



Hanson Farm/Mt. Prospect: Preliminary Plan No. 120170130 and Site Plan No. 820170160

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Completed: 02/16/18

Description

A. Hanson Farm: Preliminary Plan No. 120170130:

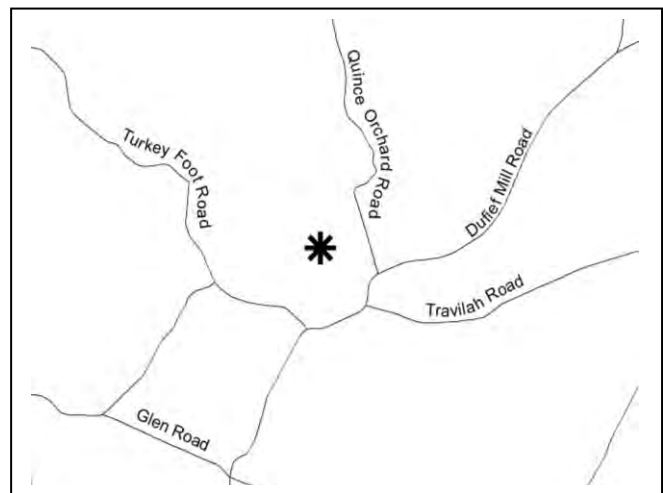
Application to create 187 lots for 186 new one-family dwelling units and one existing dwelling unit, including a minimum of 12.5% MPDUs, open space parcels and parkland dedication, located broadly in the northwest quadrant of the intersection of Quince Orchard Rd, Dufief Mill Rd, and Travilah Rd, 170.77 acres, PD-2 Zone; 2002 Potomac Subregion Master Plan.

Recommendation – Approval with conditions

B. Mt. Prospect: Site Plan No. 820170160:

Application to construct 186 new dwelling units including 121 one-family detached units, 66 one-family attached units, and to retain one existing dwelling, including 24 MPDUs and 17 TDRs, located broadly in the northwest quadrant of the intersection of Quince Orchard Rd, Dufief Mill Rd, and Travilah Rd.; 170.77 acres, PD-2 Zone, 2002 Potomac Subregion Master Plan.

Recommendation – Approval with conditions



Applicant: Toll Brothers

Application Accepted: Preliminary Plan – 01/11/2017

Site Plan – 09/14/2017

Review Basis: Chapter 22A, Chapter 50, Chapter 59

Summary

- The Preliminary Plan is being reviewed under the old subdivision regulations in effect on and prior to 02/12/2017 because it was accepted in January of 2017.
- The Site Plan is being reviewed under the old zoning ordinance in effect on and prior to 10/29/2014 because its subject to grandfathering under Section 7.7.1.B.1. The plan is implementing an approved Local Map Amendment No. G-884 approved by Council Resolution No. 16-1393 on June 15, 2010.
- The Applicant is requesting approval of an extended APF validity and Plan validity period.

An executive summary begins on page number two of this report.

EXECUTIVE SUMMARY

Staff is recommending approval of the following two applications; Preliminary Plan No. 120170130, Hanson Farm ("Preliminary Plan") and Site Plan No. 820170160, Mt. Prospect ("Site Plan"). These applications subdivide an existing family farm of 170.77 acres into 187 lots for 186 new dwelling units, including 24 total MPDUs, and the retention of an existing farm house. Currently, the Hanson family lives on the farm, with the family patriarch living in the older farm house and one of his sons in a second newer dwelling. The old farm house is ultimately planned for removal, but the son's dwelling will be kept as part of a family reserve lot. Because the older farm house is still occupied, the project will be developed in two phases, with Phase one consisting of 90 total dwellings, including a proportionate share of MPDU's and recreation amenities and Phase two completing the project. The Applicant is requesting an extended plan validity period and an extended APF validity period to accommodate the large project size and the necessary phasing.



The property has been the subject of previous planning discussion including a detailed description and recommendations in the 2002 Potomac Subregion Master Plan, and the subsequent Local Map Amendment Case G-884 which was the first step in implementing the master plan by rezoning the property to PD-2 and setting many binding elements on the future development. As part of the Preliminary Plan and in coordination with M-NCPPC Department of Parks, the Applicant is dedicating to M-NCPPC – Department of Parks 19.56 acres for the expansion of the Muddy Branch Stream Valley Park (“SVP”), and 10.1 acres for the creation of a new local park. The Preliminary Plan is also creating a network of new public streets and private alleys. An additional 27.57 acres of stream valley and upland forest are being protected by Category I Conservation Easement, which will be maintained by the future HOA and will be accessible through existing and proposed natural surface trails. The development layout creates a series of higher density hamlets within the central portion of the Property, including the 66 proposed attached dwelling units, and some of the detached dwelling units located on smaller lots. Further to the perimeter of the development, there is a transition to all one-family detached dwellings located on increasingly larger lots, keeping with the character of the existing large lot development and stream valley park property in the vicinity.

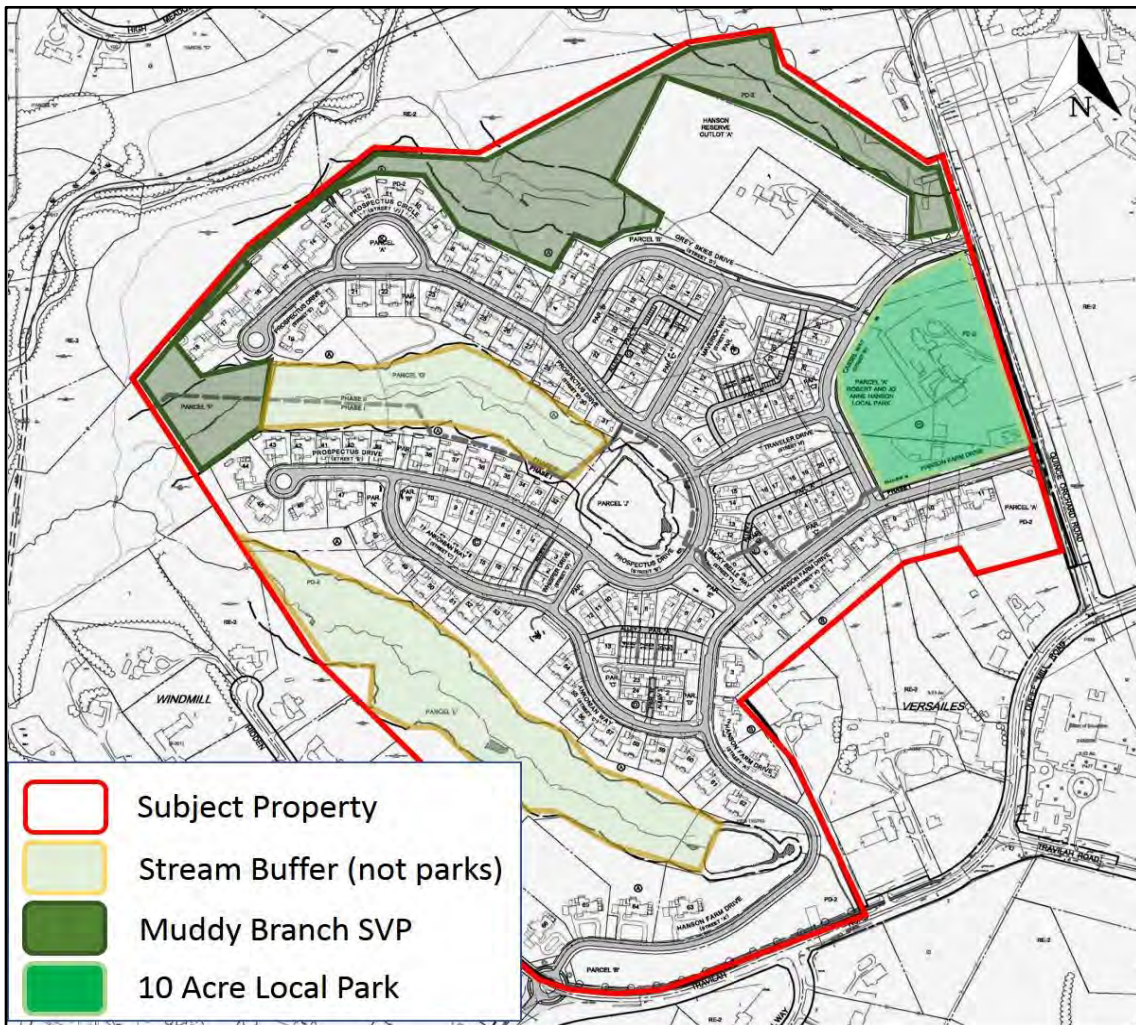


Figure 2 – Proposed Parkland Dedication

In addition to the M-NCPPC-Parks dedications, the Property will create a wide variety of different open spaces including passive meadow areas, existing farm ponds, including a larger centralized one which is being turned into a central focal point with art sculptures and fishing pier, formal play and sitting areas, and numerous public spaces with lawns and landscaped stormwater facilities. This project also enhances the public access point to the Muddy Branch SVP with a new trailhead amenity and natural surface trail close to the 10-acre park, and provides a secondary, more secluded SVP entrance intended more for use by the new residents. Within the protected stream valley areas, the development utilizes many of the existing natural surface trails to provide access to the wooded stream valleys and existing stream that provide a green corridor in the middle of the Property.

While the adequate public facilities review did not identify any necessary improvements to transportation capacity in the area, the standard frontage improvements include extending shared use paths along both Quince Orchard Road and Travilah Road which add to the existing shared use path network in the area. There will also be a new traffic circle at the existing intersection with Travilah Road and Turkey Foot Road, where one of the main site entrances will be located. This circle was an item identified as part of the Local Map Amendment, and helps define the transition between the more suburban type of development pattern and road network to the east, from the estate sized lots and rustic road designation to the west.

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SECTION 1 – RECOMMENDATIONS AND CONDITIONS

PRELIMINARY PLAN NO. 120170130: Staff recommends approval of the Preliminary Plan subject to the following conditions:

- 1) This approval is limited to 187 lots for 186 new dwelling units and one existing unit, including 121 one-family detached and 66 one-family attached dwellings, including a minimum of 12.5% MPDUs.
- 2) The Applicant must comply with the conditions of approval for the Preliminary Forest Conservation Plan No. 120170130, approved as part of this Preliminary Plan, subject to the following conditions:
 - a. Prior to Certified Preliminary Plan, the Applicant must revise the Preliminary Forest Conservation Plan to revise the notation regarding approval of a forest bank on the Property to indicate there is potential for the creation of a forest bank for 7.02 acres of forest planting. Final approval of the amount and specific areas to be included in the bank will be determined after coordination with the M-NCPPC forest bank manager.
 - b. The Applicant must record a Category I Conservation Easement over all areas of forest retention, forest planting, wetlands, and stream valley buffers, as identified on the approved Preliminary & Final Forest Conservation Plan. The areas located around the perimeter of the existing ponds and the areas identified to be dedicated to the M-NCPPC Department of Parks, may be excluded from the Category I Conservation Easement, except for the wetlands identified around the perimeter of the existing ponds which must be protected in the Easement. The Category I Conservation Easement approved by the M-NCPPC Office of the General Counsel for any Category I Conservation Easement located within Phase I of the Subject Property, as identified by the phasing plan, must be recorded in the Montgomery County Land Records by deed prior to the start of any clearing or grading within the Phase I geography on the Property. The Category I Conservation Easement approved by the M-NCPPC Office of the General Counsel for any Category I Conservation Easement located within Phase II of the Subject Property, as identified by the phasing plan, must be recorded in the Montgomery County Land Records by deed prior to the start of any clearing or grading within the Phase II geography on the Property. The Liber Folio for the easements must be referenced on the record plat(s).
 - c. In the event that the existing farm pond(s) are no longer retained, the Applicant shall protect the pond area and any associated stream valley buffer area consistent with the Environmental Guidelines with a Category I Conservation Easement. The Final Forest Conservation Plan will need to be amended to show any proposed restoration work.
 - d. Forest plantings must be provided over all unforested stream valley buffers as shown on the approved Preliminary/Final Forest Conservation Plan.
 - e. Mitigation must be provided on the Property for the removal of 28 trees subject to the variance provision. Mitigation must be provided in the form of planting native canopy trees totaling 263 caliper inches, with a minimum planting stock size of three caliper inches. The trees must be planted on the Property, in locations shown on the approved Preliminary/Final Forest Conservation Plan, outside of any rights-of-way, or utility easements, including stormwater management easements. Adjustments to the planting locations of these trees is permitted with the approval of the M-NCPPC forest conservation inspector.

- 3) The Applicant must comply with the Binding Elements of County Council Resolution No. 16-1393 approving Local Map Amendment No. G-884.
- 4) The record plat(s) must reflect serialization and liber/folio reference for all TDRs utilized by the development.
- 5) Final number of MPDUs and TDRs to be determined at the time of site plan.
- 6) The Planning Board accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated January 18, 2018, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 7) Prior to issuance of access permits, the Applicant must satisfy the provisions for access and improvements as required by MCDOT.
- 8) The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Service (“MCDPS”) – Water Resources Section in its stormwater management concept letter dated 02/12/2018, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 9) The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section in its letter dated November 30, 2017, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Preliminary Plan approval.
- 10) The Applicant must dedicate and show on the record plat the following roadway dedications:
 - a. 40 feet of dedication from the centerline of Quince Orchard Road along the Subject Property’s entire frontage.
 - b. 40 feet of dedication from the centerline of Travilah Road along the Subject Property’s entire frontage.
 - c. 35 feet of dedication from the centerline of Turkey Foot Road along the Subject Property’s entire frontage.
- 11) Prior to recordation of the plat(s) the Applicant must satisfy MCDPS requirements to ensure the construction of the following bicycle and pedestrian improvements along the existing roadway frontages:
 - a. An 8-foot wide shared use path along the property frontage on Quince Orchard Road, between the southern Property boundary and the northernmost Property access (Street A) from Quince Orchard Road.
 - b. A 10-foot wide shared use path along the Subject Property frontage on Travilah Road from the new traffic circle with Turkey Foot Road and the Subject Property entrance to a location off-site approximately 300 feet east of the Subject Property boundary.

- c. A 10-foot wide shared use path completely encircling the new traffic circle at the intersection of Travilah Road, Turkey Foot Road and the Subject Property entrance.
- 12) The Applicant must dedicate all new public road rights-of-way to the full width designated on the Certified Preliminary Plan, as specified in MCDOT's approval letter.
- 13) All new public streets must have a five-foot wide, ADA compliant sidewalk on both sides of the street except for the following segments:
 - a. The south and east sides of Street A, between the traffic circle and the intersection of Street C do not require a sidewalk
 - b. The street frontages with Parcel A block K do not require a sidewalk
 - c. The north side of Street D from Street B to the new trailhead shall include an eight-foot wide shared use path in a Public Improvement Easement (PIE) located adjacent to the street right-of-way.
 - d. The sides of Street A and Street B that are adjacent to the 10-acre local park shall include an eight-foot wide shared use path in a PIE located adjacent to the street right-of-way.
- 14) The Record Plat must show all private alleys within their own parcel(s).
- 15) The Record Plat must reflect an ingress/egress easement over all private alleys, designated for the benefit of all properties with access to the alleys.
- 16) The Record Plat must ensure the recording of minimum 10-foot wide Public Improvement Easements along the segments of Streets A, B and D as identified on the Certified Preliminary Plan for the construction of eight-foot wide shared use paths.
- 17) The Applicant must provide all Private Alleys, including any storm drainage facilities, private utility systems and other necessary improvements as shown on either the Preliminary Plan or the subsequent Site Plan within the private alley parcels.
- 18) The certified Preliminary Plan must contain the following note:

"Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of site plan approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval."
- 19) Final approval of the size and location of buildings and open space amenities will be determined at site plan.
- 20) Prior to recordation of any plat, Site Plan No. 820180160 must be certified by M-NCPPC Staff.
- 21) Record plat must show necessary easements.

- 22) The record plat must reflect all areas under Homeowners Association ownership and specifically identify stormwater management parcels.
- 23) The Applicant must dedicate to M-NCPPC the 19.56-acre portion of the Subject Property identified as "Parcel C, Block A" and "Parcel F, Block A" on the approved Preliminary Plan for use as a Stream Valley Park. The land to be dedicated for the Stream Valley Park must be dedicated to the M-NCPPC through notation on the plat and by conveyance at the time of record plat in a form of deed approved by the Office of General Counsel. Plat(s) for the Muddy Branch Stream Valley Park must be recorded prior to or concurrently with recordation of the lots located on Block A within Phase II. At the time of conveyance, the Applicant must ensure the property is free of any trash and unnatural debris.
- 24) The Applicant must dedicate to M-NCPPC the 10.1 acre identified as "Parcel A, Block H" on the approved Preliminary Plan for use as a Local Park, per the Potomac Subregion Master Plan. The land to be dedicated for the Local Park must be dedicated to the M-NCPPC through notation on the record plat and must be conveyed by deed approved by the Office of General Counsel in accordance with the development trigger specified in the Site Plan conditions. At the time of conveyance, the Applicant must ensure the property is free of any trash and unnatural debris, and the Applicant must have completed the improvements on the property in accordance with the Certified Site plan.
- 25) The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for 120 months (10 years) from the date of mailing of the Resolution. Within 72 months (six years), the Applicant must have pulled at least 90 building permits on the Subject Property.
- 26) The Preliminary Plan Validity period will remain valid for up to 96 months (8 years) from the date of mailing of the Resolution. The Applicant must record plats for at least 45 lots within the first 36 months (3 years) of the date of the Resolution, an additional 45 lots within 60 months (5 years) from the date of the Resolution, and must complete record plats for all 187 lots within 96 months (8 years) of the date of the Resolution.

SITE PLAN NO. 820170160: Staff recommends approval of Site Plan No. 820170160 for 187 total dwelling units, including 120 new one-family detached dwellings, 66 new one-family attached dwellings and one existing one-family detached dwelling including 24 MPDUs and 17 TDRs with all site development elements shown on the latest electronic version as of the date of this Staff Report, submitted via ePlans to the M-NCPPC except as modified by the following conditions.

Conformance with Previous Approvals & Agreements

1. LMA and Development Plan Conformance
The Applicant must comply with the binding elements of County Council Resolution No. 16-1393 Dated June 15, 2010 for LMA Case No. G-884.
2. Preliminary Plan Conformance
The Applicant must comply with the conditions of approval for Preliminary Plan No. 120170130.

Environment

3. Forest Conservation & Tree Save
The Applicant must comply with the conditions of approval for the Final Forest Conservation Plan No. 820170160, approved as part of this Site Plan, subject to the following conditions:
 - a) Prior to Certified Site Plan, the Applicant must revise the Preliminary & Final Forest Conservation Plan to:
 - i. Revise the notation regarding approval of a forest bank on the Property to indicate there is potential for the creation of a forest bank for 7.02 acres of forest planting. Final approval of the amount and specific areas to be included in the bank will be determined after coordination with the M-NCPPC forest bank manager.
 - b) Site inspection by M-NCPPC Staff must occur per Section 22A.00.01.10 of the Forest Conservation Regulations.
 - c) The Final Sediment and Erosion Control Plan must be consistent with the limits of disturbance shown on the approved Preliminary & Final Forest Conservation Plan.
 - d) The Applicant must comply with all tree protection and tree save measures shown on the approved Preliminary & Final Forest Conservation Plan. Tree save measures not specified on the approved Forest Conservation Plan may be required by the M-NCPPC forest conservation inspector or the M-NCPPC Department of Parks Staff, when located on M-NCPPC Department of Parks property.
 - e) The Applicant must install permanent conservation easement signage along the perimeter of the Category I Conservation Easement. Signs must be installed a maximum of 100 feet apart with additional signs installed where the easement changes direction, or at the discretion of the M-NCPPC forest conservation inspector.
 - f) The Applicant must install signs indicating areas of no disturbance/no mow, and boulders or similar physical features around the perimeter of the wetlands at the head of each farm pond as depicted on the approved Landscape Plan.
 - g) The required 3.70 acres of forest planting for Phase 1 must be completed within one year or two growing seasons after issuance of the 90th residential building.
 - h) The required 3.32 acres of forest planting for Phase 2 must be completed within one year or two growing seasons after issuance of the 170th residential building permit.

