters provide a lot of background information. He said the chapters are applicable, but they really do not have any policy implications. He said a lot of the information in the plan document is a central repository. He said there is an increasing degree of complexity as you go through the plan, especially the land use plan because for every proposed land use change, it is their intention to show Council where the land use change is and how that would translate to zoning. For any changes of uses that happen as part of the zoning code, they will highlight those and will show Council how they fit into the current zoning code. Mr. Creamer asked President Cannon if it would be appropriate to ask what block of time should be reserved for future meetings to review the Comprehensive Plan as that will let the planning staff know how much they can cover in the allowed period of time. For example, if you allow them 45 minutes then perhaps they can cover Chapters 1 through 5. Mr. Cannon said that is a good idea and asked Mr. Hall if he can review Chapters 1 through 4 at the next meeting, in 45 minutes, or if that would be too much to cover. Mr. Hall said he would like to review Chapters 1 through 5 at the next meeting. Mr. Hall said some meetings you will find that we can get through several elements, but when we get the agriculture chapter that may be an individual meeting. Mr. Cannon said Council will be prepared to review Chapters 1 through 5 at the next meeting. Mr. Hall asked if there was anything planning staff could provide Council as they review the plan. He said the plan will be provided electronically, it will be posted on the County's website, and it will be updated at the County Library. Mr. Cannon said the last plan he had did not have any maps in it. Mr. Hall said he would make sure the maps are included. Mr. Cannon explained that some PDF documents can be highlighted because they are converted electronically, but some PDF documents, like the some of the ones in the brief book cannot be highlighted because the PDF is created by scanning the documents. He

requested for the Comprehensive Plan to be converted to a PDF rather than scanned to a PDF document.

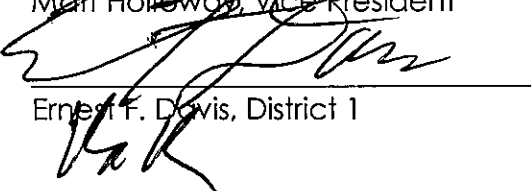
**Open Work Session
Comprehensive Plan
March 15, 2016**



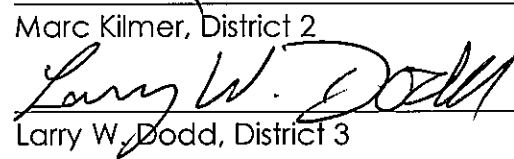
John T. Cannon, President



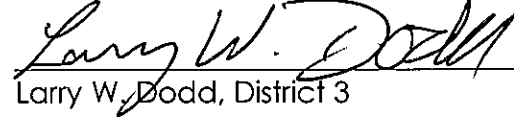
Matt Holloway, Vice President



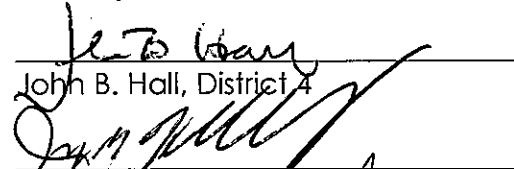
Ernest F. Davis, District 1



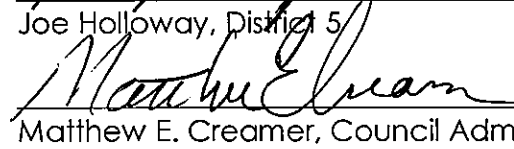
Marc Kilmer, District 2



Larry W. Dodd, District 3



John B. Hall, District 4



Joe Holloway, District 5



Matthew E. Creamer, Council Administrator