

From Former County Council Member Kai Hagen re: **The Sugarloaf Treasured Landscape Management Plan: HOLD THE LINE!**

Together we can **HOLD THE LINE!**

The key word there is "together."

The Frederick County Executive (most of all), and all members of the Frederick County Council, and all members of the Frederick County Planning Commission will need to hear from many of you over the coming days and weeks, and, perhaps, if necessary, months. Please do not leave it to others to send a message on your behalf.

Some of you already know what I am talking about, and many may not, yet. Below I will provide a somewhat thorough perspective of the issue at hand, with important background information I hope you find valuable and helpful. And, in the post and comments below, I will share a number of relevant links and images/maps.

I'll start by describing the two maps in the image attached.

The one on the top shows the boundaries (in white) of the DRAFT Sugarloaf Large Area Plan (aka: **The Sugarloaf Treasured Landscape Management Plan**). The RED area (marked up by me) on that map shows the roughly 500 acres that was recently and simultaneously removed from both the planning area itself, and the "**Sugarloaf Rural Heritage Overlay Zoning District**." After more than a year of engagement with the public and the Sugarloaf Stakeholders' Advisory Group, the overlay district was proposed for, then applied to the entire Planning Area.

You can open/download the current (altered) DRAFT of The Sugarloaf Treasured Landscape Management Plan here:

https://www.frederickcountymd.gov/DocumentCenter/View/333098/Sugarloaf-Area-Plan-Draft-2021_07_29_web

The other map shows the Land Use Designation map (related to zoning) for the same area of the county. Among other things, it illustrates the significance of the "line" established by the I270 corridor between the intensely developed (and still developing) land to the east (or north) of the interstate and the rural landscape comprised mostly of forests and farmland (and a few scattered, mostly older, rural subdivisions) west (or south) of the highway.

Here is a large map, from the Comprehensive Plan, showing the Land Use Plan Designations for the entire county:

https://maps.frederickcountymd.gov/GISPublicDownload/MapAtlas/CountywideMaps/CompPlan_34x44.pdf

So, here is some basic background information:

- In September 2019, after a long and thorough, multi-year process, the council passed, and the county executive signed The Livable Frederick Comprehensive Plan. Livable Frederick replaced the 2010 Comprehensive Plan (the land use and zoning map associated with the plan was significantly amended in 2012).

- In the past, under earlier county comprehensive plans, the ongoing implementation and evolution of the comprehensive plan happened by tackling separate and sizable region plans. Now, under Livable Frederick, the implementation and evolution of the plan will primarily happen by focusing on high priority areas, of various sizes, or focusing on a particular theme across the entire county.

- The first two area plans engaged at the beginning of what will be the ongoing process of implementing Livable Frederick are the South Frederick Corridors Plan and the Sugarloaf Treasured Landscape Management Plan. The South Frederick Corridors Plan is focused on the existing commercial and industrial land to the south of the City of Frederick along Urbana Pike (MD Route 355) and Buckeystown Pike (MD Route 85). So, the first two planning efforts include the future and potential redevelopment of a highly developed commercial and retail area, and the recognition and preservation of a more rural, natural and agricultural landscape.

- Here are the initial goals of the Sugarloaf plan (from the "Overview and FAQs" document):

"Protect and enhance the Sugarloaf Area's natural resources and environmental assets, including its forests, waters, biodiversity, and wildlife habitats.

Strengthen the distinct place-based identity of the Sugarloaf Area through stewardship of its scenic and rural character, and its agricultural and cultural resources.

Foster a resilient human ecology through the mitigation of, and adaptation to, climate change."

You can find the Sugarloaf Area Plan FAQs here:

<https://www.frederickcountymd.gov/DocumentCenter/View/333229/Sugarloaf-Plan-FAQs>

- Also from the "Overview and FAQs" document: What is the Sugarloaf Rural Heritage Overlay Zoning District?

"An overlay is called such because it does not change the existing zoning designation, but overlays it. The Sugarloaf Rural Heritage Overlay seeks to ensure that new development in the Sugarloaf Planning Area is of a scale that doesn't excessively burden the transportation network and adversely impact natural resources, or overwhelm the rural nature of the planning area."

- Overlay districts are not commonplace in the county, but they are not new, either. For

instance, in 2007, during my term as a county commissioner, the county passed a text amendment to create what are known as Wellhead Protection Districts. In essence, based on certain criteria, an overlay zone would be delineated and placed strategically over some areas that were already and still zoned Agriculture. Vast areas of the county (including in the Sugarloaf area) that are zoned Agriculture are not limited to farming activities. Many dozens of other activities and land use are permitted in places zoned Agriculture. The Wellhead Protection Districts overlay specific areas of land zoned Agriculture, where a subset of what would normally be permitted (such as gas stations or golf courses) are prohibited for the purpose of protecting vulnerable groundwater recharge areas, and, ultimately, protecting water quality (in parts of the county where many rely on wells for all their water).

[The Sugarloaf Rural Heritage Overlay Zoning District is described on page 42 of the DRAFT Sugarloaf Large Area Plan.]

- As I mentioned above, after more than a year of engagement with the public and the Sugarloaf Stakeholders' Advisory Group, the decision was made to apply the "Sugarloaf Rural Heritage Overlay Zoning District" to the entire Planning Area. That is not surprising when you consider that a lot of thought was put into the development of the boundary for the part of the county to be addressed and covered by the Sugarloaf Large Area Plan in the first place.

- Early this year (at the beginning of March), the members of the Sugarloaf Stakeholders' Advisory Group were informed that the staff had completed the draft, that it was being printed, and that they would all receive a hard copy in a few days (the following Monday).

