

2011 Supplement to the 2005 New Market Master Plan as amended

Foreword

This document is an explanatory Supplement to the New Market Master Plan (2005) as amended by the Municipal Growth Element (11/17/2010) and the Water Resources Element (11/17/2010). It has been prepared for two immediate purposes.

First, to answer and clarify past responses to questions raised by several State agencies and some Frederick County residents and organizations as to whether or not the Municipal Growth Element, as a component of a comprehensive plan, satisfies the requirements of State law, specifically Article 66B, §3.05(a)(4)(x). It is our intention to address each of these requirements and how they have been met in this Supplement. It is very important to note that the operative question is whether or not the Article 66B requirements have been met, not whether New Market is “right” in its vision of the future of the community and its surroundings.

Second, and most important, is to present the initial analytical and policy groundwork for a new New Market Master Plan. This opportunity is now available because Frederick County and the Town of New Market have agreed to prepare a Joint Planning Agreement that will lead to a Joint Master Plan cooperatively developed and recognized by both jurisdictions. This process is to be completed in 2011.

This Supplement is in two parts. The first is a directory to where substantive analysis and information meeting the Article 66B requirements may be found in the New Market Master Plan. It also contains material produced after Plan adoption that clarifies and amplifies the Town’s choices regarding growth and change. The second part is a Supplement to the Master Plan that contains comments received on the Municipal Growth Element and the Water Resources Element during the review period leading up to Plan adoption. It is dated 10/4/10. Comments include those from various State agencies, the County Department of Planning and Zoning, and members of the public. Each comment is cited, the appropriate language in the draft documents is quoted, New Market Planning Commission discussion is noted, and the Planning Commission decision regarding the comment is described.

New Market Master Plan Response to Article 66B Requirements

Because the Municipal Growth Element (MGE) along with the Water Resources Element (WRE) have been adopted as amendments to the 2005 New Market Master Plan and were developed to conform to and be an integral part of the overall Master Plan, information from each of the three components of the Master Plan will be used to respond to the Article 66B questions.

Article 66B, §3.05(a)(4)(x) states “For a municipal corporation that exercises zoning authority, a Municipal Growth Element, developed in accordance with Subsection (E) of this Section, which shall include consideration of:”

Requirement 1. Consideration of anticipated future municipal growth areas outside the existing corporate limits of the municipal corporation;

The Municipal Growth Element Checklist prepared by the Maryland Department of Planning and based on Models and Guidelines, Volume 25, Writing the Municipal Growth Element to the Comprehensive Plan suggests consideration of the following items: Land Use Goals, Development Goals, Preservation Goals, and Are the plan’s goals and visions consistent with long-term policy?

1. Land Use Goals

Regarding Land Use Goals, the New Market Municipal Growth Element contains the following pertinent information and analysis:

Section B. The Town's Visions (Page 4) lays out the Town's three fundamental visions. It also points out that "the recommendations and directions contained in this Municipal Growth Element are designed to be flexible and should be periodically reviewed and revised as situations warrant. Implementation of these recommendations should be phased-in over time, based upon community priorities, funding, resources, and market pressures."

Section C. Issues (Page 9) describes the transportation issues that must be resolved to achieve the desired land use pattern.

Section C. Development Beyond Present Town Limits (Pages 14-18) analyzes the type and direction of growth and annexation.

Section B. Joint Planning with Frederick County (Pages 34-36) describe a joint planning process with Frederick County that "will allow the participants 1) to shape planning areas based on inherent regional logic and political willingness, and 2) to plan together on issues that need to be examined regionally but to retain local control over implementation and local issues so long as implementation is consistent with an overall multi-jurisdictional framework plan."

The New Market Water Resources Element contains the following pertinent information and analysis:

Water Resources and Goals (Page 17) states that the Water Resources Goal for New Market is "To maintain a safe and adequate water supply and adequate capacities for wastewater treatment to serve projected growth; to take steps to protect and restore water quality; and to meet water quality regulatory requirements in the Monocacy River watershed."

The 2005 New Market Master Plan contains the following pertinent information and analysis:

Achieving the Vision (Pages 17, 21, 42, and 47) contains the four Visions that drive planning in New Market. They are:

"THE FIRST VISION: New Market's careful management and preservation of its character and historic identity is at the heart of its social and economic vitality -- The highest priority in New Market is the care and protection of its great resource -- the character of the town itself. New Market is a community of diversity; the town is a vital, year-round working community with a mixture of ages, income levels, architectural styles, commercial activities, and physical environments. The threads binding these diverse elements together are a quieter, slower town pace, a sense of intimacy produced by its historic buildings, layout, and small scale, and a mix of homes and shops that is the antithesis of modern commercialism. These qualities are enhanced by certain physical characteristics of the town's layout such as easy walking distances, houses close to the street, sidewalks, vegetation, key focal points of activity, and an identifiable and historic town center."

