

Frederick County, Virginia



Department of Planning & Development
Annual Report
2010

PREPARED BY THE DEPARTMENT OF
PLANNING & DEVELOPMENT
JANUARY 2011

Department of Planning & Development

2010 Annual Report:

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2010
FREDERICK COUNTY PLANNING
COMMISSION

June Wilmot – Chairman
Member at Large

Roger Thomas – Vice Chairman
Opequon District

Lawrence Ambrogio
Shawnee District

Kevin O. Crosen
Back Creek District

H. Paige Manuel
Shawnee District

Greg Unger
Back Creek District

Christopher Mohn
Red Bud District

George Kriz
Gainesboro District

Philip E. Lemieux
Red Bud District

Charles Triplett
Gainesboro District

Gary R. Oates
Stonewall District

Brian Madagan
Opequon District

J. Stanley Crockett
Stonewall District

Christopher Collins
BOS Liaison

Rod Williams
Legal Counsel



Eric R. Lawrence
Secretary (non member)

2010 Highlights

Transfer of Development Rights (TDR) Ordinance

A recommendation of the Rural Areas Report and Recommendations policy document which was approved by the Board of Supervisors in April 2009 was to create a Transfer of Development Rights (TDR) Ordinance for Frederick County. The Frederick County Transfer of Development Rights (TDR) Program was adopted by the Board of Supervisors in April of 2010. With the approval of the TDR Ordinance, Frederick County became the first locality in Virginia to develop a TDR Program under the state legislation adopted in 2008. The intent of the TDR Program is to help preserve and protect agricultural and rural lands as well as natural resources by providing property owners with another option to capture the value of their land without actually subdividing and selling their property. This not only helps the property owner but the County as well by directing growth away from the rural areas and into the designated urban areas where adequate infrastructure exists.

**Announcing A New
Transfer of
Development Rights
Program
for Frederick County
Landowners**





**About TDRs
(Transfer of Development Rights)**

The TDR program is a voluntary, incentive based, and market driven approach to land preservation. The right to develop land for residential uses is one of the rights associated with land ownership. The TDR program allows rural landowners to realize economic returns by selling the development rights associated with their land to private individuals who can use the rights to develop more densely in other designated areas of the county. The transfer of development rights enables rural landowners to realize gains from the development potential of their land without relinquishing ownership of the land, thereby keeping it rural.

The purchased rights can then be applied to land within the county's designated Urban Development Area. By purchasing the transferable Development Rights, developers can avoid lengthy and costly rezoning, as well as impact mitigations associated with securing rezoning.

A chart on the next panel describes the TDR process. The fee schedule, application forms and other detailed information is available from the County both online and by contacting the Planning & Development Department.



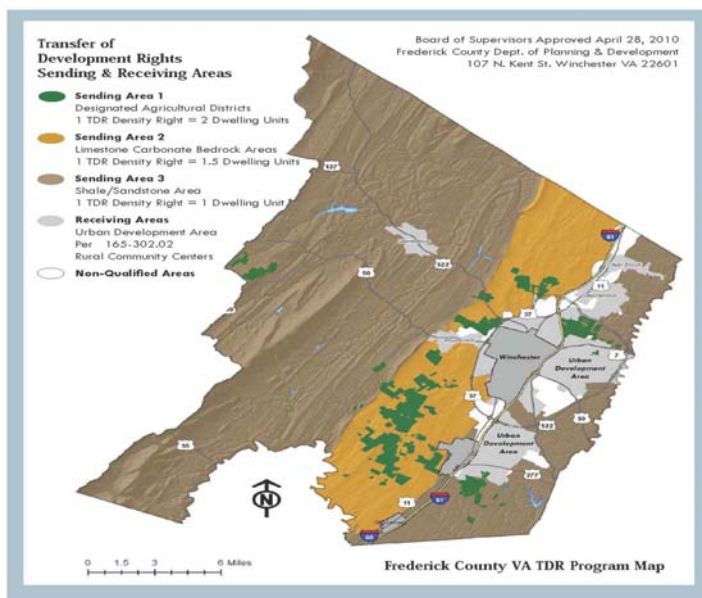
**Transfer of Development Rights
Process Summary**

- 1. Certify Sending Property**
 - Owner of a Sending Property submits the TDR Application and application fee.
 - County planning staff reviews the application for completeness.
 - Planning staff determines the number of rights a sending property has available for transfer.
- 2. Approve Sending Property**
 - Planning staff issues the TDR Letter of Intent to the Sending Property Owner upon payment of the processing fee.
 - Sending Property Owner puts TDR density rights up for sale.
- 3. Servicing Of Rights**
 - When an appropriate buyer/receiving property is identified, County planning staff issues a TDR Certificate agreeing to transfer the density rights to their new owner/property.
 - The extinguishment document and restrictive deed covenants are prepared and recorded by the County Attorney. These documents strip the sending property of the density rights and restrict future subdivision of the property.
- 4. Transfer of Rights**
 - The receiving property or transferee seeks approval from the Planning Department. Upon approval, transfer rights are assigned to the new property.
 - Density rights are transferred from the owner of the sending property to the transferee where they are banked for future use or attached to a receiving property.
- 5. Receiving Property Development**
 - When density rights are being applied to a receiving property, several additional planning steps are required: a Master Development Plan, a Subdivision Design Plan and Final Plans.
 - Final plat of receiving properties must include notation about the use of TDR rights.

**For More Information
on Frederick County's
Transfer of Development Rights Program**

Visit The Website:
www.frederickcountyva.gov/planning
Click on "Transfer of Development Rights Program" to find information, applications and fee schedules.

Or Contact:
Frederick County
Department of Planning & Development
107 North Kent Street
Winchester, Virginia 22601
(540) 665-5651
(540) 665-6395 (fax)

Rewrite of Chapter 161 – Sewage Disposal Systems

Another recommendation of the Rural Areas Report and Recommendations policy document which was approved by the Board of Supervisors in April 2009 was to implement revisions to the County's sewage disposal requirements. Ultimately in February of 2010 the Board of Supervisors approved a rewrite of Chapter 161 – Sewage Disposal Systems. With this approval, numerous changes were made, including requirements for a 100% reserve drainfield requirement, new requirements for pump and haul permits (BOS review and required inspections), prohibition of discharge systems for new construction, license requirements for haulers and installers, and operation and maintenance requirements for alternative onsite sewage disposal systems.

2010 NELUP Update

The 2010 NELUP Update presented new opportunities to refine the land use plan and continue to promote the Economic Development opportunities within this area of Frederick County. A particular effort of the study was the re-evaluation of the transportation element to ensure that it is supportive of the land use. Utilizing transportation modeling into a small area land use plan for the first time, the plan proposed an enhanced transportation network that is functionally acceptable. This modeling verified that the transportation network was balanced with the land use plan. This update benefitted from a significant amount of public participation. The 2010 Northeast Frederick Land Use Plan Update was approved in September 2010.

2010 Land Use Planning

In 2010 the CPPC completed the Rock Harbor Amendment to the Round Hill Land Use Plan. The Rock Harbor Amendment established a new area of land use that specifically promoted the recreational attributes of the Round Hill area in conjunction with the open spaces associated with the existing Rock Harbor Golf Course, and created a well-designed Conference Facility and Commercial Center with an orientation to the Golf Course and future Route 37 interchange. The Plan sought to enable the development of land uses which will provide economic development, tourism, and entertainment benefits to the community and to Frederick County, and further promote the Rock Harbor Golf Course. Ultimately, the Rock Harbor Amendment to the Round Hill Land Use Plan was adopted by the Board of Supervisors in the spring of 2010

2010 Quick Facts:

Population

2000	59,209
2005	68,492
2008	73,898
2010	74,972*
2020	95,648
2030	114,539*

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

Income

Median Household Income	\$62,291
Median Family Income	\$69,387

Source: US Census, 2010 American Community Survey

Building Permits

# Single family detached bldg permits	193
# Single family attached bldg permits	54
# multi family bldg permits	0

Source: Frederick County Inspections Dept.

Public Education

Total Enrollment	13,043
Number of schools above program capacity	3
Cost per Student	\$10,234
Number of Schools	19
SAT I Math Scores	510
SAT I Verbal Scores	512
Diplomas Earned	936
% of 12 th grade graduating in 2010-2011	93%

Source: Frederick County School Board, January 2011 Data

Labor Force

Unemployment Rate	6.7%
Available labor force	38,719

*Source: Bureau of Labor Statistic as of November 2010

Start-up Firms

3 rd Quarter 2009	18
4 th Quarter 2009	15
1 st Quarter 2010	5
2 nd Quarter 2010	20

*Source: Virginia Employment Commission

Employment by Industry*

Agriculture, Forestry, Fishing	151
Mining	268
Utilities*	2,060
Construction	3,870
Manufacturing	4,229
Wholesale Trade	1,269
Retail Trade	4,414
Transportation & Warehousing	2,060
Information	1,027
Finance, Insurance, Real Estate	2,089
Services	12,138
Government	5,895

