



FREDERICK COUNTY BOARD OF APPEALS

JUNE 26, 2025

TITLE: **Appeal Of Planning Commission Approval of Compost Crew at Utica Bridge Farm Site Plan**

FILE NUMBER: **B-25-14 (B277447)**

REQUEST: A de novo Appeal of the Planning Commission's approval of the Compost Crew at Utica Bridge Farms (Reapproval) Site Development Plan No. SP19-17 (AP SP277005 APFO A277003). The address for this property is 7245 Lakeview Road, Frederick, MD 21701.

PROJECT INFORMATION:

ADDRESS/LOCATION: 7245 Lakeview Road, Frederick, MD 21701
MAP/PARCEL: Tax Map 040, Parcel 0094
COMP. PLAN: Agricultural/Rural
ZONING: (A) Agricultural
PLANNING REGION: Frederick
WATER/SEWER: NPS/NPS

APPLICANT/REPRESENTATIVES:

APPLICANT: Compost Crew at Utica Bridge Farm
APPELLANTS: John and Amie St. Angelo
Zachary Matter and Victoria St. Angelo
Luke and Valerie Myers
Nicholas and Shannon St. Angelo
Christoper and Ashley St. Angelo
ENGINEER: N/A
ARCHITECT: N/A
ATTORNEY: Michele Rosenfeld, Esq., for Appellants
Casey Cirner, Esq., for Applicant

STAFF: Cody Shaw, Planner II
Kathy Mitchell, Senior Asst. County Attorney

BACKGROUND/FACTS

On January 12, 2022, the Frederick County Planning Commission approved a site development plan application (titled “Key City Compost at Utica Bridge Farms”) for a limited food waste composting facility on a 29-acre Site. This site development plan approval was valid for three (3) years, or until January 12, 2025. The Adequate Public Facilities Ordinance (“APFO”) Letter of Understanding (“LOU”) associated with this site plan was valid for a period of three years, and also expired on January 12, 2025. The January 12, 2022 Staff Report is attached hereto as Exhibit 1.

On February 12, 2025, the Planning Commission approved a new, but basically identical, site plan application that was filed by the new owner (Compost Crew at Utica Bridge Farm). The APFO LOU was updated, documenting a slight increase in the required pro rata escrow contributions for road improvements. This site plan was approved with 3 modifications and two conditions of approval, which are stated in the February 12, 2025 staff report. On February 26, 2025, a site plan approval letter was issued, with the understanding that all applicable conditions would be satisfied as the project moves forward to completion. The February 12, 2025 Staff Report is attached hereto as Exhibit 2.

The Appellants filed a timely appeal of the Commission’s February 12, 2025 decision with the Frederick County Board of Appeals (“Board”). The Appellants request that the Board reverse and vacate the Planning Commission decision under its authority as set forth in Frederick County Zoning Code § 1-19-3.32(D)(2) for the reasons explained in their filings in this appeal. On April 24, 2025, the Board voted to hold a *de novo* hearing for the appeal.¹

The Board’s authority to hear appeals of Planning Commission decisions is found in § 1-19-3.230 of the Frederick County Code. Subsection (A) states that “appeals to the Board of Appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the jurisdiction affected by any decisions of the administrative officer.” Subsection (D) states that the Board “may, in conformity with [applicable State law] reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.”

DISCUSSION: Staff from the Division of Planning and Permitting will present the staff report discussing the Zoning Ordinance requirements for the site plan and recommending approval, essentially asking the Board to reaffirm the Planning Commission’s decision. However, we would like to point out some pertinent issues that apply to this appeal.

1. Constraints on Planning Commission/BOA Authority: First, even though the Board “steps into the shoes” of the Planning Commission and has all of the authority of that body, it is important to note that the Board is also subject to constraints on the Planning Commission’s authority. The Planning Commission has authority under the Zoning Ordinance to approve a site plan, but does not have authority to impose or enforce other requirements, including but not limited to, State Code requirements. The Appellants here are making arguments against site plan approval based on Maryland Code and COMAR requirements, which are not within the purview of the Planning Commission and are therefore not within the Board’s authority.

¹ A *de novo* hearing means that the site plan approval process will “start anew” and that the Board’s decision will be based on evidence submitted for and at the June 26, 2025 hearing.

For example, the Appellants argue that Compost Crew, the applicant, doesn't have a valid State permit in their name. However, although it is the responsibility of the Applicant to be sure that all State requirements are met before beginning operations on the Site, State permits are not part of the site plan approval requirements in the County Code.

Another example is the argument made by the Appellants with regard to stormwater management (SWM). Compliance with SWM regulations is ultimately the responsibility of the Maryland Department of the Environment, which has delegated a portion of its authority to the County's Environmental Compliance staff. The Planning Commission has no authority to regulate SWM, and neither does the Board. In addition, it is Staff's understanding that the State has sent a recent letter indicating that the Site complies with SWM requirements.

While the County Code requires that appropriate State permits are issued before building permits or occupancy permits can be approved by County Staff, the failure to meet State requirements will not bar site plan approval, which is just one step in the process.

2. Enforcement During Operations: Some of the County Code regulations for this limited composting use apply to approval of the site plan and others apply to the actual use approved by the site plan. In fact, compliance with some of these rules cannot be determined until the use begins. For example, the Code has provisions restricting odors from extending beyond the property line. In the usual case, a violation of this requirement cannot be "proven" until after the use has commenced. The same is true of the requirements related to incorporation of food waste into the composting process within 24 hours; preventing liquid runoff; and sorting and processing food waste "in a manner that prevents harboring or breeding of insects or animals, and prevents creation of odor, litter, or other nuisances that may be harmful to the public health or the environment." Compliance with these standards cannot be proven prior to beginning the commercial composting operations. The applicant agrees, as a part of the site plan approval process, to abide by these rules, and if they do not, then a zoning violation can be filed and staff can enforce the requirements.

This case is unusual because there is already an existing (non-commercial) composting use on the Site. The existing non-commercial use does not require site plan approval. Any current issues with odors, incorporation of food waste, or runoff must be enforced by County staff upon a finding that a violation has occurred. In this case, staff has reported that, in the three years that the limited non-commercial composting operation has been in place, no complaints were made to the County. The first complaint was not filed by the Appellants until after this appeal was filed, and several more have followed. After investigating these complaints, staff has found no evidence of the existence of any of the problems being complained of. However, even if these issues do exist, they cannot be used to bar approval of the site plan. They are the subject of enforcement action, not a reason for denial of site plan approval.

In response to one of the Appellants' assertion, it is important to recognize that the 24-hour incorporation issue that the Appellants claim was not in the staff report was and is actually part of the approved site plan. See the No. 8 of the Composting Notes shown below. The Notes also incorporate the other County Code requirements for operating a commercial composting facility.

