

# 2008 Annual Report

Frederick County Department of Planning & Development

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## 2008 Frederick County Planning Commission

June Wilmot, Chairman  
*Member At Large*  
11/14/2005-11/14/2009

Roger L. Thomas, Vice Chairman  
*Opequon District*  
06/14/2005 - 06/14/2009

Cordell Watt  
*Back Creek District*  
2/22/2005 - 2/22/2009

Greg L. Unger  
*Back Creek District*  
01/26/2008 - 01/26/2012

George J. Kriz  
*Gainesboro District*  
01/26/2008 - 01/26/2012

Charles E. Triplett  
*Gainesboro District*  
02/26/2005 - 02/26/2009

Rick C. Ours  
*Opequon District*  
04/07/2005 - 04/07/2009

Gregory S. Kerr  
*Red Bud District*  
01/11/2006-01/11/2010

Christopher Mohn  
*Red Bud District*  
01/11/2006-01/11/2010

Lawrence R. Ambrogio  
*Shawnee District*  
01/23/2008 - 04/28/2009

H. Paige Manuel  
*Shawnee District*  
01/26/2008 - 01/26/2012

Gary R. Oates  
*Stonewall District*  
01/11/2006-01/11/2010

Richard A. Ruckman  
*Stonewall District*  
02/12/2008 - 02/12/2012

Gary A. Lofton  
*BOS Liaison*

Winchester City Planning Department  
*City Liaison*

Roderick B. Williams (non-member)  
*County Attorney*  
*Legal Counsel*

Eric R. Lawrence (non-member)  
*Staff Contact & Secretary*



## 2008 Highlights

The 2008 Frederick County Annual Report is compiled to provide the Frederick County Planning Commission, Board of Supervisors, Administrative Agencies, and members of the community with information on planning activities. This report reviews the demographics of the County as well as the planning activities throughout the County over the course of 2008. It also provides information about Frederick County's short and long range planning.

### Route 277 Triangle and Urban Center Land Use Plan

In August of 2008, the Board of Supervisors approved the Route 277 Triangle and Urban Center Land Use Plan. Based on the principles of 'New Urbanism' or Traditional Neighborhood Design promoted in the Comprehensive Plan, the planned Route 277 Urban Center focuses on the creation of a pedestrian-friendly, urban area that is well integrated with the surrounding community. The plan includes a large commercial core, a relatively dense mix of residential housing types, an interconnected street system, and public open space around which the urban center is designed. The Route 277 project also incorporates new mixed-use zoning districts that encourage a fusion of higher-density residential and commercial uses, and of office and technology / (low-impact) industrial uses.

In addition to the existing High School and Sherando Park, a new Elementary School will help provide a focal point for the urban center and surrounding community. The Route 277 plan also includes a series of substantial short and long term transportation goals for the area. This includes the addition of round-about intersections along improved roadways, as well as the relocation of Interstate 81, Exit 307, and construction of a new arterial road designed as a limited access parkway. The parkway will then relieve much of the through traffic now using the existing route 277.

### Traditional Neighborhood Design, Business Overlay District

The first of the mixed-use districts from the 277 Plan to be adopted by the Board of Supervisors was the Business Traditional Neighborhood Design-Business Overlay District (TND). This option, which can be established through a rezoning process on B1 and B2 properties from two to twenty acres in size, is intended as an infill option within areas of the UDA that have been identified as a potential urban center or neighborhood village. In addition to their location within a potential urban center or neighborhood village, parcels within this district should be located along major roadways and prominent road intersections that are located in close proximity to existing or planned residential areas.

The design criteria for this district is intended to provide developers with the flexibility to create spaces inspired by a traditional neighborhood structure that features high quality architectural and urban design, and promotes sustainability and environmental quality. One of the more prominent aspects of the TND is the integration of residential uses on the second and third floor of commercial structures. This new design option is expected to expand the availability and variety of housing types and of affordable housing options within the County. The increased residential density also acts as an

incentive for developers of the project and could enhance the health and vitality of future commercial tenants. Finally, another design standard unique to the TND is its allowance for structures fronting along a road to be within twenty or forty feet of the right-of-way (depending on road type); this provides developers with more developable land, and encourages a more visually appealing and pedestrian-oriented streetscape.

Additional overlay districts are planned for further study and possible adoption within the upcoming year.

### Rural Areas Study

In 2008, the Board of Supervisors began considering possible methods of addressing the causes and consequences of the strong, residential development pressures within the rural areas of the County. Initially, the Board requested that a potential change to both the Rural Area (RA) zoning district's lot size and density be considered by the Planning commission at a public hearing in July. After overwhelming public response, the Board established the Rural Areas Subcommittee and charged them with identifying the growth and development trends and related issues within the rural areas of the County; gathering ideas to address those issues; and forwarding a recommendation to the Board of Supervisors.

While the Rural Areas Subcommittee is still in the process of developing a set of recommendations for the Board of Supervisors, it is clear that the group recognizes that a broader range of tools may be more appropriate for managing the negative impacts associated with residential developments in the rural area. The committee has identified several state-enabled tools which the County may implement or adjust in order to manage development impacts. These tools were explored through bi-monthly committee meetings, and through three public out-reach meetings, and all the information associated with the committee's activities and research are included on a special Rural Areas webpage.

Of the many state enabled tools investigated, subdivision layout and lot size requirements, Transfer of Development Rights and Purchase of Development Rights programs were identified as having the potential to promote agricultural economy and watershed preservation. Two state-enabled tools, residential density policy, and health system design and maintenance requirements were identified as having the potential to mitigate the environmental and fiscal impacts to the County. The subcommittee is expected to present their recommendations to the Board of Supervisors in the first half of 2009, after which point it will be necessary to design a policy and draft ordinance for public review.

### Planning Review

In 2008, a total of 127 development-related applications were submitted to the Department of Planning and Development for review. These applications included site plans, variances, master plans, conditional use permits, waivers, subdivisions, rezonings, and rural subdivisions. Information regarding each of these application types, as well as information about the number of lots created in the County, and the number of residential building permits issued is also included in this report.



# 2008 Quick Facts

## Population

2000 US Decennial Census	59,209
2005 US American Communities Survey	68,200
2007 US American Communities Survey	72,949
2010 US Census Projections	77,864*
2020	95,648
2030	114,539*

\* Figures are projections from the US Census  
Source: U.S. Census Bureau, 2000 US Census

## 2007 Estimated Income

Median Household Income	\$66,114
Mean Household Income	\$74,028
Median Family Income	\$72,938
Mean Family Income	\$79,552

Source: 2007 U.S. American Community Survey

## 2008 Building Permits (New Construction)

Total Residential Building Permits	370
Single Family, Detached Building Permits	272
Townhouse / Duplex / Multiplex Single Family Attached, Building Permits	47
Mobile Homes	44
Modular Homes	7

Source: Frederick County Inspections Dept.