Source: Virginia Employment Commission

* Figures based upon second quarter of 2010

Major Employers*

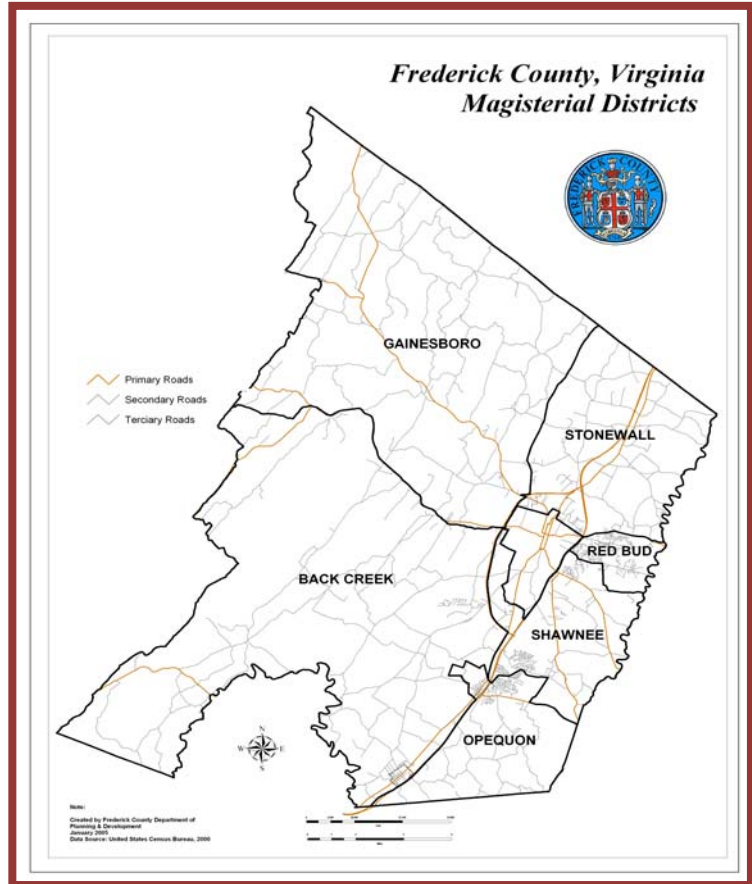
Kraft Foods
H.P. Hood, Inc.
Lord Fairfax Community College
Navy Federal Credit Union
The Home Depot
Shockey Brothers, Inc.
Westminster Canterbury
Kohl's Department Stores
Costco

*excludes local government & school board

Demographics:

Location

Frederick County is located in the Commonwealth of Virginia 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. 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

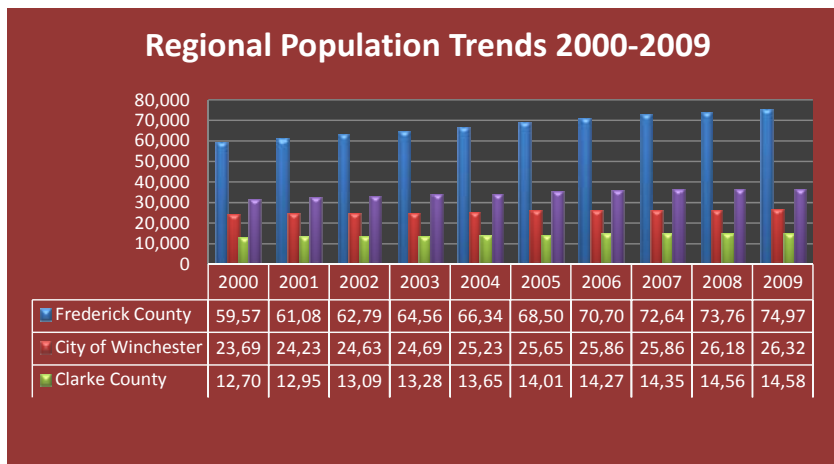
Frederick County is divided into six Magisterial Districts, each of which is represented by one elected member to the Frederick County Board of Supervisors and the Chairman of the Board, who is elected at large. The Board of Supervisors holds revolving elections and each board member serves for four years. The 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 2010, the U.S. Census Bureau estimated that Frederick County had a total population of 74,972, with 38,882 females and 36,090 males. There are an estimated 4,848 children under the age of 5 and 70,124 people 5 and older, with the median age for Frederick County being 37.8 years old. Total population by race is as follows: total White 65,828, Black or African American 2,889, American Indian and Alaska Native is 233, Asian 904, Native Hawaiian and other Pacific Islander 139, and lastly, two or more races are estimated at 1,261.

Trends

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



Source: US Census Bureau (2010 population trends will be available January 2011)

Projections

The Virginia Employment Commission projects that the 2010 population of Frederick County will be 77,972. 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.

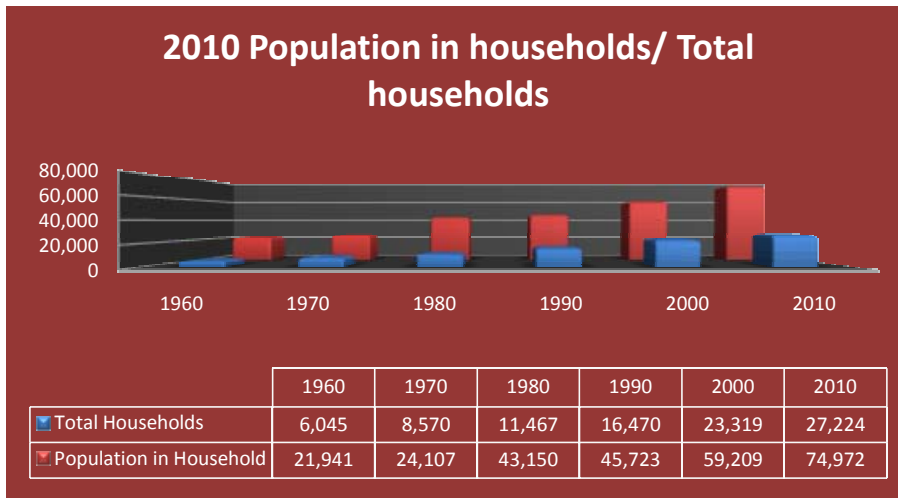
Population Projections

	1990	2000	2010	2020	2030
Frederick County	45,723	59,209	74,972	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 from the Census estimated that the average population household size in Frederick County for 2010 was 27,224 with an average household size of 2.61 persons. Based on the same website, families made up 74 percent of the households in Frederick County. This figure includes both married-couple families (58 percent) and other families (16 percent). Nonfamily households made up 26 percent of all households in Frederick County. Most of the nonfamily households were people living alone, but some were composed of people living in households in which no one was related to the householder.



Income

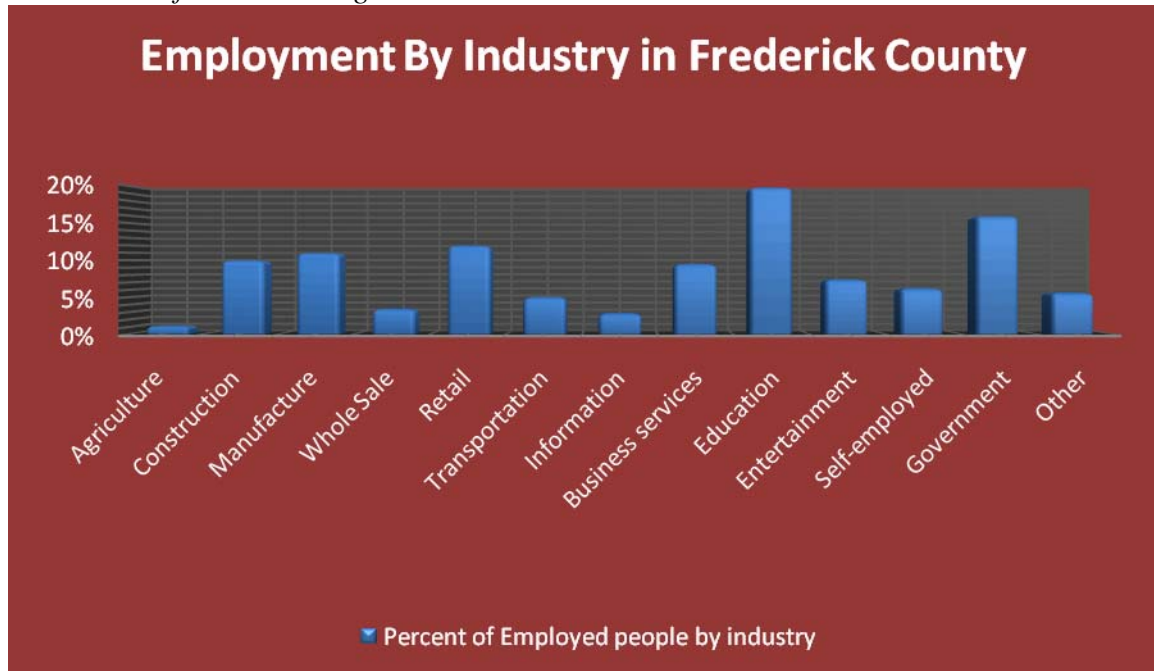
Based on the Census data for Frederick County, the median household income was \$62,291. The median family income was \$69,387, and the median non-family income was \$38,304. According to this website, there were only 7,121 non-family households in Frederick County in 2009. Median household income differs from median family income in that it includes the income of all persons 16 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 2010 were education, government, and retail. 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 2010:

- Frederick County School Board
- County of Frederick
- U.S. Department of Homeland Defense
- Kraft Foods
- Lord Fairfax Community College
- H.P. Hood, Inc.
- Navy Federal Credit Union
- The Home Depot
- Shockey Brothers, Inc.
- 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 2010-2011 school year (as of December 15, 2010) was 13,043 students in grades K-12 including 36 students enrolled with the Northwestern Regional Educational Programs (NREP). Currently, a majority of the schools in Frederick County are approaching or have already exceeded their practical capacity.



