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**FREDERICK COUNTY PLANNING COMMISSION**  
**May 10, 2017**

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**TITLE:** Annual Planning Report for 2016

**FILE NUMBER:**

**REQUEST:** Staff will present the 2016 Annual Report for approval by the Planning Commission.

**PROJECT INFORMATION:**

LOCATION:

ZONE:

REGION:

WATER/SEWER:

COMP. PLAN/LAND USE:

**APPLICANT/REPRESENTATIVES:** (as applicable)

APPLICANT:

OWNER:

ENGINEER:

ARCHITECT:

ATTORNEY:

**STAFF:** Jim Gugel, Planning Director

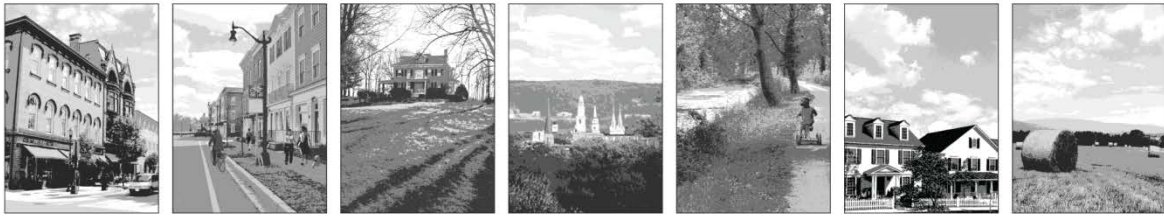
**RECOMMENDATION:** Approval

**Enclosures:**

2016 Annual Report

# 2016 Annual Planning Report

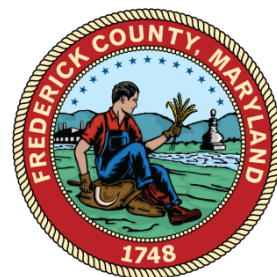
## FREDERICK COUNTY, MARYLAND



MANY PLACES, ONE COMMUNITY

Maryland Department of Planning Annual Report

Prepared by:  
Frederick County Division of Planning & Permitting

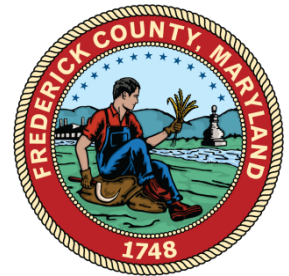


# Frederick County, Maryland 2016 Annual Planning Report

Jan H. Gardner, County Executive

Steven Horn, Division Director  
Jim Gugel, Planning Director

Prepared by Frederick County Division of Planning & Permitting  
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# Summary

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The 2016 Planning Report for Frederick County, Maryland was prepared pursuant to the requirements of the Land Use Article of the Annotated Code of Maryland. This report provides a summary of the year's planning activities undertaken by the Community Development Division and also documents development activity.

This report also includes the Maryland Department of Planning Annual Report starting on page 20. This report documents development data, comprehensive plan implementation, ordinance revisions, and various measures and indicators relative to the Priority Funding Areas (PFA's).

The changes in development patterns are found to be consistent with the County Comprehensive Plan as amended on September 13, 2012.

## **Project/Activity Highlights**

- Acquired 19 land preservation easements on 2,430 acres.
- Processed 22 Board of Zoning Appeals applications.
- Completed reviews for one (1) zoning map amendment.
- Processed 15 Water and Sewerage Plan amendments.
- Work continued on Livable Frederick, which is the update of the County Comprehensive Plan.

## **Development Activity Highlights**

- The estimated county population, as of July 2016, was 247,591. This is an increase of 2,214 or 0.9% since July 2015.
- The 1,868 permits issued for new residential dwellings in 2016, which was a significant increase from 2015 (1,158). A factor in this increase is permit activity for multi-family dwellings which also experienced a significant increase in 2016 with 958 dwelling units permitted. Permit activity in Frederick City increased in 2016 over 2015 (585 to 296).
- Commercial and industrial construction permit activity in 2016 (988 permits) was down slightly from 2015 (1,042 permits). The level of activity is still far greater than average activity of approximately 700 permits/year during the recession period.
- Site plan reviews stayed on par from 2015 with 28 plans approved during 2016. The greatest amount of building area for the approved site plans continues to be industrial uses with 320,497 square feet of building area.
- The approval of preliminary subdivision plans continues to decline from an all-time high of 3,359 lots/dwellings in 2014. Most of the developments that received zoning approvals in prior years have now received preliminary subdivision plan approvals.

# Planning Commission and the Division of Planning & Permitting

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The Frederick County Planning Commission was established in July 1955 with the responsibility for preparing and administering plans and development regulations for the County. The seven member Planning Commission are appointed by the County Executive and confirmed by the County Council to serve a five year term. The Planning Commission has final authority over site plans, subdivision plats, modifications to the subdivision regulations and determination of Adequate Public Facilities (APFO) for new developments. On items such as zoning map amendments, zoning or subdivision text amendments, and water/sewer plan amendments, the Planning Commission has an advisory role through the provision of a recommendation to the County Council, who have the final authority to adopt or amend these plans and regulations. With regard to Comprehensive Plans, the Commission has recommending role and forwards such Plans to the County Council for final adoption.

## Planning Commission members during 2016

- Bill Hopwood, Chair
- Anthony Bruscia , Vice-Chair
- Bob White , Secretary
- William Hall
- Sam Tressler (since July)
- Audrey Wolfe (through June)
- Carole Sepe
- Sharon Suarez

## Division of Planning & Permitting

The Division is comprised of the following departments and offices all located at the 30 N. Market St. building.

### Department of Planning

- Comprehensive planning including preparation of the Countywide Comprehensive Plan and the community/corridor plans.
- Responsible for functional planning areas including water and sewer, transportation, historic preservation, and environmental planning.
- Land preservation program administration

### Department of Development Review

- Conducts planning/engineering reviews of site plans and subdivisions and administers Forest Resource Ord. and the Adequate Public Facilities Ord.

### Zoning Administration

- Provides Zoning administration and enforcement of the Zoning Ordinance. Administers the Board of Appeals.

### Office of Sustainability and Environmental Resources

- Manages watershed restoration projects and federal storm water permitting.
- Oversees sustainability projects.

### Department of Permits and Inspections

- Administers building permit services and inspections
- Includes Office of Life Safety which is responsible for fire code reviews of building plans.
- Conducts grading permit reviews and inspections

The following commissions and boards are served by the Division staff:

- Board of Zoning Appeals
- Planning Commission
- Agricultural Preservation Advisory Board
- Agricultural Reconciliation Committee
- Historic Preservation Commission
- Monocacy Scenic River Board
- Transportation Services Advisory Council
- Sustainability Commission

# Demographic Data

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The U.S. Census estimate for the County’s population, as of July 1, 2016, was 247,591. This is an increase of 2,214 people or 0.9% since July 2015. The U.S. Census Bureau through its American Community Survey (ACS) provides estimated demographic data based on a sampling methodology. While building permit activity is one component of population change the ACS data also provides data on migration and the natural increase as components to population change. It is important to note that the migration and natural increase numbers below do not add up to the annual population increase estimate of 2,214 due to the different methodologies and data sources used for each.

## Components of Population Change – July 2015-July 2016

- Net Migration – 1,241 (International – 793, Domestic – 448)
- Natural Increase – 1,063

The table below provides a comparison between population the growth from the 2000 to 2010 period with where the County is since 2010. For the period since 2010 the County’s population has been growing at just about half the annual rate as during the 2000 – 2010 period. It should be noted that the population growth within the 2000-2010 period was not consistent year to year as the beginning of the recession period in 2008 caused a dip in population growth.