## Public Education

Total Enrollment	12,905
Schools Above Program Capacity	3
Cost per Student	\$10,215
Number of Schools	18
SAT I Math Scores	507
SAT I Critical Reading Test	507
SAT I Writing Test	483
Diplomas Earned	930
Percentage of 12th graders graduating in 2008	97%

Source: Frederick County School Board, November 2007 Data

## Labor Force

Average Unemployment Rate*	3.89%
Average Available labor force*	42,219

\*October 2007 – October 2008

Source: Virginia Employment Commission

## Start-up Firms

3rd Quarter 2007	18
4th Quarter 2007	15
1st Quarter 2008	0
2nd Quarter 2008	25

Source: Virginia Employment Commission

## Employment by Industry\*

Agriculture, Forestry, Fishing	193
Mining	121
Utilities**	-
Construction	2,603
Manufacturing	5,461
Wholesale Trade	1,191
Retail Trade	2,468
Transportation & Warehousing	1,092
Information	175
Finance, Insurance, Real Estate	756
Services	5,779
Government	4,612

\*\* No data, Source: Virginia Employment Commission Quarterly Census of Employment & Wages, 2<sup>nd</sup> Quarter 2008

## Major Employers\*

1. Shockey Brothers, Inc.
2. Lord Fairfax Community College
3. Kraft Foods
4. H.P. Hood, Inc.
5. U.S. Department of Homeland Defense
6. Navy Federal Credit Union
7. Westminster Canterbury
8. GE Lighting
9. Kohl's Department Stores
10. World Wide Automotive LLC

\*Excludes the school board and local government as employers, Source: Virginia Employment Commission, Quarterly Census of Employment & Wages, 2<sup>nd</sup> Quarter 2008.

# Demographics

## Location

Frederick County is located at the Northern end of the Shenandoah Valley of Virginia and is bordered by the state of West Virginia to the North and West, Clarke County to the east and Shenandoah and Warren Counties to the south. The County contains a range of landscapes, exhibiting everything from suburban development in the East, around the City of Winchester and the Interstate 81 corridor, to rolling hills, farms, orchards, and wooded mountains to the West. The County seat is situated in the historic City of Winchester, the oldest city west of the Blue Ridge Mountains. Numerous cultural and historic attractions make the County a popular destination for tourists, while Frederick County's location along the Interstate 81 corridor, just 75 miles from the Nation's capital, has helped to create an attractive location for business and industry.

## Magisterial Districts

Frederick County is divided into six Magisterial Districts, each of which is represented by one elected member to the Frederick County Board of Supervisors and the Chairman of the Board, who is elected at large. The Board of Supervisors holds revolving elections and each board member serves for four years. The supervisors from the Red Bud, Shawnee, and Stonewall Districts each began a four year term in January of 2006. The supervisors from the Gainesboro and Opequon Districts, as well as the Chairman at Large, were re-elected to their positions in November of 2007. The newly elected supervisor from the Back Creek District began a three year term in January of 2008. The Board of Supervisors appoints members from each of the six districts to various County Committees, Boards, and Commissions, as required by the Codes of Virginia, and Frederick County.

## Population

### Trends:

Frederick County continues to experience steady population growth at a faster rate than the City of Winchester and surrounding counties. As of January 2008, the Weldon Cooper Center estimated Frederick County's population to be 72,949. This represents a 23.2 percent increase from the 2000 census. In 2000, Frederick County's population was 59,209, a 29 percent increase from 1990.

According to the Weldon Cooper Center, Frederick County is one of eleven counties in Virginia to experience a growth of more than 10,000 people between the 2000 Census and 2006. According to the Census Bureau, Frederick County was the 25th most populated geographic area out of 134 possible locations in the Commonwealth (Cities and Counties included). Population projections since the 2000 census show Frederick County as the sixteenth (16th) fastest growing county in the Commonwealth. The following chart shows the growth patterns of Frederick County and surrounding localities since the 2000 Census:

	2000*	2001	2002	2003	2004	2005	2006	2007**
Frederick County	59,209	61,216	62,937	64,820	66,696	68,809	71,084	72,949
Clarke County	12,652	13,050	13,215	13,421	13,840	14,175	14,032	14,175
Warren County	31,584	32,227	33,051	33,844	34,494	34,734	35,301	35,829
City of Winchester	23,585	24,078	24,348	24,337	24,862	25,780	25,878	25,896

\*United States Census, \*\* Estimate, Source: Weldon Cooper Center

### Population Projections

	1990	2000	2010	2020	2030
Frederick County	45,723	59,209	77,864	95,648	114,539
City of Winchester	21,947	23,585	26,511	29,339	32,458
Area Total	67,670	82,794	104,375	124,987	146,997

Source: Virginia Employment Commission

### Projections

The Virginia Employment Commission projects that the 2010 population of Frederick County will be 77,864. This represents a relatively rapid rate of population growth between 2000 and 2010, when compared to the projected rate of growth in the years following 2010.



### Households & Families: Number & Size of Households

Year	Population	Households	Average Household Size
1960	21,941	6,045	3.63
1970	24,107	8,570	2.81
1980	33,934	11,467	2.98
1990	45,723	16,470	2.78
2000	59,209	23,319	2.64
2001	61,315	23,950	2.56
2002	62,905	24,560	2.56
2003	64,640	25,386	2.55
2004	66,611	26,182	2.54
2005	68,809	25,960	2.63
2006	71,187	27,336	2.54
2007	72,983	26,699	2.72

Source: 2007 American Community Survey

### Household Income

	2006	2007
Family Households	19,980	20,021
Median family income	\$62,472	\$72,938
Mean family income	\$79,648	\$79,552
Nonfamily households	7,356	6,678
Median nonfamily income	\$33,651	\$46,536
Mean nonfamily income	\$40,002	\$50,527
Percentage of population whose income in the past 12 months was below poverty line	8.5%	6.5%

### Top Ten Employers in Frederick County

1. Frederick County School Board
2. County of Frederick
3. Shockey Brothers, Inc.
4. Lord Fairfax Community College
5. Kraft Foods
6. H.P. Hood, Inc.
7. U.S. Department of Homeland Defense
8. Navy Federal Credit Union
9. Westminster Canterbury
10. GE Lighting

### Commuter Patterns in the Frederick County-Winchester Area

Live & Work	25,500
In-Commute	9,434
Out-Commute	8,150

Source: Virginia Employment Commission

### Households & Families

The US Census Bureau defines a family as two or more persons related by adoption, birth, or marriage whereas a household consists of all people occupying a housing unit. The most recent data available is from the 2007 American Community Survey which estimated that the number of households in Frederick County for 2007 was 26,699. The average household size increased in 2007 to 2.72; however, the number of persons within a household has continued to decline throughout the decades in Frederick County. Based on the same survey, there are approximately 20,021 families in Frederick County. The average family size is indicated as 3.10 persons.

