FREDERICK COUNTY PLANNING COMMISSION
October 10, 2018

TITLE: Woodbourne Manor Preliminary Subdivision

FILE NUMBER: S-962, AP 18621 (APFO 18622, FRO 18623)

REQUEST: Preliminary Plan Approval
The Applicant is requesting re-approval of the previously approved Preliminary Plan (AP13374), which was approved by the Planning Commission on June 12, 2013.

PROJECT INFORMATION:
ADDRESS/LOCATION: Northeast quadrant of MD 180 (Jefferson Pike) and MD 383 (Broad Run Rd.).
TAX MAP/PARCEL: Map 84, Parcel 120
COMP. PLAN: Low Density Residential and Agriculture
ZONING: R-3 Residential and Agriculture
PLANNING REGION: Brunswick
WATER/SEWER: W-3, S-3 and NPS (Ag zone)

APPLICANT/REPRESENTATIVES:
APPLICANT: Jefferson Valley, LLC
OWNER: Jefferson Valley, LLC
SURVEYOR/ENGINEER: Fox and Assoc.
ARCHITECT: N/A
ATTORNEY: Miles and Stockbridge

STAFF: Jerry Muir, Principal Planner I

RECOMMENDATION: Approval

ATTACHMENTS:
EXHIBITS
1. Preliminary Plan current status
2. Rendered Preliminary Plan
3. Applicant letter of explanation
4. APFO Letter of Understanding (LOU)
5. FCPS School Test Determination
STAFF REPORT

ISSUE
The Applicant is requesting Preliminary Plan approval for 194 R-3 residential single family lots and 3 Agriculturally-zoned lots on a 137.93-acre site. The site contains 86.37 acres of R-3 zoning and 51.56 acres of Agricultural zoning.

BACKGROUND
This property has been the subject of several previous subdivision applications.
- November 2005 - A Preliminary Plan for an all age community of 199 lots failed due to APFO school inadequacies.
- November 15, 2006 - A Preliminary Plan was approved by the FCPC for a 175 unit age restricted community.
- February 2007 - A Preliminary Plan was approved by the FCPC for a non-age restricted community of 181 lots. Twelve additional lots were shown on this plan to illustrate the ultimate design but were not approved as part of this plan. At this time the property included Village Center (VC), R-3, and Agricultural (AG) zoning.
- March 2013 – The Preliminary Plan known as Woodbourne Manor, consisting of 194 Single Family Dwellings, 3 agriculturally zoned out-lots and a large 22.6 acre remainder property was approved by the Planning Commission. The final APFO agreements were also approved and remain valid until February of 2019.
- May 2018 – The Preliminary Plan approval was extended by the FCPC to match the expiration date of the existing APFO (February 2019).

On May 9, 2018, the Planning Commission reapproved the plan in order to allow it to match the expiration date of its APFO approval which was February 2, 2019. A new APFO test for schools was required prior to any further approvals of the plan beyond this expiration date. A new 3 year test was submitted and reviewed by Frederick County Public Schools (a similar roads test was also accomplished for that same time period) and the applicant is seeking a new three year approval term to allow the build out of the project. This request does not involve any changes to the approved plan for 194 R-3 residential single family lots and 3 AG Zoned lots on a 137.93-acre site. The re-approval request would extend the plan and LOU approval until October 10, 2021.

Current Application:
This request does not involve any changes to the approved plan for 194 R-3 residential single family lots and 3 AG Zoned lots on a 137.93-acre site. This approval request would extend the plan approval until October 10, 2021.
ANALYSIS

In terms of the 194 approved single family lots; 76 are currently platted along Puller Drive, Boyington Drive, Foss Way and Basilone Lane. Plats have been submitted to the County for an additional 35 SFD’s on Carswell Place and Prussman Drive, including the HOA open space parcel. The three agricultural out-lots and the 22.6 remainder portion also have plats currently under review as per the attached exhibit.