- i) The Applicant must bond the tree variance mitigation as part of the Site plan surety bond, and must complete installation of the tree mitigation in conjunction with completing the open space amenity areas the trees are located within.
- j) Prior to issuance of the first Sediment Control Permit for each of the two Phases shown on the Certified Site Plan, the Applicant must:
 - i. provide a Maintenance and Management Agreement to the M-NCPPC Planning Department for the required planting for that Phase, and the Agreement must be in such a form as to be acceptable to the Department, as the designee/representative of the Planning Board; and
 - ii. provide financial surety to the M-NCPPC Planning Department to guarantee the forest plantings for that Phase, in a form acceptable to the Commission's Office of the General Counsel.
- k) In the event that one or both farm ponds need to be breached, the Applicant must submit a Final Forest Conservation Plan Amendment to restore the existing pond and dam embankment area with a mix of forest and emergent wetland habitat. Final limits of disturbance and type of mitigation will be determined during the Amendment.
- l) In the event that the limits of disturbance or impacts to variance trees changes as part of the Park Construction Permit Process for the sewer connection through the Muddy Branch SVP, the Applicant will need to amend the Final Forest Conservation Plan to reflect the necessary changes.

Open Space, Green Area, Facilities and Amenities

4. Green Area

The Applicant must provide a minimum of 78% green area as defined in the zoning ordinance.

5. Developed Area

The Developed Area of the Subject Property must not exceed 49.2% of the total tract as shown on the Certified Site Plan, after subtracting the 10-acre local park dedication. Developed area as defined by the binding elements of LMA Case No. G-884 includes land located in building lots and road rights of way.

6. Open Space, Facilities, and Amenities

- a. The Applicant must complete the open space amenity areas, to include final grade, stormwater, lawn establishment, and installing lawn furniture and hardscape for each open space and/or amenity area prior to issuing the last building permit within the block the open space amenity area is located in, except for the following major amenity development triggers:
 - i. Prior to the issuance of the 45th building permit, the Applicant must complete either the multi-age playground and associated open space on Parcel M, Block A, or the Applicant must complete the amenities around the central farm pond including the sitting areas, path over the dam embankment and the fishing pier identified on the Certified Site Plan as Parcel J Block A.
 - ii. Prior to the issuance of the 68th building permit, the Applicant must have completed both the multi-age playground and associated open space identified on the Certified Site Plan as Parcel M Block A, and the amenities around the central farm pond including the sitting areas, path over the dam embankment and the fishing pier identified on the Certified Site Plan as Parcel J, Block A.

- iii. Prior to issuance of the 100th building permit, all open spaces and amenity areas located within phase I of the development shall be completed.
 - iv. Prior to issuance of the 138th building permit, the Applicant must have completed either the shared use path located along Street D, the trailhead along Street D, and the natural surface trail connection from the trailhead into the Muddy Branch SVP, or the multi-age playground and lawn area and associated open space identified on the Certified Site Plan as Parcel C Block G.
 - v. Prior to the 177th building permit, the Applicant shall complete all remaining natural surface trails and natural surface trail connections, including two connections from Street E and one connection from Street J, and the Applicant shall have completed both the shared use path and trailhead located along Street D, and the multi-age playground and lawn area located on Parcel C Block G as identified on the Certified Site Plan.
 - vi. Prior to release of the final building permit (number 186), all remaining amenity and open spaces on the Subject Property must be completed and landscaping installed.
- b. Any other landscaping shown within the open space and amenity areas must be installed no later than the next growing season after completing the space.

7. M-NCPPC Department of Parks

- a) Prior to the construction of the sewer connection through the Muddy Branch SVP, the Applicant must receive a Park Construction Permit from M-NCPPC Parks separate from the approval of the Site Plan. To minimize impacts to the existing natural resources, Parks will require alternative construction methods and mitigation including replanting, habitat enhancement, and stream stabilization as part of the Permit. Should the final Construction Permit change the limits of disturbance, or change the impacts to any variance trees, an amendment to the Final Forest Conservation will be required.
- b) The Applicant must install permanent M-NCPPC Department of Parks property line identification poles along the perimeter of the M-NCPPC park dedication areas, in locations determined by the M-NCPPC Department of Parks Staff.
- c) Consistent with the development trigger in condition 6a, the Applicant must install the natural surface trail connection from the identified trailhead along Street D, into the Muddy Branch SVP and connecting to the existing Muddy Branch SVP natural surface trail. The ultimate alignment of this trail may be field adjusted in coordination with Staff.
- d) The Applicant must comply with the following development triggers and conditions for the clearing, construction and dedication of the 10-acre local park, identified as Parcel A, Block H:
 - i. No construction equipment or material staging, stockpiling of dirt, or stripping of existing topsoil outside of that necessary to demolish the existing structures and install the interim improvements shall be permitted on the area designated for the 10-acre local park;
 - ii. Prior to issuance of the 138th building permit, demolition of the existing farm house and all associated sheds and outbuildings on the 10-acre park shall be complete, and plat(s) must be recorded creating the 10.1 acre parcel;
 - iii. Prior to the issuance of the 163rd building permit, construction of the 10-acre local park interim improvements must be complete and final concurrent inspections scheduled with MCDPS and M-NCPPC Parks to ensure the 10-acre park is free of any trash and unnatural debris, and is in compliance with the

- elements as shown on the Certified Site Plan. Prior to the final concurrent inspection, the Applicant must submit to Staff a certification from a certified professional that all improvements within the 10-Acre local park have been built according to the Certified Site Plan;
- iv. Prior to release of the 180th building permit, the 10-acre local park parcel must be conveyed by deed to M-NCPPC Parks. At the time of conveyance, the entire park including the interim improvements shall be completed and in an acceptable condition as determined by MCDPS and M-NCPPC Parks Staff.
 - v. The portion of the Certified Site Plan covering the 10-acre local park will remain in full force and effect until final conveyance of the land for the 10-acre local park. After conveyance, the M-NCPPC Parks will be free to maintain and modify the 10-acre local park in a manner that may or may not be consistent with the Certified Site Plan without the requirement for a Site Plan Amendment, except for maintenance of the eight-foot wide shared use path, which must remain unless amended.
- e) The Applicant must show on the Certified Site Plan at a minimum the following interim improvements on the 10-acre local park. The Certified Site Plan shall include engineered drawings, and amenity details including minimum design specifications. Review and approval of these improvements will be performed by M-NCPPC Staff during Certified Site Plan review. Only the improvements, as shown on the Certified Site Plan, shall be required in the 10-acre local park.
- i. Picnic Area:
 - 1. A minimum of four picnic tables, two of which must be ADA accessible located on a concrete pad with at least 3 feet of clearance around the table. The tables should be located in the northern portion of the 10-acre park, taking advantage of the existing tree canopy near the location of the Farm House that is to be removed;
 - 2. At least 1 ADA accessible grill, to be located adjacent to at least one of the ADA accessible picnic tables, including an ash container for proper ash disposal; and
 - 3. At least one trash receptacle, to be located along the ADA accessible path between the picnic tables and Street B.
 - ii. Dog Park:
 - 1. In the northeastern portion of the 10-acre local park a minimum of 30,000 square feet for a dog park, including a minimum 10,000 square foot small dog enclosure and a minimum 20,000 square foot large dog enclosure. The primary dog enclosure spaces may have a natural (grass) surface;
 - 2. Access to both dog enclosures shall be through one common, ADA accessible access point, including a double-gated entrance feature, with a hard surface (crushed stone or concrete);
 - 3. All enclosure fencing shall be a minimum of five feet high, galvanized welded wire fencing, Design Master panel or equivalent, in a black finish;
 - 4. All fencing must have an 18-inch wide concrete mow strip located under the fence;
 - 5. One, double swing, self-latching maintenance gate shall be provided for each dog enclosure area; and

6. Two benches, one trash receptacle and one doggie bag holder per dog enclosure. Benches shall be located along the western side of the enclosure, and be partially shaded by providing a minimum of four total new canopy trees planted just outside the dog enclosures.
 - iii. Other general park improvements
 1. All ADA accessible features must be connected to the parking located along Street B by way of an ADA compliant hard surface path. The main ADA accessible path shall be a minimum of eight feet wide, and all side paths must be a minimum of five feet wide;
 2. Where the ADA accessible path to the picnic area and dog park meets the shared use path along Street B, the Applicant shall install a trailhead amenity area to include a pergola, a minimum of two benches, a bike rack accommodating four bikes, and one drinking fountain that is frost free, ADA compliant and contains both a dog dish and a jug filler; and
 3. Provide at least one point of maintenance access from a public road into the 10-acre park, with a minimum 10-foot wide paved driveway.
8. Recreation Facilities
- a) The Applicant must provide at a minimum the following recreation facilities as shown on the Certified Site Plan, which are to be built to the specifications found in the 2017 Recreation Guidelines : one (1) fishing pier, one (1) pedestrian connection or trail system, one (1) bikeway, five (5) open grass area lawns – small, two (2) open grass area lawn – large, one (1) natural area, two (2) multi-age playgrounds for all ages (2-12), two (2) neighborhood greens, six (6) sitting areas and dedicate one (1) local park.
9. Maintenance of Public Amenities
- The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to mailboxes, trash receptacles, benches, trails, trailheads, sculptures, the fishing pier, recreation facilities, light fixtures, landscaping, retaining walls, and hardscape.

Transportation & Circulation

10. Transportation

All private alleys must be constructed with a roadbed built at a minimum to public tertiary street standards. Alleys 2, 4, 5 and 6 as identified on the Certified Site Plan serve as fire lanes and must be a minimum of 20 feet wide. The remaining alleys (1 and 3) shall be a minimum of 16 feet wide. Before the release of bond or surety, the Applicant must provide MCDPS Staff with certification from a licensed civil engineer that all streets and sidewalks have been built to the above standards.

11. Pedestrian & Bicycle Circulation

- a) The Applicant must provide the following bicycle parking facilities:
 - i. Parking for a minimum of four bikes at the Muddy Branch SVP trailhead along proposed Street D;
 - ii. Parking for a minimum of four bikes at trailhead located at the 10-acre local park entrance; and
 - iii. Parking for a minimum of two bikes at each of the proposed multi-age playgrounds.

- b) Prior to the specified development triggers below, the Applicant must construct the following master planned pedestrian and bicycle facilities. The exact location, design and construction of which must comply with the requirements set forth by the Montgomery County Department of Transportation, Division of Traffic Engineering and Operations:
- i. Prior to issuance of the 45th building permit, the Applicant must construct a 10-foot wide shared use path along the property frontage with Travilah Road from the proposed traffic circle with Turkey Foot Road and the Property access, to a location off-site approximately 300 feet east of the end of the Property boundary as shown on the Certified Site Plan;
 - ii. Prior to issuance of the 138th building permit, the Applicant must construct an eight-foot wide shared use path along the Property Frontage on Quince Orchard Road from the southern Property boundary to the northernmost Property access location; and
 - iii. As part of the construction of a new traffic circle at the intersection of Travilah Road, Turkey Foot Road and the Subject Property entrance, the Applicant must construct a 10-foot wide shared use path completely encircling the traffic circle.

Density and Housing

12. Density

This Site Plan is limited to 187 total dwelling units, including 120 new one-family detached dwellings, 66 new one-family attached dwellings and one existing one-family detached dwelling including 24 MPDUs and 17 TDRs.

13. Transfer of Development Rights (TDRs)

- a) The Applicant must acquire 17 TDRs for the development.
- b) The record plat(s) must reflect serialization and liber/folio reference for all TDRs used by the development.

14. Moderately Priced Dwelling Units (MPDUs)

The Planning Board accepts the recommendations of Department of Housing and Community Affairs (DHCA) in its letter dated January 26, 2018, and hereby incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which DHCA may amend provided that the amendments do not conflict with other conditions of the Site Plan approval.

- a) The development must provide a minimum of 12.5 percent MPDUs on-site consistent with the requirements of Chapter 25A and the applicable Master Plan.
- b) Before issuance of any building permit for any residential unit(s), the MPDU agreement to build between the Applicant and the Department of Housing and Community Affairs (DHCA) must be executed.

Site Plan

15. Site Design

- a) The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on Sheet ARCH-820170160-001 and

ARCH-820170160-002 of the submitted architectural drawings in the Certified Site Plan, as determined by M-NCPPC Staff.

- b) The exterior architectural character, proportion, materials, and articulation of the MPDUs must be substantially similar to the exterior architectural character, proportion, materials, and articulation of the market-rate units, as shown on the schematic elevations shown on Sheet ARCH-820170160-002 of the submitted architectural drawings in the Certified Site Plan.
- c) The buildings on lots 63 – 66, Block A of the Certified Site Plan must be constructed to a minimum of two stories in height.

16. Landscaping

- a) The Applicant must install the site elements including retaining walls, animal sculptures, trailheads and the fishing pier as shown on the landscape plan sheets of the Certified Site Plan, or an equivalent approved by Staff.
- b) The Applicant must install the plantings shown on the landscape plans of the Certified Site Plan. Any variation in plant species or quantity not already accounted for in the plant substitution list needs M-NCPPC approval.
- c) Landscape and hardscape improvements shall be installed in each open space or amenity area prior to that space being deemed complete per the open space, facilities, and amenities development trigger.
- d) Landscape and hardscape not associated with a specifically identified open space or amenity must be installed by the end of the next planting season, after development activities conclude on the adjacent land.

17. Lighting

- a) Before issuance of any building permit, the Applicant must provide certification to Staff from a qualified professional that the lighting plans conform to the Illuminating Engineering Society of North America (IESNA) standards for residential development.
- b) All on-site down-lights must have full cut-off fixtures.
- c) Illumination levels must not exceed 0.5 footcandles (fc) at any property line abutting county roads and adjacent residential properties, except for street lighting.

18. Site Plan Surety and Maintenance Agreement

Prior to issuance of any building permit or sediment and erosion control permit, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance, with the following provisions:

- a) A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b) The cost estimate must include applicable Site Plan elements, including, but not limited to: plant material including forest conservation variance mitigation trees; on-site lighting; site furniture; mailbox pad sites; trash receptacles, retaining walls; fences; railings; hardscape; paths; bike racks; recreation facilities, play equipment, sculptures, trailheads, amenities planned for the 10-acre local park, fishing pier, private alleys, and any other associated improvements.

- c) The bond or surety must be tied to the development program, and completion of all improvements covered by the surety will be followed by inspection and potential reduction of the surety.
- d) The bond or surety shall be clearly described within the Site Plan Surety & Maintenance Agreement including all relevant conditions and specific Certified Site Plan sheets.
- e) The bond or surety for any improvements located within the 10-acre local park must not be released until Staff receives a certification from a certified professional that all improvements within the 10-Acre local park have been built according to the Certified Site Plan, and both MCDPS and M-NCPPC Department of Parks have completed a final inspection.

19. Development Program

The Applicant must construct the development in accordance with a development program table that will be reviewed and approved prior to the approval of the Certified Site Plan.

20. Certified Site Plan

Before approval of the Certified Site Plan, the following revisions must be made and/or information provided subject to Staff review and approval:

- a) Include the stormwater management concept approval letter, DHCA approval letter, any other agency approval letters, development program, and Site Plan Resolution on the approval or cover sheet(s).
- b) Add a note to the Site Plan stating that “M-NCPPC Staff must inspect all tree-save areas and protection devices before any land disturbance.”
- c) Add a note stating that “Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the MCDOT and MCDPS.”
- d) Provide the standard landscape plan note that planting in stormwater management areas are subject to the final approval by MCDPS Water Resources staff.
- e) Modify data table to reflect any differing development standards approved by the Planning Board.
- f) Ensure consistency of all details and layout between Site and Landscape plans.
- g) The Site Plan and Landscape Plan shall be updated to include the necessary changes to implement the requirements of Site Plan condition 7e.

SECTION 2 – SITE LOCATION & DESCRIPTION

Site Location and Vicinity

The subject property consists of four parcels, Parcel P105 on Tax Map ER62, and Parcels P945, P885 and P412 on Tax Map ER53, totaling 170.77 +/- acres of land located in the PD-2 Zone (“Property” or “Subject Property”). The Property is broadly located in the northwest quadrant of the intersections of Quince Orchard Road, Dufief Mill Road and Travilah Road, as outlined in Figure 3 below. Not part of the Subject Property is a collection of eight existing lots located directly on the northwest corner of Quince Orchard and Dufief Mill Roads, known as the Versailles properties. The Subject Property is located directly south and east of the Muddy Branch Stream Valley Park, and immediately east of the Property is the Potomac Horse Center which is also owned by M-NCPPC. Less than 1/3 of a mile away to the southeast is Travilah elementary School. To the southeast, south and west of the Property are numerous lots improved with one-family detached houses in the RE-2 Zone. East of the Property is high voltage electric distribution lines owned by Exelon, with one-family attached and one-family detached houses developed in the R-200 zone further east.



Figure 3 - Vicinity

Site Analysis

The Property is currently an active family cattle farm, with existing farm houses on three of the four parcels, and a cluster of associated sheds and barns around the central farmhouse on Quince Orchard Road. Around the edges of and connecting the fields are some existing dirt driveways that provide for farm access, and there is a network of existing natural surface trails that extend into the wooded areas that have been built and used by the family. There are two farm ponds including a larger central pond and a smaller pond in the southern portion of the Property. Both ponds are located at the natural headwaters of two creeks that flow directly into the Muddy Branch main stem and have areas of emergent wetlands around them. Most of the Property is cleared farmland, however there are 52.7 acres of both upland and stream valley forest located along the southwestern and northern edges of the Property. The topography is gently rolling in the higher elevations closest to Quince Orchard Road, and quickly drops off to the north and west into the stream valleys associated with the Muddy Branch and the multiple on-site tributaries. There are no FEMA mapped floodplains on the Property however an approved NRI/FSD indicated presence of a floodplain. There are also small areas of highly erodible soils, and areas with slopes greater than 25 percent, mainly near the tributary streams.



Figure 4 - Aerial

SECTION 3 – APPLICATIONS AND PROPOSAL

Previous Approvals

Zoning Case G-884

The Subject Property was the subject of Local Map Amendment (“LMA”) G-884, with the accompanying Development Plan (Figure 5), which was approved by County Council Resolution No. 16-1393 on June 15, 2010. LMA G-884 rezoned 170.77 acres of land from the RE-2 Zone to the PD-2 Zone. The Planning Board recommended transmittal of comments on March 5, 2010 including a brief summary of the surrounding community issues and a list of suggested binding elements. The Hearing Examiner subsequently issued a report recommending approval on May 18, 2010. The Property was divided into four separate land bays, each with their own set of recommendations, including recommendations that Land Bay A be set aside as a 10 acre local park, Land Bay B limit development to one-family detached dwelling units for compatibility with the adjacent Versailles development, Land Bay C develop as no more than four dwelling units utilizing the RE-2 zoning standards to retain the character of Travilah and Turkey Foot Roads, and Land Bay D shall contain the remainder of the development. Other elements that were discussed and shown on the Development Plan include the Property access to Travilah Road being constructed at the intersection with Turkey Foot Road, and that the final design of the development allow ample access to open spaces. The LMA ultimately has a list of 13 binding elements that must be adhered to during the remainder of the development review process, and a list of 10 non-binding elements that require further refinement during the development review process. Conformance to these binding elements is discussed in greater detail in the Site Plan analysis and findings portion of this report.