The following chart shows a breakdown of that total enrollment per school as well as a percentage of total capacity:

2010-2011 Public School Enrollment in Frederick County Public Schools					
Schools	Year Opened	Grade Level	Program Capacity	2010-2011 Enrollment	Percent of Practical Capacity
Apple Pie Ridge Elem.	1974	K-5	600	509	85%
Armel Elem.	1991	K-5	662	565	85%
Bass-Hoover Elem.	1975	K-5	612	615	100%
Evendale Elem.	2006	K-5	662	464	70%
Gainesboro Elem.	2007	K-5	760	501	66%
Greenwood Mill Elem.	2009	K-5	850	822	97%
Indian Hollow Elem.	1988	K-5	492	390	79%
Middletown Elem.	1989	K-5	662	587	89%
Orchard View Elem.	2000	K-5	564	440	78%
Redbud Run Elem.	1996	K-5	662	612	92%
Stonewall Elem.	1997	K-5	528	442	84%
Total Elementary School		K-5	7,054	5,947	84%
Adm. Richard E. Byrd Middle	2005	6-8	850	863	102%
Robert E. Aylor Middle	1969	6-8	850	590	69%
Frederick County Middle	1965	6-8	730	685	94%
James Wood Middle	1950	6-8	850	829	98%
Total Middle School		6-8	3,280	2,967	90%
James Wood High	1980	9-12	1,400	1,306	93%
Millbrook High	2003	9-12	1,250	1,276	102%
Sherando High	1993	9-12	1,400	1,511	108%
Total High School		9-12	4,050	4,093	101%
NREP	1966	Ages 2-21		36	
Total Enrollment		K-12	14,384	13,043	91%

Source: Frederick County School Board December 15, 2010 Enrollment Data

Subdivisions & Permitting:

Overall Lots Created

The number of lots created in the County is determined by the number of subdivision applications (both rural and urban) that were approved in 2010. A subdivision is not considered approved until plats for the lots are approved by the Zoning Administrator; therefore the numbers below reflect only the number of approved, platted lots created in 2010. These figures also include lots which were planned in 2009 but did not receive final approval until 2010. As shown by the chart below, all the lots created in the County were for residential purposes.

Lots Created in 2010 by Magisterial District & Zoning District

Magisterial District	RA	RP	R5	R4	B1	B2	B3	M1	M2	EM	MH	MS	HE	Total
Back Creek	10	2	14	-	-	-	-	-	-	-	-	-	-	26
Gainesboro	13	3	9	2	-	-	-	-	-	-	-	-	-	27
Red Bud	-	22	-	-	-	-	-	-	-	-	-	-	-	22
Shawnee	1	40	-	-	-	-	-	-	-	-	-	-	-	41
Stonewall	1	30	-	8	-	-	-	-	-	-	-	-	-	39
Opequon	6	6	19	-	-	-	-	-	-	-	-	-	-	31
<i>Totals</i>	<i>31</i>	<i>103</i>	<i>42</i>	<i>10</i>										<i>186</i>

Residential Lots Created

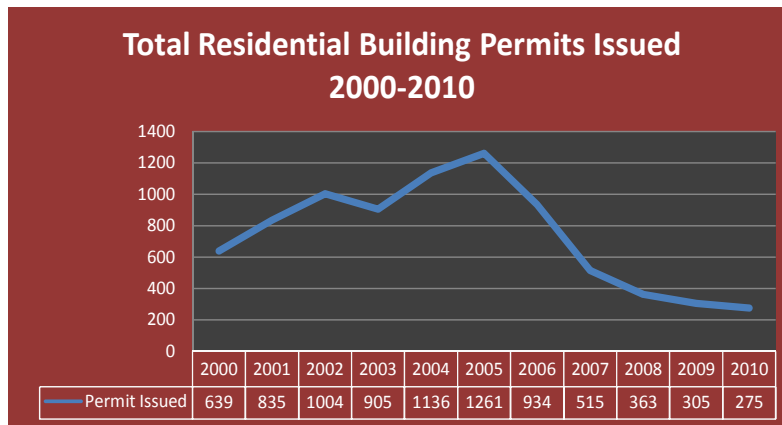
As shown in the table above, the majority of the 186 lots created in Frederick County during 2010 were located in the Shawnee and Stonewall Districts. In total, 186 residential lots were created in the RP, RA, R4 and R5 Zoning Districts in Frederick County in 2010. This represents a significant decrease from the total number of residential lots created in the County in 2009 (with 226 lots). While the decline in residential lots created from 2007 to 2010 was associated primarily with a drop-off in RA District activity, there was also sharp decline in lots created in the RP Zoning District from 2008 to 2010.

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
2001	571	73%	206	43%
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%
2010	103	13%	31	31%

Residential Building Permits

Frederick County issued a total of 275 new residential building permits in 2010. These permits consisted of 193 single family dwellings, 54 townhomes, and 28 mobile home units. Compared to 2009 there is a difference of 30 permits issued. In 2010, the majority of single family detached residential building permits were issued in the Stonewall Magisterial District, for other housing types the majority of permits issued were in the Shawnee Magisterial District.



2010 Single Family Detached Building Permits Issued (by Magisterial District)

Magisterial District	RA	RP	R4	R5
Back Creek	10	2	0	14
Gainesboro	13	3	2	9
Opequon	6	6	0	19
Red Bud	0	22	0	0
Shawnee	1	40	0	0
Stonewall	1	30	8	0

2010 Other Housing Type Building Permits Issued (by Magisterial District)

Magisterial District	SFA	MD	MH	MF
Back Creek	0	3	4	0
Gainesboro	0	1	2	0
Opequon	0	2	10	0
Red Bud	24	0	2	0
Shawnee	30	0	3	0
Stonewall	0	1	7	0

SFA-Single-Family

MD-Modular

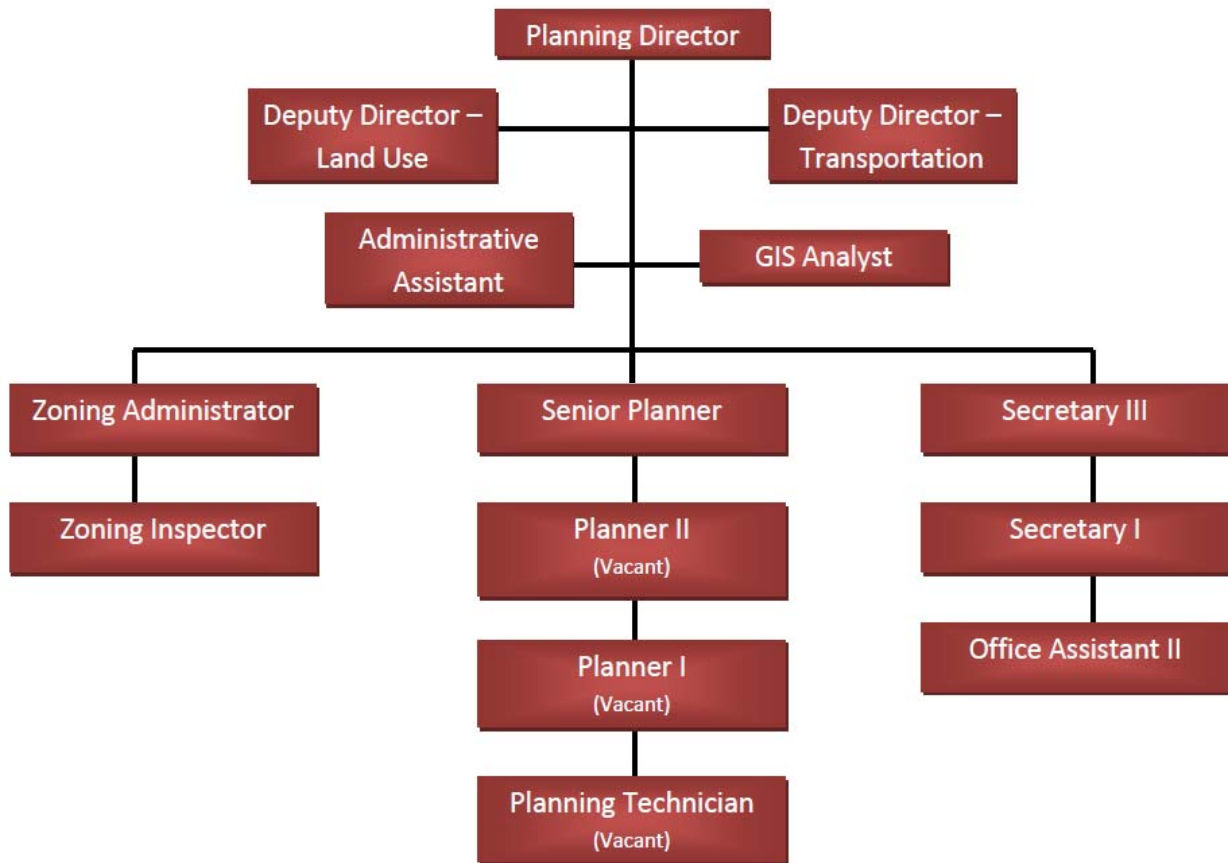
MH-Mobile Home

MF-Multi-Family

Attached

The Department of Planning & Development:

Organizational Structure:



Eric R. Lawrence, AICP
Planning Director

Michael T. Ruddy, AICP
Deputy Director

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

Renee S. Arlotta
Administrative Assistant

Mark R. Cheran
Zoning Administrator

Candice E. Perkins, AICP
Senior Planner

Beverly H. Dellinger
Secretary III

Dana M. Johnston, CZO
Zoning Inspector

Alexander J. Gray
GIS Analysis

Diane L. Walsh
Secretary I

Pamala S. Deeter
Office Assistant















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 Map which is available from the Department of Planning & Development. The 14 zoning classification, and their associated land use color, 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)	 OM (Office - Manufacturing Park)
 EM (Extractive Manufacturing District)	 R4 (Residential Planned Community District)
 HE (Higher Education District)	 R5 (Residential Recreational Community District)
 M1 (Industrial, Light District)	 RA (Rural Area District)
 M2 (Industrial, General District)	 RP (Residential Performance District)

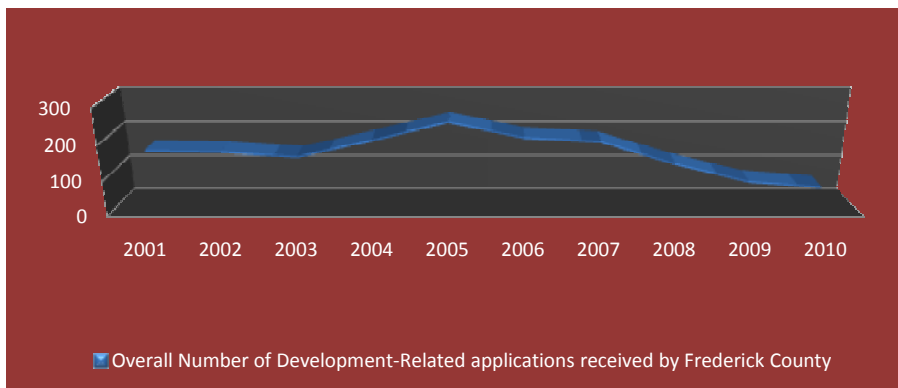
Each zoning district has a list of land uses which are permitted with no special approval required to perform those uses. These uses are referred to as "by-right" uses. Zones are established in any given area to protect residents and landowners within the zone from intrusion by incompatible neighboring 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 2009 and 2010, 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 2009 and 2010; the decrease can be attributed to the 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 2010 application year. A complete list of each submitted and/or reviewed application is available in the appendix of this report.



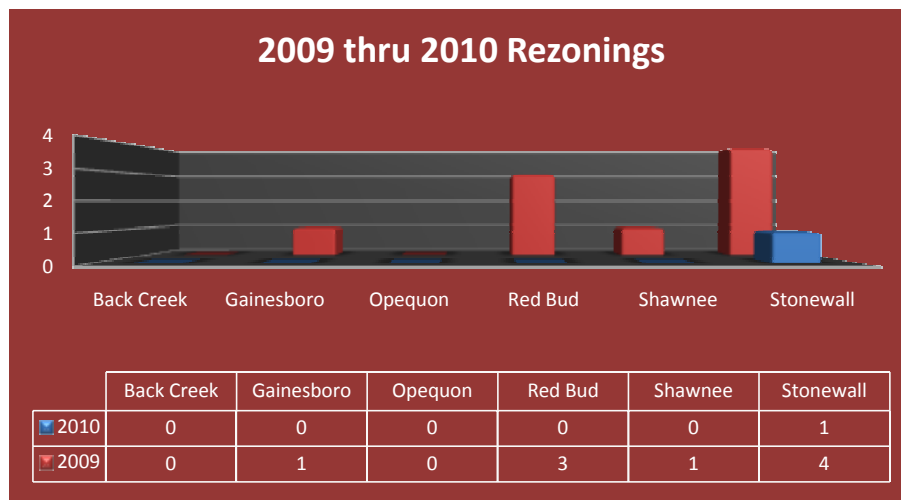
Application Type	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Rezoning	4	11	12	14	14	17	22	12	16	9	1
MDP	8	6	5	10	12	11	14	15	10	2	1
Subdivisions	14	26	23	21	25	36	22	19	7	5	1
Conditional Use Permit	20	22	16	13	25	10	11	8	11	6	9
Subdivision Waivers	10	10	11	2	2	7	4	5	5	3	2
Site Plans	65	57	52	53	72	93	83	88	64	45	33
Variances/Appeals	18	21	17	16	9	28	25	25	2	2	7
Rural Preservation Sub	0	5	14	12	14	21	11	7	8	0	0
Major Rural Subdivisions	2	4	9	2	10	10	2	0	2	1	0
CCPA Request	1	2	2	4	11	11	7	11	2	3	1

Rezoning

For the 2010 year, there was one application submitted - Busy Beez Daycare. This rezoning was to revise the proffers for 1.324 acres of land zoned B3 (Industrial Transition) and to rezone 0.567 acres of land from the B3 District to the B2 (Business General) District with revised proffers, totaling 1.89 acres. The Board of Supervisors approved this application November 10, 2010.

Applications by Magisterial District

The one rezoning application submitted this year is in the Stonewall Magisterial District. The chart below reflects the trends per magisterial district, and compares 2009 and 2010 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 was one MDP application submitted in 2010. This is a decrease from 2009 when there were two applications submitted. The application was for Snowden Bridge to revise housing types in Landbay III phase I. This application is still under review and has not been approved.



Applications by Magisterial District

The one application submitted this year was in the Stonewall Magisterial District. The chart below reflects the comparison of 2009 and 2010 MDP applications submitted per Magisterial District.



Subdivisions

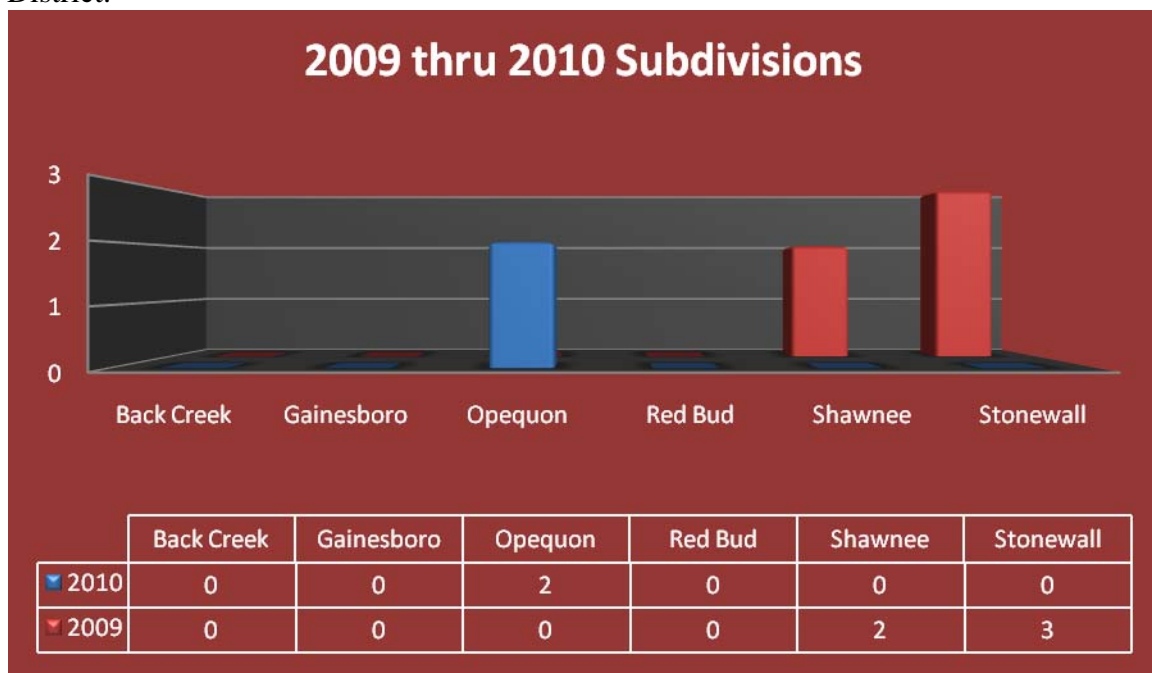
There were two applications submitted in 2010, Southern Hills Phase II and a revision to include a lot in Shenandoah. As of December 2010, Southern Hills Phase II has not been approved and while the Shenandoah Subdivision Plan has been approved the final plats have not been recorded. In addition to these applications, there were five applications from the previous year, three were approved.

*These figures do not include the number of rural preservations or major rural subdivision applications.



Applications by Magisterial District:

The two submitted subdivision applications were both in the Opequon Magisterial District.