COMPOSTING NOTES

1. LIMITED FOOD WASTE COMPOSTING ACTIVITIES ARE COVERED UNDER THE GENERAL COMPOSTING PERMIT (GP-CF01) BY THE MARYLAND DEPARTMENT OF THE ENVIRONMENT.
2. LIMITED FOOD WASTE COMPOSTING ACTIVITIES AND OPERATIONS SHALL BE SET BACK A MINIMUM OF 25 FEET FROM THE FLOODPLAIN DISTRICT AND 100 FEET FROM THE BANKS OF RIVERS, STREAMS, OR OTHER BODIES OF WATER.
3. LIMITED FOOD WASTE COMPOSTING ACTIVITIES AND OPERATIONS SHALL NOT CAUSE ANY ODOR, DUST, SMOKE, VIBRATION, OR UNREASONABLE NOISE WHICH CAN BE DETECTED AT OR BEYOND ANY PROPERTY LINE.
4. ALL ACTIVITIES AND OPERATIONS ASSOCIATED WITH THE LIMITED FOOD WASTE COMPOSTING FACILITY SHALL BE LOCATED A MINIMUM OF 150 FEET FROM PROPERTY LINES AND AT LEAST 300 FEET FROM A DWELLING NOT OWNED OR OPERATED BY THE OPERATOR OF THE COMPOSTING FACILITY.
5. COMPOSTING OPERATIONS WILL MAINTAIN A 4 FEET SEPARATION FROM THE SEASONAL HIGH-WATER TABLE AS DETERMINED BY SCS ENGINEERS IN A MEMORANDUM DATED JULY 24, 2020.
6. THE APPLICANT SHALL MAINTAIN RECORDS DETAILING THE DATE AND SOURCE OF OFF-SITE GENERATED FOOD WASTE. THE RECORDS MUST BE MADE AVAILABLE TO THE ZONING ADMINISTRATOR UPON REQUEST.
7. ALL MATERIALS AT THE LIMITED FOOD WASTE COMPOSTING FACILITY SHALL BE SORTED AND PROCESSED IN A MANNER THAT PREVENTS HARBORING OR BREEDING OF INSECTS OR ANIMALS, AND PREVENTS CREATION OF ODOR, LITTER, OR OTHER NUISANCES THAT MAY BE HARMFUL TO THE PUBLIC HEALTH OR THE ENVIRONMENT.
8. ALL INCOMING MATERIALS ASSOCIATED WITH FOOD WASTE MUST BE INCORPORATED INTO THE COMPOSTING PROCESS WITHIN 24 HOURS. LIQUIDS MUST BE CONTROLLED TO PREVENT RUN OFF DURING OFFLOADING, STORAGE, AND PROCESSING OF ALL RECEIVED WASTES.
9. GRINDING WILL ONLY OCCUR BETWEEN 8:00 AM AND 5:00 PM, MONDAY THROUGH FRIDAY.
10. MARYLAND DEPARTMENT OF THE ENVIRONMENT CONTACT INFORMATION:

RESOURCE MANAGEMENT PROGRAM: (410) 537-3314

3. Stull Road Issues: The Appellants argue that Stull Road cannot be paved and expanded to 20 feet because it is a rustic road. This is not correct. Stull Road is not a rustic road, as rustic roads must be designated as such by the County Council after a public hearing. Stull Road is a candidate road, which may be considered in the future for designation as a rustic road, but it is not currently a rustic road. In addition, Lakeview Road is not even a candidate road.

4. Site Design - Negative Impacts: The Appellants argue that the requirements of § 1-19-3.300.4 (A) haven't been met for this site plan. This subsection of the County Code discusses site design, and states: "Existing and anticipated surrounding land uses [must] have been adequately considered in the design of the development and negative impacts have been minimized through such means as building placement or scale, landscaping, or screening, and an evaluation of lighting." First, the Planning Commission thoroughly considered the surrounding land uses, and approved a site plan with measures in place to minimize odors and other negative impacts. In addition, if the negative impact is odor, it is hard to see how this could be mitigated by the location or size of buildings, landscaping, screening, or lighting. Of course § 1-19-8.408 (D) already covers this issue (by restricting any odor that can be detected at or beyond any property line), and, as stated above, this issue is one of enforcement rather than a bar to site plan approval.

5. Road and Traffic Issues: The Appellants have raised a number of issues related to roads and traffic, and Staff's responses are as follows:

a) The estimated 18 AM and 18 PM peak hour trips do not mean a truck will enter or exit the Site every three minutes. That claim is based on a misunderstanding of how traffic data is determined. The estimated 18 trips include employee vehicles, visitors in passenger vehicles, in addition to trucks. The Institute of Transportation Engineers (ITE) trip generation manual, 11th edition, doesn't have a land use code specifically for composting facilities. In these circumstances, engineering judgment is allowed, or similar land uses or data provided by the applicant can be used for guidance.

b) Both of the APFO LOUs (from 2022 and 2025) state the following “Widen and restripe Stull Road and Lakeview Road from US 15 to the proposed site access on Lakeview Road to provide a 20’ pavement width”. Clearly, these roads will be paved and widened, as the Appellants have requested.

c) The turning radii for the site access are compliant with County Code requirements. Compost Crew has provided site access with a 40’ curb turning radius off of Lakeview Road. According to the American Association of State Highway and Transportation Officials (AASHTO) standards and design guidelines, the minimum turning radii for design vehicles WB-40 and WB-50 (Intermediate Semi trailers) are 40 ft and 45 ft, respectively. Therefore, the turning radii are adequate. Widening and striping the access road will provide additional adequacy.

6. Additional Responses. County staff reserves the right to provide additional responses and evidence at the hearing.

CONCLUSION:

Based on this memo, the Staff Reports, and other evidence presented in this case, the Division of Planning and Permitting hereby requests that the Board of Appeals confirm the decision of the Planning Commission and approve the Compost Crew site development plan.



FREDERICK COUNTY PLANNING COMMISSION

January 12, 2022

TITLE: Key City Compost at Utica Bridge Farms

FILE NUMBER: **SP19-17, AP-19894 (APFO-19895, FRO-19896)**

REQUEST: **Site Development Plan Approval**

The Applicant is requesting Site Plan approval for the establishment of a limited food waste composting facility on a 5.95-acre Site within a 29-acre parcel.

PROJECT INFORMATION:

LOCATION: 7245 Lakeview Road, Thurmont, MD
TAX MAP/PARCEL: Tax Map 40, Parcel 94
COMP. PLAN: Agricultural/Rural
ZONING: Agricultural
PLANNING REGION: Frederick
WATER/SEWER: Water -No Planned Service/Sewer – No Planned Service

APPLICANT/REPRESENTATIVES:

APPLICANT: Utica Bridge Farms, LLC
OWNER: – same –
ENGINEER: Smith + Gardner Engineers
ARCHITECT: N/A
ATTORNEY: N/A

STAFF: Cody Shaw, Principal Planner

RECOMMENDATION:

Conditional Approval

ATTACHMENTS:

Exhibit 1 – Close view of Site
Exhibit 2 – Modification Requests
Exhibit 3 – Letter of Understanding

