



Maryland DEPARTMENT OF PLANNING

July 6, 2023

Ms. Kimberly Brandt
Livable Frederick Director
Frederick County Planning Department
30 North Market Street, Frederick, MD 21701

Re: 60-day review of the Draft of The Sugarloaf Treasured Landscape Management Plan
Sugarloaf Heritage Rural Overlay Zone, Remanded from the Frederick County Council

Dear Ms. Brandt:

Thank you for reaching out to the Maryland Department of Planning (MDP) to provide comments on the remanded portion of the Sugarloaf Treasured Landscape Management Plan (Plan) relating to the Sugarloaf Heritage Rural Overlay Zone, and for your participation in the Maryland State agency plan review process. MDP previously reviewed a preliminary draft of the plan in August of 2021, and again in May of 2022.

MDP believes that good planning is important for efficient and responsible development that successfully addresses resource protection, adequate public facilities, community character, and economic development. MDP's attached review comments reflect the agency's thoughts on the strengths of the county's Plan, as well as potential ways to improve it and best satisfy the requirements of the Land Use Article.

MDP respectfully requests that this letter be made part of the county's public hearing record. Furthermore, MDP also asks that the county consider our comments as part of any revisions to the remanded portion of the Plan, and to any future plans, ordinances, and policy documents that are developed in support of the Plan.

MDP is eager to provide support or clarification in the continued development of the Sugarloaf Treasured Landscape Management Plan. Please feel free to contact Susan Llareus at susan.llareus@maryland.gov with any questions.

Sincerely,

Charles W. Boyd, AICP
Director, Planning Coordination

cc: Joseph Griffiths, Local Assistance and Training Manager
Susan Llareus, Planning Supervisor for the Maryland Capital, Central, and Southern Regions
Kimberly Brandt, Director, Livable Frederick Planning and Design Office



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Maryland Department of Planning Review Comments July 6, 2023 Draft of The Sugarloaf Treasured Landscape Management Plan Sugarloaf Rural Heritage Overlay District

The Maryland Department of Planning (MDP) has reviewed The Sugarloaf Treasured Landscape Management Plan Draft (Plan) and the Sugarloaf Rural Heritage Overlay District and offers the following comments for your consideration. These comments are offered to guide the county in ways to improve the Plan and better address the statutory requirements of the Land Use Article.

On October 31, 2022, the Frederick County Council adopted the Sugarloaf Treasured Landscape Management Plan with 11 amendments (Resolution 22-46) and remanded a portion of the plan back to the Planning Commission for further discussion and consideration. Specifically, the remanded portion of the text includes that portion titled “Sugarloaf Rural Heritage Overlay Zoning District, and corresponding graphics (Map 4-6) and Appendix pages A-21 through A-26.” Further on October 26, 2022, the County Council Adopted a Land Use Plan indicating both the Rural Roads and the Sugarloaf Study Area (Map 4-2a).

On May 18, 2023, MDP received the Frederick County Planning Commission’s recommended substitute language to address the portion of the Sugarloaf Treasured Landscape Management Plan that was removed by the Frederick County Council. The county staff explained that the information submitted “includes a description of the Overlay (p. 53) and the Overlay map (Map 4-6, p. 65), which are identical to what was submitted in the draft plan submitted to MDP for 60-Day Review in March of 2022. The Planning Commission has revised the Recommended Regulatory Framework, which was included in the appendix of the March 2022 Plan.”

The goals of the Plan are:

- To address the scale and visual impact of land uses and development that can degrade rural qualities, excessively burden the transportation network, and overwhelm the scenic and rural nature of the Sugarloaf Planning area.
- To minimize adverse impacts of land development activities on forestlands and natural habitats.
- To regulate the amount of impervious surfaces to control the volume of stormwater runoff and stream bank erosion, maintain levels of groundwater infiltration, and retain as many of the functions provided by natural land as possible. (p.53)

The following comments are similar to those previously provided in our letter dated May 5, 2022, to the county, but are slightly modified based on the new information provided by Frederick County.

The Sugarloaf Rural Heritage Overlay Zoning District (Overlay) and its regulations are proposed to cover the entirety of the Planning Area and provide a way to use the Planning Area’s resources in a limited, sustainable way. The objectives and goals of the overlay remain the same as previously described.

A review of the information provided in the submission includes a “Recommended Regulatory Framework” and is written in the format of preliminary legislation. MDP has the following comments relating to the framework:

- Section 1-19-7.700 includes the purpose and intent of the overlay zone. The language is clear and concise.
- Section 1-19-7.710 refers to a natural resources inventory of land areas to be required at the time of development review and expands on the previous iteration of the Plan by requiring an inventory for regulatory applications such as subdivision plans, special exceptions, and zoning cases in addition to site plans. MDP recommends considering that a development proposal of less than 5,000 square feet of disturbance be exempt from this requirement to streamline minor projects or improvements.
- Section 1-19-7.720 (A) includes design standards for non-residential development relating to architectural elevations, lighting, and other site features that should be reviewed at the time of site plan review. MDP suggests that site design standards be expanded to include requirements to minimize adverse impacts of land development on natural habitats, control stormwater and erosion, and improve ground water infiltration such as:
 - limiting impervious areas as a percentage of overall lot area,
 - limit the maximum lot coverage including structures, parking areas, vehicle storage areas,
 - incentivize green roof and green screen systems,
 - maximizing tree canopy, the use of native planting, and restricting invasive species.
- Section 1-19-7.720 (B) limits the maximum building footprint of a new non-residential building to 10,000 square feet unless a request is made and justified according to certain criteria. MDP suggests that the county consider what objective findings the approving authority must make regarding the exception above to ensure a decision that is not arbitrary? MDP suggests that a process other than a variance should be established to allow for the use of alternative design standards if the proposed alternative is found to be equally effective to address the intent of the goals of the plan. An example of a viable alternative would be to allow for larger buildings if the applicant can demonstrate that the project’s energy usage will be more efficient than the existing code requires by using green building techniques.

To prevent existing buildings, improvements, or uses that do not conform to the requirements of the overly zone from becoming non-conforming, MDP recommends a clear grandfathering clause relating to applicability be included. Additionally, legislation should clearly state that only those requirements of the underlying zones specifically affected by the overlay zone are modified and all other requirements of the underlying zones remain applicable.

Conclusion

The connection of the purpose and intent of the Plan with the implementation section could be improved with more attention given to the goals, by specifically limiting impervious surfaces, preventing soil erosion, and maintaining groundwater infiltration. If MDP can be of any further assistance, please contact Susan Llareus, Planning Supervisor for the Maryland Capital, Central, and Southern Regions, at susan.llareus@maryland.gov.