

September 26, 2025

Chairman Joel Rensberger  
Frederick County Planning Commission  
30 North Market Street  
Frederick, MD 21701

Re: 2025 Frederick County Public Hearing Draft, Critical Digital Infrastructure Overlay Zone  
Livable Frederick Master Plan Amendment

Dear Chair Joel Rensberger,

Thank you for requesting Maryland Department of Planning (MDP) comments on the above referenced amendment to the Livable Frederick Master Plan (LFMP), amending the East Alcoa Community Growth area and the associated land uses. MDP appreciates the opportunity to comment on the draft amendment (Amendment) in preparation for the Planning Board hearing(s). These comments are offered to guide the county in ways to improve the Amendment and better address the statutory requirements of the Land Use Article.

The Department forwarded a copy of the Amendment to state agencies for review including the Maryland Historic Trust, the Departments of Transportation, Environment, Natural Resources, Commerce, Disabilities, and Housing and Community Development. To date, we have received comments from Transportation, Housing and Community Development, and Natural Resources, and they are attached to this review. Any plan review comments received after the date of this letter will be forwarded upon receipt.

Sincerely,



Joe Griffiths, AICP  
Director, Planning Best Practices

cc: Deborah Carpenter, Director Frederick County Planning and Permitting  
Kimberly Gaines, Livable Frederick Director, Division of Planning and Permitting  
Susan Llareus, Planning Supervisor, Maryland Department of Planning

Enclosures: Review Comments Critical Digital Infrastructure Overlay Zone LFMP Amendment  
Planning Principles Comprehensive Plan Model Insert



**Maryland Department of Planning**  
**Public Hearing Draft Livable Frederick Master Plan (LFMP) Amendment**  
**Critical Digital Infrastructure Overlay Zone**  
**July 2025**

The Maryland Department of Planning (MDP) offers the following as suggestions to improve the Draft Plan and better address the statutory requirements of the Land Use Article. The Maryland Department of Transportation, Natural Resources, and Housing and Community Development as noted and included below, have contributed comments.

**Summary of the Amendment**

The draft amendment (Amendment) to the Livable Frederick Master Plan (LFMP) is for the purpose of expanding the Eastalco Community Growth Area and changing land uses. The Amendment sets forth future water and sewer service changes but does not change the categories. That process is separate and is governed under the Environmental Article. See further discussion under the Water Resource Element below. This Amendment does not re-zone properties, which is also a separate action that is anticipated after the adoption of the amendment to LFMP.

**2025 Legislation Impacting Local Planning**

MDP identified the following bills, adopted by the General Assembly during the 2025 session, that may impact local planning, implementation, and reporting. This list is not comprehensive but is provided as a courtesy for present and future planning purposes. In partnership with other state agencies, MDP is analyzing the bills and will be developing guidance. Other bills have been noted below in reference to the required elements of the plan.

**Local Land Use Reporting**

- [HB 1193](#) - Maryland Housing Data Transparency Act

**Energy**

- [SB 931/HB 1036](#) - Renewable Energy Certainty Act - Natural Resources and Comp Plans, effective July 1, 2025
  - The county is encouraged to develop or incentivize alternative energy sources which developers may utilize within the overlay zone. The Maryland Energy Administration is offering the [Local Government Energy Modernization program](#) which may support the county with funding to identify energy resilience strategies. While the state's energy landscape continues to face mounting challenges, supporting the proposed industrial zone with resilient energy systems may greatly improve project feasibility, minimize adverse impacts to the local energy grid, and mitigate power generation/delivery related emissions.
  - In addition to the Renewable Energy Certainty Act, the county is encouraged to reference the [Solar Facility Siting Guidance](#) produced by MDP. While assessing the feasibility of renewable energy development, this guidance may support the county to optimize energy capacity with existing or future proposed land use changes.

## Housing

- [HB 1466/SB 891](#) Accessory Dwelling Units - Requirements and Prohibitions, effective October 1, 2025. This analysis does not include a discussion relating to the housing element, as it is not expected that the area of this amendment will result in any residential community development.