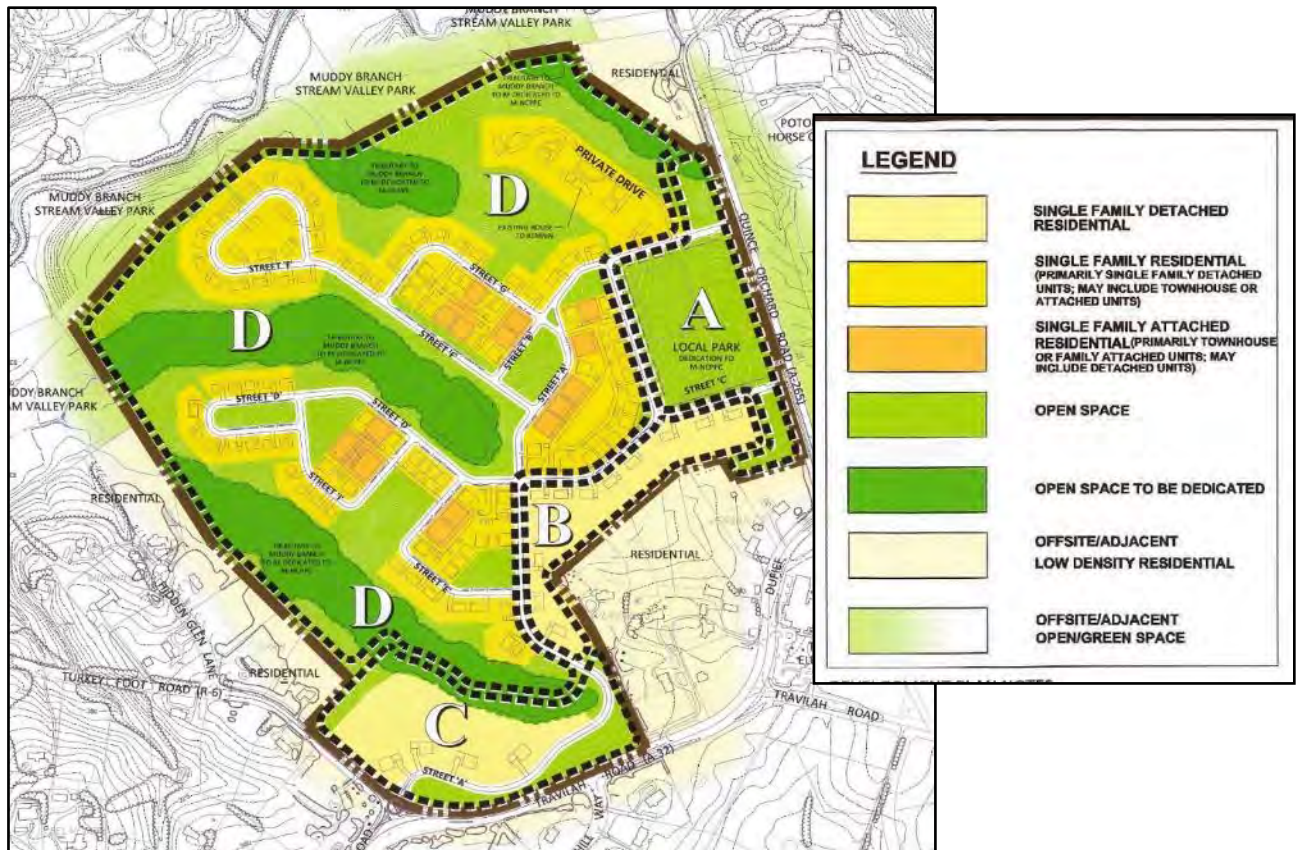


Figure 5 – Development Plan

Current Application Proposals

Preliminary Plan 120170130

Preliminary Plan No. 120170130 was accepted on January 11, 2017 and requests subdivision to create 187 lots for 186 new dwelling units and one existing dwelling unit, dedication of land for public streets, dedication of 10.1 acres for a local park, dedication to the Muddy Branch Stream Valley Park, and establishment of HOA parcels for on-site open space and amenities. The Preliminary Plan proposes using up to 17 transfer of development rights to reach the total density of 187 dwellings, and proposes to provide at least 12.5% MPDU's as required by the Montgomery County Code. The Preliminary Plan also provides dedication to MCDOT to create a new network of public streets and creates parcels to provide for six private alleys.

Site Plan 820170160

Site Plan No. 820170160 was accepted September 14, 2017 and proposes to construct 186 new dwelling units and retain one existing dwelling unit, including 121 total one-family detached units and 66 one-family attached units, including a combination of two-plex and tri-plex units. The Site Plan will construct 24 MPDU dwelling units which is 12.5% of the total, and will be required to provide proof of purchase of 17 TDRs. The Site Plan also provides refinement on the design of the various on-site open space areas, provided recreation amenities, and provides a general idea of the type of architecture proposed for the new dwellings. The combined review of the Preliminary Plan and Site Plan is also known as the Application ("Application").

Development Layout

The layout of the proposed development reacts to the topography, previous approvals and a need for compatibility to concentrate density in the interior portions of the Property with lesser intense uses and open areas on the perimeter. There will be four distinct hamlets in the middle of the Property which include the MPDUs, the attached dwelling units, and some detached units located on smaller lots (Figure 6). The hamlets are designed with a more urban feel that include creating more open and amenity spaces in exchange for the smaller lot sizes, and most of the dwelling units are rear-loaded utilizing private alleys for vehicle access. These hamlets radiate around from the larger central farm pond, which serves as an amenity anchor in the center of the Property. The periphery of the development is all detached dwelling units on a variety of lot sizes that respond to the surrounding environment, enhancing compatibility with the existing development. Heading west from the central hamlets are two east-west oriented ridges that are defined by three paralleling stream valley buffer areas. These two ridges each have a cul-de-sac street running down the ridge top and are lined with one-family detached homes of medium sized lots. The southeastern edge of the Property, adjacent to the Versailles properties proposes one-family detached units on larger lots, that will comply with a binding element of the Development Plan for compatibility with the existing eight adjacent lots. The southwestern portion of the Property will be developed with four one-family detached homes on two acre lots which meets the binding element for compatibility with the adjacent RE-2 zoned land further to the west. The northeastern part of the Property will feature the Hanson Reserve which includes an approximately two-acre lot for the existing house, and a 9.43 +/- acre outlot which will be owned by the owner of the existing house. The outlot will be privately owned, but will count toward the total green area requirements and will visually act as open space. The eastern portion of the Property will dedicate approximately 10.1 acres for the establishment of a local park, which is also a requirement of the LMA and will be defined by two separate access points along Quince Orchard Road.

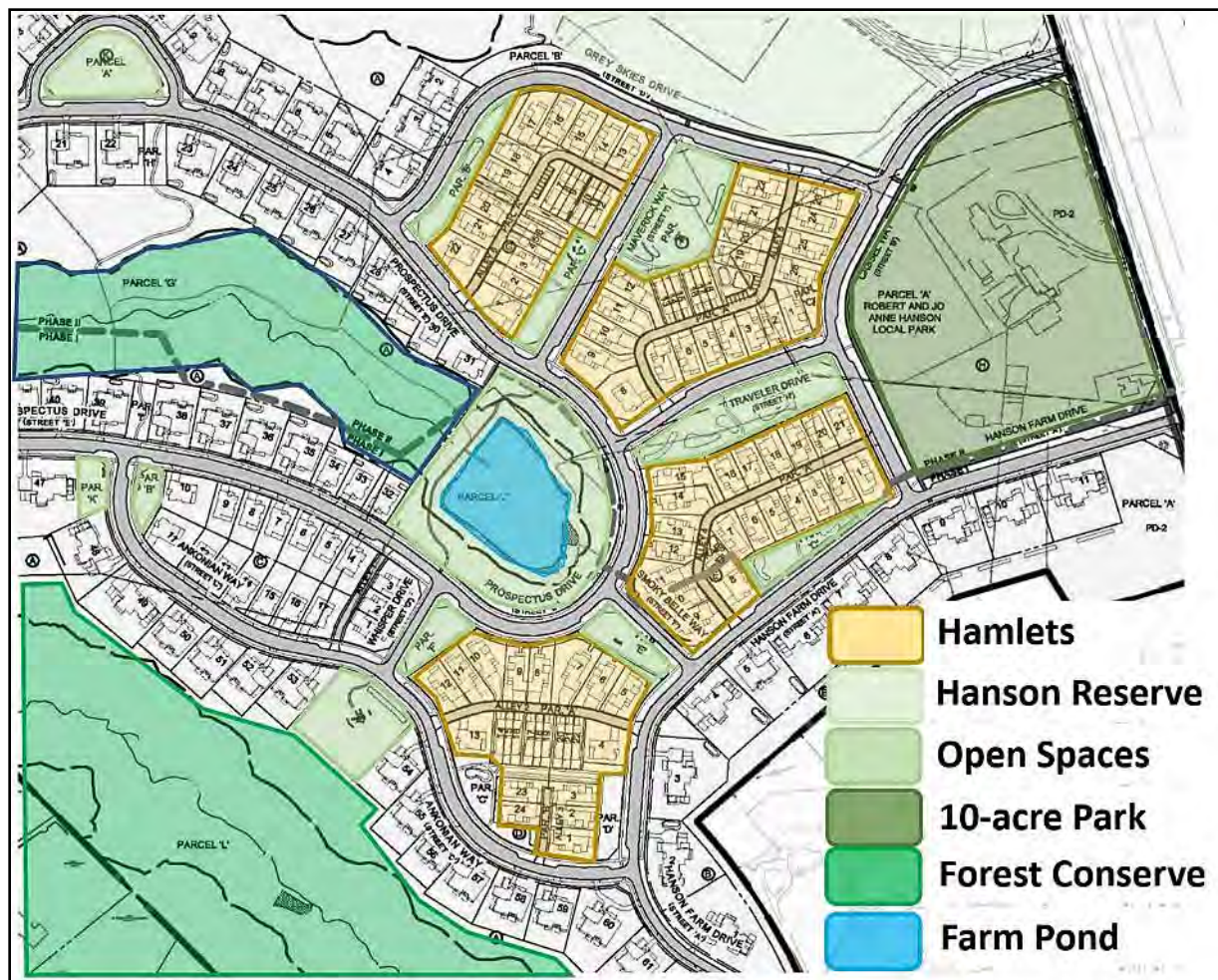


Figure 6 – Hamlets and Green Spaces

Circulation

The proposed roadway network within the Subject Property is comprised of public streets that include room for on-street parking along one side of the street and sidewalks on both sides of the street (Figure 7). There are a total of three access points onto the Property including one in the southwest at the new traffic circle intersection with Travilah Road and Turkey Foot Road, and two additional access points in the east along Quince Orchard Road. The proposed road network creates a modified grid of streets and alleys within the central hamlet areas that partially wrap the existing central farm pond. Streets radiate out from the pond providing direct visual and physical connections to the proposed 10-acre local park, the Hanson Reserve, and to the two cul-de-sacs that extend west along the ridge lines on the Property. This Application is extending an existing eight-foot wide shared use path along Quince Orchard Road to extend north to the northern of the two access points, is providing an eight-foot wide shared use path along both street A and Street B's frontage with the 10-acre local park and is providing an eight-foot wide shared use path along Street D, connecting the trailhead into the Muddy Branch SVP to the other shared use paths on the Property. There is also a 10-footwide shared use path being built along the Property frontage with Travilah Road between the new traffic circle to a location off-site approximately 300 feet east of the Property boundary. The Application also maintains many existing natural surface trails that the current Property owners have created that provide access to the wooded stream valleys, and provide an alternative access point into the Muddy Branch SVP.

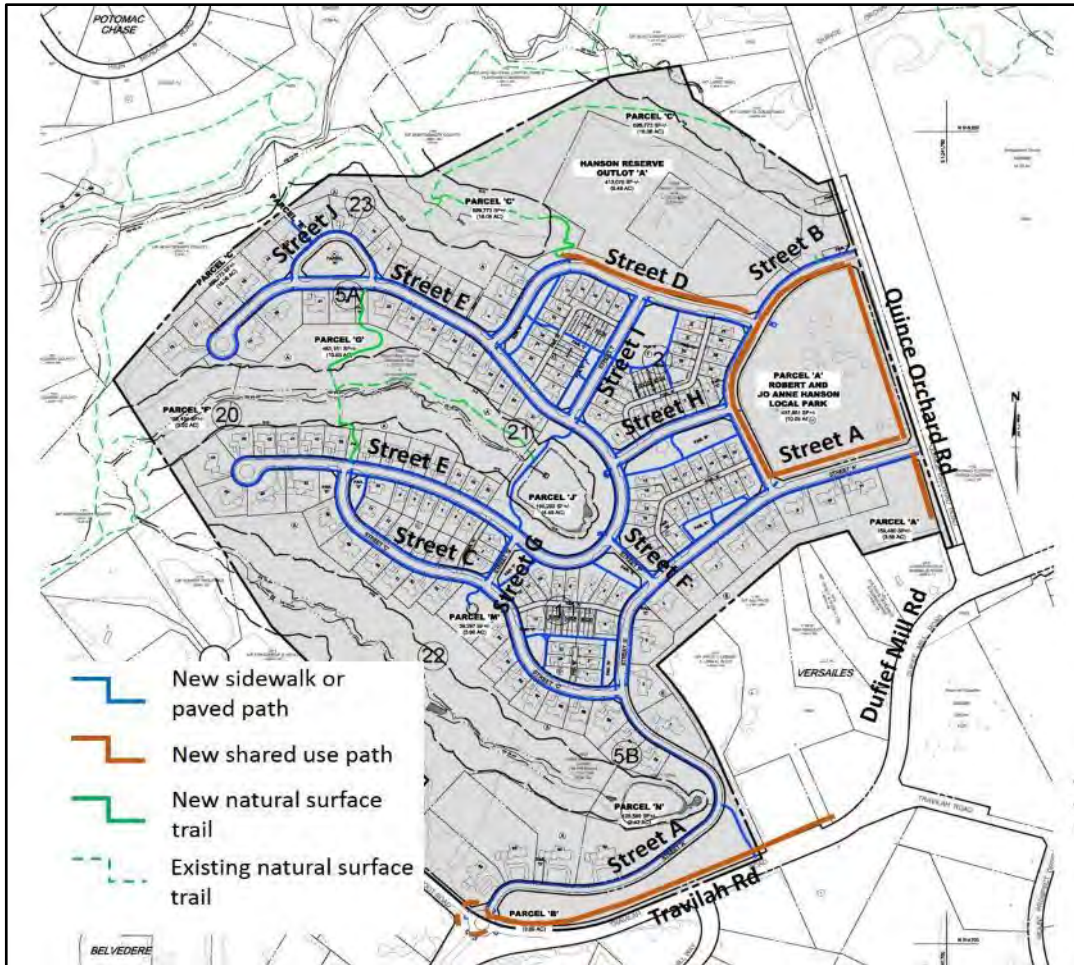


Figure 7 – Site Circulation

Open Spaces and Amenities

The Application is providing for a wide variety of open spaces and on-site amenities ranging from passive resource protection, passive lawn space, to active amenity space. The Applicant is providing 19.56 acres of dedication along the northern and northwestern portions of the Property to M-NCPPC for expansion of the Muddy Branch SVP, and is providing 10.1 acres of dedication to satisfy the Development Plan requirements for the land for a 10-acre local park. After excluding the 10-acre local park, and all area covered by private lots or roadways, there is still a 50.8% undeveloped area remaining as accessible open space (Figure 8). Some of this space includes the provision of stormwater management or is in Category I Conservation Easement, but most all of this is accessible and contains open lawn or shaded areas adequate in size to use for recreation and enjoyment. Like the road layout, there are a series of open spaces radiating out from the central farm pond that connect to the Hanson Reserve and trailhead to the Muddy Branch SVP, the 10-acre local park, and to the forested areas. The Applicant is exceeding the calculated recreation requirements for the Site Plan with a combination of passive and active recreational amenities, plus the existing adjacent Muddy Branch SVP. The recreation amenities will be provided in phases that align with the development phases and in total include two multi-age playgrounds, five small lawn areas, two large lawn areas, two neighborhood greens, sitting areas, bikeway improvements, fishing pier, trail connections to the Muddy Branch SVP and the dedication of the 10-acre local park.

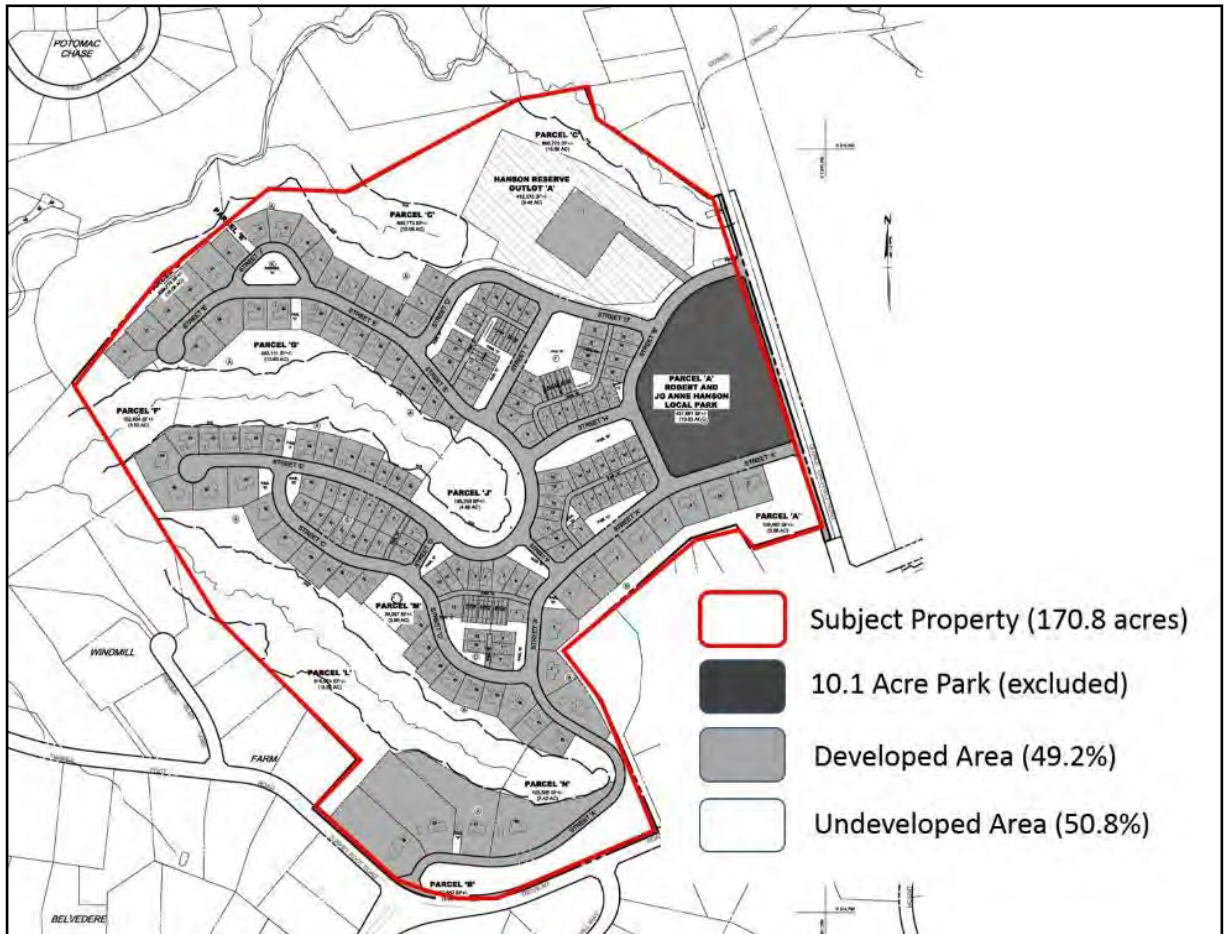


Figure 8 – Developed Area

10-Acre Local Park and Muddy Branch SVP

As described before, the Applicant is making two major dedications to the M-NCPPC parks system, approximately 19.5 acres to enhance the Muddy Branch SVP, and 10.1 acres for a new local park. The dedication for the Muddy Branch SVP is all in the northernmost portion of the Property and includes a large forested area around the Hanson Reserve property, a buffer between the proposed dwellings along proposed streets J and E, and an area in the western portion of the Property that is also forested near where one of the tributaries enters the Muddy Branch. In the Master Plan and the Development Plan there are graphics and discussion that the Muddy Branch SVP dedication areas would include the two tributary stream buffers; however, Parks Staff through the development review process expressed concern with the access and maintenance of the tributary valleys and decided the resource was better protected by HOA parcels and Category I Conservation Easement rather than through park dedication. The Applicant is providing two new points of access to the SVP, one that is most serving of the residents in the new community, and the other that is intended to be a major point of Public Access, located just west of the Hanson Reserve, which takes advantage of a direct connection between the new local park, and available on-street parking.