- That draft included the exact same boundary for the entire Planning Area that had been in place since the process began. That boundary, which was supported by the Sugarloaf Stakeholders' Advisory Group was the same boundary that that was in place for every meeting of the advisory group last year; the same boundary that that was in place for every briefing to the Frederick County Planning Commission last year (June 10, October 28 and December 9, 2020); and the same boundary that that was in place for updates presented to the Frederick County Council (September 29 and December 22, 2020).

Here are links to the powerpoint presentations made to the county council, with the planning area boundary maps.

<https://www.frederickcountymd.gov/ArchiveCenter/ViewFile/Item/11886>

<https://www.frederickcountymd.gov/ArchiveCenter/ViewFile/Item/12061>

- The Sugarloaf Stakeholders' Advisory Group did not receive their printed copies of the DRAFT plan that following Monday, however.

- The advisory group did not receive their printed copies then because the draft was

pulled by the administration, and went into what I referred to as limbo for the next five months or so. During those five or six months, a number of individuals and organizations that were interested in the process (and often had the subject on the agenda of their regular meetings) made inquiries to the administration, asking when the draft was going to be released and/or what was happening during this lengthy delay.

- The only responses to any and all such inquiries about the reason for the delay that I am aware of (one to me in April) was that it was due to "other work priorities," and that staff had "more immediate issues" to focus on. The delay dragged on, and on, and questions about why there was a delay were accompanied by questions about when the draft would be made available to the advisory group and citizens. The word "soon" was used months ago, in early April.
- On July 9th, an email informed council members that the draft Sugarloaf plan was nearing completion, but that some map updates were still needed and it should be ready by mid-July. That email included a tentative timeline, including two stakeholder's advisory group meetings planned for the last week in July (probably one in-person and one virtual, which is what happened). After that the draft plan would be made available on the county website (with notices to go out to constituency groups, which is what happened). Planning staff would then hold two virtual "open house" meetings in mid-August, and the draft (which COULD be amended first, based on advisory group and other feedback) would go to the Frederick County Planning Commission. The Planning Commission would begin their process, perhaps in mid-September.
- When the members of the Sugarloaf Stakeholders' Advisory Group received their hard copies of the draft plan, after the very lengthy delay and near-total silence about what was happening then, it didn't take them long to notice the one, big, significant change that had been made to the draft -- the removal of approximately 500 acres of land, on the west (south) side of I270, from both the Sugarloaf Rural Heritage Overlay Zoning District AND the overall planning area for the Sugarloaf Large Area Plan.
- The roughly 500 acres removed were/are west (south) of I270 in the vicinity of the interstate interchange with MD Route 80 (Fingerboard Road). The area removed is comprised of a few larger parcels of forest and open farmland (with streams) and a number of much smaller parcels with small businesses and homes.
- PLEASE REMEMBER that I270 was essentially the line that the plan started with (for good reasons), and that was maintained from the beginning, through all the discussions with the advisory group, all the presentations to the Planning Commission and the County Council...AND it was the line that was in the draft that was "at the printers," ready to be distributed to the advisory group members, early this year.
- Again, the Sugarloaf Rural Heritage Overlay Zoning District was co-terminus with that line.
- There are things we don't know, at this time, about what happened during the months

of delay. But we know a few thingsL

- 1) The majority of the land that has been removed from the plan (and the conservation overlay) is owned by Tom Natelli, the developer of Urbana (and a few other developments in the county).
- 2) There was communication and meetings (we don't know the details) between Natelli and/or his agents and county staff.
- 3) The ONLY significant/major change to the draft after that long delay was the removal of the approximately 500 acres from the plan (and the conservation overlay). There were a very few other, minor changes, but nothing else significant or controversial (or that would explain the delay, of course).
- 4) The change did require and lead to a number of text changes. That included changing the Sugarloaf Planning Area to 17,140 acres in size, down from the 17,630 acres it was up until the delay. Part way down page 42 of the new draft are six paragraphs under the header "Urbana Community Growth Area" that capture the explanation for the change. (I will post that text in a comment below.)

I encourage you to read the rationale for the change. I have read it quite a few times. And while I comprehend it, I fundamentally disagree that it justifies the removal of these 500 acres from the conservation-oriented plan. Reasonable and good people can disagree about that. Some who defend moving the line, which, in all likelihood means the forested and farmland on the Sugarloaf side of the interstate will be developed, may point out that the new plan does draw a line, that just doesn't happen to stick with the informal line drawn by I270...that the county has recognized and respected for decades.

Here we are now, with a chance to formally draw a line where we have informally drawn it for a long time, and we are going to miss the opportunity, and allow and enable hundreds of acres of development to establish a beachhead west (south) of the interstate, and remove a few hundred acres of rolling forest and farmland in the process.

I most sincerely hope not.

As many of the people who live in the area know, there are many other parcels in the area that are owned by development interests. The line at I270 has held until now, and will be easier to defend in the future.

Again, I'll note, together we can **HOLD THE LINE!** (Please note that I say HOLD the line, rather than "draw the line," because the line has been drawn for decades. And, with only small (and regrettable) exceptions, it has held...until now.) This is far from a done deal. The administration could change it back tomorrow, or next week, after the two virtual open houses. If they don't, the Frederick County Planning Commission could change it back. If they don't, the Frederick County Council could change it back. You

can help.

Let the people who can and will make this decision know what you think is the right thing to do here.

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Finally, I would be remiss if I did not say that, except for this recent, unexpected -- and I think generally unsupported -- change, The Sugarloaf Treasured Landscape Management Plan is outstanding. The process was good until the delay. The planning staff did a fantastic job. The advisory group took their role seriously. It's a great and well organized document, and a very good plan.except for this one change.