



**FREDERICK COUNTY PLANNING COMMISSION**  
**November 18, 2015**

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**TITLE:** Frey Sawmill

**FILE NUMBER:** SP-15-04, AP 15576, APFO 15577, FRO 15761

**REQUEST:** Site Development Plan Approval

The Applicant is requesting site development plan approval for an existing 22,561 square foot sawmill operation within 6 existing structures, on a 236-acre site.

**PROJECT INFORMATION:**

**ADDRESS/LOCATION:** 8520 Woodville Road, located on the west side of Woodville Road, south of Unionville Road.

**TAX MAP/PARCEL:** Tax Map 60, Parcel 28  
**COMP. PLAN:** Agricultural/Natural Resource  
**ZONING:** Agricultural  
**PLANNING REGION:** Walkersville  
**WATER/SEWER:** W-NPS, S-NPS

**APPLICANT/REPRESENTATIVES:**

**APPLICANT:** Joshua and James M. Frey  
**OWNER:** Joshua and James M. Frey  
**ENGINEER:** VanMar Associates  
**ARCHITECT:** N/A  
**ATTORNEY:** N/A

**STAFF:** Tolson DeSa, Principal Planner II

**RECOMMENDATION:**

Conditional Approval

**ATTACHMENTS:**

Exhibit 1-Site Plan Rendering  
Exhibit 2- Landscape Plan Modification Request

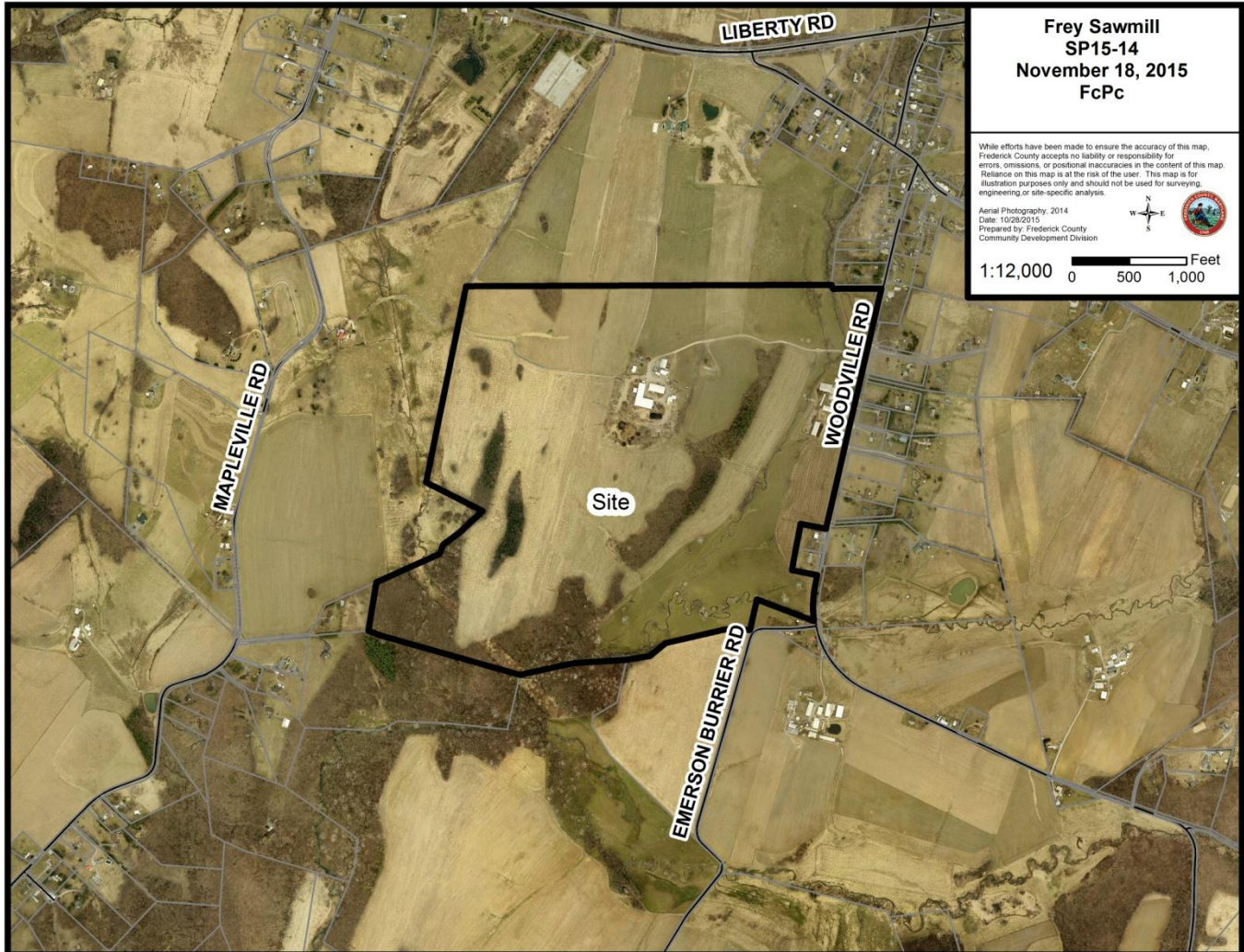
# STAFF REPORT

## ISSUE

### Development Request

The Applicant is requesting for an existing 22,561 square foot sawmill operation within 6 existing structures, on a 236-acre site (see Graphic #1). The proposed use is being reviewed as a "Sawmill" land use under the heading of *Natural Resource Uses* per §1-19-5.310 Use Table in the Zoning Ordinance and is a principal permitted use with special exception approval in the Agricultural Zoning District subject to site development plan approval. Special Exception criteria for Sawmill in the A and RC districts are located in section 1-19-8.347 in the Zoning Ordinance.

