

Sugarloaf Rural Heritage Overlay District – FcPc Workshop 1.18.2023

Discussion Notes: Group-Black (30 NMS, Basement Conference Room, Denis Superczynski staff)

Participants: Carole Sepe & Masai Troutman (Planning Commission Members), Krista Davisson, Tom Natelli, Steven Findlay, Justin Matney, Peter Blood, Amos Martin, Nick Carrera, Johanna Springston

Absent: Caroline Taylor, Rosalie Thon, Nathan Wilkes

Overlay Boundary

- There were at least four perspectives regarding the overlay district boundary:
 - No Exclusions - Establish the district across the entire planning area
 - Exclude some area along the I-270 Corridor along with the existing commercial business properties around the MD80 interchange.
 - No Mapped Overlay District (rely on Use Table exclusions and separate measures to address specific and targeted issues)
- Why not apply Overlay District over entire area but exclude specific uses/properties around MD80/I-270 interchange? Pause application of Overlay until Urbana/I-270 Corridor Plan is undertaken.
- Consider Overlay District as part of the larger effort to establish a Green Infrastructure Plan for the County.
- “Overlay = Oversight” (generally opposed to Overlay District)
- Specific objectives of any overlay district should be more clear and concise, which would eliminate the multitude of interpretations.
- Overlay District boundaries as drawn are inconsistent with text and diagrams presented in the Livable Frederick Master Plan
- Overlay District needs to protect existing residents from impactful land uses

Building Size

- Noted concerns about the limits on building size.
 - Is it the right tool?
 - Some uses may have a small building footprint but still be very impactful on the surroundings. Or they may meet the footprint requirement but still be able to build up a story or two.
 - The 15,000 square feet footprint limit felt arbitrary to some; inquiries as to the origin of this limitation.
 - More critical issue may be the amount of impervious surface coverage
- General agreement among most participants that there should be no ‘large-scale development’ within the planning area.
- Some participants noted that there should be additional planning efforts to determine where and how the I-270 corridor may develop over time.
- Building size limitations and use restrictions best accomplished through incentives or easement acquisition.

Prohibited Uses

- While there was acknowledgment that the existing zoning ordinance (through its Table of Uses, special exception process, and various environmental regulations) has ultimately prevented uses that are incompatible with the existing area in the past, those who live in the Sugarloaf area

would prefer a less cumbersome solution due to the time, energy, and resources required to defend the character of the region against uses that the vast majority of residents/owners understand to be character-eroding.

- Discussion included option for focusing on a limited number of the most impactful uses and excluding them from the list of permitted/special exception uses (gun range, event venue, large places of gathering/worship).
- Some discussion as to whether or not the 'rodeo' use, or equestrian uses would be appropriate in the Sugarloaf area. Some concern that limited equestrian uses may be excluded as an unintended consequence of proposed Overlay District regulations. Some in group wanted to investigate an allowance for limited equestrian events which could be constrained so as to limit negative impacts.
- Prohibition of certain uses does not sit well with some property owners, even those whose goals align with the overall mission and long term preservation of the planning area.
- Some discussion as to whether some uses might not be inappropriate anywhere in the County, or at least in its most treasured rural landscapes.
- Concern that 'spring water harvesting and storage' definition would stifle a more limited use of this activity. Definition should be more clear as to its intent.
- Consider performance standard-based regulations to diminish specific negative impacts instead of use prohibitions

Forestry/Streams

- New timber harvesting regulations may best be applied county-wide, instead of limiting only to Sugarloaf area. Efforts to accomplish this should be consistent across the County regardless of planning area geography.
- There was general consensus that more clarification would be helpful in the forestry and timber harvest sections, particularly in regards to stream crossings and harvesting/removal for farm pond maintenance.

General

- Comment regarding proposed lighting standard as creating safety issue.
- Overlay may not be the best approach if issues can be tackled individually or through general text amendments.
- Overlay includes some protections that are already in place...no need for redundancy.
- County should place signage at locations of proposed rezoning when those map changes are not generally being applied across a broad area of a planning area. (e.g. General Commercial expansion at MD80/I-270 interchange.
- There was general discussion of the various methods that the County has used to inform residents of active planning efforts, proposed plan/zoning changes, and applications for site-specific activities. The consensus was that the County should continue to invest in better methods of communication while making best use of the tools that are currently available.
- Some discussion of land uses requested by Stronghold: Would some sort of lodge be appropriate at the mountain if impacts were managed and the ridge line was protected? Traffic impacts from some proposed uses at Stronghold would more heavily impact Montgomery County's roads network.