As part of the infrastructure required to develop the Property, a sewer connection is proposed through a portion of the existing Muddy Branch SVP connecting the Property to an existing sewer main on Parks

property. The Applicant has begun coordination with M-NCPPC Parks about obtaining the necessary Park Permits to complete this work, however the details are still being negotiated. There are significant resources warranting protection in this area and Parks may require unique construction techniques and/or additional protection and reclamation measures as part of the permit process.

In addition to dedicating the 10-acre local park as required by the Master Plan and subsequent LMA, the Applicant has agreed to provide some interim amenities to part of the space. As shown in the illustrative figure 9 below, the Applicant will provide a dog park in the northeastern portion of the park space, and will incorporate picnic and grilling areas under the tree canopy near where the farm house currently stands. The Applicant also is upgrading the standard five-foot wide sidewalk around the park frontage with an eight-foot wide path that is more in keeping with a park trail that may see higher use. Final design details and engineering needed for implementation of this local park will be provided on the Certified Site Plan and will be reviewed by M-NCPPC Parks and Planning Staff prior to certification.



Figure 9 – Proposed interim park improvements

SECTION 4 – ANALYSIS AND FINDINGS - Preliminary Plan No. 120170130

The following analysis and findings apply to Preliminary Plan No. 120170130 – Hanson Farm. The Preliminary Plan was submitted prior to February 12, 2017 and is therefore being reviewed under the previous Chapter 50 subdivision regulations that were in effect at that time.

1. The Preliminary Plan substantially conforms to the Master Plan

The Preliminary Plan substantially conforms with the recommendations of the 2002 Potomac Subregion Master Plan (“Master Plan”).



Figure 10 – Potomac Master

Land Use

The Subject Property is located in the North Potomac area of the Master Plan (Figure 10), which is recognized as the most densely populated of the Master Plan's four analysis areas, and was a new planning area created by community request due to its unique densities not typical of the rest of Potomac. There are no overarching goals or policies of the North Potomac area but there are specific property recommendations including one for the Subject Property.

The Hanson Farms as it is identified in the Master Plan is specifically discussed on the bottom of page 70 through page 75 of the Master Plan. The Master Plan contains numerous land use recommendations to consider upon initial planning of new development:

- *Rezone the site from RE-2 to PD-2 with a TDR option, to encourage more compact development, expand the regional stream valley system, protect sensitive areas, provide community facilities, and promote walking and biking.*

The Subject Property was rezoned to PD-2, with TDRs with LMA G-884 in 2010. Binding elements of the development plan included additional dedication to the Muddy Branch SVP, a minimum 50% green area, dedication of a new local park, and current Preliminary Plan review is requiring shared use paths along the public road frontages to contribute to the local and regional walking and biking infrastructure.

- *Limit allowable density to a maximum of 170 dwelling units, including MPDUs... TDR density incentives may be used to increase the maximum number of dwelling units by 10 percent, to 187.*

The development is proposing a total of 187 dwelling units, utilizing 17 TDRs.

- *Include large lots at the perimeter to buffer existing residents, generally on the south and east*

Binding elements of LMA G-884 set limits on the number of one-family detached units along the southeast boundary, and a minimum lot size of two acres for the lots in the southwest to ensure compatibility, which the Preliminary Plan is adhering to.

- *Retain both existing Hanson residences and incorporate them into the fabric of the new community*

The Application retains one of the Hanson residents and places it in the middle of an approximately 10-acre conservation parcel that is identified as the Hanson Reserve. Zoning case G-884 found the other Hanson Farm residence should be removed to best utilize the land for the 10-acre local park.

- *Dedicate land for the North Potomac Community Recreation Center if the County Council does not select the preferred site for the center on Travilah Road.*

The community recreation center was built at the Travilah Road location; however, land is being dedicated in its place for a new 10-acre local park.

- *Maintain adequate setbacks between playing fields and the adjacent homes*

No playing fields are being currently proposed for construction at this time. Binding elements of LMA G-884 were careful to ensure the open spaces adjacent to existing dwellings not contain active recreation opportunities. The local park being dedicated is separated from the existing homes by new homes proposed as part of this Application.

- *Provide links from the local park to the Muddy Branch Stream Valley Park.*

The Application is providing a direct link from the 10-acre local park to a trailhead into the Muddy Branch SVP in the form of a shared use path proposed along proposed Street D, alongside the Hanson Reserve property, which leads to a new trailhead feature.

In addition to the Property specific land use recommendations, there is a list of land use and design guidelines for Hanson Farms. While similar to the recommendations, the guidelines establish additional detail for the actual development of the Property.

- *Development on the site should meet this Plan's general design principles*

Development of the Hanson Farm is complying with the general design principles that promote clustered development, walkability and environmental protection which are reoccurring principles within the Master Plan.

- *Cluster development away from environmentally sensitive resources*

The development on the Subject Property meets or exceeds all required stream valley buffers established by the Environmental Guidelines including buffering streams, wetlands and steep slopes. Northern portions of the Property will be dedicated to M-NCPPC Parks for protection, and other stream valleys will be protected through Category I Conservation Easement.

- *Dedicate a 12-13 acre site for a community recreation center along Quince Orchard Road... if the County Council selects the preferred community recreation center site on Travilah Road, then the following guidelines apply; Dedicate a ten-acre site as a local park, sufficient to accommodate two ball fields and adequate parking.*

The Application is providing dedication of a 10-acre local park site that has adequate space for rectangular ball fields, to be developed by Parks at a later time. The development also provides 52 on-street parking spaces along the two public roads adjacent to the local park, for the use of the park.

- *Development on this site must not exceed 50% of the total site area, excluding the potential community recreation center.*

The developed portion of the site area, excluding the land dedicated for the 10-acre local park is at 49.2%, which is under the 50% maximum.

- *Expand the regional stream valley park system by dedicating forest area along northernmost tributary, including the existing farm road, which can be incorporated into the trail system, areas of sensitive features such as steep slopes and a 200-foot buffer along the Muddy Branch main stem, and forest areas adjacent to Travilah Road and adjacent stream valleys to connect with the existing stream valley park.*

This Application is providing for approximately 19.5 acres of new parkland dedication to the Muddy Branch SVP, which maintains at least a 200-foot wide minimum buffer between the main stem of Muddy Branch and any private lots, and dedicates the northernmost forested tributary creating a new public trail head connection within this forested area. Other forested areas within stream valley buffer will be maintained as Category I Conservation Easement as they are connected to, but too fragmented from the Muddy Branch main stem.

Beyond the listed recommendations and guidelines, the Master Plan on page 74 also includes a conceptual sketch of the development potential of the Hanson Farm (Figure 11), illustrating one potential concept for how the recommendations and guidelines could be implemented on the Property. The layout and provision of amenities proposed by the Preliminary Plan are substantially similar to the conceptual layout provided in the Master Plan with the primary difference being the park dedication limited to along the mainstem of Muddy Branch and protecting the tributary buffers through Conservation Easements.



Figure 11 – Hanson Farm

Environment

The Application conforms to the environmental resources section of the Master Plan. The Master Plan places a high priority on protection and enhancement of environmental resources, and includes many sub-sections of analysis for protecting forest, water and wetland resources, with an added emphasis on protecting and expanding stream buffer areas. There is a specific water resource recommendation on page 14 of the Master Plan, bullet two, to maintain and protect stream buffer forest by requiring the replanting of any unforested buffers. Development on the Subject Property will be clustered away from the stream valley areas, protecting over 38 acres of existing forest resources, and the Applicant is planting 7.02 acres of new forest in areas within the stream buffer that is currently unforested. While some minor impacts are proposed to the stream buffers during construction to allow for the sewer connection, stormwater outfalls and grade tie-outs, the tree clearing for these impacts is minimal because the existing conditions are agricultural, and these impacted areas will be replanted.

Hanson Farm has specific mention for watershed protection in the Master Plan on page 18 including placing an emphasis on expanding the Muddy Branch SVP to help maintain interior forest habitat, and to protect identified high functional value wetlands. The Application dedicates approximately 19.5 acres of land to expand the Muddy Branch SVP, including almost all of the existing forest edge along the northern portion of the Property. The Applicant has also proposed the remaining stream buffers for Category I Conservation Easement which are directly connected to the Muddy Branch SVB. The Application will protect and enhance areas of upland wetlands by protecting them with conservation easements and will surround them with meadowland enhanced with native wild flowering perennials. To enable all of the environmental protection goals of the Hanson Farm, the Master Plan also specifically recommended the rezoning of the Property to PD-2 to encourage clustering. The rezoning was passed with LMA G-884 and included binding elements to protect the stream valleys and to maintain a minimum 50% green area.

- 2. Public facilities will be adequate to support and service the area of the approved subdivision.*

Roads and Transportation Facilities

The vehicle and pedestrian access to the Subject Property will be safe and adequate for the type and size of development proposed. The Subject Property has frontage on three public roads; Quince Orchard Road, Travilah Road and Turkey Foot Road.

Master Planned Improvements

Quince Orchard Road is a Master Planned Arterial road, A-265, with a minimum right-of-way width of 80 feet and two travel lanes. Quince Orchard Road is also designated as PB-10 bikeway, a Class I off-road bike path. The Preliminary Plan is providing the necessary dedication to provide 40 feet from centerline across the entire Property frontage and is continuing the existing eight-foot wide shared use path from the southern Property boundary to the northern of the two proposed access roads. The shared use path is only eight feet wide because it is consistent with the section constructed by the County south of the Subject Property, and also because it parallels the future Exelon/PEPCO trail that is proposed to run directly opposite the Property's frontage. The shared use path is not continuing to the northern Property frontage boundary because just beyond the Property, Quince Orchard Road has major right-of-way and geometric constraints including a constrained stream crossing and it was determined it's safer to end the

shared use path at an intersection. The Applicant is also upgrading Quince Orchard Rd to have a 14-foot southbound travel lane and is installing curb and gutter.

Travilah Road is Master Planned Arterial road, A – 32, with a minimum right-of-way width of 80 feet and two travel lanes. Travilah Road is designated as PB-12 bikeway, a Class I off-road bike path. The Application will provide 40 feet from centerline across the Property frontage and is installing a new 10-foot wide shared use path from the intersection with Turkey Foot Road, east to a location approximately 300 feet east of the end of the Property frontage.

Turkey Foot Road is a Master Plan designated Rustic Road, R-6, with a recommended right-of-way of 70 feet and two travel lanes. The Applicant is providing for 35 feet from the centerline of Turkey Foot Road and is otherwise proposing no frontage improvements which is consistent with the Rustic Road policy.

Traffic Circle

Additionally, the Applicant has proposed to construct a new traffic circle at the intersection of Travilah Road, Turkey Foot Road, and a new Property access. The circle was considered during the rezoning case No. G-884 and was reviewed by M-NCPPC and MCDOT as part of the Preliminary Plan. Plans for the circle have been approved, and the Applicant will construct the full circle, including the necessary realignment and improvements to all four approaches. The circle will also continue the Travilah Road shared use path around the circle, allowing the County or future development the opportunity to continue the shared use path south toward River Road.

Subdivision Streets

The Application is proposing a network of all public streets, with a handful of private alleys in certain areas which will provide adequate access to all of the proposed lots. Most of the new streets are being designed with MCDOT's Secondary Residential Street cross-section standard MC-2002.02, which is a 60-foot wide right-of-way for two lanes of traffic, parking on one side, curb and gutter, and sidewalks on both sides. Proposed Streets A east of Street B, proposed Street B, and proposed Street D east of the proposed trailhead are all modified from that standard section to create a wider green panel adjacent to the street for stormwater management, and to upgrade the sidewalk to a shared use path on one side of the street, located in an adjacent Public Improvement Easement ("PIE"), providing improved circulation around the 10-acre local park and to the proposed trailhead to the Muddy Branch SVP. Street A, south of street C, in southern portion of the Property where there are binding elements for open space and two-acre lots will use MCDOT's Tertiary Residential Street cross-section MC-2001.01 for two travel lanes without on-street parking, curb and gutter, and sidewalks only on one side. This tertiary section is also used on streets F, G and J which are short connector streets within the subdivision. In the denser hamlet areas in the center of the Property, private alleys provide rear access for vehicles. The alleys that serve as fire lanes will be built with 20 feet of pavement and the others with 16 feet of pavement, and are located on HOA parcels consistent with standard practice.

Local Area Transportation Review ("LATR")

The Preliminary Plan was reviewed using the 2012 – 2016 Subdivision Staging Policy in effect through December 31, 2016. Although the official acceptance date for the Preliminary Plan was not until January 11, 2017, other elements of the submission including the transportation and other APF review documents were scoped by Staff in 2016 and was granted an exception by the Planning Director to be reviewed under

the old policy. The changes in the Subdivision Staging Policy between 2016 and 2017 have minimal effect on the review of the Application, because the development size would have still required a traffic study for review, and the congestion thresholds in the impacted Policy Areas remained the same.

The Application for 186 new dwellings (120 new one-family detached, 66 new one-family attached), and one existing one-family detached is predicted to generate 131 new vehicle trips during the AM peak-hour during the AM peak period, and 174 new vehicle trips during the PM peak-hour during the PM peak period, based Montgomery County trip generation rates adopted in the 2013 Local Area Policy Review and Transportation Policy Area Review Guidelines. Because the Application generates more than 30 vehicle trips during a peak-hour during a peak period, a full traffic study was required to satisfy the LATR guidelines.

The Traffic Study was submitted on January 4, 2017 and was supplemented with additional requested analysis by MCDOT on April 17, 2017 to determine the impact of the proposed development on the local transportation system. Seven existing local intersections were identified as critical intersections for analysis to determine whether they met the applicable congestion standard, as well as the two proposed Property entrances that are not located at an existing intersection. Five of the critical intersections and both new access locations are all located in the Potomac Policy Area, which has a Critical Lane Volume (“CLV”) standard of 1,450, and two are located in the Rural West Policy Area which has a CLV standard of 1,350. The critical intersections and the analysis of the CLV standards are shown in Table 1 below. The traffic study looked at existing conditions, background conditions which include approved but unbuilt projects that may send trips through the study area intersections, and total future traffic which adds the projected impact of the subject Application to the background traffic. Because none of the critical intersections have a CLV standard that exceeds the policy area standard under the future traffic condition, no infrastructure improvements are required to satisfy the LATR guidelines.

Table 1 – Critical Intersection Capacity Analysis

Intersection	Traffic Conditions					
	Existing		Background		Total Future	
	AM	PM	AM	PM	AM	PM
<i>Potomac Policy Area (CLV 1,450)</i>						
1. Darnestown Rd & Muddy Branch Rd	1256	1330	1341	1389	1355	1395
2. Travilah Rd & Piney Meetinghouse Rd	644	860	697	930	729	966
3. Dufief Mill Rd & Quince Orchard Rd	455	656	471	724	481	775
4. Dufief Mill Rd & Travilah Rd	656	946	770	1001	823	1063
5. Turkey Foot Rd & Jones Lane	351	352	357	362	358	363
6. Quince Orchard Rd & N. Site Access*	(Intersection doesn't exist)				292	415
7. Quince Orchard Rd & S. Site Access*	(Intersection doesn't exist)				301	430
<i>Rural West Policy Area (CLV 1,350)</i>						
8. Travilah Rd & Turkey Foot Rd*	919	1070	1050	1192	1099	1289
9. Travilah Rd & Glen Rd	795	827	893	852	898	873

Transportation Policy Area Review

The Subject Property is located in the Potomac Policy Area, which according to the 2012-2016 Subdivision Staging Policy is exempt from roadway tests and inadequate under the transit test, and would have triggered a 25% TPAR payment for transit adequacy. However, as of March 30, 2017, MCDPS no longer

collects TPAR payments and instead collects a new increased general impact tax during building permit applications, which this Application will be responsible for at the time of building permit.

School Capacity

The Application was reviewed for school adequacy and the Property is located within the Wootton High School cluster, and is within the attendance area for Travilah Elementary and Frost Middle Schools. The following analysis looks at the school capacity within each of these schools and the Applications impacts to the schools enrollment.

Student Generation

To calculate the number of students generated by the Application, the number of dwelling units in each dwelling unit type is multiplied by the applicable student generation rates for that dwelling type, at each school level. The two dwelling types associated with this Application is the single-family detached and the single-family attached dwelling types. The Application proposes to build 120 new one-family detached units, and 66 new one-family attached units. There is one existing one-family detached dwelling on the Property that will be retained and is not in these calculations because that units impact to the school system already exists. Based on the trip generation rates and the proposed development type, table 2 below summarizes how many students are expected to be added to each school level by this Application.

Table 2 – Proposed Student Generation Rates Per School Level

Type of Unit	Number of Units	ES Generation Rates	ES Students Generated	MS Generation Rates	MS Students Generated	HS Generation Rates	HS Students Generated
SF Detached	120	0.204	24.48	0.111	13.32	0.15	18.00
SF Attached	66	0.234	15.44	0.111	7.33	0.147	9.70
MF Low to Mid-Rise	0	0.212	0.00	0.084	0.00	0.112	0.00
MF High-Rise	0	0.072	0.00	0.029	0.00	0.038	0.00
Total	186		39		20		27

Cluster Adequacy

Based on the FY18 annual school test, the following table, Table 3, shows the projected August 2022 enrollment for the Wootton Cluster at the elementary, middle and high school levels. The table also looks at data furnished from MCPS for what 100% of the programed capacity would be and what the actual utilization percentage is projected to be in August 2022. The Moratorium enrollment threshold measures what the enrolment numbers would have to be to cause a cluster wide moratorium, which is 120% the program capacity, and what the actual projected enrollment is for August 2022 considering the additional students from this Application. The projected enrollment with the Application impact for all three school levels is well under the moratorium threshold, therefore there is adequate cluster capacity for the Application.

Table 3 – Proposed Student Generation Rates Per School Level

School Level	Projected Aug. 2022 Enrollment	100% Program Capacity, 2022	Cluster % Utilization, 2022-2023	Moratorium Enrollment Threshold	Projected Enrollment + Application Impact
Elementary	2,910 ¹	3,536	72.1%	4,243	2,949
Middle	1,418	1,634	86.8%	1,960	1,438
High	2,240	2,420	92.6%	2,904	2,267

Individual School Adequacy

In addition to looking at cluster adequacy, Staff analyzed the capacity at the individual school level for Travilah Elementary and Frost Middle Schools. At the individual school level, a school is deemed inadequate if the school utilization rate exceeds 120% and if the school seat deficit meets or exceeds 110 seats for the elementary school or 180 seats for the middle school. If the school enrolment numbers exceed one but not both triggers, the school is still considered open for additional students. Table 4 below looks at the 120% utilization rate and the seat deficit number for Travilah Elementary and Frost Middle School, as well as the projected enrollment of both schools with the new students proposed by this Application included. The projected enrollment with this Application considered is below the 120% utilization rate and below the seat deficit for both schools, therefore there is adequate capacity for students for this Application.

Table 4 – Proposed Student Generation Rates Per School Level

School	Projected Aug. 2022 Enrollment	100% Program Capacity, 2022	School Utilization 2022-2023 School Year	Moratorium Enrollment Thresholds		Projected Enrollment + Application Impact
				120% Utilization	Seat Deficit	
Travilah ES	421	521	80.8%	625	631	460
Frost MS	897	1,084	82.7%	1,301	1,264	917

Based on the school cluster and individual school capacity analysis performed, there is adequate cluster and individual school capacity for the amount and type of development proposed by this Application.

Other Public Facilities and Services

Other public facilities and services are available and will be adequate to serve the proposed use on the Property. The Subject Property is located in the W-3 and S-3 water and sewer categories for service and the development plans for the extension of water and sewer lines to utilize public water and sewer. Other telecommunications and utility companies reviewed the Preliminary Plan and found that the proposed development can be adequately served. The Preliminary Plan has also been reviewed by the Montgomery County Fire and Rescue Services who have determined that the Application provides adequate access for fire and emergency vehicles (Attachment J). Other public services such as police and health services are currently operating within the standards set by the Subdivision Staging Policy in effect at the end of 2016.

