



Sugarloaf Treasured Landscape Management Plan
Public Comments & Correspondence
January 1-10, 2022



From: Planning Commission
Sent: Tuesday, January 4, 2022 8:33 AM
To: Nick Carrera
Cc: Brandt, Kimberly G.; Goodfellow, Tim
Subject: RE: If Parisians can save their Seine, let's protect our Monocacy

Good morning:

Thank you for taking the time to express your thoughts on the Sugarloaf Treasured Landscape Management Plan.

Your comments will be shared with the Planning Commission for their consideration.

Karen L. James
Administrative Specialist
Division of Planning & Permitting
Frederick County Government
30 North Market Street
Frederick, Maryland 21701
301-600-1138

From: Nick Carrera <mjcarrera@comcast.net>
Sent: Monday, January 3, 2022 9:08 PM
To: Planning Commission <PlanningCommission@FrederickCountyMD.gov>; Council Members <CouncilMembers@FrederickCountyMD.gov>; County Executive <CountyExecutive@FrederickCountyMD.gov>
Subject: If Parisians can save their Seine, let's protect our Monocacy

[EXTERNAL EMAIL]

"Paris wants to make the Seine swimmable for Olympics and the public" was a caption on the front page of the December 30 *Washington Post* that caught my eye. I think the following lines of gobbledegook symbols will link you to the full article, for your reading pleasure.

https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwjLg_na7pb1AhXgpXIEHcS8A3kQFnoECAkQAQ&url=http%3A%2F%2Fthewashingtonpost.newspaperdirect.com%2Fepaper%2Fviewer.aspx%3Fissue%3D10472021123000000000001001%26page%3D1%26article%3D0f273d57-2e1c-4382-865b-bdd2c245ef3c%26key%3DbjJU0ycc%252BqINuKwinsWIJA%253D%253D%26feed%3Drss&usg=AOvVaw0oAg4tDIafU79zcgE6jW1-

Imagine being able to swim in the Seine, declared since 1923 to be too polluted. Imagine visiting Paris and appreciating the Seine as an ornament to the city, not just as separator of Left Bank from Right Bank Paris. Imagine packing a swimsuit when you visit the City of Light!

Seeing that article triggered thoughts of our own Monocacy, of the Potomac, even thoughts of the Chesapeake Bay. As a high-schooler I rented canoes on the Potomac from Fletcher's and from Jack's, rowed crew out of the Potomac Boat Club by Key Bridge and sometimes jumped in briefly when we won a race. In the cleaner, upper reaches, above Great Falls, I swam at leisure, perhaps at risk but with no ill effects. More recently, I've enjoyed kayaking on the Monocacy. Rivers everywhere should be clean, beautiful, and enjoyable.

In the Sugarloaf Plan, a chapter is devoted to Watershed Water Quality and protection/improvement of streams whose waters feed into the lower Monocacy. As it stands, the Sugarloaf Plan is protecting, at best, only the left bank of the lower Monocacy. I suppose it will be left to a different Treasured Landscape Management Plan to help protect its right bank. *But the Sugarloaf Plan, by including all the land between Fingerboard Road and the Monocacy River as far upstream as the Monocacy Battlefield, could greatly enhance the Plan's protection for the river.*

Looking at the Seine, it's taken Parisians a century to find the courage to restore what should always have been a treasure to their city. For us, why wait until our treasured Monocacy River has been devalued by neglect. Let's do what we can now to protect/restore it to greater health and beauty. The Sugarloaf Plan area should be contained by the "natural" northern border of the Monocacy River, so it can provide all possible protection for this river, another treasured part of our county's landscape.

I take this opportunity to wish you all, sincerely, a happy and healthy year in 2022.

Nick Carrera, Urbana District

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SAMANTHA R. CARR

January 7, 2022

Ms. Kimberly Golden Brandt
Livable Frederick Director
Frederick County Government
Division of Planning and Permitting
Via Email: KGBrandt@frederickcounty.gov
30 North Market Street
Frederick, MD 21701

RE: Sugarloaf Plan

Dear Ms. Brandt;

Our firm represents Tevis Real Estate, the owner of property located on the west side of I-270 at 8709 Fingerboard Road, on which a medical dispensary currently operates. It was recently brought to our attention that Frederick County is actively pursuing planning changes to this area which, if adopted, would have a negative impact on the future development potential of our client's property.

My client is opposed to having their property included in any overlay zone being contemplated as part of the Sugarloaf Treasured Landscape Management Plan and is opposed to any restrictions that would prevent or limit the future redevelopment of their property. The Livable Frederick Master Plan recognizes that the areas around the existing and future Interchanges of I-270 are critical for the future economic growth of Frederick County. The Livable Frederick Master Plan identifies an Interstate Corridor, extending along both sides of I-270 and defined in the LFMP as **"a corridor for growth and development along Interstate 270"**(page 45, LFMP). **My client wants to be included in future studies of the I-270 Interstate Corridor as was envisioned by the Livable Frederick Master Plan.**

Any actions taken by the County as part of the Sugarloaf planning process which pre-empt future development opportunities in the "I-270 Interstate Corridor" are inconsistent with the recommendations of the Livable Frederick Master Plan for growth and development along I-270.

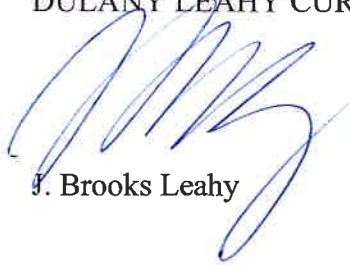
- Livable Frederick Master Plan sought to strike a balance between a) the preservation of an area around Sugarloaf Mountain and b) the need to retain property on both sides of the I-270 corridor for future economic growth.
- The LFMP vision is that development at existing and future interchanges is vital to the future economic needs of the County.
- Livable Frederick Master Plan proposes development along both sides of the I-270 Interstate Corridor and identifies it as a “Primary Growth Sector” for the County. This corridor extends from the City of Frederick south to the County line. The I-270 Interstate Corridor is defined as “a corridor for growth and development along Interstate 270...” (page 45 of LFMP)
- Livable Frederick does not recommend that the Sugarloaf Rural Heritage Area extend all the way to I-270 in the vicinity of the interchanges.
- The areas around the existing and future interchanges are designated for future development.

We are respectfully opposed to any actions which may limit the future development potential of our client’s property.