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Discussion Notes (Group-Blue, Winchester Hall 3rd Floor Finance Conference room, Karin Flom staff)

Participants: Craig Hicks (Planning Commission Chair), Council Member Mason Carter, Eric Soter, Blanca Poteat, Steve Black, David Angell, Danielle Adams, Chris Miller

Absent: Margaret Koogler, Mark Long

Overlay Boundary

- There was not consensus on where the overlay should apply.
 - The entire planning area; the July 2022 overlay boundary; and keeping Stronghold lands within the overlay. This would maintain the character of the area.
 - A targeted approach to acknowledge that the I-270/MD-80 interchange is different in character than interior parts of the planning area.
 - Another suggestion was looking at the northern part of the planning area (i.e. MD-80) as there was a sense there are a lot of agricultural preservation parcels.

Building Size

- Some concerns about the limits on building size.
 - Is it the right tool? Could specific design standards or other zoning tools (setbacks for example) meet the concerns about protecting viewsheds or from public rights-of-way?
 - Some uses may have a small building footprint but still be very impactful on the surroundings. Or they may meet the footprint requirement but still be able to build up a story or two.
 - The 15,000 square feet footprint limit felt arbitrary to some.
- Others supported the 15,000 square feet limit. The draft language recommended by the Planning Commission allowed for a use to receive Planning Commission approval for a larger footprint.

Prohibited Uses

- While there was acknowledgment that the special exception process has prevented uses that are incompatible with the existing area in the past, those who live or are active in the planning area would like there to be a different solution. It takes time and energy to participate in that process, it is often long and drawn-out, and this isn't the "day job" of many in the community.
- Suggestions that the list of prohibited uses could be looked at in more detail. Could it be limited to more of the "no brainer" uses? Could the special exception requirements be strengthened for existing special exception uses instead of making them prohibited?
 - As written, the overlay is viewed by some as more restrictive than it actually is because the description duplicates restrictions already imposed in the AG and RC zones.
Suggestion that it be written without repeating the uses that already are not permitted by the underlying zones.
- Are there some uses that can be better targeted or described? For example with regards to "outdoor recreation" a "ball field" was felt to be potentially rurally appropriate (with a limitation on lighting, for example) but not something like a ball field megaplex.
- Another use mentioned was rodeo which felt rurally appropriate to some. The use is present in other rural parts of the county such as the Emmitsburg and Thurmont areas.

Forestry/Streams

- The forestry and stream crossing/buffer challenges are County-wide and are likely to come up in other treasured landscape planning efforts. The efforts should be proactive and consistent.
- Strong concerns were discussed regarding the methods used for logging activities by Stronghold and others, and the need for strengthening the supervision and environmental requirements of forestry activities in the County.
- There was general consensus that more clarification would be helpful in the forestry and timber harvest sections, particularly in regards to stream crossings and harvesting for maintenance (such as ponds) as was discussed during the presentation prior to the small group discussion.

General

- Some participants raised concerns of over-regulation, unintended consequences of the regulations, and consistency of rules and interpretations once they are in place.
- A lender/appraiser perspective in future workshops may be helpful to better understand economic impacts.
- A suggestion that since the rezonings to “RC – Resource Conservation” were not approved by County Council, the overlay should include other provisions to protect steep slopes.
- There was an acknowledgment of traffic issues in the planning area. It’s significantly grown in the past 20 years.
- Some concern with the use of other floating zones and how they could be applied in the planning area and circumvent the intention of the overlay and Sugarloaf plan.
- There was discussion of County officials participating in closed meetings regarding development and land use issues concerning the Sugarloaf Overlay area.
- The County Planning Director visited the group to deliver the message that we needed to compromise on the Overlay terms.
- In answer to a question, the Planning Director said that Stronghold Inc. declined to participate in the workshop discussions.

