

Frederick County, Virginia

**Department of Planning & Development
Annual Report
2009**

**PREPARED BY THE DEPARTMENT OF PLANNING & DEVELOPMENT
JANUARY 2010**

DEPARTMENT OF PLANNING & DEVELOPMENT

2009 ANNUAL REPORT:

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2009
FREDERICK COUNTY PLANNING COMMISSION

June Wilmot – Chairman
Member at large

Roger Thomas – Vice Chairman
Opequon District

Christopher Mohn
Red Bud District

Kevin O. Crosen
Back Creek District

Gregory S. Kerr
Red Bud District

Greg Unger
Back Creek District

Richard Ruckman
Stonewall District

George Kriz
Gainesboro District

Gary R. Oates
Stonewall District

Charles Triplett
Gainesboro District

Gary A. Lofton
BOS Liaison

Brian Madagan
Opequon District

Rod Williams
Legal Counsel

Lawrence Ambrogi
Shawnee District

Eric R. Lawrence
Secretary (non member)

H. Paige Manuel
Shawnee District

2009 HIGHLIGHTS

The 2009 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 addresses demographics of the County as well as the planning activities throughout the County over the course of 2009. An appendix is included to further explain and detail those projects and aspects of planning which are detached in this report.

Rural Area Study

After over a year of study, the Board of Supervisors approved the Rural Areas Study in April 2009 and the Rural Areas amendment to the Zoning Ordinance in December of 2009. With this approval, changes were made, increasing the preservation lot (cluster set-aside lot) from 40 percent of the parent tract to a minimum of 60 percent of the parent tract, and clarifying that the Preservation Tract counts towards the overall density.

Chapter 165 Recodification

Over the past few years, there were numerous revisions to Chapter 165 Zoning. These revisions have highlighted the need to restructure the Zoning Ordinance so it might accommodate current and future changes. The previous configuration of the Ordinance is that it began with 165-1 and ended with 165-156; this numbering was problematic in that when sections are added to the Ordinance, it shifts the numbers in the remaining Ordinance. This has resulted in various types of numbers being utilized to accommodate approved Ordinance revisions. In August of 2009, the Board of Supervisors approved this Recodification. Some of the changes include definitions relocated to the beginning of the chapter, General provisions, Amendments and Conditional Use Permits consolidated, Supplementary Use regulations broken up into four parts, Agricultural lots and Residential lots would be consolidated, and Master Development and Site Plans would be combined into one article.

Silver Lake, LLC Rezoning

In April 2009, the Board of Supervisors approved 238.96 acres to be rezoned from RA (Rural Area) District to B2 (General Business) district and 131.06 acres from RA to MS (Medical Support) District, totaling 370.02 acres, with proffers, for Commercial and Continuing Care Retirement Community (CCRC) uses. This rezoning, followed up by an approved Master Development Plan, enables an 898 unit Continuing Care Retirement Community to be constructed.

Stephens City Annex (Land Use Plan)

The Stephens City Joint Land Use Plan Update provides a new orientation to the land use designations of the plan, integrates land use and transportation, and further addresses community infrastructure needs. This Plan continues to cover the area encompassed by the Joint Annexation Agreement and further implements the Agreement. Ultimately, the Stephens City Joint Land Use Plan Update was adopted by the Board of Supervisors in the spring of 2009.

TIA (Traffic Impact Analysis)

In July of 2009, the Board of Supervisors approved Traffic Impact Analysis (TIA) standards for Frederick County. The TIA is a traffic analysis tool used to determine the transportation impacts of development proposals. The purpose of pursuing the County TIA standards was to maintain County involvement and authority in cooperation with VDOT for making decisions on when TIA's were needed in the aftermath of the new Chapter 527 regulations. The Transportation Committee and staff spent many hours in development of the standards and in numerous meetings with representatives from the Top of Virginia Builders Association. At the end of the process, the Board of Supervisors adopted a set of standards which were agreed to by all parties and which maintained Frederick County's authority in making determinations for when a TIA is needed.

Planning Review

In 2009, a total of 76 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 number of lots created in the County and the number of residential building permits issued is also included in this report.

2009 QUICK FACTS

POPULATION

2000	59,209
2005	68,492
2008	73,898
2010	77,864*
2020	95,648
2030	114,539*

Source: US Census, * figures are projections from the US Census

INCOME

Median Household Income	\$62,078
Median Family Income	\$69,597

Source: US Census, 2009 American Community Survey

BUILDING PERMITS

# Single family detached bldg permits	222
# Single family attached bldg permits	46
# multi family bldg permits	12

Source: Frederick County Inspections Dept.

PUBLIC EDUCATION

Total Enrollment	13,035
Number of schools above program capacity	3
Cost per Student	\$10,449
Number of Schools	18
SAT I Math Scores	515
SAT I Verbal Scores	517
Diplomas Earned	893
% of 12th grade graduating in 2008-2009	83.8%

Source: Frederick County School Board, December 2009 Data

LABOR FORCE

Unemployment Rate	9.00%
Job Growth	-7.60%

*Source: Virginia Employment Commission as of 12/2009

START-UP FIRMS

3rd Quarter 2008	18
4th Quarter 2008	15
1st Quarter 2009	5
2nd Quarter 2009	20

*Source: Virginia Employment Commission

EMPLOYMENT BY INDUSTRY*

Agriculture, Forestry, Fishing	162
Mining	113
Utilities**	1
Construction	1,881
Manufacturing	3,971
Wholesale Trade	1,095
Retail Trade	2,582
Transportation & Warehousing	1,191
Information	179
Finance, Insurance, Real Estate	840
Services	472
Government	4620

Source: Virginia Employment Commission

* Figures based upon second quarter of 2009

MAJOR EMPLOYERS*

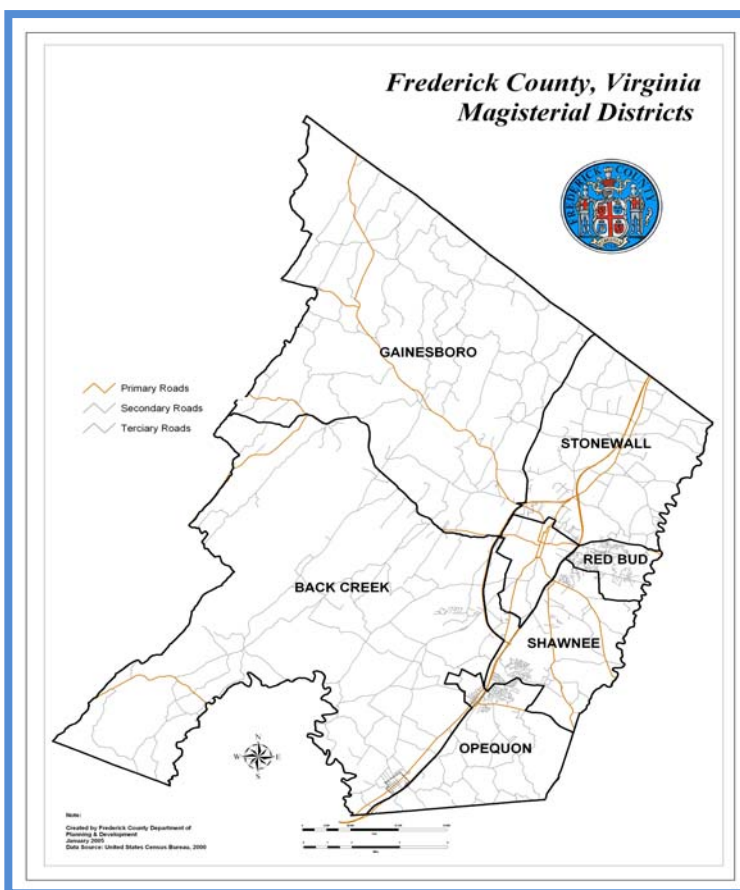
Shockey Brothers, Inc.
H.P. Hood, Inc.
Lord Fairfax Community College
Kraft Foods
Navy Federal Credit Union
The Home Depot
Westminster Canterbury
Kohl's Department Stores
GE Lighting

*excludes local government & school board

DEMOGRAPHICS

LOCATION

Frederick County is located in the Commonwealth of Virginia at the Northern end of the Shenandoah Valley 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. It was formed in 1743 by the splitting of Orange County. The County is named for Frederick Lewis, Prince of Wales and eldest son of King George II of Great Britain. For ten years, it was the home of George Washington. 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.