STAFF REPORT

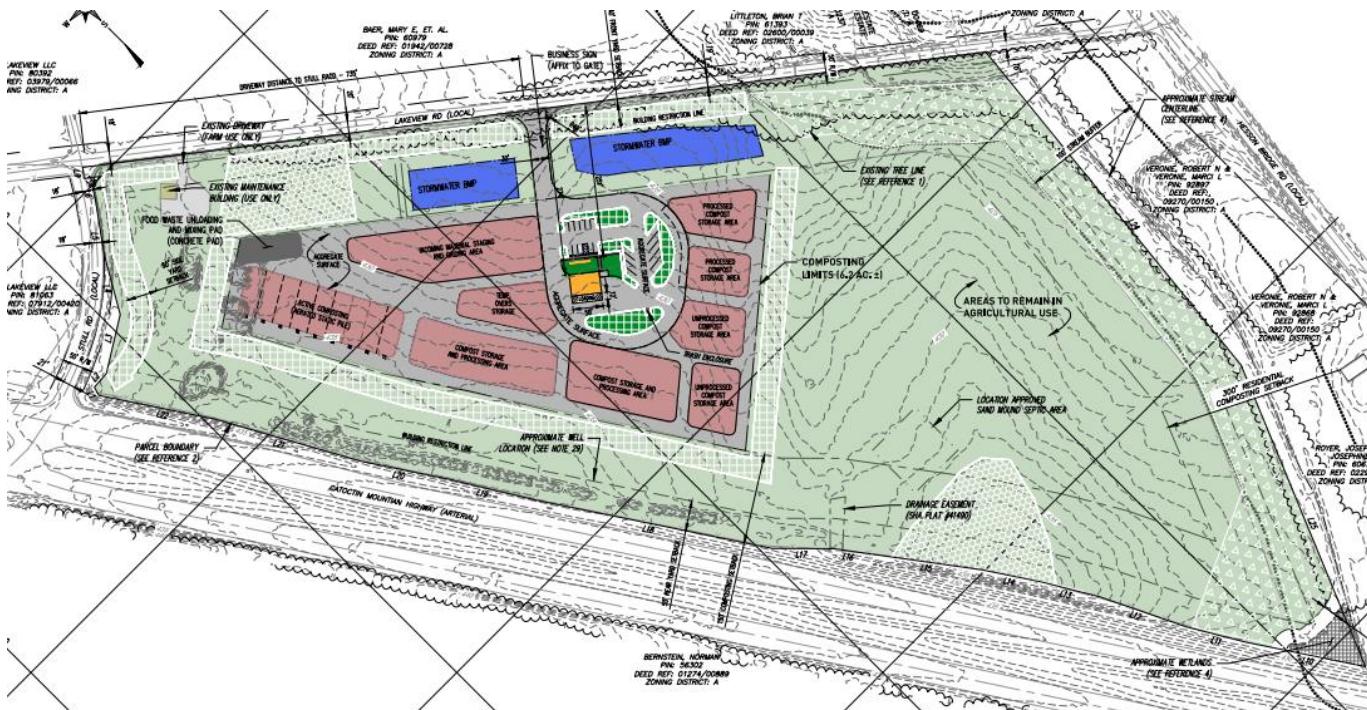
ISSUE

Development Request

The Applicant is requesting Site Plan approval to establish a limited food waste composting use on a portion of a 29-acre parcel. The Project is subject to the requirements of the Frederick County Code, specifically Sections 1-19-3.300 through 1-19-3.300.4 for Site Development Plan Review. The request is being reviewed under the use "limited food waste composting: commercial activity" per §1-19-5.310 Use Table in the Zoning Ordinance.

The Site is zoned 'Agricultural' and the proposed use is being reviewed under §1-19-8.408 Limited Food Waste Composting in the A District of the Zoning Ordinance. The site proposes several improvements, including a 320 sq ft office, a 6,800 sq ft maintenance building, and several areas that serve the composting operations. Composting operations areas include incoming material staging and grinding, compost storage and processing, and processed compost storage.

Figure 1 – Site Overview



BACKGROUND

Development History

The subject property is located in the Agricultural Zoning District. The Site has been an active agricultural field for many years. On September 4, 2018, Bill No. 18-22 was introduced to allow the use "limited food waste composting." It became effective December 15, 2018.

The Site has been operating recently performing composting operations on a scale of less than 5,000 sq ft, as permitted under 1-19-8.408 of the Zoning Ordinance. All necessary permits and approvals to do this have been obtained. This proposed site plan application is to allow the composting to increase in size.

Existing Site Characteristics

The 29+- acre property is located on the south side of Lakeview Road and on the north side of US 15. The subject Site, which consists of a 5.95 acre portion of the property, is currently an active agricultural field.

Figure 2 – Site Aerial – Existing Conditions

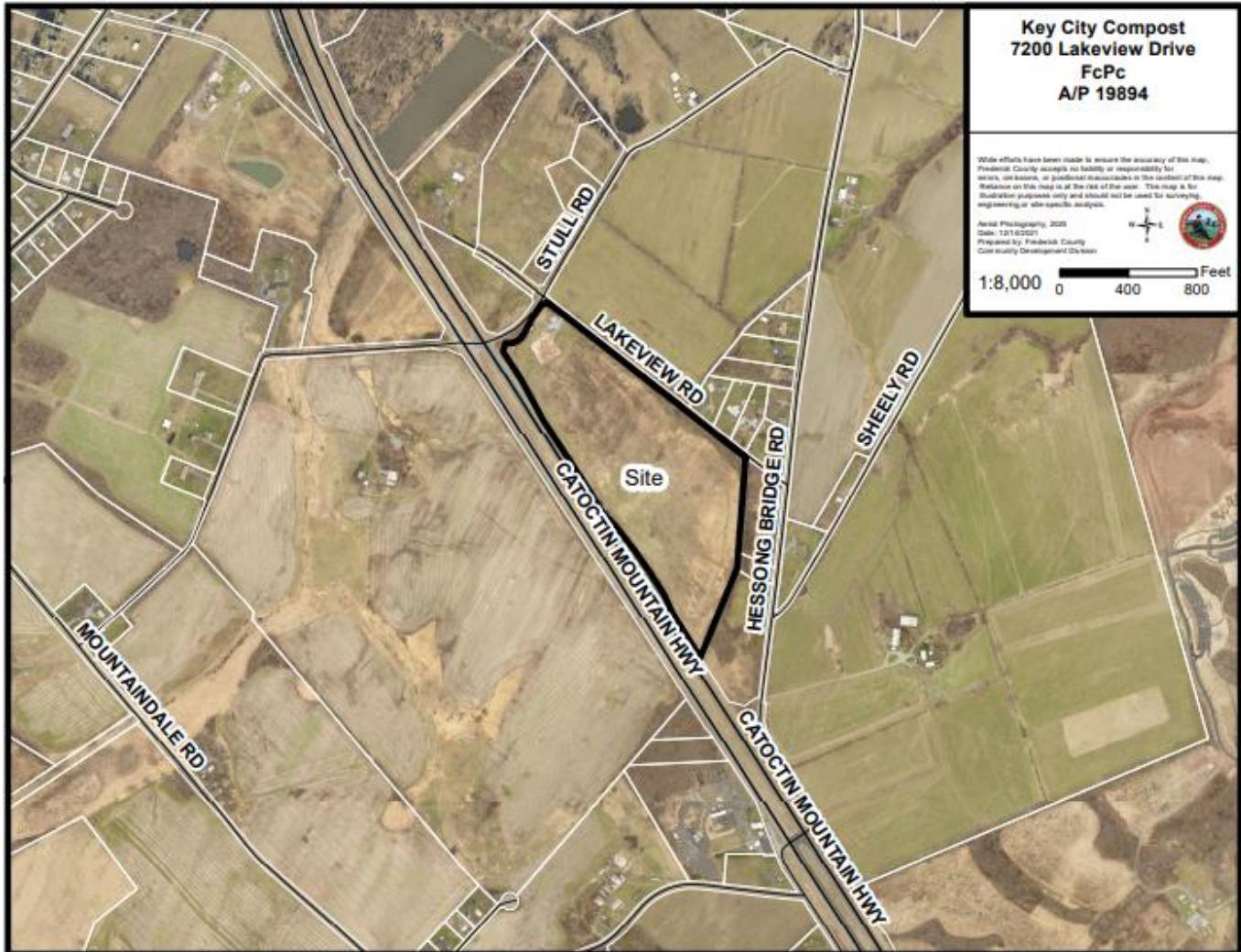
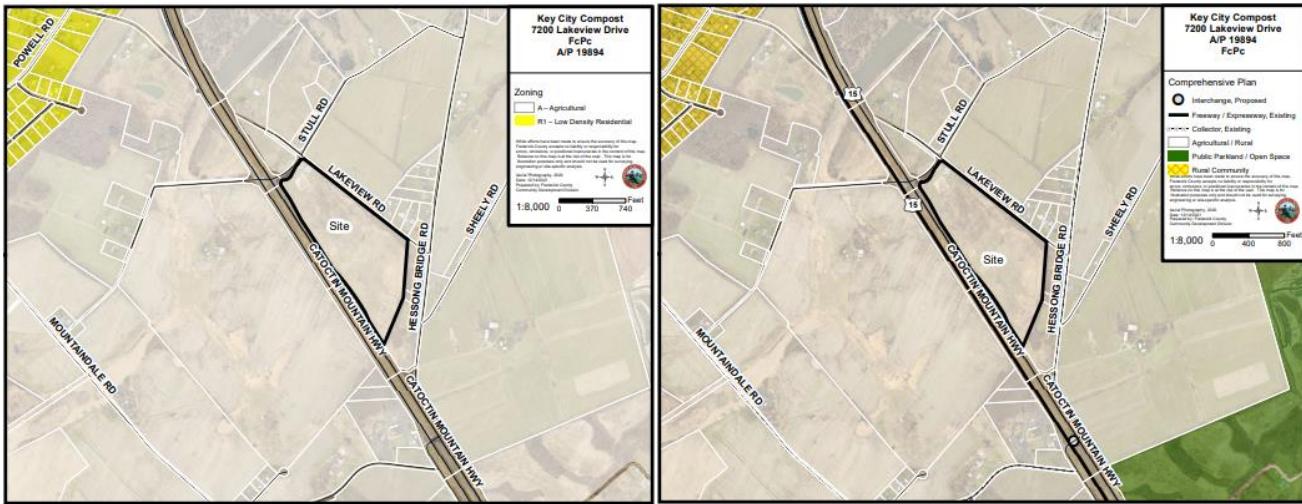


