

RESOLUTION NO. 1-2021

A RESOLUTION OF THE TRAPPE PLANNING COMMISSION
RECOMMENDING APPROVAL OF THE FIRST AMENDMENT TO
DEVELOPMENT RIGHTS AND RESPONSIBILITIES AGREEMENT BY AND
BETWEEN THE TOWN OF TRAPPE AND TRAPPE EAST HOLDINGS
BUSINESS TRUST PURSUANT TO TRAPPE ORDINANCE NO. 2-2003

WHEREAS, under the authority granted to it by Md. Code Ann., Land Use § 7-302, the Town of Trappe adopted Ordinance No. 2-2003, which enables the Trappe Town Council to consider and enter into development rights and responsibilities agreements;

WHEREAS, on March 1, 2006, Trappe East, LLC, Luthy Properties, LLC, Lyons Trappe, LLC, Whitmarsh Farm, LLC, Trappe Ocean Gateway, LLC, Barber Road Addition, LLC, Trappe Wise, LLC and Slaughter Land, LLC and the Town entered into a development rights and responsibilities agreement (the "DRRA") regarding the development of a project referenced as "Trappe East" on a significant portion of the lands annexed pursuant to Town Resolution No. 7-2002;

WHEREAS, by an Assignment and Assumption Agreement dated March 11, 2009, which is recorded among the Land Records in Liber 1682, folio 303 ("Assignment Agreement"), Trappe East Holdings Business Trust ("TEHBT") assumed the obligations arising under the DRRA upon their assignment to it by TEHBT's predecessors-in-interest Trappe East LLC, Luthy Properties LLC, Lyons Trappe LLC, Whitmarsh Farm LLC, Trappe Ocean Gateway LLC, Barber Road Addition LLC and Trappe Wise LLC;

WHEREAS, TEHBT petitioned the Town to amend the DRRA and submitted the First Amendment to the Development Rights and Responsibilities Agreement (the "First Amendment") attached hereto as Exhibit A;

WHEREAS, on July 20, 2021, the Trappe Planning Commission considered the First Amendment and found it consistent with the Comprehensive Plan of the Town of Trappe and recommended approval;

NOW, THEREFORE, BE IT RESOLVED by the Trappe Planning Commission that the First Amendment is consistent with the Trappe Comprehensive Plan for the following reasons:

- The Trappe Comprehensive Plan designates Lakeside as part of the Town's Planned Growth Area, which "contains large areas of undeveloped land suitable for large planned developments." See Trappe Comprehensive Plan, Section 4.3. 300 lot phases support large planned developments.
- The land use plan component of the Comprehensive Plan indicates that the Development should be developed as a Planned Neighborhood District, which was established in 2005.

- Ch. 3 requires PN developments to be subject to a DRRA to address all development impacts and this First Amendment refines provisions of the initial DRRA to align with current Town preferences and priorities.
- Ch. 4 addresses municipal growth impacts and provides for various public facilities and services to be addressed by a DRRA, including administrative facilities, recreational land, fire and rescue facilities, and water and sewer infrastructure, all of which remain subjects of the First Amendment, with refinements to the initial DRRA aligned with current Town preferences and priorities.
- Ch. 5 requires the cost of off-site improvements to be the responsibility of new development, and the First Amendment does not change the provisions and commitments of the DRRA in that regard.
- Ch. 6 recommends that future DRRAs address funding for emergency services and First Amendment seeks to increase funding to address additional needs.
- Ch. 6 requires increased staff and equipment as a result of increased population growth caused by the development and First Amendment requires Public Works facility, additional equipment, and a new Town Office to support growth.
- The water and sewer provisions of the Trappe Comprehensive Plan recognize that the Trappe East Development Area requires a new wastewater treatment facility with land application treatment of effluent. See Trappe Comprehensive Plan, Section 5.1.
- Connection of Phase 1 Section 1 to the Town's existing wastewater treatment plant will increase the number of connections to the plant, generating substantial capital fees that will help to decrease existing debt, consistent with Section 7.8.2 of the Trappe Comprehensive Plan. Section 7.8.2 further contemplates the initial phase of Lakeside served by the Town's existing sewer capacity.
- Subject to the DRRA, Trappe East is required to construct a wastewater treatment and collection system and facilities and effluent treatment, storage, and disposal facilities within the development area and the First Amendment requires specific treatment levels and equipment in the best interest of the Town.
- The area where spray irrigation is proposed is in agricultural district and is suitable for land application. Preserving the property as open field will provide a portion of a community greenbelt for the Town and will serve to protect farmland outside of the area and is consistent with Section 3.2.6.
- The DRRA, as may be amended by the proposed First Amendment, is consistent with the Twelve Visions as stated in the Comprehensive Plan:
 - Requires concentrated development.
 - Requires a mix of land uses and open space with pedestrian and bicycle paths, parks, and trails.
 - Pedestrian travel to recreation areas and shops and workplaces is promoted and neighborhood commercial areas are located for convenience and to encourage a reduction in automobile trips.
 - The Development will include all four land use areas permitted in the PN floating zone: Single-family Residential Area (SRA), Central Residential Area (CRA), Village Center (VC), and Storefront Area (SFA).

BE IT FURTHER RESOLVED by the Trappe Planning Commission that the First Amendment is hereby recommended for approval by the Town Council.

RESOLVED, this 17 day of August, 2021.

THE TRAPPE PLANNING COMMISSION



Edgar Harrison, Chairman

Scott Metje



Robert Quidas



Brian Schmidt



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