THE SECOND VISION: New Market's prudent guidance of its geographic expansion and population growth has extended the characteristics of unity, variety, order, and balance that typify the community -- New development in and around New Market is imbued with the "New Market character" and is judged with consistent standards of design quality, environmental soundness, and fiscal impact. New Market is very careful in assessing opportunities for expansion and change and its standards are applied to maintain the rural character, environmental soundness, and overall visual quality of the town; to retain its predominant residential character along with its housing styles, walking scale, and history; and to encourage the pride of its residents and its stability and independence as a community.

THE THIRD VISION: New Market's historic district is a balanced mix of residences and local-serving and regional businesses with a distinctive market niche and historic character -- The most important asset of New Market, its historic district, is readily identifiable in extent, contains a mix of mutually supporting residences, antique businesses, and personal services, and is controlled in architecture, historic quality, and signage. The scale of its buildings is linked to their surroundings and the pedestrian. It is identified as a statewide visitor destination, it is oriented to walkers rather than automobiles and contains a mix of businesses and homes, local and regional operations, and is dominated by locally-owned antique shop and other small businesses.

THE FOURTH VISION: The natural amenities and environmental resources of the New Market region have been protected to be enjoyed by and serve generations to come -- New Market is a community that takes special pride in the appearance of its urban spaces, the quality and the preservation of its natural environment, the carrying capacity of its natural resources and infrastructure, and the retention of its places of special beauty and interest. Its residents always have the time to give attention to the connections between past and present, between the natural and the manmade, and between residents and visitors.

Overall Strategies #2 (Page 22) describes a process to encourage cooperative and coordinated planning in the New Market region for the benefit of both the town and county.

2. Development Goals

Regarding Development Goals, the New Market Municipal Growth Element contains the following pertinent information and analysis:

Section B. The Town's Visions (Page 5) describes the fundamentals against which all proposals for change will be measured.

Section B. The Town's Visions (Page 5) also describes "a set of tools for directing future change and managing the pace of that change so that both new and existing communities enjoy the quality of life envisioned by the best of our planning efforts."

Section B. The Town's Visions (Page 5) further describes a choice "choose to accept orderly, compact, phased, and compatible growth in our Planning Area as our alternative to the suburban sprawl, automobile-dependent development that has consumed hundreds of thousands of acres of valuable land across our country."

The New Market Water Resources Element contains the following pertinent information and analysis:

Water Resources Goals and Objectives (Page 17) lists objectives in support of the overall Water Resources Goal and presents water resource strategies and recommendations to achieve these objectives.

The 2005 New Market Master Plan contains the following pertinent information and analysis:

Overall Strategies #2 (Page 17) describes a strategy to minimize the impact of destination and through traffic on the community.

3. Preservation Goals

Regarding Preservation Goals, the New Market Municipal Growth Element contains the following pertinent information and analysis:

Section B. The Town's Visions (Page 5) states as a fundamental vision that "Changes in land use patterns must result in benefits and resolve problems. The market value realized through society's decisions to promote development (for example, through zoning, annexation, and infrastructure) will be directed toward a community vision of an improved quality of life and to offset initial costs and create substantial continuing revenue for the community."

Section B. The Town's Visions (Page 5) also lists a series of objectives designed "to maintain balance in New Market's economic, aesthetic, cultural, and historic elements. This notion is built on a commitment to change at a pace that preserves the Town's special quality of life, preserves its diversity of citizenry and architecture, and preserves open space and the environment, as well as the Town's historic character."

The 2005 New Market Master Plan contains the following pertinent information and analysis:

Achieving the Vision (Pages 42-44) identifies strategies, policies, and actions to preserve the historic, small town atmosphere of New Market.

4. Are the plan's goals and visions consistent with long-term policy?

Regarding Consistency, the New Market Municipal Growth Element contains the following pertinent information and analysis:

Section VII Relationship of New Market's Long-Term Development Policy to the Vision of its Future Character (Pages 33-34) describes the relationship of New Market's long-term development policy to the vision of its future character.

The New Market Water Resources Element contains the following pertinent information and analysis:

The **Introduction** (Page 2) states "New Market's water and sewage treatment facilities are managed by Frederick County and provided to the Town based on Water Service

Area Agreements that detail the timing and process for allocating water and sewer taps by the County to the Town.”

The 2005 New Market Master Plan contains the following pertinent information and analysis:

Achieving the Vision (Pages 21-47) contains the four central Visions for New Market. Each Vision is accompanied by a set of Strategies, Land Use Policies, and Standards, Guidelines, and Administrative Measures expressed as specific action items for the Town to follow. The Visions, Strategies, Policies, and Actions are closely related and internally consistent.

