



Maryland DEPARTMENT OF PLANNING

May 26, 2023

Chairman Craig Hicks
Frederick County Planning Commission
30 North Market Street
Frederick, MD 21701

Re: Draft South Frederick Corridors Plan

Dear Chair Hicks,

Thank you for requesting Maryland Department of Planning (MDP) comments on Frederick County's draft South Frederick Corridors Plan (2023). It is our understanding that the Planning Board has adopted the staff recommendation and the document is now considered the Planning Board Draft Plan. MDP appreciates the opportunity to comment on the Draft Plan in preparation for the Planning Board hearing(s).

The Department forwarded a copy of the draft amendment to state agencies for review including the Maryland Historic Trust, the Departments of Transportation, Environment, Natural Resources, Commerce, Disabilities, and Housing and Community Development. To date, we have received comments from the Departments of Housing & Community Development and Transportation and their responses are included with this letter. We also received notice from the Departments of Natural Resources and Disabilities indicating they have no comment on the proposal. Any plan review comments received after the date of this letter will be forwarded upon receipt.

MDP recognizes the significant and thoughtful effort that Frederick County staff, stakeholders, and residents applied to the development of the Draft Plan and looks forward to coordinating with the county on any assistance it seeks for plan adoption and implementation.

Sincerely,

Charles Boyd, AICP, Director
Planning Coordination

cc: Steve Horn, Frederick County Planning and Permitting Director
Kimberly Gaines, Livable Frederick Director, Division of Planning and Permitting
Joseph Griffiths, Local Assistance and Training Manager, Maryland Department of Planning
Susan Llareus, Planning Supervisor, Maryland Department of Planning



Maryland Department of Planning
Review Comments
May 25, 2023
Draft South Frederick Corridors Plan (2023)

The Maryland Department of Planning (MDP) received the Draft South Frederick Corridors Plan (Draft) from Kimberly Gaines, Livable Frederick Director on April 4, 2023. These comments are offered as suggestions to improve the Draft and better address the statutory requirements of the Land Use Article. Other state agencies, as noted below, have contributed comments and others may submit comments separately. If comments are subsequently received by MDP, the department will forward them to the county.

Draft Plan Summary

The Draft is an amendment to the adopted 2019 Livable Frederick Master Plan (LFMP) and was preceded by the 2020 *South Frederick Corridors Plan: Corridor Planning for the South Frederick Triangle and Ballenger Creek East Briefing Book*. That document provides information including existing conditions of the planning area and topics such as demographics, employment, land use, and zoning. Environmental aspects, planning strategies and scheduling are included in the Appendix.

The Draft planning area is approximately 4,036 acres, composed mostly of existing commercial, industrial, mineral mining, agricultural, and parkland. The planning area includes land to the south of I-70, along Interstate I-270, Urbana Pike (MD 355), Buckeystown Pike (MD 85), and the CSX/Marc Rail lines and Monocacy Marc Station.

The Draft states the plan purpose as:

“The central purpose of the South Frederick Corridors Plan, namely the area’s transformation into a vital and livable urban district, requires redevelopment. This is an approach to planning and land development that has not previously been undertaken comprehensively in Frederick County. Since the 1950’s, development in Frederick County (outside of its municipalities) has occurred almost entirely in the form of the conversion of rural or agricultural land to suburban land, colloquially known as ‘greenfield development’. There has been little, if any, redevelopment of land that had already undergone that conversion.” (p. 6)

Based on the above, the Draft envisions three distinct areas; an Urban District, a Town Center, and an Industrial area as illustrated on the Detailed Concept Plan, Map 2 (p.11). Finally, the Draft refines and provides strategies to implement the LFMP through a form-based code.

Maryland State Visions - Synopsis

Land Use Article Section 1-201 requires Maryland jurisdictions with planning & zoning authority to implement the state’s twelve planning visions (visions) through a comprehensive plan. The visions reflect the state’s ongoing aspiration to develop and implement sound growth and development policy. The visions address: quality of life and sustainability; public participation; growth areas; community design; infrastructure; transportation; housing; economic development; environmental protection; resource conservation; stewardship; and implementation approaches.

Plan Analysis

The Draft provides policy visions in the areas of community, health, economy, and the environment (p. 7-8). MDP suggests describing how the Draft implements the visions and/or how the Draft visions connect to the state visions.