### Income

Based on the same 2007 American Community Survey of Frederick County, the median household income was \$66,114. The median family income was \$72,938 and the median non-family income was \$46,536. According to this survey, there were 6,678 non-family households in Frederick County in 2007, a decline from the 7,356 non-family households in 2006. Median household income differs from median family income in that it includes the income of all persons fifteen years or older, living in a single household, whether they are related or not.

### Employment

Employment in Frederick County for both the private and public sectors totaled 23,924 in the second quarter of 2008 compared to approximately 21,926 in 2006, based on data from the Virginia Employment Commission. According to the Virginia Employment Commission, the unemployment rate for Frederick County was highest in September (4.4 percent) and August (4.7 percent) of 2008. April of 2008 had the lowest rate of the year with 3.4 percent. While Frederick County remains consistently below the national average, there has been a marked increase in unemployment since 2007 when the highest rate was 3.2 percent.

The largest employment sectors in Frederick County continued to be government, manufacturing, and the service industries throughout 2007 and 2008. Services include a range of employment: industries such as finance and insurance, management, administrative, accommodations and food services, and miscellaneous services such as Public Administration.

### Commuter Patterns in Frederick

Within the Frederick County-Winchester Area, 42,219 people either live and work, or commute to or from work. Of those, about 25,500 people (60 percent) live and work in the Frederick County-Winchester Area. Of the 42,219 people, only about 19 percent are commuting outside of the area. The majority of these commuters work in Loudon County, Fairfax County, and Clarke County.



## Public School Enrollment

According to the Frederick County School Board, the total enrollment in kindergarten through twelfth grade for the 2008-2009 school year was 12,905 students, a 0.29 percent increase from the 2007 enrollment of 12,868. At the end of the 2007-2008 school year, 930 students earned diplomas. Of those graduating, 84 percent are pursuing continuing education of some kind. In contrast with the forty-one new positions created during the 2008 fiscal year, Frederick County Public Schools currently employ 2,114.4 full-time-equivalent (FTE) employees, a decrease of about 16.5 FTE positions.

In late 2007, the Frederick County School Board and Board of Supervisors established a location of a twelfth County Elementary School in the Red Bud District, which should be open for the 2009-2010 school year.

Even as development slows, many of the County's schools are approaching or exceeding their Practical Capacity. Thus, it will be necessary to plan for the new school locations. The chart below outlines each school's enrollment information.

**2007-2008 Public School Enrollment in Frederick County Public Schools**

Schools	Opened	Grade	Capacity	2007-2008 Enrollment	Percent of Capacity
Apple Pie Ridge Elem.	1974	K-5	563	517	91.8%
Armell Elem.	1991	K-5	644	577	89.6%
Bass-Hoover Elem.	1975	K-5	662	598	90.3%
Evendale Elem.	2006	K-5	644	729	113.2%
Gainesboro Elem.	2007	K-5	750	521	69.5%
Indian Hollow Elem.	1988	K-5	528	421	79.7%
Middletown Elem.	1989	K-5	644	546	84.8%
Orchard View Elem.	2000	K-5	528	451	85.4%
Redbud Run Elem.	1996	K-5	644	596	92.5%
Senseny Road Elem.	1966	K-5	495	435	87.9%
Stonewall Elem.	1997	K-5	528	442	83.7%
Total Elementary School		K-5	6,630	5,732	86.5%
Adm. Richard E. Byrd Middle	2005	6-8	850	825	97.1%
Robert E. Aylor Middle	1969	6-8	850	606	71.3%
Frederick County Middle	1965	6-8	730	694	95.1%
James Wood Middle	1950	6-8	850	790	92.9%
Total Middle School		6-8	3,280	2,952	90.0%
James Wood High	1980	9-12	1,400	1,345	96.1%
Millbrook High	2003	9-12	1,250	1,260	100.8%
Sherando High	1993	9-12	1,400	1,524	108.9%
Total High School		9-12	4,050	4,184	103.3%
Total Enrollment		K-12	13,044	13,008	99.7%