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Discussion Notes (Group-Orange, 30 NMS, Livable Frederick Conference Room, John Dimitriou staff)

Participants: Tim Davis (Planning Commission), Jodi Bollinger (Frederick County Office of Economic Development), Liz Bower, Margy Simpson, Janine Borofka, Sue Trainor

Absent: Tony Checcia, Tracie Clabaugh, Tiffany Fossett, John Ferri

Specific to Overlay

- Commissioner Rensberger's concerns about the Timber Harvest Streamside Management Zone were reiterated by group members. Clarifying language or the provision of an exemption process was recommended, especially for farm ponds.
- The regulatory function of overlay zoning was discussed. Explanation was given regarding the distinction between underlying zoning and the additive or subtractive aspects of an overlay.
- Clarification was provided regarding the development review process and distinctions between uses that require applications versus uses that are permitted by right. Notably, an understanding among group members was gained that while variety of uses are permitted, only some require site plan applications/special exceptions. This provided context for some changes proposed in the overlay, such as requiring site plan review for Agrotourism and Wholesale Nursery uses.
- There was discussion about whether noise regulation should play a role in the overlay. The role of the monadnock in concentrating and echoing sound was discussed, with examples given related to motorbikes, gunshots, marching bands, and carnivals. The difficulty of regulating the dynamics of sound was discussed, especially in the context of varying seasons, weather patterns, and the unique topography in the planning area. The noise characteristics of data centers was discussed, with the consensus opinion that their noise impacts would be significant and persistent.
- It was stated that the overlay should cover the entire Plan area. If the overlay boundary differs from the planning area boundary by excluding properties on the east side of Rt. 80 a buffer problem is created. Development on the west side of Rt. 80, which would be in the overlay, would effectively become the buffer between density and the rural character of the rest of the planning area.

Communications and Process

- There was resounding frustration related to perception that misinformation played too large a role in the process. There was sincere regret about the divisiveness of the planning process and the difficulty of inhabiting the community with neighbors who hold opposing views about the plan.
- Traffic was a significant concern. The traffic characteristics of Thurston Road were described as dangerous and high volume, with dangerous conditions related to sight distance and road curvature. It was noted that after 10 new houses were constructed on Peters Road, traffic "doubled."
- Significant time was dedicated to discussing outreach and possible "PR" strategies that could have or may still be able to be employed. The earnest belief that healthy, clear, and simple communication could resolve conflict was countered with the suggestion that ideological views are often immune to reflective dialogue.

Event Venues and Large Users

- Traffic concerns led to the discussion of the shared opinion that event venues should not be permitted in the planning area. Most group members felt the threat to close Sugarloaf Mountain was unproductive. The possibility of exploring historic preservation avenues was discussed, especially in terms of reconciling land use issues related to the operations and functioning of the Stronghold Properties.

Floating Zones

- The conditions under which floating zones could be applied were discussed. There is concern that floating zones could be employed in the future to allow data centers in the planning area. A CDI floating zone was mentioned. It was recommended that floating zones be prohibited in the overlay area.

Sugarloaf Mountain

- Stronghold's threat to close Sugarloaf Mountain to the public was raised. Could the overlay allow exclusion of properties that are protected from development by a perpetual preservation easement?

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Discussion Notes (Group-Red, Winchester Hall, 1st Floor Hearing Room, Kimberly Gaines staff)

Participants: Sam Tressler (Planning Commission), Matt Borders, Abigail Brown, Hugh Gordon, Alberto Goetzl, Betty Law, Michael Natelli, Karla Stoner

Absent: Hannah Nickerson, James Gubas, Dave Twigg, Lisa Buchanan Bell

Initial Remarks

- Matt – Concern with development impacts on historic resources, like Monocacy National Battlefield and Sugarloaf Mountain.
- Betty – Concern with data center development in the Sugarloaf Planning Area. Agricultural land is needed to feed the growing population; farmland will become more valuable and should be protected from development.
- Al – The scope of the overlay is too broad. Rural-based enterprises, like forestry and farming, should be supported – not limited or over-regulated.
- Karla – The Sugarloaf area is unique and needs the additional protection of the overlay.
- Abigail – Supports the overlay applied to the entire Planning Area, including the interchange properties, and preservation on the west side of I-270. This balances the Urbana development on the east side of I-270. There can be a preservation/overlay area on the west side of I-270 that does not negatively impact the future widening of I-270. Both can exist simultaneously without a conflict of interest.
- Hugh – Questions about the need for the overlay. Concerns about notification of impacted property owners and whether or not property owners who receive notification understand it.
- Michael – Concern with applying the overlay well beyond Sugarloaf Mountain, including areas along I-270 that are not identified as green infrastructure in the Livable Frederick Master Plan the way Sugarloaf Mountain is.