- The County should not be using this process to preclude future development on the west side of the I-270 corridor near existing and future interchanges, where extensive investment has already been made by the County, State and private interests in the infrastructure necessary to accommodate future growth needs.
- The Sugarloaf planning effort is exclusively focused on preservation. The broader interests that shaped the Livable Frederick Master Plan are not represented in the Sugarloaf Stakeholder’s Advisory Group that was formed by the County.
- There are limited opportunities in the County for future development opportunities, and the properties along both sides of 270 in the Urbana region are an important economic resource that needs to be preserved.
- Commercial businesses already exist on the west side of I-270, and the County’s long-term growth plans have consistently re-affirmed that development near the interchanges should be accommodated.
- Both the County’s 2000 General Plan and the Livable Frederick Master Plan show the potential for development on the west side of I-270.

- The areas along both sides of I-270 south of Frederick City to the county line should be studied in a separate area plan as Livable Frederick intended.

Sincerely,
DULANY LEAHY CURTIS & BROPHY, LLP



J. Brooks Leahy

JBL/lss

*Cc: Tevis Real Estate
Steve Larsen (slarsen@tevisrealestate.com)
Jack Tevis (jtevis@tevisoil.com)*

S:\WPDOCS\ - GENERAL FILES\T\Tevis Real Estate Inc\Ltr. to Frederick County.Sugarloaf.2022.01.07.docx

Ms. Kimberly Golden Brandt
Livable Frederick Director
Frederick County Government
Division of Planning and Permitting
30 North Market Street
Frederick, MD 21701

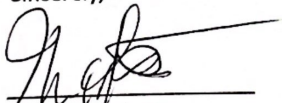
RE: Sugarloaf Plan

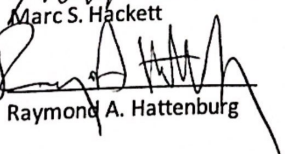
Dear Ms. Brandt;

We are the current tenants and former owners of property located at 8012 and 8012 (A) Fingerboard Road on the west side of I-270, north of Urbana. We have jointly operated the Black Dog Farm horse stable on our adjoining properties for almost 20 years. We are aware that Frederick County is currently developing a small area plan for the Sugarloaf Mountain area, with a primary goal of ensuring the future preservation of this important natural resource. However, we were surprised and dismayed to hear that there has been talk of extending the reach of this plan to encompass the Black Dog Farm properties. The study area in the original draft and first revision of the plan, which have been under discussion for over a year, stopped well short of the Black Dog Farm. We have never considered these properties to be within the neighborhood of Sugarloaf Mountain and are extremely concerned that an extension of the planning area to include them would have an adverse impact on our business and the ability of the current and future owners to make a productive use of the farm.

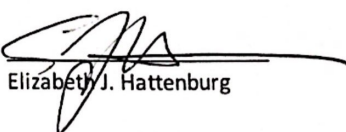
We would like to go on record to oppose the extension of any overlay zone proposed by the Sugarloaf Treasured Landscape Management Plan to include the Black Dog Farm properties.

Sincerely,



Marc S. Hackett

Raymond A. Hattenburg

Lisa N. Hackett

Elizabeth J. Hattenburg

From: [L.B](#)
To: [Goodfellow, Tim](#)
Subject: Thurston road
Date: Saturday, January 8, 2022 1:29:37 PM

[EXTERNAL EMAIL]

Please leave our 3rd generation farm out of any conservation plans. No third party should dictate a major drop in our property value.

Thank you for your time,

Bazan/Bryant property

January 10, 2022

Bruce N. Dean
240.503.1455
BDean@mdglawfirm.com

VIA ELECTRONIC AND REGULAR MAIL

Tim Goodfellow
Principal Planner and Project Lead
Frederick County Government
Division of Planning and Permitting
30 North Market Street
Frederick, MD 21701

Re: Additional Property Owner Comments Regarding the Draft *Sugarloaf Treasured Landscape Management Plan (the “Draft Sugarloaf Plan” or the “Plan”)*
Tax Map 0105, Parcels 3 (142.94 acres) and 38 (199.97 acres) (collectively, the “Urbana Interchange Properties”); and Tax Map 0096, Parcel 164 (173.51 acres) (the “Park Mills Road Interchange Property”)

Dear Tim:

I am writing you on behalf of Natelli Holdings II LLC (“Natelli”), the owner of the parcels described above, consisting of approximately 342 acres of land located immediately southwest of the Route 80/Interstate 270 Interchange and referred to above as the Urbana Interchange Properties, and 173.51 acres of land located along Park Mills Road immediately west of Interstate 270 at the location of a future planned interchange and referred to above as the Park Mills Road Interchange Property. The Urbana Interchange Properties and the Park Mills Road Interchange Property are collectively referred to below as the “Interstate Corridor Properties”. I have previously submitted letters on behalf of Natelli, dated October 8, 2021, and November 9, 2021, offering specific requests regarding the Interstate Corridor Properties for consideration by the Planning Commission in its ongoing review of the Draft Sugarloaf Plan.

The reason I am writing to you at this time is in direct response to the facts, materials and conclusions contained in the Environmental Analysis submitted to the Frederick County Planning Commission on behalf of Natelli by Rodgers Consulting on January 10, 2022. In this Analysis, Rodgers provides the Planning Commission with a great deal of evidence showing that 1) the

Tim Goodfellow
January 10, 2022
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State Use Classifications for the streams located in the Sugarloaf Planning Area have been misrepresented in the Draft Sugarloaf Plan; 2) all of the Interstate Corridor Properties are located in the lowest quality sub-watersheds, and therefore do not impact any of the few sensitive, coldwater streams which actually are located in the Sugarloaf Planning Area; and 3) these incorrect assumptions provide a great deal of the basis for efforts to apply the Rural Heritage Overlay Zoning District to the Interstate Corridor Properties. Any assertions being made that development of the Interchange Corridor Properties will impact sensitive streams are not supported by the State of Maryland DNR's classifications, as the streams located in the sub-watersheds that include the Interstate Corridor Properties are the lowest quality streams recognized in the State classification system. Therefore, applying the Overlay to these properties is not supported by the underlying scientific data.

In addition, the Planning Commission should be considering that the proposed Overlay Zoning District purports to protect these resources by, among other things, reducing permitted "development activities to minimize or eliminate adverse impacts to water quality, forest resources, wildlife habitats, and scenic and rural landscape elements" (page A-19) by, among other things, creating an artificial and unscientific limit on non-residential building size limitation of 15,000 square feet, regardless of whether such development activities would serve to actually protect these resources as more specifically described in Section 3 of the Rodgers Analysis.

