Zoning Map Amendment

CASE NUMBER: R-13-03 (Casey PUD)
PLANNING REGION: New Market
APPLICANT: Eugene B. Casey Foundation, Betty Brown Casey, Trustee
REQUEST: Rezone 634 acres from Agricultural (A) to Planned Unit Development (PUD)
LOCATION: West of MD 75 along Crickenberger Road, North of New Market
Tax Map 69 Parcel 30, Tax Map 79 Parcels 4, 11, 122, 123
I. Background

The Planned Unit Development (PUD) floating zone was first applied to the site in 1972. It was part of the Linganore PUD, and was proposed for a total of 1,796 dwellings. The development had a valid Phase II PUD approval up to 2008. As part of the 2008 update to the New Market Region Plan, the PUD zoning on the property was changed to Agricultural (A) and the Comprehensive Plan land use designation was changed to Agricultural/Rural with some areas of Resource Conservation. The property was also removed from the community growth area.

In 2012 as part of the Comprehensive Plan/Zoning Review, the Comprehensive Plan land use designation was changed from Agricultural/Rural back to the Low Density Residential designation and was included within the Linganore community growth area. However, the pre-2008 PUD zoning on the property was not applied at this time. As a floating zone, the PUD zone cannot be applied during a comprehensive rezoning, but rather must go through a specific floating zone process.

The purpose of this application is to rezone the site to the PUD zoning classification. However, the current application contains a specific density and set of conditions that are different than the pre-2008 PUD. This request is for 1,017 dwellings, or 779 dwellings fewer than the previous PUD approval.
II. Planned Unit Development Zone Summary

The Planned Unit Development (PUD) zone was established in the early/mid 1960’s and was approved for the first project in 1967. The PUD is a floating zone, which can only be applied to properties designated Low/Medium/High Density Residential on the County Comprehensive Plan. The PUD may also be applied over land designated Natural Resource if it is a minor portion of the project. Amendments to the PUD zone, which are referenced below, were adopted in 2010.

The regulations for the PUD and MXD floating zone districts are now combined into a single section: 1-19-10.500 Planned Development Districts

General Requirements

There is no minimum tract size for the application of PUD zoning (except for Continuing Care Retirement Communities - CCRC’s). Lot sizes, setbacks, and building heights shall be established by the Planning Commission at the Phase II review.

Open Space/Green Area Requirements – A minimum of 30% of the gross land use area for PUD’s with a gross density of 3-6 dwellings/acre, 35% at 6-12 du/ac, and 40% at 12-20 du/ac. Public parks and recreation land may also be required at the discretion of the Board of County Commissioners (BOCC).

Water and Sewer – Property shall have PS – Planned Service classification or higher to apply for PUD Phase I. Phase II review requires a W-4/S-4 classification.

Public Facilities – May require sites for schools, libraries, fire stations as part of the Phase I review using established county standards of service. §1-19-10.500.8.B

Review Process – Phase I is rezoning and Phase II is execution, which follows subdivision or site plan reviews as applicable.

Permitted Land Uses §1-19-10.500.6

PUD’s may be all residential with the mix of dwelling types based on need, existing and proposed projects in the vicinity, and on recommendations from adopted community/corridor plans. Commercial and employment uses may be proposed based on several factors including need, existing/proposed uses in the vicinity, and on recommendations from the community/corridor plans. The mixture of land uses will be determined by the BOCC at the Phase I rezoning review.

Residential – Goal is to provide a mix of dwelling types. Permits all residential types including single-family, duplex, townhouses, multi-family, and CCRC’s. Gross density may not exceed the following:

- Low density – 3-6 dwellings/acre
- Medium density – 6-12 dwellings/acre
- High density – 12-20 dwellings/acre

Commercial – allows for any uses permitted within the Village Center (VC) zoning district.

Employment – allows for any uses permitted in the Office/Research/Industrial (ORI) zoning district.
**Institutional** - allows for recreational and community activities, public services/facilities, health care facilities, schools, and institutional uses referenced in §1-19-5.310 Use Table.

**Continuing Care Retirement Community (CCRC)** – This is a new use reference in the PUD. A CCRC may be approved for an entire PUD development (shall have a minimum 5 acre site) or as a portion of a PUD. CCRC’s may include a mix of independent living, assisting living and skilled nursing care facilities. see §1-19-10.500.6.A.6 and §1-19-10.500.10

**General Development Standards  §1-19-10.500.9**

**Site and building design** - addresses integration of land uses, orientation of buildings, parking design and access, pedestrian access, landscaping and open space design.

**Natural Features** – addresses protection of natural features such as forest areas and visual impacts of development on surrounding properties. Lands with PUD zoning, but with a land use plan designation of Natural Resource may not be developed with residential or commercial/employment structures.

**Public Facilities and Utilities** – location, design, and extent of proposed facilities shall be in accordance with County standards and the Comprehensive Plan.

**Modifications** - as part of the Phase II Execution review the Planning Commission may approve modifications to parking, street design, landscaping, buffering, and general development standards in §1-19-10.500.9.A.
III. Approval Criteria

§ 1-19-3.110.4. APPROVAL CRITERIA. (for Zoning Amendments)

(A) Approval or disapproval of a request for an individual zoning map amendment or floating zone reclassification shall be determined through review of several criteria. The Planning Commission and Board of County Commissioners review will include, but not be limited to:

1. Consistency with the comprehensive plan;
2. Availability of public facilities;
3. Adequacy of existing and future transportation systems;
4. Compatibility with existing and proposed development;
5. Population change; and
6. The timing of development and facilities.

§ 1-19-10.500.3. APPROVAL CRITERIA. (for Planned Development Districts)

The Board of County Commissioners may approve or disapprove a request for rezoning of property to a Planned Development District if persuaded that granting the request is appropriate and serves the public interest. The approval or disapproval of a request for the application will be determined through evaluation of several criteria to establish whether the proposed project meets the purpose and intent of the zoning district. In addition to the requirements in § 1-19-3.110.4, the Planning Commission and Board of County Commissioners must find that the project adequately addresses the following criteria:

(A) The proposed development is compact, employing design principles that result in efficient consumption of land, efficient extension of public infrastructure, and efficient provision of public facilities;

(B) The proposed development design and building siting are in accordance with the County Comprehensive Plan, and any applicable community and corridor plans;

(C) The proposed development is compatible with existing or anticipated surrounding land uses with regard to size, building scale, intensity, setbacks, and landscaping, or the proposal provides for mitigation of differences in appearance or scale through such means as setbacks, screening, landscaping; or other design features in accordance with the County Comprehensive Plan, and any applicable community or corridor plans;