Requirement 2. Consideration of past growth patterns of the municipal corporation;

The Municipal Growth Element Checklist prepared by the Maryland Department of Planning and based on Models and Guidelines, Volume 25, Writing the Municipal Growth Element to the Comprehensive Plan suggests consideration of the following items: Change in developed acreage, Population change, Location of land use changes, and Historical trends/issues.

1. Change in developed acreage

Regarding change in developed acreage, the New Market Municipal Growth Element contains the following pertinent information and analysis:

Section B. Land Use Change (Pages 7-8) and **Section 1. Land Needs** (Pages 14-15) contain descriptions of land use change. Table 4 on page 15 shows land needed in the future under various projections.

The 2005 New Market Master Plan contains the following pertinent information and analysis:

The Master Planning Challenge (Page 4) contains a brief description of change in the community and the master planning challenge it faces.

2. Population change

Regarding population change, the New Market Municipal Growth Element contains the following pertinent information and analysis:

Section A. Population: Past Growth Trends and Patterns (Page 6, Table 1) contains population change since 1940 for New Market, the New Market Region, and Frederick County.

The New Market Water Resources Element contains the following pertinent information and analysis:

Population Projections (Pages 4-6) contains County and Town population figures and is cross-referenced with the MGE.

The 2005 New Market Master Plan contains the following pertinent information and analysis:

New Market’s Regional Context (Pages 12-15) contains background data on Town and County population that were used in preparation of the MGE.

3. Location of land use changes

Regarding location of land use changes, the New Market Municipal Growth Element contains the following pertinent information and analysis:

Section B. Land Use Change (Page 7) contains a summary of land use changes since 1793.

The 2005 New Market Master Plan contains the following pertinent information and analysis:

Overall Strategies #1 (Pages 21-22) describes a strategy to expand the current growth area boundaries to better reflect property ownership patterns and potential development opportunities.

4. Historical trends/issues

Regarding historical trends/issues, the New Market Municipal Growth Element contains the following pertinent information and analysis:

Section I. Introduction (Pages 2-3) outlines the history of New Market.

Section C. Issues (Pages 9-10) contain a discussion of the transportation issues.

The New Market Water Resources Element contains the following pertinent information and analysis:

Water Service Area Agreement Background (Pages 6-7) contains background information on the Water Service Area Agreement between the Town and the County.

The 2005 New Market Master Plan contains the following pertinent information and analysis:

The Roots of a Community (Pages 1-3) contains a brief history of New Market.

The Built Environment: Opportunities and Constraints (Pages 7-12) contains descriptions of the issues surrounding such community facilities as thoroughfares, schools, fire and ambulance service, police and public safety, parks and recreation, and libraries.

New supplementary information regarding the requirement for *past growth patterns of the municipal corporation* is contained in the following:

The following Table 1 is a modification of the Table on page 6 of the MGE. Estimates for 2008 and 2030 have been eliminated.

Table 1. Population Change

Year	Town of New Market		New Market Region		Frederick County	
	Number	%Change	Number	%Change	Number	%Change
1940	360	22%	2653	15%	57312	5%
1950	301	-16%	2,759	4%	62,287	9%
1960	358	19%	3,596	30%	71,930	15%
1970	339	-5%	6,834	90%	84,927	18%
1980	306	-10%	9,857	44%	114,792	35%
1990	328	7%	15,855	49%	150,208	31%
2000	427	30%	29,107	84%	195,277	30%
2005	480	12%	34,160	17%	228,100	17%

Source: US Census, Comments on the Town of New Market Draft Municipal Growth Element, August 11, 2010

Requirement 3. Consideration of the capacity of land areas available for development within the municipal corporation, including in-fill and redevelopment;

The Municipal Growth Element Checklist prepared by the Maryland Department of Planning and based on Models and Guidelines, Volume 25, Writing the Municipal Growth Element to the Comprehensive Plan suggests consideration of the following items: Population growth projections for horizon year of plan, Capacity of lands available for development (incl. infill & redevelopment), and Future municipal growth areas (anticipated annexation areas).

1. Population growth projections for horizon year of plan

Regarding population growth projections for horizon year of plan, the New Market Municipal Growth Element contains the following pertinent information and analysis:

Section A. Future Population Growth Within the Town (Pages 10-11) show the State population projections.

Section B. County Growth Assumptions (Pages 11-14) contain the County population projections.

Section C. Development Beyond Present Town Limits (Page 15, Table 4) shows 2030 population projections by jurisdiction, growth area, and planning area.