Prohibited Uses

- Temporary, portable sawmills should be explicitly identified as permitted.
- Outdoor sports facilities should not be prohibited; however, these uses should not be allowed to install stadium lighting.
- Rodeos could have significant traffic impacts.

Timber Harvesting

- Property owners need to be able to remove damaged trees, like ash trees that have been infested by emerald ash borers, even if they are in sensitive areas like the streamside management zone.

Overlay Map

- Support for applying the overlay to the entire Planning Area expressed by 4 participants.
- The group discussed the overlay map that Council Members McKay and Hagen proposed, in which Resource Conservation land would not be subject to the overlay. This would have excluded the Stronghold property from the overlay.
- Overlay not needed expressed by 2 participants – belief that the County has the tools to address most of the issues in the Planning Area without the overlay, such as the Priority Preservation Area, Creek ReLeaf, and the Conservation Resource Enhancement Program.

Questions

- Are commercial horse event venues considered Agricultural and, therefore, exempt from the limit on building size?
- Does amber lighting provide adequate lighting for security purposes?

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Discussion Notes (Group-Yellow, 30 NMS, Permits Conference Room, Justin Burkner staff)

Participants: Joel Rensberger (Planning Commission Vice Chair), Bob White (Planning Commission), Kathy Mitchell (County Attorney's Office), Bruce Dean, Tina Thieme Brown, Steve Poteat, Ingrid Rosencrantz, Martha Hartlaub

Absent: Rick Weldon, Jim Mackintosh, Michael Pugh, Stronghold

Tree Removal / Ponds

- Joel started the conversation by mentioning that farm pond maintenance should be allowed. He also had concerns that the language would impact the ability to subdivide and devalue the property.
- Ingrid mentioned that these are commercial standards but we need to look at unintended consequences with applicability.
- Steve Poteat said that the 50' setback has been in existence for a long time. He thinks perpendicular crossing is ok with appropriate permits.

Process

- Martha mentioned the difference in goals between people who live in the Sugarloaf planning area and people who just own property there. She is fatigued and concerned with the public process.
- Bob clarified that there was no reason given why the overlay was remanded back to the Planning Commission. This will be new to some members of the Council.
- The group had a discussion about Stronghold not being at the table.
- Steve Poteat brought attention to the Sugarloaf Alliance comments dated 1.18.23.

Overlay

- Bruce expressed concern with his client's property at I-270, the veterinary clinic. His client believes that it is developable and should be exempt from the overlay.
- Steve Poteat thought a perpetual open space easement and exempting the Stronghold property might be a way to get them on board.
- Joel asked Bruce if there was a way to get a large property owner on board with the idea of the overlay and he said probably not.
- There is interest in preventing another large institutional development proposal in the planning area.

Final Thoughts

- The County Planning Director, Steve Horn, joined the group. He encouraged participants in this process to find some compromise to achieve something versus nothing.
- Tina: Wants the plan as it started. The plan got watered down and she would like to see steep slope limits. This would limit the kind of restaurants and hotels Stronghold is envisioning. She also has concern with storm water and climate change.
- Martha: Wants to limit public water and sewer in overlay as this is a preservation plan. She likes the plan as it was but is willing to discuss compromise.
- Joel: Mentioned the drawbacks that septic has.

- Ingrid: Wants the original plan with no carve out for existing businesses near the interchange. These properties should be in the overlay. Has concerns about development in the area near Monocacy National Battlefield, which was added to the planning area by the Planning Commission. The park boundary is roughly 600 yards from developer-owned land and down gradient, so any construction will impact the streams that flow through the Battlefield.
- Bruce: Objected to that idea of the original plan with no carve out.
- Steve Poteat: Supports the plan as recommended by the Planning Commission, not the final County Council version. It is in the best interest of the county to protect the mountain.