Source: Frederick County School Board Enrollment Data



# Subdivisions & Permitting

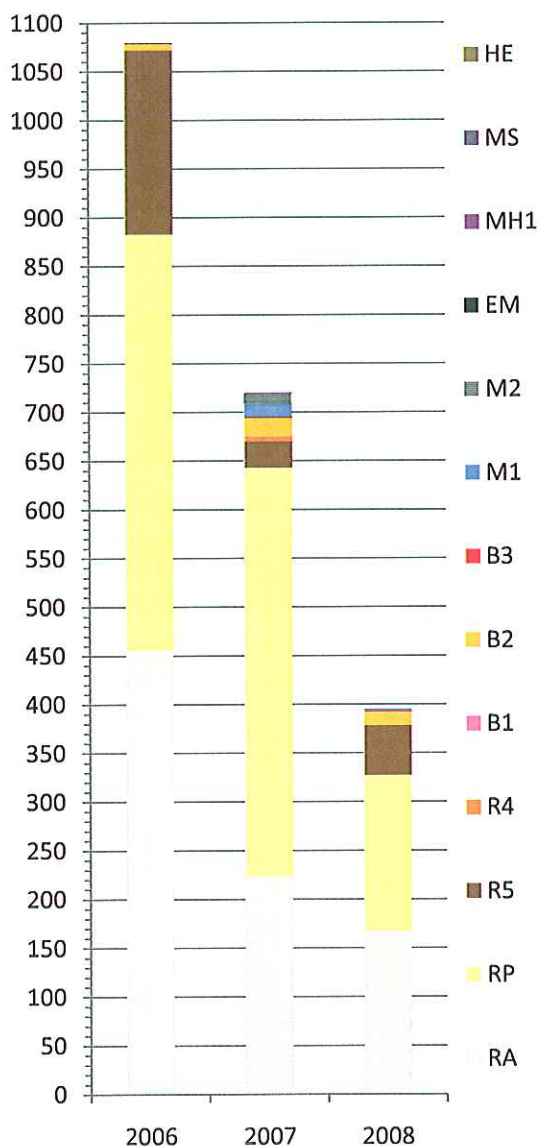
## Overall Lots Created

The number of lots created in the County is determined as a result of subdivision applications (urban) and administrative subdivisions (rural) that were approved in 2008. A subdivision or section of a subdivision is not considered approved until plats for the properties in that subdivision/section are approved; therefore, the numbers below reflect only lots approved and platted lots in 2008. These figures also include lots which were planned *before* 2008, but did not receive final approval until 2008. As shown by the table below, the majority of lots created in the County are residential; however, in 2008 there were fourteen lots created in the B2 (General Business) Zoning District, one lot created in the B3, Industrial Transition District, and two lots created in the M1, Light Industrial District.

## Lots Created in 2008 by Magisterial District & Zoning District

Magisterial District	RA	RP	R5	R4	B1	B2	B3	M1	M2	EM	MH1	MS	HE	Total
Back Creek	26	0	0	0	0	0	0	0	0	0	0	0	0	26
Gainesboro	68	0	0	0	0	0	0	0	0	0	0	0	0	68
Red Bud	1	68	0	0	0	4	0	0	0	0	0	0	0	73
Shawnee	1	0	0	0	0	2	0	0	0	0	0	0	0	3
Stonewall	32	0	0	0	0	8	1	2	0	0	0	0	0	43
Opequon	39	92	51	0	0	0	0	0	0	0	0	0	0	182
<b>Totals</b>	<b>167</b>	<b>160</b>	<b>51</b>	<b>0</b>	<b>0</b>	<b>14</b>	<b>1</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>395</b>

Source: Frederick County Dept. of Planning & Development



## Residential Lots Created

As shown in the table above, the majority of the 395 total lots created in Frederick County during 2008 were located in the Opequon, Red Bud, and Gainesboro Districts. This is largely due to the two large residential subdivisions (Brookland Manor, and Shenandoah), as well as to many smaller subdivisions throughout the County's rural areas.

In total, 378 residential lots were created in the RP, RA and R5 zoning districts in Frederick County in 2008. This represents a significant decrease from the total number of residential lots created in the County in 2007 (with 674 lots) and 2006 (with 1072 lots). While the decline in residential lots created from 2006 to 2007 was associated primarily with a drop-off in RA district activity, there was a sharp decline in both the RA and RP zoning districts from 2007 to 2008.

Lots created in the RA Zoning District are classified as either a minor rural subdivision, major rural subdivision, or rural preservation subdivision. Of the 167 lots, seventy-three were rural preservation lots, thirty-seven were major rural subdivision lots and seventy-two were minor rural subdivision lots. Of the minor rural subdivisions, fifteen were considered "family lot subdivisions" which involve the gifting of a parcel to an immediate family member.

## Residential Lots Created by Year in RP & RA Districts

Year	Residential Performance (RP) Zoning District		Rural Areas (RA) Zoning District	
	Lots Created	Percentage of RP & RA Lots Created	Lots Created	Percentage of RP & RA Lots Created
2000	311	57%	235	43%
2001	571	73%	206	27%
2002	536	70%	226	30%
2003	456	67%	226	33%
2004	507	63%	312	37%
2005	550	64%	310	36%
2006	427	48%	456	52%
2007	419	65%	224	35%
2008	160	49%	167	51%

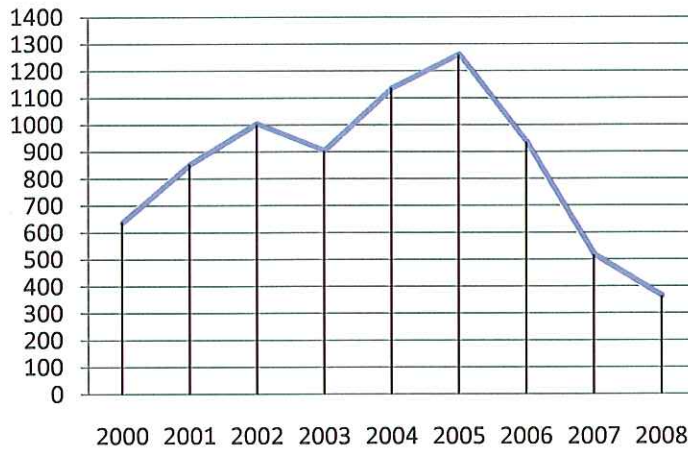
### New Residential Building Permits

Year	Single Family Detached	Single Family Attached	Mobile Home	Total Permits Issued
2000	506	52	81	639
2001	632	113	108	853
2002	777	163	64	1004
2003	731	107	67	905
2004	945	120	71	1136
2005	1017	172	72	1261
2006	746	110	78	934
2007	397	61	57	515
2008	272	47	44	363

### Residential Building Permits Issued

Frederick County issued a total of 272 single family detached residential building permits, forty-seven attached single family permits and forty-four mobile home permits in 2008. These figures, in combination with additional types of residential building permits (seven modular and zero multi-family), accounted for the total 370 new residential permits issued in 2008.

Total Residential Building Permits Issued (2000 through 2008)



As shown in the graph at left, the decline in the number of residential building permits issued in 2008 is consistent with downward trend that began in 2005. Since that point, the number of permits issued annually has fallen 73 percent. Also worth noting is that just 55 percent of all residential building permits issued were located within the designated areas for growth (the RP and R5 zoning districts).

### 2008 Single Family Detached Building Permits Issued

Magisterial District	RA	RP	R4	R5
Back Creek	19	0	0	37
Gainesboro	15	1	0	6
Opequon	5	57	0	14
Red Bud	1	27	0	0
Shawnee	7	46	0	0
Stonewall	5	4	27	0
<b>TOTALS</b>	<b>53</b>	<b>135</b>	<b>27</b>	<b>57</b>

For 2008, the majority of single family detached residential building permits were issued in the RA zoned portion of the Back Creek Magisterial District.

### 2008 Building Permits Issued for Non-Single Family Homes

Magisterial District	Single Family Attached Permits	Modular Dwelling Permits	Mobile Home Permits	Multi-Family Permits
Back Creek	0	2	5	0
Gainesboro	0	2	3	0
Opequon	11	2	15	0
Red Bud	16	0	4	0
Shawnee	20	0	2	0
Stonewall	0	1	15	0

For 2008, the majority of non-single family residential building permits were issued in the Opequon Magisterial District.