## Natural Resources and Comp Plans

- [HB 731](#) - Wildlife - Protections and Highway Crossings, effective July 1, 2025. Requires sensitive areas elements to consider wildlife movement and habitat connectivity when enacting, adopting, amending, or executing a comprehensive plan.

## Planning Principles

- [SB 266](#) - Local Comprehensive Planning and State Economic Growth, Resource Protection, and Planning Policy - Planning Principles, effective October 1, 2025. This bill overhauls the State's Economic Growth, Resource Protection, and Planning Policy (Policy) by consolidating the Policy's 12 Visions into 8 Planning Principles that will guide and inform state and local planning practices. The new Principles are Land, Transportation, Housing, Economy, Equity, Resilience, Place, and Ecology, and collectivity they are intended to foster a high quality of life for all residents by creating sustainable communities and protecting the environment. MDP recommends that jurisdictions consider the principles in any comprehensive plan or comprehensive plan amendment adopted after October 1, 2025, and discuss with their attorney how they might acknowledge, describe, and implement the principles in the final adopted version. Attached to this review is a model one-page principles comprehensive plan insert that Frederick County may use for the purpose of acknowledgement.

## Draft Plan Analysis

Maryland's Land Use Article Sections 1-406(a) and (b) require the inclusion of certain elements within the general plan. The following checklist provides for each required plan elements for a Charter County and the Maryland Code reference. This check list is intended to help the county determine consistency with the Land Use Article.

<b>Checklist of Maryland Code (Land Use Article)-Charter County Division I, Title 1, Subtitle 4 Required Elements Division II, Section 21-104(a) Required elements.</b>	
<b>State Comprehensive Plan Requirements</b>	MD Code Reference and Additional MD Code Reference
(1) The planning commission for a charter county <b>shall</b> include in the comprehensive or general plan the visions under § 1-201 of this title* and the following elements:	<a href="#">L.U. § 1-406 (a)</a>
(i) a development regulations element	<a href="#">L.U. § 1-406 (a) (1) (i)</a> <a href="#">L.U. § 1-407 -- Development Regulations Element</a>

(ii) a housing element	<a href="#">L.U. § 1-406 (a) (1) (ii)</a> <a href="#">L.U. § 1-407.1 -- Housing Element</a>
(iii) a sensitive areas element	<a href="#">L.U. § 1-406 (a) (1) (iii)</a> <a href="#">L.U. § 1-408 -- Sensitive Areas Element</a>
(iv) a transportation element	<a href="#">L.U. § 1-406 (a) (1) (iv)</a> <a href="#">L.U. § 1-409 -- Transportation Element</a>
(v) a water resources element	<a href="#">L.U. § 1-406 (a) (1) (v)</a> <a href="#">L.U. § 1-410 -- Water Resources Element</a>
(2) a mineral resources element, IF current geological information is available	<a href="#">L.U. § 1-406 (a) (2)</a> <a href="#">L.U. § 1-411 -- Mineral Resources Element</a>
(b) A comprehensive plan for a charter county <b>MAY</b> include a priority preservation area (PPA) element	<a href="#">L.U. § 1-406 (b)</a> <a href="#">For PPA Requirements, see § 2-518 of the Agriculture Article</a>
(4) Visions -- A county <b>SHALL</b> through the comprehensive plan implement the 12 planning visions established in L.U. § 1-201*	<a href="#">L.U. § 1-414</a> <a href="#">L.U. § 1-201 -- Visions</a>
(5) Growth Tiers -- If a county has adopted growth tiers in accordance with L.U. § 1-502, the growth tiers must be incorporated into the county's comprehensive plan	<a href="#">L.U. § 1-509</a>

\*SB266, Local Comprehensive Planning and State Economic Growth, Resource Protection, and Planning Policy - Planning Principles passed and supersedes the visions, with an effective date of October 1st, 2025.

### **Conformance with Section 1-406. Element - Charter Counties of the Land Use Article**

The following analyzes how the Draft Plan meets the requirements of a charter county comprehensive plan elements, in accordance with the Land Use Article.