(D) The proposed development provides a safe and efficient arrangement of land use, buildings, infrastructure, and transportation circulation systems. Factors to be evaluated include: connections between existing and proposed community development patterns, extension of the street network; pedestrian connections to, from, and between buildings, parking areas, recreation, and open space;

(E) The transportation system is or will be made adequate to serve the proposed development in addition to existing uses in the area. Factors to be evaluated include: roadway capacity and level of service, on-street parking impacts, access requirements, neighborhood impacts, projected construction schedule of planned improvements, pedestrian safety, and travel demand modeling;
(F) The proposed development provides design and building placement that optimizes walking, biking, and use of public transit. Factors to be evaluated include: extension of the street network; existing and proposed community development patterns; and pedestrian connections to, from, and between buildings, parking areas, recreation, and open space;

(G) Existing fire and emergency medical service facilities are or will be made adequate to serve the increased demand from the proposed development in addition to existing uses in the area. Factors to be evaluated include: response time, projected schedule of providing planned improvements, bridges, roads, and nature and type of available response apparatus;

(H) Natural features of the site have been adequately considered and utilized in the design of the proposed development. Factors to be evaluated include: the relationship of existing natural features to man-made features both on-site and in the immediate vicinity, natural features connectivity, energy efficient site design, use of environmental site design or low impact development techniques in accordance with Chapter 1-15.2 of the Frederick County Code;

(I) The proposed mixture of land uses is consistent with the purpose and intent of the underlying County Comprehensive Plan land use designation(s), and any applicable community or corridor plans;

(J) Planned developments shall be served adequately by public facilities and services. Additionally, increased demand for public facilities, services, and utilities created by the proposed development (including without limitation water, sewer, transportation, parks and recreation, schools, fire and emergency services, libraries, and law enforcement) shall be evaluated as adequate or to be made adequate within established county standards.
IV. Applicant’s Proposal

Land Use Proposal

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Area</th>
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<tbody>
<tr>
<td>Total Site Area</td>
<td>± 634 acres</td>
</tr>
<tr>
<td>Total Proposed PUD Zone Area</td>
<td>± 634 acres</td>
</tr>
<tr>
<td>Proposed Land Use</td>
<td></td>
</tr>
<tr>
<td>Residential Area</td>
<td>274 acres</td>
</tr>
<tr>
<td>Commercial Area</td>
<td>10 acres</td>
</tr>
<tr>
<td>Community Park Area</td>
<td>20 acres</td>
</tr>
<tr>
<td>School Site Area (elementary school)</td>
<td>20 acres</td>
</tr>
<tr>
<td>Floodplain Area</td>
<td>99 acres</td>
</tr>
<tr>
<td>Non Floodplain Open Space Area</td>
<td>211 acres</td>
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<tr>
<td>TOTAL</td>
<td>634 acres</td>
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</table>

<table>
<thead>
<tr>
<th>Proposed Dwellings</th>
<th>1,017 dwellings*</th>
</tr>
</thead>
</table>

*mix of single family detached (maximum 680 dwellings) and townhouses (337 dwellings)

<table>
<thead>
<tr>
<th>Density</th>
<th>Calculation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gross Project Density</td>
<td>1,017/634 = 1.6 dwellings per acre</td>
</tr>
<tr>
<td>Net Project Density (Residential Land Only)</td>
<td>1,017/274 = 3.7 dwellings per acre</td>
</tr>
</tbody>
</table>

Concept Plan

The overall plan for the development delineates six distinct residential land bays, a school site, and a commercial site. These areas are located on land with minimal environmental and physical obstructions. The lands outside of these areas include stream corridors, forested land, steep slopes, and floodplains. The concept for development of this property is to allow the existing environmental features of the property establish the overall layout.

A proposed arterial road runs continuously through the site from south to north, connecting the various land bays. Frontage along this central spine road alternates between development bays and natural open space areas, creating a system of access that intertwines the natural environment and the built environment. A hiking and biking trail along the spine road provides an additional access network between the open space and the development bays and enhances interconnection between them by branching into the open space areas.

Phasing Plan

There is no developer involved with the project at this time. However, the Applicant anticipates the timeframe for build out is a period of up to twenty (20) years.
V. Evaluation - Relationship to the County Plans and Regulations

Proposed Land Use Mix and Density

The proposed land uses within the project are residential, a 10-acre commercial area, a 20-acre park site, and a 20-acre elementary school site. The concept plan proposes a total of 1,017 dwellings, composed of a mix of single family detached (680 dwellings) and townhouses (337 dwellings).

“§ 1-19-10.500.6(H)(1)(a) Gross density of a proposed PUD development shall comply with the following table.

<table>
<thead>
<tr>
<th>County Comprehensive Plan Land Use Designation</th>
<th>Dwelling Units per Acre</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low Density Residential</td>
<td>3-6 du/ac</td>
</tr>
<tr>
<td>Medium Density Residential</td>
<td>6-12 du/ac</td>
</tr>
<tr>
<td>High Density Residential</td>
<td>12-20 du/ac</td>
</tr>
</tbody>
</table>

The gross density may not exceed the maximum density specified by the County Comprehensive Plan residential land use designation of the subject property.”

Land Use Designation: Low Density Residential (LDR) (3-6 du/ac)
Land Area Designated LDR: 574 acres (subtracts 60 ac. of Natural Resources designation)
Proposed Development Area with LDR: 274 acres
Total Number of Proposed Dwellings: 1,017 dwellings
Gross LDR Density: 1,017/574 = 1.77 dwellings per acre
Development Area Gross Density: 1,017/274 = 3.71 dwellings per acre

§ 1-19-10.500.6 (B) of the Zoning Ordinance states: “Residential land use mixture within the PUD District. A goal of the PUD district is to provide an optimal mixture of housing types, including single family dwellings, townhouses, and multifamily dwellings.”

The development proposal is for a mix of single family detached (maximum of 680 dwellings or 67%) and the remainder townhouses (337 dwellings or 33%). No multi-family is proposed.

Consistency with Comprehensive Plan

The Site is within the Linganore Community Growth Area as designated on the County Comprehensive Plan and has a land use plan designation of Low Density Residential, with stream valleys designated Natural Resources.

With its Low Density Residential designation (3-6 dwellings/acre) and its location within a Growth Area, it is identified as an area that has been targeted for growth and development and is therefore consistent with the general policy in the Comprehensive Plan that supports the location of growth within growth areas.

The PUD floating zone can only be applied to land with a residential land use plan designation. Therefore, amendment of this PUD zone is consistent with the current County Comprehensive Plan.
Consistency with Community and/or Corridor Plans

There has not been a specific Community or Corridor Plan developed for the vicinity of the Project Site. However, the County Comprehensive Plan outlines overall community development principles such as encouraging higher density development, a mix of land uses, providing distinctive design that contributes to a distinctive community character, efficiency of layout relative to public infrastructure, and general accessibility through multiple modes of transport as well as interconnectedness of the transportation network.