Figure 3 – Zoning / Comprehensive Plan



ANALYSIS

Summary of Development Standards Findings and Conclusions

The primary issues associated with this development are:

- Demonstrating compliance with site design standards
- Demonstrating compliance with Maryland Historic National Road Model Design Guidelines.
- Demonstrating compliance with §1-19-8.408 Limited Food Waste Composting in the A District

Modification Requests:

- §1-19-6.220(A)(2): The Applicant is requesting a parking space modification to allow for 23 parking spaces, or 7 more spaces than the required 16 spaces.
- §1-19-6.210(A): The Applicant is requesting a loading space modification to allow for one large loading space, rather than the one small loading space required.
- §1-19-6.220(B): The Applicant is requesting a parking space modification to allow for 5 spaces to have an increased stall length over the standard 9'x18' to accommodate single axle trucks.

Detailed Analysis of Findings and Conclusions

Site Plan Approval shall be granted based upon the criteria found in:

Site Development §1-19-3.300.4 (A): Existing and anticipated surrounding land uses have been adequately considered in the design of the development and negative impacts have been minimized through such means as building placement or scale, landscaping, or screening, and an evaluation of lighting. Anticipated surrounding uses shall be determined based upon existing zoning and land use designations.

Findings/Conclusions

Dimensional Requirements/Bulk Standards §1-19-6.100:

1. Per §1-19-6.100, setbacks require a 40' front yard, 50' side yard, and 50' rear yard. In addition to this, §1-19-8.408 states a minimum setback of 150 feet must be provided from the property lines and at least 300 feet must be provided from a dwelling not owned or operated by the operator of

the composting facility. All setbacks and dimensional standard have been met.

2. **Signage §1-19-6.300:** The appropriate sign category is “Business Identification within the RC or A District”. The proposed signage is 24 sq ft and 8 feet high and meets the code requirements.
3. **Landscaping §1-19-6.400:** The landscaping shown on this plan contains a variety of plant species, which provide screening for the proposed commercial composting Site. The plan proposes a mix of evergreen and deciduous trees, and meets the predominately native species requirement with 84.7% of the plantings being native to Frederick County.

The ordinance requires one street tree for every 35 feet of public street frontage, which equates to 91 street trees. Due to the nature of the site, the street tree requirement is being met with a combination of street trees, existing tree lines, FRO easements, and landscaping/screening buffers.

4. **Lighting §1-19-6.500:** The Site is proposing one lighting fixture to be mounted to the office structure, at a proposed 10 feet height. It will be downcast and will not emit light trespass or glare onto neighboring properties.

Transportation and Parking §1-19-3.300.4 (B): *The transportation system and parking areas are adequate to serve the proposed use in addition to existing uses by providing safe and efficient circulation, and design consideration that maximizes connections with surrounding land uses and accommodates public transit facilities. Evaluation factors include: on-street parking impacts, off-street parking and loading design, access location and design, vehicular, bicycle, and pedestrian circulation and safety, and existing or planned transit facilities.*

1. **Access/Circulation:** One 30 +/-' wide entrance is proposed off of Lakeview Road. Site access requires the use of Stull Road and Lakeview Road and there are portions of each road that do not meet the 20' wide public road requirement. These deficient roads will be brought up to minimum width, allowing for safe truck access, as documented in the Letter of Understanding.
2. **Loading:** One small loading space is required, and one large loading space has been provided. A modification request has been submitted for this.
3. **Public Transit:** There is no local bus service for this Site.
4. **Parking:** 16 parking spaces are required, and 23 have been proposed. A modification request has been submitted to add the 7 additional spaces. A modification has also been submitted for 5 parking spaces to have an increased stall length of 22', instead of the 18' required by Code.
5. **Pedestrian Circulation and Safety §1-19-6.220 (G):** The Site is not intended to have public visitors. There is a 24' wide aisle around the parking area and 24' wide aisle through the parking lot.
6. **Bicycle Parking §1-19-6.220 (H):** No bicycle parking is required or proposed.

Public Utilities §1-19-3.300.4 (C): *Where the proposed development will be served by publicly owned community water and sewer, the facilities shall be adequate to serve the proposed development. Where*

proposed development will be served by facilities other than publicly owned community water and sewer, the facilities shall meet the requirements of and receive approval from the Maryland Department of the Environment/the Frederick County Health Department.

Findings/Conclusions

1. **Water and Sewer Classifications:** The Site is not served by public water or by public sewer and is currently classified as Water - No Planned Service and Sewer – No Planned Service in the Frederick County Water and Sewerage Plan.

Natural features §1-19-3.300.4 (D): *Natural features of the site have been evaluated and to the greatest extent practical maintained in a natural state and incorporated into the design of the development. Evaluation factors include topography, vegetation, sensitive resources, and natural hazards.*

Findings/Conclusions

1. **Topography:** The Site has rolling topography with varying areas of elevation changes.
2. **Vegetation:** The Site is comprised of trees and is currently an agricultural field.
3. **Sensitive Resources:** There is a stream buffer located on the eastern portion of the Site and a wetland located on the southeast corner of the site.
4. **Natural Hazards:** There are no natural hazards located on Site that affect the development proposal.

Common Areas §1-19-3.300.4 (E): *If the plan of development includes common areas and/or facilities, the Planning Commission as a condition of approval may review the ownership, use, and maintenance of such lands or property to ensure the preservation of such areas, property, and facilities for their intended purposes.*

Findings/Conclusions

No common areas are required or proposed.

Other Applicable Regulations

Adequate Public Facilities Ordinance (APFO) – Chapter 1-20

Schools: The Project is non-residential and not subject to schools testing.

Water and Sewer: This Project Site is classified as no planned service. The Site will be served by well and septic.

Road Improvements: This Project generates 18 am and 18 pm new weekday peak hour trips and is not subject to APFO testing because it generates less than 51 trips during the peak hour of the adjacent

street, per Section 1-20-30. In accordance with Section 1-20-12(H) of the APFO, the Applicant is required to pay its proportionate contributions toward existing road escrow accounts, a total of \$22,337. Additionally, per Section 1-20-31, Stull Road and Lakeview Road shall be widened to 20 feet and restriped to meet commercial access requirements, as noted in the attached Letter of Understanding (LOU).