#### **1. Development Regulations Element – Synopsis**

The element is required to include the planning commission's recommendations for land development regulations to implement the plan. Regulations are required to be flexible to promote innovative and cost saving site design, protect the environment and identify areas of growth. The areas identified for growth are required to encourage flexible regulations, which should further promote economic development using innovative techniques, streamlining the review of applications, including permit review and subdivision processing.

#### **Plan Analysis**

In regard to zoning, this area is intended to be the location for future data center development in the county and will be regulated through the Critical Digital Infrastructure (CDI) Overlay Zone, as described

in [Section 1-19-8.402. CRITICAL DIGITAL INFRASTRUCTURE FACILITIES](#) and [Section 1-19-8.403 CRITICAL DIGITAL INFRASTRUCTURE ELECTRICAL SUBSTATION](#) of the Frederick County Zoning Ordinance. This Amendment to the comprehensive plan does not impact the previous actions taken by the legislative branch that adopted the new CDI overlay. MDP's review does not address the previously adopted legislation.

## **2. Sensitive Areas Element – Synopsis**

The sensitive areas element is required to include the goals, objectives, principles, policies, and standards designed to protect sensitive areas from the adverse effects of development (more recently referred to as climate change impacts). The Land Use Article also assigns sensitive areas element data provision and review responsibilities to the Maryland Departments of the Environment (MDE) and Natural Resources (DNR).

### **Plan Analysis**

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Please note that the Maryland Department of Natural Resources provided comments on this amendment in their undated letter (attached).

MDP notes that there may be an opportunity to address new legislation: [HB 731](#) - Wildlife - Protections and Highway Crossings, which became effective on July 1, 2025 along MD 15. However, MDP notes that the Community Growth area abutting the highway appears to have an established lotting pattern in the area directly adjacent to the right-of-way, as well as buildings and other improvements, and it may not be feasible to create a connection to the properties west of the highway. MDP suggests that the county defer to their legal staff as to the applicability of HB 731 to the Amendment.

## **3. Transportation Element - Synopsis**

The transportation element is required to reasonably project into the future the most appropriate and desirable location, character, and extent of transportation facilities to move individuals and goods, provide for bicycle and pedestrian access and travelways, and estimate the use of proposed improvements.

### **Plan Analysis**

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Please note that the Maryland Department of Transportation provided comments on this amendment in their letter dated September 4, 2025 (attached). In addition, MDP's transportation planning staff notes that Frederick County has an adequate public facilities test to address traffic issues in the development review process.

## **4. Water Resources Element – Synopsis**

The water resource element is required to consider available data provided by the Maryland Department of the Environment (MDE) to identify drinking water that will be adequate for the needs of existing and future development proposed in the plan, as well as suitable receiving waters and land areas to meet stormwater management and wastewater treatment and disposal needs. MDE and MDP are available to provide technical assistance to prepare the water resources element, ensuring consistency with MDE programs and goals. MDE and MDP jointly developed WRE guidance to

demonstrate how local governments can ensure compliance with the WRE requirements. Local jurisdictions are expected to implement the most important aspects of the [MDE/MDP WRE guidance](#).

### **Plan Analysis**

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All properties within the existing Eastalco Community Growth Area are either planned for water and sewer service within 20 years (the county's planned service) or within three to five years, and some properties are already served. Several properties that would be added to the community growth area and/or CDI overlay zone are proposed to change from no planned water/sewer service to planned service. The water/sewer plan is separate and must be approved by MDE. A service category within the water/sewer plan cannot be changed through a comprehensive plan amendment. The comprehensive plan sets up the anticipated land use and expectation of future service.

The Amendment does not provide demand and capacity tables for water or wastewater supply to demonstrate whether the county has adequate capacity to meet future water and wastewater demand. Has the county considered providing tables in the amendment to demonstrate current and future water and sewer demand compared to water and wastewater capacity? MDP suggests asking the Maryland Department of the Environment for information on projected water demand, specifically water-resource demands of data centers, or guidance to assist the county with estimating projected water demand. See this website: [water capacity management guidance here \(Appendix B\)](#).

