



MARYLAND
Land Use Article
Annual report Requirement

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Frederick County Planning Commission

Maryland Land Use Article

As required by the Maryland General Assembly, under Land Use Article §1-207 (General Provisions), all planning commissions and planning boards with planning and zoning authority are required to prepare, adopt, and file an annual report for the previous calendar year with the legislative body on or before July 1 of each year.

*

The Maryland State Planning assembles this information to measure Maryland's progress toward meeting its Smart Growth goals.

In 2019, 17 of the 23 counties and 39 of 108 municipalities with Planning and Zoning Authority submitted an annual report.



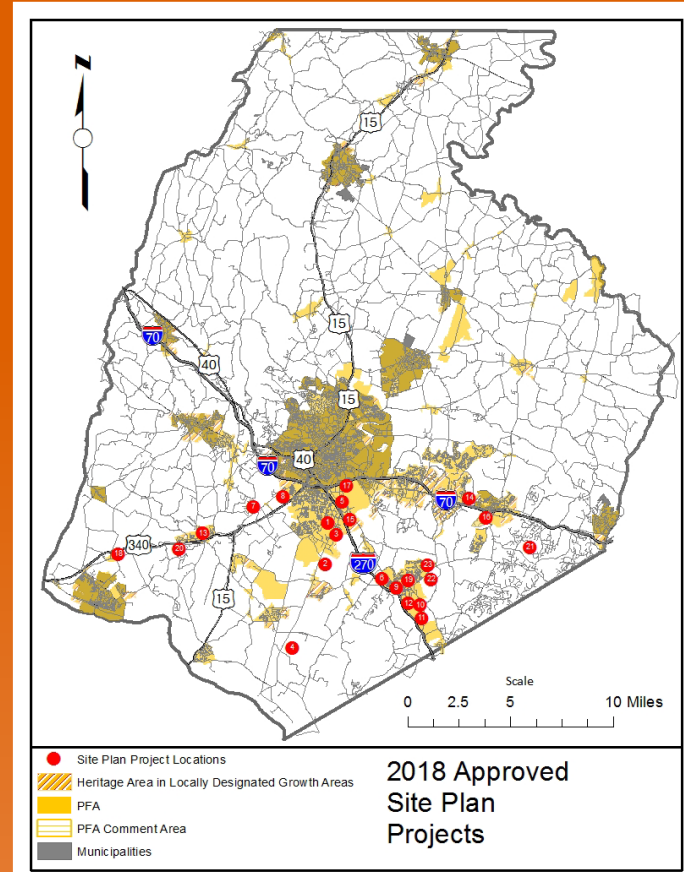
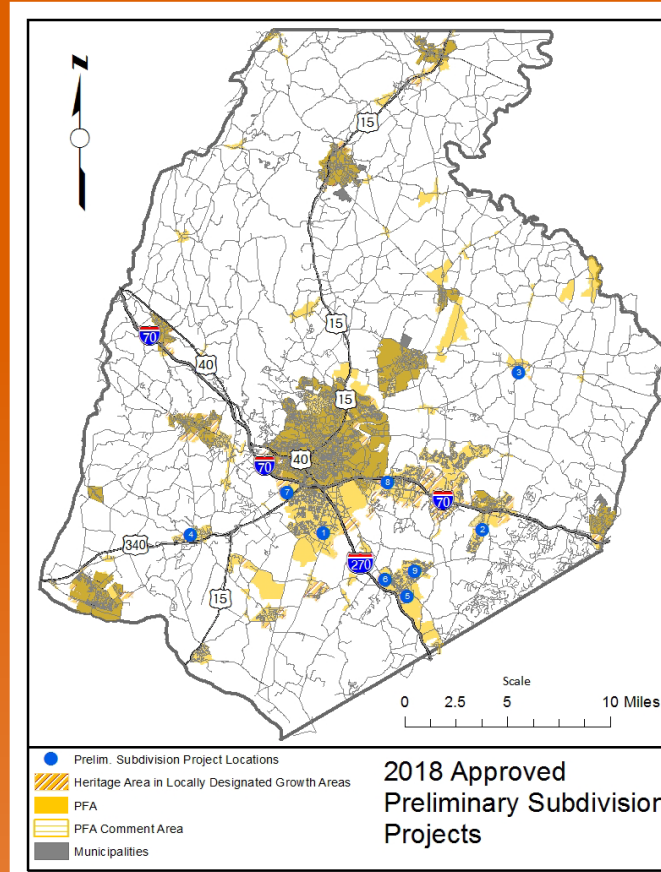
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The annual report shall index and locate on a map any changes in development patterns that occurred during the period covered by the report, including:

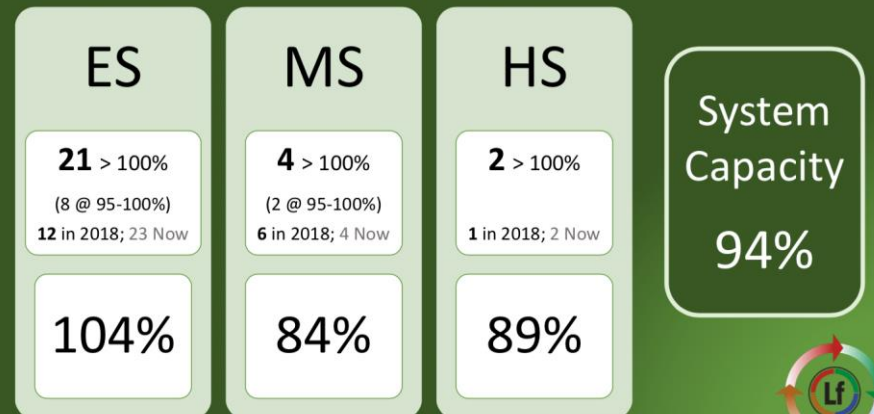
- (i) land use;
- (ii) transportation;
- (iii) community facilities patterns;
- (iv) zoning map amendments; and
- (v) subdivision plats;

The annual report should note:

- Population growth
- Residential Permits
- Development Activity
- Residential Pipeline
- Commercial Activity
- Land preservation
- School Capacity



School Capacity (December 2019)



One method of ensuring that plans are followed is to review long-range planning especially for consistency with the comprehensive master plan in terms of the objectives and goals rather than the land use plan.