Period of Validity: The APFO approval is valid for three (3) years from the date of Commission approval; therefore, the APFO approval will expire on January 12, 2025.

Stormwater Management – Chapter 1-15.2

Stormwater Management will be provided via onsite facilities located throughout the Site.

Limited Food Waste Composting in the A District – Chapter 1-19-8.408

Findings/Conclusions

(A) All limited food waste composting activities and operations shall be located on land zoned agriculture. Food waste composting activities and operations shall be limited in size as follows:

(1) 10-acre limit: Limited food waste composting activities and operations that exceed 10 acres must obtain approval of a solid waste floating zone designation.

The proposed food composting operations are under 10 acres in size.

(2) Limited food waste composting: agricultural activity. Activities and operations up to 5 acres in size shall not require site plan approval.

Not applicable.

(3) Limited food waste composting: commercial activity. Activities and operations require site plan approval and shall not exceed 10 acres in size.

This site plan application has been applied for and is under 10 acres in size.

(B) No portion of the limited food waste composting activity or operation shall be located within the floodplain district as defined in § [1-19-9.100](#).

None of the proposed food waste composting operations are located in a floodplain.

(C) All limited food waste composting activities and operations shall be set back a minimum of 25 feet from the floodplain district and 100 feet from the banks of rivers, streams, or other bodies of water.

All setbacks have been adhered to.

(D) Limited food waste composting activities and operations shall not cause any odor, dust, smoke, vibration, or unreasonable noise which can be detected at or beyond any property line.

This requirement must be complied with throughout the operation's lifespan.

(E) All activities and operations associated with the limited food waste composting facility shall be located a minimum of 150 feet from the property lines and at least 300 feet from a dwelling not owned or operated by the operator of the composting facility.

These setbacks are shown on the plan and have been met.

(F) The subject property must have road frontage and access on a minimum 20-foot-wide paved public road. Commercial/Industrial entrance standards shall be utilized in the design of any point of access to a public road as determined to be necessary by the Frederick County traffic engineer.

The Applicant has proposed to widen Lakeview Road to the required 20'.

(J) All materials at the limited food waste composting facility shall be sorted and processed in a manner that prevents harboring or breeding of insects or animals, and prevents creation of odor, litter, or other nuisances that may be harmful to the public health or the environment.

This requirement must be complied with throughout the operation's lifespan.

(M) Limited food waste composting activities and operations shall comply with all applicable federal, state, and local regulations and shall conform to the requirements of all federal and State of Maryland permits and other approvals.

All required federal/state/local permits will be required at the time of permitting.

Forest Resource Ordinance (FRO) – Chapter 1-21

The Applicant has submitted a Combined Preliminary/Final Forest Conservation Plan. The plan set outlines the forest conservation mitigation requirements for the 8.32-acre Net Tract Area. This Net Tract Area contains no existing forest and no specimen trees. The Applicant is required to provide 1.66 acres of afforestation. Total mitigation provided is 1.81 acres, comprised of 1.40 acres of afforestation planting and 0.41 acres of street tree and landscape credits.

Conditions of Approval

The Preliminary/Final FRO plan must be approved prior to Site Plan approval. FRO mitigation must be provided prior to applying for grading permits or building permits, whichever is applied for first.

Historic Preservation – Chapter 1-23

This property does not have a historic designation.

Maryland Historic National Road

This application was reviewed for compliance with the *Corridor Management Plan for the US 15 Catoctin Mountain Scenic Byway*. This plan's vision is for the byway to serve as the gateway to Frederick County's scenic, natural, recreational, and historic opportunities with protected scenic views of farmsteads, orchards, and the Catoctin Mountains. To accomplish this vision, the *Management Plan* identifies several management strategies including strategies for conserving the intrinsic qualities along the Byway. For commercial development, the *Management Plan* identifies potential issues with building mass and size, parking lot design, and landscaping as these elements may impact the view from the Byway. The *Management Plan* suggests that adequately landscaped setbacks should be established to screen buildings and parking areas. The size of the landscaped setback area should be determined based on the height of the buildings and the position of the driver. Additionally, building mass should be broken down in scale through the use of fenestration, variation in roof and building height, and creative use of color and materials.

The Applicant has incorporated several of these strategies into the proposed project. The area is set 150 feet from the road with a landscape buffer surrounding the north, east, and south edges of the project. This landscape buffer will adequately screen the composting areas, parking lot, and buildings. Additionally, the proposed maintenance building is a simple design with the massing broken up with fenestration on the east, south, and west elevations and the use of different wall colors to provide a faux foundation. No renderings of the proposed office building were requested due to its very low impact to the scenic views. It is a one story building that will be obscured by the maintenance building and the

landscaping. Additionally, both buildings have taken advantage of the topography on the site and are sited lower than the existing Byway. Staff has no objection to the proposed project.

Findings/Conclusions

Based upon the review and analysis as provided above, Staff finds that the proposed application meets or will meet the Site Plan review criteria as set forth in §1-19-3.300.4 including items related to site development, transportation, parking, public utilities, natural features, and common areas. Staff will continue to work with the Applicant as the project moves through the remainder of the development process to address all agency comments as the plan proceeds through to completion.

Summary of Agency Comments

<i>Other Agency or Ordinance Requirements</i>	<i>Comments</i>
<i>Public Works Department:</i>	Approved
<i>Development Review Planning:</i>	Conditionally Approved
<i>Forest Resource (FRO):</i>	Approved
<i>Health Dept.:</i>	Approved
<i>Office of Life Safety:</i>	Approved
<i>Street Naming:</i>	Approved
<i>DPDR Traffic Engineering:</i>	Approved
<i>State Highway Administration:</i>	Approved
<i>Historic Review:</i>	Approved
<i>APFO Review:</i>	Approved

FINDINGS

Based on the discussion in this report and with the conditions listed below, Staff finds that the application meets and/or will meet all applicable Zoning, APFO and FRO requirements once the conditions of approval have been met.

RECOMMENDATION

Staff has no objection to conditional approval of the Site Plan for Key City Compost at Utica Bridge Farms. If the Planning Commission conditionally approves the Site Plan, it is valid for a period of three (3) years from the date of Planning Commission approval (valid through January 12, 2025).

Based upon the findings and conclusions as presented in the staff report, Staff finds that the application meets or will meet all applicable Zoning, APFO, and FRO requirements once the following modifications are granted and conditions met:

Planning Commission approval of the following modification requests from the Applicant:

1. Approval of a Parking Space Modification Request under §1-19-6.220(A)(2) to allow for 23 parking spaces, or 7 more spaces than the required 16 spaces.
2. Approval of a Loading Space Modification Request under §1-19-6.210(A) to allow for one large loading space, rather than the one small loading space required.
3. Approval of a Parking Space Modification Request under §1-19-6.220(B) to allow for 5 spaces to have an increased stall length of 22' over the 18' required.

Staff-proposed conditions of approval:

1. Address all agency comments as the plan proceeds through to completion.
2. Remove FRO details from landscape plan and update the planting schedule to show the correct sizes of materials at planting (street trees and parking lot trees).
3. The Preliminary/Final FRO plan must be approved prior to Site Plan approval. FRO mitigation must be provided prior to applying for grading permits or building permits, whichever is applied for first.

PLANNING COMMISSION ACTION

I move that the Planning Commission **APPROVE** the **Site Plan (SP19-17, AP 19894), including FRO (19896) and APFO (19895) with modifications and conditions** as listed in the staff report for the proposed **Key City Compost at Utica Bridge Farms**, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.