The original approval required several improvements to the existing water system in Jefferson. Five well out-lots have been platted and their waterlines have been completed to tie into the existing system. The waterline extensions to serve this development, including the line along Route 180, have also been completed. The additional water tank has been constructed and is currently going through final testing and finishing with the final product scheduled to be delivered by the end of this year.

Road improvements to Route 180 and the intersection of Lander Road have also been completed and accepted by the State Highway Administration. SHA has granted an extension to the required road improvements along Route 383, Broad Run Road and those plans remain approved and valid for construction.

A. ZONING ORDINANCE REQUIREMENTS

1. Specific Use Regulations, Moderately Priced Dwelling Unit (MPDU) §1-19-8.620:

   §1-19-8.620.1: The purpose of the MPDU program is to substantially increase the county's supply of moderately priced housing units as a natural function of the development process. This program permits an increase in density above the total number of dwelling units permitted by the standard method of development. It also permits a reduction in certain area and dimensional requirements.

   §1-19-8.620.2: The provisions of this division shall apply to all residential developments consisting of 25 units or more on public water and sewer. Residential developments consisting of 25 units or more are required to provide no less than 12.5% of the total units as MPDUs. This includes all developments in VC, R-1, R-3, R-5, R-8, R-12, R-16 residential districts, MX, MXD, and PUD districts.

   §1-19-8.620.3: Density bonuses ranging from 1% to 22% with a corresponding increase in the MPDU requirement from 12.5% to 15% are permitted in R-1, R-3, R-5, R-8, R-12, and R-16 residential districts, VC, MX, MXD, PUD, and co-housing.

   This application is subject to the MPDU requirements as it is zoned R-3 and proposes more than 25 lots. The Applicant is required to provide the minimum 12.5% MPDU requirement. A total of 194 lots are proposed within the R-3 zone, requiring 24 MPDU’s (194 x 12.5%= 24.25).

   §1-19-8.620.5: Lot Area, Width, and Yard Measurements: R-3 Residential Single Family

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October 10, 2018
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### Table: Standard and MPDU Min. Lot Size

<table>
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<tr>
<th></th>
<th>Standard Min. Lot Size</th>
<th>MPDU Min. Lot Size</th>
<th>Standard Min Lot Width</th>
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The typical (non-MPDU) R-3 bulk standards, as well as the permitted MPDU bulk standard reductions (shown in **bold**), are illustrated in the table above. The Applicant is proposing to use the reduced lot size, lot width, and building restriction lines permitted in R-3 MPDU developments.

All of the proposed lots meet the minimum 4,000 square foot lot size requirement. The “neo-traditional” lots (situated along MD 180) are typically 4,830 square feet, with a minimum lot size of 4,200 square feet. The remaining R-3 lots range in size from 7,150 to 8,800 square feet. The average lot size for all the R-3 zoned lots is 8,936 square feet. The required front, rear, and side setbacks are shown on the plan and meet the Zoning Ordinance requirements.

### 2. Agricultural District §1-19-7.300:

The three proposed Ag zoned lots are permitted by the Zoning Ordinance. No further subdivision of the remainder parcel is permitted unless the property is rezoned. Two of these lots are 5.00 acres in size, Lot 3 is 18.80 acres, and the remainder is 22.60 acres. The Ag zoned portion of this property is outside of the water and sewer service area, and the recorded Water Recharge Easement prohibits drilling private use wells. Therefore the Applicant has included an area of R-3 zoned land that is within the water and sewer service area. The houses for the Ag lots will be constructed within the R-3 portion of the lots and will be served by public water and sewer. The lots meet the minimum building restriction lines for the Ag zone.

### 3. Parking Space Requirements and Dimensions §1-19-6.220:

The Zoning Ordinance requires two (2) parking spaces for each single family dwelling unit.

The Neo-Traditional product along MD 180 is rear-alley loaded and will contain either a parking pad or a garage. At least one on-lot space is provided for each Neo-Traditional dwelling. In addition, 31 parking spaces will be provided along MD 180. The 22 Neo-Traditional dwellings require a minimum of 44 parking spaces. A total of 59 parking spaces are provided.