The Master Plan is a policy guide document and should serve as the basis for regulations.

The changes in development pattern should be consistent with one another since the land uses and zoning maps, preservation maps and subdivision plans need to be guided by the Master Plan...



The report should state whether the changes are consistent with:

(i) each other;

**(ii) the recommendations
of the last annual report;**

**(iii) the approved plans of
the local jurisdiction;**

**(iv) the approved plans of
all adjoining local
jurisdictions; and**

**(v) the approved plans of State and local jurisdictions
that have responsibility for financing or constructing
public improvements necessary to implement the
local jurisdiction's plan;**



The annual report shall contain statements and recommendations for improving the planning and development process within the local jurisdiction.

New guidelines
New policies
New initiatives



The annual report shall state which local laws or regulations have been adopted or changed to implement the visions in the comprehensive plan:

- quality of life, public participation,
- concentrated growth area,
- community design,
- infrastructure, transportation,
- housing and economic development,
- and environmental protection.

ZONING TEXT AMENDMENTS

COMMUNITY OR CORRIDOR PLANS

WATER & SEWER PLAN AMENDMENTS

The statewide land use goal is to increase the current percentage of growth inside the priority funding areas and to decrease the percentage of growth located outside the priority funding areas.

Local jurisdictions shall develop a percentage goal towards achieving the statewide goal.

EXCEPTIONS:

If all land within the boundaries of a municipal corporation is a priority funding area, the municipal corporation need not:

(i) establish a local goal for achieving the statewide goal or

(ii) include information in the annual report on a local goal.

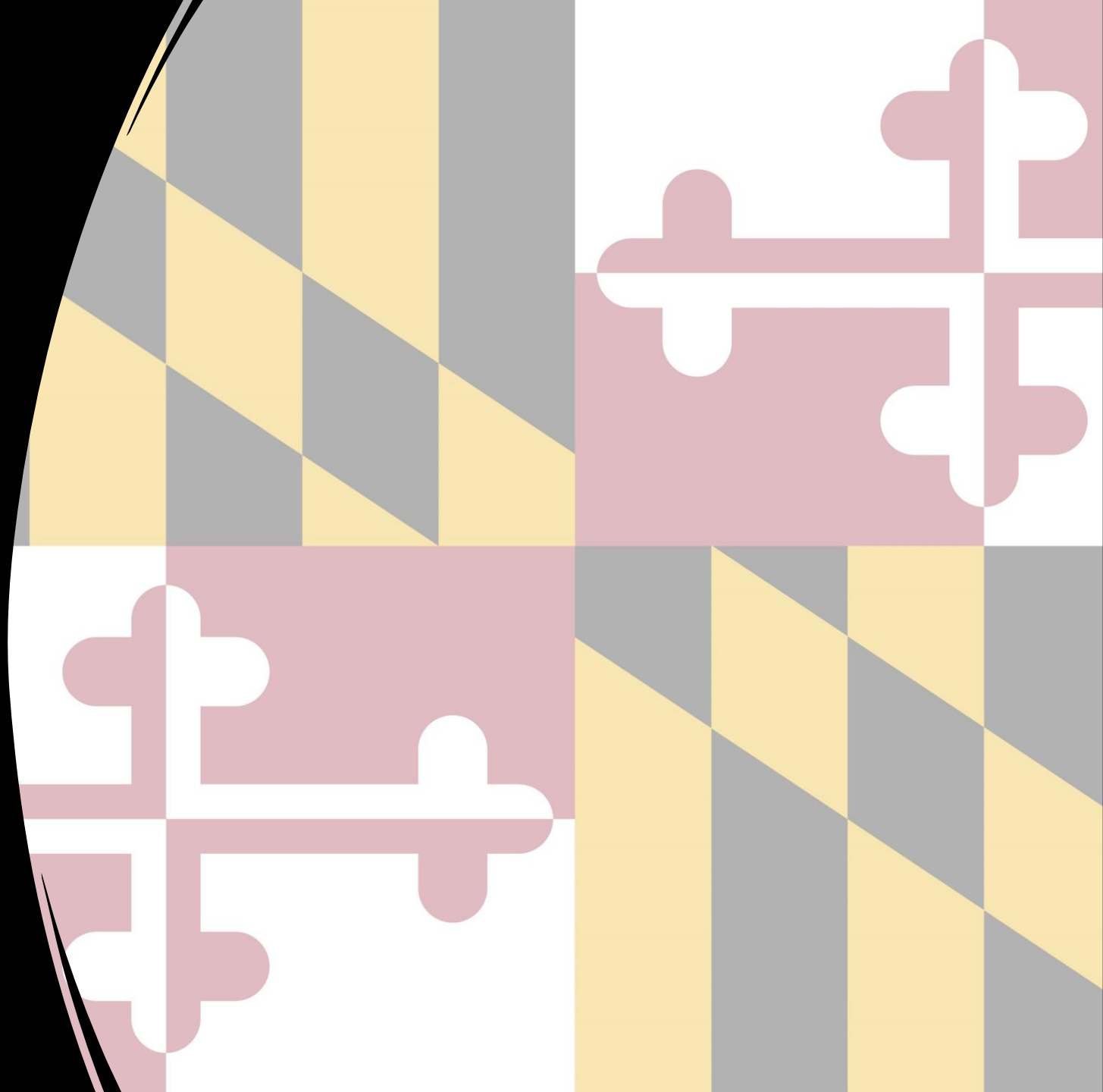
A county or municipal corporation that issues fewer than 50 building permits for new residential units each year:

(i) need not include information in the annual report on measures and indicators but

(ii) shall provide documentation to the Department of Planning each year that fewer than 50 building permits for new residential units are issued.



Other than those exceptions, the annual report should contain the measures and indicators required to achieve the future land use goals to implement and achieve the visions.



Achieving the statewide goal requires

The local goal
and the time
frame for
achieving the
local goal



The resources
necessary for
infrastructure
inside the priority
funding areas and
the land
preservation
outside funding
areas.