Exhibit 1 – Close view of site



Exhibit 2 – Modification Requests

Cody Shaw
Planning and Permitting Division, Frederick County
30 N. Market Street
Frederick, MD 21701

RE: Key City Compost at Utica Bridge Farms (AP 19894)

Mr. Shaw:

This letter is to respond to two (2) comments issued by the County on December 3, 2021. We are requesting a modification request to have more parking spaces than what is required and to have a larger loading space area than what is required.

Comment: If you are providing more parking spaces than what's required, you will need to provide a modification request. Provide a modification request with a statement of justification as to why you're requiring additional parking. Be sure to note it on the site plan as well. If you don't want a modification, please revise the parking so that you're providing the same amount of spaces that's required.

Request 1. I request a variance from 1-19-6.220.A to allow 23 total parking spaces. The site will employ 12 full-time and 1 part-time personnel and will maintain 9 company owned vehicles on-site. The proposed parking spaces will allow all 13 employees and 9 company vehicles to be parked while maintaining one (1) additional parking space for visitors or accessible parking.

Request 2. I request a variance from 1-19-6.220.B to allow an increase in stall dimensions for five (5) parking spaces. These spaces proposed will allow single axle trucks (less than 26,000 gross vehicle weight) to park without blocking aisles.

Comment: If a larger loading space is being provided than what's required, you will need to provide a modification request. Provide a modification request with a statement of justification as to why you're requesting a larger loading space than what's required. Be sure to note it on the site plan as well. If you don't want a modification, please revise the loading space so that you're providing the same size of loading space that's required.

Request 3. I request a variance from 1-19-6.210 to allow a large loading space. We may receive process materials or equipment on transfer trailers and a large loading space will allow these vehicles to unload and would be more adequate for the proposed use than a small loading space.

If you have any questions, please feel free to contact me at 818-762-4771 or rip9999@aol.com.

Sincerely,



Richard Jefferies
Owner, Utica Bridge Farms

Exhibit 3 – Letter of Understanding



FREDERICK COUNTY GOVERNMENT

DIVISION OF PLANNING AND PERMITTING
Department of Development Review and Planning

Jan H. Gardner
County Executive

Steve Horn, Division Director
Mike Wilkins, Director

ADEQUATE PUBLIC FACILITIES LETTER OF UNDERSTANDING

Key City Compost at Utica Bridge Farms

SP 19894, APFO 19895, FRO 19896, #SP19-17

In General: The following Letter of Understanding ("Letter") between the Frederick County Planning Commission ("Commission") and Key City Compost ("Developer"), together with its/their successors and assigns, sets forth the conditions and terms which the Commission deems to be the minimum necessary improvements dealing with school, water, sewer, and road improvements that must be in place for the property identified below to be developed, as shown on the proposed Key City Compost at Utica Bridge Farms site plan (the "Project"), in compliance with the Frederick County Adequate Public Facilities Ordinance ("APFO").

The Developer, its successors and assigns, hereby agrees and understands that unless the required improvements (or contributions to road escrow accounts, as specified below) are provided in accordance with this Letter, APFO requirements will not be satisfied and development will not be permitted to proceed.

This Letter concerns itself with the Developer's 29 +/- acre parcel of land, which is zoned A (Agricultural) and located east of US 15, bounded by Stull Road on the north and Lakeview Road to the east. This parcel This APFO approval will be effective for the new development of a 6.2 acre composting facility as shown on the site development plan for the above-referenced Project, which was conditionally approved by the Commission on January 12, 2022.

Schools: Schools are not impacted because this is a commercial development

Water and Sewer: This property is classified as No Planned Service. The property will be served by private well and septic system.

Road Improvements: This Project generates 18 am and 18 pm weekday peak hour driveway trips which does not exceed the 50 peak hour trip threshold required for APFO testing. In accordance with Section 1-20-31, the following improvements must be guaranteed and completed prior to the issuance of a building permit:

1. Widen and restripe Stull Road and Lakeview Road from US 15 to the proposed site access on Lakeview Road to provide a 20' pavement width.

In accordance with Section 1-20-12(H) of the APFO, the Developer is required to pay its proportionate contributions toward the following existing road escrow account in the Project area:

1. US 15 at Auburn Road: the Developer shall contribute the appropriate pro-rata share to Existing Escrow Account No. 4050 for median reconstruction at Auburn Road and turn lane enhancements at Fish Hatchery Road. The estimated cost of this Road Improvement is \$500,000. As determined by Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 0.69%. Therefore, the Developer agrees to pay \$3,450 to the escrow account for this Road Improvement.
2. US 15/Hessong Bridge Road Intersection: the Developer shall contribute the appropriate pro-rata share to Existing Escrow Account No. 3805 for the northbound acceleration lane. The estimated cost of the intersection improvement is \$48,334. As determined by Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 0.38%. Therefore, the Developer agrees to pay \$184 to the escrow account for this Road Improvement.
3. US 15 Median Reconstruction at Devilbiss Bridge Road: the Developer shall contribute the appropriate pro-rata share to Existing Escrow Account No. 3742 for the J-turn median construction. The estimated cost of the intersection improvement is \$4,922,000. As determined by Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 0.38%. Therefore, the Developer agrees to pay \$18,703 to the escrow account for this Road Improvement.

Therefore, prior to the issuance of building permits, the Developer hereby agrees to pay \$22,337 to the escrow accounts described above for these Road Improvements. Should these payments not be made within one year of the execution of this Letter, the County reserves the right to adjust this amount, based on an engineering cost index.

Period of Validity: The APFO approval is valid for three (3) years from the date of Commission approval; therefore, the APFO approval expires on January 12, 2022.

Disclaimer: This Letter pertains to APFO approval only, and shall not be construed to provide any express or implied rights to continue the development process. The Project remains subject to all applicable rules and regulations, including but not limited to those related to zoning, water and sewer, and subdivision. The Planning Commission's jurisdiction and authority is limited by State and County law, and approvals may be required from other local or state governmental agencies before the proposed development can proceed.

[Signatures Next Page]

Key City Compost at Utica Bridge Farms LOU

January 12, 2022

Page 3

UTICA
DEVELOPER: UTTICA BRIDGE FARMS, LLC

By:  Richard L. Jefferies Date: 12/9/2021
Developer

FREDERICK COUNTY PLANNING COMMISSION:

By: _____ Date: _____
Chair or Secretary

ATTEST:

By: _____ Date: _____
Gary Hessong, Deputy Director

Planner's Initials / Date _____
(Approved for technical content)

County Attorney's Office Initials / Date _____
(Approved as to legal form)

30 North Market Street, Frederick, MD 21701 • 301-600-1153 • Fax 301-600-1645
www.FrederickCountyMD.gov



FREDERICK COUNTY PLANNING COMMISSION

February 12, 2025

TITLE: **Compost Crew at Utica Bridge Farms (Reapproval)**

FILE NUMBER: **SP19-17 (AP SP277005 APFO A277003)**

REQUEST: **Site Development Plan Approval**

The Applicant is requesting Site Development Plan reapproval for the establishment of a limited food waste composting facility located on a 29-acre Site.

PROJECT INFORMATION:

ADDRESS/LOCATION: Located at 7245 Lakeview Road
TAX MAP/PARCEL: Tax Map 40; Parcel 94
COMP. PLAN: Agricultural/Rural
ZONING: Agricultural (Ag)
PLANNING REGION: Mountaintdale
WATER/SEWER: No Planned Service

APPLICANT/REPRESENTATIVES:

APPLICANT: Utica Bridge Farms, LLC
OWNER: -same-
ENGINEER: Smith + Gardner
ARCHITECT: N/A
ATTORNEY: N/A

STAFF: Cody Shaw, Principal Planner II

RECOMMENDATION: **Conditional Approval**

Enclosures:

Exhibit #1 – A/P 19894 Staff Report (to be printed under a separate cover)
Exhibit #2 – APFO Letter of Understanding
Exhibit #3 – Modification Requests

STAFF REPORT

ISSUE

Development Request

The Applicant is requesting a new Site Development Plan approval for the establishment of a limited food waste composting facility located on a 29-acre Site that recently expired. The plan under review proposes no changes to the previously approved site plan.