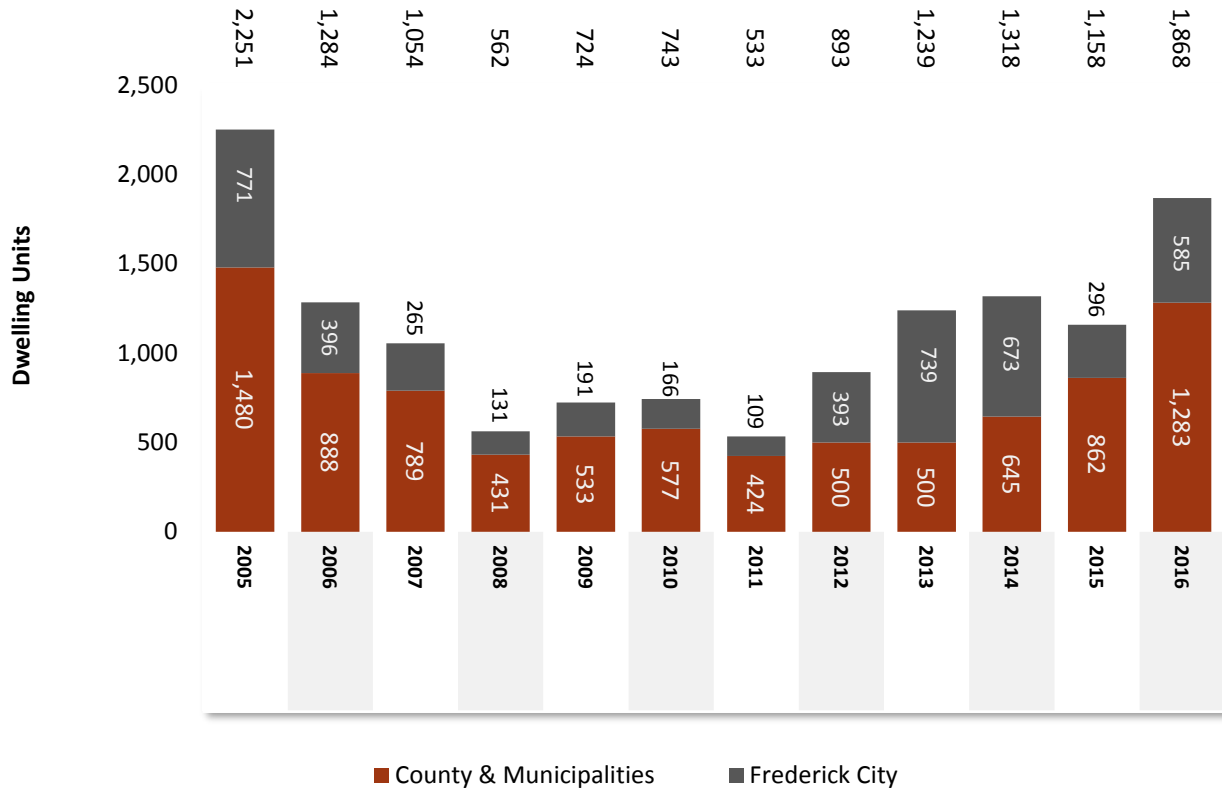
	Population Increase	% increase	Average Annual Increase
2000 – 2010	38,108	19.5%	1.9 %/year
2010 - 2016	14,206	6.1%	1.0 %/year

# Development Activity

## Housing Construction and Permits

In 2016, the number of permits issued for residential dwellings increased by 61% (710 dwellings) over 2015. A factor contributing to this increase is the significant number of multi-family dwellings that were permitted in 2016. Activity within the City of Frederick also increased significantly (98%, 289 dwellings) from 2015. For the five post-recession years 2012 through 2016 the county saw an average of 1,295 dwellings/year. This is still below the historic activity levels prior to the recession. The period of 2000 to 2010 saw an average of 1,600 dwellings/year. The county's peak decade for new housing permits occurred during the 1990's with an average of 2,000 dwellings/year.

**Figure 1: Housing Unit Permits: 2005-2016**



Source: Frederick County Division of Planning & Permitting



## Dwelling Type

Table 1 below shows the breakdown of dwelling type for new residential dwelling permits for the entire county and the municipalities. Over this 7-year period 38% of the dwellings were single-family, 25% townhouses, and 37% multi-family. For 2016 the number of multi-family units increased over 123% from 2015 (429 to 958). A majority (528 units) of this activity is still occurring in the County with the City (430 units) still experiencing higher than average activity. Among the multi-family developments there has been a shift away from the two-over-two type dwellings, which apparently are not selling very well. Two developments, Urbana Town Center and Linganore Town Center, have eliminated all of their two-over-two's and will replace them with townhouses. It is expected that the construction of multi-family dwellings will continue at higher than average rates. Within the County there are 11 developments with a total of 2,628 multi-family dwellings either approved, under construction, or recently completed.

**Table 1. Dwelling Unit Type Permitted**

	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>
Dwelling Type	No. of unit % of total	No. of unit % of total	No. of unit % of total	No. of unit % of total	No. of unit % of total	No. of unit % of total	No. of unit % of total
Single Family detached	463 62%	366 69%	448 50%	405 33%	389 30%	371 32%	519 28%
Townhouse	223 30%	121 23%	168 19%	312 25%	352 27%	358 31%	389 21%
Multi-Family	57 8%	46 9%	277 31%	522 42%	577 44%	429 37%	958 51%
<b>Total</b>	<b>743</b>	<b>533</b>	<b>893</b>	<b>1,239</b>	<b>1,318</b>	<b>1,158</b>	<b>1,868</b>

## Residential Subdivision Activity

Subdivision activity for the approval of preliminary subdivision lots continues to decline from the all-time high of 3,359 lots in 2014. This decline reflects the last few PUD projects that were rezoned in 2014 that are going through the development review process. This activity is expected to continue declining for the near future. These figures only include the preliminary plan approval of individual lots for single-family detached and townhouses. The approval of 2 over 2 and multi-family dwelling units are done through a site plan and are not accounted for in these numbers.

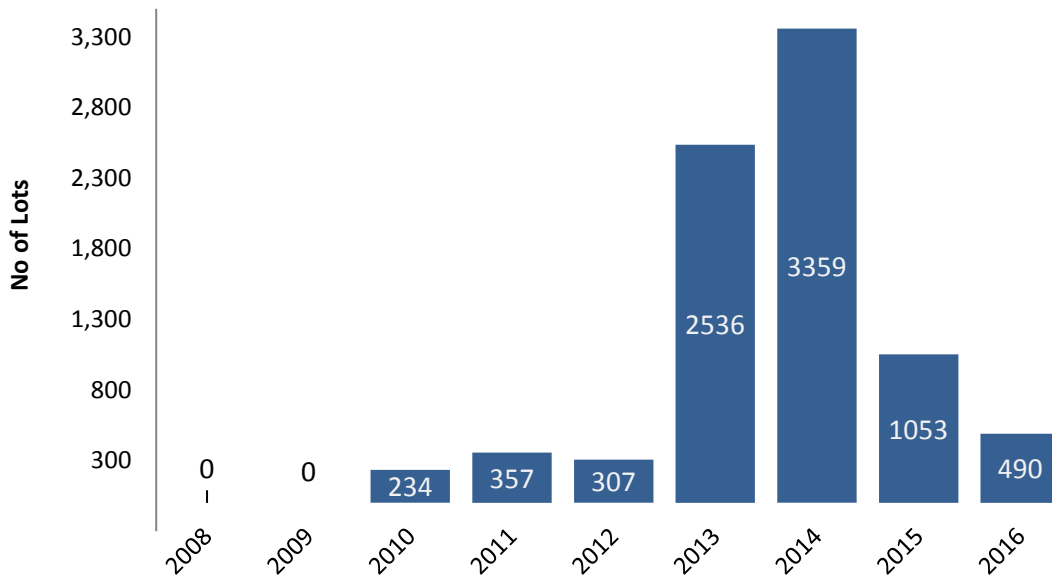
See Map 1 (page 7) for the location of the developments relative to the Priority Funding Areas (PFA's).