At least once within the 5-year period after the adoption or review by the local jurisdiction of a comprehensive plan, the annual report should contain a narrative on the implementation status of the comprehensive plan, including:

(i) a summary of the development trends



(ii) the status of comprehensive plan implementation tools such as comprehensive rezoning to carry out the provisions of the comprehensive plan;

(iii) identification of any significant changes to existing programs, zoning ordinances, regulations, financing programs, or State requirements necessary to achieve the visions and goals of the comprehensive plan during the remaining planning timeframe;



(iv) identification of any State or federal laws, regulations, or requirements that have impeded local implementation of the comprehensive plan and recommendations to remove any impediments;

(v) future land use challenges and issues; and

(vi) a summary of any potential updates to the comprehensive plan.



Legislative Intent of the Land Use Article

i) in addition to reporting on past land use indicators and measures, local jurisdictions should strive to achieve future land use goals that implement and achieve the visions in their comprehensive plan

(ii) a statewide land use goal that embodies the visions of the comprehensive plan and smart and sustainable growth should be established;

(iii) the visions of the comprehensive plan will not be realized unless local jurisdictions set their own goal to make incremental progress towards achieving a statewide land use goal; and

(iv) resources are necessary to achieve a statewide goal, including funding for infrastructure inside the priority funding areas and land preservation outside the priority funding areas.

1-208 C Required Measures and Indicators

(i) the amount, share, and net density of growth inside and outside the priority funding areas;

(ii) the creation of new lots and the issuance of residential and commercial building permits inside and outside the priority funding areas;

(iii) the development capacity analysis, updated every 3 years and whenever there is a significant change in zoning or land use patterns;

(iv) the number of acres preserved using local agricultural land preservation funding, if applicable;

As required by the Maryland General Assembly, under Land Use Article §7-104 (adequate facilities reporting requirements),

1) If an adequate public facility law has resulted in a restriction within a priority funding area, on or before July 1 every 2 years, a local jurisdiction shall report on the restriction to the Department of Planning.

(2) The report shall include:

- (i) the location of the restriction;**
- (ii) the type of infrastructure affected by the restriction;**
- (iii) the proposed resolution of the restriction, if available;**
- (iv) the estimated date for the resolution of the restriction, if available;**
- (v) if a restriction was lifted, the date the restriction was lifted;**
- (vi) the local law or resolution that lifted the restriction;**
- (vii) any waiver of the restriction that was proposed; and**
- (viii) any waiver of the restriction that was implemented.**

Now that we have determined what we as planning commission are mandated to do with of course the help of the planning staff we know these reports would just sit on a shelf unless

The legislative body reviews the annual report and direct appropriate and necessary studies or actions to ensure the continuation of a viable planning and development process.

The annual report shall be available for public inspection and a copy of the report shall be sent to the Secretary of Planning.



The success of any particular plan formulated through this planning process is dependent not only upon the plan's nature and content but on whether or not it is followed.





Homework to Helpful: Making Better Use of Maryland's Annual Reporting Requirement

PART 2



The Continuing Evolution of Annual Reporting in Frederick County: A Work in Progress...




The Old Approach

- Consisted mostly of quantifiable data generally available from County divisions and agencies...
- Included virtually no analysis of information presented

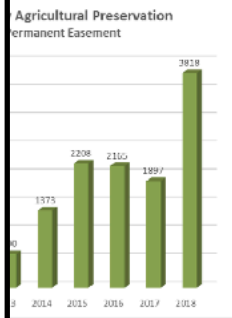
Frederick County, Maryland 2018 Annual Planning Report

Prepared by:
Frederick County Division of Planning & Permitting



Agricultural Preservation Permanent Easement



Year Totals, as of Dec. 2018	
Number of Easements	Acres
143	21,815
41	4,216
24	2,840
51	4,533
20	1,523
49	5,853
129	20,014
4	495
9	2,054
5	982
7	954
1	167
479	65,147
438	60,931

LPF Districts, which are temporary agreements.

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The Old Approach

- Consisted mostly of quantifiable data generally available from County divisions and agencies...
- Included virtually no analysis of information presented

Information included in Report:

- Project/Process Data Highlights
- Development Activity Data Highlights & Trends
- Population Data
- Residential Permits/Subdivisions/Lots Recorded
- Residential Pipeline Summary
- Commercial/Employment Development (Site Plans)



The Old Approach

- Lacked real-world connections to the actual work of staff, the Planning Commission, outside agencies, and elected officials
- A missed opportunity to spark discussion of planning issues in the community

Information included in Report:

- Land Preservation 'Scoreboard'/Goals
- Zoning Text/Map Amendments
- Historic Preservation 'Scoreboard'
- Environmental Planning Projects
- Transportation Planning Projects
- Water & Sewer Plan Amendments
- Adequate Public Facilities Scorecard



*The Annual Report **should** be a vehicle for:*

- *Development and Preservation data sharing*
- *Self-assessment...are plans working?*
- *Capacity measurement...infrastructure, land availability, public services, economic opportunity*
- *Educating, Guiding, and Advising officials and citizens*
- *Early Diagnosis of problems and challenges*
- *Early Identification of opportunities*
- *Helping to chart a course for continued planning efforts*