We support the policies and initiatives found in the Plan regarding the Urbana Branch Watershed on pages 90 and 91, including specifically that "[a]ny future planning initiative for the MD 80 interchange area that advances the Livable Frederick Master Plan's goals to increase multi-modal accessibility and support the innovative bioscience and advanced technology sectors must include a high level of environmental protection for the Urbana Branch Watershed and the Bennett Creek Watershed..." Initiatives 6D ("enhancing the buffering of aquatic systems") and 6E ("[e]stablish a physical, chemical and biological water quality monitoring program for the Urbana Branch Watershed..."). It is clear from the Rodgers Analysis that additional protections for the environment in general (and water quality specifically) can in fact best be achieved, and the Interstate Corridor Properties offer some of the greatest potential for environmental improvement, if they are permitted to develop under today's environmental standards and requirements, as described in Section 3 of the Rodgers Analysis.

In conclusion, we continue to be on record opposing the application of the Overlay Zoning District to the Interstate Corridor Properties and respectfully request that the Planning

Tim Goodfellow
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Page 3

Commission limit any applicability of the Overlay Zone to properties west of Rt. 80 and Thurston Road.

Thank you for your attention to and consideration of this submittal. Should you have any questions, please feel free to contact me.

Very truly yours,

McCURDY, DEAN & GRADITOR, LLC



Bruce N. Dean

cc: Mr. Tom Natelli
Dusty Rood
Eric Soter

Natelli Communities

January 10, 2022

Members of the Frederick County Planning Commission
Winchester Hall
12 E Church Street
Frederick, MD 21701

Re: Sugarloaf Treasured Landscape Management Plan

Dear Planning Commission Members:

As we approach the next work session on Sugarloaf, I'd like to reiterate a few basic points that have been made in prior communications.

- The Livable Frederick Master Plan recognizes that development of the I-270 Interstate Corridor is an important objective of the Plan, just as it recognizes that establishing a Rural Heritage Landscape area around Sugarloaf Mountain is an important objective of the Plan. I urge you to revisit pages 39, 40 and 45 of the Livable Frederick Master Plan and draw your own conclusions on this. I have attached them for ease of reference.
- These two areas (Sugarloaf Heritage Landscape area and I-270 Interstate Corridor) are shown as overlapping in some places in the Thematic Plan (page 45), with the actual boundaries to be determined in the future when more detailed consideration could be given to the various objectives and goals involved in determining the best way forward for the County.
- However, this detailed consideration of both planning areas is not happening, in part because the small area plan process initiated by the County for the Sugarloaf Treasured Landscape Management Plan is exclusively environmentally focused, and seems to be giving little consideration to other important objectives in LFMP, including the nature and extent of the I-270 Interstate Corridor boundaries and the importance of the I-270 Interstate Corridor to the economic vitality of Frederick County.
- If the Sugarloaf process alone is used to determine the boundary of the I-270 Interstate Corridor, I believe we will have completely disregarded the work and intent of the broader community and the political leaders who adopted the LFMP to strike a balance among the many competing objectives that were intended to make LFMP a community-wide success.

In my view there has been a disconnect between some of the key discussions taking place during the Sugarloaf work sessions and the intent of LFMP with respect to the I-270 Interstate Corridor. I think Dennis did a good overall job of explaining the nature and importance of the I-270

Interstate Corridor at the first work session in September. Since then, though, I have heard very little discussion with respect to reconciling the need to preserve future opportunities in the I-270 Interstate Corridor with the goals of the Sugarloaf Plan.

I do appreciate that there is a lot of pressure being brought to bear on the Planning Commission, with the basic thrust being to try to prevent future development anywhere on the west side of I-270. Frankly, I've been on the receiving end of some of it, myself. However, I think it's notable that some of these same interests were at work during the LFMP process, with the same goal in mind, and their efforts failed to sway the outcome of the LFMP. Perhaps this is because Livable Frederick had to deliver a vision that balances the competing needs of the County, including accommodating future growth while enhancing environmental preservation. Let's face it, if the LFMP process had concluded with a determination that no development on the west side of I-270 is warranted in the future, it would have been very easy and straight-forward to simply state this as fact in the final, adopted version of LFMP. This did not happen. On the contrary, the I-270 Interstate Corridor was established and identified as a Primary Growth Sector in the LFMP, together with proposed development opportunities shown around the existing and future interchanges of I-270, and it was shown to co-exist with the Sugarloaf Heritage area on the west side of I-270. This was very important to us and is what gave us enough comfort to support the LFMP. It is my view that this basic tenet has been lost in the work session discussions to date.

We are opposed to any effort to apply the Sugarloaf Overlay to our properties on the West side of I-270. We believe to do so would be in complete contradiction to the goals and intent of Livable Frederick Master Plan and will indeed undermine the value of the broad community-based effort that established the appropriate balances within Livable Frederick and resulted in broad support for that effort.

The Sugarloaf area preservation effort is not the place to determine the future viability of the properties in and along the I-270 Interstate Growth Corridor. This should be left to a separate small area process that evaluates the I-270 Interstate Corridor through the broader lens of the Livable Frederick Master Plan. The properties along I-270 that are east of Route 80 and east of Thurston Road should either be removed from the study area, or the if they remain in the study area, should not be encumbered by the Overlay. The Overlay will have a serious adverse impact on those properties and will dramatically limit the future potential for economic development in the County at key strategic locations that are unique and irreplaceable. These properties should be studied under a separate small area plan that evaluates the I-270 Interstate Corridor, as Livable Frederick so clearly intended.

I remain hopeful that the intent of LFMP with regard to the I-270 Interstate Corridor will be fully taken into consideration before a final plan is put forth. At an absolute minimum I believe it would be appropriate to add language to the Sugarloaf Plan that acknowledges the existence and nature of the I-270 Interstate Corridor and sets forth that, notwithstanding this current Sugarloaf Treasured Landscape Plan process, future area plans may result in the re-examination and rezoning of properties along I-270 that are currently in the Sugarloaf study area.

Sincerely,

A handwritten signature in blue ink that reads "T. A. Natelli". The signature is fluid and cursive, with a small horizontal line at the end.

Tom Natelli, CEO
Natelli Communities

development around existing communities, supported by the Community Concept, remains. In addition, the Community Concept continues to function as a centerpiece of the strategy of supporting growth within existing municipalities.