# The Department of Planning & Development

Eric R. Lawrence, AICP  
*Planning Director*

Michael T. Ruddy, AICP  
*Deputy Director*

John A. Bishop, AICP  
*Deputy Director, Transportation*

Mark R. Cheran  
*Zoning Administrator*

Candice E. Perkins, AICP  
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Dana M. Johnston  
*Zoning Inspector*

Alexander J. Grey  
*GIS Technician*

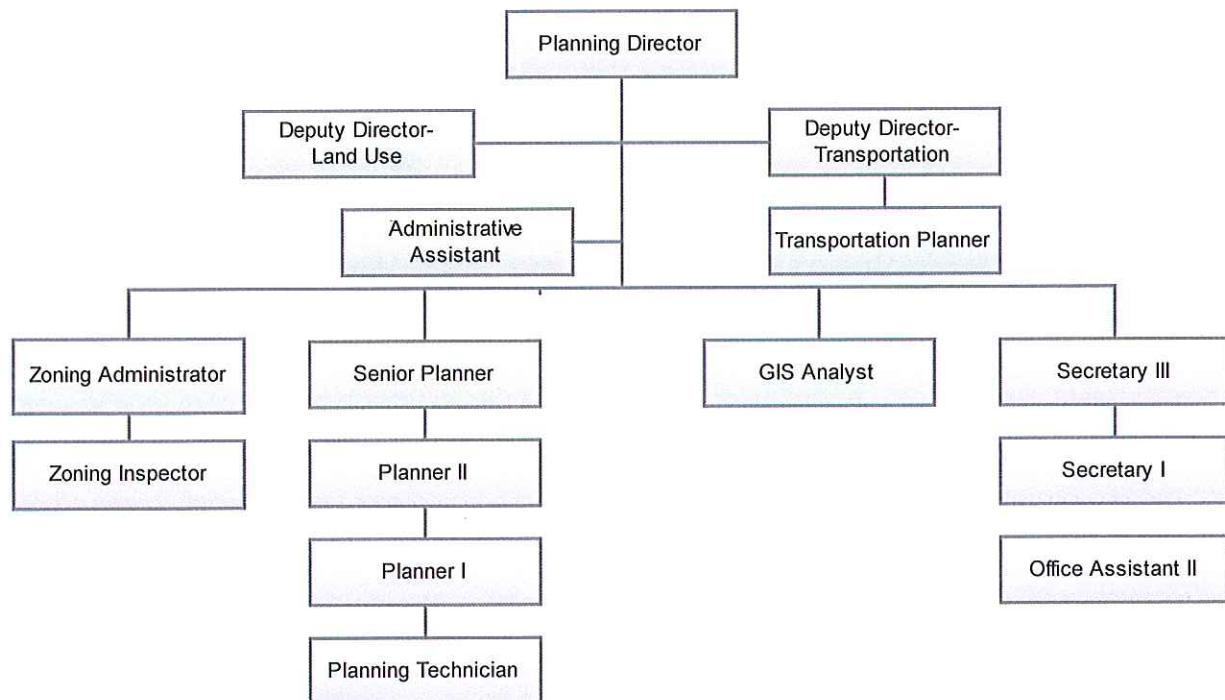
Renee' S. Arlotta  
*Administrative Assistant*

Beverly H. Dellinger  
*Secretary III*

Diane L. Walsh  
*Secretary I*

Pamala S. Deeter  
*Office Assistant II*

## Organizational Structure
















## Planning Efforts

The Department of Planning and Development is responsible for all short and long-range planning within Frederick County. The Department prepares the updates to the County's Comprehensive Policy Plan, Capital Improvements Plan, and the Primary and Secondary Road Improvement Plans. Department staff works with numerous committees responding to a wide range of issues affecting the County, assist in economic development efforts and lend technical support to various community groups.

In addition to major planning efforts and code enforcement, the Department of Planning and Development reviews all land use applications within the County. Department personnel have the authority to act on certain types of applications, such as site plans and rural subdivisions, while other applications require approval by the Planning Commission, the Board of Supervisors, or the Board of Zoning Appeals. In cases where applications must go before one of these bodies, the staff assists the applicant in understanding the formal review process and prepares a written review and recommendation on the completed application package.

## Zoning Enforcement

The Department of Planning & Development is also responsible for enforcing the Frederick County Zoning & Subdivision Ordinances. All land within the County is classified as being within one of the County's thirteen zoning classifications, identified on the Official Frederick County Zoning Map, which is available from the Department of Planning & Development. The thirteen zoning classifications, and their associated land use colors, applied to land in Frederick County are as follows:

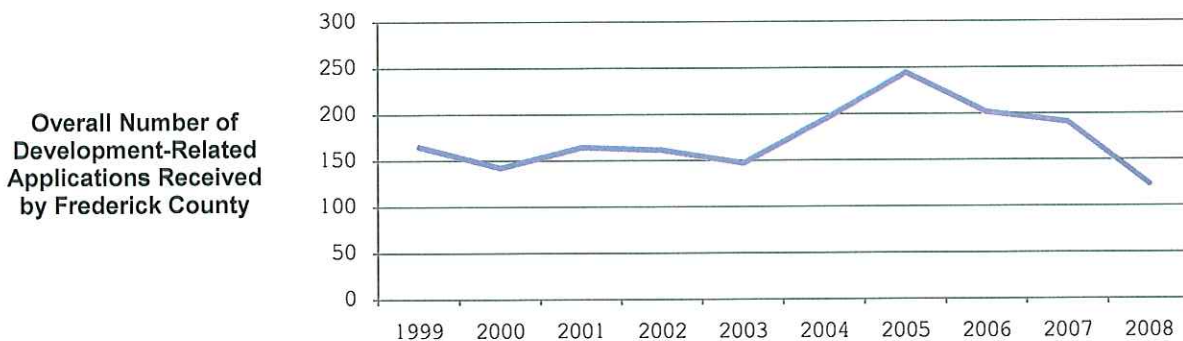
 B1 (Business, Neighborhood District)	 MH1 (Mobile Home Community District)
 B2 (Business, General District)	 MS (Medical Support District)
 B3 (Business, Industrial Transition District)	 R4 (Residential, Planned Community District)
 EM (Extractive Manufacturing District)	 R5 (Residential Recreational Community District)
 HE (Higher Education District)	 RA (Rural Areas District)
 M1 (Industrial, Light District)	 RP (Residential Performance District)
 M2 (Industrial, General District)	

Each zoning district has a list of land uses which are permitted with no special approval required to perform those uses. These uses are referred to as "by-right" uses. Zones are established in any given area to protect residents and landowners within the zone from intrusion by incompatible neighboring land uses. The zoning ordinance also establishes performance standards for each zoning district which dictate a variety of standards including placement, height, and Floor Area Ratio of structures.