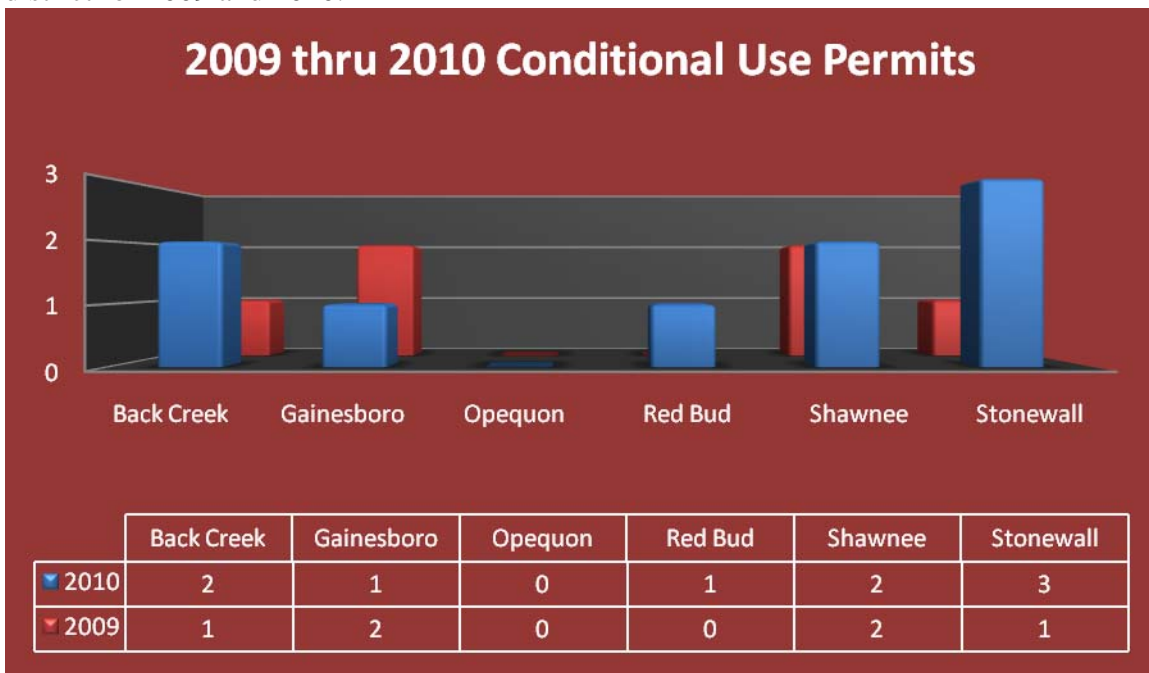
Conditional Use Permits

In 2010, there were nine CUP applications submitted for review. The type of applications included: an off-premise sign, a welding fabrication building, a building and parking addition to an existing animal shelter, a 95' monopole telecommunication tower, a 120' lattice communication tower, a 250' communication tower, a hair salon, and two daycares. All applications were approved by the Board of Supervisors; however, there was one application for an in-home daycare submitted in 2010 that will be heard in 2011.



Applications by Magisterial District:

The number of CUP applications between 2009 and 2010 increased from six to nine. Of the applications received this year, the majority were located in the Stonewall Magisterial District. The following chart shows the comparison of distribution of applications per district for 2009 and 2010.

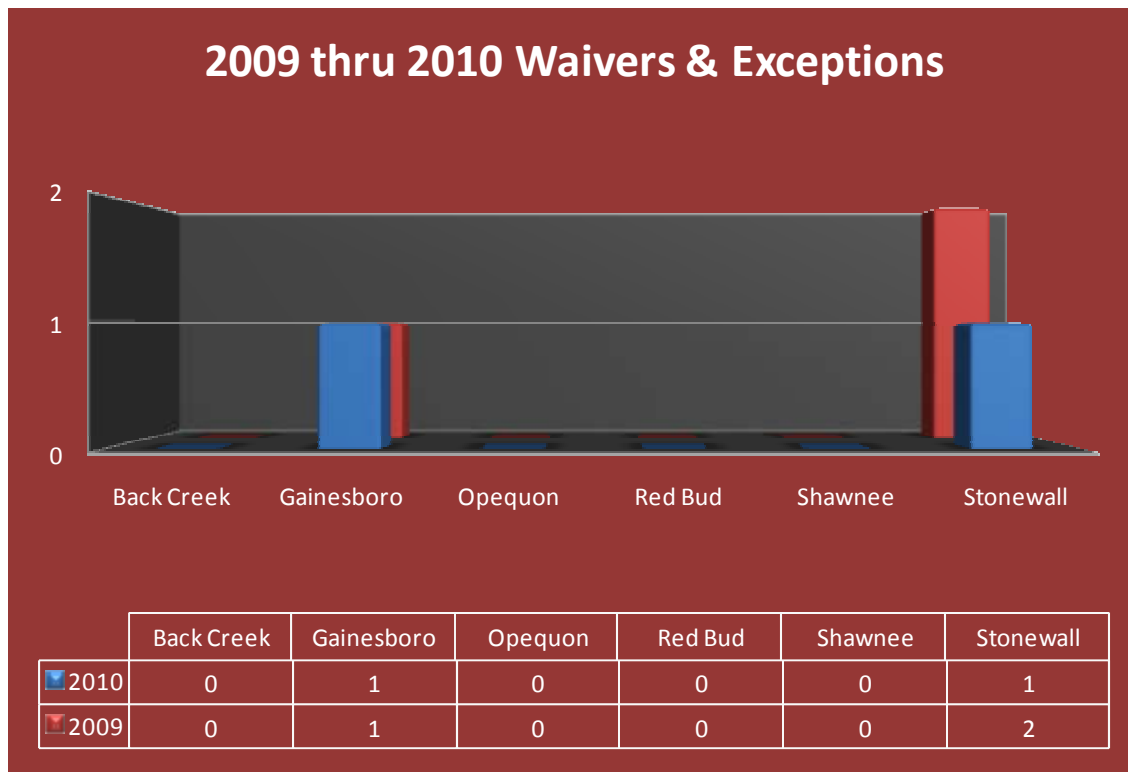


Waivers & Exceptions

In 2010, there were two waiver applications submitted for review. The first application was to allow for the construction of a water tank and allowance of reduced setbacks from otherwise required setbacks in the Rural Areas. The other application submitted was for AT&T to allow a lattice style tower instead of a monopole. The Board of Supervisors approved both applications.

Applications by Magisterial District

The Chart below compares 2009 and 2010 waivers and exceptions application submitted. The number decreased slightly from three to two. There have not been any applications submitted for the Back Creek, Opequon, Red Bud, and Shawnee Magisterial Districts for the past two years.

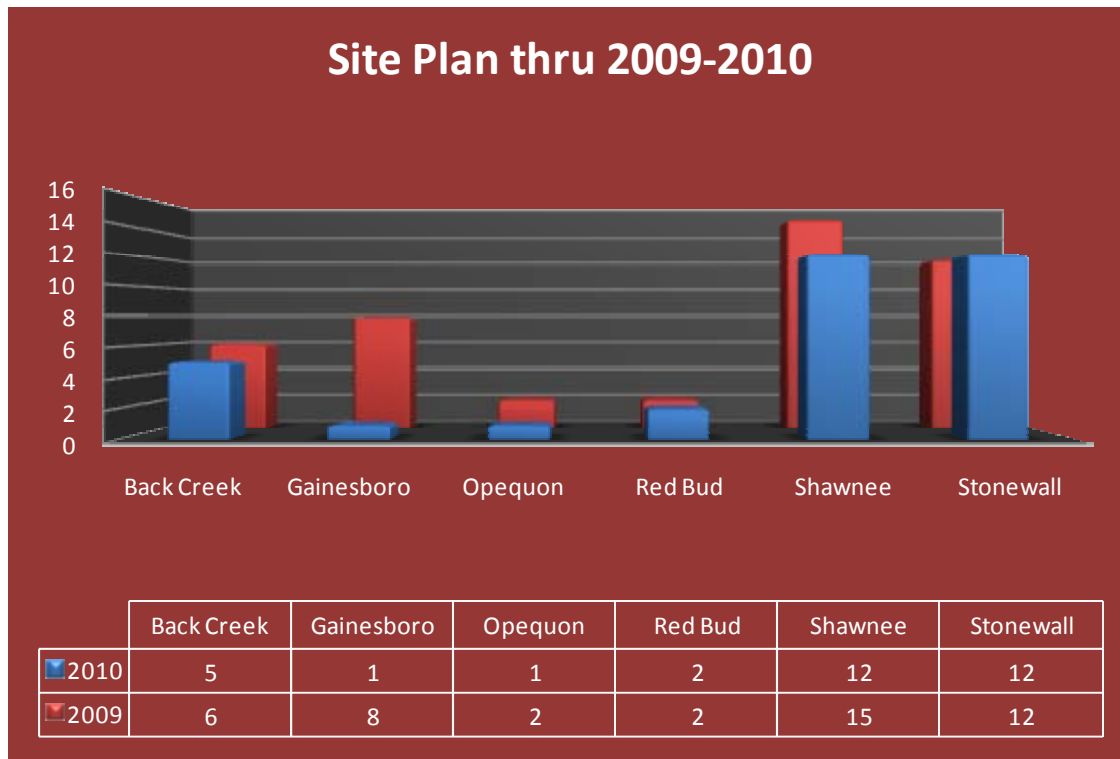


Site Plans

In 2010, there were 33 site plan applications submitted for review. There were eight communication towers, four of which were revisions; six commercial sites, four of which were revisions; 10 industrial sites, six of which were revisions; three retail sites, all three were revisions; one church, also a revision; one manufacture site that was a revision; and four residential sites, of which two were revisions. Of these applications, 29 were approved and 4 are pending. There were 13 applications from previous years to which administrative approval was granted during 2010.

Applications by Magisterial District

The number of site plans submitted in 2010 decreased from 2009, from 45 to 33. 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.