Planning Sectors

The Thematic Plan is composed of four planning sectors, which are heavily influenced by the three scenarios-based growth strategies of “City Centers Rising”, “Suburban Place-Making”, and “Multi-Modal Places and Corridors.” They are: the Primary Growth Sector, the Secondary Growth Sector, the Agricultural Infrastructure Sector, and the Green Infrastructure Sector. The identification of these four sectors is intended to provide a distinction based more on category than on rank. Each sector has differing priorities, however all four of them play an equally vital role in the support of livability in Frederick County.

Planning Sectors, and their related subcategories described below, function as an overlay to the existing practice of designating Community Growth Areas. As delineated on the Comprehensive Plan Map, and as described in the Comprehensive Plan Map section of this plan, Community Growth Areas continue to be employed as a central aspect of our comprehensive planning.

The function of growth areas is to define an outer limit to the expansion of development into rural land. While they function well as a means of communicating a binary distinction between areas in the county targeted for growth versus areas that are not, they do not serve as a mechanism for identifying and articulating multi-level and vision-based aspirations or strategies related to growth. They do not explicitly identify growth areas that are better suited to support the vision and strategic objectives of the county.

The Thematic Plan functions as an expression of priorities for creating the types of places that will support Our Vision. This is accomplished, in part, by defining preferred development models tied to specific areas. The Thematic Plan references selective community growth areas identified on the Comprehensive Plan Map as a means of prioritizing growth strategies, as well as defining preferred growth patterns connected to specific growth areas.

The Primary Growth Sector

The Primary Growth Sector articulates the locations and types of development that are to be emphasized as the county grows in future years. Given the significant existing pipeline of development, as well as the cumulative land area surrounding and within existing communities throughout the county that is currently designated in the Comprehensive Plan Map, the Primary Growth Sector may not correspond to locations where the majority of our future county-wide growth will be directed. Therefore, a basic purpose of the Primary Growth Sector is to support the long term strategic shift in the style and location of development that will occur in Frederick County.

The Primary Growth Sector is composed of land in and around Frederick City, including the Frederick City Growth Area, the Ballenger Creek Community Growth Area, the South Frederick Community Growth Area, and lands along major infrastructure corridors in the southern portion of the county that connect to regional employment centers. These areas include the Eastalco Growth Area, the Brunswick Community Growth Area, the Point of Rocks Community Growth Area, the Urbana Community Growth Area, and the I-270 Growth Area.

Two districts are identified within the Primary Growth Sector: the Central District and the Multi-Modal District. The Central District is composed of major developed areas in the county that have significant access to infrastructure and services - areas where there is high potential for development patterns that support multi-modal accessibility, and where a significant share of development may occur through infill and redevelopment strategies. The Multi-Modal District includes specific corridors in the county where growth potential will be maximized by leveraging the existing assets of rail and highway infrastructure that connect Frederick County to the greater Baltimore-Washington region. Emphasis is on building transit connectivity, centered on the City of Frederick, and creating multi-modal corridors that catalyze redevelopment of aging retail and office developments, while also creating new transit accessible mixed-use locations in the county.



Thematic Plan Diagram

Primary Growth Sector

- Primary Growth Area
- Rail Corridor
- Highway Corridor
- Development Focus Area
- Multi-Modal Places (1/2 mile radius)
- Multi-Modal Spokes

Secondary Growth Sector

- County Growth Area
- Municipal Growth Area
- Suburban Retrofit

Agricultural Infrastructure Sector

- Agricultural Lands
- Rural Hamlet / Agricultural Support
- Agricultural/Rural Corridor

Green Infrastructure Sector

- Natural Resource Lands
- Major Waterway
- Sugarloaf Mountain Rural Heritage Landscape

- E P Transit Center
- Highway Interchange
- E=Existing P=Proposed

Much of the Point of Rocks Community Growth Area is developed in the form of low density, suburban residential subdivisions. However, opportunities for higher density mixed use redevelopment may exist within proximity to the MARC Station, while accounting for the significant surrounding floodplain. Therefore, emphasis for growth within the Point of Rocks community will be on transit-oriented, mixed-use development, focused on leveraging the presence of the MARC station.

The Interstate Corridor

The Thematic Plan Diagram identifies a corridor for growth and development along Interstate 270 leading from central Frederick City, through the Ballenger Creek Community Growth Area, and continuing along I-270 through the Urbana Community Growth Area and terminating at the northern edge of Hyattstown (Figure 4). This corridor emphasizes transit-oriented, mixed-use development to be served by a practical and affordable transit line (e.g., Bus Rapid Transit, Transitway) (17) that parallels Interstate 270 and takes advantage of public and private infrastructure improvements extended to the Urbana Community Growth Area in recent decades. Additionally, the Interstate Corridor will continue to capitalize on significant access to regional employment centers by supporting policies that facilitate the development of this area as a prime employment corridor enhanced by livable, mixed-use neighborhoods between the City of Frederick and northern Montgomery County.

Highway Interchanges

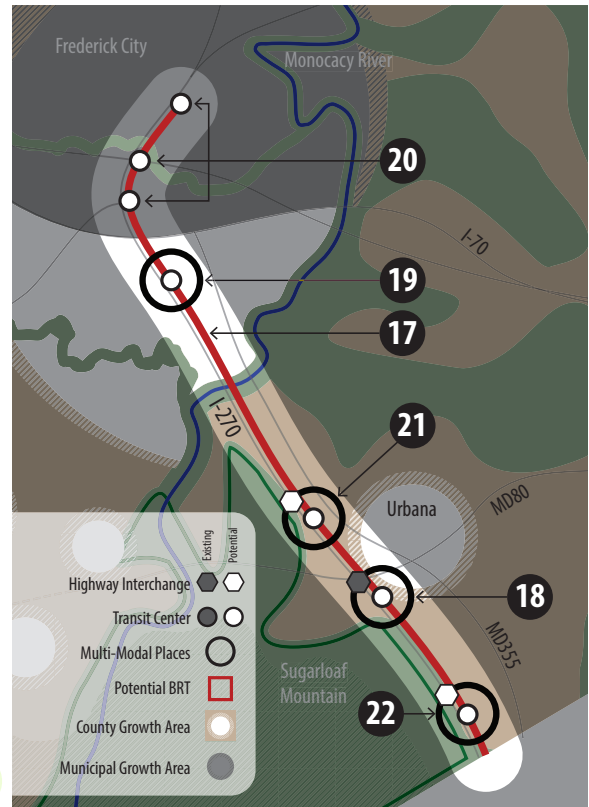
Development along this corridor is identified as transit-oriented centers primarily located at existing and planned future highway interchanges. This will occur in concert with the development of transit station locations in order to encourage multi-modal accessibility and a pedestrian-oriented growth pattern.

