

FREDERICK COUNTY BOARD OF APPEALS
STAFF REPORT for VIRTUAL MEETING ON JUNE 25, 2020 @ 7pm

<u>Case Number:</u>	B-20-03, Application Number B258869
<u>Applicant:</u>	Town of Walkersville
<u>Appeal:</u>	Requesting a <i>Special Exception</i> pursuant to Section 1-19-3.210 Special Exception, Section 1-19-8.354 <i>Tent Campground in the A and RC District</i>, and Section 1-19-8.355 <i>Shooting range/club - trap, skeet, rifle, archery in the RC and A Districts</i> of the Frederick County Zoning Ordinance. The applicant is proposing to create a Tent Campground and Shooting range/club - trap, skeet, rifle, archery for the Boys Scouts of America that will include Tent Camping as well as a shooting range for Archery only.
<u>Location:</u>	The property is described as 232 acres located on the east side of Chestnut Grove, Walkersville, MD 21793. Tax Map 50, Parcel 0052 Tax ID 08213763, Zoning; Agricultural (A), Size 232 Acres
<u>Planning Region:</u>	Walkersville
<u>Zoning District:</u>	Resource Conservation
<u>Comp. Plan Designation:</u>	Public Parkland/Open Space
<u>Applicable Ordinances:</u>	Sec. 1-19-3.210 Special Exception Sec. 1-19-8.354. Tent Campground In A and RC Districts Sec. 1-19-8.355. Shooting Range/Club - Trap, Skeet, Rifle, Archery In The RC and A Districts

Background:

The property was acquired by the Walkersville Water Company in the early 1900s to provide a water supply to the Town of Walkersville. The Water Company was sold to the Town of Walkersville in 1959, so the property has been held in public ownership for more than sixty years. Use of the reservoir was discontinued in 1975 but the property has remained in the ownership of the Town. Over the years the Town has authorized use of the property for horseback riding, hunting and forestry. In 2007 the Town entered an agreement with the local

Boy Scouts to allow the scouts' use of the property for camping and other activities. Mr. Ron Layman, a Walkersville resident and Frederick BSA Scoutmaster, has served as the property manager and oversees all activities occurring on the property.

The applicants property is zoned Resource Conservation (RC) and is 232 Acres. The applicant is proposing to establish the existing use of the site by the local Boy Scouts. There are 23 camp sites on the property, most have been assigned to the local scout troops. There is a pavilion area central to the campsites and portable restrooms. There is also an Archery Range on the property.

Proposal:

The applicant is requesting a Special Exception pursuant to the Frederick County Zoning Ordinance, Section 1-19-3.210 Special Exception, Section 1-19-8.354 Tent Campground in the A and RC District, and Section 1-19-8.355 Shooting range/club - trap, skeet, rifle, archery in the RC and A Districts. The applicant is proposing to create a Campground for the Boys Scouts of America that will including Tent Camping as well as a shooting range for Archery.

Special Exception General Requirements:

(A) An application for a special exception may be made only by persons with a financial, contractual or proprietary interest in the property for which a special exception is requested.

(B) A grant of a special exception is basically a matter of development policy, rather than an appeal based on administrative error or on hardship in a particular case. The Board of Appeals should consider the relation of the proposed use to the existing and future development patterns. A special exception shall be granted when the Board finds that:

(1) The proposed use is consistent with the purpose and intent of the Comprehensive Development Plan and of this chapter.

The applicant states that the Boy Scout tent campground is consistent with the purpose and intent of the Public Parkland/Open Space designation on the Frederick County Comprehensive Plan. "This designation is applied to lands primarily under public ownership for local, state, or federal parklands, publicly-owned open space devoted to watersheds that protect public water supplies, and may be applied to large property holdings under private ownership that have some degree of protection from development" (Livable Frederick, p. 199). The property remains in public ownership and the low-intensity use of the property by the BSA is similar to tent campgrounds located within public parks.

(2) The nature and intensity of the operations involved in or conducted in connection with it and the size of the site in relation to it are such that the proposed use will be in harmony with the appropriate and orderly development of the neighborhood in which it is located.