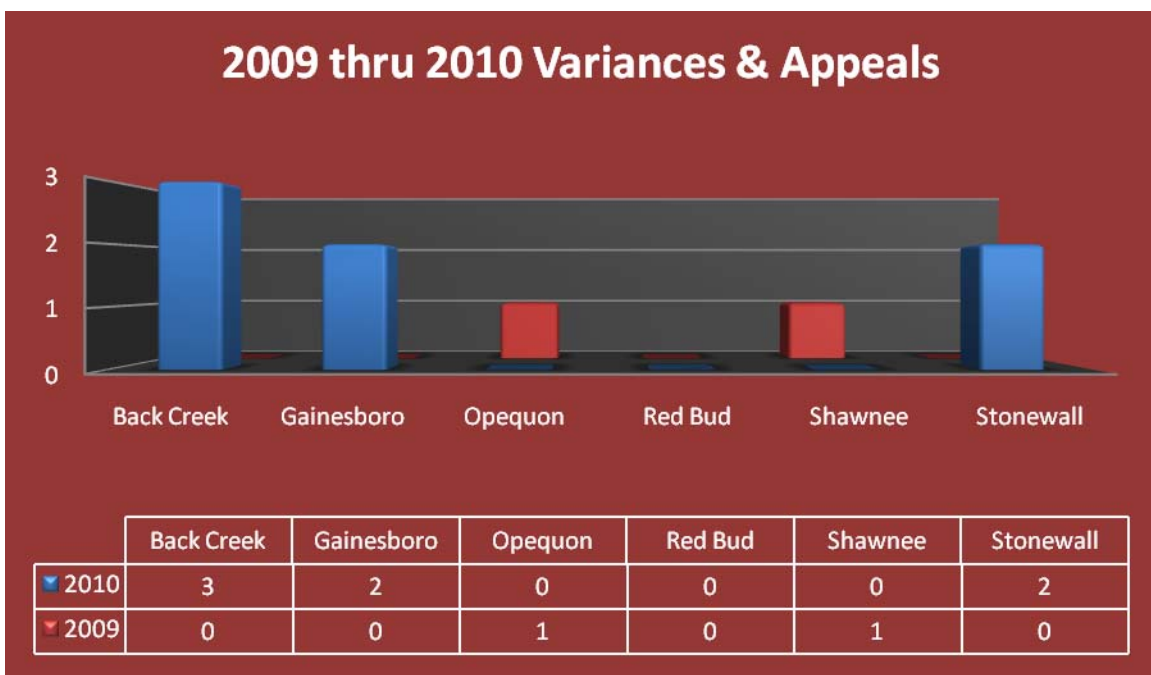


Variations & Appeals:

There were seven variance and appeal applications submitted in 2010 for review by staff and the Board of Zoning Appeals. Of these applications, five were variations and two were appeals of the Zoning Administrator's decision and/or interpretation of the Zoning Ordinance. Of the variance applications, four were approved and one was denied.

Applications by Magisterial District

In 2010, the Board of Zoning Appeals met a total of five times. The chart below depicts that there have only been nine applications submitted over the past two years. In 2009, applications were submitted in the Opequon and Shawnee Magisterial Districts, and in 2010, applications were submitted in the Back Creek, Gainesboro, and Stonewall Magisterial Districts.



Major Rural Subdivisions

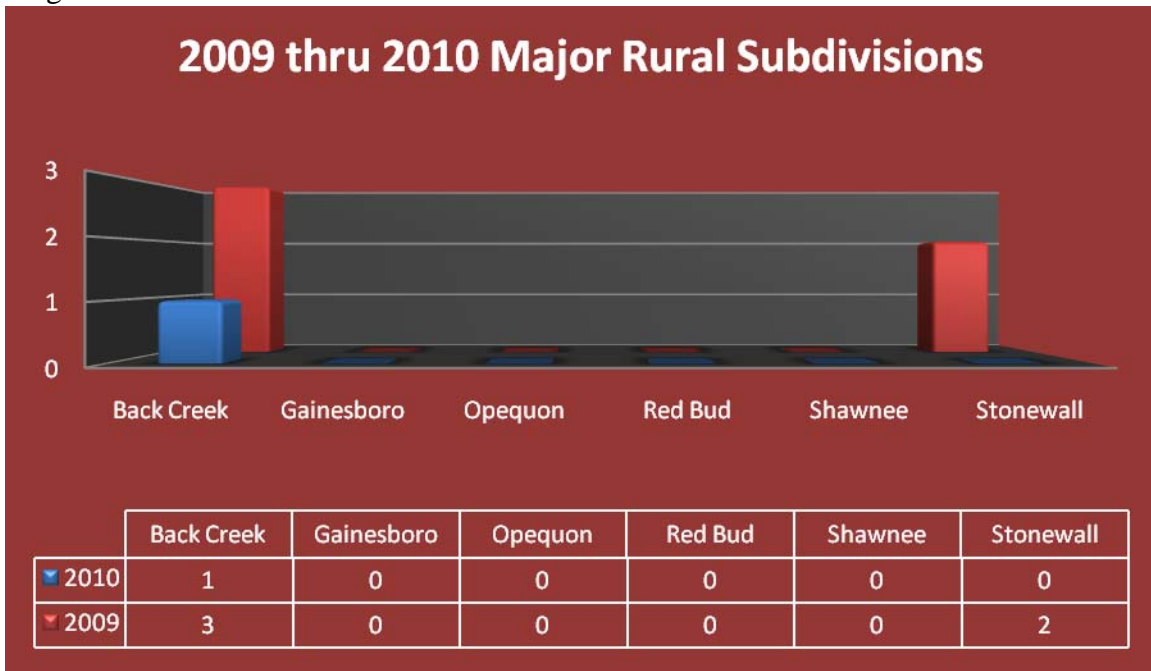
There was one major rural subdivision submitted in 2010 for review by staff - Middle Road Estates application was granted administrative approval for a 10 lot subdivision in November. This is a significant decrease from the five submitted in 2009. Final plats for this subdivision have been submitted for review but have not been approved and recorded in the Clerk's Office.

*note: There has not been a submission for a Rural Preservation Subdivision since 2008.



Applications by Magisterial District

The one major rural subdivision submitted in 2010 was in the Back Creek Magisterial District. The graph below compares the 2009 submissions to the 2010 submissions by Magisterial District:

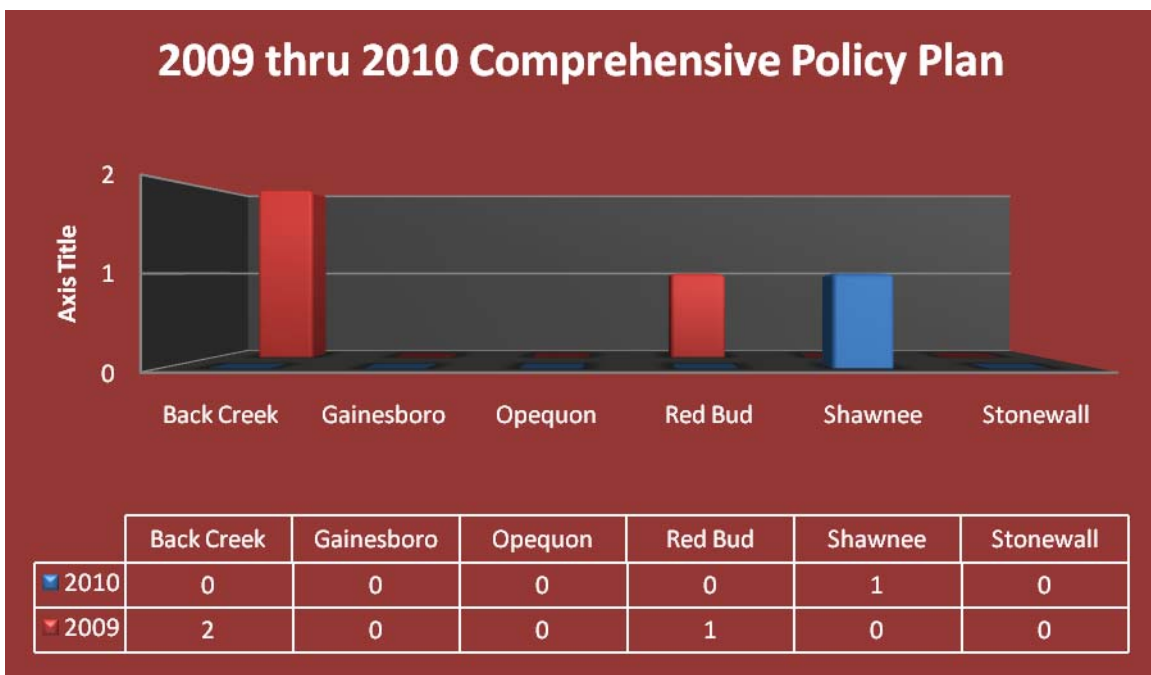


Comprehensive Policy Plan Amendments

One Comprehensive Policy Plan Amendment (CPPA) was submitted in 2010 for Tasker Woods. This application was reviewed by the CPPC and the Board of Supervisors approved the request to be studied further. The resulting land use plan revision was endorsed by the CPPC and adopted by the Board of Supervisors in January of 2011. The resulting Tasker Woods amendment to the Comprehensive Plan modifies the land use designation within a proposed area of UDA expansion from commercial to residential and would allow commercial land uses within an area of proposed SWSA expansion. This amendment is currently under review by the Board of Supervisors.