The New Market Water Resources Element contains the following pertinent information and analysis:

Population Projections (Pages 4-6) contains County and Town projections and is cross-referenced with the MGE.

The 2005 New Market Master Plan contains the following pertinent information and analysis:

New Market's Regional Context (Pages 12-15) contains the population forecasts carried out in 2005 and updated in 2010.

2. Capacity of lands available for development (incl. infill & redevelopment)

Regarding capacity of lands available for development (incl. infill & redevelopment), the New Market Municipal Growth Element contains the following pertinent information and analysis:

Section B. Land Use Change (Page 8) states the following “The current residential merchant historic district serving residents and visitors, providing visitor-oriented uses such as antique shops, bed and breakfast inns and the like, will be preserved and enhanced. Specialty commercial uses will be accommodated to allow for new uses complementary to existing development, subject to all development standards and regulations. Businesses offering goods and services consistent with the historic character of the area, its current uses, and its residential base will be encouraged and associated residential use requirements will apply to encourage coexistence in all commercial zones.”

“Outside the historic district and residential areas, land appropriate for commercial, light industrial, and office/research development now exists and annexation studies shall be undertaken to examine bringing these possible employment locations into New Market. Industry must have access to transportation facilities and New Market occupies a key Interstate Highway location. Annexations that result in a regional balance between housing and employment opportunities, reduce potential commute distances, and are consistent with the visions and policies of the New Market Plan will be welcome.”

Section 1. Development Capacity by Zoning Category (Pages 10-11) shows development capacity by zoning district.

The 2005 New Market Master Plan contains the following pertinent information and analysis:

New Market’s Regional Context (Pages 12-15) contains the capacity forecasts carried out in 2005 and updated in 2010.

Overall Strategies #3 (Pages 27-29) contains a roads analysis that formed the basis of the analysis in the MGE.

3. Future municipal growth areas (anticipated annexation areas)

Regarding future municipal growth areas (anticipated annexation areas), the New Market Municipal Growth Element contains the following pertinent information and analysis:

Section C. Development Beyond Present Town Limits (Page 14) discusses development beyond Town Limits and shows a new “Planning Area” outside the Town. The redefined area is shown on Map 2 New Market Proposed Land Use.

The 2005 New Market Master Plan contains the following pertinent information and analysis:

Overall Strategy #1 (Pages 21-22) describes a strategy to expand the current growth area boundaries to better reflect property ownership patterns and potential development opportunities.

The Land Use Plan (Pages 48-49) and the Proposed Land Use Map describes a proposed distribution of land uses in the New Market region. This material was the basis for the revised land use map in the MGE.

New supplementary information regarding the requirement for *the capacity of land areas available for development within the municipal corporation, including in-fill and redevelopment* is contained in the following:

The **Background and Trend Data** paragraph on page 10 should be revised to read – “Based on the Census Bureau's most recent population estimates, the Town of New Market had a population of 480 in 2005, an increase of 53 since the 2000 Census (427). In 2000, the City had a total of 159 households. The Town of New Market is expected to grow from 179 households in 2005 to 647 by 2030, an increase of 468.¹”

The material on page 14 contained in **C. Development Beyond Present Town Limits** should be revised to read – “The Town describes its growth area in terms Annexation Area which is a subset of a larger Planning Area. The Planning Area is composed of those properties that will have an impact on the Town over the next 20 to 50 years. The Planning Area is further broken down into an Annexation Area. This is essentially a subset of properties that the Town anticipates growth within the next 20 years. The properties that comprise the Annexation Area are the Smith/Cline, Delaplaine and Ganley properties as well as the 10.2223 acres that are contiguous to the Mansfield Commercial property extending along the north side of Maryland Rt. 144 and east of Md. Rt. 75 all the way and including the Food Lion property (Lots 2R, 3, 4, 5, Outlot and portion of Morning Gate Lane in the Turnpike Farms Subdivision)².”

Table 3. Zoning District Household Capacity³

Zoning District	New Household Capacity	Acres
AP Amusement Park		17.7
I Institutional		3.4
MC Mixed Commercial		5.2
MRS Mixed Residential Service	26	21.7
OS Open Space		6.3
R1 Low Density Residential	336	266.9
R2 Medium Density Residential		1.0
RM Residential Merchant	3	41.2
Total	365	363.4

“Development capacities were calculated for current Town (see Appendix 1). These calculations can be found in Table 3 pg. 11. Table 10-30: New Market Community Land Use Plan: Town Portion⁴ pg. 13 illustrates the County’s calculations for the Town’s development capacity. The Town has chosen to use MDP’s estimate since it provided a more conservative number. It should be noted that there is variation in the estimates of 57 units (365-308).