Source: Frederick County Website, Frederick County Department of Planning and Development

MAGISTERIAL DISTRICTS

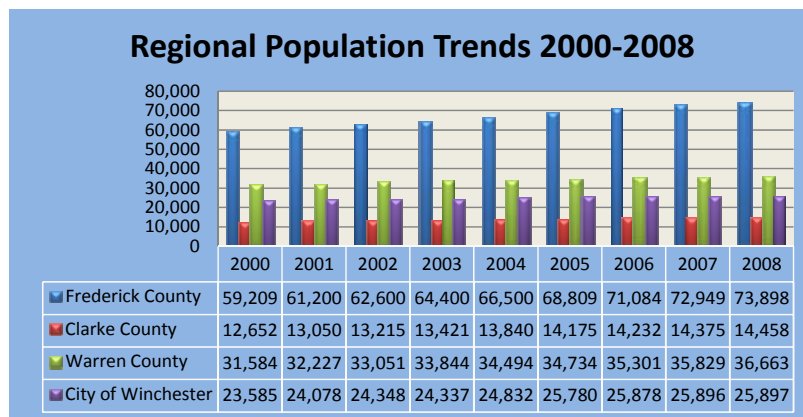
Frederick County is divided into six Magisterial Districts, each of which is represented by one elected member to the Frederick County Board of Supervisors and the Chairman of the Board, who is elected at large. The Board of Supervisors holds revolving elections and each board member serves for four years. The newly elected supervisor from the Red Bud District will begin his term in January of 2010. The Supervisors from the Shawnee and Stonewall districts were reelected to serve another four year term. The supervisors from the Gainesboro and Opequon Districts, as well as the Chairman at Large, were reelected to their positions in November of 2007. 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

Frederick County continues to experience steady population growth at a faster rate than its surrounding counties and the City of Winchester. As of July 2008, the U.S. Census Bureau estimated 73,898 as total population, with 37,047 females and 36,851 males. There are an estimated 5,130 children under the age of five and 68,768 people five and older, with the median age for Frederick County being 36.2 years old. Total population by race is as follows: Total white 68,632, Black or African American 3,286, American Indian and Alaska Native is 145, Asian 877, Native Hawaiian and other Pacific Islander 18, and two or more races estimated at 940.

Trends

The following chart shows the growth patterns of Frederick County and surrounding localities since the 2000 Census:



Source: US Census Bureau (2009 population trends will be available January 2010)

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 years following 2010.

Population Projections

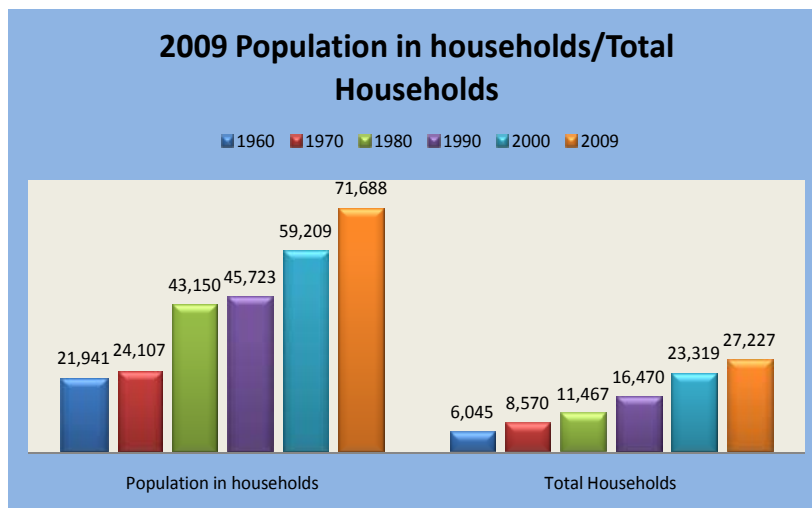
	1990	2000	2010	2020	2030
Frederick County	45,723	59,209	77,864	95,648	114,539
City of Winchester	21,947	23,585	26,511	29,339	32,458
Area Total	67,670	82,794	104,375	124,987	146,997

Source: US Census Bureau

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 website factfinder.census.gov which estimated that the total households in Frederick County for 2009 were 27,227 with an average household size of 2.63 persons. Based on the same website, there are approximately 20,099 families in Frederick County. The average family size is indicated as 3.03 persons.

The average number of persons within a household in Frederick County has declined over the past decades. In 1980, the average household consisted of 2.98 people. In 1990, the average household size dropped to 2.78. In 2000, the average household size further declined to 2.64. This was slightly above the Virginia average from the 2000 Census at 2.54 persons per household.



INCOME

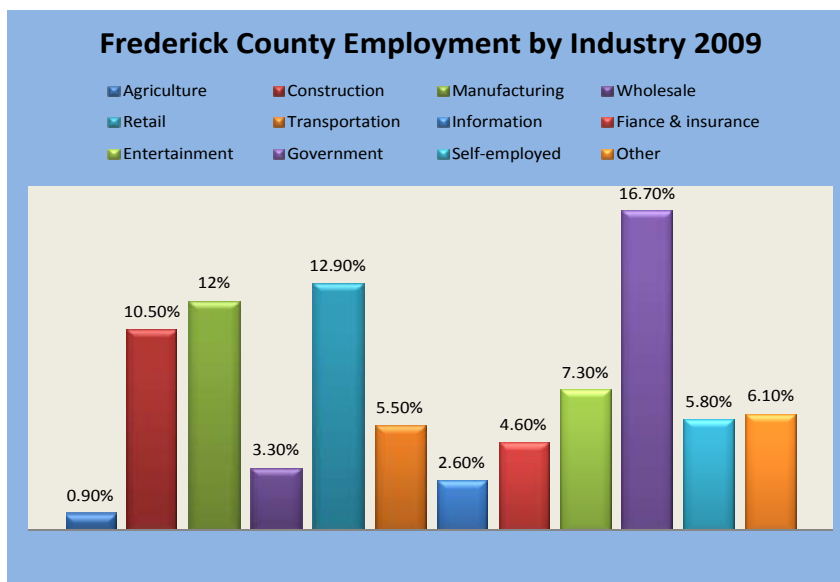
Based on the factfinder.census.gov data for Frederick County, the median household income was \$62,078. The median family income was \$69,597, and the median non-family income was \$35,517. According to this website, there were only 6,728 non-family households in Frederick County in 2008. Median household income differs from median family income in that it includes the income of all persons 15 years or older, living in a single household, whether they are related or not.

EMPLOYMENT

The largest sectors of employment for the second quarter of 2009 were retail, government, and manufacturing. Services included a range of employment industries including finance and insurance, management, administrative, accommodations and food services, and miscellaneous services such as Public Administration. Based on data from the Virginia Employment Commission, the following is a list of the top ten employers in Frederick County in 2009:

- Frederick County School Board
- County of Frederick
- U.S. Department of Homeland Defense
- Shockey Brothers, Inc.
- H.P. Hood, Inc.
- Lord Fairfax Community College
- Kraft Foods
- Navy Federal Credit Union
- The Home Depot
- Westminster-Canterbury

Source: Factfinder.census.gov



PUBLIC SCHOOL ENROLLMENT

Frederick County Public Schools opened one new school during the 2009-2010 school year (Greenwood Mill Elementary). According to the Frederick County School Board, total enrollment for the 2009-2010 school year (as of December 1, 2009) was 13,035 students in grades K-12 including 32 students enrolled with the Northwestern Regional Educational Programs (NREP). Currently, the majority of schools in Frederick County is approaching or has already exceeded their practical capacity. The following chart is a break down of that total enrollment per school as well as a percentage of total capacity:

2009-2010 Public School Enrollment in Frederick County Public Schools					
Schools	Year Opened	Grade Level	Program Capacity	2009-2010 Enrollment	Percent of Practical Capacity
Apple Pie Ridge Elem.	1974	K-5	563	506	90%
Armell Elem.	1991	K-5	644	587	91%
Bass-Hoover Elem.	1975	K-5	662	612	92%
Evendale Elem.	2006	K-5	664	456	71%
Gainesboro Elem.	2007	K-5	750	507	68%
Greenwood Mill Elem.	2009	K-5	750	783	104%
Indian Hollow Elem.	1988	K-5	528	408	77%
Middletown Elem.	1989	K-5	644	540	84%
Orchard View Elem.	2000	K-5	528	439	83%
Redbud Run Elem.	1996	K-5	644	612	95%
Stonewall Elem.	1997	K-5	528	437	83%
Total Elementary School		K-5	6,885	5,887	86%
Adm. Richard E. Byrd Middle	2005	6-8	850	823	97%
Robert E. Aylor Middle	1969	6-8	850	704	96%
Frederick County Middle	1965	6-8	730	806	95%
James Wood Middle	1950	6-8	850	609	72%
Total Middle School		6-8	3,280	2,942	90%
James Wood High	1980	9-12	1,400	1,310	94%
Millbrook High	2003	9-12	1,250	1,281	102%
Sherando High	1993	9-12	1,400	1,583	113%
Total High School		9-12	4,050	4,174	103%
NREP	1966	Ages 2-21		32	
Total Enrollment		K-12	14,215	13,035	92%

Source: Frederick County School Board December 1, 2009 Enrollment Data

SUBDIVISIONS & PERMITTING

OVERALL LOTS CREATED

The number of lots created in the County is determined by the number of lots as a result of subdivision application (urban) and administrative subdivisions (rural) that were approved in 2009. 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 the numbers of approved, platted lots created in 2009. These figures also include lots which were planned in 2008 but did not receive final approval until 2009. As shown by the chart below, the majority of lots created in the County are residential, however, in 2009 there were six in the B2 (General Business) Zoning district, zero lots created in the B3 (Industrial Transition) Zoning District, and two lots created in the M1(Light Industrial) and M2 (Industrial General) Zoning District.

Lots Created in 2009 by Magisterial District & Zoning District

Magisterial District	RA	RP	R5	R4	B1	B2	B3	M1	M2	EM	MH	MS	HE	Total
Back Creek	37	0	0	0	0	0	0	0	0	0	0	0	0	37
Gainesboro	30	0	0	0	0	0	0	0	0	0	0	0	0	30
Red Bud	0	30	0	0	0	0	0	0	0	0	0	0	0	30
Shawnee	0	0	0	0	0	5	0	0	1	0	0	0	0	6
Stonewall	0	0	0	0	0	0	0	2	0	0	0	0	0	2
Opequon	0	129	0	0	0	0	0	0	1	0	0	0	0	129
<i>Totals</i>	<i>67</i>	<i>159</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>5</i>	<i>0</i>	<i>2</i>	<i>2</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>234</i>

RESIDENTIAL LOTS CREATED

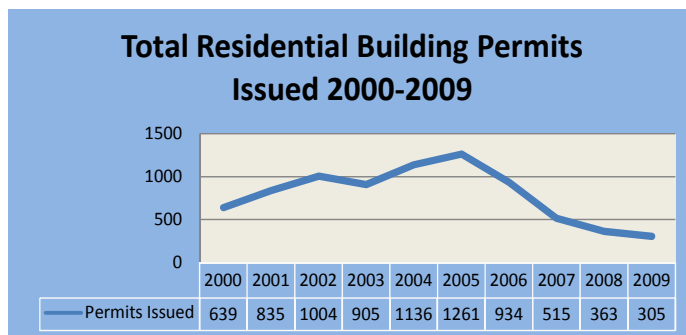
As shown in the table above, the majority of the 234 lots created in Frederick County during 2009 were located in the Opequon and Back Creek Districts. In total, 226 residential lots were created in the RP, RA, and R5 zoning districts in Frederick County in 2009. This represents a significant decrease from the total number of residential lots created in the County in 2008 (with 378 lots) and 2007 (with 674 lots). While the decline in residential created from 2007 to 2008 was associated primarily with a drop-off in RA district activity, there was a sharp decline in both RA and RP Zoning Districts from 2008 to 2009.

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 Lots Created	Lots Created	Percentage of 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%
2009	159	24%	67	41%

RESIDENTIAL BUILDING PERMITS

Frederick County issued a total of 222 single family-detached building permits, 47 attached single family permits, four modular, and 36 mobile home permits in 2009. These figures in combination accounted for the total 305 new residential permits issued in 2009. Compared to 2008, there was a difference of 61 permits issued. In 2009, the majority of single family detached residential building permits were issued in the Opequon Magisterial District, for other housing types the majority of permits issued were in the Shawnee Magisterial District.



2009 Single Family Detached Building Permits Issued (by Magisterial District)

Magisterial District	RA	RP	R4	R5
Back Creek	14	1	—	15
Gainesboro	12	—	—	4
Opequon	12	43	—	5
Red Bud	—	38	—	—
Shawnee	1	42	—	—
Stonewall	5	9	18	—

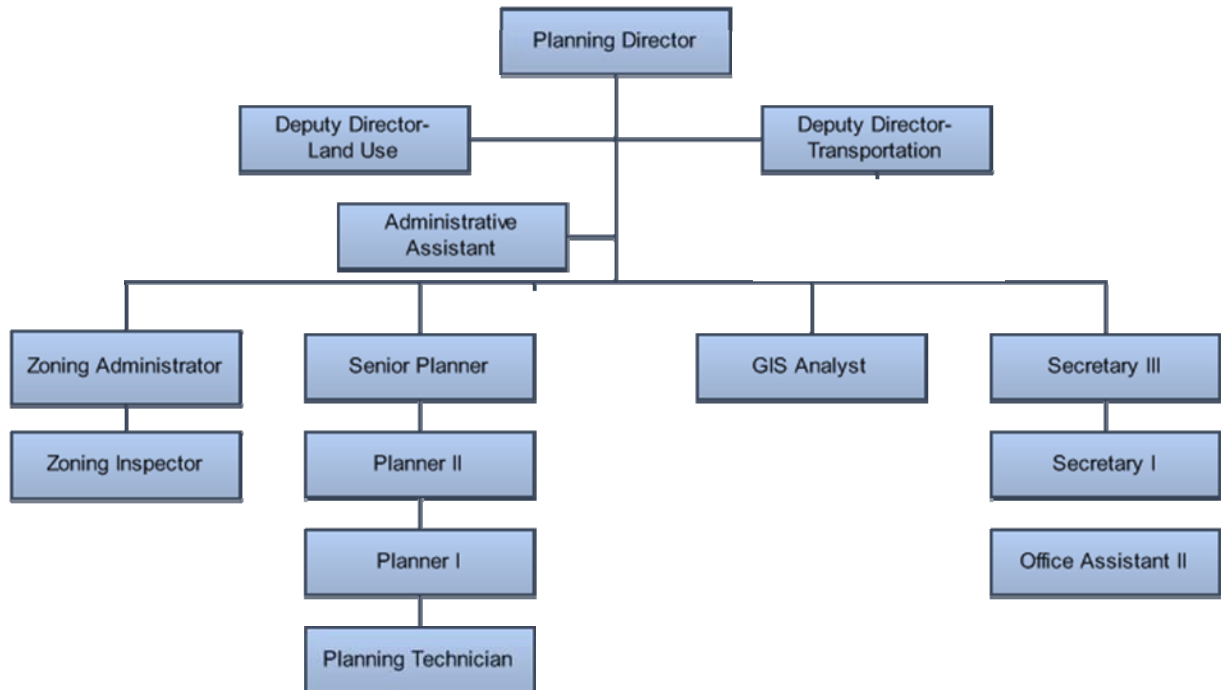
2009 Other Housing Type Building Permits Issued (by Magisterial District)

Magisterial District	SFA	MD	MH	MF
Back Creek	—	2	—	—
Gainesboro	—	1	4	—
Opequon	—	1	11	—
Red Bud	17	—	3	—
Shawnee	16	—	2	12
Stonewall	—	—	14	—