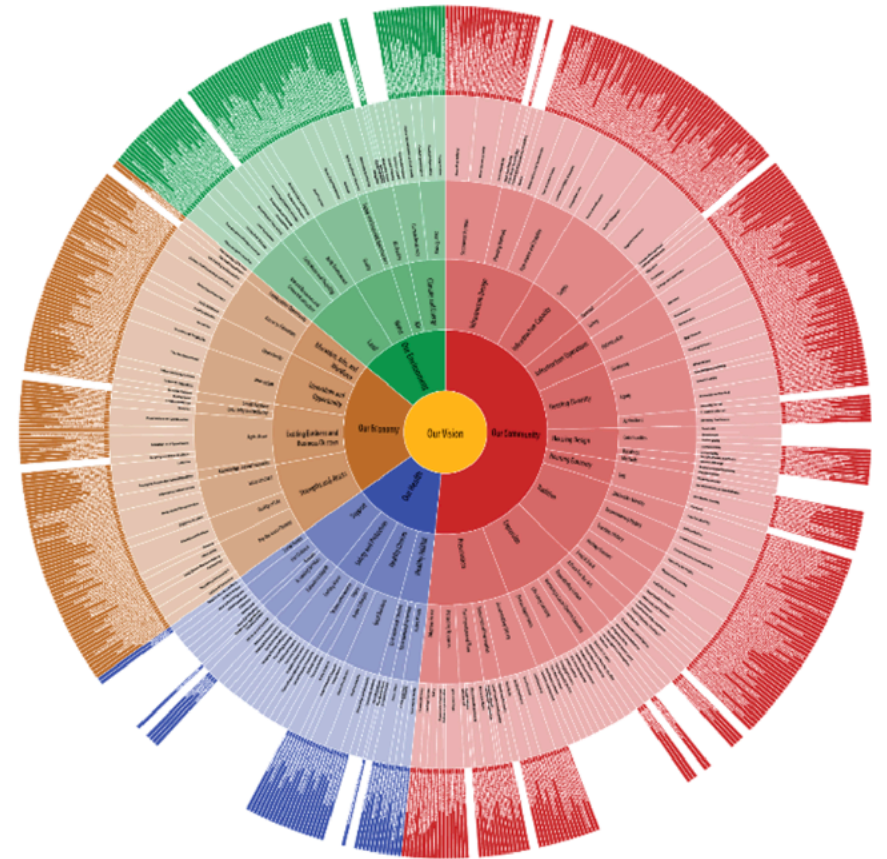


Livable Frederick Master Plan 2019 (LFMP)



Livable Frederick Master Plan 2019 *(LFMP)*

- Adopted in October 2019
- Updated the previous Comprehensive Plan
- *Planning Commission played an integral role in developing the plan...not bystanders!*





1998

1999

2009

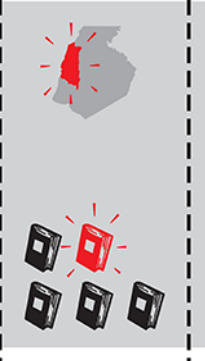
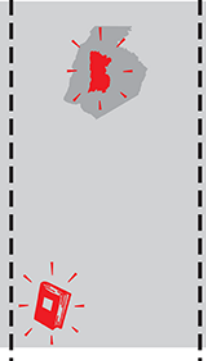
POLICY DOCUMENT



COUNTYWIDE COMPREHENSIVE PLAN MAP



REGION PLANS



REGION PLAN UPDATE

REGION PLAN UPDATE

REGION PLAN UPDATE

REGION PLAN UPDATE

REGION PLAN UPDATE

REGION PLAN UPDATE

REGION PLAN UPDATE

REGION PLAN UPDATE

What's Different about the LFMP?

Strategic Plan



***Tactical
Implementation***

- A Strategic document, but with a framework for Tactical Implementation
- No parcel-level or neighborhood-level details
- NOT a comprehensive rezoning exercise
- Intended to break the 'pendulum swing' of local land use politics (Pro-growth vs. No-growth)
- Requires on-going effort to IMPLEMENT the plan's Vision through small area & corridor plan development

