



*Maryland Department of Planning*

*Martin O'Malley*  
Governor

*Anthony G. Brown*  
Lt. Governor

*Richard Eberhart Hall*  
Secretary

*Matthew J. Power*  
Deputy Secretary

November 16, 2011

Mr. Eric Soter, Director  
Frederick County Division of Planning  
12 East Church Street  
Frederick, MD 217001

Dear Mr. Soter: *Eric,*

Thank you for the opportunity to comment on the Draft Frederick County 2011 Comprehensive Plan/Zoning Review. This 2011 draft will update the adopted 2010 Comprehensive Plan. The Maryland Department of Planning (MDP) believes that good planning is important for efficient and responsible development that adequately addresses resource protection, adequate public facilities, community character, and economic development.

The MDP has analyzed the draft comprehensive plan and it appears this draft Plan does not fully assess the implications and impacts of these proposed land use changes, especially for those that may increase large lot residential development. MDP strongly urges you to consider our comments and revisit the components contained in the draft plan.

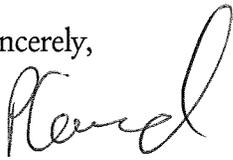
The 2010 Comprehensive Plan was enhanced by a twenty five month public process, thirty two public workshops/work sessions, which were held by the Frederick County Planning Commission as well as eight open houses. The Board of County Commissioners adopted the 2010 Comprehensive Plan in April 2010 stating this plan will guide in accomplishing the coordinated and harmonious development of Frederick County, and which will, in accommodating present and future needs, promote the health and safety, morals, order and convenience, prosperity and general welfare of the County and its citizens. It is unclear to MDP what conditions have changed in Frederick County over the past year and a half to warrant proposing such a dramatic shift in policy in the comprehensive plan. This draft plan will have the effect of increasing the supply of development outside of growth areas. In addition, the need for this additional supply is not supported by information about demand (i.e., growth projections).

MDP strongly requests that the County carefully assess the implications and impacts of these proposed land use changes, especially for those that may present opportunities for low density residential development. The attachment includes comments and recommendations from the MDP. Additional comments that may be forthcoming from other State agencies will be forwarded as we receive them.

Mr. Eric Soter, Director  
November 16, 2011  
Page 2 of 2

Please contact me at (410) 767-4553 or David Cotton, Regional Planner for the Western Maryland Office, at (301) 777-2161.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Conrad". The signature is fluid and cursive, with a large initial "P" and a long, sweeping underline.

Peter Conrad, AICP  
Director, Local Government Assistance

Enclosure: Comments on the Draft Frederick County 2011 Comprehensive Plan/Zoning Review

cc: Jim Gugel, Frederick County  
David Cotton, Regional Planner  
Rich Josephson, Director, Planning Services  
Rita Elliott, MDP Clearinghouse  
File



**Review Comments from the Maryland Department of Planning  
Draft Frederick County 2011 Comprehensive Plan/Zoning Review  
November 16, 2011**

During the 2006 legislative session House Bill 1141 was passed requiring Counties and Municipalities address several new elements within their Comprehensive plans. Under the provisions of this law all new elements will need to be included into comprehensive plans by October 1, 2009. Guidance documents for the Municipal Growth Element and the Water Resources Element are available at the Maryland Department of Planning (MDP) website [www.mdp.state.md.us](http://www.mdp.state.md.us).

MDP has reviewed the Draft Frederick County 2011 Comprehensive Plan/Zoning Review and offers the following comments.

**Water Resources Element**

The following comments are related to the consistency of the draft Frederick County 2011 County Plan with the Frederick County Water Resources Element (WRE):

The Frederick County 2011 County Plan should indicate whether or not the forecasts of water and sewer demand and non-point source pollution in the Frederick County WRE are adequate representations of the water resource impacts expected from implementation of the Frederick County 2011 County Plan. If not, the Frederick County WRE should be revised to reflect the water and sewer demand and non-point source pollution expected from implementation of the draft Frederick County 2011 County Plan (at build-out or through the planning period used in the County Plan).