SFA-Single-Family Attach
MD-Modular
MH-Mobile Home
MF-Multi-Family

THE DEPARTMENT OF PLANNING & DEVELOPMENT

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Planning Director

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GIS Analysis

Diane L. Walsh
Secretary I

Pamala S. Deeter
Office Assistant II

Planner II
Vacant

Planner I
Vacant

Planning Technician
Vacant















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; apply for and administer various planning related grants such as the Transportation Efficiency Act for the 21st Century (TEA-21) and the Community Development Block Grant, Farmer and Ranchland Protection Plan Program, and Virginia Department of Agricultural and Consumer Services; 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 14 zoning classifications and is identified on the Official Frederick County Zoning Maps which are available from the Department of Planning & Development. The 14 zoning classifications, and their associated land use color, applied to land in Frederick County are as follows:

 B1 (Business, Neighborhood District)	 MB1 (Mobile Home Community District)
 B2 (Business, General District)	 MS (Medical Support District)
 B3 (Business, Industrial Transition District)	 UM (Urban - Manufacturing Park)
 EM (Extractive Manufacturing District)	 R4 (Residential Planned Community District)
 HE (Higher Education District)	 R5 (Residential Recreational Community District)
 LI (Industrial, Light District)	 RA (Rural Area District)
 ME (Manufactured, General District)	 RP (Residential Farmhouse District)

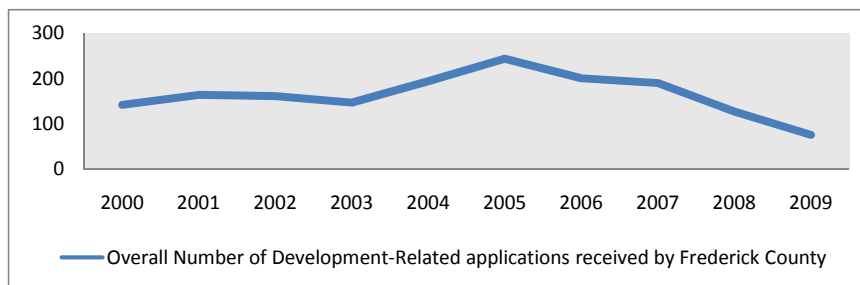
Each zoning district has a list of land uses which are permitted with no special approval required to perform those uses. These uses are referred to as "by-right" uses. Zones are established in any given area to protect residents and landowners within the zone from intrusion by incompatible neighboring 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

The Department of Planning and Development continues to review a significant number of development applications, plans, and permits on an annual basis. These numbers vary slightly per year per application. The figures that follow on the chart below show the recent history of applications in more detail. A review of these figures clearly indicates that the level of development activity was high during past years, but has been decreasing.

Between 2008 and 2009, Frederick County continued to see a decrease in the number of rezoning applications, master development plans, and site plans submitted to the County, and the number of subdivision plans (including Rural Preservation and Major Rural Subdivisions) decreased slightly between 2008 and 2009; the decrease can be attributed to National Economic change. The table below highlights the number of applications reviewed in Frederick County since 2000.

The following charts detail each of the above application types for the 2009 application year. A complete list of each submitted and/or reviewed application is available in the appendix of this report.



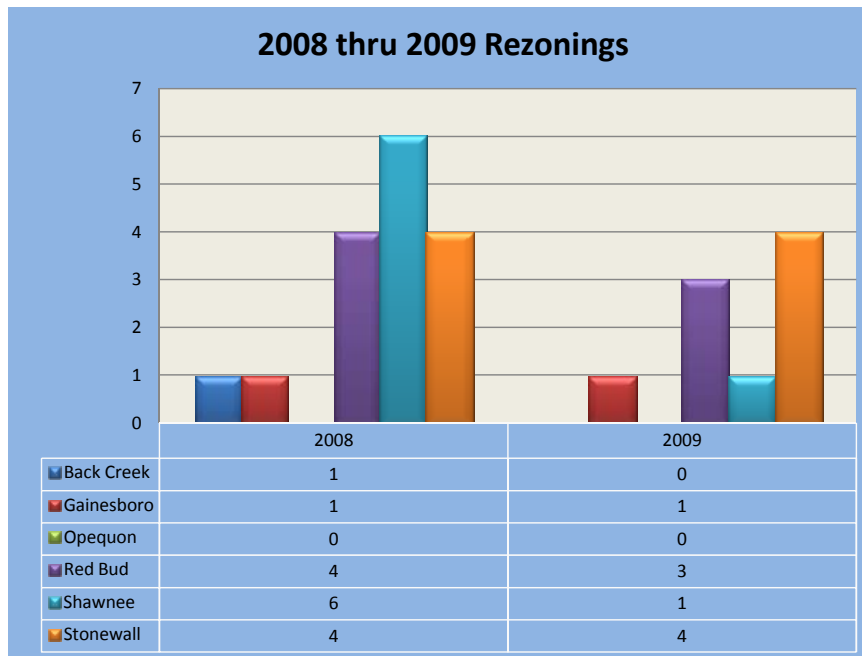
Application Type	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Rezoning	4	11	12	14	14	17	22	12	16	9
MDP	8	6	5	10	12	11	14	15	10	2
Subdivisions	14	26	23	21	25	36	22	19	7	5
Conditional Use Permit	20	22	16	13	25	10	11	8	11	6
Subdivision Waivers	10	10	11	2	2	7	4	5	5	3
Site Plans	65	57	52	53	72	93	83	88	64	45
Variances/Appeals	18	21	17	16	9	28	25	25	2	2
Rural Preservation Sub	0	5	14	12	14	21	11	7	8	0
Major Rural Subdivisions	2	4	9	2	10	10	2	0	2	1
CCPA Request	1	2	2	4	11	11	7	11	2	3

REZONINGS

For the 2009 year, there were nine applications submitted; of those, four were approved and five are pending action by the Board of Supervisors. In addition to these applications, four rezoning applications from 2008 were approved by the Board of Supervisors in 2009. Only one of the applications sought modifications to existing proffers. Four applications sought to rezone RA land to B2, MS, and M1uses, and four applications sought to rezone RP land to B2, and B1. The most substantial application approved in 2009 was the Silver Lake project future home of the National Lutheran Home Community.

Applications by Magisterial District

Of the nine rezoning applications submitted this year, the majority of these applications proposed rezonings were located in the Stonewall and Red Bud Magisterial Districts. The chart below reflects the trends per magisterial district, and compares 2007 and 2008 rezonings to 2009 rezonings. The location of the rezoning continues to reflect the Magisterial Districts that are more Urban and consistent with the location of the UDA and SWSA.

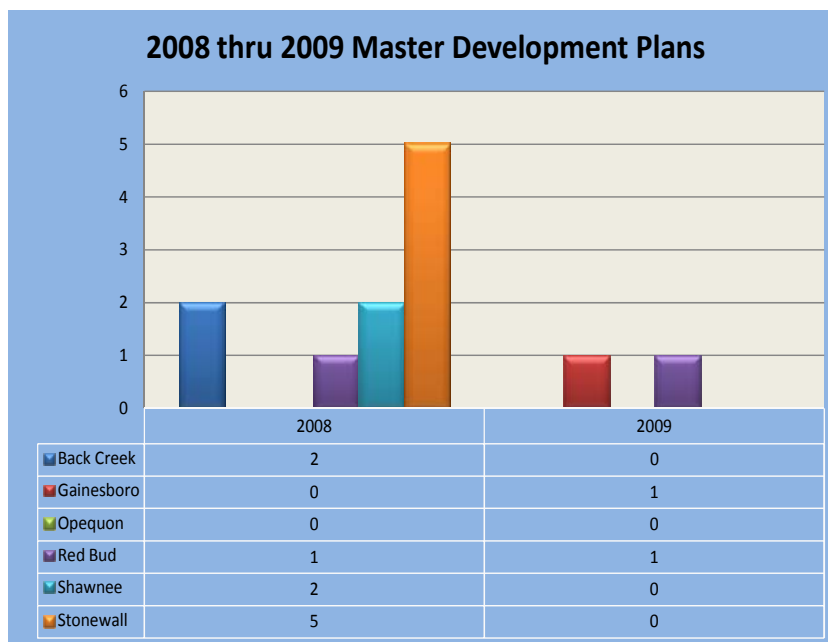


MASTER DEVELOPMENT PLANS

There were two MDP applications submitted and approved in 2009. These two applications were Silver Lake LLC, for commercial retail and office, and Fieldstone Apartments for twenty-five multifamily units. This is a decrease from 2008 when there were 10 applications submitted. In addition to these applications, four MDP applications from 2008 were approved in 2009.