# Application Reviews

Peaking in 2005, Frederick County has since seen a marked decline in the overall number of development-related applications it has received; however, this decline is consistent with state and national trends as well.



Application Type	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Rezoning	15	4	11	12	14	14	17	22	12	16*
Master Development Plans	4	8	6	5	10	12	11	14	15	10
Subdivisions	29	14	26	23	21	25	36	22	19	7
Conditional Use Permits	30	20	22	16	13	25	10	11	8	11
Subdivision Waivers	7	10	10	11	2	2	7	4	5	5
Site Plans	68	65	57	52	53	72	93	83	88	64
Variances/Appeals	10	18	21	17	16	9	28	25	25	2
Rural Preservation Subdivisions	0	0	5	14	12	14	21	11	7	8
Major Rural Subdivisions	2	2	4	9	2	10	10	2	0	2
CCPA Requests	--	1	2	2	4	11	11	7	11	2

*\*Four of the sixteen applications were submissions seeking revision to existing proffers.*

### 2008 Rezoning Applications

Magisterial District	Applications
Back Creek	1
Gainesboro	1
Opequon	0
Red Bud	4
Shawnee	6
Stonewall	4

### Rezoning

The chart at left reflects the number of submitted rezoning applications in 2008. For the 2008 year, there were 16 applications submitted; of those, seven were approved and nine are pending action by the Board of Supervisors. In addition to these applications, two rezoning applications from 2007 were approved by the Board of Supervisors in 2008. Four of the applications sought modifications to existing proffers. Six applications sought to rezone RA land to B2, B3, RP, and R4 uses, and four applications sought to rezone RP land to B2 and B3 uses. Finally, one application sought to rezone from B2 to B3, and the airport sought to rezone land from M1 and R4 to RA. The chart in this section includes only those rezonings which were *submitted* in 2008, regardless of their current status

### 2008 MDP Applications

Magisterial District	Application
Back Creek	2
Gainesboro	0
Opequon	0
Red Bud	1
Shawnee	2
Stonewall	5

### Master Development Plans

There were ten MDP applications submitted in 2008, as compared to the seventeen submissions in 2006 and fifteen in 2007. Of the ten submitted, five were approved, one was withdrawn, and four are still pending. The pending applications are scheduled for public meeting with the Planning Commission or Board of Supervisors early in January 2009. Five of the ten MDPs submitted this past year were from the Stonewall Magisterial District. Additionally, there were four applications from 2007 which were approved in 2008; however, they are not included in the chart below. The chart at left reflects the trends per district for 2008.

### 2008 Subdivision Applications

Magisterial District	Applications
Back Creek	0
Gainesboro	0
Opequon	0
Red Bud	4
Shawnee	1
Stonewall	2

### Subdivisions

There were seven subdivision applications submitted in 2008 which represents a decline from the 23 submitted in 2006, and the nineteen submitted in 2007. All of these applications are still pending full administrative approval. Note that approval of a subdivision is not considered complete until final plats have been approved and recorded. Six applications did received final approval in 2008. Two from 2007 and 2006 were approved, one from 2005 was withdrawn, and one from 2004 was approved. In contrast with previous years, the majority of the seven submitted subdivision applications were located in the Red Bud Magisterial District. The chart at left reflects only the applications *submitted* in 2008.

### 2008 Conditional Use Permit Applications

Magisterial District	Applications
Back Creek	3
Gainesboro	4
Opequon	0
Red Bud	0
Shawnee	1
Stonewall	3

### Conditional Use Permits

Eleven Conditional Use Permit (CUP) applications were submitted for review in 2008. Of these, seven were approved, one was withdrawn and four are pending action by the Frederick County Board of Supervisors. In addition to the 2008 applications, one application from 2007 was withdrawn and one was approved. Of the applications received this year, the majority were located in the Gainesboro Magisterial Districts. The chart at left reflects the number of CUP applications *submitted* in 2008.



#### 2008 Subdivision Waivers & Exceptions

Magisterial District	Applications
Back Creek	3
Gainesboro	1
Opequon	0
Red Bud	0
Shawnee	1
Stonewall	0

#### Subdivision Waivers & Exceptions

In 2008, there were five waiver applications submitted for review. Of these five applications, one was approved, one was denied, and three are scheduled for a Public Meeting with the Board of Supervisors in early 2009. These applications sought waivers from the Frederick County Subdivision Ordinance's cul-de-sac length limits and the Frederick County Subdivision Ordinance's fifty foot right-of-way requirement. Back Creek Magisterial District saw the most activity in waiver applications; however, the overall number of applications submitted was quite low. The chart at left shows the breakdown of waiver applications per district.

#### 2008 Site Plans Applications

Magisterial District	Applications
Back Creek	5
Gainesboro	8
Opequon	3
Red Bud	6
Shawnee	23
Stonewall	19

#### Site Plans

In 2008, there were sixty-four site plan applications submitted for review, a marked decline from the eighty-eight applications received in 2007. Of those received, forty-five were approved, eighteen are pending, and one was withdrawn. There were several applications from previous years which were approved or withdrawn during 2008, including seventeen applications from 2007, (fifteen were approved, and two were withdrawn); four applications from 2006 (two were approved and two were withdrawn); and one application from 2005 which was also approved. Note that the chart at left reflects only those applications which were *submitted* in 2008.

#### 2007 Variance/Appeals Applications

Magisterial District	Applications
Back Creek	1
Gainesboro	0
Opequon	0
Red Bud	1
Shawnee	0
Stonewall	0

#### Variances & Appeals

There was one variance and one appeal application submitted in 2008 for review by staff and the Board of Zoning Appeals. The small number of variance and appeal applications received in this past year stands in stark contrast to the twenty-six received on 2007. The variance application received in 2008 was approved, and the appeal application was withdrawn. There was also one variance application from 2007 approved during 2008; however, the chart at left reflects only those applications submitted to the department during 2008.