¹Cluster enrollment of 2,551 modified to reflect the estimated impact of Dufief Elementary School Rev/Ex, opening January 2022.

APF and Plan Validity

APFO Validity

Staff supports the Applicant’s request for an extended APF validity of 10 years (120 months). The rules governing APF validity are in Section 50-20(c)(3). Specifically, under subsection (A)(iv), for any plan approved after April 1, 2011, the standard minimum validity shall be no less than five years (60 months). Subsection (B) states that if applicants request validity periods longer than the minimum, the applicant must submit a development schedule or phasing plan, including the percent of the project expected to be complete within the minimum five years. In granting an extended validity period the Board must find it is within the public interest, and may condition the approval based on the proposed phasing and may impose additional transportation improvements.

In this instance, the Applicant is requesting a total APF validity period of 10 years, and bases much of their request on the still unknown strength of the upscale housing market, the need to do substantial site work before pulling the first building permit, and generally anticipates 20 – 30 sales per year on the fast end, given the projects location and price range (Attachment H). Additionally, the existing Hanson family is still living on the Property and contracts allow the family to remain for at least another three years before starting the process of relocation and house demolition. Phase two can’t begin until that process has been completed. The proposed development phasing by the Applicant is as follows:

Table 5 – APF Validity Phasing Schedule

Phase 1, first 90 units, five years	
Year 1	No units – site work and pre-construction
Year 2	Up to 15 units
Year 3	Up to 35 units
Year 4	Up to 55 units
Year 5	Up to 75 units
Year 6	Up to 90 units
Phase 2, units 91-186 five years	
Year 7	Up to 115 units
Year 8	Up to 140 units
Year 9	Up to 165 units
Year 10	Up to 186 ² units (site complete)

Staff agrees the proposed development is large, complex and that the market is an unknown force in developing the Property. Because the traffic volumes observed in the traffic study analyzed above were sufficiently below the CLV thresholds, Staff does not find that the Board needs to impose any additional transportation conditions on the Applicant. Staff does not find it necessary or prudent to hold the Applicant to the year by year phasing as shown in their phasing schedule (Table 5), but does find it appropriate to ensure the Applicant has met the Phase I milestone of having started construction of 90 dwellings by year six (consistent in number with anticipated Phase I), and therefore recommends a

² APF validity is for one unit less than the total number of lots because the Preliminary Plan retains one existing dwelling.

condition that at least 90 building permits need to have been issued within six years (72 months) of mailing of the Preliminary Plan resolution.

Plan Validity

The Applicant has also requested an extended plan validity for up to 96 months rather than the standard 36 months. The duration of Plan Validity is dictated by Section 50-35(h) in the Subdivision Regulations. Specifically, subsection (2)(B) is for Preliminary Plans done as multi-phase projects. Granting of phased validity is on a case by case basis from the Planning Board and should be awarded after considering size, type and location of the project. No phase of validity may exceed 36 months (3 years) and the cumulative validity may not exceed the APFO validity. Table 6 below shows the Applicants requested plan validity phases, and is based on a three-phase validity, that splits Phase I into a and b, and keeps Phase II as one phase.

Table 6 – Plan Validity Phasing Schedule

Phase	Duration of Phase	Time Elapsed Since Adoption
Phase I-a, Lots 1 - 45	36 months (3 years)	36 months (3 years)
Phase I-b, Lots 45-90	24 months (2 years)	60 months (5 years)
Phase II, Lots 91 – 187	36 months (3 years)	96 months (8 years)

As stated in the APF validity section, this is a larger, long term project with a yet unknown sense for how strong the market for the proposed product type is, and with limitations on when the Applicant has control to begin Phase II. The request for a cumulative total of eight years is consistent with being slightly shorter than the total of 10 years for APF validity requested, and continues to require platting of lots at a faster pace than anticipated demand for building permits.

- The size, width, shape, and orientation of the approved lots are appropriate for the location of the subdivision, taking into account the recommendations included in the applicable master plan, and for the type of development or use contemplated.*

The Preliminary Plan meets all applicable sections of the Subdivision Regulations. The proposed lot size, shape and orientation is appropriate for the location of the subdivision taking into account the design recommendations for the Property and the PD-2 zone in the Master Plan, as well as the physical topography of the Property. Locating smaller lot clusters in the center of the Property with larger lots on the periphery meets all of the various compatibility recommendations from the Master Plan and the zoning case. The proposed parkland dedications accomplish the Master Plan goals for expanding the Muddy Branch SVB park and for establishing a new 10-acre local park.

The lot was reviewed for compliance with the dimensional requirements for the PD-2 zone as specified in the Zoning Ordinance. The lot as proposed will meet dimensional requirements for area, frontage, width, and setbacks in that zone. A detailed summary of this review is included in Table 10, located in the Finding 2 for Site Plan section of this report. The Preliminary Plan has been reviewed by other applicable county agencies, all of whom have recommended approval.

- The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code Chapter 22A.*

The Subject Property is in compliance will all of the applicable requirements of the Forest Conservation Law including the tree variance.

Natural Resource Inventory/Forest Stand Delineation

The Natural Resource Inventory/Forest Stand Delineation (“NRI/FSD”) No. 420090680 for the Property was approved on December 3, 2008 immediately prior to submittal of LMA G-884. A Preliminary Forest Conservation Plan was submitted with the Zoning Case but was never acted upon. The Property contains approximately 52.7 acres of forest, including approximately 23 acres of forested stream valley buffer. There are four intermittent streams on the Property that flow in a northwestern direction into the mainstem of the Muddy Branch, which is located on the adjacent M-NCPPC park land to the northwest of the Property. Two farm ponds exist at the head of the two tributary streams in the southern and central portions of the Property. There are approximately 0.32 acres of wetlands, including riparian wetlands adjacent to one of the streams, and fringe wetlands around the two ponds. There is no FEMA or M-NCPPC mapped 100-year floodplain on the Property; however, the approved NRI/FSD indicates the presence of a 100-year floodplain from MCDPS study #234639, approved on October 3, 2006. The Property includes areas of highly erodible soils, prime agricultural soils, and slopes greater than 25 percent. The stream buffers associated with the onsite tributary streams have been expanded where necessary to include wetlands and their buffers, floodplains, and steep slopes. There are 563 trees greater than or equal to 24” Diameter at Breast Height (DBH) that were identified on or adjacent to the Subject Property, including along the proposed sewer connection, 215 of which are 30” DBH and greater.

Forest Conservation Law

Stream Buffer Encroachment

The Application is subject to the *Guidelines for Environmental Management of Development in Montgomery County* dated January 2000 (“Environmental Guidelines”), which includes guidance for the protection of streams and their buffers. Section IV-A1 of the Environmental Guidelines allow for some encroachments within the stream buffer under certain circumstances, and when determined by staff that there are no reasonable alternatives and the impacts have been minimized as much as possible. The Application proposes to impact the stream buffer to construct a sewer outfall connection and storm drain outfalls required for proper stormwater management, to stabilize the existing embankments associated with the farm ponds, to remove an existing mobile home structure and driveway, to tie out to existing grades within areas that are currently unforested and actively farmed, and to dedicate the necessary right-of-way for Quince Orchard Road. These impacts are highlighted on the attached Stream Valley Buffer Impact Exhibit (Attachment E). In addition to these proposed areas of disturbance, the Applicant has requested to exclude the existing farm ponds from the Category I Conservation Easements to allow the dam embankments to be maintained for safety and to utilize views and use of the farm pond as features as amenities for the proposed development. The development has been designed with the larger farm pond as a focal point and the views of the pond would be compromised if the buffers around the pond were planted with trees and left to revert to a natural, forested condition. The Application also proposes to construct a fishing pier to provide a recreational opportunity at one end of the northern pond. Should MCDPS determine that the dams are unsafe and the Applicant choses to breach the dams, Staff has conditioned that the Applicant receive an amendment to the Final FCP to add the stream valley area into Category I Conservation Easement and to mitigate the old pond with forest and wetland plantings.

Section IV-A1(e) of the Environmental Guidelines includes five factors for consideration when evaluating proposed stream buffer encroachments:

1. *Reasonable alternatives for avoidance of the buffer are not available.*

The proposed disturbances with the stream buffer cannot be reasonable avoided. The storm drain outfalls and sewer connection are necessary by other regulatory review agencies to avoid the creation of an erosive condition adjacent to the receiving streams, and to implement the Master Plan recommendation of connecting the Property to the existing sewer in the Muddy Branch SVB. The removal of existing structures is unavoidable because the structures to be removed are located in the stream buffer. The existing topography of the site is highly variable, and it makes it difficult establish acceptable grades across the Property without extensive use of retaining walls or tying out the grade into the buffer edges. The dedication of right-of-way and public utility easement is an unavoidable requirement recommended in the Master Plan and requested by MCOCDT, and pursuant to standard best practices the existing dam embankments must be void of trees which may compromise their stability. The portion of the stream buffer to be excluded from the conservation easement to allow for recreational and aesthetic access to the pond cannot be reasonable avoided, since the entire pond would normally be surrounded by a 25-foot wide buffer. No reasonable means of access or view can therefore be provided without omitting a portion from the stream buffer.

2. *Encroachment into the buffer has been minimized.*

The Applicant has made reasonable efforts to minimize the encroachments into the buffer areas. The storm drain outfalls have been located to minimize impacts to the stream buffer to the extent practical while still complying with stormwater regulations. The number of sewer outfall connections has been reduced between the time of the LMA to now, dropping from two to one, and the Applicant has worked closely with M-NCPPC Department of Parks staff to determine the alignment with the least impact to the stream buffer and existing trees. The removal of the structures is unavoidable, but the limits of disturbance will minimize impacts to trees and the Applicant will restore the buffer in this area. Grade tie-outs into the buffer is limited to non-forested portions of the buffer that have been previously altered due to the agricultural activities, while avoiding the use of numerous retaining walls on the site, and agreeing to reforest these impacted areas.

3. *Existing sensitive areas have been avoided (forest, wetlands and their state designated buffers, floodplain, steep slopes, and habitat for rare, threatened, and endangered species and their associated protection buffers).*

Existing sensitive areas have been avoided with the buffer impact to the extent possible. One of the storm drain outfalls, the sewer outfall connection, and the disturbance to stabilize the pond embankments will impact forest and portions of the 100-year floodplain, but these impacts are required as part of health and safety and will be appropriately mitigated for. The lack of conservation easement around the farm ponds is generally around areas not currently forested, and the areas of wetland around the pond will still be protected by Category I Conservation Easement. The removal of trees within 15 feet of the dam will impact forest and wetlands below the pond but is a requirement for dam safety.

4. *The proposed use is consistent with the preferred use of the buffer (e.g., pervious areas such as tieouts to existing grades, slope stabilizing BMPs, etc.).*

The proposed use for the areas of buffer encroachment are consistent with the preferred uses in encroached areas. The location of storm drain outfalls within a buffer is not inconsistent with stormwater management needing safe conveyance and discharge of overflows to avoid the creation of erosive conditions. Sewers are necessary infrastructure frequently found in existing buffer areas because of the gravity feed required. Removing existing structures in the buffer serves to enhance the buffer by removing existing impervious surfaces. The stabilization and maintenance of the existing pond embankments reduces the possibility of a dam breach, and the grading to tie out to existing grades does not result in any impervious areas within the buffer and these areas will be reforested. The areas of the stream buffer excluded from the conservation easement is and will remain a pervious area, that will continue to function environmentally as it currently does.

5. *The plan design provides compensation for the loss of buffer function.*

Many of the proposed encroachments in the buffer will not result in loss of buffer function and mitigation is being proposed for most of the encroachments. For example, the areas proposed to be disturbed to tie out to existing grades and to remove the existing structures in the buffer, will be stabilized, planted as forest, and protected in a Category I Conservation Easement. Most of these tie-out areas within the stream buffer are currently unforested and used for agriculture. The Application proposes to reforest all of the existing unforested stream buffers, resulting in approximately 7.0 acres of newly forested stream buffer. The creation of riparian forest will greatly enhance the stream buffer on the Property, compensating for any loss of functions resulting from the proposed impacts.

Where the Applicant proposes to exclude the farm ponds and the associated buffer from the Category I Conservation Easement, Staff believes that the current functions provided within the buffer will remain. There is no disturbance proposed within the buffer aside from the stabilization of the existing pond embankments and the construction of a fishing pier at one of the ponds. The existing sporadic tree cover around the ponds will remain, save where the trees on the embankments will be removed, and the buffer will be enhanced by planting additional landscape vegetation, including scattered trees and a native meadow seed mix around both ponds. Staff supports the proposal to allow these constructed ponds to be maintained in their current condition, with the augmentation of additional landscaping that is included as part of the Site Plan's Landscape Plan.

The following Table 7 summarizes each of the proposed buffer impacts on the Subject Property.

Table 7 – Stream Buffer Impacts

Impact	Acreage	Notes
Storm drain outfalls	0.17 acres	Necessary for safe conveyance to streams
Sewer outfall connection	1.05 acres	Reduced from two outfalls to one; necessary to provide sewer to Property
Stabilize existing farm pond embankments; fishing pier	0.56 acres	Required by MCDPS to stabilize current condition; community amenity
Remove existing structures, R/W dedication, and PUE	0.20 acres	Portion of stream buffer will be restored and planted
Tie-outs of grade	0.71 acres	Areas currently disturbed from previous agricultural use, non-forested, will be planted in forest and protected in conservation easement

Forest Conservation Plan and Worksheet

As required by the County Forest Conservation Law (Chapter 22A of the County Code), a Preliminary Forest Conservation Plan for the project was submitted with the Preliminary Plan and a Final Forest Conservation Plan was submitted with the concurrently reviewed Site Plan. Since the Preliminary Plan and Site Plan reviews occurred concurrently, the Preliminary and Final Forest Conservation Plans have been combined by the Applicant into one Preliminary & Final Forest Conservation Plan (“FCP”) (Attachment D). The net tract area for the FCP is 173.57 acres, which includes the 170.77-acre Property and 2.80 acres of offsite disturbance for required road improvements along Turkey Foot, Travilah, and Quince Orchard Roads, and to construct a sewer connection between the Property and the existing offsite sewer located within the M-NCPPC Muddy Branch Stream Valley Park. The FCP includes 53.19 acres of existing forest, which consists of the 52.69 acres of onsite forest and 0.50 acres of off-site forest within the limits of disturbance required for the sewer connection. The Application proposes to retain 38.21 acres and remove 14.98 acres of forest. The proposed forest clearing generates a 0.25-acre reforestation requirement, which will be met by planting an additional upland area outside of the stream buffer next to existing forest. In addition, the Application includes 7.02 acres of forest planting within the unforested stream buffer to comply with the recommendations of the *Potomac Subregion Master Plan*, page 14, which includes a general recommendation to “Maintain and protect existing stream buffer forest and supplement the existing riparian forest by replanting any unforested buffer.” The Application is subject to Section 22A-12(f) of the Forest Conservation Law, which requires this optional method development to, at a minimum, retain forest on-site equal to the applicable conservation threshold, which is twenty percent, or 34.71 acres. The retention of 38.21 acres of forest on-site satisfies this provision of the law.

The Applicant has requested the ability to forest bank the 7.02 acres of stream buffer reforestation being required that is in excess of the FCE worksheet requirements. Staff supports the Applicant’s request to pursue the creation of a forest bank for the 7.02 acres of planted forest, subject to further review and approval by the M-NCPPC forest bank manager. The areas proposed to be included in a forest bank will either be dedicated to Parks or in a Homeowners Association HOA. Since the bank belongs to the property owner, the Applicant will need to complete bank transactions prior to turning the property over to an HOA or Parks, or Parks and the HOA would need to agree to participating in a

legal agreement with the Applicant where the future property owner agrees that the previous owner can continue to sell credits for a specific period of time.

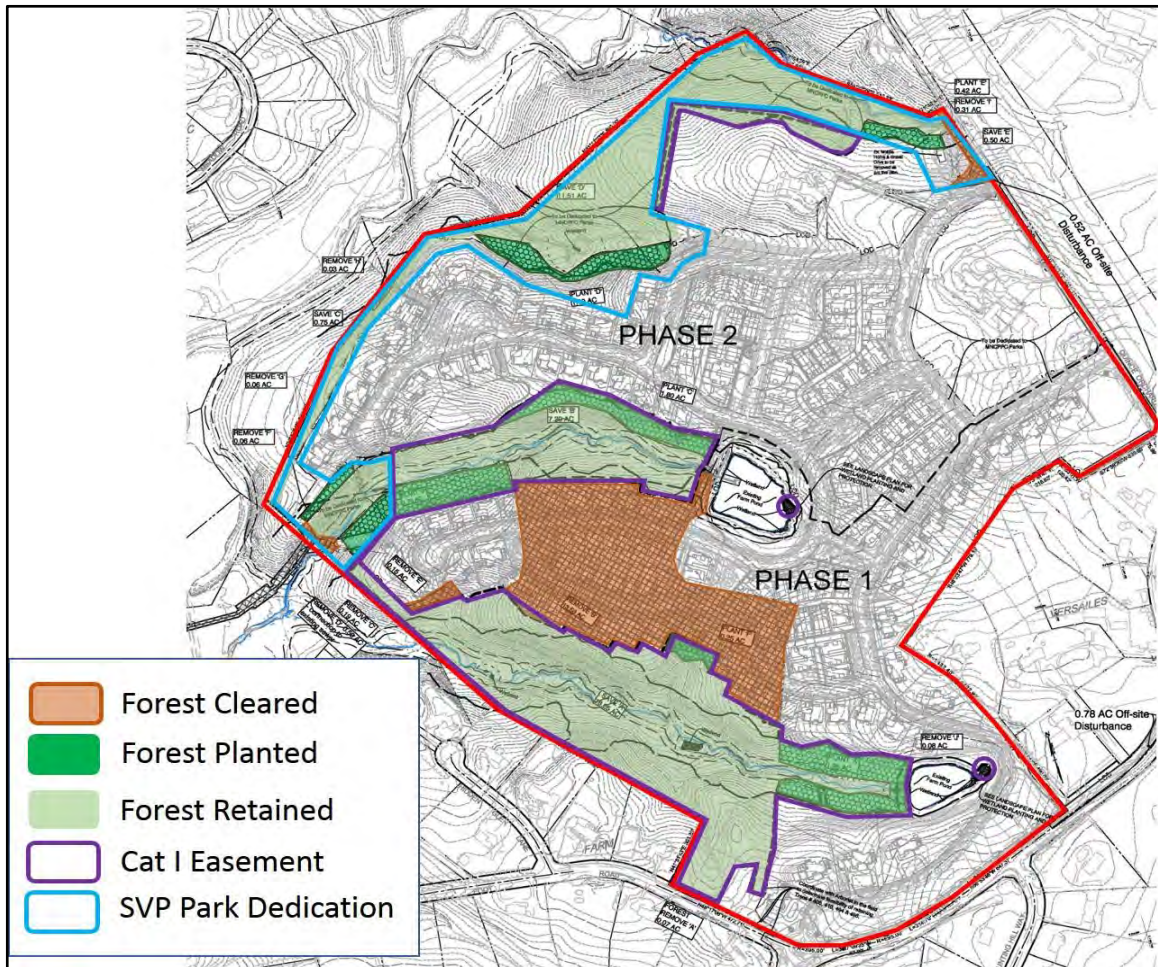


Figure 12 – Forest Status

Forest Conservation Tree Variance

Section 22A-12(b)(3) of the Montgomery County Forest Conservation Law provides criteria that identify certain individual trees and other vegetation as high priority for retention and protection. The law requires that there be no impact to: trees that measure 30 inches or greater DBH; are part of an historic site or designated with an historic structure; are designated as national, State, or County champion trees; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species. Any impact to high priority vegetation, including disturbance to the critical root zone (CRZ) requires a variance. An applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. Development of the Property requires impact to trees identified as high priority for retention and protection (Protected Trees), therefore, the Applicant has submitted a variance request for these impacts. Staff recommends that a variance be granted, and mitigation be required.