Applications by Magisterial District

Of the two applications submitted this year, one was in the Red Bud District and the other in the Gainesboro Magisterial Districts. It may be worth noting that there have not been any MDPs submitted for the Opequon Magisterial District for the past two years. The chart below reflects the comparison of 2008 and 2009 MDP applications submitted per Magisterial District.

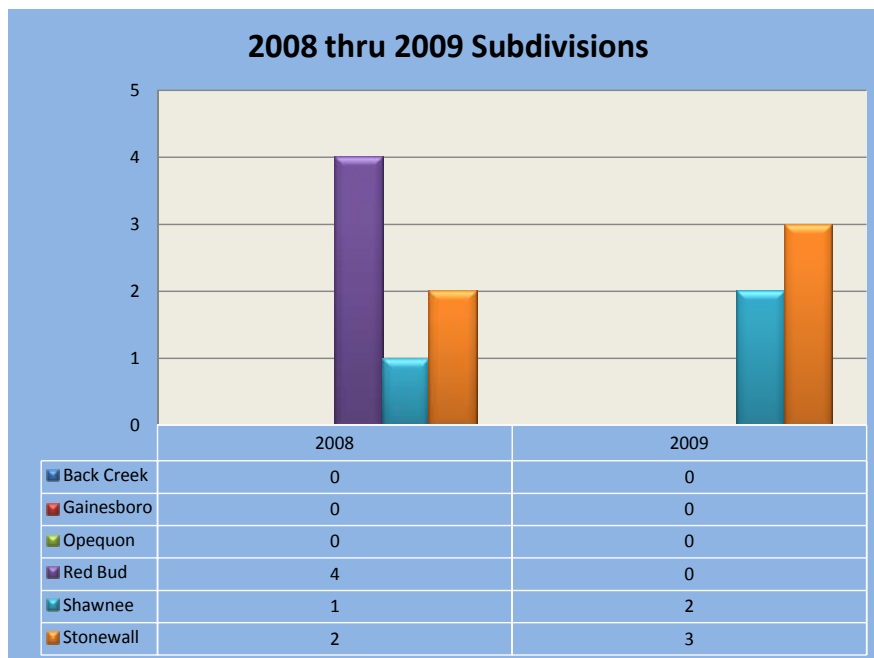


SUBDIVISIONS

These figures do not include the number of rural preservation or major rural subdivision applications. There were five applications submitted in 2009, with a total of 133 lots proposed, as of this December 2009, and one subdivision approved. In addition to these applications, there were seven applications from the previous year. Only one was approved.

Applications by Magisterial District:

Of the five submitted subdivision applications, the majority were located in the Stonewall Magisterial District. There were no applications submitted for Back Creek, Gainesboro, Opequon, and Red Bud Magisterial Districts



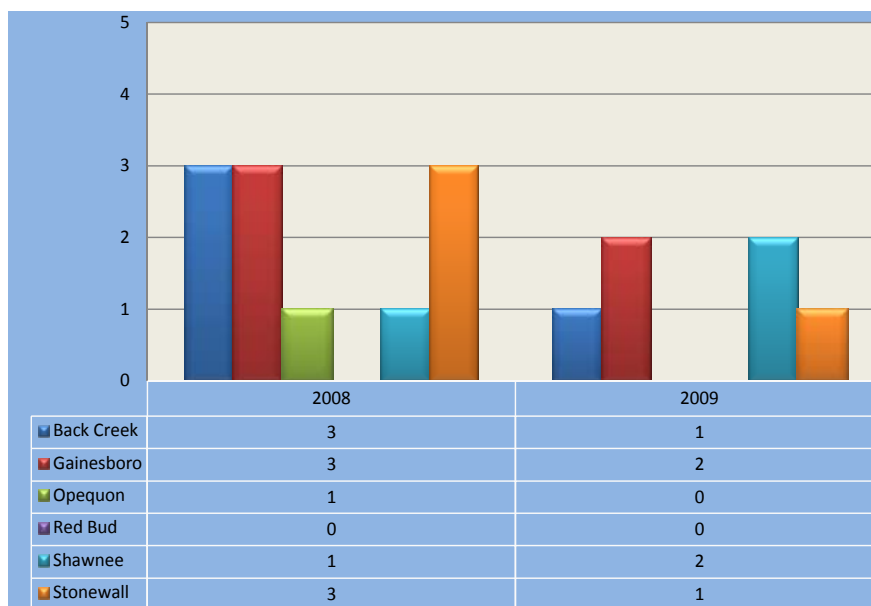
CONDITIONAL USE PERMITS

In 2009, there were six CUP applications submitted for review. The type of applications includes communications tower, three garages, country store, and an 80 foot monopole tower. Of these, five were approved and the communications tower was denied. Additionally, there were two applications from 2008 which were heard by the Board of Supervisors in 2009, both of which were denied.

Applications by Magisterial District:

The number of CUP applications between 2008 and 2009 decreased from eleven to six. Of the applications received this year, the majority were located in the Gainesboro and Shawnee Magisterial Districts. The following chart shows the comparison of distribution of applications per district for 2008 and 2009.

2008 Thru 2009 Conditional Use Permit



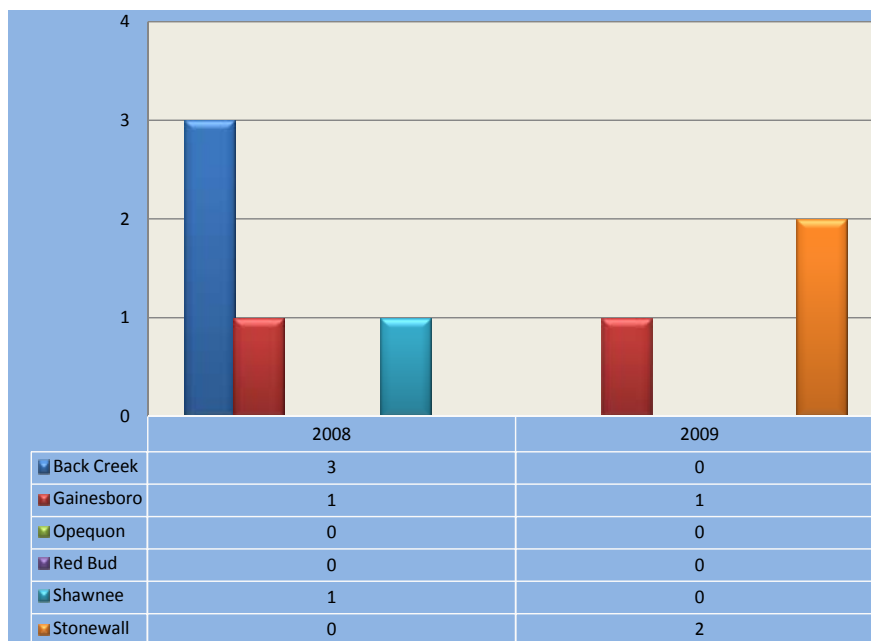
WAIVERS & EXCEPTIONS

In 2009, there were three waiver applications submitted for review. Of these three applications, one was approved and two were withdrawn. The one approved application was for a cul-de-sac waiver to allow a cul-de-sac length of 1,086 feet, which is 86 feet more than the requirement of the Subdivision Ordinance. In addition to the three applications submitted in 2009, two applications from 2008 were approved and one application was denied by the Board of Supervisors.

Applications by Magisterial District

The Chart below compares 2008 and 2009 waivers and exceptions application submitted. The number decreased slightly from five to three. There have not been any applications submitted for the Opequon and Red Bud Magisterial Districts in the past two years. The Stonewall Magisterial District had the most submissions for 2009 with two.