#### 2008 Rural Preservation Subdivision Applications

Magisterial District	Applications
Back Creek	1
Gainesboro	5
Opequon	0
Red Bud	0
Shawnee	1
Stonewall	0

#### Rural Preservation Subdivisions

Consistent with 2007, there were eight Rural Preservation Subdivisions submitted in 2008. Of these, three were approved and five are still pending. Note that approval of a rural preservation subdivision is not considered final until plats are approved and recorded. The Gainesboro Magisterial District Remains the most common location for Rural Preservation Subdivisions in the County, and this is likely a result of the district's rural nature. In addition to the applications *received* in 2008, seven subdivisions submitted before 2008 were also approved / platted. The chart at left reflects only those subdivisions which were submitted in 2008 for initial review.

## 2008 Major Rural Subdivision Applications

Magisterial District	Applications
Back Creek	1
Gainesboro	0
Opequon	0
Red Bud	0
Shawnee	0
Stonewall	1

## Major Rural Subdivisions

Indicative of slowing residential growth through 2007 and 2008, there were just two major rural subdivisions submitted this year from the Stonewall and Back Creek Magisterial Districts. Neither of these applications have been fully approved/plated, nor were any of the applications received in previous years plated during 2008.

## 2008 CPPA Applications

Magisterial District	Applications
Back Creek	0
Gainesboro	0
Opequon	1
Red Bud	0
Shawnee	0
Stonewall	1

## Comprehensive Policy Plan Amendments

There were just two Comprehensive Policy Plan Amendments (CPPA) requests submitted in 2008, as compared to eleven submitted in 2007. The application seeking to expand the SWSA to accommodate industrial development was recommended for further study as a part of the new Northeast Land Use Plan Study. The decision regarding the other application (which sought to include land in the SWSA for commercial development) was postponed until after a decision on the Route 277 Land Use Plan has been made, and it was recommended that the area in question be developed according to the 277 Land Use Plan. It should be noted that the chart at left reflects only the number of applications submitted, not the number approved.

## Zoning Violations

Zoning enforcement involves responding to inquiries and complaints concerning land use and development. Formal complaints are registered, investigated, and when appropriate, enforcement action is taken. These complaints range from potential inoperable vehicles violations to the illegal use of a property. Department staff attempt to work with landowners to ensure compliance with the County zoning ordinance; however, some of the violations handled by the Planning & Development Department cannot be resolved and criminal charges are filed. Once criminal charges are filed, resolution of the violation is determined by the court system. The charts below outline the validated complaints filed in 2008. However, it should be noted that the County also receives several dozen invalid complaints each year, as well as repeated complaints associated with a single violation.

### 2008 Valid Zoning Violations by Type

Violation Type	Count	Percent of Total**
Inoperable Vehicles	56	47%
Junk Property	24	20%
Illegal Business	6	5%
Illegal Structures	1	1%
Tall Grass	23	19%
Other	4	3%
<b>Total</b>	<b>119</b>	

### 2008 Valid Zoning Violations by District

District	Violations	Percent of Total*
Back Creek	8	7%
Gainesboro	15	13%
Opequon	12	10%
Red Bud	33	28%
Shawnee	34	29%
Stonewall	17	14%
<b>Total</b>	<b>119</b>	

### Violations by Complaint Type:

The majority of complaints received in 2008 involved inoperable vehicles (defined as not being in operating condition and/or without proper plates, tags, or valid inspection/county stickers).

### Violations by Magisterial District

In 2008, the Districts from which the most complaints originated were Shawnee and Redbud, with thirty-four and thirty-three valid complaints respectively.



## 2008 Review of Residentially Zoned Development within the Urban Development Area

### Vacant Land - No Approved GDPs

- 2,352 Potential units based on permitted densities
- 396 Acres of vacant land

### Zoned Land - Approved GDPs

- 4,202 Units (maximum yield based on proffered densities)
- 1,201 Acres

### Master Development Planned Projects

- 4,336 Total residential lots/units planned
- 1,053 Single family lots planned
- 900 Townhouse, duplex, multiplex lots/units planned
- 372 Multi-family units planned
- 2,011 Mixed units planned

### (Current Status) Residential Subdivisions Under Development - vacant lots

- 2,766 Total residential lots/units available
- 2,149 Single family-detached lots available
- 573 Townhouse, duplex, multiplex lots available
- 44 Multi-family units available

### Grand Total: 13,656 approved, planned, or potential residential lots/units.

- 135 Single Family-Detached permits have been issued in 2008 within the UDA
- 47 Townhouse/Duplex/Multiplex permits have been issued in 2008 within the UDA

### Notes:

- 1,134 Vacant single family-detached lots are within six of the single-family residential subdivisions which currently have approved subdivision plans within the UDA. (Abrams Pointe, Lynnehaven, Meadows Edge, Old Dominion Greens, Red Bud Run, and Sovereign Village)
- 407 The number of building permits issued for the Channing Drive Rezoning (Lynnehaven, Sovereign Village, and Twin Lakes Overlook). A proffered condition of the project requires the completion of Channing Drive (road) before the 475th building permit is issued.
- 4,281 The number of lots planned within Age-Restricted communities
- 3,560 Vacant lots within Age-Restricted Communities
- 5,931 The number of vacant lots within the R5 zoned residential communities in the western portion of Frederick County, outside the UDA. These communities (Lake Holiday, Shawneeland, and Wild Acres) contain a total of 7,917 recorded lots.
- \* The Shenandoah development is located outside the Urban Development Area on the south side of Fairfax Pike; however, the proximity of the UDA will directly impact land development decisions in the County's development area. The Shenandoah MDP calls for an age-restricted community of 2,130 residential units, including 1,891 single family, detached homes and 239 multifamily units on 926.26 acres.

## Activities During 2008

### Comprehensive Plans and Programs Committee

The Comprehensive Plans and Programs Committee (CPPC) is a committee of the Planning Commission whose primary responsibility is to formulate land use policies that shape the location and timing of development throughout the County. The CPPC conducts studies of specific areas to develop guidelines for future land use within those areas. The CPPC also considers requests for amendments to the Comprehensive Policy Plan.