**Table 2: Approved Preliminary Subdivision Plans - 2016**

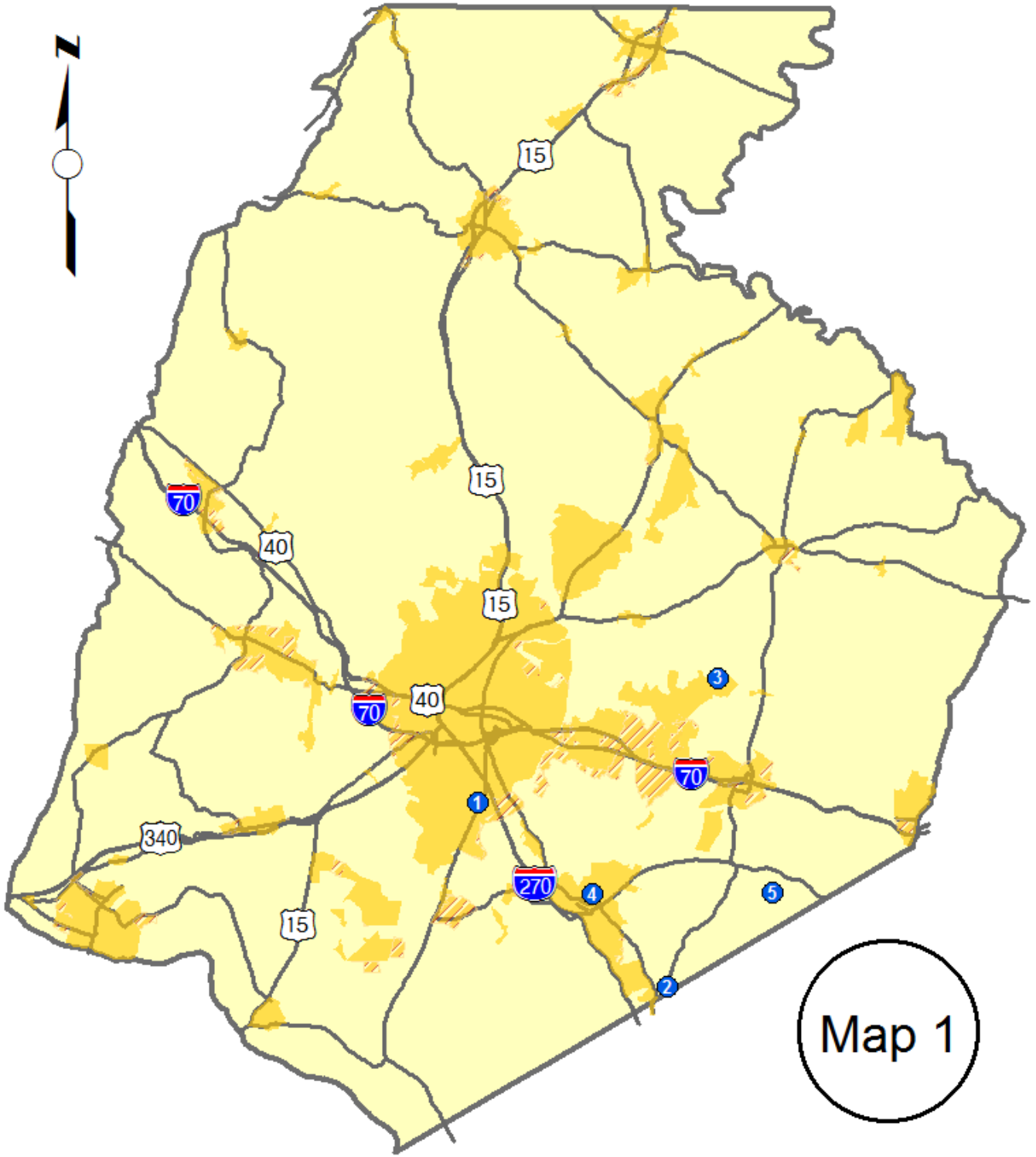
SF (single family), TH (townhouse), MF (multifamily), 2/2 (two-over-two)

Map	Project	Lots/dwelling units Approved	Acres	Zoning
1	Westview South	Revised Plan to increase total project from 516 to 600 dwellings. Adds 68 MF units and 38 2/2 units. <u>Removes</u> 5 SF lots and 17 TH lots from prior approval.	24.57	MXD
2	Bennett Preserve (Formerly Crossroads)	Revised Plan Section 1 <u>removes</u> 2 SF lots from prior approval	46.8	R-1
3	Hamptons West	217 SF lots and 189 TH lots	200	PUD
4	Villages of Urbana - Section M-1F	1 SF lot	0.19	PUD
5	Gladhill Acres	Re-subdivides Lot 62 to create 1 new SF lot	12.91	R-1

**Figure 2. Approved Preliminary Subdivision Lots: 2008-2016**



Source: Frederick County Planning & Permitting Division



Map 1

- Project Location
- ▨ Heritage Area in Locally Designated Growth Areas
- PFA
- ▨ PFA Comment Area

## 2016 Approved Preliminary Subdivision Projects

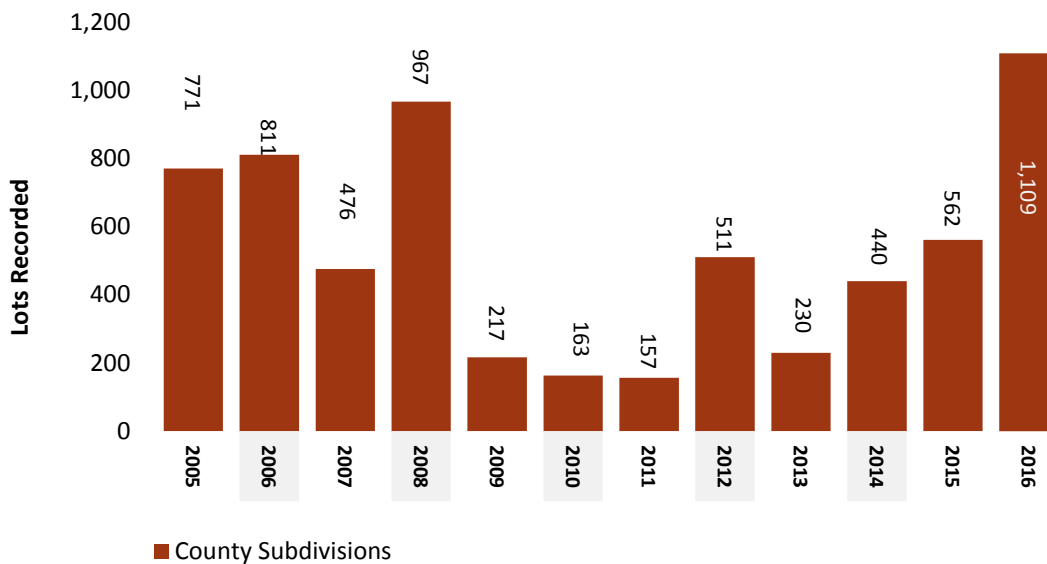
**Table 3. Residential Lots Recorded - 2016**  
County Subdivisions Only

Zoning District	Number of Lots Recorded	Total Acreage	Density acres/dwelling
Resource Conservation (RC)	6	91.5	15.3
Agricultural (A)	57	260.2	4.6
Agricultural/RC (split zoning)	1	100.8 <sup>1</sup>	100.8
R-1 Low Density Residential	113	254.6	0.4 du/ac
R-3 Low Density Residential	171	45.7	3.7 du/ac
Mixed Use (MX)	23	2.1	11.0 du/ac
Mixed-Used Development (MXD)	154	8.3	18.6 du/ac
Planned Unit Development (PUD)	584	98.9	5.9 du/ac
<b>Total</b>	<b>1109 lots</b>	<b>864.6 ac.</b>	

1. This acreage likely includes a remainder parcel.

The graph below shows the residential lot recordation activity since 2005. This graph includes lots zoned Agricultural, Resource Conservation, and residential and only includes County subdivisions. During the 1990’s the average number of residential lots recorded was 947 lots/year.