Maryland State Elements

Land Use Article Section 1-406 describes the required and optional elements for charter county comprehensive plans but does not mandate how they are to be addressed. The following checklist identifies required plan elements and how the Draft addresses them.

Checklist of Maryland Code (Land Use Article) Element Requirements for Charter Counties (Section 1-406)		
Comprehensive Plan Requirements	MD Code Reference and Additional MD Code Reference	Reference in the SFCP Draft
(1) The planning commission for a charter county shall include in the comprehensive or general plan the visions under § 1-201 of this title and the following elements:	L.U. § 1-406 (a)	
(i) a development regulations element	L.U. § 1-406 (a) (1) (i) L.U. § 1-407 -- Development Regulations Element	Partially referenced in various locations of the plan, including the implementation section for future actions by the County Council (PL2)
(ii) a housing element	L.U. § 1-406 (a) (1) (ii) L.U. § 1-407.1 -- Housing Element	Partially referenced in the plan, and additional recommendations are included below.
(iii) a sensitive areas element	L.U. § 1-406 (a) (1) (iii) L.U. § 1-408 -- Sensitive Areas Element	Partially referenced in the plan, and additional recommendations are included below.
(iv) a transportation element	L.U. § 1-406 (a) (1) (iv) L.U. § 1-409 -- Transportation Element	Addressed throughout the corridor plan, and additional recommendations are included below.
(v) a water resources element	L.U. § 1-406 (a) (1) (v) L.U. § 1-410 -- Water Resources Element	Not addressed. See discussion below.
(2) a mineral resources element, IF current geological information is available	L.U. § 1-406 (a) (2) L.U. § 1-411 -- Mineral Resources Element	Referenced in the Briefing Book (pp. 29-32) and the Draft as existing quarries. See discussion below.
(b) A comprehensive plan for a charter county MAY include a priority preservation area (PPA) element	L.U. § 1-406 (b) For PPA Requirements, see § 2-518 of the Agriculture Article	N/A
(4) Visions -- A county SHALL through the comprehensive plan implement the 12 planning visions established in L.U. § 1-201	L.U. § 1-414 L.U. § 1-201 -- Visions	Recommend providing specific references furthering the state Visions

Checklist of Maryland Code (Land Use Article) Element Requirements for Charter Counties (Section 1-406)		
Comprehensive Plan Requirements	MD Code Reference and Additional MD Code Reference	Reference in the SFCP Draft
(5) Growth Tiers -- If a county has adopted growth tiers in accordance with L.U. § 1-502, the growth tiers must be incorporated into the county's comprehensive plan	L.U. § 1-509	Not addressed. See discussion below.

Conformance to Section 1-406 (a) of the Land Use Article

The following analyzes whether the Draft meets the requirements of charter county comprehensive plan elements, in accordance with the Land Use Article. Although, MDP is aware that Frederick County's charter states that the Land Use Articles provisions in place prior the county charter adoption shall govern planning and land development, per Section 601 of Frederick County's Charter.

Development Regulations Element - Synopsis

This element must include the planning commission's recommendations for land development regulations to implement the plan. Regulations must be flexible to promote innovative and cost-saving site design, protect the environment and identify areas of growth. The areas identified for growth must encourage flexible regulations, which should further promote economic development using innovative techniques, streamlining review of applications, including permit and subdivision plats.

Plan Analysis

The Plan of Action (p. 83) provides for the implementation of the Draft and prioritizes strategies. Frederick County should also consider the following:

- Does the Draft provide for flexible form-based development regulations and promote innovative and cost saving site design that protects the environment?
- Are innovative economic development techniques referenced in the Draft?
- Are streamlined development application processes included in the strategies to incentivize reinvestment in the planning area?
- Future zoning categories, an overlay zone, or development regulations could provide ranges of minimum and maximum density to correlate with the demand and supply of public facilities.

Housing Element - Synopsis

The housing element is required to address the need for housing within the jurisdiction that is affordable to low-income and workforce households using the United States Department of Housing and Community Development's Area Median Income (AMI).

Plan Analysis

The Draft does not include a standalone housing element, but the LFMP includes a discussion regarding Housing Diversity (p. 105). Since this Draft refines the comprehensive plan, it should address the need for low-income and workforce housing, as defined by the Land Use and Housing and Community Development Articles, including the requirement to indicate the AMI, low income, and workforce

housing in the planning area. MDP recommends the county determine if any additional analysis is needed to align the plan with the requirements of HB-1045.