2008 thru 2009 Waivers & Exceptions



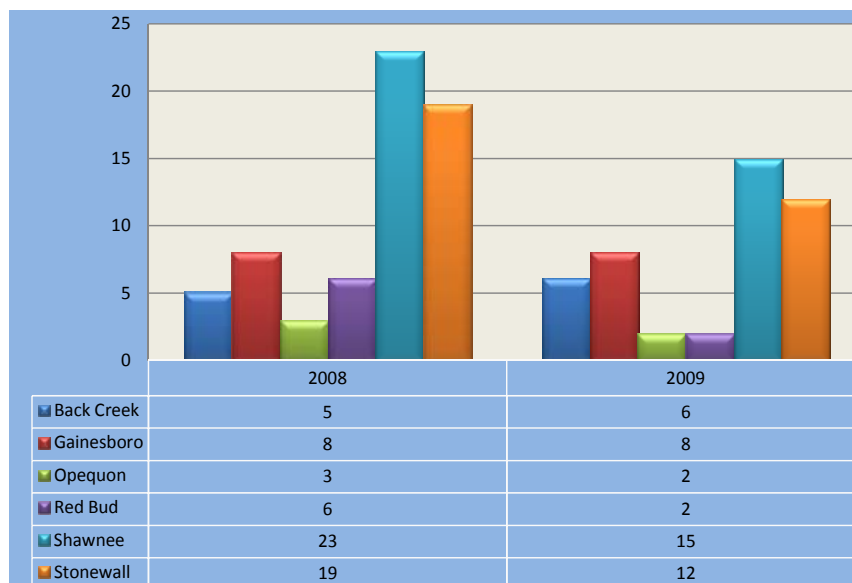
SITE PLANS

In 2009, there were 45 site plan applications submitted for review. There were 11 revised, 11 commercial sites, three retail sites, five churches, and 15 industrial Site Plans submitted. Of these applications, 24 were approved, three withdrawn, and 18 are pending. There were seven applications from previous years to which administrative approval was granted during 2009. These include two applications submitted to the Department in 2007. These additional applications increase the total number of site plans approved in 2009 to 51 applications.

Applications by Magisterial District

The number of site plans submitted in 2009 decreased from 2008, from 64 to 45. The magisterial district with the largest number of submitted site plan applications was the Shawnee Magisterial District, followed closely by the Stonewall Magisterial District. The two Magisterial Districts with the least amount of submissions were Opequon and Red Bud each with two applications.

2008 thru 2009 Site Plans

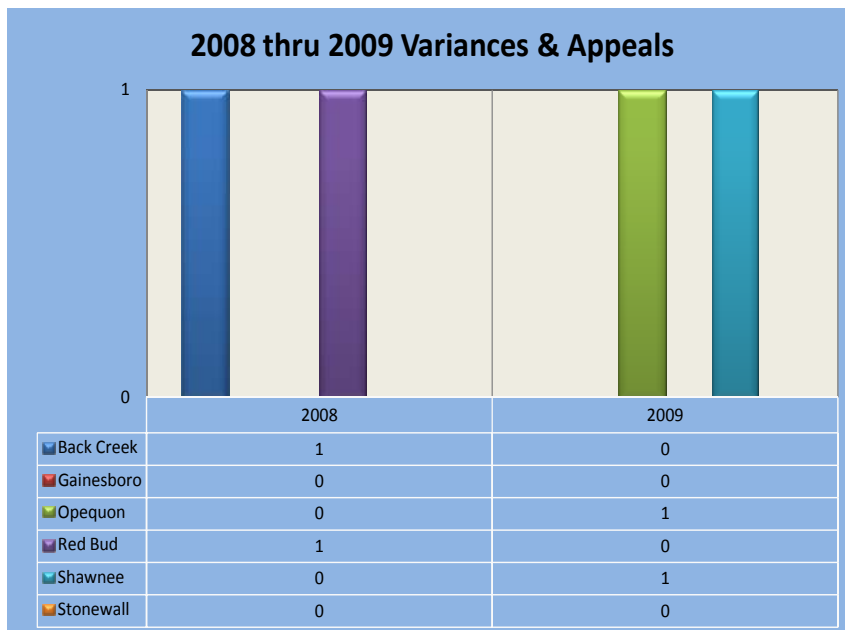


VARIANCES & APPEALS

There were two applications submitted in 2009 for review by staff and the Board of Zoning Appeals. One was a variance and the other one was an appeal of the Zoning Administrator's decision and/or interpretation of the zoning ordinance. The variance application was approved for a three foot rear yard variance. The appeal application was denied by the Board of Zoning Appeals, upholding the decision of the Zoning Administrator pertaining to illegal uses and structures in Frederick County at the flea market.

Applications by Magisterial District

In 2008 and 2009, the Board of Zoning Appeals met a total of three times. The chart below depicts that there have only been four applications submitted over the past two years. In 2008, applications were submitted in the Back Creek and Red Bud Magisterial Districts, and in 2009, applications were submitted in the Opequon and Shawnee Magisterial Districts.

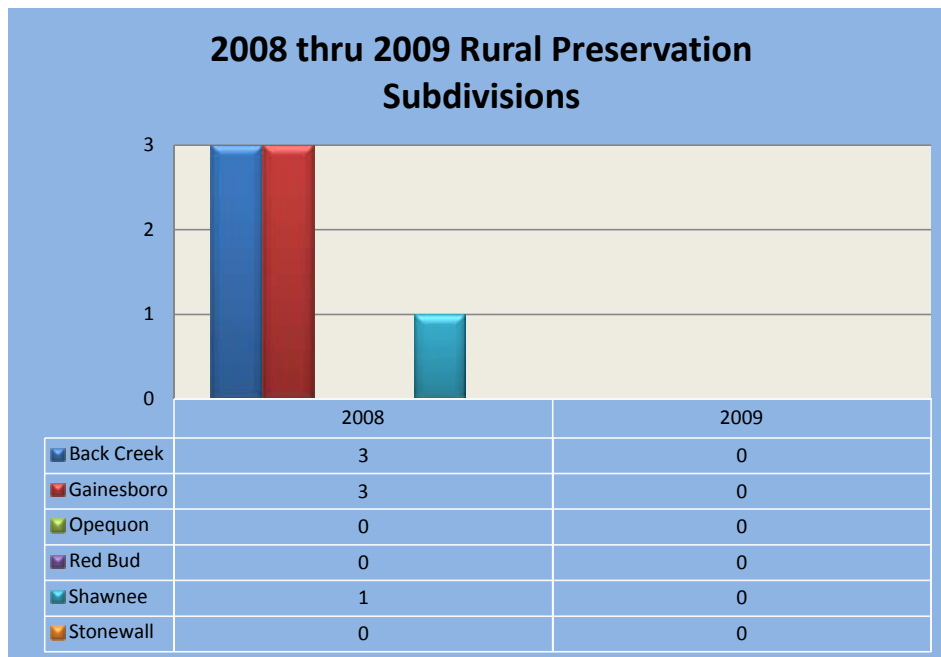


RURAL PRESERVATION SUBDIVISIONS

There were zero Rural Preservation Subdivisions submitted in 2009 for review by staff. This is a significant decrease from the eight subdivisions in 2008. Approval of a rural preservation subdivision is not considered final until plats are approved and recorded. There was one additional subdivision which was granted final approval with plat recordation in 2009 from previous years.

Applications by Magisterial District

Compared to 2008 Rural Preservation Subdivisions submitted, out of the seven submitted in 2008, six of them were in the Back Creek and Gainesboro Districts. The information below further details the submittals by Magisterial District from 2008 to 2009:

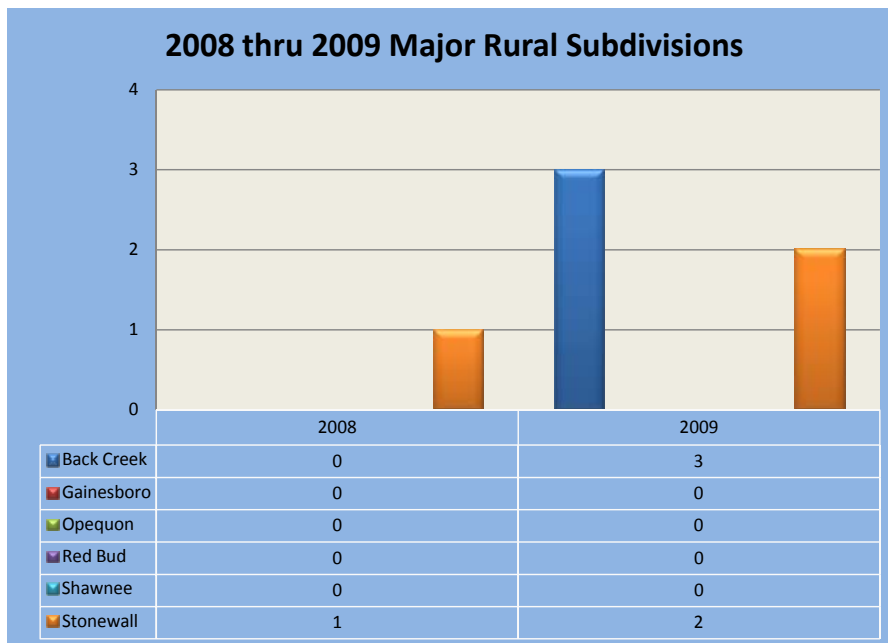


MAJOR RURAL SUBDIVISIONS

There were five major rural subdivisions submitted in 2009 for review by staff, and of these five, only the Ruby Springs application was granted administrative approval for a seven lot subdivision in December. This is a significant increase from the one submitted subdivision in 2008. In addition to the one submittal, there were no submittals from 2008 that were administratively approved in 2009.