The proposal is generally consistent with the guidelines mentioned above.

Compatibility with Adjoining Zoning and Land Uses

From 1959 to 1972 the project was zoned Agricultural. The PUD zone was applied to the property in 1972. In 2008, as part of the New Market Region Plan, the property's comprehensive plan land use designation was changed from Low Density Residential to Agricultural/Rural and the PUD zoning was changed to Agricultural (A). Adjoining zoning is primarily Agricultural with PUD zoning to the north (Linganore PUD) and Resource Conservation zoning on the Audubon property to the west.

Adjoining the Site on the northwest boundary is the Lake Linganore PUD including the Pinehurst and Westwinds villages which are developed with mostly single-family detached dwellings and some townhouses. Further to the west across Boyers Mill Rd. is the Summerfield village, also part of the Linganore PUD. Immediately adjoining the site to the east and west of the Site are agricultural and scattered well/septic residential properties.

The Site surrounds an existing horse farm, Hall’s Choice Farm, which is a 35 acre sales, breeding, and training facility for Hanoverian horses. This property is not a part of this PUD application, though it is designated Low Density Residential and is part of the growth area.

The Audubon Society of Central Maryland maintains two large wildlife sanctuaries in Frederick County, Maryland. One is near Mount Airy, and the other is adjacent to the Site on the western boundary. The sanctuary adjacent to the Site is 141 acres and contains fields, forest stands, and several streams. This property is open to individuals and small groups for low-impact recreational and educational uses.

The Swandby property, located to the east of the Casey property, is encumbered by a temporary preservation district held by the Maryland Agricultural Land Preservation Foundation (MALPF) which was established in 2006. These temporary agreements restrict properties during a timeline (minimum of 5 years) and can be extinguished at the landowner’s request. Without a notice of termination the agreement carries forward.

To the south of the Site and adjacent to the Town of New Market is the Delaplaine Property, a 135 acre parcel that is going through the annexation process into the Town of New Market. The New Market Master Plan identifies this site as “Economic Development Flex”. As stated in the New Market Master Plan, “the purpose of these areas are [sic] to provide a high degree of flexibility to encourage uses that are compatible with employment based and related accessory uses and are harmonious with the character of the town.”
**Natural Features**

The Site is largely composed of cleared agricultural land but is intermittently forested. The 100 year FEMA floodplain crosses the Site from the north to south along Hazelnut Run, and from east to west in the northern part of the Site along Bens Branch.

The topography of the Site is hilly with some slopes greater than 15%, and some reaching 25%. There are some flooding soils and some restricted soils on the Site. However these are limited to areas within the stream corridors. The majority of the Site is Lower 1/3 Restricted soils, with a smaller portion of Non-Restricted soils. All areas of floodplain and steep slopes are included in the proposed open space for the development.

The Audubon property contains 140.99 acres and is encumbered by a perpetual conservation easement co-held by the Maryland Environmental Trust and the Catoctin Land Trust. A goal conservation easement is to preserve the open space and natural/scenic qualities of the environment.

While proposed single family housing borders a portion of the Audubon property, the two properties are separated by a steeply sloping stream valley. Additionally, the Casey property proposes open space use along the northern portion of the shared boundary.
Population Change

Current Neighborhood Population:

| Census Tract 7518.01 | 4,201 |
| Census Tract 7519.01 | 4,272 |
| **TOTAL** | **8,473** |

2010 U.S. Census

Potential Additional Population:
The potential additional population change as a result of the proposed 1,017 units equates to 2,746 persons, based on 2.7 persons per household.

Potential Total Neighborhood Population: 11,219 persons

Residential Density and Dwelling Types

§ 1-19-10.500.6 (8) of the Zoning Ordinance states: “Residential land use mixture within the PUD District. A goal of the PUD district is to provide an optimal mixture of housing types, including single family dwellings, townhouses, and multifamily dwellings.”

As stated in the Zoning Ordinance, a goal of the PUD district is to provide an optimal mixture of housing types, including single family dwellings, townhouses, and multifamily dwellings. The inclusion of multi-family dwellings in this goal is intended to serve several purposes. One of the primary considerations is housing affordability, as mentioned in item 2 below and described in detail in the 2005 Frederick County Affordable Housing Council Study of Workforce Housing Needs and the Housing Element of the Serving Our Citizens chapter of the Frederick County Comprehensive Plan. Despite the recent economic downturn, broadly speaking housing costs have continued to increase relative to median income in Frederick County. Multi-family housing helps provide more affordable housing options for County residents. It is also appropriate that affordable housing options be available throughout the county and not just where there is already a concentration of such housing.

Providing multi-family housing is a prudent approach to insuring the County has a diversified housing stock that can accommodate the changing social and economic drivers of demand. For example, multi-family housing is an important source of housing options for families in different demographic categories. Young families as well as the growing demographic of empty nesters are often seeking to downsize, and multi-family housing can provide this opportunity.

Additionally, the significant costs of public facilities can be more efficiently utilized through the simple provision of multi-family housing. For example, higher density multi-family housing that is located in close proximity to schools can potentially put more children within walking distance, reducing the load on the transportation system as well as the costs of busing. This is certainly a potential benefit in the Casey PUD, which is proffering an elementary school site.

While each development project is unique and will benefit from its own mixture of housing types, a development at the size of the Casey PUD should be able to support a greater mix of housing types including multi-family.

Therefore, Staff recommends that multi-family housing be provided in the Casey PUD.
Per §1-19-10.500.6 (B) of the Zoning Ordinance, “the specific mixture of housing types for each development project shall be established by the BOCC at Phase I, based on an evaluation of the following:”

(1) **Existing County Comprehensive Plan land use designation and the intended dwelling type and density.**

The policy objective of the Low Density Residential land use designation on the County Comprehensive Plan is to establish a density range of 3 to 6 dwellings per acre. With a total of 575 acres of Low Density Residential designated land within the project, and a total of 1,017 dwellings, the resulting density is 1.8 dwellings per acre. While this falls short of the density range stated in the policy objective, this measurement includes “non-buildable” land, such as steep land and land that is within the FEMA floodplain and stream corridors throughout the project. However, relative to land specifically delineated for residential development within the project, the resulting density is (1,017 dwellings / 274 acres) 3.7 dwellings per acre. The land identified as residential within the PUD establishes the substantive extent of residientially developed land, therefore the latter measurement of density is acceptable for establishing conformance with the policy objective of the Comprehensive Plan.