**Figure 3. Residential Lots Recorded: 2005-2016**



Source: Frederick Planning & Permitting Division

## Residential Pipeline Summary

The pipeline illustrates how many residential lots/dwelling units have received some level of development approval but are not yet built. The pipeline data, as of January 1, 2016, below captures residential developments approved under the

County’s jurisdiction as well as by the municipalities.

Under the County’s jurisdiction the pipeline includes any lot or dwelling unit approved for residential use including those zoned Agricultural and Resource Conservation in addition to developments zoned residential, Planned Unit Development (PUD), or Mixed Use Development (MXD).

**Table 4. Residential Development Pipeline – January 2016**

Jurisdiction	Approved Dwellings	Developed/Permitted Dwellings	Available Pipeline
Municipalities (except Frederick City)	2,689	804	1,885
City of Frederick	11,236	3,300	7,936
<b>Municipal Subtotal</b>	<b>13,925</b>	<b>4,104</b>	<b>9,821</b>
Minor sub’s/ Lots of Record			1,426
Major Projects	20,505	6,995	13,333
<b>County Subtotal</b>	<b>20,505</b>	<b>6,995</b>	<b>14,759</b>
<b>Total</b>	<b>34,430</b>	<b>11,099</b>	<b>24,580</b>

### Commercial Construction and Site Plan Activity

The table below lists the site plans approved by the County Planning Commission during 2016. The Map 2 on page 12 shows the locations of the site plans relative to the Priority Funding Areas (PFA’s). The number of site plans approved in 2016 (28) is the same as was approved in 2014. The breakdown of building area (square feet) by type is listed below:

Type of Use	Total Building Area (SF)
Industrial	320,497
Commercial / Service	93,028
Retail	9,247
Restaurant	2,750
Miscellaneous Commercial	(1)
Institutional	110,265

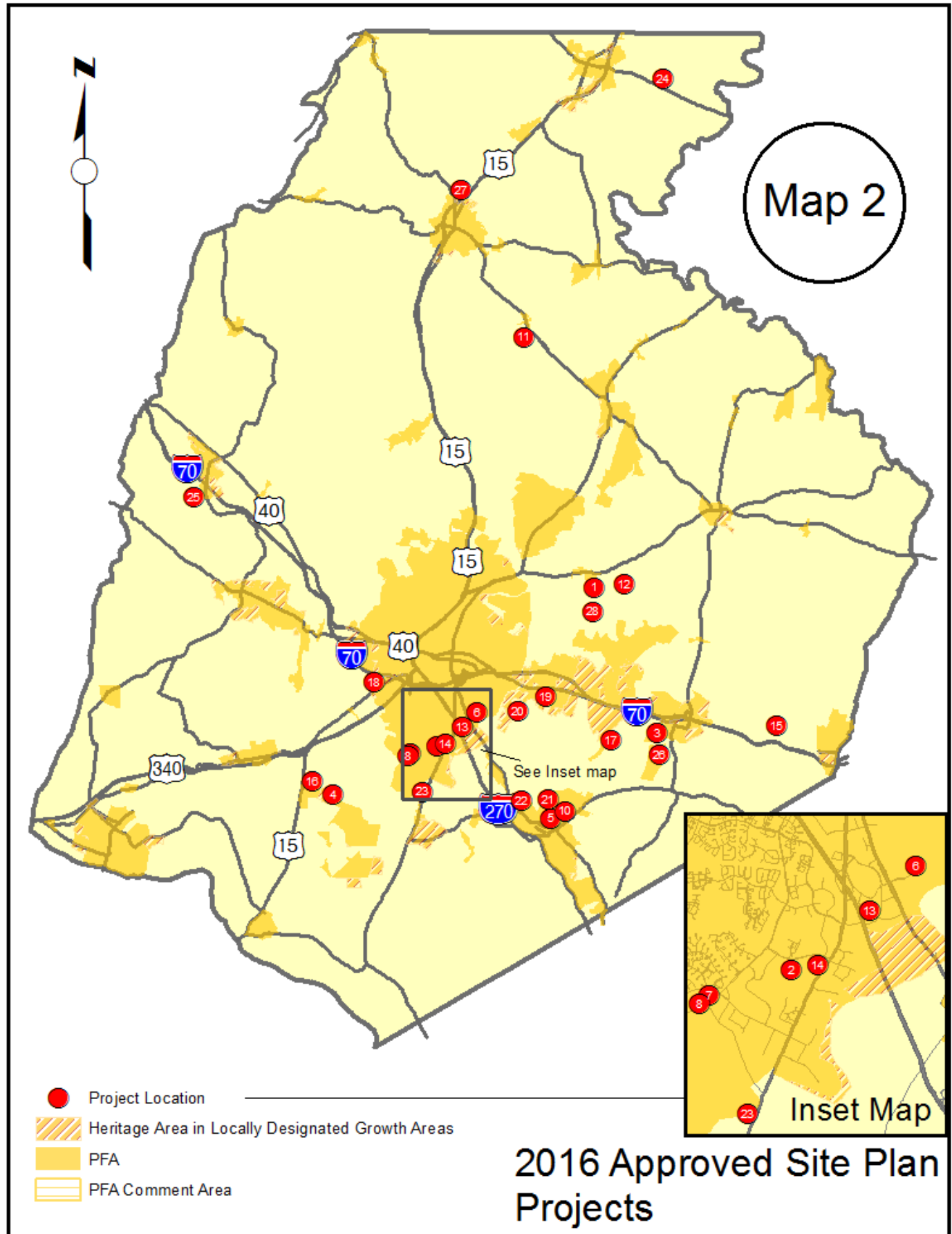
(1) There were several site plans that fit this category but did not involve new buildings. These include a grain silo, solar array, cemetery, and outside storage uses.

The overall commercial and industrial permit activity decrease slightly from 1,042 permits in 2015 to 988 permits in 2016. Types of commercial and industrial permits include new buildings or businesses, additions to existing buildings, and changes in tenancy within commercial buildings. During the past 5 years, there has been an average of 936 such permits issued annually.

**Table 5. Approved Site Plans - 2016**

<b>Map</b>	<b>Name</b>	<b>Description</b>	<b>Zoning</b>
1	Hostetter Grain, Inc.	Grain storage silo on a 5.44 acre site.	R-1
2	Homewood 2 Suites	Hotel (68,511 sf, 117 rooms) on a 2.54 acre site.	GC, LI
3	Intercoastal Industrial Center - Lot 4	HVAC contractor business (37,111 sf) on a 2.31 acre site.	LI, GI
4	Mullinix Agro Industrial Park	Southern States propane storage/distribution facility on 1.19 acre site within Lot 4 (5.4 ac.)	GI
5	Urbana Commons - Autozone	Auto parts retail store, 7,382 sf on the 1.05 acre Lot 1 of the Urbana Commons subdivision.	GC
6	Coffman Recycling	Recycling and distribution center, 5,000 sf on a 2.94 acre site.	GI
7	Spring Arbor	Assisted living facility, 105,608 sf, 95 beds, on 8.36 acre site. Wedgewood West MXD	MXD
8	Wedgewood West	Replace previously approved commercial buildings with Building A for industrial/warehouse use. Will result in net building area increase of 71,818 sf. Building A will have total 191,911 sf.	MXD
9	Casabella Commons	Concept Site Development Plan approval for a mixed use development to include 12,600 sf office and retail uses, a 4,400 sf nursery school, and two apartments on a 2.3 acre site.	VC
10	Kopit Dental Care (Urbana Commons, Lot 3)	Commercial/retail building (5,595 sf) for a dental office and other retail use on a 0.88 acre site.	GC
11	Baker Point Solar Array	Solar Array (non-governmental utility) consisting of 34,000 sf of solar panels on a 60.75 acre site.	A
12	TJ's Roadhouse & Country Store	Restaurant/variety store (1,865 sf addition to existing building for the store) Existing restaurant (3,749 sf) on a 1.62 acre site.	GC
13	Holiday Inn	Site Plan approval for redevelopment of a site with a 205 room hotel with a bar/restaurant and conference center (south hotel) and a 109 room hotel with a 9,000 sf restaurant (north hotel) on a 14.4 acre site.	LI
14	Krispy Kreme	Restaurant (2,750 sf) on pad site #5 (Lot 100) of the Westview Village commercial center.	MXD
15	Damascus Road Community Church	Site Plan revision to eliminate previously approved buildings in Phase 2 while retaining the previously approved Phase 2 parking spaces.	A
16	Stanford Industrial Park - Lots 25 & 26	Warehouse/Office building (104,500 sf total) 91,960 sf – warehouse, 12,540 sf - office on an 11.44 acre site.	LI
17	Glen Ellen Farm	Facility for Functions use on a 30.74 acre site listed on the County Register of Historic Places.	A

