

**Oral Testimony by Steven McKay on behalf of Residents Against Landsdale Expansion (RALE) In Opposition to Zoning Map Amendment R-13-03 – Casey Property, before the Board of County Commissioners for Frederick County, on or about July 15, 2014**

My name is Steve McKay, I live on Shakespeare Way in Monrovia, and I am the President of RALE. I am here before you tonight in opposition to case # R-13-03, the proposed rezoning for the Casey Property. The proposed development is part of a larger pattern of aggressive development occurring throughout this small area of the county. It is also just a bad idea considering the impact it will have on Lake Linganore.

First and foremost, this isn't just about a single 1,017 home development. Casey is part of a larger pattern of aggressive development being foisted upon the southeastern corner of Frederick County. The 1,017 homes proposed at Casey, are part of the nearly 2,800 homes being planned immediately north of New Market, which are part of the over 10,300 homes being planned for this area of the County. All of these homes will be built in parallel over the coming years. All of these homes will generate competing needs – some grave needs – for road and school improvements. Only a fraction of these infrastructure needs are currently planned and yet, the march to develop presses forward, codified by 20-25 year contracts (DRRAs). Where will all of the money for roads and schools come from? It won't all come from the developers - that is clear. It is also clear that we taxpayers will be left holding the bag. In Commissioner Young's campaign announcement last February, he made the soothing claim that "we've developed enough." Yet here we are, with another thousand houses being added to the mix, with more approvals planned during the remainder of the summer. So much for nice sounding campaign speeches.

Lake Linganore is a critical water source in Frederick County and, specifically, for Frederick City. The proposed development lies across vital watershed contributing to Lake Linganore. The proposed arterial road will pose severe ecological challenges to Hazelnut Run. With the arterial road running alongside, perhaps even through Hazelnut Run, we can anticipate severe damage to the stream during the construction phase. Excess sediment, construction debris, and damage to wildlife will be a given. Once the road is built, we can also expect petroleum and other roadway pollutants washing into the stream. All of this will impact Lake Linganore. I hope Frederick City residents are paying attention – because this is your water that they are messing with!

For schools, I must say I'm impressed. The County seems to be building a magic school. One lone new elementary school that won't open until 2022 or 2023 seems to be the savior for not just one, but for five major new developments in the area. Each and every development application points to the same school. That's some school! In reality, of course, four new elementary schools are needed to service these communities. Where are the other schools in the budget? When will they be built? Unless you have specific, budgeted answers to these questions then you cannot state that public facilities will either be adequate or available. You cannot say yes to this criterion based only on good intentions – there must be a plan and, currently, there is none.

Lastly, let's talk about MD75. On page 23, the Staff report has a refreshing piece of honesty – "MD75 as a two lane road would not be able to handle such a traffic load." That assessment is equally valid along the entire length of MD75. So what is the proposed solution to address this dire adequacy situation? About a half mile of road work. What about the rest of MD75?

The long term solution for this problem is the MD75 Corridor Improvement Program. We've been lied to repeatedly about this project. The FACT letter was a sham. The cost is twice what we were told, and both MDOT and SHA went out of their way to explain all the problems that will be encountered in trying to get it done! There is no money!

On page 23 of the Staff report, there is a list of programmed and planned improvements for the road infrastructure. It is highly telling that the MD75 Corridor Improvement Project isn't listed on this page. That tells me quite simply that the MD75 project is neither programmed nor planned – something we've known and argued all along. Until that changes, you have no business approving this or any other development along its path.

**Written Testimony by Steven McKay on behalf of Residents Against Landsdale Expansion (RALE) In Opposition to Zoning Map Amendment R-13-03 – Casey Property, before the Board of County Commissioners for Frederick County, on or about July 15, 2014**

My name is Steve McKay, I live on Shakespeare Way in Monrovia, and I am the President of a community action group called RALE. I am here before you tonight in opposition to case # R-13-03, the proposed rezoning for the Casey Property. The proposed development is part of a larger pattern of aggressive development occurring throughout this small area of the county. It is also just a bad idea considering the impact it will have on Lake Linganore. These are just a couple of the reasons that I oppose the rezoning, which I'll discuss below.