The 20 single family lots along both sides of Puller Drive are rear-alley loaded and will contain either a parking pad or a garage. A minimum of one space is provided on each lot and 41 parking spaces are provided along Puller Drive. A total of 40 parking spaces are required. The Applicant is providing 61 spaces.

The remaining 152 R-3 zoned lots will be developed with a two-car garage and a parking pad that accommodates two vehicles. A total of 304 parking spaces are required. A two-car garage is counted as one space. Therefore 3 parking spaces are provided for each dwelling. A total of 456 on-lot parking spaces are provided.

Parking for the open space/Community Park is provided along north and south fronting streets. A total of 43 spaces are provided.
The Applicant has submitted a modification request for approval of the extra parking spaces in accordance with §1-19-6.220 of the Zoning Ordinance (see Exhibit 2). Staff supports the additional parking spaces. Staff finds that many Neo-Traditional and small-lot developments in the County suffer from inadequate parking. In addition, a portion of the off-street parking is needed to meet the on-site parking for certain units as described above.

4. **Waterbody Buffer Requirements §1-19-9.400:**

The Zoning Ordinance requires a minimum 100 foot buffer from the banks of streams and associated wetlands and floodplains. A greater buffer is required when steep or moderate slopes are adjacent to the waterbody. The Applicant has provided a 100 foot buffer in accordance with the regulations. With the exception of a utility easement and SWM facilities, the waterbody buffer is being planted with native trees and shrubs as part of the FRO requirements.

**Zoning Ordinance Requirements Findings/Conclusions**

The proposed subdivision will meet all Zoning Ordinance requirements.

B. **SUBDIVISION REGULATION REQUIREMENTS**

1. **Land Requirements §1-16-217 (A):** The land use pattern of the Comprehensive Plan and the district regulations of the zoning ordinance shall form the basic theme of the design pattern of the proposed subdivision.

The proposed land use and subdivision design complies with the Comprehensive Plan and meets Zoning Ordinance requirements.

2. **Land Requirements §1-16-217 (B):** The subdivision design shall take advantage of the uniqueness of the site reflected by topography, soils, the wooded areas, water bodies and the relationship to adjoining subdivisions and land uses, both proposed and existing.

The site contains no unique topography, soils, or wooded areas. A stream and wetland area runs through the center of the site. Except for a road crossing and a utility easement, the stream, wetlands and the required 100 foot waterbody buffer is being preserved, planted with trees, and placed under a Forest Conservation Easement. The proposed development is similar to the adjoining properties land use.

3. **Preliminary Plan, Required Information §1-16-72 (B)(19)(a & b):** Soil types: (a) Soils type(s) information shall be provided and appropriate boundaries shown on the plan. In the event that "wet soils" are located on or within 100 feet of a proposed residential subdivision, a soils delineation report shall be prepared by a licensed soil scientist or professional engineer registered in the State of Maryland. The soils delineation report shall be submitted for review prior to Planning Commission approval of the plan. The Division may waive this requirement if the “wet soils” are located within open space areas. (b) If residential lots are proposed within “wet soils” then a geotechnical report is required to be submitted by a professional engineer registered in the State of Maryland. A note shall be placed on the plan that all construction shall be in conformance with the geotechnical report.

Wet soils are located primarily along the stream corridor, with a small finger reaching southward in the vicinity of proposed Puller Alley. A detailed soils study and report were done in 2004, which found 19 lots.
to be impacted by the wet soils. The Preliminary Plan notes that these lots will be developed in accordance with the Frederick County wet soil requirements (see note 4).

4. Road Access Requirements. Public Facilities §1-16-12 (B)(3)(b): For major subdivisions; Lots must access a publicly-maintained road with a continuously paved surface that is at least 20 feet in width.

The subdivision will access Jefferson Pike (minor arterial) and Broad Run Road (collector), both of which meet or exceed the 20 foot travelway width requirement. Lot access meets the Subdivision Regulations requirements.