In and around the Urbana Community Growth Area, there is one existing interchange at I-270 and Fingerboard Road (MD80) (18), and there are two planned interchanges at I-270 and Park Mills Road (21) and I-270 and Doctor Perry/Mott Road (22). As a future transit line along I-270 comes to fruition, highway interchanges will function as natural locations for creating future transit stops and corollary transit-oriented development.

Within Frederick City, there are a number of existing highway interchanges along US15 (20). Given the existing concentration of development and walkability available within Frederick City, any of these locations may be suitable for future transit stops associated with a transit line along I-270.

Finally, as planning for the South Frederick Growth Area continues, the passage of I-270 through this area suggests that there may be long-term opportunities for the creation of an additional transit stop. This will take the form of walkable, mixed-use, higher density development, and will be integrated into future plans for this area (19).

Figure 4: The Interstate Corridor



17) Potential Future Mass Transit Corridor

18) Urbana Multi-modal Development Surrounding Potential New Transit Station

19) Potential Multi-Modal Development at Future Mass Transit Station

20) Potential Future Mass Transit Stations

21) Potential Multi-Modal Development at Future Mass Transit Station

22) Potential Multi-Modal Development at Future Mass Transit Station

**Environmental & Water Quality Analysis of the Sugarloaf Treasured Landscape Management
Plan
January 2021**

Executive Summary

Rodgers Consulting, Inc. (“Rodgers”) represents Natelli Holdings II, LLC. (“Natelli”), the owner of the “Urbana Interchange Properties” and the “Park Mills Interchange Properties” and collectively referred to as the “Interchange Properties.” The Urbana Interchange Property is further described as parcels 3, 154 and 38 on tax map 105, is comprised of approximately 387 acres and has frontage on I-270 and parts of Thurston Road immediately south of the Rte. 80 interchange. The Park Mills Interchange Property is parcel 164 on tax map 96, comprised of approximately 174 acres on both sides of Park Mills Road along the western side of I-270, also fronting along I-270 at the future and planned Park Mills Road Interchange.

Natelli has requested that Rodgers review and evaluate the natural resource and water quality conditions presented in both the September 2021 draft of the Sugarloaf Treasured Landscape Management Plan (“Plan”) as well as testimony from members of the public during workshops. We were also asked to analyze the natural resource conditions of Natelli’s Interchange Properties that are located within the Plan area as part of this analysis.

Our findings are summarized and organized below as follows:

- **The water quality baseline established in the Plan and recommendations made therefrom are predicated on the wrong stream Use Classification for most of the Study Area.**
- **The subwatersheds in which the Interchange Properties are located are the most-impaired streams in the Plan area. The highest-quality, cold water fisheries – Bear Branch & Furnace Branch, which are located on the opposite side of the plan area, are not impacted by the Interchange Properties.**
- **Development of the Interchange Properties presents an opportunity to improve the water quality of the subject properties and these impaired subwatersheds, as well as the Lower Monocacy River to which they flow.**

State Use Classification for the Streams in the Sugarloaf Area are Incorrectly Represented in the current draft of the Plan.

The State of Maryland maintains through a science-backed and regulatory-based process the stream Use Classes throughout Maryland. The table below, found on page 76 of the Plan, accurately summarizes the classification system.

Use Class I: Water Contact Recreation and Aquatic Life

Waters suitable for water sports and leisure activities where the human body may come in direct contact with the surface water, and suitable for the growth and propagation of fish (other than trout), other aquatic life, and wildlife.

Use Class II: Shellfish Harvesting (none in Frederick County)

Waters where shellfish are propagated, stored, or gathered for marketing purposes including actual or potential areas for harvesting of oysters, soft-shell clams, hard-shell clams, and brackish water clams.

Use Class III: Non-tidal Cold Water ('Natural Trout Waters')

Waters suitable for the growth and propagation of trout, and which are capable of supporting natural trout populations and their associated food organisms.

Use Class IV: Recreational Trout Waters

Waters capable of holding or supporting adult trout for put-and-take fishing, and which are managed as a special fishery by periodic stocking and seasonal catching.

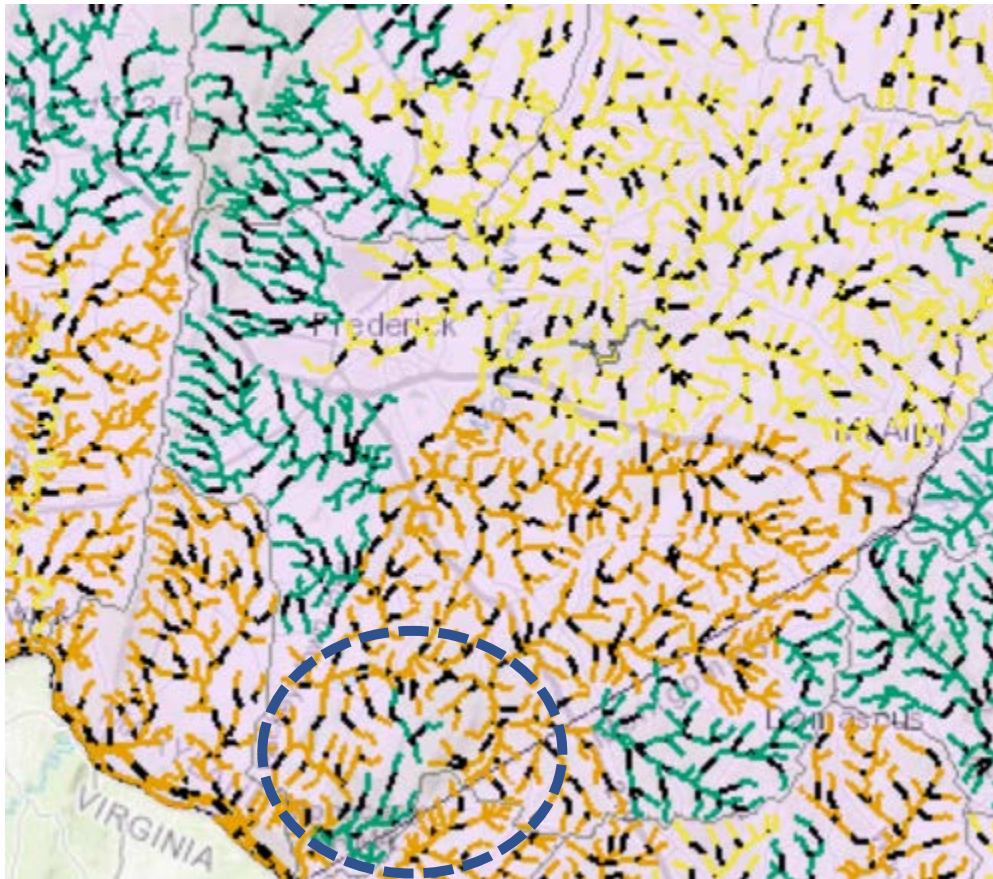
Stream Use Classifications are a significant regulatory component of Maryland's watershed management approach and serve as a critical baseline for informing land use decisions and water quality best management practices. Each Use Class contains specific water quality criteria, such as temperature, dissolved oxygen and turbidity – to name just a few. However, the water quality criteria for temperature is the standard that deviates the most between the Use Classes and establishes their relative hierarchy. The temperature standard for each Use Class is noted below:

Use Class	Temperature Criteria (Max.)	
I-P	90 degrees, F	Water Contact, Warmwater Aquatic Life, Public Drinking Water
II-P	90 degrees, F	Shellfish Waters (N/A)
III-P	68 degrees, F	Non-Tidal Cold Water
IV-P	75 degrees, F	Recreational Trout Waters

COMAR 26.08.02.03-3 Water Quality Temperature Criteria Specific to Designated Uses

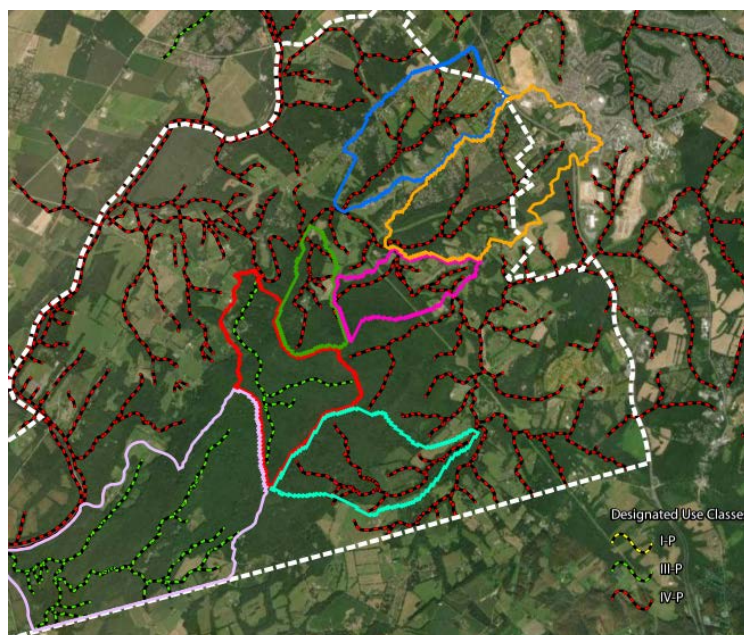
As the table shows, Use III-P and Use IV-P designations and standards are more stringent than the other Use Classes and are applied to those higher quality, cold waters. Further, when water quality monitoring data reveals results that warrant reclassification of the streams, a regulatory process is initiated by the State of Maryland for the re-classification. This analysis was unable to obtain recent water quality monitoring data for the streams in the Plan area and we are unaware of any regulatory processes underway to re-classify any of the streams.

The following image is taken from the Maryland Department of the Environment's public GIS website and sets forth the current use classification of streams in the subject area. Orange is Use Class I-P, Yellow is Use Class IV-P and Green is Use Class III-P. The blue, dashed-line circle depicts the general area of the Plan with the Montgomery County line cutting through the bottom of the circle, for ease of reference.



As you can see most of the streams in the Sugarloaf and Urbana area, except for Bear Branch and Furnace Branch, are designated as Use Class I-P (orange). Notably, Bear Branch and Furnace Branch, which are the two Use III-P (green) streams, are located in the western half of the Sugarloaf planning area, several miles to the west of I-270.

However, the draft Plan appears to incorrectly reference the Use Class I-P streams in the Sugarloaf Area as Use Class IV-P. This is most clearly displayed on Map 6-6 found on page 97 and pasted below:



Further, the draft plan makes recommendations, such as the one below, based on streams in the area supporting natural (Use III-P) or recreational (Use IV-P) trout populations. However, other than Bear Branch and Furnace Branch, all the streams in the Sugarloaf Planning area are Use Class I-P, according to the State of Maryland GIS and as confirmed in COMAR.

Brook Trout Watersheds - Bear Branch and Furnace Branch

Bear Branch, the only pristine trout-bearing stream in all of the Lower Monocacy River Watershed, is located in the Sugarloaf Planning Area. Two watersheds with the Sugarloaf Planning Area (Furnace Branch and Bear Branch), are designed Use Class III-P, Natural Trout Waters and Public Water Supply. The remaining streams in the District are Use Class IV-P, Recreational Trout Waters. Based on biological monitoring and stream temperature data, additional streams in the Sugarloaf Planning Area are anticipated to be redesignated to Use Class III. This designation will afford additional in-stream habitat protections related to time-of-year prohibitions for stream crossings and construction activities.

Given the significance of this mischaracterization, staff of Rodgers met with Frederick County Planning staff upon discovery on January 7, 2021 and alerted them of this potential mischaracterization. Given how fundamentally critical it is to appropriately portray the water quality conditions for a Plan such as this, County staff indicated they would research this further and advise Rodgers of their findings, particularly whether they reached the same or a different conclusion concerning the stream Use Classifications. At the time of this submittal, which has a County-imposed deadline of January 10 for consideration by the Frederick County Planning Commission on January 19, Rodgers has not heard from County staff concerning this matter.