(2) **Need for a particular dwelling type based on existing and proposed residential dwelling types surrounding the tract of land receiving the PUD district.**

The 2005 Frederick County Affordable Housing Council Study of Workforce Housing Needs described the need for affordable housing if Frederick County. In general, the report showed that housing cost growth has vastly outpaced median income growth. Consequently, the inventory of housing in Frederick County that is affordable to households earning the median income was projected to fall from 42% in 2000 to 14% in 2009.

While the economic crisis of 2008 caused a drop in house prices, ostensibly providing relief from the affordable housing deficit as depicted in the 2005 report, evidence that the affordable housing remains salient is depicted in the 2010 Multifamily Rental Market Assessment in Frederick County prepared for the Maryland Department of Housing and Community Development.

Additionally, the Frederick County Comprehensive Plan (Serving our Citizens and Managing our Growth chapters) includes the following goals and policies related to housing mix and affordability:

**HO-G-01 Achieve a balance of housing choices that meets the needs of Frederick County individuals and families at all income levels.**

**MG-G-09 Emphasize Mixed Use development within Community Growth Areas.**

**HO-P-01 Support construction of affordable housing in order to address projected shortfalls in availability.**

**HO-P-02 Continue to support efforts that promote and provide accessible, affordable housing options to residents.**

**HO-P-03 Reasonably accommodate the housing needs**

**HO-P-05 Encourage higher density, mixed-use and mixed-income development in**
designated growth areas where a balance of housing types and styles are offered to meet the diverse housing needs of residents.

MG-P-23 Include a variety of housing types in all communities.

The proposed school site and community park create a credible rationale for providing housing at higher densities in the form of multi-family dwellings. The concentration of population in close proximity to community resources such as the school and park create an economy of scale that encourages the efficiency and convenience of pedestrian circulation.

3) The County Comprehensive Plan community design policy of including a variety of dwelling types in all communities in Frederick County.

The concept plan provided in conjunction with this application indicates a community design at the schematic level that appears to support, or have the potential to support, the Community Design Principles described in the Comprehensive Plan. The application proposes a limited spectrum dwelling types that includes both rear-loaded (neo-traditional) and front-loaded (conventional) product types. The specific configuration shown in the concept plan adequately addresses community design policies described in the Comprehensive Plan, such as establishing community space, interconnected circulation networks, and prominent natural features.

The proposed mix of housing types is for a maximum of 680 single family detached dwellings, and therefore a minimum of 337 townhouse dwellings. This potential mix equates to split of 33% townhouses and 67% single family houses.

4) The mixture of dwellings recommended within the County Comprehensive, Community, and Corridor Plans for the tract of land receiving the PUD district.

A Community and Corridor Plan has not yet been conducted for this area, and the Comprehensive Plan does not specify a particular unit mix for this site.

5) The amount and type of moderately priced dwelling units provided.

The application proposes to reserve the right to utilize the fee-in-lieu of providing MPDU’s option.

Parks

The Applicant is proposing to dedicate 20 acres of parkland. Additionally, 320 acres of floodplain and non-floodplain open space is being proposed as passive park/open space. Per §1-19-10.500.8(A) of the Zoning Ordinance, parks and recreation facilities must be provided as a combination of active and passive facilities, and at a rate of 726 square feet per 2,000 square feet of gross floor area.

The application describes an estimated average of 2,400 square feet of gross floor area per dwelling. Based on this estimate, total park space required for 1,017 dwellings is 56 acres (2,400sf X 1,017 dwellings).

The proposed provision of 20 acres of active park land and 320 acres of passive park land meets the requirements of the Code.
Open Space/Green Area

For calculation of open space requirements, the gross project acreage is based on the amount land within the project site with residential land use plan designations. A minimum amount of open space must be provided based on gross project density. Gross project density is calculated by dividing the total proposed number of dwellings by the gross project acreage. The requirements for this project are as follows:

Gross Project Area = 575 acres (land designated Low Density Residential)
Gross Project Density = 1,017 dwellings / 575 acres = 1.8 dwellings per acre
Required open space is 30% of Gross Project Area = 575 acres X 30% = 172.5 acres

This requirement must be met exclusive of land within the 100 year FEMA floodplain. The project currently proposes 221 acres of non-floodplain open space/green area within the PUD and therefore meets the requirements of the Code.
VI. Evaluation - Availability/Adequacy of Public Facilities and Services

Public Schools

*Proposed Dwellings: Single Family Detached – 680 dwellings, Townhouses – 337 dwellings*

<table>
<thead>
<tr>
<th>School Level</th>
<th>2013 Equated Enrollment¹ / State Rated Capacity¹</th>
<th>% of State Rated Capacity</th>
<th>Total Projected Pupils²</th>
<th>Single Family Detached</th>
<th>Townhouses</th>
<th>Multifamily</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Market Elementary School</td>
<td>722/702</td>
<td>103%</td>
<td></td>
<td>177</td>
<td>98</td>
<td>0</td>
<td>275</td>
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<tr>
<td>New Market Middle School</td>
<td>482/881</td>
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<td></td>
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<tr>
<td>Linganore High School</td>
<td>1477/1600</td>
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<td>143</td>
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<td><strong>Total</strong></td>
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<td><strong>415</strong></td>
<td><strong>162</strong></td>
<td><strong>0</strong></td>
<td><strong>577</strong></td>
</tr>
</tbody>
</table>

1. Board of Education (BOE) Quarterly Enrollment Report – 12/31/2013
2. FCPS APFO Test, 1/23/2014

The above table indicates projected enrollment resulting only from the Casey PUD relative to existing school facilities and existing school districts. However, the APFO test for school adequacy accounts for background growth and growth resulting from approved developments.

*Programmed Improvements (FY 2014-2019 CIP)*

East County Area Elementary School – New 725-seat school projected to open in 2021. This school is currently planned to be located either at the Landsdale PUD (Ed McClain Road) or in the Hampton section of the Linganore PUD.

*Planned Improvements*

Elementary School – New 725-seat school is planned to be located on the Casey property.

Elementary School – New 725-seat school to be located on the other site not selected under the East County Area Elementary CIP project would be available for longer term school needs.

Middle School – New 900-seat school. The Comprehensive Plan identifies a planned middle school site on the east side of Boyers Mill Rd. in the adjoining Blentlinger property across from the Summerfield development.

High School – New 1,600-seat school. The Comprehensive Plan identifies a planned high school site in the Monrovia community growth area that is proposed to be dedicated and conveyed to the BOE as part of the Monrovia Town Center PUD project.
Water and Sewer

The Site is classified Planned Service (PS) for water and sewer in the County Water and Sewerage Plan, indicating property planned to be serviced within a 11 to 20 year timeframe.