Thematic Plan Diagram

***Pipeline Growth Does Not Sufficiently
Reflect The County's Vision***



***More Housing Choices Necessary to
Increase Livability***



***Multi-Modal Choices and Active
Living: A New Development Model***



***Reinvesting in Existing Places and
Creating Great New Places***



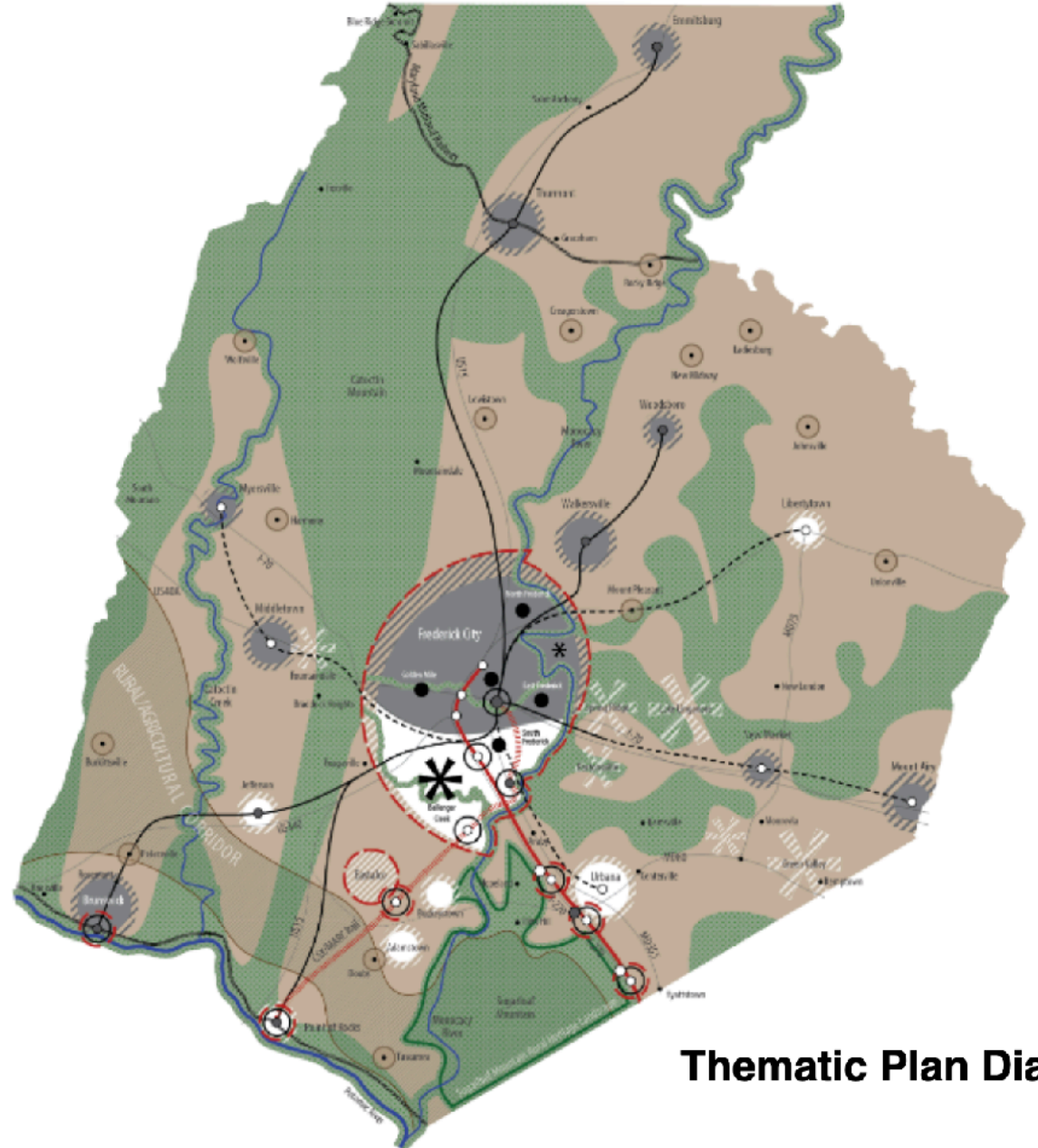
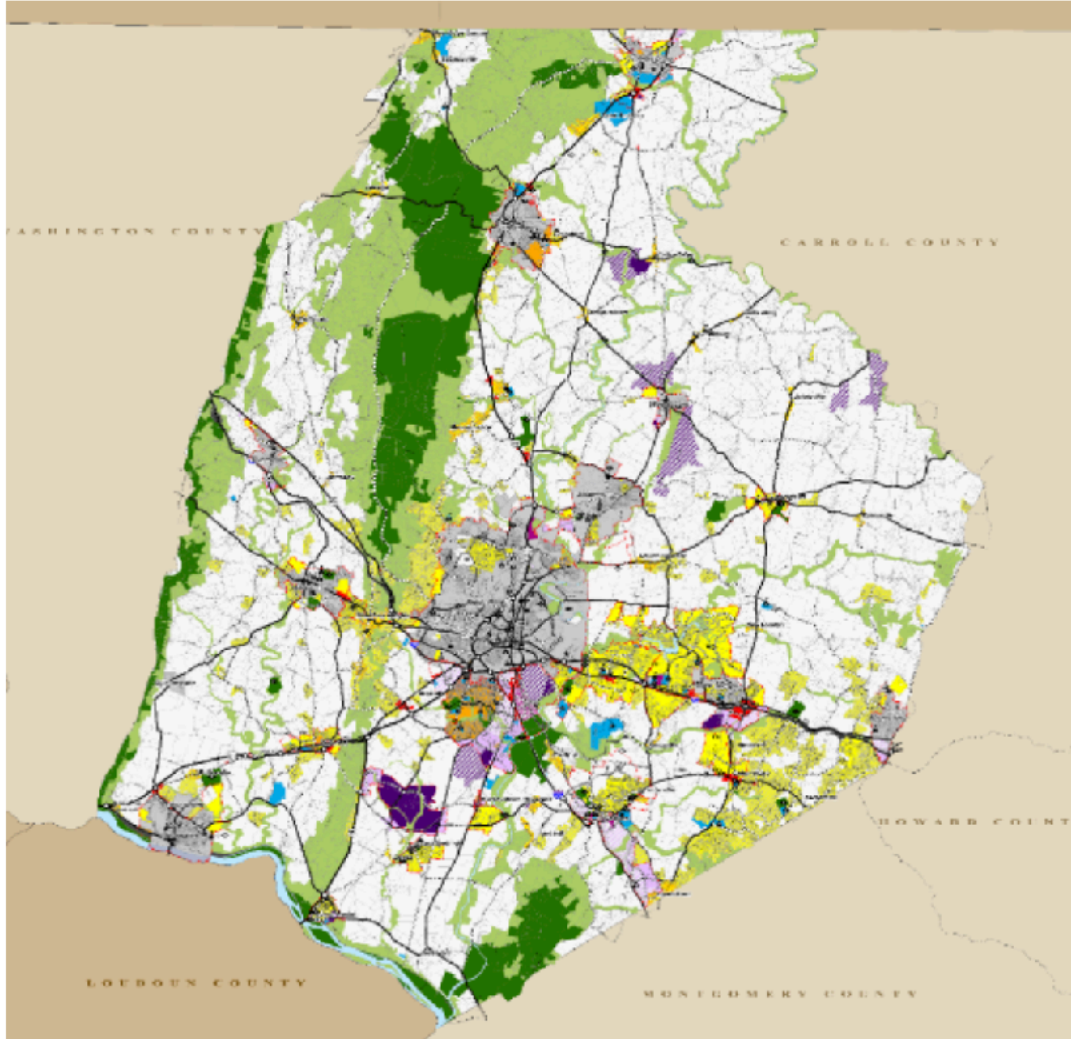
***Promoting Environmental Stewardship
and Working Lands Preservation***



***Place-Making as an Economic
Development Strategy***



Comprehensive Plan Map



Thematic Plan Diagram

What Does This Have to do with the Annual Report?

- The LFMP would be ineffective without *coordinated and continuous* implementation efforts by the County
- The LFMP's Implementation component is built upon a *targeted, flexible, and nimble* approach to small area and topical planning
- The Annual Reporting exercise provides an ideal opportunity for the Planning Commission to participate at the *front-end of policy-making*



The NEW Approach

“Putting the Plan to Work – The Annual LFMP Progress Report & Implementation Program” (ALFPRIP)

Key Components:

- 1 - LFMP Progress Report**
- 2 - Capacity Analysis & Growth Allocation**
- 3 - Work Program & Focus Areas**



1- LFMP Progress Report

- Review of Progress Indicators
- Feature Relevant Information (Demographics, Market Conditions)
- Annual Planning Report Information
- Review/Update of Private Sector & Institutional Efforts [*New*]
- Assessment of Planning 'Tool Chest' [*New*]



2- Capacity Analysis & Growth Allocation

- Population & Demographic Information
- Growth Rates (Homes and Jobs)
- Commercial & Residential Pipelines
- Systems Capacity (Schools, Roads, W/S, Parks, Environmental, High-Speed Data, Senior Services, Libraries) [*Expanding*]
- Growth Allocation Plan [*New*]