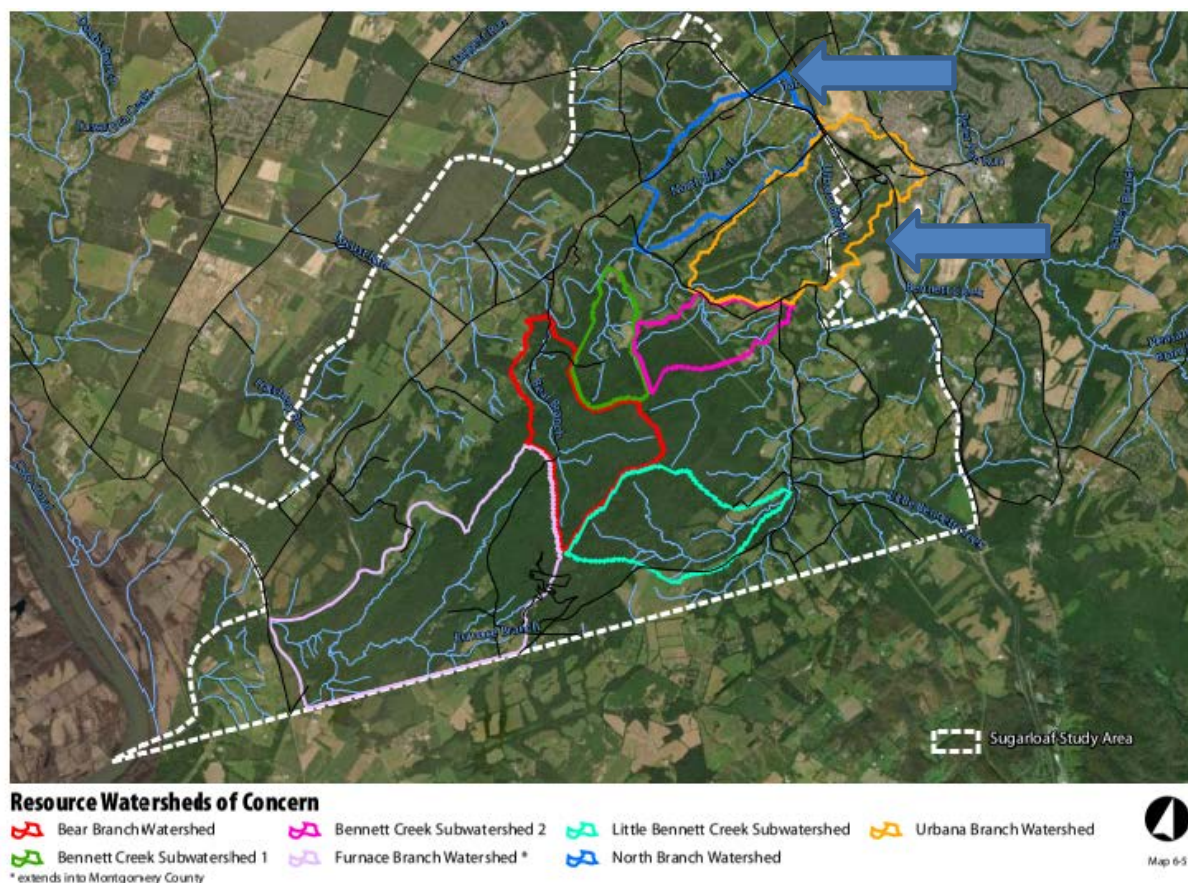
At a minimum, the maps and references to the streams in this area need to be corrected to match the current State Use classification designations. We also believe it's prudent to undertake a more nuanced examination of the subwatersheds within the planning area. Certain subwatersheds near Sugarloaf Mountain, such as Bear Branch and Furnace Branch, which are the highest quality streams in the area, possess significantly different watershed and stream quality conditions than subwatersheds found at the eastern boundary of the planning area, closest to I-270. Recommendations for Bear Branch and Furnace Branch, for example, should be focused on maintaining their high quality, while recommendations for areas closest to I-270, where the streams and water quality is of a lesser quality,

should focus on opportunities to increase forest cover, reduce nutrient loading, improve stormwater management and expand stream buffers.

Natelli's Interchange Properties Are Located in the Lowest-Quality Sub Watersheds and do NOT impact the Sensitive, Coldwater Streams in the Area.

Map 6-5, found on page 96 of the Plan, provides a helpful depiction of the subwatersheds in the area. For your reference, the Interchange Properties have been noted with blue arrows.

Part, but not all, of the Park Mills Interchange Property, is located within the North Branch subwatershed. The remaining part of the Park Mills Interchange Property drains to the north and east back across I-270 and is not a part of the Bennett Creek watershed. The North Branch is the subwatershed whose boundaries are indicated in blue. The Urbana Interchange Properties are also located in two subwatersheds. The northern part of this property is in the Urbana Branch subwatershed, which is indicated in orange. The remaining and majority of this site drains south to the main stem of Bennett Creek. This watershed is not highlighted since it is not considered a *Resource Watershed of Concern*, which is the subject of this map.



The North Branch and the Urbana Branch are characterized as the most impaired subwatersheds in the Plan area. Table 6 from the Plan, which is transcribed below, displays some characteristics of the subwatersheds.

Table 6. Sugarloaf Resource Watersheds of Concern

Watershed	Size (ac.)	Forest Cover (ac.)	Forest Cover (%)	Impervious Surface (ac.)	Impervious Surface (%)
Bear Branch	865.5	787.4	90.9%	12.7	1.4%
Furnace Branch*	2,094.9	1,696.1	80.9%	24.3	1.1%
Little Bennett Creek Subwatershed	813.2	599.1	73.6%	9.4	1.1%
Bennett Creek Subwatershed 1	378.0	313.6	82.9%	2.0	0.553%
Bennett Creek Subwatershed 2	469.0	316.5	67.4%	7.1	1.5%
North Branch**	918.4	238.2	25.9%	49.9	5.4%
Urbana Branch**	1,280.0	367.3	28.6%	109.6	8.5%

*Extends into Montgomery County, Maryland

**A portion of this watershed is located outside of the Planning Area

The Urbana Branch subwatershed possesses the largest amount of impervious cover and the second least amount of forest cover of the subwatersheds contained in the table. The subwatershed drainage area includes the areas immediately surrounding the I-270/Rte. 80 interchange and the park and rides, all of which were developed either prior to any stormwater management measures or not to the latest standards. While only the northernmost part of the southern interchange property drains to the Urbana Branch, the Urbana Branch does not drain to or through the higher quality and sensitive cold water Bear Branch or Furnace Branch. Same thing with the southern portion of this property that drains to the main stem of Bennett Creek. To put a finer point on it, any runoff from that property, today or in the future, does not and would not drain through either the Bear or Furnace Branch. Bear Branch and Furnace Branch are located on the opposite side of the Plan area. We agree with staff's recommendations as noted on Page 90 of the draft plan and as noted below:

Any future planning initiative for the MD 80 interchange area that advances the Livable Frederick Master Plan's goals to increase multi-modal accessibility and support the innovative bioscience and advanced technology sectors must include a high level of environmental protection for the Urbana Branch Watershed and the Bennett Creek Watershed, such as:

- Close examination of all aquatic system components, including zero and first-order streams, including field verification if necessary, to determine necessary protective or expanded riparian buffering.
- Utilization of stormwater best management practices for future development that include structures, devices, or designs that provide the highest level of stream channel and water quality protection, and reduce thermal impacts to receiving streams.
- Enhanced protection of the FEMA floodplain associated with the mainstem of Urbana Branch.