**The Big Picture**

First and foremost, this isn't just about a single 1,017 home development. Casey is part of a larger pattern of aggressive development being foisted upon the southeastern corner of Frederick County. The 1,017 homes proposed at Casey, are part of the nearly 2,800 homes being planned immediately north of New Market (i.e., Smith/Cline, Blentlinger, and Casey). In turn, these 2,800 homes are part of the over 10,300 homes being planned for the combined areas of Spring Ridge/Bartonsville, Linganore, New Market, Monrovia, Urbana, and Ijamsville. All of these homes will be built in parallel over the coming years. All of these homes will generate competing needs – some grave needs – for road and school improvements. Only a fraction of these infrastructure needs are currently planned and yet, the march to develop presses forward, codified by 20-25 year contracts (DRRAs). Where will all of the money for roads and schools come from? It won't all come from the developers - that is clear. It is also clear that we the taxpayers will be left holding the bag. In Commissioner Young's campaign announcement last February, he made the soothing claim that "we've developed enough." Yet here we are, with another thousand houses being added to the mix, with more approvals planned during the remainder of the summer. So much for nice sounding campaign speeches.

**Threats to Lake Linganore**

Lake Linganore is a critical water source in Frederick County and, specifically, for Frederick City. The proposed development lies across vital watershed contributing to Lake Linganore. More specifically, the development will threaten the streams feeding into Lake Linganore. The proposed arterial road, in particular, will pose severe ecological challenges to Hazelnut Run. With the arterial road running alongside, perhaps even through Hazelnut Run, we can anticipate severe damage to the stream during the construction phase. Excess sediment, construction debris, and damage to wildlife will be a given. Once the road is built, we can also expect petroleum and other roadway pollutants washing into the stream. All of this will impact Lake Linganore. I hope Frederick City residents are paying attention – because this is your water that they are messing with!

**Consistency with Community and/or Corridor Plans**

On page 11 of the Staff report, a number of community development principles from the Comprehensive plan are listed. This is followed by a vague statement suggesting that the proposed development is "generally consistent" with these principles. This statement is without foundation and has no merit in your decision. Staff offers no information to fortify this conclusion. It should be ignored.

**The Proposed Development is Inconsistent with Adjoining Areas**

On page 11 of the Staff report, the argument is made that the proposed development meets the criteria in 1-19-10.500.3(C) for consistency with adjoining areas. However, their argument emphasizes consistency with a small portion of the adjoining areas – Langanore. The argument ignores the significance of the larger adjoining areas – the Audubon land, the rural residential area to the east and north, and Halls Choice farm in the middle. Even a cursory examination of the perimeter of the development clearly shows that it will be very Inconsistent with the majority of the adjoining areas. The Staff completely ignored this fact.

**Impact of the 100 Year FEMA Flood Plain Areas on the Development**

On page 14 of the Staff report, they note the existence of not one but two flood plain areas crossing the development. As noted earlier, the development sits astride vital watershed for Lake Langanore and this is evidenced by these flood plains and the streams that are their sources. The arterial road runs alongside the largest of the floodplains emanating from Hazelnut Run. What will be the impact on the community when that roadway is made impassable? The northern collector road is bisected by Bens Run. A flood will cut-off the homes in the northern section of the development. This is a very serious life safety issue that has NOT been examined. There is a notional plan for a collector road from this section to Crickenberger Road, but there is nothing in any of the documents associated with the development that tell us when or if it will ever be built. Until then, those homeowners in the northern portion of the development better hope it doesn't rain too much!

**Population Change as a Decision Criteria Continues to be Ignored**

As seen in other development proposals, Staff continues to mis-use and ignore the meaning of having “population change” as a decision criteria to be evaluated. Staff seems to believe that population change is merely to be noted. It is given no meaning in the actual decision making process. I submit that it is a criterion for your decision making for real reasons, not as an aside. How should population change be evaluated? For starters, a proposed development that poses a substantial change in the existing population should be evaluated very critically. Further, if there is no justification for a development based on expected background population change, it should be even more critically viewed. As has been demonstrated, the planning assumptions in the 2012 Comprehensive Plan regarding population growth are demonstrably false. There was simply no justification for the additional residential growth allowed in the 2012 Comprehensive Plan – this development included – based on the population projections then available. Further, those projections have gone down since that time. Put simply, based on actually using population change as a decision criteria – not a useless side note – there is no justification for this development.