Frederick County should consider the following:

- Noting that the Draft focuses on promoting redevelopment of this area and provides for the use of Form Based Code, the Draft includes an allocation chart (page 22) of likely distribution of 10,000 dwelling units; however, establishing a process of planning for and/or monitoring the increase in residential development as the plan is implemented will be critical to the ultimate success of the plan. If a residential development capacity analysis (DCA) based on Map 07's Form and Use Designations (p. 58) cannot be done at this time, it is recommended that a process be established to monitor the incremental redevelopment of the area based on approved projects that can be factored into subsequent system and network improvements in the transportation, water/sewer, school and other public facilities serving this area. Reliance upon an APFO may not enable the county to adequately address the needed infrastructure in advance to fully achieve the vision presented in the plan.
- Clarify that the housing market is the strongest determinant of investment in the community and development will be subject to adequate public facilities test at the time of a development review.
- Provide flexibility in unit type beyond the multifamily product, except for areas within one-quarter mile of the Monocacy Marc Station. This will expand the housing types to be consistent with the state housing vision for all income levels, including market rate, fee simple products.
- Incentivize low income and workforce housing near the Monocacy Marc Station. See the [The Housing + Transportation \(H+T\) Affordability Index](#) for a comprehensive view of affordability that includes both the cost of housing and the cost of transportation at the neighborhood level.

Sensitive Areas Element - Synopsis

The sensitive areas element must include goals, objectives, principles, policies, and standards designed to protect sensitive areas from the adverse effects of development (more recently referred to as climate change impacts). The LUA also assigns sensitive areas element data provision and review responsibilities to the Maryland Departments of the Environment and Natural Resources.

Plan Analysis

The sensitive areas element is addressed in the Draft through discussion relating to *Our Environment/Land/Natural Resources and Green Infrastructure* (p. 33). The areas shown as green infrastructure appear to protect the existing sensitive resources within the plan area. However, the Draft states: "Overall, impervious surfaces – roads, rooftops, and parking lots where water does not soak into the ground after rainfall – cover approximately 42% of the suburbanized portions of the planning area, as calculated without the land area occupied by the two quarries and the Monocacy National Battlefield." Aerial photographs confirm vast amounts of impervious surface—both rooftops and parking lots.

Frederick County should consider the following:

- Adding specific strategies, including incentives such as public benefit features, to achieve more surface green area associated with residential uses for outdoor space and recreation, green roofs, and additional tree canopy to reduce the consequences of the existing heat island effect that is occurring in the Draft planning area.

- Continue working with Maryland Department of the Environment (MDE) and Maryland Department of Natural Resources (DNR) on sensitive areas issues. MDP can assist as needed to facilitate an agency meeting or provide contact information.

Transportation element - Synopsis

The transportation element must reasonably project into the future the most appropriate and desirable locations, character, and extent of transportation facilities to move individuals and goods, provide for bicycle and pedestrian access and travel-ways, and estimate the use of proposed improvement.

Plan Analysis

The Draft is corridor-focused and seeks to prioritize multimodal facilities and accessibility. The implementation section of the plan includes eight strategies to promote multimodal facilities (p. 84) and to prioritize future development.

Frederick County should consider the following:

- Are the existing corridors generally adequate to support the projected trip generation of an additional 10,000 residential units?
- Are the massing images contained in the plan (p. 62) consistent with the LFMP's supporting initiatives related to the avoidance of noise sensitive land uses adjacent to highways (p. 98 LFMP)?
- Will a Highway Noise Overlay District (p. 98 LFMP) be created to address traffic noise impacts on residential uses along the existing corridors?
- Adding setbacks and buffer requirements for noise and vibration mitigation along freight railways.

Water Resources element - Synopsis

The water resource element must consider available data from the MDE and identify drinking water that will be adequate for the needs of existing and proposed future development; and suitable receiving waters and land areas to meet stormwater management and wastewater treatment and disposal needs. MDE and MDP are available to provide technical assistance to prepare the water resources element, ensuring consistency with MDE programs and goals.