Graphic #1: Site Aerial



## BACKGROUND

### Development History

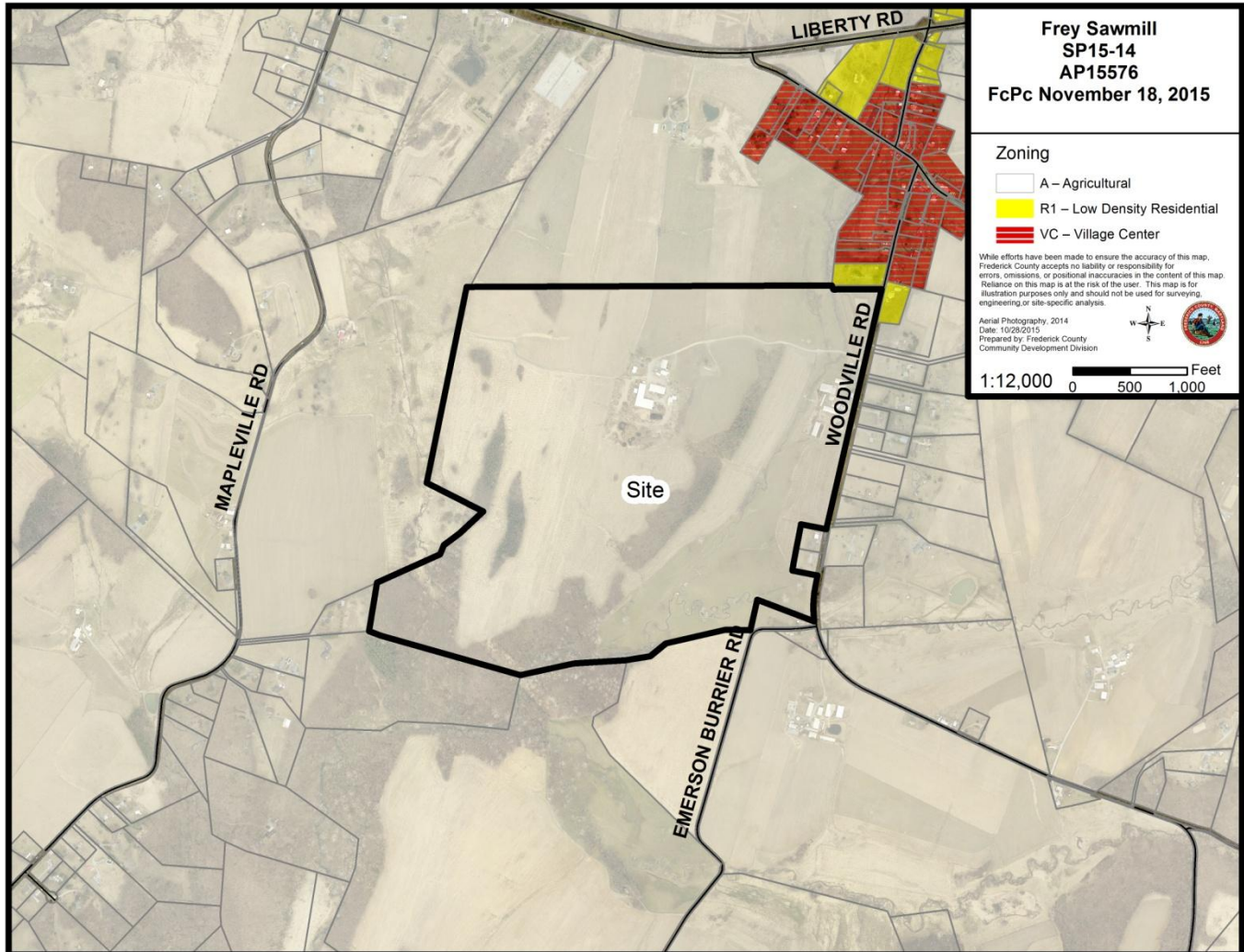
#### Board of Appeals

On May 28, 2015, the Board of Zoning Appeals (BOA) approved a sawmill on approximately 236 acres of the subject site within the Agricultural Zoning District in accordance with ZO §1-19-8.347. The BOA findings and decision letter is shown on Sheet 1 of 2 of the site plan. The subject site plan conforms to the BOA findings and decisions Case B-15-12.

## Existing Site Characteristics

The site is currently zoned Agricultural, and is developed with a sawmill, and farming operation, (see Graphic #2). The surrounding properties are developed with active farms and single family detached dwellings.

Graphic #2: Site Zoning



## ANALYSIS

### Summary of Development Standards Findings and Conclusions

The primary issues associated with this development project were working with the Applicant to meet the intent of the zoning ordinance in a rural agricultural setting for an existing operation. As part of that process Staff reviewed the existing sawmill operation and buildings separately from the existing farming operation.

### Detailed Analysis of Findings and Conclusions

Site Development Plan Approval shall be granted based upon the criteria found in §1-19-3.300.4 Site Plan Review Approval Criteria of the Frederick County zoning ordinance.

**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

1. **Dimensional Requirements/Bulk Standards for a Sawmill Facility in the Agricultural Zoning District. §1-19-8.347:** Section 1-19-8.347 of the Zoning Ordinance stipulates minimum setback requirements for activities and structures associated with the sawmill facility. Sawmill structures (including equipment and storage) shall be at least 150' from property lines. The sawmill use shall comply with all applicable noise, dust, and other pollutant standards set forth by federal, state and local regulations as well as the Industrial district performance standards listed in Z.O. § 1-19-7.610. The sawmill buildings are setback a minimum of 800' feet from all adjacent property lines. Therefore, the proposed plan meets the Bulk/Dimensional requirements of the Zoning Ordinance.

In accordance with §1-19-6.160.B, the 36' foot height of the Wood Kiln, is exempt from the 30' maximum height limitation in the AG district. The existing Wood Kiln structure is setback approximately 800' feet from all property lines and therefore complies with requirement of Section 1-19-6.160.B., which states that the distance from the front, side and rear lot lines shall be no less than the maximum vertical height of the structure.