The internal street network consists of primarily public streets, with limited private streets and alleys. All streets are designed to closed-section standards. All private streets will be owned and maintained by the HOA.

Through-movement street patterns are proposed throughout the development, with the exception of three dead-end segments;

- **Casamento Place** is approximately 400 feet in length and is designed as a short, private loop road that serves 16 lots. Twelve of these lots have road frontage along Jefferson Pike and utilize Casamento Place for rear-loaded garages. This street will be maintained by the HOA.
- **Carswell Place** ends at a 475 foot turnaround. The right of way for this public street runs to the adjoining property line, facilitating a possible future street connection should the adjoining property develop in the future.
- **Damato Court** is a 300 foot long small loop road serving 8 lots. This street will be maintained by the HOA.

Buckley Drive is shown on the Comprehensive Plan as a collector road that connects Broad Run Road to Old Middletown Road. The Applicant is constructing the road from Broad Run Road to the Hallein Property. The Hallein Property has an approved Preliminary Plan and is dedicating, but not constructing, the remaining portion of Buckley Drive. Although Buckley Drive is shown on the Comprehensive Plan as a collector status roadway (60 foot right of way), the Applicant is proposing a 50 foot right of way. Planning Staff agree that this road is an extremely low-order collector road. Because of the density of this project, the inclusion of a rotary (round-about) that slows traffic speed, and providing direct lot access to this street, County Staff has no objections to the proposed 50 foot right of way width. Staff notes that the design of Buckley Drive has not changed from the previously approved Preliminary Plans.

The Applicant has submitted a request for modification of the Frederick County Streets and Roads Manual, Section 2.01.16 to reduce the parking lane width from 8 feet to 7 feet (see Exhibit 2). Mountable curb is being provided where parallel parking is provided to allow for ease of maneuvering. This reduction of parking lane width was suggested by the County Traffic Engineer to help accommodate additional space within the right-of-way for infrastructure should the need arise during the Improvement Plan phase of the project.

5. Water and Sewer Facilities. Public Facilities §1-16-12 (C): The proposed subdivision shall be disapproved unless each building lot has been approved for individual and/or community sewerage and water facilities by the Health Department.

The property has three water and sewer classifications;

- Lots 1-152 and 190-194 fall within the W-4, S-4 categories.
- The remaining R-3 lots fall within the W-5, S-5 categories.
- The AG zoned lots have No Planned Service.
Per the Water and Sewer Rules and Regulations, properties must have a water and sewer classification of a “4” or less to connect to public facilities. An application to amend the water and sewer classification must be filed for the W-5, S-5 portion of the property. Preliminary Plan approval is required prior to seeking the upgraded water and sewer classification.

Lots 153-160 and 182-189 are future lots and cannot be developed until DUSWM approves the required water appropriations.

The AG zoned lots are outside of the service area. Therefore, home construction must be within the R-3 zoned portions of these lots.

While the public sewer and water facilities are currently adequate or will be adequate in the future to serve the Project, the Applicant is aware that capacity is not guaranteed until purchased. Plat recordation and building permit issuance is 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 §1-16-106 of the Frederick County Subdivision Regulations.

### 6. Parks §1-16-111:

The Subdivision Regulations require 726 square feet of parkland for each dwelling unit in the R-3 zone. Up to 50% of this land may be steep slopes, streams, or floodplain. The remaining 50% must be “dry ground” with less than 5% slope.

This development requires 3.23 acres of parkland (194 lots x 726 square feet), of which 1.62 acres must be dry ground. The Applicant is providing a total of 27.90 acres, of which 8.84 acres is dry ground for active recreation, 13.60 acres is within the stream corridor, and 5.46 acres of small open spaces are provided throughout the development.

The Comprehensive Plan shows a Community Park symbol on the Ag zoned portion of the property. In 2006 the Frederick County Land Acquisition Office indicated that the County was not interested in pursuing this site. The Planning Commission approved the two previous Preliminary Plans on this property without the community park. At this time a Water Recharge Easement is recorded across the Ag zoned portion of the property, which would practically prohibit the development of a public recreation facility.