18	Fair Oaks - Lot 5	Commercial business and personal services use. Convert existing residence including an addition (4,263 sf building) on a 40,854 sf lot.	ORI
19	Long Electric	Electrical Contracting Business to include the construction of a 3,200 sf detached garage, on a 0.79 acre site.	GC
20	Tallyn Ridge Swimming Pool	Community pool 14,552 sf Outdoor Sports Recreation Facility (pool and poolhouse), on a 7.9 acre site.	A
21	Brien Place	Concept Site Plan approval for a Village Center residential development of four structures (1 existing SFD and 3 new townhouses), on a 0.82 acre site.	VC
22	Casabella Commons	Mixed use Mixed use office/retail/medical/restaurant/residential development with expansion of 2 existing buildings and construction of 2 new buildings) to include 14,659 sf office, retail, medical, and restaurant uses, a 4,657 sf private school, and one apartment unit, on a 2.3 acre site.	VC
23	York Building Products	Concrete block manufacturing and storage (33,750 sf building) on a 10.15 acre portion of a 48.32 acre site.	MM
24	Tom's Creek Church Cemetery	Cemetery use for a 3,344 plot on a 5.43 acre portion of a 43.2 acre site.	A
25	Alban Cat	Equipment storage area to the existing Alban Cat heavy equipment sales/repair facility. Storage area on Lot 1 is 7.27 acres.	LI
26	Intercoastal Industrial Center - Lots 5 & 6	Office/industrial/warehouse multi-tenant building (68,318 sf) for Flooring /tile contractor use in a on a 4.77 acre site.	GI
27	Patios Today	Landscape contractor operation with a caretaker residence on a 2.25 acre site.	LI
28	Vona Estates	Facility for Functions on a 130.58 acre site.	A





# Land Preservation Activities

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The Division administers five land preservation programs including three State easement programs: the Maryland Agricultural Land Preservation Program Foundation (MALPF), Rural Legacy and Conservation Reserve Enhancement Program (CREP); and two County programs, Critical Farms and Installment Purchase Program (IPP). The County also coordinates with the Federal Farmland Protection Program (FRPP) and the State’s Maryland Environmental Trust (MET) program. As of December of 2016 the County had a total of 55,464 acres under permanent preservation easements. An additional 4,639 acres of property is currently participating in the temporary MALPF District agreement.

## Critical Farms Program

This is a County program established in 1994 that is used to assist full-time farmers in buying farmland. The properties involved are subsequently preserved under one of the other preservation programs.

## Rural Legacy Program

This is a State Program established in 1999 and funded through grants from the Department of Natural Resources (DNR) with County matching funds. The County currently has two designated Rural Legacy Areas: The Mid-Maryland Rural Legacy Area located in the Middletown valley, and the Carrollton Manor Rural Legacy Area located in the Adamstown Region. Frederick County received a \$1.25 million Rural Legacy Grant in 2016.

## Maryland Agricultural Land Preservation Foundation (MALPF)

The Maryland Agricultural Land Preservation Foundation (MALPF) was established in the 1970’s and is the primary state program for agricultural land preservation. The county has participated in this program since 1979.

## Installment Purchase Program (IPP)

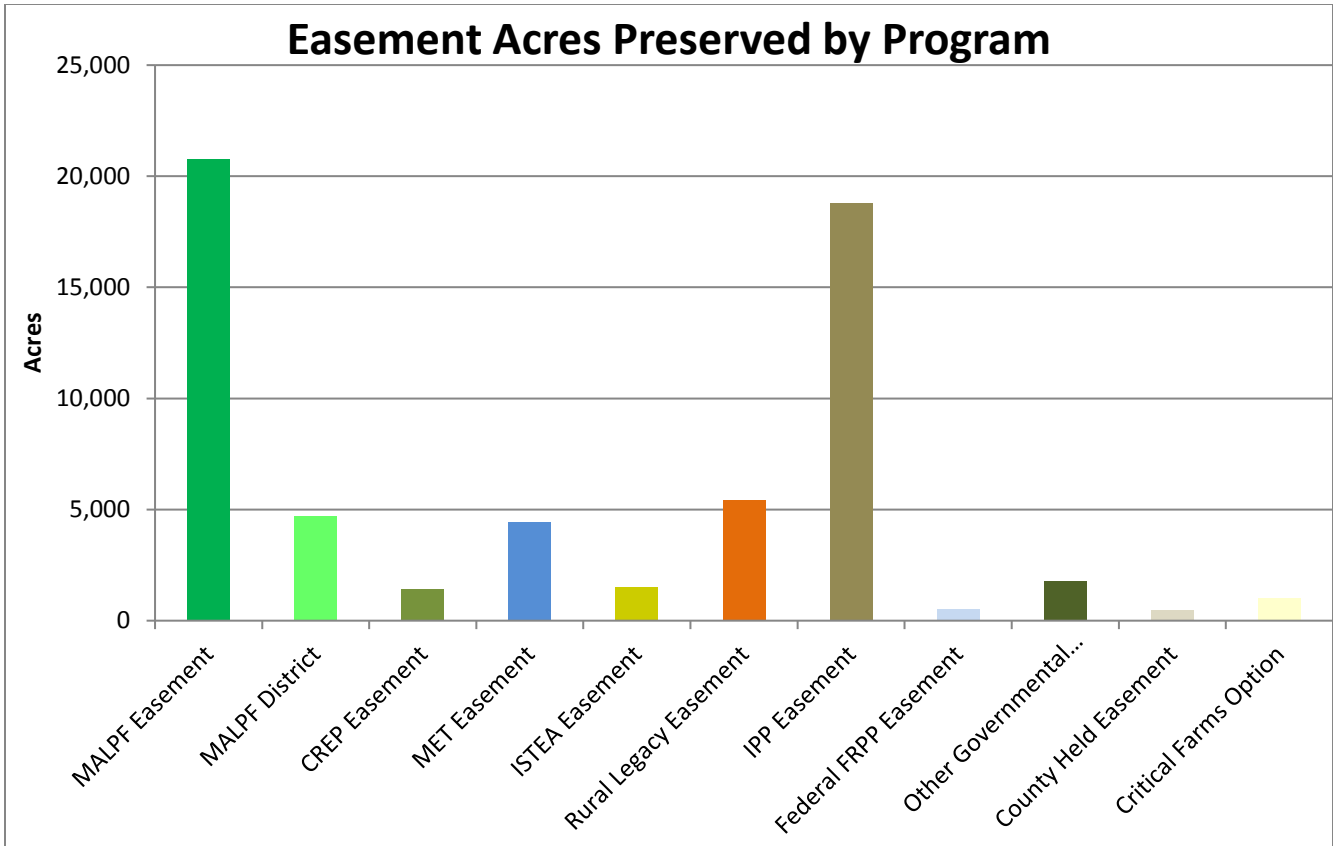
A County program created in 2002, purchases easements using Zero Coupon Bonds and revenue from a 10% share of the County’s Recordation Tax. This process enables the County to leverage existing funding to purchase more easement acreage than through traditional lump-sum-easement purchase programs.