2. **Signage §1-19-6.300:** The Applicant is not proposing signage as part of this application.
3. **Landscaping §1-19-6.400:** Per §1-19-6.400.A.2 The Applicant is requesting a landscaping modification for approval of an alternative landscape plan to acknowledge existing mature woods on-site as meeting the requirement to plant street trees. The Zoning Ordinance specifically acknowledges the opportunity to approve an alternative landscape plan in agricultural areas due to the rural nature of these areas and the lack of continuity with the linear nature and intent of planting street trees. The 236 acre site contains numerous areas of mature woodlands that provide the steep slopes and sensitive environmental features cover, and fulfill the intent of the street tree requirement.
4. **Screening §1-19-6.400:** The proposed natural resource land use is not required to provide landscaping screening between similar agricultural uses. However, existing woodlands provide screening between the sawmill operation, surrounding land uses, and Woodville Road.
5. **Lighting §1-19-6.500:** The Applicant is not proposing any lighting as part of this application.

### Conditions:

1. Per Z.O. §1-19-6.400.I: The Applicant is seeking a Landscape Plan Modification for approval of an alternative landscape plan to allow existing mature woods on-site to meet the street tree requirement.

**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.*

## Findings/Conclusions

1. **Access/Circulation:** Site access will be via an existing 70' wide access onto Woodville Road which is designated as an existing collector on the Frederick County Comprehensive Land Use Plan.

2. **Connectivity §1-19-6.220 (F):** Due to the rural nature of the site and existing surrounding development uses/patterns there is no connection to adjacent parcels existing or proposed as part of this site plan. The overall site has an internal circular flow that provides for ease of movement for large vehicles.
3. **Public Transit:** This site is not served by Transit.
4. **Vehicle Parking and Loading §1-19-6.200-through 1-19-6.220:** The parking generator for this site will be based on the *Industrial Uses and Solid Waste Operations* use category.

Therefore the sawmill operation requires 1 parking space for every 2 employees (on the largest shift for which the building is designed) plus 1 for each motor vehicle used in the business. The existing sawmill has 12 employees, plus 1 ADA accessible parking space, for a total of 12 parking spaces. The Applicant has complied with the requirements of Z.O. § 1-19-6.220.

**Loading:** The Applicant is required by Zoning Ordinance to provide one 12'x50' loading space; the Applicant has complied with this requirement and located the loading space adjacent to Building "H".

5. **Bicycle Parking §1-19-6.220 (H):** Bicycle parking is not required as part of this land development application.
6. **Pedestrian Circulation and Safety §1-19-6.220 (G):** The site contains a sawmill business and farming operation, therefore significant pedestrian movement throughout the site is not expected. There are sufficient parking spaces adjacent to the office, which provide safe accommodations for patrons of the business as well as ADA accessible access.

**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. **Private Well and Septic:** The Site is served by existing well and septic, current water and sewer classification is W-NPS/S-NPS. Restroom service for employees will be provided in Building "J". The Health Department is conditionally approved.

**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 contains rolling hills and slopes up from Woodville Road, the high point of the site is where the farm/sawmill buildings are located. The majority of the slopes are less than 15%, although there are areas of 25% or more slopes which are covered in mature woodlands.
2. **Vegetation:** The site contains several stands of existing mature woodlands; the remaining areas are actively farmed.
3. **Sensitive Resources:** There are no sensitive environmental resources located in the immediate vicinity of the sawmill operation.

**4. Natural Hazards:** There are no natural hazards located in the immediate vicinity of the sawmill operation.

**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**

**1. Proposed Common Area:** The site is a place of business used for farming and the processing of lumber. There are no common areas proposed.

### **Other Applicable Regulations**

**Moderately Priced Dwelling Units – Chapter 1-6A:** The proposed use is non-residential; therefore, MPDU's are not required.

**Stormwater Management – Chapter 1-15.2:** All buildings constructed as farm buildings prior to year 2007. Prior to year 2007, agricultural buildings and activities were exempt from the stormwater management act. Stormwater management for the quality and quantity is exempt from all revisions and amendment of the 2000 Maryland Stormwater Management Design Manual and in accordance with the SWM Act of 2007.

### **APFO – Chapter 1-20:**

- 1. Schools.** Schools are not impacted because the development of the property is a non-residential use.
- 2. Water/Sewer.** The Property has a water and sewer classification of No Planned Service (NPS) in the County's *Master Water and Sewer Plan*. The Project will be served by well and septic.
- 3. Roads.** This application is exempt from Roads testing due to the development resulting in less than 6 vehicle trips during the AM/PM peak hours.