**Subdivision Regulation Requirements Findings/Conclusions**

The project will meet all Subdivision Regulation requirements once all agency comments and conditions are complied with.

### A. Moderately Priced Dwelling Unit, §1-6A

This application is subject to the MPDU requirements as it is zoned R-3 and proposes more than 25 lots. The Applicant is required to provide the minimum 12.5% MPDU requirement. A total of 194 lots are proposed within the R-3 zone, requiring 24 MPDU’s. The MPDU’s will be mitigated via the fee-in-lieu option. An MPDU agreement was recorded in the Land Records (L.9929 F.81).

### A. OTHER APPLICABLE REGULATIONS

**Stormwater Management – Chapter 1-15.2:** Stormwater management plans and improvement plans were approved for the area between MD 180 and the HOA community park with the previous Preliminary Plan approval. An administrative waiver from the new 2007 Regulations was granted in 2010.

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The area north of the HOA Community Park has been significantly redesigned since the last Preliminary Plan and SWM approvals. Stormwater management for this section must be provided in accordance with the Maryland SWM Act of 2007. SWM design will be reviewed with the future submission of SWM concept, development, and improvement plans.

**APFO – Chapter 1-20:** The APFO letter of understanding has been revised to reflect the new 3 year schools test and will be executed once the Planning Commission gives its approval. The specifics of the new LOU are as follows:

**Schools:** *Attendance Areas: Valley ES, Brunswick MS, Brunswick HS.* The Project is projected to generate 20 elementary school students, 13 middle school students and 18 high school students, as outlined in the analysis performed by Frederick County Public Schools (FCPS), dated July 16, 2018. Based on these numbers and considering enrollment projections from pipeline development, the school adequacy test passes at all levels, throughout the LOU validity period.

**Water and Sewer:** The Property has water and sewer classifications of W-3 (Dev.), S-3 (Dev.) and No Planned Service (NPS).

**Water:** Applicant has constructed those water system improvements required under the 2013 LOU. The Maryland Department of the Environment (MDE) has issued Water Appropriation & Use permits FR2004G003(02) and FR2004G103(2) for the Project. Lots 153-160 and 182-189 shall not be platted until the Division of Utilities and Solid Waste Management (DUSWM) determines that adequate water supply and appropriation exists based upon actual water usage. If DUSWM finds the water supply to be inadequate, Applicant shall obtain additional appropriation from MDE on the County’s behalf.

**Sewer:** The Jefferson wastewater conveyance and treatment system is deemed adequate to serve the Project at this time. The Project is subject to a Multi-Year Tap Agreement, dated November 18, 2014.

**Road Improvements:** All identified road improvements in the 2013 LOU have been satisfied through the LOU validity period. As detailed in the traffic brief prepared by The Traffic Group, dated June 29, 2018, 148 AM and 198 PM, weekday peak hour trips would be generated from the site, and will meet APFO road capacity adequacy requirements throughout the new validity period.

**Period of Validity:** The effective date of the LOU for the commencement of all APFO approvals would be October 10, 2018 if approved, and this LOU would remain valid through October 10, 2021.
### Summary of Agency Comments

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<th>Other Agency or Ordinance Requirements</th>
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<td>State Highway Administration (SHA):</td>
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<td>Div. of Utilities and Solid Waste Mngt. (DUSWM):</td>
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<td>Health Dept.</td>
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<td>APFO</td>
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### RECOMMENDATION

Staff has no objection to the approval of this Preliminary Plan and the Amended Letter of Understanding. Should the FCPC grant approval of this application, Staff recommends that the following items be added as conditions to the approval:

1. The Applicant shall comply with all Staff and agency comments through the completion of the plan.
2. The Preliminary Plan and APFO approvals expire on October 10, 2021.