Applications by Magisterial District

Due to the small number of major rural subdivisions submitted in 2009 compared to years prior, Back Creek and Stonewall were the only two magisterial districts with any applications submitted. The graph below compares the 2008 submissions to the 2009 submissions by Magisterial District:

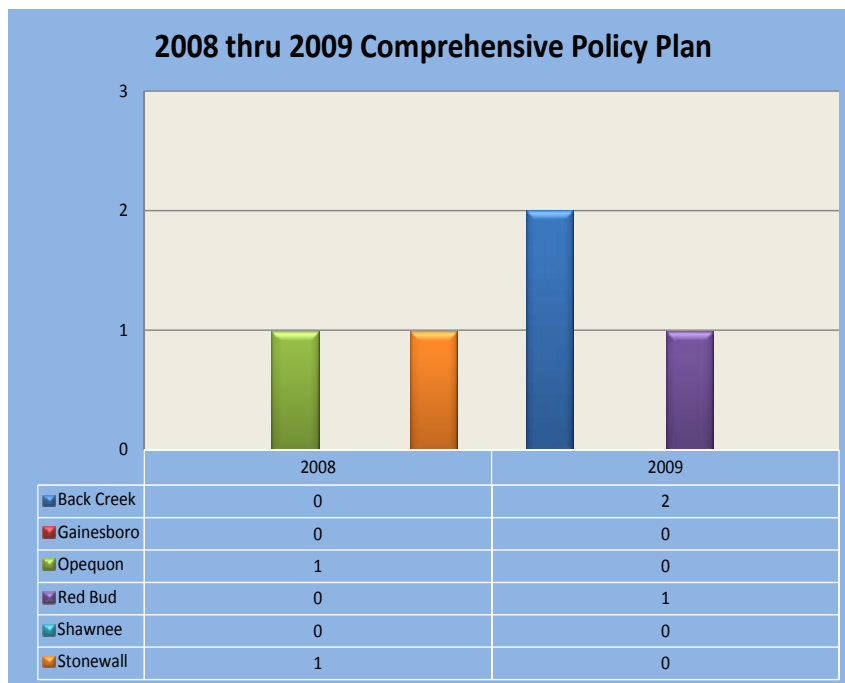


COMPREHENSIVE POLICY PLAN AMENDMENTS

There were three Comprehensive Policy Plan Amendments (CPPAs) submitted in 2009. This is a slight increase from the two applications which were submitted in 2008. Of the three applications submitted in 2009, one was withdrawn. The other two applications were the Newton Commercial, which did not gain Board of Supervisor support for further review, and Rock Harbor Golf Course of which the Board of Supervisors accepted for further study, both requesting to expand the SWSA for a total of 338.53 acres in the Back Creek District.

Applications by Magisterial District

Of the three applications submitted for review in 2009, two were located within the Back Creek Magisterial District. The chart below depicts the number of submitted applications in 2008 for each Magisterial District as well as a comparison between the number of submitted applications in 2009. It should be noted that the chart reflects only the number of submitted applications and not the number of approved applications:



ZONING VIOLATIONS

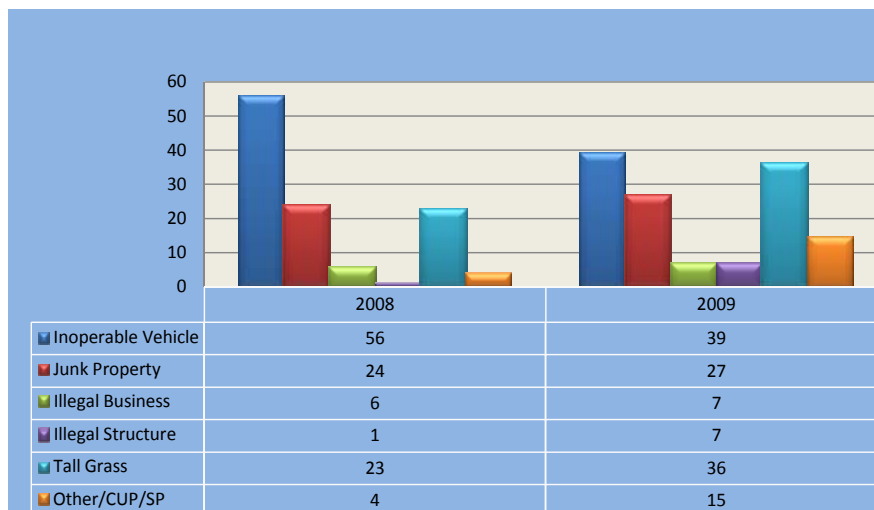
Zoning enforcement involves responding to inquiries and complaints concerning land use and development. Formal complaints are registered, investigated, and appropriate enforcement action taken. These complaints range in topic from inoperable vehicles to illegal uses on a property. Department staff attempts to work with landowners to ensure compliance of an ordinance violation; however, some of the violations handled by the Department of Planning & Development cannot be resolved and criminal charges are filed. Once criminal charges are filed, resolution of the violation is determined by the court system.

In 2009, 151 Zoning Ordinance violation complaints were recorded by the Frederick County Planning Department. Of these 151 complaints, only 131 of them were valid. This was a significant increase from 2008 in which only 119 complaints were valid. Approximately 20 invalid complaints were received by the department which were not tallied or accounted for in the chart below. The chart below accounts for the total number of valid complaints in a variety of categories. These figures do not take into account any multiple violations at the same property address.

Violations by Complaint Type:

The majority of complaints received by the Planning Department in 2009 regarded tall grass. Per the definition of tall grass from the Frederick County Zoning Ordinance, these complaints cover grass that is over 18 inches in height. This enforcement only applies to the residential zoning districts.

2008 thru 2009 Zoning Violation by Magisterial District

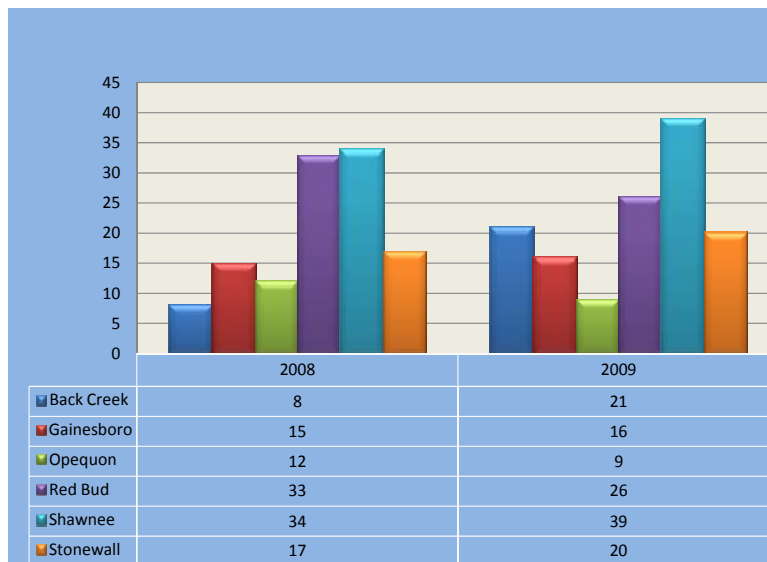


Violations by Magisterial District

Violations are not only tracked by type of complaint but are monitored per magisterial district as well. In 2009, the division by magisterial district was 20 in the Stonewall District, 39 in the Shawnee District, 26 in the Red Bud District, 16 in the Gainesboro District, nine in the Opequon District and 21 in the Back Creek District.