Background

The original site plan for this proposed development was approved for a limited food waste composting facility on a 29-acre Site. The Frederick County Planning Commission approved the original Site Development Plan application (A/P 19894 titled “Key City Compost at Utica Bridge Farms) on January 12, 2022.

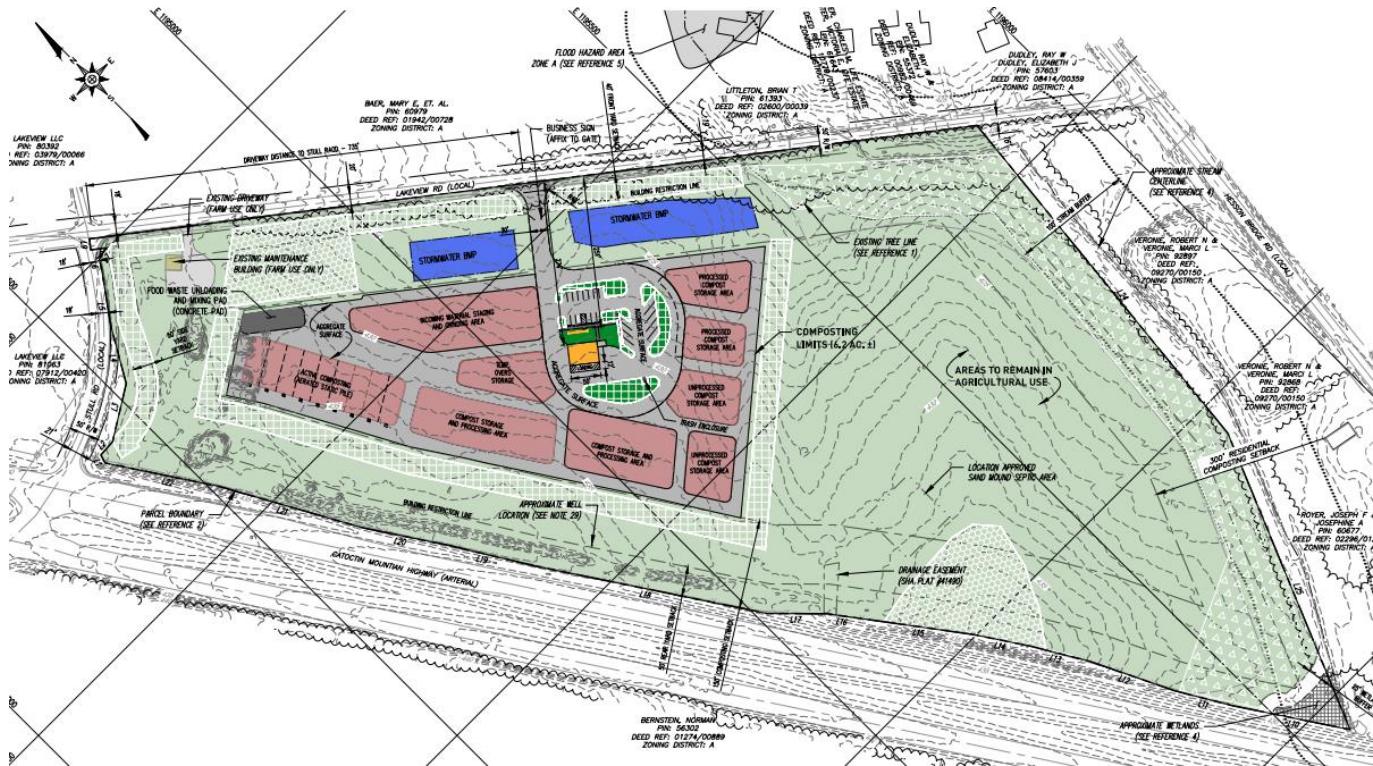
The original Site Development Plan (A/P 19894) approval is valid for three (3) years, or until January 12, 2025, in accordance with the Frederick County Zoning Ordinance. The APFO associated with the original site plan was valid for a period of three years and also expired on January 12, 2025.

ANALYSIS

The application is identical to the previously approved plan. There are no proposed alterations or change of design with this current site plan application. The only differences with this current application are as follows:

- Updated county file numbers
- Updated name for the Site (originally named “Key City Compost at Utica Bridge Farms” and proposed to be titled “Compost Crew at Utica Bridge Farms”)
- Updated notes explaining the reasoning for why this application has been submitted
- Revised and updated APFO Letter of Understanding

Graphic 1- Project Rendering



The staff report and all associated modifications originally submitted and approved for A/P 19894 Site Development Plan has been attached in support of this current application (Exhibit #1).

Other Applicable Requirements

Forest Resource Ordinance (FRO) – Chapter 1-21

The FRO Plan (A/P 19896) for the original site plan was approved on February 4, 2022. The plan set outlines the forest conservation mitigation requirements for the 8.32-acre Net Tract Area. This Net Tract Area contains no existing forest. The Applicant is required to provide 1.66 acres of afforestation. Total mitigation provided is 1.81 acres, comprised of 1.40 acres of afforestation planting and 0.41 acres of street tree and landscape credits.

Conditions of Approval

FRO mitigation must be provided prior to applying for grading permits or building permits, whichever is applied for first.

Adequate Public Facilities Ordinance (APFO) – Chapter 1-20

Schools: The Project is non-residential and not subject to schools testing.

Water and Sewer: This Project Site is classified as no planned service. The Site will be served by well and septic.

Road Improvements: This Project generates 18 am and 18 pm new weekday peak hour trips and is not subject to APFO testing because it generates less than 51 trips during the peak hour of the adjacent street, per Section 1-20-30. In accordance with Section 1-20-12(H) of the APFO, the Applicant is required to pay its proportionate contributions toward existing road escrow accounts, a total of \$26,975. Additionally, per Section 1-20-31, Stull Road and Lakeview Road shall be widened to 20 feet and restriped to meet commercial access requirements, as noted in the attached Letter of Understanding (LOU).

Period of Validity: The APFO approval is valid for three (3) years from the date of Commission approval; therefore, the APFO approval will expire on February 12, 2028.

APFO for this Site was previously approved on January 12, 2022 and subject to Letter of Understanding 19895. This APFO approval expired on January 12, 2025 prior to meeting the requirements listed in the LOU. The Site is subject to a new LOU (A277003) documenting a slight increase in the required pro rata escrow contributions and the identical road widening requirement.

Modifications

Several modifications were granted for the original Key City Compost at Utica Bridge Farms (A/P 19894). This application requests the reapproval of all previously approved modifications. The modifications that need reapproval are as follows:

1. A parking space modification to allow for 23 parking spaces, or 7 more spaces than the required 16 spaces.
2. A loading space modification to allow for one large loading space, rather than the one small loading space required.
3. A parking space modification to allow for 5 spaces to have an increased stall length of 22' over the 18' required.

Summary of Agency Comments

Other Agencies:	Comment
Office of Life Safety (DOLS)	Approved
Development Review Planning (DPZ)	Approved
Development Review Transportation Engineering (DRTE)	Approved
Division of Water and Sewer Utilities (DWSU)	Not applicable
Health Department (EH)	Approved
Public Works Development Review (PWDR)	Approved
Forest Conservation (FRO)	Approved
Adequate Public Facilities (APFO)	Approved
Street Name Review (STRNAME)	Approved
Historic Preservation (HISTORIC)	Approved
State Highway Administration (SHA)	Approved
Board of Education/Frederick County Public Schools (BOE)	Not applicable

RECOMMENDATION

Staff has no objection to the conditional approval of the Compost Crew at Utica Bridge Farms Site Development Plan.