### **Growth Tier Map**

The Frederick County Tier Map was adopted by the Frederick County Board of County Commissioners on February 26, 2013. The LFMP states "The Growth Tiers Map constitutes another component of the Livable Frederick Comprehensive Plan...The Frederick County Comprehensive Plan Map, the Growth Tier Map, the Priority Preservation Areas Map, and the Zoning Map remain unaltered by the adoption of the Livable Frederick Master Plan. They will remain so until such time as Frederick County seeks to specifically amend and update these documents based on the Development Framework, the Action Framework described in this document, and future community and corridor, large area, and functional plans developed and adopted by the county" (LFMP, page 15). Therefore, the county's Growth Tier Map is considered adopted into the existing master plan.

Should the proposed Amendment be adopted, an amendment to the Growth Tier Map should follow. Part of the expanded community growth area appears to be located in Tiers I, IA, and other portions of the area appear to be in Tiers III and IV. Since the Amendment proposes area within the community growth as changing from no planned service to planned for sewer service, the county Growth Tier Map should be updated accordingly.

**Maryland Department of Planning Review Comments  
Draft Plan**

**STATE AGENCY COMMENTS**

The following are state agency comments in support of MDP's review of the draft plan. Comments not included here may be submitted under separate cover, or via the State Clearinghouse. If comments from other agencies are received by MDP, the department will forward them as soon as possible.

**Attachments**

Maryland Department of Transportation

Maryland Department of Natural Resources

Maryland Department of Housing and Community Development

September 4, 2025

Ms. Susan Llareus  
c/o Ms. Rita Pritchett  
Maryland Department of Planning  
120 E. Baltimore Street  
Suite 2000  
Baltimore MD 21202

Dear Ms. Llareus:

Thank you for coordinating the State of Maryland's comments on the Frederick County Livable Frederick Master Plan Amendment and Associated Zoning Map Amendment (the Amendment). The Maryland Department of Transportation (MDOT) offers the following comments on the Amendment for consistency with the State of Maryland and MDOT's goals and objectives.

**General Comments**

- In general, the Amendment is consistent with MDOT plans and programs.
- The MDOT encourages Frederick County to consider incorporating the needs and safety of people walking, biking, and rolling in the proposed Critical Digital Infrastructure (CDI) Overlay Zone. This Amendment provides an opportunity for the County to detail a transportation vision within the CDI and accommodate active transportation needs that support industrial, low-density residential, and other rural land uses. The MDOT notes bicycle and pedestrian-focused safety countermeasures from the State Highway Administration (SHA) Context Driven Toolkit, offer resources to address the area's high equity need, low bicycle accessibility, and short-trip opportunity areas, as well as a rural-focused approach to safe routes to school.

**Detailed Comments**

- Pg. 3 Current Conditions – Eastalco Community Growth Area (CGA): Consider outlining the County's current approach to active transportation in the CGA.
- Pg. 9 Summary of Recommendations: Consider adding a recommendation about how the County plans to support safe, context-sensitive active transportation access within, to, and from the CDI.
- Pg. 10-11 Current and Proposed Comprehensive Plan Map: Consider showing existing and proposed walking and biking infrastructure, particularly sidewalks.



Ms. Susan Llareus  
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Thank you again for the opportunity to review the Amendment. If you have any additional questions or concerns, please do not hesitate to contact Ms. Nicole Condol, Transportation Planner, MDOT Office of Planning, Programming, and Project Delivery (OPPPD) at 410-230-6614, or via email at [ncondol@mdot.maryland.gov](mailto:ncondol@mdot.maryland.gov). Ms. Condol will be happy to assist you.

Sincerely,

A handwritten signature in dark ink, appearing to read "Geoff Anderson", written over a light blue horizontal line.