Applications by Magisterial District

The one application submitted for review in 2010 is located within the Shawnee Magisterial District. The chart below depicts the number of submitted applications in 2009 for each Magisterial District as well as a comparison between the number of submitted applications in 2010. It should be noted that these charts reflect only the number of submitted applications and not the number of approved applications:



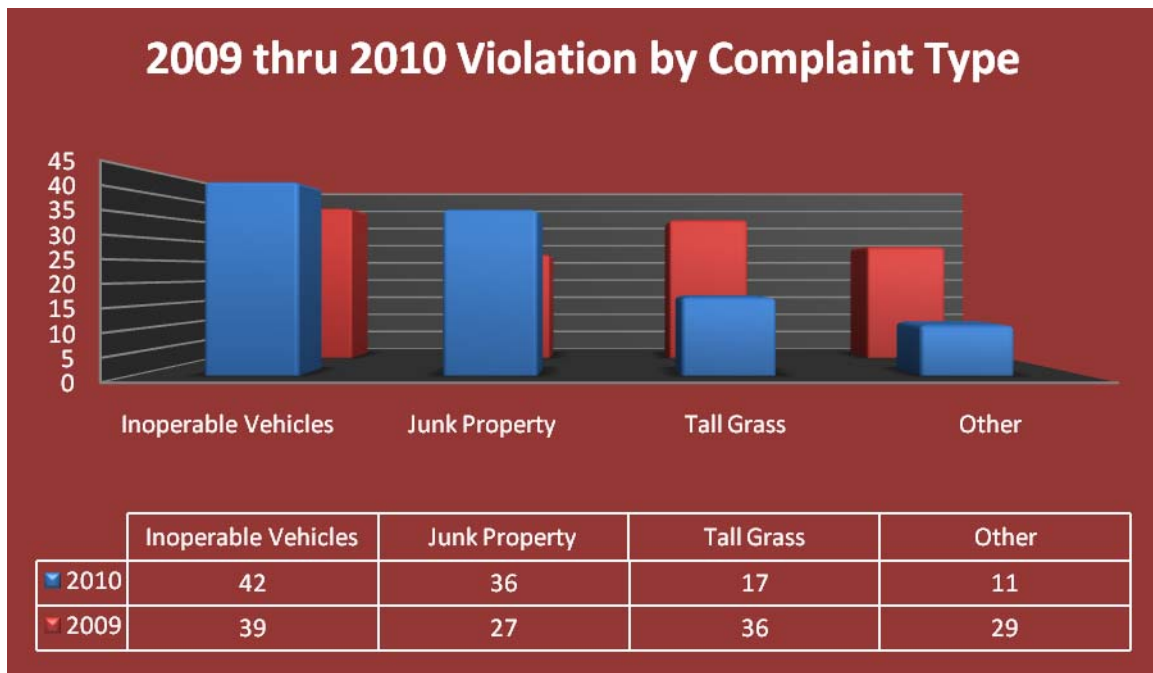
Zoning Violations:

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 2010, 116 Zoning Ordinance violation complaints were recorded by the Frederick County Planning Department. Of these 116 complaints only 106 of them were valid. This was a significant decrease from 2009 where the County recorded 131 valid complaints. The chart below accounts for the total number of valid complaints in a variety of categories. In the “other” category these would include: illegal business, illegal structures, conditional use permit violations, and site plan violations. 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 2010 regarded inoperable vehicles. In 2009, tall grass was the majority of complaints, but due to the insufficient amount of rain in the summer months of 2010, the complaints decreased significantly.

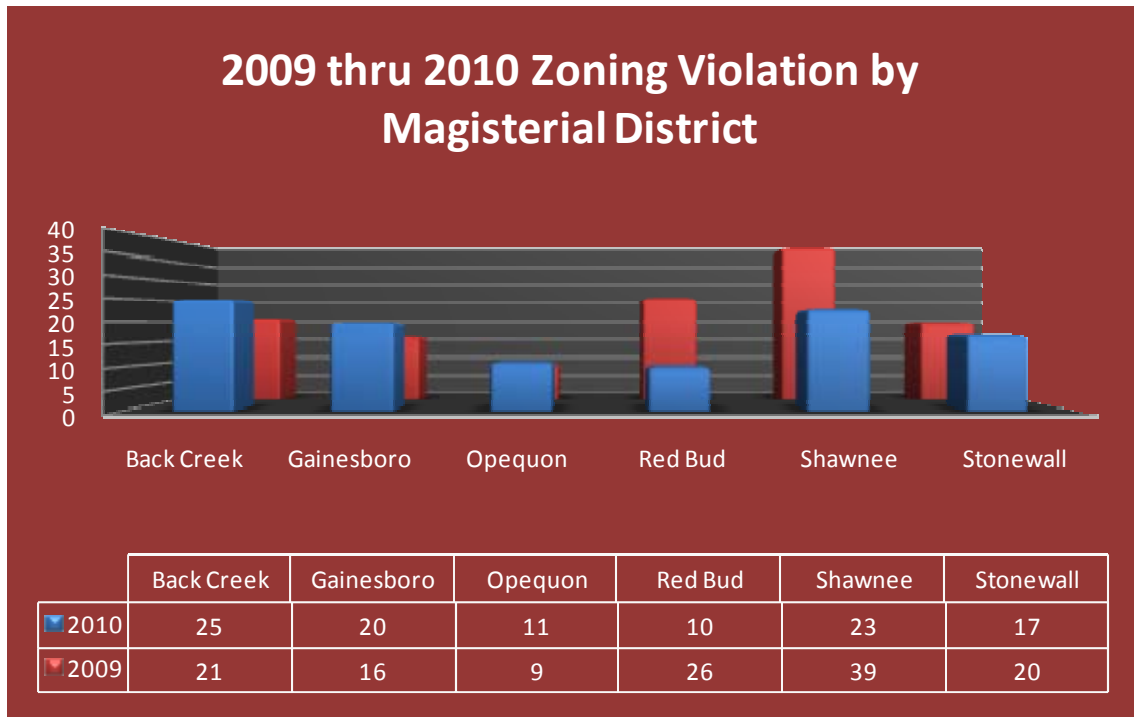


Violations by Magisterial District:

Violations are not only tracked by type of complaint but are monitored per Magisterial District as well. In 2010 the division by Magisterial District was 17 in the Stonewall District, 23 in the Shawnee District, 10 in the Red Bud District, 20 in the Gainesboro District, 11 in the Opequon District and 25 in the Back Creek District.



For 2010, the district with the largest number of substantiated complaints was the Back Creek Magisterial District, followed by the Shawnee Magisterial District. Based on the calculations by the Department of Planning and Development, the breakdown of violations per Magisterial District for 2010 was as follows:



Committee Activities During 2010

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 subcommittee structure is made up of the Comprehensive Plans Committee, The Community Facilities Committee, and the Community Area Plans Committee.

The CPPC executive and standing committees were involved in several major projects during 2010. The 2030 Update to the County's Comprehensive Plan was a significant undertaking throughout this past year. Based upon the Vision Statement and Core Values of the Board of Supervisors, the 2030 update is intended to promote a positive community message that comprehensively addresses the future of the County and its citizens. The CPPC members collaborated with a large group of citizen volunteers to form Working Groups whose goal was to update the various chapters of the Comprehensive Plan. The Working Group Chapters have been edited and compiled, distributed to the Board of Supervisors for additional input, and a public informational and input meeting was held in December 2010. The purpose of this meeting was to present to the public for their information, the 2030 Comprehensive Plan, and to seek additional input and perspective. The public outreach for this project has been broad and successful. This effort is ongoing and will be an upcoming topic at the 2011 Planning Commission Retreat.

The most significant planning project completed by the CPPC was the 2010 Northeast Frederick Land Use Plan Update (NELUP). The 2010 NELUP Update presented new opportunities to refine the land use plan and continued to promote the Economic Development opportunities within this area of Frederick County. A particular effort of the study was the re-evaluation of the transportation element to ensure that was supportive of the land use. Utilizing transportation modeling into a small area land use plan for the first time, the plan proposed an enhanced transportation network that is functionally acceptable. This modeling verified that the transportation network was balanced with the land use plan. This update benefitted from a significant amount of public participation. The 2010 Northeast Frederick Land Use Plan Update was approved in September 2010.

In addition to this study, the CPPC completed the Rock Harbor Amendment to the Round Hill Land Use Plan. The Rock Harbor Amendment established a new area of land use that specifically promoted the recreational attributes of the Round Hill area in conjunction with the open spaces associated with the existing Rock Harbor Golf Course, and created a well-designed Conference Facility and Commercial Center with an orientation to the Golf Course and future Route 37 interchange. The Plan sought to enable the development of land uses which will provide economic development, tourism, and entertainment benefits to the community and to Frederick County, and further promote the Rock Harbor Golf

Course. Ultimately, Rock Harbor Amendment to the Round Hill Land Use Plan was adopted by the Board of Supervisors in the spring of 2010.

One Comprehensive Policy Plan Amendment (CPPA) was submitted to the CPPC, and following the Board of Supervisors direction for further study, reviewed and endorsed by the CPPC this year; the Tasker Woods request. The resulting Tasker Woods amendment to the Comprehensive Plan modifies the land use designation within a proposed area of UDA expansion from commercial to residential and would allow commercial land uses within an area of proposed SWSA expansion. This amendment is currently under review by the Board of Supervisors.

Each year, the CPPC reviews the Capital Improvements Plan (CIP). The CIP includes all capital facility projects such as new schools, public safety facilities, general government projects, and improvements to the County park system. The role of the CPPC is to ensure that the project requests are consistent with the Comprehensive Policy Plan. The 2011-2012 Capital Improvements Plan included 77 projects. The CPPC's efforts resulted in a greater connection between the CIP, the Comprehensive Plan, and rezoning projects, in particular, proffered commitments made in support of development requests. In addition, this year the Board of Supervisors appointed a working group to further relate the CIP to the current budget and economic environment. The resulting modifications to the CIP table reflects this by providing a location for projects that are unlikely to be funded in the short term, but remain very important in the implementation of the County's Comprehensive Plan.

Development Review and Regulations Committee

This year, the Development Review & Regulations Committee (DRRC) reviewed 8 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, proposed inundation zone requirements, revisions to the sign ordinance and discussion on a proposed Recreation and Conference Zoning District to implement the Commercial Recreation land use designation of the Comprehensive Policy Plan. Of the agenda items presented to the DRRC, one is still pending Board of Supervisors approval and the other is pending further review by the DRRC.