3- Work Program & Focus Areas

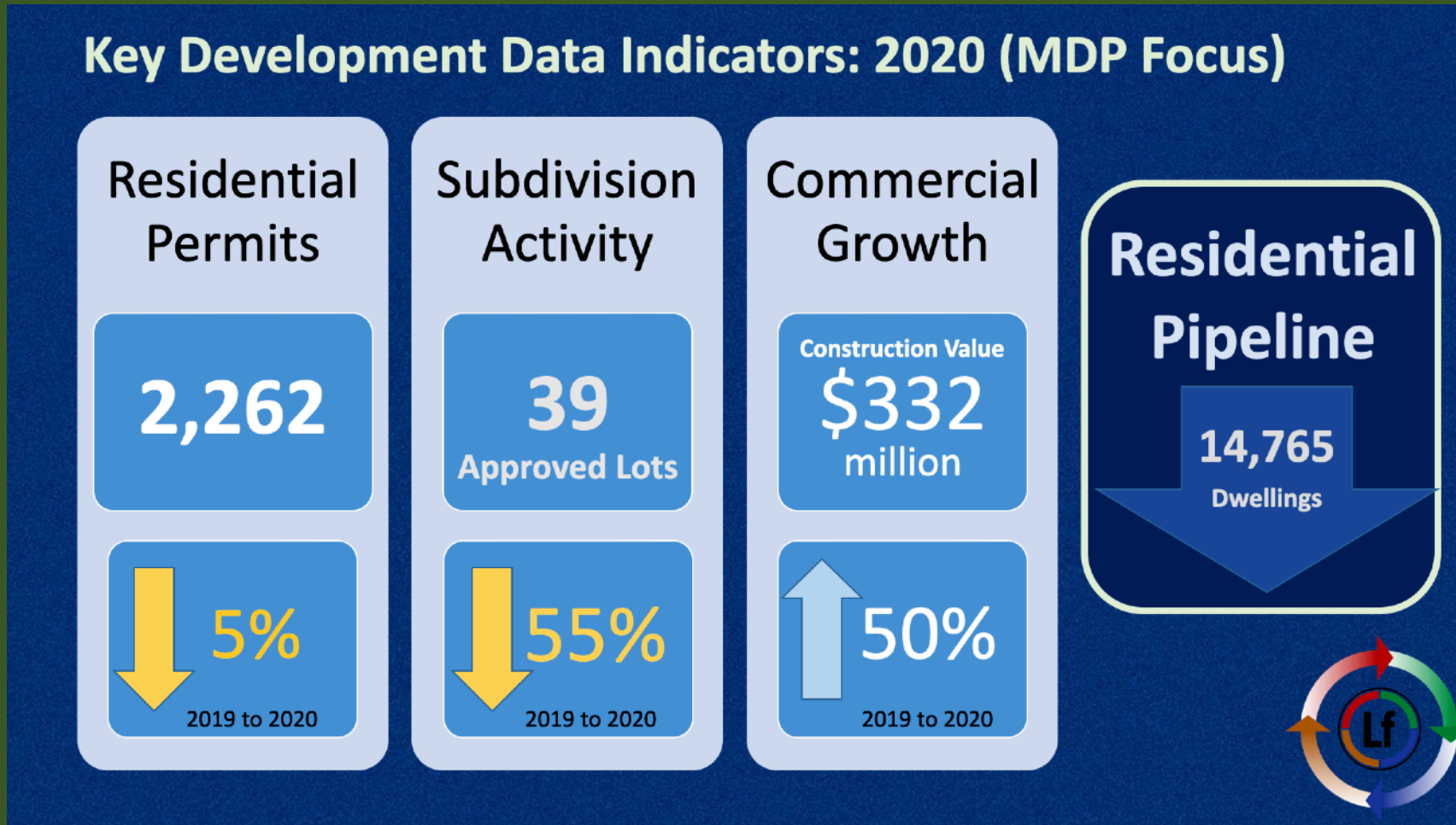
- Initial DRAFT Work Program (Planning Staff & County Executive)
- Planning Commission - Review & Recommendation
- County Council - Review & Recommendation
- Final Approval by County Executive (prior to budgeting season)



What Does This Look Like...?



Gather important **data**, but...



*...provide some **context** and **identify trends**...*



Consider **capital budgeting** implications...

School Capacity (September 2020)

ES

MS

HS

Overall
**System
Capacity**
91%

4 > 100%
(4 in 2019)
2 @ 95-100%

2 > 100%
(2 in 2019)
1 @ 95-100%

84%

92%

*Total Systemwide Enrollment DECREASED 1.5% from Dec. 2019 to Oct. 2020
led by a 4.75% Decrease in Elementary School Students*

The Geography of School Capacity (Dec. 2019)

North
County

5

11 > 100%

(21 in 2019)

I-70 Corridor
(w/Frederick)

95-100%

Number of Schools in each
Geographic Area with a
Capacity Exceeding 100%

13

South
County

9

96%

*...as well as **land use** implications...*

Demonstrate *achievements*, but...

Agricultural Land Preservation: (March 2020)

2009-2014
9,105 ac

2015-2020
13,198 ac

12-year Total
22,303 ac

Average:
126 ac/mo

Average:
183 ac/mo

Average:
155 ac/mo

12-year average is 155 acres/month...
...at this rate, goal achieved in 2040



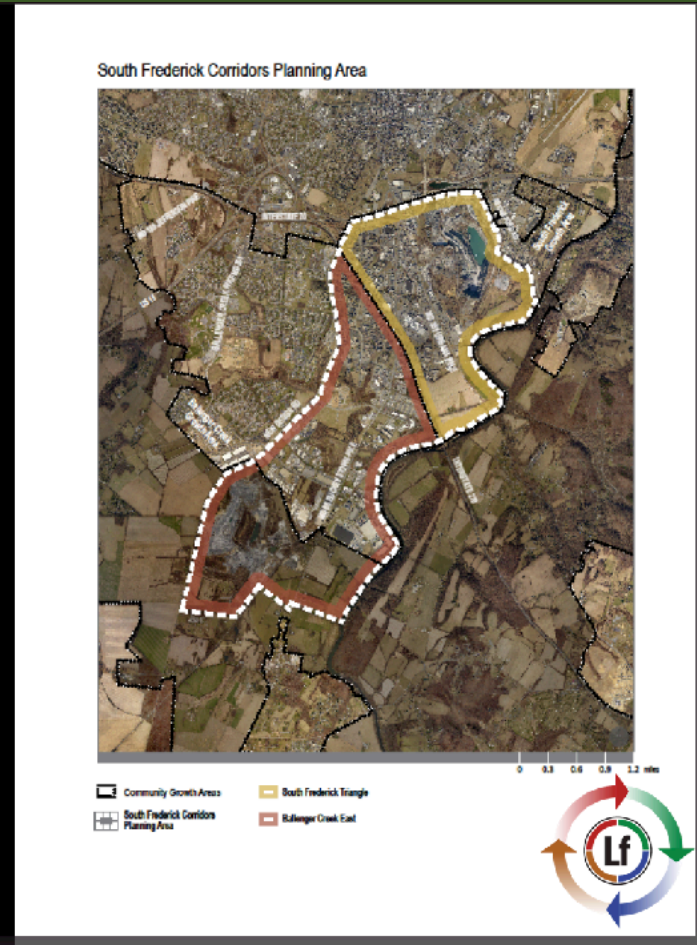
*...identify long-range **goals**...*



Provide project updates...