Geoff Anderson  
Chief, OPPPD, MDOT

cc: Ms. Nicole Condol, Transportation Planner, OPPPD, MDOT  
Ms. Michelle D. Martin, Director of Planning, OPPD, MDOT  
Ms. Kari Snyder, Regional Planner, OPPPD, MDOT



*Wes Moore, Governor  
Aruna Miller, Lt. Governor  
Josh Kurtz, Secretary  
David Goshorn, Deputy Secretary*

Maryland Department of Planning  
301 West Preston Street  
Suite 1101  
Baltimore, MD 21201

Memo: MD DNR comments on Liveable Frederick Master Plan Amendment

To: Susan Llareus  
cc: Rita Pritchett

On behalf of the Department of Natural Resources, thank you for the opportunity to comment on the Liveable Frederick Master Plan Amendments. The draft document was distributed to appropriate contacts at the Maryland Department of Natural Resources and reviewed. DNR offers the following comments:

The Maryland Forest Service reviewed this plan with respect to the Forest Conservation Act. The expanded overlay includes areas of existing forest, including Riparian Forest Buffers (RFB). The existing overlay also includes RFB. The FCA conservation thresholds are known and available. Frederick County should follow the FCA laws on reforestation requirements as this area is developed (retain 20% of the forest acreage about the conservation threshold, area cleared above the threshold must be replaced by planting 1/4 acre per acre cleared on site, forest area cleared below the conservation threshold must be replaced by planting 2 acres for each acre cleared). Frederick County uses honor banking. The reviewers have some reservations about removing land from rural legacy, but it seems the intent is to create only one area in the county for data center development. Losing these eligible parcels may result in saving others.

The Natural Areas (Areas) include Riparian Forest Buffers (RFBs). It is important to note one of these RFBs bisects the proposed General Industrial Area. Frederick County should monitor the potential development proposed near these Areas and ensure best management practices are followed. This includes but is not limited to the retention of RFB areas with a minimum width of 35 feet and avoiding stream crossings when able. The reviewers would also suggest investigating opportunities to mitigate the potential increased overland flow and consequential erosion adjacent to these Areas during construction.

Once again, thank you for the opportunity to provide comments. If you have any questions about these comments or would like further information, please do not hesitate to contact me at 443-534-4151 or [christine.burns1@maryland.gov](mailto:christine.burns1@maryland.gov).

Best,  
Christine Burns



WES MOORE  
Governor  
ARUNA MILLER  
Lt. Governor  
JACOB R. DAY  
Secretary  
JULIA GLANZ  
Deputy Secretary

August 26, 2025

Ms. Susan Llareus, Regional Planner  
Maryland Department of Planning  
120 E. Baltimore Street  
Suite 2000  
Baltimore, MD 21202

Dear Ms. Llareus:

Thank you for the opportunity to review and comment on the Livable Frederick Master Plan Amendment & Associated Zoning Map Amendment (the "Plan"). When reviewing plans, the Maryland Department of Housing and Community Development ("DHCD") comments on items for which political subdivisions can strategically leverage DHCD's resources to accomplish their housing and community development goals. DHCD also reviews comprehensive plans for consistency with relevant statutes and, if appropriate, Sustainable Communities Plans.

The Plan relates to a master plan amendment to accommodate a data center in Frederick County. The proposed data center is located well outside the boundaries of existing designated Sustainable Communities and does not appear to be located near any existing communities. Therefore, DHCD programs, and program investments are unlikely to be directly impacted by the Plan. As a result, DHCD does not have any comments regarding the Plan.

Again, thank you for the opportunity to review and comment on the Plan. If you have any questions, please contact me at [john.papagni@maryland.gov](mailto:john.papagni@maryland.gov) or 301-429-7670.

Sincerely,

A handwritten signature in black ink, appearing to read "John Papagni".

John Papagni  
Program Officer  
Division of Neighborhood Revitalization

Cc: Joseph Griffiths, Maryland Department of Planning  
Rita Pritchett, Maryland Department of Planning  
Garland Thomas, DHCD Division of Neighborhood Revitalization  
Sara Jackson, DHCD Division of Neighborhood Revitalization  
Olivia Ceccarelli, DHCD Division of Neighborhood Revitalization



**MARYLAND DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**  
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