**Forest Resource – Chapter 1-21:** The Applicant has submitted a Combined Preliminary/Final FRO plan. The Applicant proposes to mitigate the 0.30 acre planting requirement by purchasing Forest Banking Credits. FRO mitigation must be provided prior to site plan signature approval.

**Historic Preservation – Chapter 1-23:** There are no historic resources on this property.

### **Agricultural Preservation –**

The subject property is encumbered by an agricultural land preservation easement held by the Maryland Agricultural Land Preservation Foundation (MALPF). Sawmills have been identified by MALPF as a use that can be approved on a case-by-case basis on easement properties with review. The applicant has submitted a request for review of the sawmill to MALPF that addresses all State adopted criteria. A decision from MALPF is expected at their November Board meeting. The MALPF Board will review this request for a sawmill on November 24, 2015.

## Summary of Agency Comments

<b>Other Agency or Ordinance Requirements</b>	<b>Comment</b>
<b>Development Review Engineering (DRE):</b>	Conditionally Approved
<b>Development Review Planning:</b>	Hold: Address all agency comments as the plan proceeds through to completion.
<b>State Highway Administration (SHA):</b>	N/A
<b>Div. of Utilities and Solid Waste Mngt. (DUSWM):</b>	N/A
<b>Health Dept.</b>	Conditionally Approved
<b>Office of Life Safety</b>	Conditionally Approved
<b>DPDR Traffic Engineering</b>	Approved
<b>Historic Preservation</b>	Approved

## **RECOMMENDATION**

Staff has no objection to conditional approval of the site plan for an existing 22,561 square foot sawmill operation within 6 existing structures, on a 236-acre site. If the Planning Commission conditionally approves the site plan, the site plan is valid for a period of three (3) years from the date of Planning Commission approval.

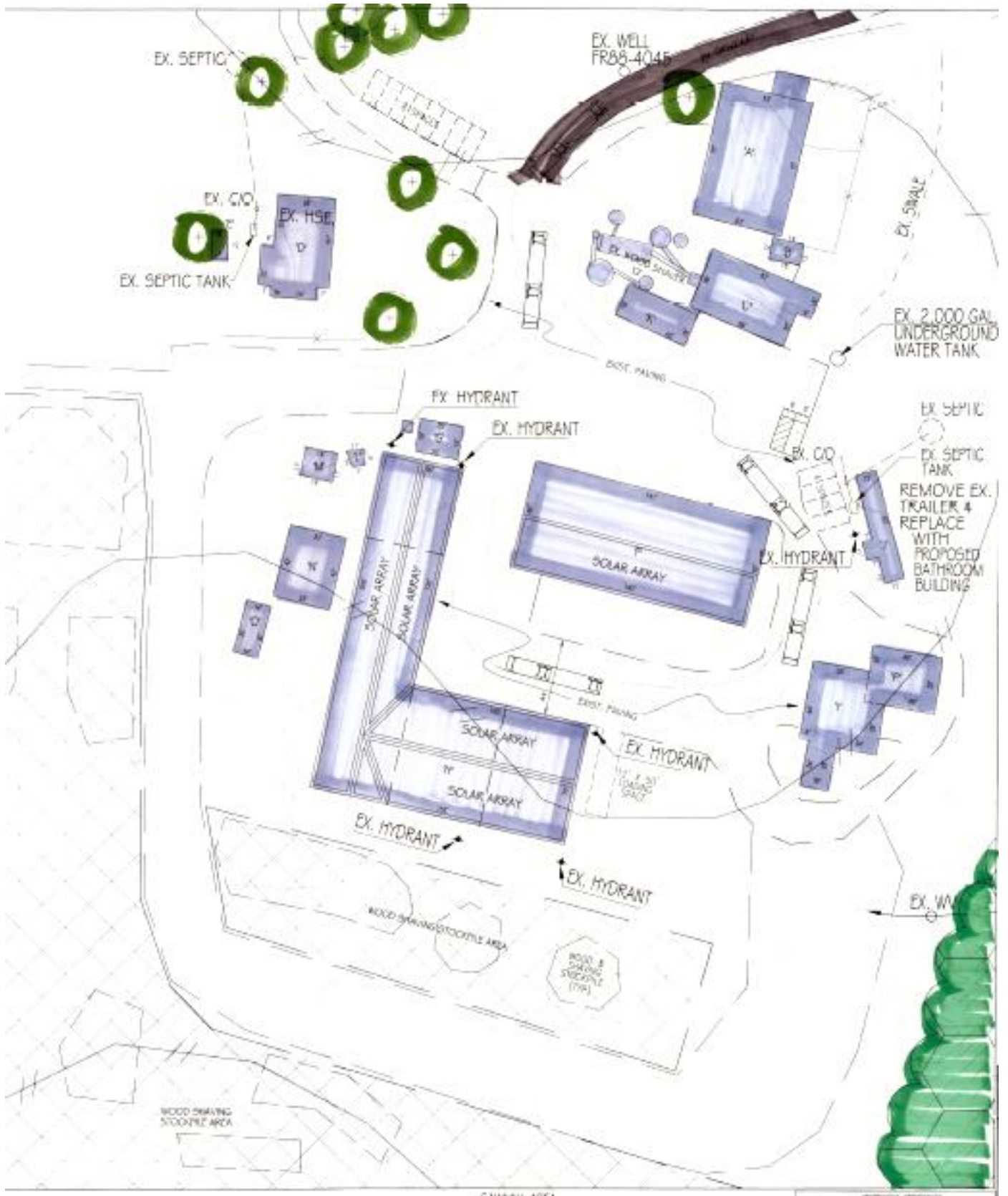
Based upon the findings and conclusions as presented in the staff report the application meets or will meet all applicable zoning, APFO, and FRO requirements once the following conditions are met and modifications approved:

1. Address all agency comments as the plan proceeds through to completion.
2. FRO mitigation must be provided prior to site plan signature approval.
3. Comply with the Board of Appeals findings and conditions as provided in Case No. B-15-12.
4. Planning Commission approval of the following modification request:
  - a. Z.O. §1-19-6.400.A.2: An alternative landscape plan to allow existing mature woods on-site to meet the street tree requirement.
5. The subject property is encumbered in an agricultural land preservation easement held by the Maryland Agricultural Land Preservation Foundation (MALPF). The Applicant shall comply with all MALPF comments through the completion of the plan.

## **PLANNING COMMISSION ACTION** **MOTION TO APPROVE**

I move that the Planning Commission **APPROVE** Site Development Plan SP-15-04 (AP# 15576) **with conditions and modifications** as listed in the staff report for the proposed existing 22,561 square foot sawmill operation within 6 existing structures, on a 236-acre site, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.

Exhibit #1: Frey Sawmill Site Plan Rendering







**VANMAR  
ASSOCIATES, INC.**

Engineers • Surveyors • Planners

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November 3, 2015

Mr. Tolson Desa  
Development Review  
30 N. Market St.  
Frederick, MD 21701

RE: Frey Farm Site Plan  
Hansen Project #15576

Dear Mr. Tolson:

We are requesting a Landscape Modification per Section 1-19-6.400 – Street Trees

The applicant requests approval of a modification for the placement of street trees for the Frey Farm, Hansen Project #15576. We request approval of alternate on-site location for trees due to the following justification:

- The site is a 236 acre farm that is in active cultivation. Placement of street trees would impact the farm crop cultivation. There are woods throughout the farm site in environmental sensitive areas such as along stream banks.
- The farm is in the Maryland Agricultural Land Preservation Foundation (MALPF) preserving the farm as agricultural farmland. Placement of street trees would impact this MALPF requirements.
- The building site area is approximately 1,500 feet from the street. The building site area is separated from the adjacent highway and properties by a mass of mature trees shielding the combined farm/sawmill operations from the surround properties and roadway. The mass of mature trees to the south of the pavement/building area screens the sawmill operation from the roadway/adjacent homes.

Thank you,  
VANMAR ASSOCIATES

Ronald E. Thompson, P.E.