

**RESOLUTION OF THE COUNTY COUNCIL OF FREDERICK COUNTY, MARYLAND**

**RESOLUTION NO. 16-19**

(Adopted on August 15, 2016)

**RE: BALLENGER RUN DRRA AMENDMENT**

RECITALS

On October 17, 2013, RBG Family, LLC (RBG), entered into a Development Rights and Responsibilities Agreement (DRRA) with the former Board of County Commissioners of Frederick County, Maryland. Section 11.1.B of the DRRA provides that:

the County Development Laws, regulations and policies governing the use, density or intensity of the Property, including but not limited to those governing development, subdivision, zoning, comprehensive planning, moderately priced dwelling units, growth management, impact fees, water, sewer, stormwater management, environmental protection, land planning and design, adequate public facilities laws and architecture shall be the laws, rules, regulations and policies, if any, in force on the Effective Date of the Agreement.

On May 3, 2016, SeD Maryland Development, LLC (SeD), the current owner of the Ballenger Run PUD and successor in interest to RBG, petitioned the Frederick County Executive to accept amendments to the DRRA and attached MPDU Agreement to allow SeD to utilize recent amendments to Chapter 1-6A (Moderately Priced Dwelling Units (MPDU)) of the Frederick County Code. The amendments, which became effective as of September 5, 2015 (Bill No. 15-06), allow certain requirements of federal, state, or local government affordable rental housing programs to replace and fulfill certain County requirements for rental MPDUs. The County Executive approved the petition on June 20, 2016.

In accordance with §1-25-5 of the County Code, the DRRA amendment petition was referred to the Frederick County Planning Commission. The Planning Commission considered the proposed

amendments at a public meeting on July 13, 2016, and determined that the proposed DRRA amendments are consistent with the County Comprehensive Plan.

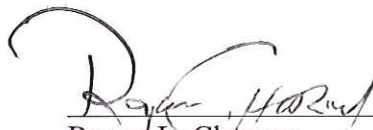
Pursuant to §1-25-6 (A), the County Council held a duly advertised public hearing in connection with the proposed DRRA amendments on August 15, 2016, at which time the public had the opportunity to comment.

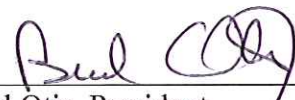
NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF FREDERICK COUNTY, MARYLAND, that the Frederick County Executive is hereby authorized to sign the amended Ballenger Run DRRA.

The undersigned hereby certifies that this Resolution was approved and adopted on the 15<sup>th</sup> day of August, 2016.

ATTEST:

COUNTY COUNCIL OF  
FREDERICK COUNTY, MARYLAND

  
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Ragen L. Cherney  
Council Chief of Staff

By:   
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Bud Otis, President

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8/16/16*