The applicant states that the tent campground is a low intensity use of a large wooded property. The large size of the watershed property, as well as its topography and forested areas provide natural buffers from neighboring properties. Surrounding the property are farms, wooded areas and scattered residences. The low intensity use is in harmony with the rural character of the neighborhood.

(3) Operations in connection with the special exception at the proposed location shall not have an adverse effect such as noise, fumes, vibration or other characteristics on neighboring properties above and beyond those inherently associated with the special exception at any other location within the zoning district.

The applicant states that the Tent Campgrounds are a low intensity use. There are very few adverse effects, especially on a property as large as the subject site. The Scouts host occasional events for all the troops in the region (three special events and spring, fall and winter camporees), but they occur only a few days per year. The site is very large and can accommodate groups this size. Parking is available along the roads on the property and it should be noted that troops transport the Scouts in carpools or vans. The adverse effects of these events and other activities occurring throughout the year are equal to or less than those inherently associated with tent campgrounds at any other property zoned RC.

(4) Parking areas will comply with the off-street parking regulations of this chapter and will be screened from adjoining residential uses, and the entrance and exit drives shall be laid out so as to achieve maximum safety.

The applicant states that the Scouts utilized existing logging roads to develop a road network on site. The logging road network, established before the Scouts occupied the property is fairly extensive. All the roads are dirt or gravel. Parking is available along the roads on site. There are two gated entrances to the site along Chestnut Grove Road. The entrances are well located in terms of curves and hills on the road to provide adequate sight distance for vehicles entering and exiting the site.

(5) The road system providing access to the proposed use is adequate to serve the site for the intended use.

The applicant states that the Chestnut Grove Road is a public, paved local road. Access to Chestnut Grove Road is available to the south from MD 26 1.4 miles to the south, a minor arterial highway and from the north from Daysville Road a public, paved collector road. MD 26 ties into the State highway system in both directions, allowing access to the site from Libertytown, New Market, Mount Airy, Monrovia and Urbana to the east and south and to Frederick, Mount Pleasant, Walkersville and Route 15 to the west.

(C) In addition to the general requirements listed above, uses requiring a special exception shall be subject to the specific requirements for each use outlined in §§ [1-19-8.320](#) through [1-19-8.355](#) of this Code.

The applicant states that they understand this.

(D) A special exception approval may be granted in accordance with the general and specific requirements enumerated in this section. The Board of Appeals may, in addition to other requirements imposed under this chapter and is hereby authorized to add to the specific requirements any additional conditions that it may deem necessary to protect adjacent properties, the general neighborhood, and its residents or workers. Violation of such additional conditions, when made a part of the terms under which the special exception permit is granted, is a violation of this chapter and may be grounds for termination of the special exception.

The applicant states that they understand this.

(E) The Board of Appeals shall not grant a special exception unless and until:

1. A written application for a special exception is submitted indicating the section of this chapter under which the special exception is sought and stating the grounds on which it is requested; and

The applicant states that they understand this. This requirement has been completed by the applicant.

2. A public hearing has been held; and the Board had made a finding of fact that the special exception requested meets the general and specific requirements outlined in this section.

The applicant states that they understand this.

(F) The grant of special exception may include approval of customary incidental accessory uses as reviewed and approved by the Zoning Administrator.

The applicant states that they understand this. There is no accessory use proposed at this time.

(H) No use or activity permitted as a special exception shall be enlarged or extended beyond the limits authorized in the grant of special exception. All enlargements, extensions, and changes in use shall require grants of special exception, as in the case of an original petition.

The applicant states that they understand this.

(H) If a grant of special exception is denied, no new petition for the denied use on the same property shall be accepted by the Board of Appeals for 1 year after the date of denial of the petition.

The applicant states that they understand this.

(I) A decision of the Board of Appeals granting a special exception will be void 5 years from date of approval by the Board of Appeals unless the use is established, a building permit is issued, construction has begun, or final site development plan approval has been received in accordance with the terms of the decision. Upon written request submitted to the Zoning Administrator no later than 1 month prior to the expiration date and for good cause shown by the applicant, a 1 time extension may be granted by the Zoning Administrator for a period not to exceed 6 months.

The applicant states that they understand this.