Variance Request – The Applicant submitted a variance request in a letter dated January 22, 2018, for the impacts/removal of trees (Attachment F). The Applicant wishes to obtain a variance to remove eighty-five (85) Protected Trees that are 30 inches or greater, DBH, and considered a high priority for retention under Section 22A-12(b)(3) of the County Forest Conservation Law. Three of these trees (#408, 410, and 495) are included in the request for removal due to the amount of impact proposed; however, the Applicant, working with a certified arborist, intends on trying to retain them during construction, if possible. These eighty-five trees are described in detail in the Applicant’s letter and are shown graphically on sheet 4 of the FCP (Attachment F). The Applicant also proposes to impact, but not remove, forty-nine (49) Protected Trees that are considered high priority for retention under Section 22A-12(b)(3) of the County Forest Conservation Law. Details of the Protected Trees to be affected but retained are also described in detail in the Applicant’s letter and shown graphically on sheet 4 of the FCP.

Unwarranted Hardship Basis – Per Section 22A-21, a variance may only be considered if the Planning Board finds that leaving the Protected Trees in an undisturbed state would result in an unwarranted hardship, denying an applicant reasonable and significant use of the Property. The Applicant contends that an unwarranted hardship would be created due to existing conditions on the Property and the zoning and development requirements for the Property.

The Hanson Farms property is specifically discussed in the Master Plan for anticipated development of a residential community. Included are recommendations to rezone the Property from RE-2 to PD-2, allowing a substantial increase in the number of dwelling units that would fit on the Subject Property. LMA G-884 was approved by the Hearing Examiner in 2010, granting the recommended change in zoning and a proposed Land Use Plan. The Protected Trees are located all across the Property, including along the perimeter and many areas outside of the stream buffers. A number of Protected Trees along the perimeter of the Property will be impacted in order to construct the Property access points with the existing roads which would apply to any application to develop this Property. Many more trees are impacted by binding elements of G-884 including requiring the access road intersect with and modify the existing intersection at Turkey Foot and Travilah Roads and requiring that the lots and homes on those lots be deliberately designed as large for compatibility reasons. Any request to develop with the recommended use and density, along with the binding elements, would result in the need for a tree variance. Staff worked with the Applicant to revise the limits of disturbance to minimize the impacts to the Protected Trees as much as possible. The number and location of the Protected Trees within the developable portions of the Property, and the development requirements create an unwarranted hardship. If the variance were not considered, the development anticipated on this PD-2 zoned Property, as described in the Master Plan, would not occur. Staff has reviewed this Application and finds that there would be an unwarranted hardship if a variance were not considered.

Variance Findings – Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made by the Planning Board or Planning Director, as appropriate, for a variance to be granted. Staff has made the following determination based on the required findings in the review of the variance request and the forest conservation plan, and has determined that granting the request variance:

1. *Will not confer on the applicant a special privilege that would be denied to other applicants.*

Granting the variance will not confer a special privilege on the Applicant as the disturbance to the Protected Trees is due to the reasonable development of the Property in a manner recommended in the Master Plan. Many of the Protected Trees are located in the developable area of the Property outside of stream buffers and identified parkland dedication area. The Applicant has reduced the number of sewer outfall connections from the two shown on the approved Development Plan, to one, resulting in fewer impacts to trees and forest within the Muddy Branch stream buffer. The requested removal of and impacts to Protected Trees are due to required road and utility connections that would be necessary under any similar sized application for development of the Property, and disturbance within the anticipated developable area of the site. Granting a variance to allow land disturbance within the developable portion of the Property is not unique to this Applicant. Staff believes that the granting of this variance is not a special privilege that would be denied to other applicants.

2. *Is not based on conditions or circumstances which are the result of the actions by the applicant.*

The need for the variance is not based on conditions or circumstances which are the result of actions by the Applicant. The requested variance is based upon existing Property conditions, including the location of the Protected Trees within the developable area.

3. *Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.*

The need for a variance is a result of the existing conditions and the proposed design and layout of the Property, and not a result of land or building use on a neighboring property.

4. *Will not violate State water quality standards or cause measurable degradation in water quality.*

The variance will not violate State water quality standards or cause measurable degradation in water quality. Onsite mitigation for the removal of the Protected Trees and the proposed reforestation within the currently unforested stream buffers, will ultimately replace the functions currently provided by the Protected Trees to be removed. In addition, the Montgomery County Department of Permitting Services (MCDPS) has found the stormwater management concept for the proposed project to be acceptable as stated in a letter dated February 12, 2018 (Attachment M). The stormwater management concept incorporates Environmental Site Design standards.

Mitigation for Protected Trees – Fifty-seven (57) trees subject to the variance provision and proposed to be removed are located within the existing forest. The removal of these trees is incorporated in the “forest clearing” calculations of the Forest Conservation Plan. Staff does not recommend additional mitigation for the loss of these trees as they are accounted for in the forest conservation worksheet as “forest clearing”. Twenty-eight (28) trees subject to the variance provision and proposed to be removed are not located within existing forest. Mitigation for the removal of these trees is recommended at a rate that approximates the form and function of the

trees removed. Therefore, Staff is recommending that replacement occur at a ratio of approximately 1-inch caliper for every 4 inches removed, using trees that are a minimum of 3 caliper inches in size. This Application proposed to remove approximately 1,050 inches in DBH, resulting in a mitigation requirement of 263 caliper inches of planted, native, canopy trees with a minimum size of 3-inch caliper. The FCP includes the planting of eighty-eight (88) 3-inch caliper, native, canopy trees on the Property as mitigation for the removal of the twenty-eight variance trees. Although these trees will not be as large as the trees lost, they will provide some immediate benefit and ultimately replace the canopy lost by the removal of these trees. Staff does not recommend mitigation for trees affected, but not removed. The affected root systems of these trees will receive adequate tree protection measures allowing the roots to regenerate and the functions provided restored.

County Arborist's Recommendation on the Variance – In accordance with Montgomery County Code Section 22A-21(c), the Planning Department is required to refer a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection for a recommendation prior to acting on the request. The request was forwarded to the County Arborist. On February 5, 2018, the County Arborist provided a letter recommending that a variance be granted with mitigation (Attachment G).

Variance Recommendation – Staff recommends that the variance be granted with mitigation described above.

As discussed earlier, part of the tract area for the FCP includes the off-site impacts in the existing Muddy Branch SVP to construct a new sewer connection. Because there are environmental resources of interest in this area including many large trees, wetlands and stream crossings, Parks Staff may require unique construction techniques and may request repair and mitigation of any impacts caused on park property. The final construction plans and Park Permit have not been issued, and depending on the ultimate drawings, an amendment to the FCP may be required to update changes to the LOD or impacts to variance trees.

5. *All stormwater management requirements shall be met as provided in Montgomery County Code Chapter 19, Article II, titled "Storm Water Management," Sections 19-20 through 19-35.*

The Preliminary Plan received an acceptable recommendation for the stormwater concept plan from the Montgomery County Department of Permitting Services, Water Resources Section on February 12, 2018 (Attachment M), pending conditions to have worked out on subsequent design plans. The Application will meet stormwater management goals by providing ESD micro-bioretenion facilities and vegetated swales.

SECTION 5 – ANALYSIS AND FINDINGS - Site Plan No. 820170160

The Site Plan is being reviewed under the old Zoning Ordinance in effect on and prior to October 29, 2014 because its subject to grandfathering under Section 7.7.1.B.1. The plan is implementing an approved Development Plan that was part of LMA No. G-884, approved by resolution dated June 15, 2010. The following findings are those from Section 59-D-3.4(c) of the old zoning code.

1. *The Site Plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development, if required, unless the Planning Board expressly modifies any element of the project plan.*

The Site Plan conforms to the binding elements of LMA case No. G-884 approved on June 15, 2010 by County Council Resolution No. 16-1393 [Attachment O]. The Development Plan notes there are a total of 13 binding elements created by the Hearing Examiner. The first 12 elements are a mix of limits and guidelines on the total site which are analyzed in table 8. The 13th binding element is a data table of development standards analyzed in its own table, Table 9.

Table 8 Binding Elements 1 - 12

Binding Elements G-884	Proposed by Site Plan 820170160
<i>1. The total area to be rezoned to PD-2 is 170.77 acres +/- . The limits of the property to be rezoned are based on the identification Plat and Metes & Bounds descriptions</i>	The area rezoned to PD-2 and subject to this Site Plan is 170.77 acres in size.
<i>2. The total number of residential units shall not exceed 187 units. Any units over 170 require the use of TDRs. A minimum of 35% of the total units will be single-family detached and a minimum of 35% of the total units will be townhouses or attached. No commercial uses are permitted.</i>	The total number of proposed dwelling units is 187, including the existing farm house. A total of 35.3% of the units are attached, and 64.7% are detached.
<i>3. The developed area of the site shall not exceed 50% of the total site area, excluding the local park. The developed area is all of the proposed residential lots and road rights of way.</i>	The developed area of the Property is 49.2% after deducting the 10-acre local park dedication.
<i>4. Parking will be provided through a combination of on-lot parking and on-street parking. A minimum of 51 on-street parking spaces shall be provided in Land Bay A to satisfy the parking demand for the local park. The total number of on-street parking spaces shall not exceed 193 for Land bays B, C and D.</i>	The Site Plan proposes on-street parking spaces adequate for 52 spaces adjacent to the 10-acre local park, and 148 spaces on the remaining public streets within land bays B, C and D.
<i>5. The local park site shall be dedicated to M-NCPPC and must be at least 10 acres in size and free and clear of any existing structures as required by M-NCPPC.</i>	As conditioned, prior to 180th building permit, the Applicant will dedicate a 10-acre parcel to M-NCPPC for a local park, as shown on the Certified Site Plan. The existing structures will be removed, and following coordination with M-NCPPC, the

Table 8 Continued, Binding Elements 1 - 12

Binding Elements G-884	Proposed by Site Plan 820170160
	Applicant will install a shared use path, an interim dog park and picnic area on the site.
<i>6. The project shall provide 12.5% of the total number of units as MPDUs</i>	The Site Plan is providing 24 MPDUs which is 12.5% of the total.
<i>7. The dwelling units in Land Bay C shall be at least 2 stories in height and comply with the minimum side yard setbacks and height restrictions of the RE-2 zone in place at the time of this Development Plan approval.</i>	As conditioned, the lots and accompanying units in Land Bay C are being reviewed under the standards of the RE-2 zone in place during the approval of the zoning case, and are conditioned to be a minimum of 2 stories in height.
<i>8. Attached units, including townhouses, shall not compromise more than 45% of the total number of dwelling units for the project.</i>	The attached units make up 35.3% of the total 187 units for the project.
<i>9. Vehicular access to Land Bay C for the proposed residential uses shall be located at the intersection of Travilah Road and Turkey Foot Road and shall be the only point of vehicular access from Travilah Road and Turkey Foot Road.</i>	The only vehicle access from Turkey Foot Road and Travilah Road is provided at the intersection of these two roads, in the form of a traffic circle.
<i>10. Except where Street A joins Travilah Road and Turkey Foot Road, the distance between the Street A right of way and the Travilah Road right of way shall be a minimum of 30 feet.</i>	The open space between Travilah Road and proposed Street A is at least 30 feet wide in all places except right at the traffic circle, and in most places exceeds 80 feet of separation.
<i>11. The existing residence located at 14200 Quince Orchard Road, as identified, shall be retained to be incorporated into the plan.</i>	The existing residence at 14200 Quince Orchard Road is being retained as part of the development.
<i>12. The open space between Street A right of way and Travilah Road right of way shall be considered green area, as defined by the Zoning Ordinance, but shall not contain children's playground or swimming pools.</i>	The open space between proposed Street A and Travilah Road is counted as green area, and does not contain play equipment, a pool, or any other active recreation amenities.

As demonstrated in Table 8 above, the Applicant is complying with the 12 listed binding elements of LMA 884 with the submitted Site Plan. The following table, Table 9, demonstrates the Applicant's conformance to binding element 13, which is a series of recommendations for the ultimate development of the four identified land bays by the Development Plan. Each land bay has an approximately acreage, a number of dwellings, an amount of open space and a total amount of provided parking.

Table 9 Binding Element 13 – Land Bay Development Requirements

Development Standards	Required by G-884	Proposed by Site Plan
Land Bay A		
<i>Total Area</i>	15 acres +/-	13.9* acres
<i>Local Park Area</i>	10 acres minimum	10.1 acres
<i>Number of Units (SFD/SFA)</i>	0 / 0	0 / 0
<i>Acreage (SFD/SFA)</i>	0 / 0	0 / 0
<i>Open Space Area</i>	13 acres +/-	13.9 acres
<i>Total Parking (Lot/Street)</i>	0 / 51 - 65	0 / 52
Land Bay B		
<i>Total Area</i>	11 acres +/-	8.1 acres
<i>Number of Units (SFD/SFA)</i>	11 / 0	11 / 0
<i>Acreage (SFD/SFA)</i>	N/A	6.4 / 0
<i>Open Space Area</i>	0	1.7 acres
<i>Total Parking (Lot/Street)</i>	22 / 0	22 / 0
Land Bay C		
<i>Total Area</i>	15 acres +/-	15.6 acres
<i>Number of Units (SFD/SFA)</i>	4 / 0	4 / 0
<i>Acreage (SFD/SFA)</i>	8 acres minimum / 0	8.5 / 0
<i>Open Space Area</i>	7 acres +/-	6.8 acres
<i>Total Parking (Lot/Street)</i>	8 / 0	8 / 0
Land Bay D		
<i>Total Area</i>	130 acres +/-	133.2 acres
<i>Number of Units (SFD/SFA)</i>	66 – 121 / 66 - 85	106 / 66
<i>Acreage (SFD/SFA)</i>	N/A	40.9 / 1/5
<i>Open Space Area</i>	71 acres +/-	71 acres
<i>Total Parking (Lot/Street)</i>	374 / 193 max	344 / 164

* does not include street ROW area

In Table 9 above, the geography of each land bay does vary slightly from what was shown on the Development Plan, which impacts the Total Area and the Open Space Area slightly. Staff finds the variation in geography is within a reasonable tolerance since the ultimate layout of streets and properties were illustrative on the Development Plan, and the variation does not impact the Applicants ability to provide the necessary amenities or development types required.

2. *The Site Plan meets all of the requirements of the zone in which it is located, and where applicable conforms to an urban renewal plan approved under Chapter 56.*

The Site Plan is not subject to an urban renew plan approved under Chapter 56.

The Subject Property is 170.77 acres and is zoned P-D – 2 with TDRs. The purpose of the P-D zone is to permit unified development consistent with densities proposed by Master Plans, and it is intended to provide a means of regulating development which can achieve a greater flexibility of design, integration of compatible uses and optimum land planning. The Master Plan specifically recommended the Subject Property for a P-D zone with a maximum of 187 dwelling units to allow for more intense development than the previous RE-2 zone, while maximizing public space and green space, and ensuring compatibility. The Application is proposing a developed area of 49.2%, which is defined by LMA G-884 as area within lots and right-of-ways, and is providing 81.6% of Green Space as defined by the Zoning Ordinance, based on the current proposed development. The conditions of the Site Plan allow flexibility in the Green Area to be reduced to as low as 78% to allow for customization of buildings on each building lot. The Development Plan specified that the area designated Land Bay C, closest to the intersection of Travilah Road and Turkey Foot Road should be limited for four lots and reviewed under the existing RE-2 zone standards. The following table, Table 10, shows the development standards required of the P-D zone from the Zoning Ordinance and the Development Plan, alongside what is being proposed by this Site Plan, and the development standards required for lots 63 – 66 in Block A which must meet the standards of the RE-2 Zone.

Table 10 Zoning Data Table

Zoning Data Table: P-D – 2 with TDR			
<u>Development Standard</u>	<u>Required Z O</u>	<u>Required by G-884</u>	<u>Provided by 820170160</u>
Tract Area			
Gross Tract Area	N/A	170.77 AC	170.77 AC
Public ROW Dedication	N/A	TBD @ Site Plan	20.23 AC
M-NCPPC SV Park Dedication	N/A	TBD @ Site Plan	48.92 AC
M-NCPPC Local Park Dedication	N/A	10 AC min	10.05 AC
Net Developable Area	N/A	TBD @ Site Plan	91.57 AC
59-C-7.13 & 7.14 Uses and Density			
SFD Units	35% min	55% min	65%, 121 units
SFA Units	35% min	35% min/ 45% max	35%, 66 units
Total Density	N/A	187 Units max	187 Units
MPDU Units	12.5% min	12.5% min	12.5%, 24 units
TDR Units	N/A	17 units max 170 units + 17 TDR = 187 total units ³	17 units
59-C-7.16 Green Area			
Green Area	30% min	30% min	81.6%, 139.3 AC
Developed Area	N/A	50% max	49.2%, 77.6 AC
Lots, Setbacks, Building Placement (lots 1 – 62, Block A; 1 – 11, Block B,			

³ The Master Plan recommended 170 units maximum, with up to an additional 17 if TDRs are purchased. LMA G-884 was approved assuming 17 TDRs for a total of 187 units.

Zoning Data Table: P-D – 2 with TDR			
<u>Development Standard</u>	<u>Required Z O</u>	<u>Required by G-884</u>	<u>Provided by 820170160</u>
1 - 24, Block D, 1 – 21 Block E, 1 – 25 Block F, 1 – 22, Block G)			
Minimum Lot Area			
Single Family Detached (SFD)	N/A	TBD @ Site Plan	1,750
Single Family Attached (SFA)	N/A	TBD @ Site Plan	5,500
Lot width at front lot line			
SFD	N/A	TBD @ Site Plan	25 ft min
SFA	N/A	TBD @ Site Plan	14 ft min
Frontage on streets or open space	Required	Required	Provided
Front setbacks from street or open space, Principal Building Only			
SFD	N/A	TBD @ Site Plan	10 ft min
SFA	N/A	TBD @ Site Plan	10 ft min
Side Street Setbacks, Principal Building Only			
SFD	N/A	TBD @ Site Plan	4 ft min
SFA	N/A	TBD @ Site Plan	4 ft min
Side Setbacks, Principal and Accessory Structures			
SFD	N/A	TBD @ Site Plan	4 ft min
SFA	N/A	TBD @ Site Plan	4 ft min
Rear Setbacks, abutting other lots, Principal and Accessory Structures			
SFD	N/A	TBD @ Site Plan	4 ft min
SFA	N/A	TBD @ Site Plan	4 ft min
Rear Setbacks, alley, Principal and Accessory Structures			
SFD	N/A	TBD @ Site Plan	4 ft min
SFA	N/A	TBD @ Site Plan	4 ft min
Compatibility Section 59-C-7.15	100' for SFA	TBD @ Site Plan	220 ft min
Building Height, All Buildings	N/A	TBD @ Site Plan	40 ft max
Lots, Setbacks, Building Placement RE-2 Zone (lots 63 – 66, Block A) 59-C-1.32			
Minimum Lot Area	87,120 sq. ft.	87,120 sq. ft.	87,120 sq. ft.
Lot Width at Front Building Line	150 ft min	150 ft. min	150 ft. min
Front Yard Setback	50 ft min	50 ft. min	50 ft. min
Side Yard Setback (Principal Building)	17 ft/35 ft total	17 ft/35 ft total	17 ft/35 ft total
Side Yard Setback (Accessory Building)	15 ft min	15 ft. min	15 ft. min

Zoning Data Table: P-D – 2 with TDR			
<u>Development Standard</u>	<u>Required Z O</u>	<u>Required by G-884</u>	<u>Provided by 820170160</u>
Rear Yard Setback (Principal Building)	35 ft min	35 ft. min	35 ft. min
Rear Yard Setback (Accessory Building)	10 ft min	10 ft. min	10 ft. min
Building Height	50 ft max	50 ft. max	50 ft. max
Lot Coverage	25% max	25% max	25% max
Parking (Entire Site Plan, lots 1 – 187)			
Vehicle Spaces On Lot, All Dwelling Types	2 spaces/unit	2 spaces/unit	374
Street Parking Local Park	N/A	51 spaces min	52 spaces
Street Parking, All Others	N/A	193 spaces max	164 spaces ⁴
Total Site Parking	N/A	TBD @ Site Plan	590 spaces

3. *The locations of buildings and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.*

Location of Buildings and Structures

The location of buildings and structures is adequate, safe and efficient. The design of the Site Plan establishes distinct hamlets of higher density development and open spaces in the interior of the Property, with larger lots and cul-de-sacs around the edges of the Property. Within the dense hamlets, most of the dwellings face the public streets or open spaces and have rear loaded garages. This serves to frame the public realm with the front face of the dwellings and reduces pedestrian/vehicle conflict along the sidewalks. The larger residential lots on the periphery of the development are located in upland areas away from environmental features. The dwellings front on the streets and include garages to the front or side of the house, with the driveways facing the street. Driveways taking access to the street is typical of lower density one-family detached development throughout the County and it efficiently utilizes the transportation infrastructure, minimizes impervious surfaces and delineates a boundary between developed and green area. The placement of the dwellings on lots 63 – 66 on Block A are set back farther from the road, consistent with the binding elements from the Development Plan requiring these lots and dwellings comply with the RE-2 zone standards.