The Frederick County 2011 County Plan should indicate whether or not the solutions described in the Frederick County WRE to address the County's water resource needs will be adequate to support implementation of the Frederick County 2011 County Plan. If not, the Frederick County WRE should be revised to describe the solutions that will be pursued to address the County's water resource needs."

## **Water and Sewer Planning**

The draft Frederick County 2011 Comprehensive Plan and Zoning Review amendment does not provide adequate information for water and sewer planning purposes. The draft states: “Revisions to the Water/Sewer Plan classifications would be proposed relative to changes in the zoning and/or land use plan designations. While these amendments can be considered concurrent with the zoning and plan amendments they may also be considered in a subsequent process following adoption of the zoning and land use plan maps.”

MDP has the responsibility to advise the Maryland Department of the Environment on the consistency between the Water and Sewerage Plan and the County’s Comprehensive Plan. The Comprehensive Plan should include policies for providing water and/or sewer services as well as maps that clearly outline the land subject to existing and proposed future service. Any staging of development should be reflected in the water and sewerage plan maps as well. A discussion of projected population and demand should be presented. The type of facility or service to the various land use categories should be included in the discussion.

As you are aware, Frederick County recently submitted a draft Water and Sewerage Plan to MDE for review. In most cases, the County Comprehensive Plan would have been adopted prior to a water and sewerage plan being submitted for review. The additional information should be added the Comprehensive Plan in order to facilitate MDP’s review of the County’s draft water and sewerage plan.

## **Land Use Supply Analysis**

Frederick County staff projects that the county will grow by roughly 36,100 dwelling units between 2008 and 2030. Based on the Frederick County Residential Needs and Development Capacity Analysis (June 2010), approximately 98.7% of the projected 2030 demand can be accommodated in the County Growth Areas and Future Growth Areas. The County’s analysis estimates, that based on current land use designations, there is a shortfall of about 450 dwelling units when future Growth Areas are included.

County Staff reports from October 19, 2011, estimates that the proposed land use, zoning and comprehensive plan amendments would add a potential for an additional 17,661 dwelling units. This would increase the total capacity by 50%. This may result in an over-supply of land for new development, which could lead to increased sprawl development, strains on existing infrastructure and inefficient use of land.

Additionally, Frederick County’s Residential Needs and Development Capacity analysis also includes an estimate of the potential acres needed to accommodate the future housing needs after pipeline. This analysis applied several density scenarios, low- mid and high with all of the scenarios assuming the same mix of single-family (50%), townhouses (30%) and multi-family (20%). Based on this analysis, the number of acres needed to accommodate the projected needs ranged from 6,122 acres to 2,597 acres. Under the 2010 Plan, there is an estimated 2,838 acres currently undeveloped, between the low and mid density estimates of 2,597 and 3,692. Again, this would indicate that there is currently an adequate supply of residential lands.

Based on the proposed land use, zoning and comprehensive plan amendments it appears that a significant number of residential acres will be added. This may generate results more in line with the low density scenario and induce sprawl types of development.

The draft Frederick County 2011 Comprehensive Plan and Zoning Review amendment includes a series of up-zoning proposals in all eight regions of the County. Although not every proposal may be approved for inclusion in the final draft, the hundreds of acres of land being requested for up-zoning will inevitably demand more needs for infrastructure and services. While the County will subsequently conduct land use and water/sewerage plan amendments based on the zoning review, it appears that the County may not consider other infrastructure impacts, especially the impacts on school and transportation which have experienced major constrains in recent years. MDP strongly recommends that the County conduct an assessment of potential infrastructure needs for these up-zoning requests and amend relevant chapters or sections on infrastructure and facilities in the comprehensive plan accordingly.

### **Agricultural Preservation Rural Legacy Area**

#### Adamstown Region

The re-zoning requests in Adamstown and to the northwest of the town are not in a Rural Legacy Area (RLA) but adjacent to it. Up-zoning from the agricultural zone is not supportive of the RLA. CPZ11-AD-3 is in the RLA, and it appears that CPZ11-AD-9 is as well, both requests should not be considered for up-zoning. The properties requesting rezoning outside of Point of Rocks, appear to be outside the Town's growth boundary and inside the RLA and should not be considered for up-zoning.