Staff Note: The Proposed use is subject to site development plan approval by the FCPC which will review and approve site plan items like parking, circulation, lighting, signage landscaping, etc...

Specific Requirements—Tent Campground in A and RC Districts

(A) A minimum lot size of 10 acres.

The applicant states that the property is 232 acres in size.

(B) Travel trailer or other residential vehicle is not permitted.

The applicant states that the property is used as a tent campground only. Travel trailers and residential vehicles are not used or permitted by the Boy Scout organization.

(C) The only permitted permanent structure for residential occupancy will be occupied by the resident owner or manager.

The applicant states that there are no permanent residential structures on the site nor is there a plan to build one.

(D) The subject property must have frontage on and access to a paved public road.

The applicant states that the property has frontage on both Daysville Road and Chestnut Grove Road. Both are paved public roads.

(E) Density will be no more than 1 camp site per acre.

The applicant states that there are 23 campsites on the site, resulting in a density of 1 camp site per 10 acres. There are no plans to expand the number of campsites beyond 25 sites.

(F) One freestanding off-premise sign is permitted on each access road, the sign will be no more than 25 square feet in area, 15 feet in height, and will not be located on or in a public right-of-way.

The applicant states that there are no off-premise signs. One 18"x24" identification sign is located on Gate 1 and the other is 50 feet into the woods on the property.

(G) Parking shall be limited to that number required by zoning ordinance and co-located adjacent to the access drive. An increase in the number of parking spaces may be granted by the Planning Commission where the applicant can demonstrate need based on characteristics of the proposed use, hourly parking demand studies published by the Institute of Transportation Engineers (ITE), or other documentation as approved by the Planning Commission. Parking approved beyond that number required by zoning ordinance shall be constructed of pervious materials.

The applicant states that the logging road network provides adequate parking on the site. The Ordinance requires 1 space per campsite. The road network and parking areas around the campsites accommodate approximately 80 vehicles. No trees were removed to provide parking.

(H) Within the RC District, the requirement of 1-19-7.200 of this Code shall be met.

(A) The applicant states that the section regarding lot area for residential uses does not apply to this application, as no residences exist on the property and none are proposed.

(B) Sensitive area protection:

The applicant states that the property remains undeveloped, as the only permanent structure on the property is a pavilion. The road network and parking on the site was established by loggers before the Scouts occupied the property. The wetlands on site are not in use. The BSA will apply for a permit from the MD Department of the Environment for a bridge constructed on the property (intended to protect the wetlands from Scouts hiking on the property).

(C) Tree cutting and forestry activities:

The applicant states that the site has been the subject of a Forest Stewardship Plan since 1961. The Plan was updated in 1986 and 2000. Dakota Durcho of the MD Forest Service prepared a new Forest Stewardship Plan in May 2019. Timber harvesting on the property shall be done in accordance with an approved timber harvest plan and all relevant permits.

(D) Streets:

Not applicable, no streets planned.

(E) Driveways:

Not applicable, no streets planned.

(I) Insofar as practical at the time of site development plan review, the landscape shall be preserved in its natural state by:

- (1) Minimizing tree and soil removal or disturbance;
- (2) Retaining existing tree lines, forest buffers, and rock formations reducing visual impacts of development on surrounding properties and rights-of-way;
- (3) Siting buildings to protect and enhance the visual relationship between buildings and the natural terrain;
- (4) Reducing visual prominence of proposed structures by building adjacent to woodland edges and not in the center of open space areas on a proposed site;
- (5) Avoiding building on ridge lines, unless alternative site locations are unavailable and existing forest buffers can be retained to reduce visual impacts;
- (6) Opening up views only through selective tree and limb removal rather than clear cutting.

The applicant states that there are no plans to construct any buildings on site. The campsites are located 500 to 1000 feet from Chestnut Grove Road and are clustered. The layout minimizes the impact of the use on the site, as most of the property (200+ acres) remains undisturbed in open space use. The wetlands on site were avoided when locating the sites. A bridge was placed over the wetlands to insure that the

Scouts and their activities do not disturb those sensitive areas. Most of the campsites are located within the wooded areas and minimal clearing was done to accommodate them. Finally, the strong Scout ethic of conservation has been and will continue to be observed in the development and use of the site.