SFC Plan – Process Underway

- **Background Research (Summer 2020)**
 - Preparation of maps, diagrams
 - Data development
 - Establishing SFC Scoping Group
- **SFC Briefing Book Released (September 2020)**
 - Available on website
 - Distributed to Scoping Group
- **Scoping Group Kick-Off Meeting (October 2020)**
 - Initial Virtual Meeting (10/5/2020)
 - Data development
 - Establishing SFC Scoping Group
- **Initial Outreach Efforts (October 2020)**
 - Interactive Comments Map
 - Planning for outreach to business community



...look away from your site plans and subdivisions...

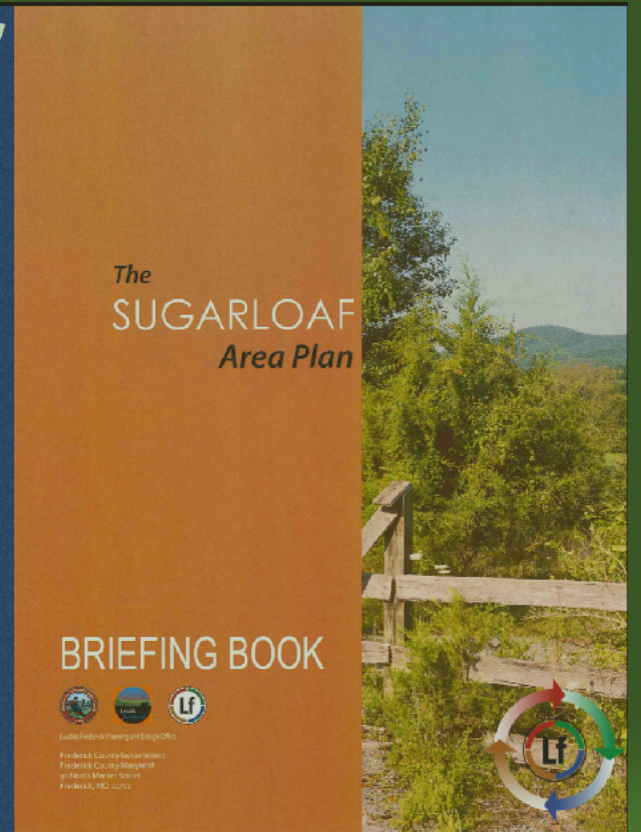
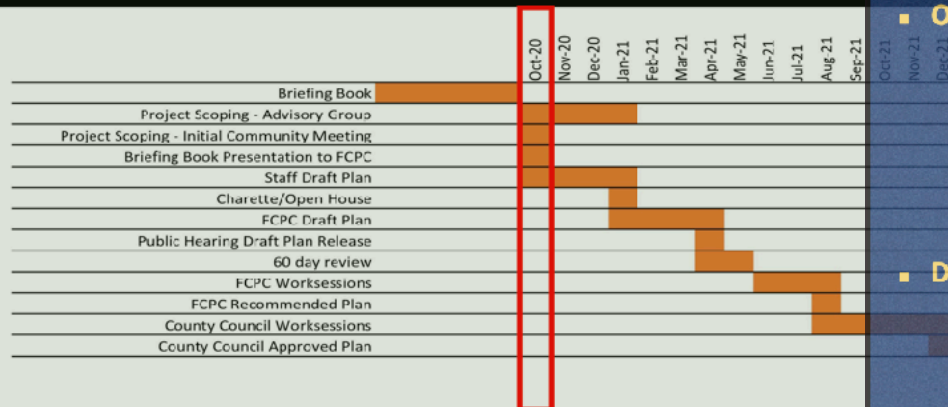


Remind yourselves...

SAP Plan – Process Underway

- **Background Research (Winter 2019-2020)**
Preparation of maps, diagrams, data
Establishing SAP Advisory Group
- **SAP Briefing Book Released (January 2020)**
Available on website
Distributed to Advisory Group
- **Outreach (Winter 2020 - Present)**
Community Open House (February 2020)
Stakeholders Advisory Group (February – Present)
Community Survey (March/April 2020)
Meetings w/ Stronghold Representatives
(Dec 2019; Oct 2020)
- **Draft Plan Development (Summer/Fall 2020)**
Staff drafting SAP Vision & plan document
Development of land use tools for SAP
Draft Plan to FCPC (

South Frederick Corridors Plan – Schedule



...you are members of a *Planning* Commission...

Remind yourselves...

Options for Implementation Schedule (2020-2025)

PROJECT NAME	2019				2020				2021				2022				2023				2024			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
South Frederick Triangle/Ballenger Creek East																								
Treasured Landscapes: Sugarloaf Mountain																								
Agricultural Infrastructure Plan																								
Master Transportation Plan																								
Frederick City Community Growth Area																								
Water and Sewerage Master Plan																								
Land Preservation, Parks, and Recreation Plan																								
Green infrastructure Plan																								
Agricultural Infrastructure Plan																								

Q1: January - March
 Q2: April - June
 Q3: July - September
 Q4: October - December

2019 Five Year Schedule

Project Duration
 Specific Project Duration Undetermined

- **No Change**

- Maintain Current Work Plan (with minor revisions to schedule)
 - No New Plans to Begin in 2020-2021
 - Allow for Preparations for Plan/s that are 'On-Deck'

- **Maintenance Efforts**

- Add the *Land Use Maintenance Plan* to the schedule
 - Continue Efforts to Build and Shore Up County Policies/Procedures
 - Work to Develop and Strengthen Non-Governmental Partnerships

- **Add Plan(s) to Work Program**

- Agricultural or Green Infrastructure Plans* (begin background studies)
 - Urbana Community/I-270 Corridor Plan*
 - Linganore Community Plan/New Market Corridor Plan*
 - Functional Plan* (Housing Affordability, County Infrastructure Assessment)



...to maintain an active role in the planning of your community...