“The Town does not plan to grow in those areas designated as a Planning Area, but not within the annexation area subset. The County’s New Market Community Growth Area exactly matches the Town’s Planning Area with the exception of the Smith, Cline, Delaplaine, Casey and Blentlinger properties. The Casey and Blentlinger properties are not in the Annexation Area subset and are therefore not designated

¹ Draft Town of New Market Development Capacity Analysis, MDP, November 2009 (see Appendix 1).

² Petition for Annexation of 10.2223 acres, more or less, into The Town of New Market, pg.1, Weinberg & Miller, LLC June 7, 2010 (see Appendix 2).

³ Draft Town of New Market Development Capacity Analysis, MDP, November 2009 (see Appendix 1).

⁴ A Comprehensive Plan for Frederick County, Md. Adopted April 2010, pg. 11-71.

for growth within the Town. However, the County's Growth Area south of I-70 matches the Town's Planning Area without exception. Thus, while the County anticipates growth in these areas, the Town does not plan currently to annex them as evidenced by the fact that they are not in the Town's Annexation area. Therefore, no development capacities were calculated for them in the NMMGE. However, by placing these properties in our Planning Area, the Town recognizes that their development will have an impact on the Town. Thus, the Town reserves the right to amend its plan to include those properties or any property within the Planning Area should the County permit development in those areas before Town anticipates. For example, the Ganley property, the 10.2223 acres that is contiguous to the Mansfield Commercial property extending along the north side of Maryland Rt. 144 and east of Md. Rt. 75 all the way and including the Food Lion property (Lots 2R, 3, 4, 5, Outlot and portion of Morning Gate Lane in the Turnpike Farms Subdivision) and the County Growth Area south of I-70 are all zoned and within a County Water and Sewer Service Area.⁵ However, their development is dependent upon the completion of the Bush Creek Interceptor and capacity related improvements to the McKinney WWTP. Should these improvements occur before the 20-50 year Town Planning Area horizon, the Town would then consider amending its plan in order to incorporate the properties south of I-70 within both County Community Growth Area and Town Planning Area into the Town's Annexation Area. It should be noted that the impacts of these properties are included in the County's Comprehensive Plan. Thus, since growth is already planned for those areas annexation is simply a matter of amending the Town's WSAA in order to change jurisdiction. Demand on public facilities would remain unchanged. Essentially a development in a mutually agreed area in the County is no different than one in the Town except that the Town may get the benefit of increase tax base that may serve to enhance its expenditures on police protection, parks and possible future library no less enhance its economic viability. This should be a stated County goal as outlined on pg. 11-1 of the Community and Corridor Plans in the County Comprehensive Plan Adopted April 2010. This specific issue is called out in its policy CP-P-01 on the same page. It specifically states,

*"Include the preparation of a municipal-County Planning Agreement that would address concurrence on annexation areas, water and sewer service and other relevant issues as part of updates of a municipal comprehensive plan as coordinated with the County."*⁶

"Thus the Town's plan recognizes the differences and similarities in goals and objectives in our perspective plans. It should be noted that the County as operated on no less than 4 plans in the last three years. While the Town's goals over the last 10 have remained relatively stable, the County's Plan as gone from one adopted in 2008 that the Town tried to follow with respect to development, utilities, schools and transportation to one that politically constrained those elements. For example, Smith Cline has two water transmission lines running through it including a fire hydrant in the middle of a cow field. It has sewer lines abutting the property. A two lane bifurcated Mussetter Rd. dead ends at the property line where it was one planned to extend through. Thus, to the extent that there are inconsistencies between the County and Town plans is not attributable to any physical inability to provide services to our planned Annexation Area (with the exception of the Delaplaine property), but rather a political one. The Town finds coordinating its plan with an ever volatile County political environment challenging at best. Now the Town anticipates the new County Board to again make certain revisions to the plan. If so, the Town will welcome the opportunity to exercise County Policy CP-P-01 using our combined growth management and concurrency tools including but not limited to APFO, annexation agreements, DRRA's, and WSAA's."

The material beginning on page 14 with the heading **1. Land Needs** should be revised to read as follows – "MDP, Frederick County and Town 2030 population estimates for New Market is provided in Table 4. The numbers reflect added population growth over the 2005 population of 480. The County population

⁵ Ibid, pg. 09-13.

⁶ Ibid, pg. 11-1

estimate is based on Table 10-30 (308du's x 2.60). Kindly note the Town uses a high more conservative population per household factor of 2.65. This comes directly from Table 2.