### PLANNING COMMISSION ACTION

**MOTION TO APPROVE**

I move that the Planning Commission Approve S-962 (AP 18621) the APFO (AP 18622) based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.
EXHIBIT 1 Woodbourne Manor Current Status
EXHIBIT 2 Woodbourne Manor Rendered Preliminary Plan
Via Electronic Mail & Hand Delivery

Planning Commission
Frederick County, Maryland
c/o Jerry Muir, Principal Planner I
30 North Market Street
Frederick, Maryland 21701

Re: Woodbourne Manor (S-962 AP#s 18621, 18622 & 18623) (the "Project")

Honorable Planning Commissioners:

On behalf of Jefferson Valley, LLC (the "Applicant") I am writing in explanation of the Applicant’s request for Preliminary Plan approval of the Project. The Project received its original Preliminary Plan and Adequate Public Facilities Ordinance (“APFO”) approvals in June 2013, with the Preliminary Plan expiration set for one year earlier (June 12, 2018) than the APFO expiration (February 21, 2019), due to legislated and other extensions.

You will recall that on May 9, 2018 you granted the Project Preliminary Plan approval, with validity through February 21, 2019.

It was for the purpose of matching the Preliminary Plan approval validity period to coincide with the APFO validity period that we made, and you granted, our request. In May, the Project’s plan specifics had not changed since the original approval, and the Applicant was advancing forward with the Project.

Since your May approval, the Applicant has re-submitted the required information for an updated APFO test. Again, as was the case in May, the specifics of the Project’s plan itself have not changed, and the Applicant continues with advancing forward.

Since the Project has now met updated APFO requirements, we are requesting Preliminary Plan and APFO approval through the new validity period expiring in October 10, 2021.
Thank you for your consideration of the application. Please let us know if you need additional information. Otherwise, we will be available at your October 10, 2018 meeting, should you have any questions of us at that time.

Sincerely,

NOEL S. MANALO

cc: Mike Wilkins
Kathy L. Mitchell, Esquire
Fox & Associates, Inc.
Jefferson Valley, LLC
SECON AMENDED AND RESTATED ADEQUATE PUBLIC FACILITIES
LETTER OF UNDERSTANDING
WOODBOURNE MANOR
Preliminary Plat #S-962 AP #18622

In General: The following Second Amended and Restated Adequate Public Facilities Letter of Understanding ("Letter") by and among the Frederick County Planning Commission ("Planning Commission"), Jefferson Valley, LLC, a Maryland limited liability company as nominal title holder for Woodbourne Development, LLC, a Maryland limited liability company; and Jefferson Valley, LLC (collectively, the "Applicant"), together with their respective successors or assigns, sets forth the conditions and terms which the Planning 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 approved amendment to the Woodbourne Manor Preliminary Plan of Subdivision (the "Project"), in compliance with the Frederick County Adequate Public Facilities Ordinance ("APFO").

This Letter concerns itself with the Applicant's parcels of land totaling 136.83 +/- acres, zoned Low Density Residential (R-3) and Agriculture, and located on the north side of MD 180 between MD 383 and Old Middletown Road. This APFO approval will be effective for development of the remaining 122 new single family homes, as shown on the Project's preliminary plat, which was conditionally approved by the Planning Commission on October 10, 2018. This Letter does not affect the Project's Development Rights and Responsibilities Agreement, dated July 24, 2014, recorded among the Land Recorded for Frederick County, Maryland in Liber 10139, folio 500.

The current APFO approval for Woodbourne Manor is valid through February 21, 2019, as evidenced by the existing Amended and Restated APFO Letter of Understanding, signed by the Planning Commission on June 12, 2013 (the "2013 LOU"). The Applicant and the Planning Commission enter into this Letter pursuant to Chapter 1-20, Section 1-20-20 of the Frederick County Code, and this Letter replaces the 2013 LOU.

Schools: The Project is projected to generate 20 elementary school students, 13 middle school students and 18 high school students. Based on these numbers and considering enrollment projections from pipeline development, the school adequacy test passes at all levels.

