



**FREDERICK COUNTY GOVERNMENT  
DIVISION OF COMMUNITY DEVELOPMENT**

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**ADEQUATE PUBLIC FACILITIES LETTER OF UNDERSTANDING**

**Beshers South**

*Preliminary Plat #S-1146 AP #13636*

**In General:** The following Letter of Understanding ("**Letter**") between the Frederick County Planning Commission ("**Commission**") and Beshers Land Company Number Two, LLC ("**Developer**"), together with its/their successors and assigns, sets forth the conditions and terms which the Commission deems to be the minimum necessary improvements dealing with school, water, sewer, and road improvements that must be in place for the property identified below to be developed, as proposed under the Beshers South Preliminary Plan of Subdivision (the "**Project**"), in compliance with the Frederick County Adequate Public Facilities Ordinance ("**APFO**").

The Developer, its successors and assigns, hereby agrees and understands that unless the required improvements (or contributions to road escrow accounts, as specified below) are provided in accordance with this Letter, APFO requirements will not be satisfied and development will not be permitted to proceed.

This Letter concerns itself with the Developer's 36.67 +/- acre parcel of land, which is zoned R-3 Residential and RC Resource Conversation and located contiguous to the Spring Ridge PUD off Saddlebrook Lane, with access via an extension of Dresden Place. This APFO approval will be effective for development of 21 single family detached dwelling units in the Project, which was conditionally approved by the Commission on January 8, 2014.

**Schools:** The Project is projected to generate 6 elementary school students, 3 middle school students and 4 high school students. Based on these numbers and considering enrollment projections from pipeline development, the school adequacy test fails at the elementary school level. The Developer has chosen the option to mitigate the school inadequacy by paying the School Construction Fees under Section 1-20-62 of the APFO. This Project is eligible to utilize the School Construction Fee option per the criteria set forth in Section 1-20-62 of the APFO. **The School Construction Fees shall be paid at plat recordation** based on

the specific fees required by Section 1-20-62(E) at the time of plat recordation, per unit type and the school level(s) to be mitigated.

**Water and Sewer:** The Property has a water and sewer classification of W-5 (Dev.), S-5 (Dev.). While the public sewer and water facilities are currently adequate to serve the project, the Developer recognizes that capacity is not guaranteed until purchased. APFO approval for sewer and water does not guarantee that plats will be recorded or that building permits will be issued. Plat recordation and building permit issuance are subject to compliance with the Annotated Code of Maryland, Environment Article Section 9-512, et. seq and all applicable County regulations, including but not limited to Sec. 1-16-106 of the Frederick County Subdivision Regulations.

**Road Improvements:** The Project will generate 16 am and 21 pm weekday peak hour trips which is under the APFO testing threshold per Section 1-20-30. However, the Developer is required to provide fair share contributions to existing escrow accounts per Section 1-20-12(H) as follows:

1. Old National Pike/Boyers Mills Signal - the Developer shall contribute the appropriate pro-rata share to Existing Escrow Account No. 3322 for the existing signal. The estimated cost of the intersection improvement is \$ 160,000. As determined by DPDR-Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 0.60%. Therefore the Developer hereby agrees to pay \$960 to the escrow account for this Road Improvement
2. MD 144/Linganore Road Intersection - the Developer shall contribute the appropriate pro-rata share to Existing Escrow Account No. 3936 for the existing intersection reconstruction. The estimated cost of the intersection improvement is \$ 400,000. As determined by DPDR-Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 1.14%. Therefore the Developer hereby agrees to pay \$4,560 to the escrow account for this Road Improvement
3. Meadow Road/I-70 Westbound On-ramp - the Developer shall contribute the appropriate pro-rata share to Existing Escrow Account No. 3937 for the existing interchange reconstruction. The estimated cost of the intersection improvement is \$ 3,000,000. As determined by DPDR-Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 0.26%. Therefore the Developer hereby agrees to pay \$7,800 to the escrow account for this Road Improvement
4. Meadow Road/I-70 Eastbound Off-ramp - the Developer shall contribute the appropriate pro-rata share to Existing Escrow Account No. 3938 for the existing interchange reconstruction. The estimated cost of the intersection improvement is \$ 8,000,000. As determined by DPDR-Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 0.25%. Therefore the Developer hereby agrees to pay \$20,000 to the escrow account for this Road Improvement
5. MD 80/Ijamsville Intersection - the Developer shall contribute the appropriate pro-rata share to Existing Escrow Account No. 3383 for the existing intersection reconstruction. The estimated cost of the intersection improvement is \$ 50,000. As determined by DPDR-Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 0.50%. Therefore the Developer hereby agrees to pay \$2,500 to the escrow account for this Road Improvement

**Therefore, prior to plat recordation, the Developer hereby agrees to pay \$35,820** to the escrow accounts for these Road Improvements. Should this payment not be made within one

year of the execution of this Letter, the County reserves the right to adjust this amount, based on an engineering cost index.

**Period of Validity:** The APFO approval is valid for three (3) years from the date of Commission approval; therefore, the APFO approval expires on January 8, 2017.

**Disclaimer:** This Letter pertains to APFO approval only, and shall not be construed to provide any express or implied rights to continue the development process. The Project remains subject to all applicable rules and regulations, including but not limited to those related to zoning, water and sewer, and subdivision. The Planning Commission's jurisdiction and authority is limited by State and County law, and approvals may be required from other local or state governmental agencies before the proposed development can proceed.

**DEVELOPER: Beshers Land Company Number Two, LLC**

By: \_\_\_\_\_ Date: \_\_\_\_\_

Eric Beshers

**FREDERICK COUNTY PLANNING COMMISSION:**

By: \_\_\_\_\_ Date: \_\_\_\_\_

Robert Lawrence, Chair or William G. Hall, Secretary

**ATTEST:**

By: \_\_\_\_\_ Date: \_\_\_\_\_

Gary Hessong, Acting Director, Community Development Division

*Planner's Initials / Date* \_\_\_\_\_

*County Attorney's Office Initials / Date* \_\_\_\_\_  
(Approved as to legal form)