Table 4. 2030 Population Estimates

Source of Estimates	Town of New Market 2005	New Market Growth Area (Capacity Analysis)	New Market Annexation Area (by Town)	Total Population	Land Needed in acres (1)
MDP	480	1200	NA	1680	156
Frederick County	480	800	NA	1280	182
New Market	480	1200	2180 (2)	3860	490

(1) Density yield with sewer @ 3.0 du/acre

(2) Includes 925 du on Smith/Cline at a household size of 2.65

“The Town recognizes that the projected demand for housing by MDP only exceeds its capacity to supply housing within its current boundaries by only 103 units. Thus, Smith/Cline with 925 units, if annexed, would provide added capacity of 822 units. This attributes to the difference between MDP and County population estimates and the Town’s 2030 population estimate of 3,860 ((925du’s – 103du’s) x 2.65)).

“Since it is clear that both schools and transportation are regional issues, they should be solved cooperatively by both the Town and County. Therefore, the Town recommends that the County redistribute some of its growth to Smith/Cline. The County should maintain an APFO that will have the effect of driving annexations towards municipalities where they can use municipal annexation agreements to exact terms consistent with achieving concurrency for crossing the annexation threshold. The County can accept or deny these terms through the extension of water and sewer.

“Lastly, with respect to land needs and generally accepted planning principals. The Maryland Land Preservation, Parks and Recreation Plan 2009 states on page 5, paragraph 2, “the viability of agriculture and natural resources most often requires the preservation of large, contiguous tracts of land that are relatively free from the intrusive impacts of development.” Paragraph 3 goes on, “The Task Force recognized that patches of farms, forests, watershed lands, and other natural resource habitat surrounded by residential subdivisions and dissected by congested roads constitute a poor return on public investment in conservation, but are increasingly common, even in areas designated by local government and the State.”

“Planning Maryland, Models and Guidelines Vol. 27 pages 2 & 3 state, “The loss of agricultural land and the loading of farm roads with residential vehicle traffic lead to a ‘tipping point’ where agriculture is no longer a viable way of life in many of these areas. Few farmers’ desire increased numbers of motor vehicles, including school buses, on roads that have been used for decades for the movement of tractors, combines and local residents. As such, schools and farms do not usually make the best of neighbors. The pattern of residential development outside of communities and planned growth areas often takes the form of low-density house lots on well and septic systems. These house lots are usually an acre or more in size: sometimes up to three to five acres. Low-density residential development represents a consumption of acreage historically in agricultural use in areas not planned for residential development. This leads to increased vehicle loads on rural roads and the need for community services such as fire and rescue and parks outside of areas planned for these services. Soon, additional school capacity is needed to support the low-density development and the cycle repeats itself until large areas are shifted away from viable agriculture or natural resource uses.”

“The Town believes these conditions currently exist at the Smith Cline properties. Deer Crossing ES is to the north of Smith Cline. The Town and its schools are to the south of it. Boyer’s Mill Road with its cars and school buses bisect Smith Cline. The traffic studies, no less the great cattle crossing affair provides further evidence that the Smith Cline farms are no longer viable for either conservation or agriculture. We ask the County to reconsider whether it is wise to place unviable land into agriculture at the expense of a cultural and historic resource such as the Town of New Market. The threat is that the properties owners who may be land rich and cash poor be forced to subdivide into the few lots allowed. This would constitute an irrevocable land use decision that would have a permanent adverse impact on the Town as it shuts down the last remaining bypass corridor. Although the BOCC claims that growth patterns in the plan have changed thereby making the 2007 traffic studies outdated, the mathematical model remains the same due to the network transportation design described earlier. Nearly all growth would have to be placed south of Main St. to alleviate traffic. Losing this transportation corridor to an irrevocable land use decision is an unacceptable risk. We do not know what the future holds; we should be keeping our options open. By not putting Smith Cline in a LDR land use designation and an ultimate water and sewer planned service area, this plan does not recognize the practical realities on the ground. This is a major fallacy.”

Section 2. Type and Direction of Growth and Annexation beginning on Page 15 should be supplemented with the following material:

“A. Justification

- “1. Reduce traffic along Main St.**
- 2. Expand and Diversify Tax Base**
- 3. Create Jobs and Economy**
- 4. Avoid County Development Strangulation**

“As New Market Self Storage, Trout's Seafood Distribution Center, CVS Pharmacy, All Tune Lube, Food Lion, High’s, Mc Donald’s and the New Market Shopping Center demonstrate, the County is perfectly willing to develop property within the Town’s Community Growth Boundary without providing for annexation. Thus, opportunity for the Town to achieve its long term planning goals and objectives are rapidly diminishing.

“5. Irrevocable Land Use Decisions

“Smith, Cline and Delaplaine comprise the last west-east transportation corridor north of Md. Rt. 144. Should the Smith and Cline farms develop under any scenario without being required to build a bypass that would constitute an irrevocable land use decision. It should be noted that Smith and Cline may subdivide their properties under its current County zoning. It would be limited in number, but would not require a bypass. Thus, the Town would be stuck with no transportation alternatives and thereby face an ultimate traffic condition of 3,050 VPH at peak hour.