Plan Analysis

Frederick County approved the [Water Resources Element](#) (WRE) in September 2010, and adopted by reference in the LFMP. The LFMP states the following on page 71:

“Water Resources are addressed in a separate document as a component of the Livable Frederick Master Plan. This separate document serves as the county’s Water Resources Element (WRE) as required by Md. LAND USE Code Ann. § 1-410. The WRE will be updated with subsequent updates of the county Comprehensive Plan to reflect demographic, economic, and development conditions. The latest official version of this document is hereby adopted as a component of the Livable Frederick Master Plan....” emphasis added.

This suggests that an amendment to the comprehensive plan would address policies and recommendations relating to maintaining adequate drinking water supply and wastewater treatment capacity to continue to meet the needs of the county. The WRE used pre-2010 data to examine the

county's land use, growth, water and sewer infrastructure needs, stormwater management capabilities, adequate drinking water supplies, wastewater treatment capacity, water quality regulatory requirements, and inter-jurisdictional commitments. As redevelopment occurs, it will likely impact the waters of the state, existing water and sewerage systems, and stormwater infrastructure capacities.

Frederick County should consider the following:

- MDP recommends an update to the WRE to address the issues raised above, redevelopment, and the upgrading of old infrastructure that may be failing or improperly sized for increased development and climate change.
- Strategies for Implementation (p.80) discusses public water and sewer service considerations on four organizational levels: the planning area, sectors, districts, and subdistricts. It concludes that the overall planning area can be served, but not every district and subdistrict is discussed. Frederick should explain if re-investment in the areas will result in further analysis or testing of systems to prove there are adequate public facilities in the subdistrict as redevelopment occurs.
- Form Designations (p.62) indicates that the Ballenger Creek Community Growth Area will be extended to the south to an area currently classified as No Planned Service for water and sewer and with existing denied access lines for water and sewer. Adding these no service locations to the growth area will require significant updates to the WRE and the county's Water and Sewerage Master Plan (WSP).
- Does the Draft address changes in water or sewer policies that may be needed to implement the plan? The WSP may need to be amended to include policies and implementation strategies to streamline the process of water and sewer category changes.

Mineral Resources Element - Synopsis

If current geological information is available, a comprehensive plan is required to include a mineral resources element. It should identify land that remains undeveloped to provide a continuous supply of minerals, which are defined in the Environment Article. They include clay, diatomaceous earth, gravel, marl, metallic ores, sand, shell, soil, and stone. The element is required to further identify post excavation land uses and incorporate strategies that balance resource extraction with other land uses and prevent, as much as possible, preempting mineral extraction in the jurisdiction.

Plan Analysis

The LFMP included a mineral resource element and reported "While the mining of minerals such as iron ore and copper are no longer active, other resources such as limestone have been mined in Frederick County since the early 1900's and still have 50 or more years of life in current mining operations" emphasis added (p. 70).

The Draft raises the important issue of karst topography within the planning area and the threat of sinkholes (p. 23). The 2010 WRE includes Map 4: Wellhead Protection & Zones of Dewatering Influence, which indicates that an area adjacent to the Frederick Quarry is a zone of Dewatering Influence. (p. 16). MDP referred this Draft to DNR, but as of the writing of this report, no comments have been provided. Frederick County should consider the following:

- Contacting DNR- Maryland Geological Survey to determine if they can advise on the causes and prevention of sinkholes within the Draft planning area.
http://www.mgs.md.gov/geology/geohazards/sinkhole_index.html

Growth Tier Map

In 2013, Frederick County adopted a growth tier map under the Sustainable Growth and Preservation Act of 2012. If not already completed, the county should reevaluate its tier map against proposed revisions to the Comprehensive Plan Map (page 58), Ballenger Creek Community Growth Area (page 60), and sewer policies associated with these areas, and make any updates needed to ensure conformance to the statutory mapping criteria in Section 1-508 of the Land Use Article.

Under Section 1-504 of the Land Use Article, if Frederick County amends its growth tier map, then the county must notify and provide MDP with all information necessary to allow for the department's detailed review required under Section 1-505 of the Land Use Article. If requested, MDP can complete a detailed review of any proposed tier map amendment before the plan is adopted.

If the county modifies its established zoning or subdivision requirements or its Tier IV boundaries in the future, MDP will review these modifications, first for consistency with statutory rules for growth tier delineation, and second to re-evaluate the county's Tier IV exemption. Please advise MDP and MDE if such changes are contemplated in the future.