Staff Note: The Proposed use is subject to site development plan approval by the FCPC which will review and approve site plan items like parking, circulation, lighting, signage landscaping, etc...

Specific Requirements—Shooting Range/Club—Trap, Skeet, Rifle, Archery in the RC and A Districts.

(A) Indoor shooting ranges and structures associated with shooting ranges shall be located at least 250 feet from all property lines and public ways and 450 feet from occupied structures. Permanent structures shall be limited to those customarily associated with the principal use of the property as a shooting range.

The applicant states that there is no indoor shooting range or any structures associated with the archery range on the site nor are there any plans to build them.

(B) The setback of all structures not used for shooting ranges shall comply with the setbacks for principal structures in the districts in which they are located.

The applicant states that there are no structures associated with the archery range.

(C) The property must have a minimum of 20 feet frontage on a public road or adequate easement to be determined by the Board of Appeals.

The applicant states that the property has more than 4,225 feet of frontage on Chestnut Grove Road.

(D) Shooting range/club—trap, skeet, rifle, archery with a planned capacity of 100 persons or more must have frontage and access on a paved public road. If the planned capacity is under 100 persons, there will be no specific road requirements other than the provision contained in 1-18-3.210(B)(5).

The applicant states that the archery range associated with the Scout camp is located on a property that fronts on Chestnut Grove Road, a paved, public road.

(E) A site development plan shall be submitted to and approved by the Planning Commission.

The applicant states that they will seek site plan approval from the Planning Commission.

(F) Within the RC District, the requirements of 1-19-7.200

The applicant states that this section will be met.

(G) Outdoor discharging of firearms or release of arrows shall not be permitted within 500 feet of any property line.

The applicant states that the archery range is in the interior of the site, over 800 feet from the nearest property line.

(H) Shooting ranges shall be constructed to eliminate danger to persons or property from flying projectiles. The area between the firing point and target shall be baffled, fenced, or otherwise shielded so that fired projectiles cannot escape the range area. Safety design should be in accordance with accepted standards and practices.

The applicant states that the archery range is located downhill of the campsites and away from other activities. It is baffled by a large earthen berm. Boy Scout regulations require strict safety measures, instruction and supervision of all participants.

(I) Shooting ranges shall practice lead containment/collection of projectiles with best management practices for individual site in accordance with nationally accepted standards to maximize containment.

The applicant states that the shooting range is only used for supervised archery. All arrows are collected after they are shot.

(J) The minimum lot size shall be 10 acres.

The applicant states that the site is 232 acres in size.

(K) The facility shall be designed so that topographic features of the site are used to enhance safety, minimize firearm noise, and maximize lead containment.

The applicant states that the shooting range is for archery only and is located on the downhill side of the campground. Firearms are not permitted and are not proposed as part of this application

(L) Manner and times of operation shall be approved by the Board of Appeals.

The applicant states that Archery is permitted as a supervised and instructed activity. Strict safety measures are in place and taught.

(M) One freestanding sign no more than 15 feet in height and 25 square feet in area is permitted and shall be subject to the normal setback requirement for natural resources uses.

The applicant states that there is no sign associated with the archery range.

Staff Note: The Proposed use is subject to site development plan approval by the FCPC which will review and approve site plan items like parking, circulation, lighting, signage landscaping, etc...

Actions Needed:

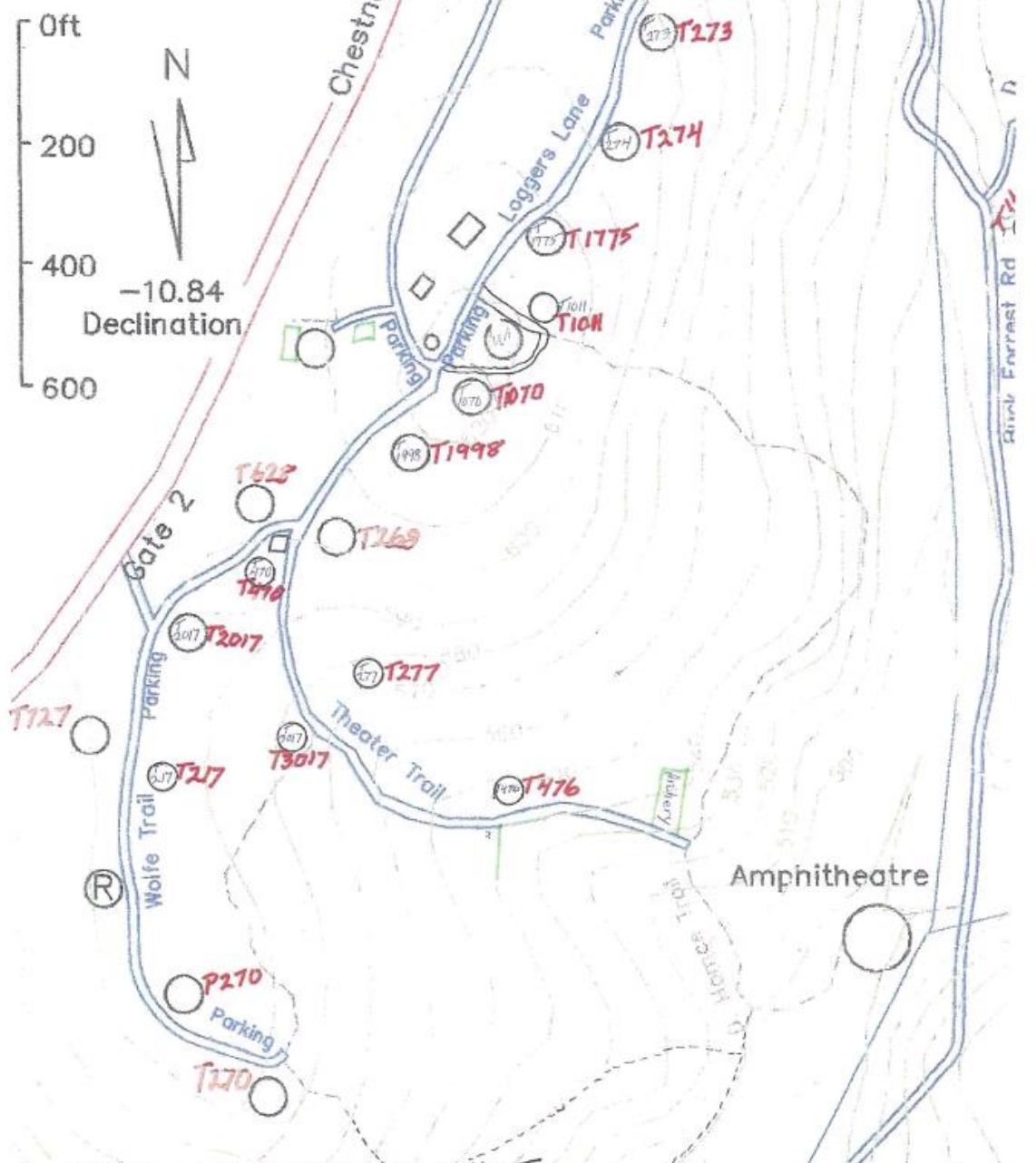
Staff requests that the Board review the general criteria for a Special Exception pursuant to Section 1-19-3.210 Special Exception, Section 1-19-8.354 Tent Campground in the A and RC District, and Section 1-19-8.355 Shooting range/club - trap, skeet, rifle, archery in the RC and A Districts of the Frederick County Zoning Ordinance and render a decision on the applicant's request.