#### Frederick Region

In the Frederick city area, most parcels are recommended for no change or from Agriculture to Natural Resource. In any case, up-zoning is not recommended in this area due to the proximity of the parcels closest to Frederick City being in or near the PPA.

#### Middletown Region

In the Middletown area, CPZ11-MD-09 is requesting no change from Agriculture. CPZ11-MD-17 is located in the Community Growth Area and has been requested for up-zoning from Agriculture to Residential Development, this change is recommended. In the area to the east of Braddock Heights, why would conservation land would be up-zoned and village centers down-zoned? What is the County's rationale for those changes?

#### New Market Region

In the New Market area no change is recommended for several requests CPZ11-NM-13, CPZ11-NM-14, CPZ11-NM-22, CPZ11-NM-36, CPZ11-NM-39, and CPZ11-NM-42. These are outside the community growth area. The Rural Legacy Area begins on the east side of Green Valley Road. In New Market, up-zoning inside the town limits is generally a good idea. In the eastern section of the planning area, it appears that rezoning is being sought to change Agriculture land into low density development which would produce unwanted low density sprawl.

#### Thurmont Region

In the Thurmont-Emmitsburg area, the Agriculturally zoned land outside of the Community Growth Areas should not be up-zoned. Easements exist not far from the town CGA. Forming greenbelts around the towns instead of extending low density sprawl would be recommended.

#### Urbana Region

In the Urbana area there are virtually no easements and no PPA's or RLA's are in close proximity. However, it's not a good idea to up-zone Agriculturally zoned land to low density sprawl, even though there is a strong precedent for it.

#### Walkersville Region

In the Walkersville area, the parcels to the south of Walkersville are recommended for no change. This is recommended because they lie within a PPA. CPZ11-WA-09, east of Libertytown, lies in a PPA and should not be up-zoned.

### **General Land Use Concerns**

Most of the zoning requests have been located in areas outside of the County Growth Area and/or outside of a City or Town Growth Area. Some of the zoning requests are not reflected in any previous comprehensive Plans or Municipal Growth Elements. In summary, land is being rezoned for non-agricultural uses in places, according to the Comprehensive Plan, may not be ready for growth. Please see the cases below for more details.

Frederick Region: CPZ11-FR-12, CPZ11-FR-29

New Market Region: CPZ11-NM-02, CPZ11-NM-15, CPZ11-NM-43

Thurmont Region: CPZ11-TH-7, CPZ11-TH-12, CPZ11-TH-14, CPZ11-TH-17

Urbana Region: CPZ11-UR-2, CPZ11-UR-4, CPZ11-UR-7, CPZ11-UR-8, CPZ11-UR-9, CPZ11-UR-10, CPZ11-UR-11, CPZ11-UR-12, CPZ11-UR-14

Walkersville Region: CPZ11-WA-1, CPZ11-WA-6, CPZ11-WA-9, CPZ11-WA-12, CPZ11-WA-13, CPZ11-WA-14

MDP is concerned that in all of these areas there have been re-zoning requests for changes from Rural Residential to Low Density Residential, from Agricultural/Rural to Low Density Residential, and from Agricultural/Rural to General Commercial.

During the County's 2010 Comprehensive Plan review process, MDP raised the concern of widespread low density residential designations in certain regions. Designating low density residential uses adjacent to a municipality could make such development more easily become reality if a property owner wants to avoid the Five-year Rule for annexation and the municipality wants annexes the property for a high-density/mixed-use, but the County doesn't approve the a high-density/mixed-use annexation.

Once again, the 2011 Comprehensive Plan amendment lacks the proper analysis necessary to evaluate the affects that the up-zoning will have on existing infrastructure. These changes will ultimately result in increased costs for roads, schools and other facilities that will be required once development has occurred.

The State has endured decades of widespread low density sprawl and its significant adverse impacts on land use, environment, economy and fiscal the wellbeing of the State. Our citizens have seen sprawl development consume more agricultural, forest and natural resource lands, polluting more on per unit basis, encouraging longer commutes and greater vehicle miles traveled, requiring more costly highway constructions and maintenances, making transit more expensive to serve. MDP strongly requests that the County carefully assess the implications and impacts of these rezoning requests, especially for those that may present opportunities for low density residential developments in the near future.