## Conservation Reserve Enhancement Program (CREP)

The Department of Natural Resources funds easement acquisitions through the CREP Easement Program that have a dual purpose of preserving conservation land uses as well as agricultural areas. The first CREP Easement was purchased in 2010 and since then the County has preserved 1,626 acres.

**Table 6. Easement Acquisitions - 2016**

Program	Number of Easement’s Acquired	Acreage
Critical Farms	4	549
Rural Legacy	3	268
MALPF	5	594
IPP	4	607
CREP	3	412
<b>Total</b>	<b>19</b>	<b>2,430 acres</b>



**Frederick County Land Preservation Programs**  
**Acres Preserved by Program**  
 December 31, 2016

# Zoning Administration

The Zoning Administration Office handled 22 Board of Appeals applications during 2016, which was down slightly from the 28 cases heard in 2015. Consistent with previous years is the predominance of Special Exception cases (9) followed by claims of Administrative Error (7) and 6 Variance applications.

**Table 7. Board of Appeals Cases - 2016**

Case #	Applicant	Request	Decision
B-14-20	Playground Specialists Inc.	<i>(Update from September 2015)</i> Court Remand to BOA regarding a Claim of Administrative Error to review status of compliance efforts regarding a Zoning violation	Continued
B-15-27	Cleanlight Power + Energy, LLC,	<i>(Continued from December 2015)</i> Request for a Special Exception to establish a Nongovernment Utility - solar farm	Denied
B-16-01	Coronal Development Services & Biggs Ford Solar Center LLC	Special Exception to establish a Non-government Utility Solar Farm	Continued
B-16-02	Coronal Development Services & Legore Bridge Solar Center LLC	Special Exception to establish a Non-government Utility Solar Farm	Granted
B-16-03	ACRON Properties LLC & Isaias Loukos	Requesting a Variance of 22 feet from the 50 foot front yard setback and a Variance of 39,146 square feet from the 80,000 square foot minimum lot size for an addition to a structure to be used for offices.	Granted
B-16-04	RALE, Inc	Appeal of Administrative Error in regard to Zoning Administrator's decision letter rejecting RALE's appeal of an Outlot Plat.	Denied
B-16-05	Dona J. Hoffman	Requesting a Variance of 25 ft from the 65 ft total front yard setback and variance of 15 ft from the 25 ft FEMA Floodplain Buffer for Open pole structure over an existing riding arena.	Granted
B-16-06	Glen Ellen Farm & Debbie Dewitt-Brunink	Requesting to expand a previously approved Historic Special Exception for a Facility for Functions	Withdrawn
B-16-07	Robert Donovan	Appeal of Administrative Error in regard to Zoning Administrator's decision letter rejecting Robert Donovan's appeal regarding the subdivision of the adjoining Laughlin's property	Denied
B-16-08	John P. Theofield,	Appeal of Administrative decision regarding ARTO (Ag Rights Transfer Operation)	Withdrawn
B-16-09	Verizon Wireless	Appeal of Administrative Error in regard to Zoning Administration's denial of building permit (AP#138516) due to "proposed cabinets cannot be placed within the front yard requirements"	Denied
B-16-10	Peter F. Fedak, III and Caboose Farm LLC	Requesting a Special Exception to establish a Country Inn for events.	Approved

B-16-11	Verizon Wireless	Requesting a Variance of 9 feet from the 40 foot front yard setback requirement for installation of a telecommunications equipment compound	Granted
B-16-12	Joseph J. and Hope E. Cencula	Requested a Special Exception for a Limited Agricultural Activity for the keeping of dairy goats	Approved
B-16-13	Verizon Wireless	Requesting a Special Exception approval to establish a Telecommunications Tower / Monopole with accessory equipment compound in the Agricultural zoning district	Approved
B-16-14	Eddie Mercer Agri-Services	Requesting a Special Exception to add an additional Agricultural Products Processing use in the A and RC Districts to an existing Agricultural Products Processing operation	Approved
B-16-15	Bertrand & Deborah Newcomer	Appeal of Administrative Error in regard to Zoning Administration's denial of a Temporary Outdoor Event permit for weddings (AP#7445)	Denied
B-16-16	Myron and Kristen Custer	Requesting a Variance of 10 feet from the 50 foot front yard setback and 20 feet from the 50 foot rear setback requirement to construct a single-family dwelling	Approved
B-16-17	Joselene Hills, LLC,	Appeal of Administrative decision- denial by Zoning Administrator to allow a bank barn for use during a Temporary Outdoor Event	Withdrawn
B-16-18	Todd and Tara Lynn Lehtonen and Crown Rose Estate	Requesting a Special Exception for conversion of an existing Historic Structure or Site to a Facility for Functions and Inn	Approved
B-16-19	Frey Agricultural Products, Inc.	Requesting an Administrative Appeal regarding County determination for an ARTO application (Agricultural Rights Transfer Ordinance)	Denied
B-16-20	Mary Rose and Karanveer Salla	Requesting a Special Exception for a Limited Agricultural Activity for the keeping of chickens, goats and miniature donkeys	Approved
B-16-21	Edward F. Mayne, Jr. and Tonjia R. Mayne	Requesting a Variance of 34 feet from the 40 foot front yard setback to retain an existing pole barn	Approved
B-16-22	Robert C. Shaffer and Jennifer Shaffer	Requesting a Variance of 15 feet from the 25 foot front yard setback to construct a single-family dwelling	Approved

## Zoning Ordinance Text Amendments

Two bills were proposed by the County Council for amendments to the Zoning Ordinance.

Bill 16-11 – Plan/Zoning Notification Requirements – proposes to require posting of properties and notification of adjoining property owners for comprehensive plan/zoning actions. Approved: August 30, 2016, Effective: October 28, 2016

Bill 16-12 – Medical Cannabis Growing – proposed to allow medical cannabis grower as a temporary special exception use in the Agricultural zoning district. Bill was amended and sent back for additional public hearing and subsequently died due to lack of action.

# Comprehensive Planning

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The Comprehensive Planning activities include the preparation and updating of the County Comprehensive Plan as well as the preparation of community/corridor plans. Staff also has responsibility for functional planning areas including transportation, water and sewer, historic preservation and environmental planning.

## Community and Corridor Planning

The 2010 County Comprehensive Plan established a new planning process that will allow for plan updates to occur at three levels: County Plan, Community Plans, and Corridor Plans. Another update process will involve coordination with municipal plan updates, which may result in amendments to the County Comprehensive Plan to maintain consistency between the county and municipal plans.

In the fall 2015 the County initiated the process to update the County Comprehensive Plan that was adopted in 2010. The update initiative is called Livable Frederick and has established a steering committee of community representatives to assist with the update. A vision planning process was completed in late fall 2016. At the end of 2016 a scenario planning process was still underway. The Plan is expected to be adopted by the end of 2017.

## Zoning Map Amendments

In 2016 only one (1) application for a zoning map amendment (i.e. rezoning) was submitted (see Table 9).

Case	Applicant	Request	Status
R-16-01	Urbana Investment Properties II, Monocacy Land Co. LLC	Combined request to amend Phase I Plans for the Northern Town Center MXD, Urbana PUD, and the Southern Employment MXD.	Pending

## Development Rights and Responsibilities Agreements (DRRA)

There was one petition submitted to amend the Urbana/Natelli DRRA. The review of this DRRA amendment has been put on hold pending the review of the rezoning case # R-16-01.