Public water will be provided through the New Design water system, which withdraws water from the Potomac River. The New Design Water Treatment Plant has a permitted capacity of 25 million gallons/day (MGD) and has a current average daily use of approximately 16 MGD. Sewer service/treatment will be provided by the Ballenger-McKinney wastewater treatment plant (WWTP). The current Ballenger WWTP has a treatment capacity of 7 MGD. With the McKinney expansion, which is under construction, capacity will be expanded to 15 MGD. The expansion project is expected to be completed in the fall 2014. Current average daily treatment flows at the Ballenger WWTP is 5.7 MGD. The Applicant is responsible for extensions and connections to the public water and sewer lines to serve the project site.

Based on the proposed 1,017 dwellings, and assuming 250 gallons/day/dwelling, this project would need approximately 254,250 gallons/day of water and sewer capacity. Adequacy requirements for water supply and sewer service are prospective for the recordation of lots, and concurrent for the issuance of building permits.

Water and sewer supply is evaluated at multiple points in the development review process, and recordation of lots or issuance of building permits cannot proceed unless capacity is determined to be adequate.

*Programmed Improvements (FY 2014-2019 CIP)*

**Linganore Sewer Interceptor** – Two phases, Lower Reach and Upper Reach, are identified with projected need between 2015 and 2025. Funding is not yet programmed for a specific year within the timeframe of the CIP.

Public Safety

The nearest fire station is the New Market Fire Station, located approximately 2 miles from the site. Police protection for the Site is provided by the Frederick County Sheriff’s Office.

*Programmed Improvements (FY 2014-2019 CIP)*

**New Market Fire Station** – Replacement of the existing station is proposed on a different site. To be funded beyond 2019.

**Planned Improvements**

**Linganore Fire Station** – A new fire station planned on a site in the Hamptons area of the Linganore PUD.

Libraries

The Frederick County C. Burr Artz Public Library is in downtown Frederick City serves this area. There are no libraries programmed in the FY2014-2019 CIP.

**Planned Improvements**

**Linganore Regional Library** – the Comprehensive Plan identifies a planned library site that would be located in the Town Center area (adjacent to Oakdale High School) of the Linganore PUD. The site is expected to be dedicated and conveyed to the County by the Linganore PUD developers.
Parks
There are two existing parks in the vicinity of the site. The County’s Old National Pike Park is a 155 acre regional park located on Old National Pike approximately 3 miles to the east. The other is the Town of New Market’s Nature Park located at Royal Oak Drive along the northern boundary of the Town of New Market. This is a 107 acre community park, which has recently been developed with various types of playing fields.

Programmed Improvements (FY 2014-2019 CIP)
Old National Pike Park – Phase 2 construction of new athletic fields, picnic facilities projected to be completed in 2020.
Kemptown Community Park – Rehabilitation projected to be completed in 2017

Planned Improvements
Community Park – The Comprehensive Plan identifies a community park (30-100 aces) symbol along Bens Branch that would be a potential stream valley park.

Regional Park – The Comprehensive Plan identifies two symbols, one on the Smith/Cline properties, which are currently seeking annexation into the Town of New Market and a second adjacent to Linganore High School on Old Annapolis Rd. Regional parks may be 100 + acres in size.

Transportation
Existing Site Access Characteristics
The site has approximately 1,400 feet of frontage along MD75 and proposes its primary access point on MD 75. The Concept Plan proposes a collector/arterial spine road from MD 75 through the site which would continue onto the Blentlinger property to Boyers Mill Rd. across from Finn Dr. Beyond this alignment a collector road would continue to the northern portion of the Casey property with the potential for an extension to an existing part of Crickenberger Rd., ultimately connecting to Gas House Pike. A local road connection is also shown to Panorama Dr. in the Westwinds development of the Linganore PUD. Finally, a local/collector road stubbing into the Delaplaine property to the south would facilitate a future connection to the future New Market Parkway being proposed by the town of New Market.

Existing Traffic Volumes and Capacity on Adjoining Roads

<table>
<thead>
<tr>
<th>Location</th>
<th>AADT: 2012 Annual Average Daily Traffic</th>
</tr>
</thead>
<tbody>
<tr>
<td>MD75 - .30 miles north of MD144</td>
<td>10,762</td>
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A measure of additional capacity of a roadway can be generally determined through the calculation of the Volume/Capacity (V/C) ratio, which can be obtained by dividing the daily capacity of the road as designed (supply) by the average daily use, AADT (demand).

MD 75 at the location identified above is a two lane road, which has a theoretical design capacity (Level of Service E) of 16,900 daily trips (source: Guidelines for Preparation of Traffic Impact Analyses for Development Applications – Frederick County). Therefore:

MD75 - .30 miles north of MD144  
10,762 daily volume / 16,900 daily capacity = .64

A V/C ratio below 1.0 indicates that capacity is available.
However, when considering the build-out of the Casey property, with its 1,017 proposed dwelling units and 9,436 projected daily (24-hour period) trips, and assigning at least 80% of those trips to travel to/from the south on MD 75, MD 75 as a two lane road would not be able to handle such a traffic load. Therefore, at some point in the development of the Casey project, MD 75 will have to be re-constructed to a 4 lane divided roadway between the end of the existing 4 lane section just north of MD 144 and the northern site limit. The phasing for such improvements, along with any necessary intersection and interchange improvements would be determined under APFO reviews.

**Comprehensive Plan Designations for Adjoining Roads**

**MD 75 – Minor Arterial (80 foot right-of-way)**

The County Comprehensive Plan classifies MD75 as a Minor Arterial. A proposed Minor Arterial is shown on the Comprehensive Plan to the south of the Site that connects MD75 to Boyer’s Mill Road to the west. Additionally, the Comprehensive Plan shows a Collector through the Casey Site from MD75 to the north through the Site and connecting to Crickenerberger Road to the north. Both of these Comprehensive Plan roads are being implemented in the form of the proposed Collector through the Casey Site in combination with a proposed Collector on the adjacent Blentlinger PUD. See the Highway Plan map for detail.

**Programmed Improvements (FY 2014-2019 CIP)**

**Old National Pike** – Upgrade Old National Pike from MD 144 to New Market to serve future traffic growth in the New Market Region. Old National Pike will be designed and constructed to minor arterial standards for a distance of about 2.2 miles. The project is targeted for construction after 2019.

**Old National Pike Phase 2** – From MD 75 to Mt. Airy. This project will upgrade as a 2-lane roadway to serve future traffic growth in the New Market Region. Old National Pike will be designed and constructed to minor arterial standards for a distance of about 4.6 miles.

**Boyers Mill Road** – Upgrade existing two-lane road with shoulders from Gas House Pike to Old National Pike. The project is targeted for construction in 2015 and 2016. A separate project proposes the construction of a new 2-lane bridge over Lake Linganore. The project is projected to be completed in 2017.