Attachment 1

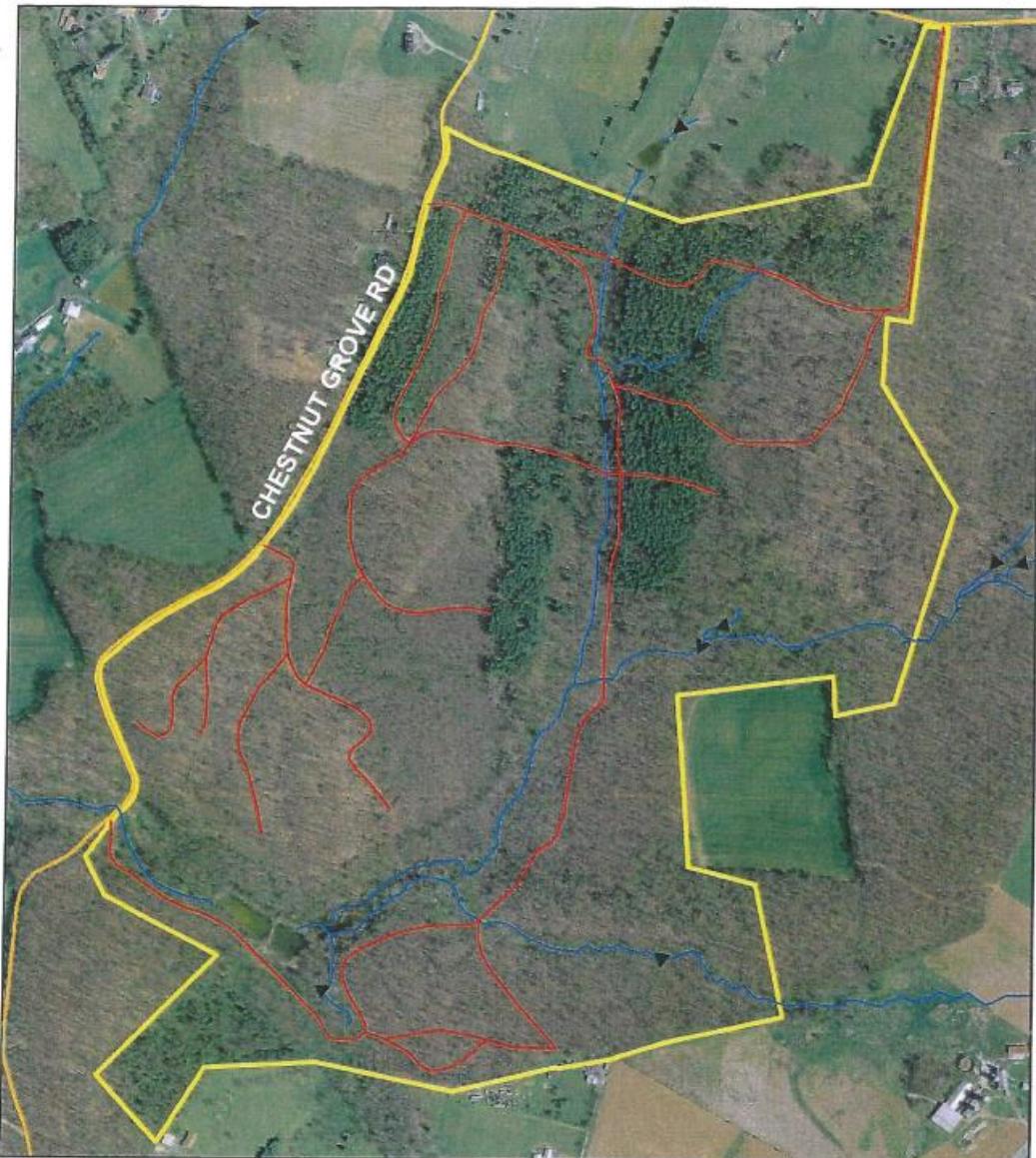
Walkersville Watershed Camping Area Detail

- Ⓐ Restroom
- Shelter
- Ⓐ Water
- Campsite
- Flagpole
- Dirt Road
- Trail

T1234 Campsite Name

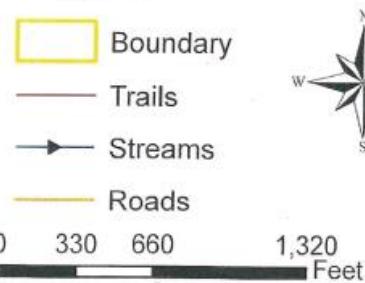


Walkersville Watershed Woodland Map



Legend

Forest Stewardship Map
for
The Town of Walkersville
County: Frederick
Total Acres: 232
Forest Acres: 228
Scale: 1" = 660'
Created by: Dakota Durcho
Date: 4/15/2019



This map is for planning purposes
This map is not a boundary survey

MAPS