**Staff Report Contains Hollow Sentiments Regarding Affordable Housing**

Through pages 17-18 of the Staff report, a full page of text is dedicated to the importance of providing affordable housing. Staff quotes the Frederick County Affordable Housing Council Study of Workforce Housing Needs from 2005. Staff also quotes goals and policies from the 2010 Comprehensive Plan. There are good and compelling reasons to provide affordable housing, and I support them whole heartedly. However, this page of good sounding words is rendered pointless by the developer's proposal to exercise the option provided by the current

BoCC, enabling them to buy their way out of actually building affordable housing through the requirements for Moderately Priced Housing Units.

### **Failure to Plan for Availability and Adequacy of Public Facilities**

Page 20 of the Staff report discusses the anticipated generation of new school children from the development and assesses this against current and planned capacity. The development fails at the elementary and high school levels. What is fascinating about this analysis is that Casey – like each of the major new developments in the area, including Linganore, Landsdale, Smith/Cline, and Monrovia Town Center – all seem to depend on the same, lone new elementary school planned for the area. That new elementary school – the East County Area Elementary School – is the only new elementary school in the CIP for this region and won't seat a new student until 2022 or 2023. Yet it appears to be the primary mitigation plan for each and every one of these developments contributing so many new students to the area. Where are the other schools in the budget? When will they be built? What will happen until that point as all of these new students join classes? Unless you have specific, budgeted answers to these questions then you cannot state that public facilities will either be adequate or available. You cannot say yes to this criterion based only on good intentions – there must be a plan and, currently, there is none.

### **Inadequacy of Existing Infrastructure**

Sections 500.3(E) and 110.4(A)(3) of the ordinances governing your decision address the adequacy of existing and future infrastructure systems. I want to point specifically to the PUD criterion since it elaborates this point more fully. That criterion states:

“The transportation system is or WILL BE made adequate to serve the proposed development in addition to existing uses in the area.”

That phrase “will be” is very definitive. It doesn't say “we hope” or “we'll try” or “if we collect enough money we can” or “we'll ask the state” ... it says “will be” and that implies a very definitive plan with respect to the proposed zoning decision.

So what does the Staff Report state about the main road that the Casey Property will depend upon – MD75. On page 23, referencing the anticipated traffic entering & leaving the development, we find a refreshing piece of honesty – “MD75 as a two lane road would not be able to handle such a traffic load.” That assessment is equally valid along the entire length of MD75. In fact, it is far more valid along the portions of MD75 south of I-70, since that portion of the road doesn't have the same shoulder size or the entrance/exit space at cross streets that can be found on the portion north of I-70. So what is the proposed solution to address this dire adequacy situation? About a half mile of road work. That's the proposal to extend the 4-lane portion of MD75 north from the intersection of MD144 to the site entrance.

What about the rest of MD75? As we'll explore more fully in our discussion of the APFO LOU, all traffic going south past Baldwin Road on MD75 simply doesn't exist for this development. The cars vanish. They have no impact on the remaining road or communities. The Casey development apparently bears no responsibility for the growing safety and congestion issues on MD75. This is wrong.

Of course, the long term solution for this problem is the MD75 Corridor Improvement Program. In the hearings for Monrovia Town Center, we were told that the County's leading transportation experts deemed that development as a boon for the County and would be a major

reason for ensuring that funds are had to complete the project. That story turned out to be a lie. Through 13 nights of hearings, we repeatedly cited the County's documentation that the MD75 project would cost \$262M – a seemingly insurmountable cost. As we learned from the candidates forum hosted by that same group of transportation experts – the Frederick Area Committee on Transportation – that cost estimate also turned out to be a lie. Now we learn that the County believes the cost will be closer to \$500M – nearly double the insurmountable cost! During the Monrovia hearings, we were told that there was a reasonable probability of fruition that the MD75 Corridor project would happen. That also turns out to have been a lie. During that same FACT candidates forum, the representatives from the Maryland Department of Transportation and State Highway Administration went to great lengths to reduce expectations that the project would be funded or acted upon.

On page 23 of the Staff report, there is a list of programmed and planned improvements for the road infrastructure. This is the part of the report where they tell about improvements in the future that will help to mitigate the problems created by the development. It is highly telling that the MD75 Corridor Improvement Project isn't listed on this page. That tells me quite simply that the MD75 project is neither programmed nor planned – something we've known and argued all along. Until that changes, you have no business approving this or any other development along its path.