**Yeagertown Road** – Upgrade the existing tar and chip surface. A portion of this road may be incorporated into the planned Town Center Connector (minor arterial), which will connect Boyers Mill Rd. to the I-70/Meadow Rd. interchange.

**Planned Improvements**

**New Market Parkway** – Identified on the Comprehensive Plan as a Collector/Arterial roadway to connect Boyers Mill Rd. to Old New Market Rd. through the Town of New Market. The 2-lane road is expected to be constructed by the developers of the Smith/Cline property which is currently seeking annexation into the Town of New Market. A specific schedule for the construction of this road has not been determined.
VII. Summary of Findings

Staff finds that the project adequately addresses the approval criteria described in the Zoning Ordinance.

§ 1-19-3.110.4 (A) (Approval Criteria for Zoning Map Amendments)

(1) Consistency with the comprehensive plan;
The proposed PUD is located in an area with an appropriate land use plan designation of Low Density Residential (3-6 dwellings/acre) and is within a Community Growth Area. The Frederick County Zoning Ordinance allows for the application of the Planned Unit Development floating zone on properties with a residential Comprehensive Plan land use designation. The PUD zone is designed to enhance the opportunities for integrated uses and densities in the County by allowing a greater variety of mutually reinforcing dwelling types and land uses to occur within a single development. Both the PUD floating zone and the Low Density Residential land use plan designation emphasize residential uses, and are therefore essentially compatible in application and intent. The proposed net density of the Project is 3.7 dwellings per acre (gross acreage minus floodplain, open space, right of way of major roads, park dedication, and elementary school site dedication). This density is consistent with the targeted density of 3-6 dwellings/acres of the LDR designation.

(2) Availability of public facilities;
Water is supplied by the New Design Water system and sewer is treated by the Ballenger McKinney WWTP, both of which have adequate capacity to serve this development. Two (New Market Middle School 55%, Linganore High School 92%) of the three schools serving the site are currently under capacity. While New Market Elementary School (103%) is over capacity there are programmed and planned elementary school projects that could mitigate capacity issues. There is adequate availability of park and fire/rescue facilities.

(3) Adequacy of existing and future transportation systems;
The Project Site abuts a minor arterial (MD 75) to the east, and is approximately one (1) mile from the I-70/MD 75 interchange. Based on current traffic volumes on MD 75 there is some available capacity to accommodate additional development. A limit on lot recordation (800 lots) for this project is recommended until MD 75 is widened between the site and MD 144/Old National Pike.

(4) Compatibility with existing and proposed development;
The surrounding residential development in the Linganore PUD is similar to the proposed project with respect to density and dwelling types provided. The Pinehurst and Westwinds sections of the Lake Linganore community to the north of the Site also contains a combination of single family and townhomes arranged in a similar fashion and at comparable densities. Also, the Summerfield subdivision to the west of the Site is composed of a combination of townhouses and single family dwellings arranged in a similar fashion and at comparable densities.

The Blentlinger PUD is a proposed development to the west of the Site and is comparable to the Casey PUD in density and mix of dwellings proposed. Additionally, the Town of New Market to the south of the Site has a mix of residential, commercial, and institutional uses.
(5) Population change; and
The potential additional population change as a result of the proposed 1,017 units equates to 2,746 persons, based on 2.7 persons per household.

(6) The timing of development and facilities.
Mitigation of impacts that development will have on public facilities are required to be satisfied as development proceeds through the development review process including the Zoning Ordinance and the Adequate Public Facilities Ordinance. Mitigation measures are accordingly required to be satisfied at development milestones, such as the recordation of plats, or the issuance of building permits. The Water and Sewer Plan dictates an amendment process that requires studies of adequacy and an appropriate design of infrastructure at several points during the development review process. Preliminary Plan approval is granted for a period of five years, so failing an application for an extension, mitigation requirements tied to plat recordation such as the School Construction Fee, must be satisfied within that time period. Site Plan approval is granted for a period of three years. Therefore mitigation requirements tied to issuance of a building permit, such as payment of impact fees for water, sewer, libraries, and schools, or payment into escrow accounts for road improvements, must be satisfied within that time period unless an extension is granted.

§ 1-19-10.500.3. (Approval Criteria for Planned Development Districts)
(A) The proposed development is compact, employing design principles that result in efficient consumption of land, efficient extension of public infrastructure, and efficient provision of public facilities;

The 1,017 dwellings result in a net density of approximately 3.7 dwellings per acre. The project site is adjacent to developed land and is located in the Linganore Community Growth Area. Therefore, the project does not intensify the outward spread of urbanized land into rural areas, and employs an efficient development pattern.

(B) The proposed development design and building siting are in accordance with the County Comprehensive Plan, and any applicable community and corridor plans;
There is no Community and Corridor Plan for this area.

(C) The proposed development is compatible with existing or anticipated surrounding land uses with regard to size, building scale, intensity, setbacks, and landscaping, or the proposal provides for mitigation of differences in appearance or scale through such means as setbacks, screening, landscaping; or other design features in accordance with the County Comprehensive Plan, and any applicable community or corridor plans;

The surrounding existing residential development in the adjoining Linganore PUD villages is similar to the proposed project with respect to density and dwelling types provided. The Pinehurst section of the Lake Linganore community to the north of the Site also contains a combination of single family and townhomes arranged in a similar fashion and at comparable densities. Also, the Summerfield subdivision to the west of the Site is composed of a combination of townhouses and single family dwellings arranged in a similar fashion and at comparable densities. These subdivisions are but a portion of a much larger
development of comparable density and arrangement of land uses referred to as Lake Linganore.

Proposed land uses for the Blentlinger PUD development to the west of the Site and is comparable to the Casey PUD in density, arrangement of land uses, and mix of dwellings proposed. Additionally, the Town of New Market to the south of the Site anticipates residential development on the Smith/Cline properties along Boyers Mill Rd. and employment development on the Delaplaine property.

(D) The proposed development provides a safe and efficient arrangement of land use, buildings, infrastructure, and transportation circulation systems. Factors to be evaluated include: connections between existing and proposed community development patterns, extension of the street network; pedestrian connections to, from, and between buildings, parking areas, recreation, and open space;

The site has approximately 1,400 feet of frontage along MD75. A proposed collector road is shown on the Comprehensive Plan and is identified on the concept plan as a planned arterial. This road is proposed to intersect with MD75 and continue through the Site to the north. The planned terminus is off-site where it intersects with the existing alignment of Crickenberger Road to the north. This proposed central spine road will provide a portion of a planned connection between existing roads in the network to the north and to the south.

An interconnected local street network is proposed with sidewalks that would provide access to the school and park/open space areas. Trails may also be provided as part of the open space corridors.