If the Planning Commission approves the Site Development Plan, the site plan is valid for a period of three (3) years from the date of Planning Commission approval (valid through February 12, 2028).

Based upon the findings and conclusions as presented in the original staff report, the application meets or will meet all applicable Zoning, APFO, and FRO requirements once the following conditions are met and modifications granted:

Planning Commission reapproval of the following modification requests from the Applicant:

1. Approval of a Parking Space Modification Request under §1-19-6.220(A)(2) to allow for 23 parking spaces, or 7 more spaces than the required 16 spaces.
2. Approval of a Loading Space Modification Request under §1-19-6.210(A) to allow for one large loading space, rather than the one small loading space required.
3. Approval of a Parking Space Modification Request under §1-19-6.220(B) to allow for 5 spaces to have an increased stall length of 22' over the 18' required.

Staff-proposed conditions of approval:

1. The Applicant shall comply with all Staff and agency comments through the completion of the plan.
2. FRO mitigation must be provided prior to applying for grading permits or building permits, whichever is applied for first.

PLANNING COMMISSION ACTION

MOTION TO CONDITIONALLY APPROVE

I move that the Planning Commission **CONDITIONALLY APPROVE** Site Development Plan SP19-17, AP SP277005, APFO A277003, **with conditions and modifications** as listed in the staff report for the Compost Crew at Utica Bridge Farms Site Plan, based on the findings and conclusions of the staff and the testimony, exhibits, and documentary evidence produced at the public meeting.



FREDERICK COUNTY GOVERNMENT

DIVISION OF PLANNING AND PERMITTING

Deborah A. Carpenter, AICP, Division Director

Jessica Fitzwater
County Executive

ADEQUATE PUBLIC FACILITIES LETTER OF UNDERSTANDING

Compost Crew at Utica Bridge Farms

SP277005, F277004, A277003

In General: The following Letter of Understanding ("Letter") between the Frederick County Planning Commission ("Commission") and Compost Crew Inc, A Benefit Corporation ("Developer"), together with its/their successors and assigns, sets forth the conditions and terms which the Commission deems to be the minimum necessary improvements dealing with school, water, sewer, and road improvements that must be in place for the property identified below to be developed, as shown on the proposed Compost Crew at Utica Bridge Farms site plan (the "Project"), in compliance with the Frederick County Adequate Public Facilities Ordinance ("APFO").

The Developer, its successors and assigns, hereby agrees and understands that unless the required improvements (or contributions to road escrow accounts, as specified below) are provided in accordance with this Letter, APFO requirements will not be satisfied, and development will not be permitted to proceed.

This Letter concerns itself with the Developer's 29.0 +/- acre parcel of land, which is zoned A (Agricultural) and located east of US 15, bounded by Stull Road on the north and Lakeview Road to the east. This APFO approval will be effective for the new development of a 6.2-acre composting facility as shown on the site development plan for the above-referenced Project, which was conditionally approved by the Commission on February 12, 2025.

Schools: Schools are not impacted because this is a commercial development

Water and Sewer: This property is classified as No Planned Service. The property will be served by private well and septic system.

Road Improvements: This Project generates 18 am and 18 pm weekday peak hour trips which does not exceed the 50 peak hour trip threshold required for APFO testing. In accordance with Section 1-20-31, the following improvements must be guaranteed and completed prior to the issuance of any permits:

1. Widen and restripe Stull Road and Lakeview Road from US 15 to the proposed site access on Lakeview Road to provide a 20' pavement width.

In accordance with Section 1-20-12(H) of the APFO, the Developer is required to pay its proportionate contributions toward the following existing road escrow account in the Project area:

1. US 15 at Auburn Road: The applicant shall contribute the appropriate pro-rata share to Existing Escrow Account No. 4050 for median reconstruction at Auburn Road and turn lane enhancements at Fish Hatchery Road. The estimated cost of this Road Improvement is \$533,391. As determined by Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 0.69%. Therefore, the Developer hereby agrees to pay \$ 3,680 to the escrow account for this Road Improvement.
2. US 15/Hessong Bridge Road Intersection: The applicant shall contribute the appropriate pro-rata share to Existing Escrow Account No. 3805 for the northbound acceleration lane. The estimated cost of the intersection improvement is \$59,613. As determined by Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 0.38%. Therefore, the Developer agrees to pay \$227 to the escrow account for this Road Improvement.
3. US 15 Median Reconstruction at Devilbiss Bridge Road: The applicant shall contribute the appropriate pro-rata share to Existing Escrow Account No. 3742 for the J-turn median construction. The estimated cost of the intersection improvement is \$6,070,607. As determined by Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 0.38%. Therefore, the Developer agrees to pay \$23,068 to the escrow account for this Road Improvement.

Therefore, prior to the issuance of any permits, the Developer hereby agrees to pay \$26,975 to the escrow accounts described above for these Road Improvements. Should these payments not be made within one year of the execution of this Letter, the County reserves the right to adjust this amount, based on an engineering cost index.

Period of Validity: The APFO approval is valid for three (3) years from the date of Commission approval; therefore, the APFO approval expires on February 12, 2028.

Disclaimer: This Letter pertains to APFO approval only and shall not be construed to provide any express or implied rights to continue the development process. The Project remains subject to all applicable rules and regulations, including but not limited to those related to zoning, water and sewer, and subdivision. The Planning Commission's jurisdiction and authority is limited by State and County law, and approvals may be required from other local or state governmental agencies before the proposed development can proceed.

[Signatures Next Page]

DEVELOPER: Compost Crew Inc, A Benefit Corporation

By: Kristi Bluer

Date: 01/09/2025

Developer/Owner/Contract Purchaser

FREDERICK COUNTY PLANNING COMMISSION:

By: _____

Date: _____

Chair or Secretary

ATTEST:

By: _____

Date: _____

Gary Hessong, Deputy Director

Exhibit #3 – Modification Requests

November 22, 2024

Mr. Cody Shaw
Principal Planner
Frederick County Planning & Permitting
30 N. Market St.
Frederick, MD 21701



**RE: Modification Request
Compost Crew at Utica Bridge Farms (A/P: SP277005)**

Dear Mr. Shaw:

Compost Crew Inc, A Benefit Corporation is submitting this modification request for site plan approval of Application Number SP277005: Compost Crew at Utica Bridge Farms. As you are aware, the Applicant's previous approval¹ expires on January 12, 2025. This request, along with the accompanying site plan drawings, reflects the same conditions as the prior approval. The requested modifications are restated below:

1. The Applicant requests a variance from 1-19-6.210 to allow one (1) large loading space. Due to the nature of operations, process material and equipment may arrive on transfer trailers, which require larger unloading space than standard small loading areas.
2. The Applicant requests a variance from 1-19-6.220.A to allow 23 total parking spaces. The site will employ 12 full-time and 1 part-time personnel in addition to staging 9 company owned vehicles on-site. The proposed parking spaces will allow all 13 employees and 9 company vehicles to be parked while providing 1 additional space for visitors or accessible parking.
3. The Applicant requests a variance from 1-19-6.220.B to allow an increase in the stall dimensions for 5 parking spacing. These spaces will accommodate single-axle trucks (under 26,000 gross vehicle weight) without obstructing aisle access.

If you have any questions or require additional information, please contact me at (301) 202-4450 or by email, below.

Sincerely,

Compost Crew Inc, A Benefit Corporation

Kristie Blumer

Kristie Blumer
Senior Director, Composting
kristie@compostcrew.com