## Historic Preservation

The Historic Preservation staff oversees updates of the Historic Preservation Plan, last updated in 2007 and the Historic Preservation Ordinance, which was adopted in 1997. Staff is also responsible for administering the Historic Preservation Commission. Staff serves a coordinating role with organizations such as the Heart of the Civil War Heritage Area (HCWHA). The County maintains The County Register of Historic Places which currently consists of eight sites.

The following activities were reviewed by the Historic Preservation Commission in 2016:

- Conducted two Section 106 reviews
- Conducted two reviews of Certificates of Appropriateness (COA's) – Samuel Cook and Glen Ellen County Register sites
- Reviewed one County Register nomination – CR 16-01 Oakland/Crown Rose Estates

## Environmental Planning

The Division staff primarily serves in a coordinating role with various environmental planning activities. The Office of Sustainability and Environmental Resources is responsible for watershed restoration projects, the County's stormwater

permit (National Pollutant Discharge Elimination System), and coordinating the County’s Watershed Implementation Plan related to the Chesapeake Bay TMDL requirements. The Division also is the primary staff to the Monocacy Scenic River Board.

### Monocacy Scenic River Board

In addition to their advocacy work on behalf of the State-designated Scenic Monocacy River, the Monocacy Scenic River Citizens’ Advisory Board conducted its second annual tire removal project, removing approximately 100 tires from the banks and channel of a 1-mile stretch of the River in Woodsboro in August.

Work was initiated on an update of the Monocacy Scenic River Management Plan that was first prepared by the Maryland Department of Natural Resources in 1990. This update is being managed by Frederick County planning staff in coordination with Carroll County staff. A Draft Plan was released for public review in the fall of 2016 and was still under review at the end of 2016.

### Transportation Planning

The Community Development Division is responsible for coordinating a variety of transportation plans and studies, which involve highway, transit, and bicycle/pedestrian facilities. Primary responsibilities include long range planning and coordination with inter-agency and inter-jurisdiction transportation projects. Activity highlights for 2016 include the following:

- Initiated work on updating the County’s 1999 Bikeways and Trail Plan. Work was still underway at the end of 2016.
- Coordinated the Annual Transportation Priorities Review with the County Executive, Planning Commission and the County Council.
- Continued participation in the Metropolitan Washington Transportation Planning Board (TPB) including the TPB Technical Committee and the Travel Forecasting Sub-Committee.

### Municipal Planning Services

The Division continues to provide liaison services to the County’s 12 municipalities. Coordination with the municipalities is facilitated through quarterly municipal planner meetings to exchange ideas and provide updates on various planning activities. One of these meetings has a focus on economic development with participation by those towns with Main Street managers. The Division did not conduct any specific municipal project or plan reviews in 2016.

### Water & Sewer Planning

The Division administers regular spring, summer, and fall cycles to consider amendments to the County’s Water and Sewerage Plan.

**Table 10. Water and Sewer Plan Amendments**

Case	Applicant	Location and Request	Decision
WS-16-01	Emkay Land LLC	Reclassify two parcels on Wormans Mill Rd. from W-5/S-5 to W-3/S-3.	Approved
WS-16-02	Casa Bella LLC	Reclassify 3 parcels on Urbana Pike from W-4/S-4/ to W-3/S-3 and another parcel from W-5/S-5 to W-3/S-3.	Approved
WS-16-03	Division of Planning & Permitting	Reclassify 1 parcel on Old Middletown Rd. in Jefferson from S-1 to S-5	Approved

WS-16-04	Summers Family LLC	Reclassify 96 acre Summers property on Mt. Philip Rd. from Planned Service (PS) to W-5/S-5	Approved
WS-16-05	Charlyn LLC	Reclassify Cline property (Calumet development) on Boyers Mill Rd. from W-4/S-4 to W-3/S-3 and add a sewage pump station	County Review Pending
WS-16-06	Justron LLC	Reclassify Smith property (Calumet development) on Boyers Mill Rd. from W-4/S-4 to W-3/S-3	County Review Pending
WS-16-07	Grimes Properties IV, LLC	Reclassify property (Long Electric) on Baltimore Rd. from S-5 to S-3	County Review Pending
WS-16-08	MS Gladhill Farm LLC	Reclassify parcel in Tallyn Ridge PUD on Reichs Ford Rd. from NPS to S-3/W-3	County Review Pending
WS-16-09	WVS Renn Farm, LLC	Reclassify 190 acre Renn Farm on Monocacy Blvd from W-5/S-5 to W-3/S-3	County Review Pending
WS-16-10	J&R Limited Partnership	Reclassify parcel on Gas House Pike from W-4/ S-4 to W-3/ S-3	County Review Pending
WS-16-11	Oakdale Investments LLC and Carolyn Anderson	Reclassify 151 acres in Liganore PUD (Hampton West) from W-4/S-4 to W-3/S-3	County Review Pending
WS-16-12	Faith Reformed Presbyterian Church	Reclassify church parcel on Yellow Springs Rd. from NPS to W-5	County Review Pending
WS-16-13	William & Lillian Blentlinger	Reclassify 279 acre Blentlinger property on Boyers Mill Rd. from Planned Service (PS) to W-4/S-4	County Review Pending
WS-16-14	Division of Planning & Permitting	Reclassify Quynn properties (12.5 acres) on Fish Hatchery Rd. from S-5 to S-4	County Review Pending
WS-16-15	Division of Planning & Permitting	Reclassify Urbana Elementary school property from W-5 to W-3	County Review Pending

## Maryland Dept. of Planning – Annual Report

This portion of the Annual Planning Report addresses the reporting requirements of the Maryland Department of Planning.

Jurisdiction: Frederick County

Contact: Jim Gugel, Planning Director, Department of Planning (Division of Planning & Permitting)

Contact Phone Number: 301-600-1144

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## **Plan Implementation and Development Process (5-Year Report)**

### **Frederick County – 2012 – 2016**

#### **Development Trends**

- New residential permit activity increased each year with an exception in 2015, which saw a slight dip from 2014. Activity in 2016 increased significantly to 1,868 dwellings which is on par with the level of activity prior to the recession. The average annual residential permit activity for the period was 1,295 dwellings/year, which is still well below historical activity levels. The period 2000 – 2010 had an average annual permits of 1,600 dwellings/year.
- Multi-family housing had a significant increase as a proportion of total new housing. In 2011 only 9% of new housing permits were multi-family while in 2014 44% were multi-family. Multi-family permit activity also increased significantly in 2016 with 958 dwellings permitted representing 51% of the total dwellings permitted. A majority of the multi-family units have been rental versus condominium.
- Subdivision activity for new approval of preliminary subdivision lots hit historical highs in 2013 and 2014. Since then subdivision activity has continued to decline.
- Majority of non-residential development continues to be standalone commercial/retail businesses and hotels. For the past two years office/industrial uses have accounted for the greatest amount of building area approved in site plans.

#### **Comprehensive Plan Implementation**

In 2011 the prior Board of County Commissioners (BOCC) initiated a Comprehensive Plan Update with a comprehensive rezoning process and amendments to the land use plan map. These amendments were primarily derived from property owner requests. The amended zoning and land use plan maps were adopted in September 2012. The text document of the 2010 County Comprehensive Plan was not amended. The County is underway with an update of the comprehensive plan, Livable Frederick, which is expected to bring the mapping and policy document in line.

#### **Program, Ordinance, Regulatory Changes**

The county undertook a series of mostly Zoning Ordinance revisions beginning in 2012 that were focused on business friendly revisions to the Zoning Ordinance.

- 2012 – 14 amendments
- 2013 – 9 amendments
- 2014 – 3 amendments. Includes the Agricultural Subdivision Rights Transfer Ordinance.
- 2015 – 2 amendments
- 2016 – 1 amendment

There were also several amendments to the County's Adequate Public Facilities Ordinance (APFO) during this period.