One of the most significant projects for the DRRC in 2010 was the addition of provisions to allow flea markets as a conditional use in the RA (Rural Areas) Zoning District. This revision also added specific conditions that would be mandatory for persons requesting a conditional use permit for flea markets. These conditions address things like access, property size, surface materials for parking areas, buffering and site plan requirements. Also reviewed were additions for battery manufacturing in the M1 (Light Industrial) Zoning District, allowances for truck parking in the M1 (Light Industrial) and M2 (Industrial General) Zoning Districts with a conditional use permit, and revisions to the HE (Higher Education) Zoning District.

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. In 2010 the Conservation Easement Authority launched the Give \$1 For Tomorrow ("G1FT") program. G1FT is designed to promote community awareness about conservation easements while concurrently enabling the acceptance of donations that could be utilized to further education and easement acquisitions. G1FT has established a webpage presence (G1FT.org) and is working with local businesses as a resource for handbill distribution. The CEA hopes to expand G1FT in 2011 to include more local business participation.

Give 1 for Frederick's Tomorrow
G1FT.ORG



Give 1 for Frederick's Tomorrow

Donations to G1FT are tax deductible and are used to preserve rural lands and waters in Frederick County.

The funds are administered by the Frederick County Conservation Easement Authority.

107 N. Kent St.
Winchester, VA 22601
(540) 665-5651



**Protection for Now.
And for the Future.**

A conservation easement enables landowners to protect their land permanently, assuring them that their property will remain rural and undeveloped, and restricting it from conversion to large-scale subdivisions or industrial/commercial uses. Landowners can still farm, operate bed-and-breakfasts, and conduct forestry and vineyard operations. And of course, landowners can maintain ownership and enjoy their land as long as they desire. Then when the land is sold or passed to heirs, it will still be protected.



Agricultural District Advisory Committee

The Code of Virginia requires that agricultural and forestal districts be reviewed by the local governmental body every five years after establishment. The Code also requires that the local governmental body establish an Agricultural District Advisory Committee (ADAC) to review or establish agricultural and forestal districts to ensure conformity with the provisions of the Code of Virginia. The Board of Supervisors approves, approves with modifications or denies, the proposal to establish or renew an agricultural or forestal district.

The Board of Supervisors considered and approved the current Agricultural and Forestal Districts on April 28, 2010

Frederick County had three agricultural and forestal districts up for renewal in 2010:

- Red Bud Agricultural and Forestal District, located in the Stonewall Magisterial District, contains 1,079.7+/- acres.
- Double Church Agricultural and Forestal District, located in the Opequon Magisterial District, contains 949.2+/- acres.
- The South Frederick Agricultural and Forestal District, located in the Back Creek Magisterial District, contains 6,182.5+/- acres.

Three new districts were established in 2010:

- Albin Agricultural and Forestal District, located in the Gainesboro Magisterial Districts, contains 1,017.8+/- acres.
- Apple Pie Ridge Agricultural and Forestal District, located in the Stonewall and Gainesboro Magisterial Districts, contains 889.06+/- acres.
- South Timber Ridge Agricultural and Forestal District, located in the Back Creek Magisterial District, contains 626.5+/- acres.

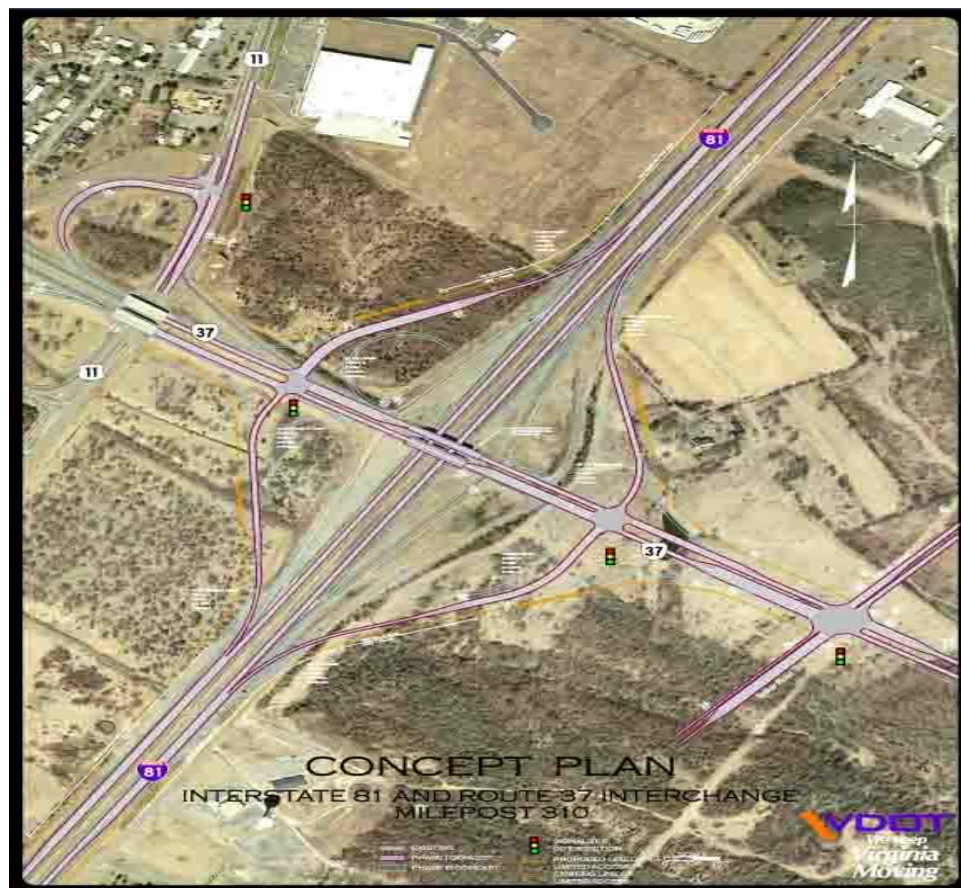
Frederick County Agricultural and Forestal Districts gained 2,533.4+/- acres in 2010 due to the addition of the three new districts, making a total of 10,744.8+/- acres within the six agricultural and forestal districts. All six districts will be up for renewal in the year 2015.

Transportation Committee

The Transportation Committee 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 2010 were as follows:

1. Review and give feedback on the MPO Route 522 South Study, Route 37 Access Study Phase II, and the Route 11 South Study.
2. Review and give comment on VDOT six year program
3. Review Subdivision Street Acceptance Requirements
4. Work on Truck Restriction Requests
5. Review and approve Grant applications including Tiger Grants, Revenue Sharing Grants and Enhancement Grants
6. Review and approve Revenue Sharing application
7. Recommendations on management of Revenue Sharing funds
8. Review and approve applications for rail and economic development access funding
9. 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, master development plan, and conditional use permit applications that may have a potential impact on historical resources are reviewed by the HRAB.

During the 2010 calendar year the HRAB met one time to discuss two Conditional Use Permit applications. One application was for a proposed telecommunications tower and the other was for a proposed revision to a previously issued permit located within a historic structure.

Geographic Information Systems (GIS) Division

Continued GIS and database support for department projects and public inquiries. The PAT (Planning Access Terminal) map project has continued to be invaluable to the Planning staff's daily activities. GIS data provided for PAT continues to be updated from time to time. Below is a partial list of GIS projects completed this year.

- 2030 Comprehensive Plan update
- 2010 North Eastern Land Use Plan update
- 2010 Long Range Land Use Plan update
- Middletown Joint Land Use Plan
- Round Hill Fire Station site plans
- Lake Holiday Dam study
- Proffer tracking database project
- Transfer of Development Rights

Web page development support is continuing through the GIS division, most recently including the addition of a 2030 Comprehensive Plan webpage. Google maps were also created for the Public Works Department's trash compactor sites, Parks & Recreation Department's facilities key map, and the County's homepage providing an interactive directions map.

Other web projects for the department included creation of a web presence for "GIFT" (Give \$1 for Frederick's Tomorrow), redesign of the department's homepage to include floating menus to provide easier navigation for users, 2010 NELUP webpage and changes to the menu for all the department's web-pages.

2011 promises to be a very progressive year with the completion of the Proffer tracking online database project, integration of networked GIS data into the PAT, GIS certification of GIS staff members, migrating of all current projects to ESRI's latest ARCGIS software, and continued GIS support to the Planning Department.

URBAN DEVELOPMENT AREA (UDA) Residentially Zoned Development – vacant lot summary (through December 2010)

Vacant Land - No Approved GDPs

2,352 potential units based on permitted densities on
396 acres of vacant land

Zoned Land - Approved GDPs

4,467 Units (maximum yield based on proffered densities)
1,205 Acres

Master Development Planned Projects

4,636 Total residential lots/units planned

1,353 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

3,511 Total residential lots/units available

1,808 single-family detached lots available
1,659 townhouse, duplex, multiplex lots available, 44 multi-family units available

Grand Total: 14,966 approved, planned, or potential residential lots/units.

103 Single Family-Detached permits have been issued in 2010 within the UDA

54 Townhouse/Duplex/Multiplex permits have been issued in 2010 within the UDA

956 Vacant single-family detached lots are within 6 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)

440 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.

5,329 The number of lots planned within Age-Restricted communities, 4,574 vacant lots within Age-Restricted Communities

• *Denotes an age-restricted community or component*

5,888 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 Wilde Acres) contain a total of 7,917 recorded lots. 1,944 The number of vacant lots within The Shenandoah development, which 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.

2010 ANNUAL REPORT APPENDIX