“B. Annexation Generally

“The annexation and development process provides as many as four and perhaps five opportunities for public input and participation. They are the annexation hearing, County zoning consistency hearing, WSAA amendment meeting at the County, DRRA hearing and establishment of floating zone hearing

“C. Impact Studies

“As a matter of standard practice when the Town receives an annexation petition, it will request, at the petitioners cost, impact studies. These may include, but are not limited to fiscal impacts, school impacts,

road impacts and environmental impacts. Given the County controls the Town's water and sewer utilities, the Town must develop an Annexation Plan pursuant to HB1141 that satisfies the County Board of Commissioners that all impacts of development have been reasonable addressed and mitigated through an annexation agreement that provides for funding for schools, roads and other community needs as identified in the studies. The annexation agreement does not provide a phasing schedule for construction.

"D. Developers Rights and Responsibilities Agreements

"Once a property has been annexed and the appeal period has expired, the Town may enter a DRRA that provides a construction phasing schedule tied to an amendment to the WSAA that provides the capacity and take down schedule for water and sewer taps. The Town generally grants 20 years for DRRA's that preserves the property owners zoning and phasing. Clearly the property owner must pay for all utility improvement not only on site, but for any offsite improvements required to provide the needed capacity as deemed by the County. A DRRA requires a public hearing. This is another opportunity for public input.

"E. Water Service Area Agreement

Before any develop phasing can be established in a DRRA the Town and County must amend the WSAA to provide capacity to serve the proposed development. This is the mechanism that provides a check and balance system for annexation and growth staging and financing.

"F. Floating Zones

"The Town generally likes the community design flexibilities afford by floating zones whether residential or commercial as opposed to straight Euclidean zoning. Floating zones can only be requested after annexation becomes final. Establishment of a floating zone requires a recommendation of consistency by the Town's Planning Commission and a public hearing by the Town Council.

"F. Historic Character

"The Town's Land Development Ordinance requires all annexed properties to be subject to architectural review by the Town's Architectural Review Commission. This ensures the Town's Historic Character will be preserved regardless of type of development. This is in sharp contract to county development within the Community Growth Boundary as exemplified by a self storage facility, CVS Pharmacy, All Tune Lube and Costco Warehouse that was developed without any Town input."

Requirement 4. Consideration of the land area needed to satisfy demand for development at densities consistent with the long-term development policy;

The Municipal Growth Element Checklist prepared by the Maryland Department of Planning and based on Models and Guidelines, Volume 25, Writing the Municipal Growth Element to the Comprehensive Plan suggests consideration of the following items: Land needed to satisfy future demand, Anticipated capacity/zoning of future annexation areas, and Relationship between projections and land capacity.

1. Land needed to satisfy future demand

Regarding land needed to satisfy future demand, the New Market Municipal Growth Element contains the following pertinent information and analysis:

Section C. Development Beyond Present Town Limits (Pages 14-18) describes the land area needed to accommodate future growth and annexation. The area is shown on Map 2 New Market Proposed Land Use.

The 2005 New Market Master Plan contains the following pertinent information and analysis:

New Market's Regional Context (Pages 12-15) contains the population and capacity forecasts carried out in 2005 and updated in 2010.

2. Anticipated capacity/zoning of future annexation areas

Regarding anticipated capacity/zoning of future annexation areas, the New Market Municipal Growth Element contains the following pertinent information and analysis:

Section C. Development Beyond Present Town Limits (Pages 14-18) describes the capacity and zoning of future annexation areas.

3. Relationship between projections and land capacity

Regarding the relationship between projections and land capacity, the New Market Municipal Growth Element contains the following pertinent information and analysis:

Section B. Land Use Change (Page 8) describes the land use principles that will guide future land use changes. Summarized, these are –

- Compact, high quality residential, employment, and institutional development is desirable
- Mixed Uses Are Desirable
- Natural Features Should Determine Design

Section C. Development Beyond Present Town Limits (Pages 14-18) describe the relationship between projections and land capacity.

*Requirement 5. Consideration of public services and infrastructure needed to accommodate growth within the proposed municipal growth areas, including those necessary for; [A summary of infrastructure impacts is contained on pages 28-29 in **Section I. Infrastructure Summary** of the MGE.]*

Requirement 5. A. Public schools, sufficient to accommodate student population consistent with State rated capacity standards established by the Interagency Committee on School Construction;

The Municipal Growth Element Checklist prepared by the Maryland Department of Planning and based on Models and Guidelines, Volume 25, Writing the Municipal Growth Element to the Comprehensive Plan suggests consideration of the following items: Public School Capacity.