Location of Open Spaces, Landscaping and Recreation Facilities

Open Spaces

The location of the open spaces is safe, adequate and efficient. The Site Plan creates multiple different forms and functions of open spaces including active amenity filled playground, open play and lawn

⁴ On-Street parallel parking spaces located on public roads is subject to MCDOT and MCDPS Right-of-Way permitting review and approval at ROW permit.

areas, smaller greens and sitting areas, stormwater management areas, passive green areas that will be managed as meadow, and forested areas protected with forest conservation easements. The existing farm pond that is centrally located on the Property will serve as the center of the new community. The pond is surrounded by open spaces activated through landscaping, sitting areas, a fishing pier and artistic sculptures. Radiating out from the central pond are roads that are each lined with linear open spaces on one side, that are a mix of open green lawns and landscaped stormwater management facilities. These linear spaces extend to the outer edges of the developed area and provide continuous open space connections between the Hanson Reserve, the farm pond, and areas of stream valley buffer. This visually and physically connects the central amenity to the more natural open spaces around the periphery, and ensures all future dwellings are located close to open space. The meadow and forested stream valley areas beyond the developed area edge are accessible through existing and proposed natural surface trails that intersect with the sidewalks along the public roads and lead into the forests. The Property is able to take advantage of the existing Muddy Branch SVP for the regional amenity it is, and also dedicates the new 10-acre local park, which will serve as a second focal point for the development once fully improved by M-NCPPC Department of Parks.

Recreation Facilities

The location and quantity of provided recreation facilities is safe, adequate and efficient. The Site Plan is providing for a total of 187 total dwelling units and is subject to the recreation guideline requirements. The package of proposed amenities includes a mix of passive and active facilities, and also receives limited off-site credit for the existing Muddy Branch SVP which the Site Plan provides for two separate connections into. The Site Plan proposes development of the Property in two phases, and the quantity and location of amenities has been designed to allow each phase to stand alone in the supply requirements. Site Plan conditions will require that either the Phase I multi-age playground for all ages or the package of amenities around the farm pond are provided by the 45th building permit (50% of phase I), and that both major phase I amenities are required by the 68th building permit, which is equal to being 75% of total permits for Phase I. There is a second multi-age playground for all ages, and a major trail connection into the Muddy Branch SVP in the geography of Phase II, which conditions also require at least one of those amenities by the 138th building permit (equivalent to 50% finished with Phase II), and both major amenities by the 90% issuance of building permits (177 permits). The multi-age playgrounds are both centrally located with each phase, providing easy access to the denser hamlets near the center of the Property, and the farm pond amenities are centrally located to the entire community and will be established within the first half of the project. Phase I will also provide a natural surface trail connection into the forest stream valley buffer that nearly bisects the development, and creates many smaller lawn areas. The second Phase of development constructs a second entrance into the Muddy Branch SVP near the northwestern edge of the Property and also introduces two larger village greens within the hamlets. In addition to the facilities that count toward recreation supply, there are many other smaller open spaces that are not utilized by stormwater management that provide for passive green space. The following tables 11-16 demonstrate the total on-site recreation demand, the on and off-site recreation supply, and the adequacy reached between demand and supply.

Table 11 Phase 1 Recreation Demand

Code	Housing Type	Quantity	Tots	Children	Teens	Young Adults	Adults	Seniors
Mid-Rise	Multiple-Family, 4 stories or less	0	0	0	0	0	0	0
Hi-Rise	Multiple-Family, 5 stories or more	0	0	0	0	0	0	0
SFD	Single-Family Detached	46	6.90	16.10	16.10	12.42	33.58	6.44
TH	Townhouses and Single-Family attached	33	4.62	7.26	5.28	17.49	24.09	3.63
Total Demand Points =		79	11.52	23.36	21.38	29.91	57.67	10.07

Table 12 Phase 1 Recreation Supply

Recreation Facility	Quantity	% Bonus Points	Tots	Children	Teens	Young Adults	Adults	Seniors
Fishing Pier	1	0%	4	9	19	14	14	14
Pedestrian Connection - Trail System	1	0%	1.15	4.67	3.21	4.49	8.65	1.01
Bikeways	1	0%	0.58	2.34	3.21	4.49	8.65	1.01
Open Grass Area Lawn - Small (5,000 sf)	3	0%	9	12	27	27	27	9
Open Grass Area Lawn - Large (10,000 sf)	1	0%	6	9	15	20	15	6
Natural Area	1	0%	0.58	1.17	2.14	2.99	5.77	0.50
Playground (Age 2-12) [Multi-age Play]	1	0%	9	11	3	2	4	2
Neighborhood Green	1	0%	5	7	6	8	8	6
Picnic/Seating	3	0%	3	3	4.50	9	9	9
Total Onsite Supply Points=			38.31	59.18	83.06	91.97	100.07	48.52

Table 13 Total Project Recreation Demand

Code	Housing Type	Quantity	Tots	Children	Teens	Young Adults	Adults	Seniors
Mid-Rise	Multiple-Family, 4 stories or less	0	0	0	0	0	0	0
SFD	Single-Family Detached	121	18.15	42.35	42.35	32.67	88.33	16.94
Hi-Rise	Multiple-Family, 5 stories or more	0	0	0	0	0	0	0
TH	Townhouses and Single-Family attached	66	9.24	14.52	10.56	34.98	48.18	7.26
Total Demand Points =		187	27.39	56.87	52.91	67.65	136.51	24.20

Table 14 Total Project Recreation Supply

Recreation Facility	Quantity	% Bonus Points	Tots	Children	Teens	Young Adults	Adults	Seniors
Fishing Pier	1	0%	4	9	19	14	14	14
Robert and Mary Jo Hanson Memorial Park	1	10.00%	9.90	9.90	23.10	17.60	17.60	17.60
Pedestrian Connection - Trail System	1	0%	2.74	11.37	7.94	10.15	20.48	2.42
Bikeways	1	0%	1.37	5.69	7.94	10.15	20.48	2.42
Open Grass Area Lawn - Small (5,000 sf)	5	0%	15	20	45	45	45	15
Open Grass Area Lawn - Large (10,000 sf)	2	0%	12	18	30	40	30	12
Natural Area	1	0%	1.37	2.84	5.29	6.77	13.65	1.21
Playground (Age 2-12) [Multi-age Play]	2	0%	18	22	6	4	8	4
Neighborhood Green	2	0%	10	14	12	16	16	12
Picnic/Seating	6	0%	6	6	9	18	18	18
Total Onsite Supply Points=			80.38	118.80	165.27	181.67	203.21	98.65

Table 15 Recreation Adequacy

Park Facility	Quantity	Tots	Children	Teens	Young Adults	Adults	Seniors
Bikeways	1	1.37	5.69	7.94	10.15	20.48	2.42
Trail System	1	2.74	11.37	7.94	10.15	20.48	2.42
Natural Area	4	1.37	2.84	5.29	6.77	13.65	1.21
Total Offsite Supply Points:		5.48	19.90	21.17	27.07	54.61	6.05
35% of Total Offsite Supply Points:		1.92	6.97	7.41	9.47	19.11	2.12
Max Allowed Pts (35% of Total Demand Pts):		2.34	4.17	3.53	5.99	23.81	2.13
Actual Assigned Offsite Supply Pts:		1.92	4.17	3.53	5.99	19.11	2.12

Table 16 Off-Site Supply

Age Group	Total Demand Points	Offsite Supply Points	Onsite Supply Points	Total Supply Points	Adequacy
Tots	27.39	1.92	80.38	82.30	Adequate
Children	56.87	4.17	118.8	122.97	Adequate
Teens	52.91	3.53	165.27	168.80	Adequate
Young Adults	67.65	5.99	181.67	187.66	Adequate
Adults	136.51	19.11	203.21	222.32	Adequate
Seniors	24.2	2.12	98.65	100.77	Adequate
Totals	365.53	36.84	847.98	884.82	

Landscaping and Lighting

The location of the proposed landscaping and lighting is safe, adequate and efficient for the proposed development. The landscaping serves multiple purposes including providing tree canopy coverage within a new residential development and creating visual interest and enjoyment within the proposed open spaces without negatively blocking sight lines or hindering their use. Much of the tree canopy on the Property is in the form of street trees along all the public streets, which are ultimately under the prevue of MCDOT. Likewise, many areas of proposed landscaping in the open spaces is within proposed stormwater management facilities which are under the prevue of MCDPS Water Resources. The open spaces include additional plantings as a means of further enhancing tree cover over many of the pedestrian routes while still leaving some lawn areas in part or full sun. In the larger open spaces that have dwellings fronting on them, rows of trees are planted near the edge of the open space to mimic the feeling of street trees. The two playgrounds also have special landscape treatment is a mix of shade and ornamental trees, and limited use of shrubs to frame in the play areas without hiding them from public view. Landscaping is also being proposed as screening behind proposed lots 1-11 Block B that are adjacent to the existing Versailles community.

Additionally, the Applicant is taking advantage of existing vegetation in many areas by saving the trees and shrubs around the farm ponds, on the 10-acre local park, and intends to keep a row of white pine trees planted by the Hanson family along Quince Orchard Road. Most of these white pines will be located on the 10-acre local park after parkland dedication, however a few are actually located within the portion of right-of-way to be dedicated. These trees within the right-of-way may need to be

removed to construct frontage improvements or for safety and will be at the determination of MCDPS in the future.

Because the Property is currently mostly farmland, many of the unimproved open spaces will be maintained as meadow, which will help maintain some of the agricultural history of the land. The open space area at the southernmost portion of the Property between Travilah Road and proposed Street A, is being enhanced with a meadow seed mix of native perennial wild flowers and sporadic plantings of new trees to maintain the existing pastoral views from Travilah Road today. Additionally, native perennial wildflowers will be planted around the existing farm pond in the center of the development to enhance vegetation and interest around the pond without blocking views to this central amenity.

The Lighting proposed on the Site Plan is primarily street lighting which is under the final review of MCDOT. As an all residential development, there is little use for supplemental lighting. The Applicant is however placing hip-height bollards along some of the pedestrian pathways within the open spaces and mid-block connections that will enhance nighttime safety on these more heavily used pedestrian routes. These low bollards will have a negligible impact on any new dwellings and will not have any impact on properties not within this Application.

Pedestrian and Vehicular Circulation

Pedestrian Circulation

The locations and design of the pedestrian circulation on the Subject Property is safe, adequate, and efficient. This Application proposes a robust on-site circulation system for pedestrians that includes sidewalks on both sides of most streets, sidewalks and paths around and through the larger open space areas, mid-block pedestrian crossings in the denser hamlet areas, and the creation and re-use of natural surface trails within the forested stream valley buffer areas. The sidewalks along the streets adequately and efficiently connect the dwelling units to each other, to the various on-site amenity spaces, and to the existing and proposed shared use paths along Quince Orchard and Travilah Roads. The sidewalks around and through the open space allow the dwellings that front on open space to have the same level of pedestrian connectivity as the dwellings that front directly on streets. Providing mid-block connections through some of the hamlet areas helps break up the size of the blocks and better connects the dwellings that front on open spaces to the amenities and on-street parking that is available. There are multiple trailhead locations that connect the hardscape sidewalk into the forested and parkland area, including a formal trailhead being provided as a new public access to the Muddy Branch SVP.

In addition to sidewalks, there are three segments of road where the sidewalk is being widened into a shared use path, and is located in a PIE adjacent to the right-of-way to provide more pedestrian vehicle separation. All of the road frontages around the 10-acre local park include this eight-foot wide path to create an approximately half mile long loop for bicycles, joggers and walkers. Additionally, a shared use path will be located along street D, adjacent to the Hanson Reserve outlot. This shared use path will connect the 10-acre local park to the proposed trailhead into the Muddy Branch SVP. These upgrades help bring attention to these public amenities and increase the capacity of the infrastructure to meet the projected needs.

Vehicle Circulation

The location and design of vehicle circulation on the Subject Property is safe, adequate and efficient. The road network that was first laid out by the Preliminary Plan is entirely comprised of public streets, and includes six private alleys in the denser hamlet areas. The street layout is a modified grid, that wraps around the central focal point of the existing farm pond, and contains two cul-de-sacs that extend into the western portion of the Property along two ridge lines. There are three points of access which will distribute traffic efficiently to the existing road network and provides options during any potential emergency. All streets will be a minimum of 20 feet wide to accommodate two-way traffic and fire and rescue access, and most of the streets are 29.5 feet wide which is a MCDOT secondary street standard that allows for on-street parking on one side.

The four denser hamlet areas each have an alley that allows most of the dwelling units to take garage access in the rear, eliminating driveways from accessing the public street and crossing the sidewalks, greatly minimizing curb cuts and pedestrian/vehicle conflicts in the areas with the highest pedestrian activity. Around the outer edges of the development and along the two cul-de-sac streets where pedestrian activity is less, the lots are slightly larger, and the vehicle network is designed with the dwellings having driveway access to the front of the house.

4. *Each structure and use is compatible with other uses and other Site Plans, and with existing and proposed adjacent development.*

The proposed use and structures are compatible with other uses, Site Plans, existing, and proposed development on adjacent properties. Compatibility with the surrounding community was a major component of Zoning Case G-884 which approved the rezoning from RE-2 to PD-2 and informed many of the binding elements on the associated Development Plan. Three areas in particular that were adjacent to existing dwellings or roads were called out by the Development Plan for needing enhanced compatibility which led to binding elements that are being implemented with this Site Plan. The four, two-acre lots located near the Property's southern entrance are being reviewed under the RE-2 zone standards to ensure that the lot size and placement of dwellings is similar to that of the existing RE-2 development located west and south of the Property. The 11 lots in the southeastern portion of the Property on Block B and adjacent to the Versailles development are also purposefully on larger lots, and include an open space parcel and landscaping to buffer the new development from the existing dwellings. The placement of the 10-acre local park was deliberately located along Quince Orchard Road to help maintain the low density feel experienced from that road, and it also places the new local park adjacent to the Muddy Branch SVP and opposite from the Potomac Horse Center. The remainder of the Property is bordered by M-NCPPC- Stream Valley Park property which placed high priority on ensuring the protection of forest resources.

The Zoning Ordinance Section 59-C-7.15 also has a compatibility section that requires that no units other than one-family detached be placed within 100 feet of the Subject Property boundary to ensure compatible development types between new and existing homes. Because the Site Plan design establishes a development pattern with the densest portion of the development kept to the interior of the Property including the attached dwelling units, and only one-family detached dwellings on larger lots located closest to existing and proposed park resources, the Site Plan meets the zoning ordinance requirement. The closest one-family attached dwelling to the Property boundary is approximately 230 feet as shown. The mix of attached and detached dwellings on smaller lots in the central hamlets, immediately surrounded by larger lots, helps the development integrate different lot and dwelling sizes in close proximity while achieving the necessary compatibility around the edges.

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable laws.*

The Site Plan meets the requirements of Chapter 22A, Forest Conservation Law, and Chapter 19, Water Resource Protection. The Site Plan was reviewed concurrently with the Preliminary Plan No. 120170130, and the analysis for the environmental resources, forest conservation law, and stormwater management is presented under the environmental finding for the Preliminary Forest Conservation Plan earlier in this report. The Site Plan makes no changes to the layout or environmental findings made with the Preliminary Forest Conservation Plan therefore Staff recommends approval of the Final Forest Conservation Plan with the Site Plan.

SECTION 6: CITIZEN CORESPONDENCE AND ISSUES

The Applicant has met all proper signage, noticing and pre-submission meeting requirements for the submitted Applications. A pre-submission meeting for the Preliminary Plan was held on November 17, 2016 at the Nancy H. Dacek, North Potomac Community Center. There were 37 individuals who signed up at the meeting. The Applicant gave a presentation including a recap of the zoning history and of the Hanson family history. The Applicant engaged in a question and answer with the community in attendance. The Site Plan had a pre-submission meeting on June 27, 2017 at the Nancy H. Dacek, North Potomac Community Center, where 27 were in attendance. The meeting followed a similar presentation on the history of the planning activity on the Property, and a description of the types of details that are found on the Site Plan. The community asked questions of the Applicant and answers were provided.

As of the writing of this Staff Report, Staff has not received any formal correspondence regarding either Application. Staff has been contacted by a couple of interested citizens who wanted more information regarding the basic request of the Application, and when it's expected that construction may begin which Staff answered at that time.

During review of the Application, Staff also tried to coordinate with Montgomery County Public Schools, and with MCDOT to see if there was an opportunity to create a pedestrian connection from the new development to Travilah Elementary School. MCDOT identified safety issues early on with the existing right-of-way and necessary road crossing of Dufief Mill Road that led it to recommend against a new sidewalk along Dufief Mill Road. Staff also reached out to the Principal of Travilah Elementary School to update them on the review process, and to inquire if the school had identified any necessary pedestrian improvements because of its proximity to the Subject Property. The School also shared concern that Dufief Mill and Travilah Roads were too busy and not controlled enough of roads to encourage elementary aged children to walk. It has determined that there are no safe or useful pedestrian improvements that can be implemented at this time that are within the scope of this Application.

SECTION 7: CONCLUSION

The Applications meet all requirements established in the Subdivision Regulations and the Zoning Ordinance, and all binding elements of LMA No. G-884. Access and public facilities will be adequate to serve the proposed lots, and the development complies with the general requirements of Chapter 59. The Applications have been reviewed by other applicable county agencies, all of whom have recommended approval of the plan. Staff recommends approval of the Preliminary Plan and Site Plan, with the conditions as enumerated in the Staff Report.