Water and Sewer: The Property has water and sewer classifications of W-3 (Dev.), S-3 (Dev.), and No Planned Service (NPS).

Water: Applicant has constructed, or is in the process of constructing, those water system improvements required under the 2013 LOU. The Maryland Department of the Environment (MDE) has issued Water Appropriation & Use permits FR2004G003(02) and FR2004G103(2) for the Project. Lots 153-160 and 182-189 shall not be platted until the Division of Utilities and Solid Waste Management (DUSWM) determines that adequate water supply and appropriation exists based upon actual water usage. If DUSWM finds the water supply to be inadequate, Applicant shall obtain additional appropriation from MDE on the County's behalf.

Sewer: The Jefferson wastewater conveyance and treatment system is deemed adequate to serve the Project at this time.

APFO approval for sewer and water does not guarantee that plats will be recorded and building permits will be issued. Plat recordation and building permit issuance is 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:** All identified road improvements in the 2013 LOU have been satisfied through the LOU validity period. As detailed in the traffic brief prepared by The Traffic Group, dated June 29, 2018, 148 AM and 198 PM peak hour trips from the site will meet APFO road capacity adequacy requirements.

**Period of Validity:** The effective date of this LOU for the commencement of all APFO approvals referenced herein shall be October 10, 2018, and this LOU shall remain valid through October 10, 2021.

**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.

[Signatures on next page]
APPLICANT:

Jefferson Valley, LLC,
a Maryland limited liability company

By: [Signature]
Jeremy D. Holder
Vice-President
Date: 08/12/18

Woodbourne Development, LLC,
a Maryland limited liability company

By: [Signature]
Jeremy D. Holder
Vice-President
Date: 08/12/18

FREDERICK COUNTY PLANNING COMMISSION:

By: ___________________________ Date: ________________

Bob White, Chair or Sharon Suarez, Secretary

ATTEST:

By: ___________________________ Date: ________________

Gary Hessong, Director, Permits & Inspections

[Signature] 8/17/18

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### FCPS School Test Result

#### Pupil Yield Rate

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#### Background Growth

*USES 3 YEAR AVG ENROLLMENT INCREASE AS "BACKGROUNDS"

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<th>Fall-15</th>
<th>Fall-16</th>
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<td>593</td>
<td>607</td>
<td>668</td>
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<tr>
<td>Brunswick MS</td>
<td>671</td>
<td>724</td>
<td>798</td>
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<td>Brunswick HS</td>
<td>751</td>
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#### Impact of Other Developments

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<tr>
<th>Dwelling Unit Type</th>
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<th>Student Yield</th>
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<tr>
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<td>Elementary</td>
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<tr>
<td>Single Family</td>
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<td>126</td>
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<tr>
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<tr>
<td>Total</td>
<td>942</td>
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**Woodbourne Manor**

October 10, 2018

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### Adjustments to Current Conditions

The Butterfly Ridge Redistricting study was approved by the Board of Education on June 14, 2017. The redistricting goes into effect in fall 2018 and will impact Valley ES. See findings for detailed impacts. The Brunswick MS and Brunswick HS attendance areas did not change.

#### Approved Redistrictings:

#### New School Construction:

- None

#### APFO Test:

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<thead>
<tr>
<th></th>
<th>Current School Year</th>
<th>2018-2019 Year 1</th>
<th>2019-2020 Year 2</th>
<th>2020-2021 Year 3</th>
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<td>HS Enrollment</td>
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<td>84%</td>
<td>88%</td>
<td>92%</td>
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### FINDINGS:

The Butterfly Ridge Redistricting will take effect in fall 2018 and will impact enrollment at Valley ES, Brunswick MS and Brunswick HS. The project currently passes the APFO standards at the elementary level. Due to the redistricting, a large neighborhood was moved into the Valley ES attendance area. Valley ES is projected to have an enrollment of 823 on September 30, 2018, which is over the school’s state rated capacity of 504 and would change the result of the test.

The project currently meets the APFO standards at the middle school level.

The project currently meets the APFO standards at the high school level.