Maryland Department of Planning Review Comments

Draft South Frederick Corridors Plan (2023)

STATE AGENCY COMMENTS

The following are state agency comments in support of MDP's review of the draft plan. Comments not included here may be submitted under separate cover, or via the State Clearinghouse. If comments from other agencies are received by MDP, the department will forward them to Frederick County as soon as possible.

Attachments

Page 8: Maryland Department of Transportation

Page 11: Maryland Department of Housing and Community Development

May 16, 2023

Ms. Susan Llareus
Maryland Department of Planning
301 West Preston Street
Suite 1101
Baltimore MD 21201

Dear Ms. Llareus:

Thank you for coordinating the State of Maryland's comments on the South Frederick Corridors Plan: a Small Area Plan Element of the Livable Frederick Comprehensive Plan, hereafter referred to as the "Plan." The Maryland Department of Transportation (MDOT) offers the following comments from The Secretary's Office, MDOT State Highway Administration (MDOT SHA), and MDOT Maryland Transit Administration (MDOT MTA). The Plan, through its policies and implementation strategies, builds on the County's recent growth and momentum with an approach to ensure that future development is well-designed and situated to encourage activity and community engagement.

General Comments:

- Please note that the proposed changes in land use may impact traffic volumes in along MD 355 and MD 85. MDOT SHA may need to further evaluate impacts to its roadways.
- Frederick County should ensure any future development proposals within the Corridors Plan limits conform to the local requirements for access prior to MDOT SHA being given the chance to review any development plan submittal.
- MDOT MTA is supportive of the study's goals to make better multimodal connections to transit in the South Frederick area.
- MDOT MTA in 2019 shared their Transit Priority Toolkit to assist local jurisdictions when proposing infrastructure improvements.
- MDOT MTA in 2020 shared their TOD Design Guide to assist local jurisdictions when integrating land use planning with local existing transit.

Planning Area

- Pages 28-29 – Naming convention for state roads – MD 85 and MD 355 are referenced three different ways as MD 355, Maryland Route 355, and Maryland 355. I-70 is also referenced as both I-70 and Interstate 70. Please keep the naming convention of state roads and interstates consistent.

- Page 28 – MDOT MTA is currently conducting a feasibility study on connections from the Monocacy National Battlefield to the Monocacy MARC Station. We are supportive of the plan's proposal to include bicycle facilities on MD 355 as that is one of the alternatives currently under consideration.

Districts

- Page 43 – Section 3.1.2.1 – MDOT MTA is supportive of improving safety on the MD 355 corridor and making it easier for people on foot, bicycles, and transit to access the Monocacy MARC Station.

Subdistricts

- Page 53 – Section 4.3 – The MDOT MTA is supportive the plans goals to orient new development to the Monocacy MARC Station by providing a denser street network and better pedestrian infrastructure.

Form Designations

- Page 61 – Map 8 – The map doesn't currently show the existing Monocacy MARC Station, though it is in Map 9. Would consider removing the marker for transit in the legend for Map 8 to avoid confusion.

Street and Road Designations

- Pages 66-7 – On Figures 44: S1, S2, and S3 – The street cross sections have an implied 5'-wide bike lane located within the pedestrian zone between tree pits. Please consider alternative locations for bicycle traffic that are consistent with nationally accepted bicycle facility design guides. Consider on-street, parking protected bike lanes or off-road shared-use paths for Figures 44: S1, S2, and S3.

A Plan for Action

- Page 83 – PL4 – Consider reaching out to MDOT MTA to be included in such a working group.
- Page 84 – TR3 – Please coordinate bicycle and pedestrian guidelines with Molly Porter, MDOT SHA Bicycle and Pedestrian Coordinator, at mporter@mdot.maryland.gov or 410-545-5673.

Ms. Susan Llareus
Page Three

Thank you again for the opportunity to review the Plan. If you have any questions or concerns, please do not hesitate to contact Ms. Kari Snyder, Regional Planner, MDOT Office of Planning and Capital Programming (OPCP) at 410-865-1305, toll free at 888-713-1414, or via email at ksnyder3@mdot.maryland.gov. She will be happy to assist you.