1. Public School Capacity

Regarding public school capacity, the New Market Municipal Growth Element contains the following pertinent information and analysis:

Section B. Public Schools (Pages 20-22) contains a discussion and analysis of school capacities.

The 2005 New Market Master Plan contains the following pertinent information and analysis:

Overall Strategy #3 (Pages 24-27) contains a public school analysis that formed the basis of the analysis in the MGE.

Standards, Guidelines, and Administrative Measures (Page 40) describes specific actions to improve school planning.

New supplementary information regarding the requirement for *public schools* is contained in the following:

Following the discussion of school capacities on pages 20-22, the following material should be added – “The tables below provide the most up to date projection for the Oakdale and Linganore feeder patterns. They are based on the projects in the FCPS 2010 EFMP. All Planning and Annexation Areas west of Boyer’s Mill Rd. are in the Oakdale feeder pattern (See Maps). Thus, Smith Cline pupils would attend DCES, OMS and OHS. The tables below reflect the new data through 2019 as well as the changes from the NMMGE Adopted November 17, 2010.”

[ADD TABLE]

“It should be noted that Smith Cline pupil yield is based on Single Family Homes.

“The current school projections are consistent with the NMMGE Adopted November 17, 2010. There will not be enough elementary school capacity for the Smith Cline development. There is an overall need for 561 elementary school seats. This includes 132 seats at NMES, 114 seat at DCES and 315 seats generated by Smith Cline. Thus, through the joint planning process, the Town and the County must establish growth staging and funding mechanisms to resolve the long term elementary school capacity issues.

“The Town maintains that capacity for Town growth should be reserved as a matter of policy. Relative to the overall regional population, the Town occupies only a small percentage of school capacity at any level. Smart Growth would suggest that if development should occur around currently developed areas, then school capacity must be reserved to achieve this goal for the Town.”

Requirement 5. B. Libraries;

The Municipal Growth Element Checklist prepared by the Maryland Department of Planning and based on Models and Guidelines, Volume 25, Writing the Municipal Growth Element to the Comprehensive Plan suggests consideration of the following items: Library Services.

1. Library Services

Regarding library services, the New Market Municipal Growth Element contains the following pertinent information and analysis:

Section C. libraries (Pages 22-23) describes library service impacts.

The 2005 New Market Master Plan contains the following pertinent information and analysis:

Overall Strategies #3 (Pages 30-31) contains a library analysis that formed the basis of the analysis in the MGE.

Standards, Guidelines, and Administrative Measures (Page 40) describes specific actions to improve access to libraries.

Requirement 5. C. Public Safety, including Emergency Medical Response;

The Municipal Growth Element Checklist prepared by the Maryland Department of Planning and based on Models and Guidelines, Volume 25, Writing the Municipal Growth Element to the Comprehensive Plan suggests consideration of the following items: Public safety, medical response, police, and fire.

1. Public safety, medical response, police, and fire

Regarding public safety, medical response, police, and fire, the New Market Municipal Growth Element contains the following pertinent information and analysis:

Section D. Public Safety (Page 23) describes police and public safety impacts.

The 2005 New Market Master Plan contains the following pertinent information and analysis:

Overall Strategies #3 (Page 31-33) contain a police, fire, and rescue analysis that formed the basis of the analysis in the MGE.

Standards, Guidelines, and Administrative Measures (Page 40) describes specific actions to improve public safety.

New supplementary information regarding the requirement for *public safety* is contained in the following:

Section 1. Police and Public Safety on page 23 should be revised to read – “Both police and fire and rescue are services both town and county residents pay alike. To the extent that the Town provides extra or duplicate services by participating in the Extra Duty Hours Program or budgetary contributions or fee waivers to the NMVFD, these expenditures would be eligible for a County-Municipal Tax Set off. The cost of these services and the required increase in resident’s taxes to pay for them is discussed on pg. 23 of the NMMGE. The marginal income from taxes received from each new county/town resident should cover the marginal cost of that resident. Thus, if the County provides one deputy per every 750 residents and new deputy can be hired when the 750th residents moves in. If a new deputy can not be hired this would be an indication of a structural problem with the tax rate. Since county and town residents are all paying the county the same tax we should each receive the same service provided the County’s tax structure is appropriate. Nonetheless, the Town desires to not only maintain but grow its public safety coverage through Extra Hours and Community Deputy Programs as the Town grows. The Town has a good relationship with the Sheriff’s Dept. as well as Frederick County Division of Emergency Management as evidence by adopting their Hazard Mitigation Plan. The Town views these services as shared not necessarily proprietary to the County exclusively. As the current Board of County Commissioners state, “we are One County.”