(E) The transportation system is or will be made adequate to serve the proposed development in addition to existing uses in the area. Factors to be evaluated include: roadway capacity and level of service, on-street parking impacts, access requirements, neighborhood impacts, projected construction schedule of planned improvements, pedestrian safety, and travel demand modeling;

MD 75 currently has some available capacity to handle additional development. The proposed collector road through this project and connecting to Boyers Mill Rd. through the Blentlinger property will also provide road capacity for this area.

(F) The proposed development provides design and building placement that optimizes walking, biking, and use of public transit. Factors to be evaluated include: extension of the street network; existing and proposed community development patterns; and pedestrian connections to, from, and between buildings, parking areas, recreation, and open space;

The main feature of the layout is a central road running the length of the Site. In areas of the plan, rear loaded townhouse dwellings are proposed. This would eliminate or reduce driveways and curb cuts along the fronts of these buildings and can potentially create a streetscape that has favorable design features such as on-street parking, uninterrupted sidewalks for pedestrian convenience and safety, and buildings with architectural features (windows, front doors, bay windows, porches, landscaping) that are sized and configured to relate to the physical dimensions of pedestrians rather than automobiles (as would be the case with an overabundance of garage doors and driveways).
(G) Existing fire and emergency medical service facilities are or will be made adequate to serve the increased demand from the proposed development in addition to existing uses in the area. Factors to be evaluated include: response time, projected schedule of providing planned improvements, bridges, roads, and nature and type of available response apparatus;

The nearest public safety facility is the New Market Fire Station, located approximately 2 miles from the site. The Project Site is located within a 4 minute travel time radius from the fire station.

(H) Natural features of the site have been adequately considered and utilized in the design of the proposed development. Factors to be evaluated include: the relationship of existing natural features to man-made features both on-site and in the immediate vicinity, natural features connectivity, energy efficient site design, use of environmental site design or low impact development techniques in accordance with Chapter 1-15.2 of the Frederick County Code;

Natural corridors have been identified on the concept plan along stream valleys throughout the proposed Site. These areas are excluded from development and will protect natural features such as stream corridors, floodplains, and steep slopes.

Trails and open space are planned along the central circulation corridor and within some of the stream valleys.

(I) The proposed mixture of land uses is consistent with the purpose and intent of the underlying County Comprehensive Plan land use designation(s), and any applicable community or corridor plans;

The applicant proposes a mix of single-family detached and townhouse dwellings which are consistent with the Comprehensive Plan land use plan designation of Low Density Residential. However, Staff is recommending the inclusion of multi-family dwellings to provide a greater mix of housing opportunities in this part of the county.

(J) Planned developments shall be served adequately by public facilities and services. Additionally, increased demand for public facilities, services, and utilities created by the proposed development (including without limitation water, sewer, transportation, parks and recreation, schools, fire and emergency services, libraries, and law enforcement) shall be evaluated as adequate or to be made adequate within established county standards.

Water and sewer service is currently adequate to accommodate the proposed development. There are existing parks including the Old National Pike Park and New Markets community park within the surrounding vicinity. Public safety facilities and services are adequate. Two of the three schools serving the site are currently under capacity. The proposed development would be providing an elementary school site.
VIII. Staff Recommendation

Staff recommends APPROVAL of the request, R-13-03, to rezone the 634 acres from Agricultural (A) to Planned Unit Development (PUD) based upon:

- A review of the Approval Criteria as set forth in §1-19-3.110.4; and
- A finding that the project adequately addressed the Planned Development District Approval Criteria as set forth in §1-19-10.500.3; and

Subject to the following conditions of approval:

1. A maximum of 1,017 dwelling units may be constructed.
2. Include a multi-family dwelling component at a minimum of 15% of the total number of proposed dwellings. The “2 over 2” dwelling type is acceptable as a multi-family dwelling.
3. Phasing of the project shall permit 200 lots to be recorded per year with a previous year's unused allocation permitted to be carried into the following year.
4. No more than 800 lots/dwellings may be recorded until the widening of MD 75 from just north of MD 144/Old National Pike to the site entrance has been guaranteed for construction.
5. The developer shall design the project in conformance with the approved Community Design Guidelines and Development Principles Manual.
6. The developer shall dedicate and convey to the County a 20+/- acre elementary school site. The developer will convey the approved 20+/- acre public elementary school site to the BOE, in fee simple, upon
   i) the recordation of the subdivision plat for the 100th lot in the Project or within two (2) years of the recordation of the subdivision plat for the 1st lot in the Project, whichever occurs first; and
   ii) BOE's acceptance of the conveyance of land for the Public School Site. The Charitable Foundation and BOE shall enter into a Memorandum of Understanding ("MOU"), which shall set forth the rights and responsibilities of the parties in connection with development of the school site, prior to final, unconditional approval of the Phase II (Execution) Plan for the portion of the Project that contains the school site.
7. Provide four (4) neighborhood parks of at least 20,000 square feet each to be centrally located in Land Bays A, E, G, and H.
8. Provide a diversity of single family lot sizes.
December 12, 2013

Shannon Manor Kennedy
Audubon Society of Central Maryland
Box 660
Mt Airy, MD 21771

Dear Mr. Dimitrio,

As you recently discussed with our Sanctuaries Manager, Mark Kulis, the Board of Directors and Officers of the Audubon Society of Central Maryland have great concern about the development of the Casey Foundation property near New Market. Our Fred J. Archibald Audubon Sanctuary shares a 3000' property line with part of the western border of the Casey property. We fear that the development of the property, along with the Smith-Cline and Delaplaine properties to the east, south and west, will change the nature of the Fred Archibald Sanctuary to such an extent that its conservation values will be severely diminished.

Our concerns consist of visual, sound, and wildlife impacts to the Sanctuary. We do respect the right of the Casey Foundation to develop its long-held real estate holdings, but would strongly request that consideration be given to minimizing impacts to the Sanctuary. To help accomplish this, we would suggest placement of the proposed twenty-acre park along the shared property line, replacing the north part of Section E designated on the Casey Concept Plan. We would also like to propose that that the Developer’s Rights and Responsibilities Agreement state that all landscaping to be done by the developer will use tree and plant material that is native to Maryland.

The attached represents our draft testimony for the Planning and Zoning Commission review, and provides additional detail on our thoughts on this matter.

Sincerely,

[Signature]

Shannon Kennedy
President
Audubon Society of Central Maryland
My name is Mark Kulis, and I am here today representing the Audubon Society of Central Maryland (ASCM), the local chapter of the National Audubon Society. The ASCM Chapter is an all-volunteer organization, self-supporting, with a net worth of 80K and annual net income of 8K. The primary mission of the national organization, and the ASCM Chapter, is to protect and preserve habitat for wildlife, especially bird species. The ASCM Chapter has 1800 members within its administrative area, and 600 in Frederick County. ASCM owns and manages two large wildlife sanctuaries in the New Market area, the Audrey Carroll Audubon Sanctuary in Mount Airy, and the Fred Archibald Audubon Sanctuary in New Market.