The Park Mills Interchange Property is at the ridge of the North Branch subwatershed. As the table shows, the North Branch subwatershed contains the least amount of forest cover of those listed and the second most amount of impervious surface. Further, only 5% of the Northern Interchange Property is currently forested. The Worthington Manor Golf Course is also within this subwatershed, which contributed to the low levels of forest cover and higher impervious levels.

The North Branch also does not drain to or through the higher-quality, sensitive cold water Bear Branch or Furnace Branch. Any runoff from this property, presently or in the future, would not impact either the Bear or Furnace Branches.

Natelli's Interchange Properties Possess the Greatest Potential for Environmental Improvement

As the draft plan notes, forest cover and stream buffers play an important role in water and watershed quality. Both properties, if they were to undergo the subdivision process would result in an increase in forest cover and stream buffers through the Forest Resource Ordinance and Waterbody Buffer Ordinance.

While impervious surfaces have been historically correlated with water quality, it's important to note that those studies were of watersheds that had been developed prior to any or modern stormwater management controls. Stormwater Management utilizing an Environmental Site Design approach didn't become a regulation until 2010, and it's on-the-ground implementation has only occurred in a meaningful way over the last 7 or so years, long after the studies on impervious surface and water quality which are referenced in the Plan. Modern environmental site design, for the first time, requires new development projects to perform functionally, from a hydrological standpoint, as if it's "woods in good condition." This requires an analysis of the hydraulic function of the soils and landscape prior to development and designs that produce a result akin to "woods in good condition". Depending on the nature of the land use that development is replacing and contrary to most conventional thinking, most new development results in improved water quality conditions as a result of this approach.

While water quality is one direct and measurable environmental indicator of land use change, there are others. The table below displays the amount of forest present on each of the Interchange Properties and the amount of forest that would exist in a post-development condition based on the Forest Resource Ordinance. Important to note is that under their current uses as agriculture, the forests are not protected. The future development of these properties creates the opportunity to maintain and increase forest cover.

Site	Existing: Unprotected Forest Cover	Future: Protected Forest Cover	Comments
Park Mills Interchange Property	8 Acres +/- (5% of site)	26 Acres +/- Min. (15% of site)	Development requires afforestation
Urbana Interchange Property	73 Acres +/- (19 % of site)*	108 Acres +/- Min. (28% of site)	Development requires No net loss of forest

Table 1: Current & Potential Forest Cover

*Approximately 35 acres of existing forest are within a forest conservation easement. This value does not include those protected areas.

The future development of the Interchange Properties will also increase and improve stream buffers. Presently, there is little to no forest alongside the streams on these properties. Future development would require a thorough environmental analysis to delineate sensitive areas such as streams, wetlands, floodplains and steep slopes and a waterbody buffer would be applied to protect the resources. In concert with the Forest Resource Ordinance, these sensitive areas would also be the high

priority areas for forest planting and would be further protected by an easement. This is not a level of protection that presently exists.

Site	Existing: Avg. *Protected Stream Buffer Area	Future: Avg Protected Stream Buffer Area	Comments
Park Mills Interchange Property	0%	100% (approx. 20 Acres)	Development prioritizes planting of unforested buffers
Urbana Interchange Property	20%	100%	Existing protective easement along the southern overhead power lines

Table 2: Current & Potential Future Stream Buffer Widths

*Refers to property that is covered by a protective easement or subject to the Waterbody Buffer Ordinance.

Furthermore, development of these properties will result in a decrease in nutrients and sediments to the local waterways, and eventually the Chesapeake Bay. Like previously mentioned, this might seem contrary to conventional thinking. However, the science and our understanding of watersheds and land use has developed considerably over the past decade, largely due to the significant federal and state investment in the Chesapeake Bay restoration effort. The cornerstone of the Chesapeake Bay restoration is the reduction of Nitrogen, Sediment and Phosphorous starting in local waterways. This science enables a more precise and causal analysis of water quality impacts due to land use change, rather than relying upon surrogate environmental planning tools – such as impervious surfaces, forest cover and stream setback correlations.

For purposes of this analysis, data and methods from the latest Phase 6 Chesapeake Bay Model, which contains the Nitrogen loading rates for different land uses throughout the watershed, were utilized to estimate the current load of Nitrogen to the local waterways from each of the interchange properties. From there, an assumed high-level of intensity of development (to be conservative from a Nitrogen loading standpoint) was assumed and the Nitrogen loading analysis resulting from that form of development was calculated and compared to the existing condition.

Using the same data and methods contained in the latest version of MDE and EPA's Chesapeake Bay model, the nature of the current land uses combined with the nature of proposed development and modern environmental site design and stormwater management measures result in a reduction of Nitrogen and contributes to the restoration, not degradation, of the waterways.

The table below presents the results of the current Nitrogen loading compared with an assumed highly-intensive development footprint, to be conservative.

Site	Existing est. Nitrogen loading	Future est. Nitrogen loading	Comments
Park Mills Interchange Properties	4,443 lbs/yr	1,051 lbs/yr	76% est. reduction
Urbana Interchange Properties	9,496 lbs/yr	1,942 lbs/yr	80% est. reduction

Table 3: Current & Potential Future Nitrogen Loading

Summary

The area encompassed by the Sugarloaf Treasured Landscapes Plan is not monolithic. The landscape ranges from densely forested, rocky and steep terrain with high-quality trout waters in close proximity to Sugarloaf Mountain, to more gently sloping, unforested lands situated in low quality or degraded watersheds, as well as properties that are already commercially developed. It isn't appropriate to paint the entire study area with the same broad brush when preparing recommendations, particularly for land use.

We also find that water-quality rationalized recommendations for land uses and other programs should be closely attuned to the subwatershed conditions and, most importantly, align with the proper water quality criteria as established through the State's Use Class designations.

Thank you for considering this information as you move forward with the Plan. We're grateful for the opportunity to constructively contribute to this process.