For 2009, the district with the largest number of substantiated complaints was the Shawnee Magisterial District, followed by the Red Bud Magisterial District. Based on the calculations by the Department of Planning and Development, the breakdown of violations per Magisterial District for 2009 was as follows:

2008 thru 2009 Zoning Violation by Magisterial District



COMMITTEE ACTIVITIES DURING 2009

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.

Following the major restructuring of the CPPC during 2008, which was aimed at effectively and efficiently accomplishing the County's long range community planning goals and moving the departmental work program forward, the CPPC standing committees were involved in several projects during 2009.

The most significant planning project completed by the CPPC was the Stephens City Joint Land Use Plan Update. The Stephens City Joint Land Use Plan Update provides a new orientation to the land use designations of the plan, integrates land use and transportation, and further addresses community infrastructure needs. This Plan continues to cover the area encompassed by the Joint Annexation Agreement and further implements the Agreement. Ultimately, the Stephens City Joint Land Use Plan Update was adopted by the Board of Supervisors in the spring of 2009.

In addition to this study, the CPPC continued their work on the 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. The modeling of the transportation component of this study is currently in progress. This effort is likely to proceed with the public involvement phase in early 2010.

The Community Area Plans Subcommittee also initiated the preliminary planning efforts on the Senseny Road Area Land Use Plan which will incorporate updates to the Route 50 and Route 7 Business Corridor Plans, both of which were adopted in 1994. The study area includes both the Red Bud and Shawnee Districts and a small portion of the Stonewall District. The Senseny Eastern Frederick Urban Land Use Plan will provide the County with the opportunity to proactively plan for this growing area of the community and provide guidance to those looking to implement the County's long range plan.

Three Comprehensive Policy Plan Amendments (CPPAs) were submitted to and reviewed by the CPPC this year. One of these proposed amendments was accepted by the Board of Supervisors for further study, the Rock Harbor Golf Course request. The CPPC spent a considerable amount of effort on this request which resulted in the Rock Harbor Amendment to the Round Hill Land Use Plan, currently under review by the Board of Supervisors.

The Community Facilities Subcommittee collaborated on an update to the Community Facilities Chapter of the Comprehensive Plan for the 2010 Update effort. The involvement of the various Departments of the County in this effort was invaluable.

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 2010-2011 Capital Improvements Plan included 73 projects. The CPPC's efforts resulted in a greater connection between the CIP and rezoning projects, in particular, proffered commitments made in support of development requests.

DEVELOPMENT REVIEW AND REGULATIONS COMMITTEE (COMMITTEE OF THE PLANNING COMMISSION)

This year, the Development Review & Regulations Committee (DRRC) reviewed 18 agenda items dealing with proposed changes to the Frederick County Zoning and Subdivision Ordinances that ranged from a variety of issues.

Some of the DRRC applications dealt with various requested use additions, the proposed Traditional Neighborhood Design (TND) District, conditional rezoning regulations, parking requirements, sidewalks and pedestrian walkways, accessory uses, buffers and landscaping, revisions to the Floodplain District, revisions to the Office-Manufacturing Park District, revisions to the HA Historic Overlay Zone and the Recodification of Chapter 165. Also reviewed in 2009 were the Health System requirements, the Rural Area (RA) ordinance revisions and the Transfer of Development Right (TDR) Program Ordinance revisions in accordance with the Rural Areas Report and Recommendations. Of the agenda items presented to the DRRC, some are still pending action from the Planning Commission and the Board of Supervisors.

Some of the most significant projects for the DRRC in 2009 were the parking lot ordinance revisions (Off-street parking; parking lots) which the DRRC discussed on multiple occasions. This revision provided a complete overhaul to eliminate excessive parking requirements, provide for greater flexibility for parking adjustments, and included provisions for low impact development. The revision to the Office-Manufacturing Park District was also significant; it involved the addition of a number of permitted and secondary uses as well as height and floor to area increases. One of the largest projects worked on by the DRRC in 2009 involved implementation of the recommendations contained within the Rural Areas Report and Recommendations policy. This involved revisions to the Rural Areas (RA) District which were approved by the Board of Supervisors in December of 2009, as well as revisions to the Health System requirements which are still pending. Also part of this effort was the creation of a Transfer of Development Rights Program (TDR) Ordinance, which is anticipated to be sent to public hearing in early 2010.

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. In June 2009, in partnership with the Potomac Conservancy, the Authority acquired a conservation easement on an 89-acre property owned by the Snapp family.

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.

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 of the issues considered by the Transportation Committee in 2009 were as follows:

1. Review and give feedback on the MPO Transit Study
2. Work on the Development Impact Model
3. Review and give comment on VDOT six year program
4. Review Subdivision Street Acceptance Requirements
5. Work on Truck Restriction Requests
6. Review and approve Grant applications including Tiger Grants, Revenue Sharing Grants and Enhancement Grants
7. Review and approve Revenue Sharing application
8. Recommendations on management of Revenue Sharing funds
9. Give comment on the commercialization of rest areas
10. Review and approve applications for rail and economic development access funding
11. Capital Improvement Program

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 six rezoning applications and one Conditional Use Permit application for a telecommunications facility in 2009. In addition to the regular review of rezoning and conditional use permit proposals, the HRAB also discussed changes to the Historic Overlay (HA) Zone. The changes involved minor updates as well as the inclusion of guidelines for construction or alterations to provide additional guidance on properties with the HA Overlay.

GEOGRAPHIC INFORMATION SYSTEMS (GIS) DIVISION

The new PAT (Planning Access Terminal) was enhanced in the fall of 2009 to include Address Search, PIN Search, Road Name Search, and Subdivision Search. This has enabled the Department to work more efficiently with GIS on their desktop. By making the data and map project more accessible to the user, it has sped up the ability of the staff to respond to outside requests and to complete research for in-house projects. Data layers are continuously updated on PAT as they are requested.

The web pages for the Department are continuously improved upon and updated by the GIS analyst. The Planning Department maps and FEMA flood plain maps were most recently added as a new web-page. The Department currently has more web-pages than any other department. The creation of a web-based proffer tracking application was started in May and is continuing on schedule with the enlisted help of the County's webmaster. The application should be in its completion by early summer 2010.

A data compilation of many of the conservation easements was completed in the fall of 2009, thereby enabling the staff to have a new GIS layer included in their PAT GIS project. In addition to various location maps and staff requests, there were numerous other GIS projects completed; below is a partial list:

- Agricultural & Forrestral District Mapping
- PATH project Mapping
- Capital Improvement Plans
- Conservation Areas Inventory
- Rural Preservation Subdivision Lots Inventory
- Economic Development Commission maps
- Housing Distribution
- Conversion of CAD data to ARCGIS data
- Develop numerous Geodatabases, an ongoing task
- Ongoing Metadata creation for datasets

Currently, the GIS analyst is working on developing an interactive Google map for conservation easements to be included on the Conservation Easement Authority's webpage.

URBAN DEVELOPMENT AREA (UDA) RESIDENTIALLY ZONED

DEVELOPMENT

Vacant Land - No Approved GDPs

2,352 potential units based on permitted densities on

396 acres of vacant land

Zoned Land - Approved GDPs

4,527 Units (maximum yield based on proffered densities)

1,271 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

3,902 Total residential lots/units available

2,107 single family-detached lots available

1,751 townhouse, duplex, multiplex lots available

44 multi-family units available

Grand Total: 15,117 approved, planned, or potential residential lots/units.

123 Single Family-Detached permits have been issued in 2009 within the UDA

33 Townhouse/Duplex/Multiplex permits have been issued in 2009 within the UDA

Notes: 1,002 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, Lynnhaven, Meadows Edge, Old Dominion Greens, Red Bud Run, and Sovereign Village)

422 The number of building permits issued for the Channing Drive Rezoning (Lynnhaven, 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.

5,329 The number of lots planned within Age-Restricted communities

4,602 Vacant lots within Age-Restricted Communities

• Denotes an age-restricted community or component

5,915 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 SFD and 239 MF on 926.26 acres.

2009 ANNUAL REPORT APPENDIX