Sincerely,



Heather Murphy
Director, OPCP, MDOT

cc: Ms. Kari Snyder, Regional Planner, OPCP, MDOT

May 2, 2023

Joseph Griffiths
Manager of Local Assistance and Training
Maryland Department of Planning
301 West Preston Street, 11th Floor
Baltimore, MD 21201

Dear Mr. Griffiths,

Thank you for the opportunity to review and comment on the South Frederick Corridors Plan (the “Plan”). When reviewing plans, the Maryland Department of Housing and Community Development (“DHCD”) comments on items for which political subdivisions can strategically leverage DHCD’s resources to accomplish their housing and community development goals. DHCD also reviews comprehensive plans for consistency with relevant statute and, if appropriate, Sustainable Communities Action Plans.

Overall, DHCD staff were impressed with the quality of the Plan. Staff in the DHCD Division of Neighborhood Revitalization reviewed the plan and provided the following comments, which are meant to help realize the Plan’s goals. We present the following in no particular order:

1. The Plan area does not overlap with the Frederick Sustainable Communities area, so we have not reviewed the Plan and the Sustainable Communities action plan for consistency. Further, State Revitalization Programs funding must be used within a Sustainable Communities area, so these programs cannot be leveraged to achieve the Plan’s goals.
2. The Plan does not identify goals or actions regarding services for people experiencing homelessness. For information on DHCD’s programs addressing homelessness, please see more online at <https://dhcd.maryland.gov/HomelessServices/Pages/GrantFunding.aspx> or contact the Homelessness Solutions Program Manager, Suzanne Korff, at 410-209-5850 or Suzanne.Korff@maryland.gov. Persons experiencing homelessness who need assistance should contact Frederick City Housing and Human Services at 301-600-1506.
3. The Plan does not identify the community’s needs with respect to income and poverty. Frederick County or non-profits active in the Plan area may be eligible to apply for discretionary Community Services Block Grant (CSBG) funds administered by DHCD in order to provide services for low-income individuals and families at or below 125% of poverty. Planning staff can learn more about CSBG programs online at

<https://dhcd.maryland.gov/Communities/Pages/programs/CSBG.aspx> or contact the Poverty Solutions Team at 301-429-7525 or csbg.dhcd@maryland.gov.

4. The Plan identifies a need for affordable housing, including workforce and low-income housing. A portion of the Plan area is within a HUD Difficult Development Area (DDA) but currently has no Low-Income Housing Tax Credit (LIHTC) financed properties. If planning staff want to support further affordable housing development with LIHTC support, information is available online at <https://dhcd.maryland.gov/HousingDevelopment/Pages/lihtc/default.aspx> or contact Edward Barnett, Director of Rental Lending, at 301-429-7740 or edward.barnett@maryland.gov.
5. The Plan identifies a need to support businesses in the town's core. Info on DHCD's support for businesses can be found online at <https://dhcd.maryland.gov/Business/Pages/SmallBusinesses.aspx> or by contacting Mike Haloskey, Director of Business Lending Programs, at 301-429-7523 or Michael.Haloskey@maryland.gov.
6. The Plan identifies a need for infrastructure improvements that increase the Plan area's overall safety. DHCD's Community Safety Works program is a potential resource to support these projects. More information on the program can be found online at <https://dhcd.maryland.gov/Communities/Pages/csw/default.aspx> or by contacting Christine McPherson, Program Officer, at 410-209-5802 or christine.mcpherson@maryland.gov.
7. DHCD can assist with home repairs that improve comfort, livability, and accessibility for homeowners through its Special Loan Programs. Planning staff and residents can learn more about these programs at <https://dhcd.maryland.gov/Residents/Pages/SpecialLoans.aspx> or contact the program directly at 301-429-7409 or DHCD.SpecialLoans@maryland.gov.

We in the Division of Neighborhood Revitalization look forward to continuing our productive partnership with Frederick in its future initiatives. Again, thank you for the opportunity to comment on the Plan. If you have any questions regarding the comments above, please contact me at carter.reitman@maryland.gov or 410-209-5849.

Sincerely,

Carter Reitman
Program Manager, State Revitalization Programs

Cc: Susan Llareus, Maryland Department of Planning
Sara Jackson, DHCD Division of Neighborhood Revitalization
John Papagni, DHCD Division of Neighborhood Revitalization