Benefits to Planning Commission & Staff

- Discipline of an Annual Discussion & Debate
- Single Source of Key Information
- Public Document/Citizen Service
- Can Help to Identify Data Needs
- Self-Assessment Tool...process, outreach, etc
- Provides Context for other Activities and Duties of the Planning Commission
- Uses a Mandated Task to Propel a Local Effort



Benefits to Elected Officials

- Single Source for Local Planning Data/Guidance
- Frames the Policy Debate re: Planning Issues
- Useful in Establishing Spending Priorities
- Internal vs. External Information
- May Identify Public Service or Facility Needs
- Can Be Used to Identify Potential Legislative Action
- Identifies Weak Spots in Data Collection/Analysis
- Provides a Constituent Service



Benefits to Citizens

- Single Source for Local Planning Data/Guidance
- May Identify Public Service or Facility Needs
- Can Be Used to Build Support for Government Action
- Provides an Essential Service...INFORMATION



Resources Needed to Do This

- Start with existing in-house data sources...this doesn't have to be a big GIS/data analysis exercise to be effective....

Residential Subdivision Activity

Subdivision activity for the approval of preliminary subdivision lots made a jump in 2018 only because most of the lots were just re-approvals or revisions of current subdivisions. Out of a total of 1,736 lots receiving preliminary subdivision plan approval/re-approval only 404 were new lots. The new lots were approved in the Woodlands at Urbana development and in a small section in the Villages of Urbana. One project, Jefferson Park West, received a revised preliminary plan approval that reduced the proposed residential from 325 dwellings to 235. These figures only include the preliminary plan approval of individual lots for single-family detached and townhouses. The approval of 2 over 2 and multi-family dwelling units are done through a site plan and are not accounted for in these numbers.

See Map on page 7 for the location of the developments relative to the Priority Funding Areas (PFA's).

Table 2: Approved Preliminary Subdivision Plans - 2018

SF (single family), TH (townhouse), MF (multifamily), 2/2 (two-over-two)

Map	Project	Lots/dwelling units Approved	Acres	Zoning
1	Westview South – Phase 2	Revised Preliminary Plan to decrease total project from 542 to 448 dwellings. Deletes 96 MF units and 28 2/2 units. Reduces SF from 61 to 11, and increases TH from 59 to 139. Phase 2 dwellings – 150 (11 SF, 139 TH)	16	MXD
2	Landsdale – Sections 3b, 3c	Re-approval of Sections 3b and 3c (325 du's, SF – 270, TH – 55) with no change in number or type of dwellings	200	PUD
3	Mayne Property	Re-approval of Plan with no change in number or type of dwellings. Total 193 dwellings – 148 SF, 45 TH	62	R-3
4	Woodbourne Manor	Re-approval of Plan with no change in number or type of dwellings. Total 197 dwellings	138	R-3
5	The Woodlands at Urbana	566 age-restricted dwellings - 232 SF, 158 TH, 176 MF	199	MXD
6	Urbana Town Center	Revised Preliminary Plan for Land Bay 2A to replace employment with 129 dwellings – 98 SF, 31 TH. Did not change the total dwellings	32	MXD
7	Jefferson Park West	Re-approval of Plan – reduce dwellings from 325 to 235 TH lots.	102	MXD
8	Estates at Rosehaven Manor	Revised Preliminary Plan with no change in number or type of dwellings. Total 160 SF, 100 TH	54	R-3

Resources Needed to Do This

- Regional data resources

COMMERCIAL CONSTRUCTION INDICATORS

Information on the number, location, structure type, and size of new development projects in metropolitan Washington

2019 Edition



Metropolitan Washington Council of Governments

what are you looking for?

Transportation Environment Community Homeland Security & Public Safety About Us More

Login

COG approves new planning principles & housing initiative with Amazon

think REGIONALLY with Robert McCartney

New regional food security efforts

Metropolitan Washington Council of Governments

Resources Needed to Do This

- Annual Report Themes

The **SUGARLOAF**
Treasured Landscape Management Plan

The **Sugarloaf Treasured Landscape Management Plan** seeks to maintain rural character and scenic attributes, protect environmental resources, and enhance the quality of the landscape in the Sugarloaf Mountain area. This "large area plan" begins to put into action the Livable Frederick Master Plan, Frederick County's guiding policy document for how and where the county will grow, conserve, and preserve.



Current Program

Implementation Program - October 2019

- South Frederick Corridors (SFC): 2020-2022
- Sugarloaf Mountain TLMP: 2019-2021
- MWCOG Cooperative Forecast Update 9.2
- LPPRP: 2020-2022

FCBIA
FREDERICK COUNTY
BUILDING INDUSTRY
ASSOCIATION

2020 Webinar Series

**LIVABLE FREDERICK:
UPDATE & ENGAGEMENT PANEL**

Kimberly Golden Branch | Director, Livable Frederick Planning & Design
Donis Supersynski | Principal Planner at Frederick County Government
John Dimitrova | Livable Frederick Design Planner

TUESDAY, MAY 26TH | 1:00 PM
ZOOM WEBINAR

Join FCBIA for a complimentary 1-hour webinar on Tuesday, May 26th at 2:00 p.m. hosted by the FCBIA Land Use Council featuring the Livable Frederick Planning & Design Team. Enjoy an update on the progress of Livable Frederick, next steps in the process, their responses to COVID-19 challenges, and more. The Frederick County Livable Frederick Team will also be available for Q & A. Learn More about Livable Frederick Master Plan Here.

Visit FrederickBuilders.org for more details on FCBIA's Builder Business Webinar Series

Register for the Webinar - Space is Limited!
<https://us02web.zoom.us/join/register/911589472649?pwd=LDGxNzUyTGp5Zm9GKTgzPjQw>

FREDERICK COUNTY BUILDING INDUSTRY ASSOCIATION
186 Thomas Johnson Drive, Suite 219, Frederick, MD 21702 | info@frederickbuilders.org | www.frederickbuilders.org

In Summary...

We can complain about the fact that we have to complete our *homework*...or...

We can use the state requirement to seize an opportunity to engage in thoughtful discussion about the future of our community.

Make some lemonade, Commissioners...