There were three amendments to the County's APFO approved in 2016:



- Bill 16-05 – an amendment to address annual adjustments to the school construction fee.
- Bill 16-09 – an amendment that allows the school construction fee to stay in place for projects approved to use the fee option prior to the sunset date of July 20, 2016.
- Bill 16-10 – an amendment to remove the ability to review/approve the APFO as part of a Development Rights and Responsibilities Agreement.

The County Council approved legislation (Bill 16-07) to repeal the Agricultural Rights Transfer Ordinance (ARTO) on August 24, 2016. The repeal became effective on October 14, 2016.

### **State Program, Ordinance, Regulatory Impacts**

None

### **Future Land Use Challenges/Issues**

- How to address significant amount of undeveloped employment/office land given the very low demand for office development in the region. Related is how to repurpose existing, vacant office buildings.

### **Comprehensive Plan Updates**

In October 2015 the County initiated an update to the 2010 County Comprehensive Plan. This effort, called Livable Frederick, has involved a vision planning process and will update the 2010 County Comprehensive Plan. There will not be a comprehensive zoning process. A draft plan is expected to be completed in 2017.

### **Amendments and Growth Related Changes in Development Patterns**

- |  |     |
|--|-----|
| (A) Were any new comprehensive plan or plan elements adopted?  | No  |
| (B) Were there any growth related changes in development patterns?   | Yes |
| (C) Were any amendments made to the zoning regulations   | Yes |
| One amendment to the Zoning Ordinance (Bill 16-11) made minor amendments regarding public and property owner notification of land use plan and zoning map changes. |     |
| (D) Were any amendments made to the zoning map?  | No  |

### **Mapping and GIS Shapefiles**

Frederick County does utilize GIS to document and prepare various planning and development related maps. At this time we do not have mapping specific to development changes that have occurred in 2016.

### **Consistency of Development Changes**

Any growth related changes that have occurred in the county are reviewed for consistency based on the particular review criteria identified in the Zoning Ordinance or other appropriate ordinances. The only consistency review that is relevant changes related to zoning map amendments or other reviews relates to the county’s own Comprehensive Plan. In general we would find that the changes that have occurred are consistent with the County Comprehensive Plan.

### **Plan Implementation and Development Process**

- |  |    |
|--|----|
| (A) Is the adoption of your comprehensive plan prior to January 1, 2010  | No |
| (B) In the current reporting year, did your jurisdiction identify and recommendation for improving the planning and development process within the jurisdiction? | No |

(C) In the current reporting year, did your jurisdiction adopt any ordinances or regulation needed to implement the 12 planning visions under the Land Use Article? No

## Measures and Indicators

### MDP 1. New Residential Permits Issued (Frederick County only)

	PFA		Non-PFA		Total
	No.	(%)	No.	(%)	
New Dwelling Units Permit Issued	887	82%	191	18%	1,078

### MDP 2. Amount of Residential Growth (Frederick County only)

	PFA		Non-PFA		Total
	No.	%	No.	%	
Residential Lots Recorded	932	84%	177	16%	1,109 lots
Residential Lots recorded Acreage	158 ac.	18%	707 ac.	82%	865 acres
Lots/Dwellings Approved <sup>1</sup>	488	99%	1	1%	489 lots/dwellings
Approved Residential Acreage <sup>1</sup>	225 ac.	95%	13 ac.	5%	238 acres

<sup>1</sup>Approved Preliminary Subdivision Plan and Site Plan

### MDP 3. Amount of Commercial Growth (Frederick County only)

Approved Commercial Uses	PFA		Non-PFA		Total
	area	%	area	%	
Land Area – acres	120 ac.	33%	239 ac. <sup>1</sup>	67%	359 acres
Building Area – square feet	546,122	92%	50,417	8%	596,539 sq. ft.

1. Includes a solar array, two event facilities on large farm parcels, and a cemetery.

## Locally Funded Agricultural Land Preservation

In 2016 the County acquired a total of 607 acres (4 farms) of agricultural/land preservation easements funded through the County’s Installment Purchase Program (IPP). The County also contributed local match funding for five (5) MALPF easements totaling 594 acres and three (3) Rural Legacy easements totaling 268 acres. While not specifically a preservation program the County’s Critical Farms program funded the purchase of four (4) farms that have easement

options and will be considered in subsequent easement program applications. A detailed breakdown of land preservation by all programs can be found on page 12.

## Local Land Use Percentage Goal

The County does not have a percentage goal regarding the amount of land that is expected to be within a Priority Funding Area (PFA). Within the county's jurisdiction only properties within a designated community growth area (CGA) would be expected to be in a PFA other than for designated Rural Villages. All of the land within a particular CGA would not be in a PFA until all of the criteria regarding zoning and water/sewer classification are met.

The County's 2010 Comprehensive Plan includes several goals to support development within the community growth areas. The 2010 Plan continues the implementation of the Community Concept, which was first developed in the County's 1972 Plan that focuses growth into the municipal growth areas and unincorporated growth areas.

- Reduce non-rural development outside of CGA's while maintaining opportunities for compatible agricultural support services and uses in Rural Communities.
- Increase the proportion – and 'per acre' unit density – of new residential development occurring within CGA's while minimizing new residential development outside of the County's CGA's.
- Establish as a targeted goal for the development and redevelopment of lands within CGA's, an average density of 7.5 dwellings/acre by the year 2025.

## Development Capacity Analysis

A development capacity analysis was prepared as part of the 2010 County Comprehensive Plan. This analysis will be prepared as part of the Livable Frederick comprehensive plan update.

## Adequate Public Facility Ordinance (APFO) Restrictions

The county adopted an Adequate Public Facilities Ordinance (APFO) in 1991 that addresses roads, schools, and water & sewer facilities. The APFO only applies to county developments as several municipalities have their own APFO's.

School capacity is the only APFO related restriction within Priority Funding Areas (PFA's).

### Schools

The County's Adequate Public Facilities Ordinance (APFO) establishes the school adequacy threshold at 100% for all school levels. Based on the Frederick County Public Schools *Enrollment and Capacity Report as of September 30, 2016* there were 14 elementary (includes one charter school), one (1) middle, and one (1) high school at or over 100% of the state rated capacity. Many of these school districts include areas in both the county and a municipality.

**Elementary** – Four of the affected elementary schools are located within the City of Frederick. Four schools are located in the Urbana, New Market, and Linganore communities in the eastern part of the county. One school, Tuscarora, is located in the Ballenger Creek community south of the City of Frederick. Only one school, Yellow Springs, has a school district that is mostly outside of a Priority Funding Area (PFA).

**Middle** – The one middle school, Oakdale MS, is located in the eastern part of the county.

**High** – The one high school, Urbana HS, is located in the Urbana community in the eastern part of the county.

### **Planned School Projects – 2016 Educational Facilities Master Plan (EFMP)**

- Elementary – seven (7) elementary school projects that would add 3,498 new seats. Two projects are renovation/additions, one project is a replacement and four are for new schools.
- Middle – two (2) middle school project for modernization of Middletown and Walkersville MS, which will not add any capacity.
- High – two (2) high school projects to replace the existing Frederick High building (add 223 seats) on the same site and a renovation of Middletown HS, which will not add any capacity.

### **Programmed School Projects – Frederick County CIP FY 2017-2022**

- Frederick High – new replacement school to open fall 2017
- Sugarloaf Elementary – new 725 seat school to open fall 2018
- Butterfly Ridge Elementary – new 725 seat school to open fall 2019
- Urbana Elementary – replacement to open fall 2020
- Waverly Elementary –200 seat addition to open fall 2021
- East County Area Elementary – new school to open after 2021
- Middletown Middle – renovation after 2022
- Liberty Elementary – modernization after 2022