The Board of Directors and Officers of the Audubon Society of Central Maryland have great concern about the development of the Casey property, as our Fred J. Archibald Audubon Sanctuary shares a 3000' property line with part of the western border of the Casey property. We fear that the development of the property, along with the Smith-Cline and Delaplaine properties to the south, will change the nature of the Fred Archibald Audubon Sanctuary to such an extent that its conservation values would be severely diminished.

We do respect the right of the Casey Foundation to develop its long-held real estate holdings, which, in the past, had been zoned for development. We also respect the right of the Foundation to maximize its profit in doing so, in its ultimate goal of helping the regional community. Let us recognize that the Foundation has a net worth of $86 million with an annual income of $10 million, as of 2012.
Our Sanctuary is named for Mr. Fred J. Archibald, a West Point graduate who served his country with distinction in the Far East in the period after WWII, and who went on to be a leading figure in the Frederick community as an editor and garden columnist of the Frederick News Post. He bequeathed a large portion of his land holdings—140 acres—to Audubon Society of Central Maryland. We are responsible to ensure that this part of his legacy remains in the state that he knew it, and desired for it to remain. The Sanctuary consists of approximately 90 acres of mature and regenerating hardwood forest, 50 acres of meadow, and three perennial streams which feed Cherry Run, an upstream tributary of Linganore Creek. The Sanctuary is governed by a Forest Management Plan approved by the Maryland Department of Natural Resources, and is regulated by a conservation easement owned by the Maryland Environmental Trust, both of which have been in place since 2006.

Since taking ownership in 2003, Audubon Society of Central Maryland has held bimonthly nature walks open to the community, supported Boy Scout Eagle projects and Cub Scout activities, conducted reforestation projects, maintained several trails of bird nesting boxes, while managing the property in an environmentally responsible way. Over the years, annual bird censuses done as part of programs associated with Cornell University have identified cumulative total of 102 unique bird species, and 60-70 species are typically counted during formal surveys. In 2013, approximately 120 bluebirds, swallows, wrens, and purple martins were fledged from our nest boxes.

Our concerns consist of visual, sound, and wildlife impacts to the Sanctuary. If the design of the plan goes forward as currently envisioned, Section E of the plan would be the site of a 40-acre residential development, 20 acres of which directly adjoin the Sanctuary property line. Numerous homes on those 20 acres would essentially sit atop one side of the Cherry Run Valley, and many would potentially have a direct sight line down into and across the valley. One can easily envision lawn maintenance activities, barking dogs, and vehicle and road noise permanently changing the nature of this undisturbed natural area.
In contrast, today, if you were to hike the paths of this part of the Sanctuary, the serenity and natural conditions might lead you to believe that any urban, or suburban, area is many miles distant - it is seemingly that remote. Additionally, in the months of the year when trees are bare, for any visitor to the heart of the Sanctuary - the main meadow where guided nature walks are regularly conducted, there would be a clear sight line to what would likely be the roofs and backs of townhouses. We have prepared this graphic as an illustration. As you can see, structures with any type of an elevation will dominate the Cherry Run valley, which we consider the heart of the Sanctuary.

In terms of wildlife, studies have shown that increases in noise and human activity tend to decrease the avian population in an area. Noise pollution may not seem significant when compared to land clearing, but birds rely heavily on singing to communicate. Birdsong is used to attract mates, defend territory from rivals, and even warn for predators. This means that a bird’s ability to be heard plays a direct role in its reproductive interactions and survival. While some species may adapt, others do not. Undesirable species such as the non-native European Starling and European House Sparrow will be more likely to frequent the Sanctuary, competing with, and killing, our native avian species. Another wildlife impact would likely be an increased deer population at the Sanctuary, which is already accommodating a significant number of deer from prior development in the area.

We would sincerely ask that the Commission and Planning Staff please consider the conservation of wildlife habitat values—both for the birds and other wildlife and for people seeking to enjoy viewing wildlife and hiking in natural habitat—at Fred Archibald Sanctuary with respect to this development. When determining those areas that are allowed to be developed, please factor in the need the community has for a relatively undisturbed area that the public may enjoy, in a manner that provides to them a place of peace and tranquility. I would venture to say there is no place in the nearby area that offers such features to the public as do Audubon Society of Central Maryland’s two sanctuaries.
We would recommend moving the 20-acre park site already part of the Concept Plan from the southern edge of the development to the upper part of what is now Section E.

Again, we do not oppose the development of the Casey property but want to see reasonable steps taken to protect the value of ours. The specific area directly on the Sanctuary boundary, and the topography of that area, would contribute to a severe impact to the integrity of the Sanctuary if any build out were to occur there, so we ask that this specific area be excluded from any build out.

Secondly, we would encourage that the Developer's Rights and Responsibilities Agreement contain language regarding the use of Maryland native trees, shrubs, and plants in all developer-provided landscaping. Use of native plants has many benefits, both to the homeowner and to wildlife:

- **Saving Water:**
  Once established, many native plants need minimal irrigation beyond normal rainfall.

- **Low Maintenance:**
  Low maintenance landscaping methods are a natural fit with native plants that are already adapted to the local environment. Look forward to using less water, little to no fertilizer, little to no pesticides, less pruning, and less of your time.

- **Pesticide Freedom:**
  Native plants have developed their own defenses against many pests and diseases. Since most pesticides kill indiscriminately, beneficial insects become unintended victims in the fight against pests. Reducing or eliminating pesticide use lets natural pest control take over and keeps garden toxins out of our creeks and watersheds.

- **Wildlife Viewing:**
  Native plants, birds, butterflies, beneficial insects, and interesting critters are “made for each other.” Research shows that native wildlife prefers native plants.

- **Support Local Ecology:**
  As development replaces natural habitats, planting gardens, parks, and
roadsides with natives can provide a “bridge” to nearby remaining wildlands.

There are a number of nurseries in Frederick County that can provide natives, so such a clause could also help local businesses, while also helping the homeowner, developer, and wildlife as well. In fact, we would encourage that a clause be added to all DRRAs that the developer use natives as a standard practice.

So, to summarize, we strongly oppose any development along the shared property line with the Casey holdings, and believe steps can be taken to avoid degrading the conservation values of the Sanctuary.

The Audubon Society of Central Maryland would be happy to work with the Casey Foundation and/or Rodgers Consulting on any of these matters.

Lastly, thank you for the opportunity to provide our local Chapter’s input, and I will be happy to answer any questions you may have.