The CPPC completed a major restructuring during 2008 in an effort to effectively and efficiently accomplish the County's long range community planning goals and move the departmental work program forward. In addition, the reorganization is aimed at better utilizing the skills and knowledge of the many citizen planners who volunteer their time to assist with the County's planning efforts. The Comprehensive Plans and Programs Executive Committee will oversee the efforts of the following three standing committees:

1. Community Facilities
2. Community Area Plans
3. Comprehensive Plan

The most significant planning project completed by the CPPC was the Route 277 Triangle and Route 277 Urban Center Study. The Route 277 Study effort identified opportunities to create new communities, integrate land use and transportation choices, address community infrastructure needs, and expand the County's goals for economic development. A thorough public input process and a well attended public meeting held in the spring of 2008 benefited the final plan. Ultimately, the Route 277 Triangle and Route 277 Urban Center Study was adopted by the Board of Supervisors in the Fall of 2008.

In addition to this study, the CPPC initiated an update to the Route 11 North, NELUP plan. Guided by the Community Area Subcommittee, this update to the NELUP plan seeks to ensure that transportation and Land Use elements will be prominent features of the studies and the water and sewer needs of the area are understood. This effort is likely to continue into early 2009.

During the above planning studies, the CPPC facilitated work sessions with the Transportation Committee to ensure the land use planning and transportation planning efforts of the community continue to be integrally related.

Each year, the CPPC reviews the Capital Improvements Plan (CIP). The CIP includes all capital facility projects such as new schools, public safety facilities, and improvements to the park system. The role of the CPPC is to ensure that the project requests are consistent with the Comprehensive Policy Plan. The 2009-2010 Capital Improvements Plan included 71 projects.

### Development Review and Regulations Committee

This year, the Development Review & Regulations Committee (DRRC) reviewed twelve agenda items dealing with proposed changes to the Frederick County Zoning Ordinance that ranged from a variety of issues. Some of the DRRC applications dealt with outdoor lighting, interstate overlay sign regulations, age-restricted housing, continuing care retirement communities, B3 District height requirement, railroad buffer requirements as well as the SIC to NAICS conversions. Of the agenda items presented to the DRRC, some are still being reviewed by the DRRC or are pending action from the Board of Supervisors.

Some of the most significant projects for the DRRC in 2008 were the continuation of the Traditional Neighborhood Design-Business (TNDB) Overlay District. Discussions on this overlay district began in early 2007 and the overlay was ultimately adopted by the Board of Supervisors in 2008. The DRRC also worked on another new district called the Office-Manufacturing Park (OM) District. This district was designed to provide areas for research and development centers, office parks, and minimal impact industrial and assembly uses and was ultimately adopted by the Board of Supervisors in late 2008. The DRRC also began working on a new Traditional Neighborhood Design (TND) District and it is anticipated that this new district will be presented to the Board of Supervisors in early 2009.

### Transportation Committee

The Transportation Committee, since its conversion to a standing Board Committee in 2006, meets monthly. Responsibilities of the Committee include transportation planning on a continuous basis and dealing with any additional transportation planning or implementation issues as they arise or are assigned by the Board of Supervisors.

Some issues considered by the Transportation Committee in 2008 were as follows:

1. Update of the Interstate, Secondary, and Primary Road Improvement Plans
2. Review of the Route 37 access management study
3. Triangle Area Land Use Plan
4. Review of changes to the Transportation Impact Fee legislation
5. Review of transportation authorities
6. Monitoring of Metropolitan Planning Organization activities
7. Review and recommendation on Statewide Access Management standards
8. Recommend and review updates to the Development Impact Model for Transportation
9. Work on photo enforcement at red lights
10. Development of Traffic Impact Analysis standards for the County



### **Conservation Easement Authority**

The conservation Easement Authority was established in 2005 by the Board of Supervisors. It contains nine members, including one Planning Commissioner and one Board Member. Historically, the Authority's primary role focus has been conservation easement education for landowners; however, in 2008 the Authority also took on the task of managing the County's Purchase of Development Rights Program which is funded through a state grant. Thus, in addition to its ongoing education efforts, the Authority announced their first call for applications in August of 2008. The authority is now perusing acquisition of a conservation easement which it will co-hold with the Potomac Conservancy. The second round of applications is now under consideration by the authority.

In the past year, Authority members have experienced a wider degree of awareness and interest from the public regarding conservation easements as a tool for agricultural preservation. In addition to growing public interest and support, the role of conservation easements as one tool for protecting rural character and the local agricultural economy has led to greater interest at both the local, state and federal levels of government. Yet even as conservation easements become more common, broader economic conditions have greatly impacted the availability of public funds for purchase programs. Thus, it is the donation, rather than the purchase, of easements that is likely to be the long-term focus of the Conservation Easement Authority's educational and acquisition activities.

### **Historic Resources Advisory Board**

The Historic Resources Advisory Board (HRAB) is a subcommittee that was established by the Board of Supervisors. It consists of nine members, including one from each Magisterial District in the County, two "At-Large" members, and a chairman. Also serving on the Committee are a Planning Commission liaison and an architectural historian. The HRAB reviews land use applications that involve properties that are historically significant or may impact historic resources. The Department of Planning and Development provides staff support to the Committee and over the past year, the Planning Department has assisted the HRAB in taking a more active role in historic preservation in Frederick County.

Similar to years past, Planning and Development staff coordinated meetings between the development community and the HRAB to provide recommendations to the applicants on ways to protect and preserve historic land and structures. Rezoning and conditional use permit applications that may have a potential impact on historical resources are reviewed by the HRAB. The HRAB was given the ability to comment and make recommendations on three applications in 2008, two of which amended their rezoning packages to account for the impact to historic resources based upon recommendations by the HRAB.

In addition to the regular review of rezoning and conditional use permit proposals, the HRAB also participated in the ongoing Route 11 North Study, assuring that key historic sites and properties were identified as preservation priorities early-on in the planning process.

### **GIS / IT Division of Planning and Development**

The GIS / IT Division has spent much time this year working together with the County's Web committee on redeveloping the website for both the county and the Department of Planning and Development. The Website went live this past November in time for the annual GIS Day and e-Government Day.

The staff within the GIS / IT Division has trained several office staff to use of the large format scanner that was appropriated last year. It is being used weekly for the scanning of large plans for the County's document imaging initiative. It's also been very useful for making copies of plans for the public.

Map creation and GIS data management is an ongoing effort. The Department also acquired presentation development software for use in preparing the County's planning-related documents and publications. The use of Sketchup has also expanded in the past year and has become an important illustrative tool in both the plan review process and the ordinance development process.

GIS staff as also assisted in the creation, mapping and analysis of the new Route 277 land use project and is also currently assisting in a reworking of the County's defined Planning Areas in the eastern part of the County. GIS staff is also currently using defined planning area data to help project future water usage within and around the current SWSA.