

THE EFFECTIVE DATE OF THIS RESOLUTION IS \_\_\_\_\_

RESOLUTION NO.\_\_\_\_\_

**RE: MONOCACY SCENIC RIVER MANAGEMENT PLAN 2017**

**RECITALS**

After the Maryland Scenic and Wild Rivers Act of 1968 was adopted, the first inventory, Scenic Rivers in Maryland, was released in 1970. The Monocacy River was identified as a significant state resource, worthy of immediate study, and as prime candidate for State Scenic River designation. On April 30, 1974, the Monocacy River was added to the Maryland Scenic River System.

The Monocacy River is one of nine (9) State-designated scenic rivers in Maryland, each with a management plan and an advisory body, as described in the Maryland Scenic and Wild Rivers Act (Ann. Code of Maryland, Natural Resources Article, §§8-401 – 8-403).

In 1990, the Monocacy Scenic River Local Advisory Board, with technical assistance from The Department of Natural Resources (DNR) prepared the initial Monocacy Scenic River Study and Management Plan. This Plan was approved by both Carroll County and Frederick County in May 1990. The 1990 Plan included a number of issues and recommendations to provide guidance to the River Board and other bodies (e.g. planning commissions and elected officials) for decisions that may affect the River corridor.

The 2010/2012 Frederick County Comprehensive Plan<sup>1</sup> addresses the Monocacy River resource in Chapter 3, “Conserving our Natural Resources and Green Infrastructure.” Chapter 3 outlines a green infrastructure plan element, which is comprised of forest, mountain, stream valley, and parkland/protected land resources. The Monocacy River is also listed as a specific resource

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<sup>1</sup> The 2010 Frederick County Comprehensive Plan was re-adopted in September 2012, by Resolution No. 12-19 without change to the text referenced herein.

in the Sensitive Areas Element of Chapter 3, which is a state mandated component of the Comprehensive Plan, intended to address the protection of environmentally sensitive areas. The 2010/2012 County Comprehensive Plan contains the following goals, policies, and action items to address the protection of natural resources in general and the Monocacy River in particular.

### Goals

*NR-G-01: Protect natural resources and environmentally sensitive areas in Frederick County.*

*NR-G-01: Manage growth and land development in Frederick County in a manner that is in harmony with the conservation and protection of our natural resources.*

### Policies

*NR-P-04: Encourage inter-agency and inter-jurisdictional cooperation and coordination of environmental protection plans and actions.*

*NR-P-06: Promote the establishment and protection of forested buffers along streams and the Monocacy River.*

*NR-P-10: Support the application of Resource Conservation zoning to steep slopes, forested lands, wetlands, and habitats of threatened and endangered species along the Monocacy River and its tributaries.*

### Action Items

*NR-A-05: Target areas along the Monocacy River as Forest Resource Ordinance priority areas (forest plantings and forest banking) in addition to stream in the Agricultural zoning district.*

*NR-A-06: Initiate an update of the 1990 Monocacy Scenic River Study and Management Plan, including examination of a Monocacy River Greenway and optional forms it could take.*

*NR-A-07: Establish a new variable-width development setback/buffer, specific to Catoctin Creek and the Monocacy River, which addresses water quality protection, topography and other landscape elements, wildlife habitat, historic and archeological resources, and scenic viewsheds.*

*NR-A-10: Amend the Agricultural Preservation ranking system to grant additional points to farms with frontage along the Monocacy and Potomac Rivers.*

In furtherance of the Action Item *NR-A-06* in the 2010/2012 Frederick County Comprehensive Plan, the Monocacy Scenic River Citizens' Advisory Board (River Board) initiated an update of the 1990 Monocacy River Plan in 2014, with technical assistance provided by the planning staff from both Carroll and Frederick Counties, as well as federal and state government agencies and other organizations.

The River Board's Initial Draft Plan was released in October 2016. Extensive public and property owner outreach efforts included the direct notification of river front property owners, placement of the Initial Draft Plan at several public libraries, and posting the Initial Draft Plan on the Frederick County web page. Staff supporting the River Board also presented information about the Initial Draft Plan to various community organizations and the Town of Walkersville.

Six (6) public meetings on the Initial Draft Plan were held by the River Board, which resulted in revisions being made to the Initial Draft Plan. River Board Staff gave eight (8) presentations on the Revised Plan to various community groups. The River Board's Final Draft Plan was released on June 16, 2017, followed by a River Board public hearing on July 12, 2017, and River Board approval of their Recommended Plan on August 2, 2017.

The Final Draft Plan retains the same general framework as the 1990 Plan, and focuses on the conservation and enhancement of the Monocacy River corridor and less on the entire Monocacy River Watershed, as was done in the 1990 Plan. Overall, the 2017 Recommended Plan retains large sections of the *1990 Plan*, and also includes updated information and narrative on scientific research regarding ecology and water quality; land use management policies; best practices for the agricultural sector; and water quality restoration and protection recommendations.

The Frederick County Planning Commission held a worksession on September 13, 2017, to receive information about the contents of the 2017 Recommended Monocacy Scenic River Management Plan, and on October 18, 2017, held a public hearing to receive public comments

regarding the Plan, and provided recommendations to the County Council. The County Council was also provided with the comments from the City of Frederick's Sustainability Committee and Planning Commission for consideration.

The Frederick County Council held a workshop on November 14, 2017, to receive a presentation regarding the contents of the Plan and the process by which it was prepared.

The County Council held a public hearing on February 28, 2018, to receive public comment on the Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF FREDERICK COUNTY, MARYLAND:

1. The Council finds that the 2017 Recommended Monocacy Scenic River Management Plan does not:
  - a. Advocate for public use of private land or the involuntary acquisition of private property for public use via eminent domain;
  - b. Recommend rezoning agricultural or resource conservation land for public use;
  - c. Compromise property rights or diminish the rights of owners of property adjacent to the Monocacy River;
  - d. Regulate or control the uses of private property adjacent to the Monocacy River;
  - e. Allow public access to or across privately held properties adjacent to the Monocacy River;
  - f. Promote the development of a public trail system adjacent to the Monocacy River; or
  - g. Mandate delineation of Ecologically Significant Areas (ESA) or any regulations of ESAs.

2. The County Council also finds that the 2017 Recommended Monocacy Scenic River Management Plan encourages all citizens to preserve and respect the River as an important and valuable natural resource.
3. The County Council supports posting information at public access points to educate the public about the proper uses of the river, public access points, and to respect the rights of the owners of private property bordering the Monocacy River.
4. The County Council also finds it noteworthy that the 2017 Recommended Monocacy Scenic River Management Plan does not propose establishment of a river keeper for the Monocacy River.

AND BE IT FURTHER RESOLVED THAT THE COUNTY COUNCIL OF FREDERICK COUNTY, MARYLAND, accepts the 2017 Monocacy Scenic River Management Plan, and finds that it is consistent with and supports the goals and policies of the 2010/2012 County Comprehensive Plan.

The undersigned hereby certifies that this Resolution was approved and adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 2018, by a vote of \_\_\_\_-\_\_\_\_ (\_\_\_\_ opposed).

ATTEST:

COUNTY COUNCIL OF  
FREDERICK COUNTY, MARYLAND

\_\_\_\_\_  
Ragen L. Cherney  
Council Chief of Staff

By: \_\_\_\_\_  
Bud Otis, President

Received by the County Executive: \_\_\_\_\_

COUNTY EXECUTIVE ACTION: \_\_\_\_\_ Approved      \_\_\_\_\_ Vetoed

\_\_\_\_\_  
Jan H. Gardner, County Executive