ATTACHMENTS

Attachment A – Rendered Site Plan
Attachment B – Preliminary Plan Composite
Attachment C – Site Plan Composite
Attachment D – Forest Conservation Plan Composite
Attachment E – Stream Valley Buffer Impacts
Attachment F – Tree Variance Request
Attachment G – Arborist Recommendation
Attachment H – Extended Validity Request
Attachment I – DHCA Memo
Attachment J – MCDPS Fire Memo
Attachment K – MCDOT Memo
Attachment L – MCDPS ROW Memo
Attachment M – MCDPS SWM Memo
Attachment N – Extension Request Approval
Attachment O - LMA G-884 Resolution

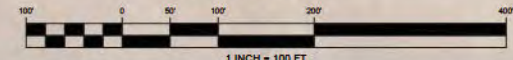
Attachment A



MT. PROSPECT (HANSON FARM)
Potomac, Maryland

Illustrative Exhibit

Exhibit is for illustrative, envisioning purposes only to demonstrate design intent and is not a regulatory plan. Geometry, amenities and design features may change at time of final engineering and site plan stage.
GRAPHIC SCALE



Toll Brothers
America's Luxury Home Builder
RODGERS
CONSULTING

19647 Century Boulevard, Suite 200, Germantown, Maryland 20874
Ph: 301.948.4700 Fax: 301.948.6256 www.rodgers.com

MT. PROSPECT (HANSON FARM) PRELIMINARY & FINAL FOREST CONSERVATION PLAN

Attachment D

FOREST CONSERVATION WORKSHEET						
Mt. Prospect			5-Aug-02			
NET TRACT AREA:						
A. Total tract area ... (170.77 Acres + 2.80 Acres Off-site)			173.57			
B. Land dedication acres (parks, county facility, etc.)			0.00			
C. Land dedication for roads or utilities (not being constructed by this plan)			0.00			
D. Area to remain in commercial agricultural production/use			0.00			
E. Other deductions (specify)			0.00			
F. Net Tract Area			173.57			
LAND USE CATEGORY: (from Trees Technical Manual)						
Input the number "1" under the appropriate land use, limit to only one entry.						
	ARA	MDR	IDA	HDR	MPD	OIA
	0	0	0	0	1	0
G. Afforestation Threshold ...		15%	x F =			26.04
H. Conservation Threshold ...		20%	x F =			34.71
EXISTING FOREST COVER:						
I. Existing forest cover						53.19
J. Area of forest above afforestation threshold						27.15
K. Area of forest above conservation threshold						18.48
BREAK EVEN POINT:						
L. Forest retention above threshold with no mitigation						38.41
M. Clearing permitted without mitigation						14.78
PROPOSED FOREST CLEARING:						
N. Total area of forest to be cleared						14.98
O. Total area of forest to be retained						38.21
PLANTING REQUIREMENTS:						
P. Reforestation for clearing above conservation threshold						3.75
Q. Reforestation for clearing below conservation threshold						0.00
R. Credit for retention above conservation threshold						3.50
S. Total reforestation required						0.25
T. Total afforestation required						0.00
U. Credit for landscaping (may not exceed 20% of "S")						0.00
V. Total reforestation and afforestation required						0.25

FOREST CONSERVATION TABLE			
Acreage of tract (gross)	173.57		
Acreage of tract remaining in agriculture use	0		
Acreage of road and utility ROWs which will not be improved as part of the development application	0		
Acreage of stream valley buffer	33.87		
Land Use Category from 22A-12	MPD		
Conservation Threshold	20%		
Afforestation Threshold	15%		
Linear feet of stream	2338 LF		
Average width of stream buffer	132 feet		
One side of stream of both	one		
Forest Details			
Acreage of forest	Retained	Cleared	Planted
	38.21	14.98	7.27
Acreage of forest within wetlands	0.08	0.005	0.00
Acreage of forest within 100-year floodplain	2.92	0.11	0.03
Acreage of forest within stream valley buffer	22.18	0.95	7.02
Acreage of forest within priority area	22.18	0.95	7.02

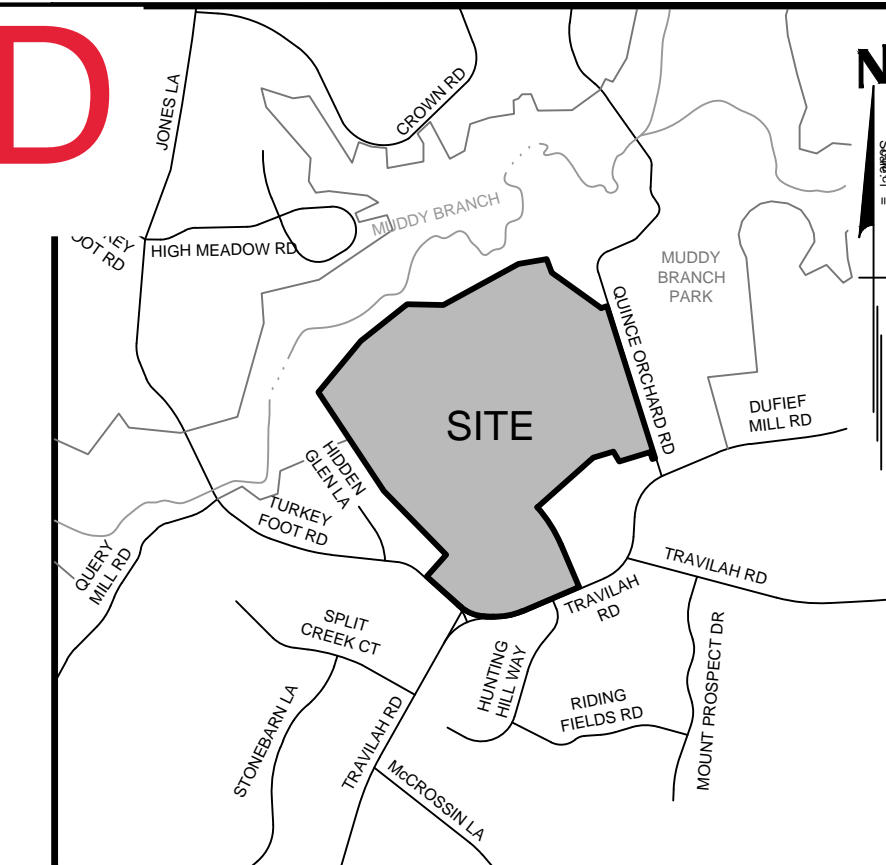
Forest Conservation Banking			
FOREST CONSERVATION BANK: MT. PROSPECT			
TOTAL REFORESTATION AND AFFORESTATION PROVIDED:	7.27 Acres		
TOTAL REFORESTATION AND AFFORESTATION REQUIRED:	0.25 Acres		
AFFORESTATION ON PARK PROPERTY NOT PROPOSED TO BE BANKED:	2.34 Acres		
REMAINING AFFORESTATION WITHIN A CATEGORY I EASEMENT AVAILABLE FOR BANKING:	4.68 Acres		

PARK AND HOA FOREST CONSERVATION SUMMARY			
Location	Retained	Planted	Total
Within Parkland Dedication	15.54	2.37	17.91
Within HOA (Category I Easement)	22.67	4.90	27.57
Total	38.21	7.27	45.48

Forest Conservation Phasing						
Forest Conservation Information			How it's being met			
Phase	Area	Percent of Total Area	Forest Conservation Obligation (ac)	Retain Forest	Plant Forest	Surplus
1	87.75	50.3%	19.36	25.48	3.95	10.07
2	86.56	49.7%	19.10	12.73	3.32	7.02
Total	174.31	100.0%	38.46	38.21	7.27	7.02

CALL "MISS UTILITY" AT 1-800-257-7777 48 Hours Before Start Of Construction

The excavator must notify all public utility companies with underground facilities in the area of proposed excavation and have those facilities located by the utility companies prior to commencing excavation. The excavator is responsible for compliance with requirements of Chapter 36A of the Montgomery County Code.

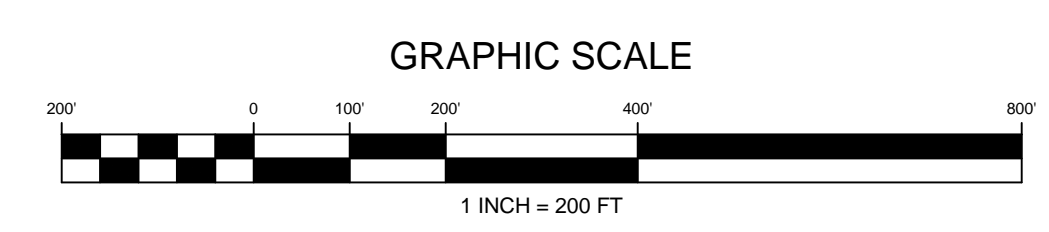


VICINITY MAP
1" = 2,000'
TAX MAPS ER 562, ER 563
Subject Property Information
Tax Map(s): ER562/ER563
Lots / Parcels: P.412, P.20, P.945
Zone: PD

LEGEND	
---	SITE LIMITS
---	PHASING LINE
---	STREAM VALLEY BUFFER (SVB)
---	100 YR FLOODPLAIN
---	25' FLOODPLAIN BRL
---	NON-TIDAL WETLANDS
---	NON-TIDAL WETLANDS BUFFER
---	EXISTING CANOPY EDGE
---	PERENNIAL OR INTERMITTENT STREAM
---	EXISTING CONTOURS
---	PROPOSED CONTOURS
---	FOREST SAVE
---	FOREST PLANTING
---	FOREST PLANTING TO BE BANKED
---	FOREST REMOVAL
---	LIMIT OF DISTURBANCE
---	CATEGORY I EASEMENT

- General Notes:**
- For additional property information, see NRI/FSD #420090680, approved December 3, 2008.
 - A survey to update the specimen tree inventory was conducted in March of 2017 by RCI staff. A column has been added to the specimen tree table indicating which trees have been updated.
 - The NRI subject area was slightly larger than the subject area of the rezoning application. Therefore, acreages of forest and other environmental features have been revised for this plan.
 - This plan is for the Forest Conservation Plan only.
 - Tree/Forest to be retained to be protected prior to construction with fencing, signage, and other measures as specified on this FFPCP.
 - Boundary information was taken from a Boundary Survey prepared by Rodgers Consulting, April 2008.
 - The topography hereon is shown in 2' contour interval and was flown by Virginia Resource Mapping in April, 2006. 5' contour interval information for the surrounding area is from M-NCPPC.
 - The site is within the Muddy Branch watershed, Use I.
 - The site is not within a Special Protection Area (SPA)
 - The site is within the Potomac subregion Master Plan area.
 - For Specimen Tree removal specifics, see Variance Request and Justification Letter.
 - This plan is subject to 22A-12(f)(2)(B). This plan meets the provisions of this law because the amount of forest retained on the property exceeds the conservation threshold.

- Sheet Index:**
- COVER SHEET
 - PLAN VIEW (NORTH)
 - PLAN VIEW (SOUTH)
 - SPECIMEN TREE VARIANCE EXHIBIT
 - SIGNIFICANT & SPECIMEN TREE TABLE
 - NOTES & DETAILS



10-FCP-820170160-001

DEVELOPER'S CERTIFICATE	
The undersigned agrees to execute all the features of Approved Final Forest Conservation Plan No. 820170160, including financial bonding, forest planting, maintenance, and all other applicable agreements.	
Developer's Name:	Printed Company Name
Contact Person or Owner:	Printed Name
Address:	
Phone and Email:	
Signature:	



REVISION	DATE	REVISION	DATE	REVISION	DATE

APPLICANT:
TOLL MD XI, LP
c/o TOLL BROS., INC.
7164 COLUMBIA GATEWAY DRIVE, SUITE 230
COLUMBIA, MD 21046
PHONE: (410) 872-9105
CONTACT: MR. TOM MATEYA

MT. PROSPECT (HANSON FARM)
PARCEL 020, L. 13737 F. 591, PARCEL 945, L. 13900 F. 553, & PARCEL 412, L. 820 F. 346
ELECTION DISTRICT No. 6 GAITHERSBURG, MONTGOMERY COUNTY, MARYLAND
WSSC MAPS 219N12, GRIDS J6 & K6 AND 218N12, GRIDS J7, K7, J8 & K8
TAX MAPS ER 562, GRIDS ER52 & ER62 AND ER 563, GRIDS ER53 & ER63

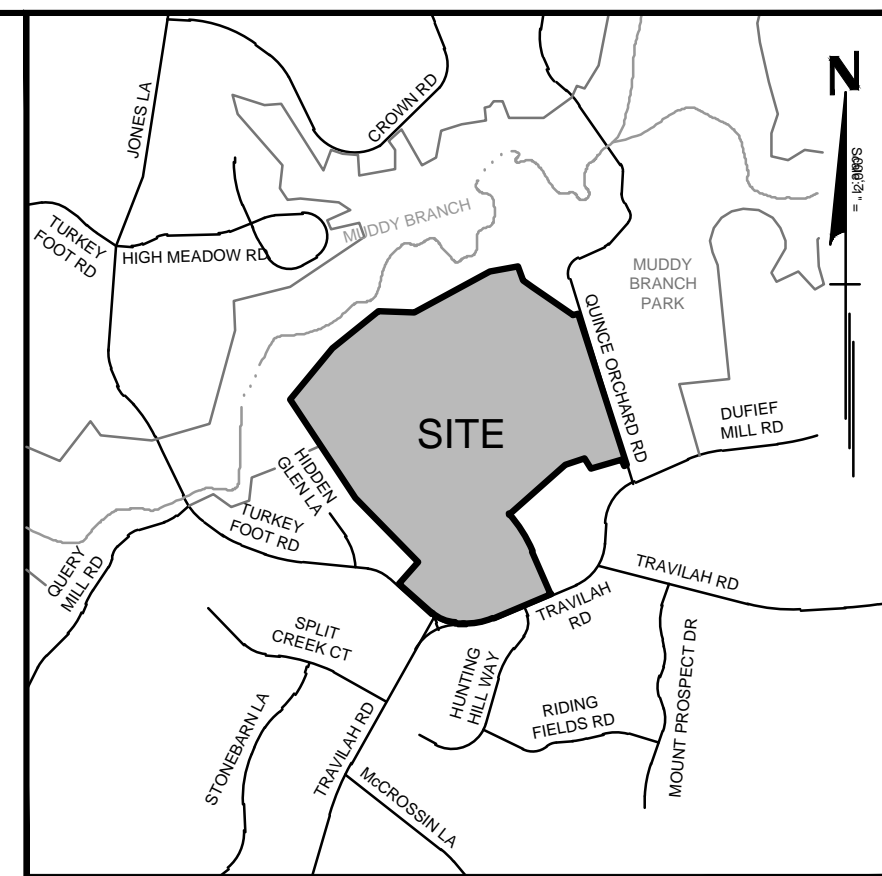
RODGERS CONSULTING
19847 Century Boulevard, Suite 200, Germantown, Maryland 20874
Ph: 301.948.4700 Fx: 301.948.6256 www.rodgers.com

BY	DATE

COVER SHEET
PRELIMINARY & FINAL FOREST CONSERVATION PLAN
SCALE: 1" = 200'
JOB No. 0696P1
DATE: August 2017
SHEET No. 1 of 6

MT. PROSPECT Attachment E

STREAM VALLEY BUFFER IMPACT EXHIBIT

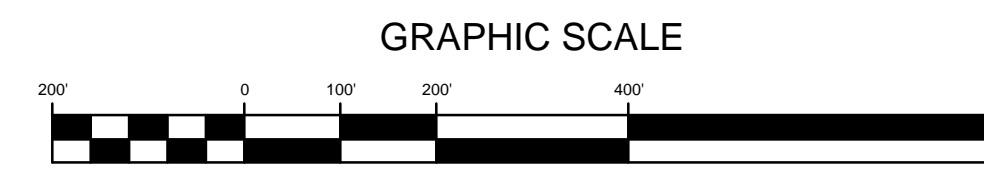


VICINITY MAP
1" = 2,000'
TAX MAPS ER 562, ER 563

LEGEND

	SITE LIMITS
	STREAM VALLEY BUFFER (SVB)
	STREAM VALLEY BUFFER IMPACT

STREAM VALLEY IMPACT AREAS					
No	TOTAL AREA OF DISTURBANCE (sf)	TOTAL FOREST IMPACTS (sf)	FORESTED FLOODPLAIN IMPACTS (sf)	FORESTED WETLAND IMPACTS (sf)	IMPACT SUMMARY
1	1,795	0	0	0	Provide a storm drain outfall.
2	45,627	33,381	15,177	0	Provide a sewer outfall on existing park property and connect into the existing sewer main running along Muddy Branch. The number of connections required has been reduced from two to one. Minor impacts to provide a storm drain outfall.
3	3,819	2,721	660	0	Provide a storm drain outfall.
4	13,187	0	0	0	Impact to unforested, actively farmed SVB to tie out to existing grade. Once graded SVB will be afforested.
5	7,932	0	0	0	Impact to unforested, actively farmed SVB to tie out to existing grade. Once graded SVB will be afforested.
6	21,081	3,380	3,380	0	Removal of trees within 15' of the toe of dam for dam stability. Provide two storm drain outfalls. Construct pathway and fishing pier.
7	1,460	0	0	0	Impact to unforested, actively farmed SVB to tie out to existing grade. Once graded SVB will be afforested.
8	8,306	0	0	0	Impact to unforested, actively farmed SVB to tie out to existing grade. Once graded SVB will be afforested.
9	1,840	0	0	0	Provide a storm drain outfall.
10	8,607	2,991	0	0	Remove existing mobile home and driveway. Dedicate right-of-way and provide 10' PUE. Provide ESD.
11	3,410	3,410	0	198	Removal of trees within 15' of the toe of dam for dam security.



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REVISION	DATE	REVISION	DATE	REVISION	DATE

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RODGERS CONSULTING

19847 Century Boulevard, Suite 200, Germantown, Maryland 20874
Ph: 301.946.4700 Fax: 301.946.6256 www.rodgers.com

BY	DATE

STREAM VALLEY BUFFER IMPACT EXHIBIT

SCALE: 1" = 200'
JOB No. 0696P1
DATE: Dec. 2017
SHEET No. 1 of 1

PRELIMINARY NOT FOR CONSTRUCTION

January 22, 2018

Mary Jo Kishter
Montgomery County Planning Department
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Mt. Prospect (Hanson Property)
Tree Variance Request and Justification
RCI Project No.: 0696P1

Dear Ms. Kishter:

Please accept this letter as a formal written request for a variance from section 22A-12(b)(3) of the Montgomery County Code. The referenced section addresses the requirement to not disturb *any tree with a diameter, measured at 4.5 feet above the ground, of (i) 30 inches or more; or (ii) 75% or more of the diameter measured at 4.5 feet above ground of the current State champion tree of that species.* The implementation of the proposed Preliminary & Final Forest Conservation Plan for Mt. Prospect (“project”), based on approved Development Plan G-884 and Preliminary Plan #120170130, requires the unavoidable disturbance or removal of specimen trees. Of the two hundred and fifteen (215) trees with a diameter greater than 30-inches at 4.5 feet above ground, approximately eighty-five (85) specimen trees will require a variance to be removed, forty-nine (49) will have a portion of their critical root zone impacted, and eighty-one (81) will be remain undisturbed.

Project Background

The project area is an approximate 171-acre parcel belonging to the Hanson family located in North Potomac, Maryland. It is bordered on the east by Quince Orchard Road, on the southeast and south by Dufief Mill Road and Travilah Road, Turkey Foot Road on the southwest and parkland on the north. Existing land use of the site is agricultural land with forested components dominating the western and northern parts of the parcel. The Applicant plans to develop the property, per the recommendations specific to this property contained with the Potomac Region Master Plan (approved and adopted 2002), by designing a clustered residential community in areas with the least amount of sensitive environmental resources (streams, wetlands, steep slopes, etc.) and intends to leave high priority environmentally sensitive areas undisturbed to the greatest extent possible.

The project area was rezoned from RE-2 Zone to PD-2 in accordance with the Potomac Region Master Plan (approved and adopted 2002) culminating in the approval of Development Plan G-884. Measures to avoid or minimize forest impacts were considered early in the project development design phase. According to County Technical Staff, the proposed development project is consistent with the Master Plan’s environmentally sound recommendations and Land Use and Design Guidelines. Through clustering, forest retention and dedication of an approximate 10-acre park to the Maryland National Capital Park and Planning Commission, the proposed project protects environmentally sensitive areas and expands the regional stream valley park system. Undisturbed natural areas will continue to provide natural and societal benefits such as, wildlife habitat, water quality, sediment retention/stabilization, visual aesthetics and active/passive recreational opportunities. Furthermore, the Applicant has worked

closely with the Maryland National Capital Park and Planning Commission, the Washington Suburban Sanitary Commission (WSSC), and continuously sought input from other agency stakeholders to create an environmentally responsible development project.

Public water and sewer will serve the site. Two sewer outfalls along Muddy Branch were proposed on the approved Development Plan (G-884). One sewer outfall is shown on the approved Development Plan at the northwest corner of the project site and would have resulted in a major crossing of Muddy Branch. A second connection is shown on the approved Development Plan west of the proposed development site near the confluence of Muddy Branch and an unnamed perennial tributary. During the preparation of the Preliminary Plan the sewer was redesigned to eliminate the need for the outfall at the northwest corner of the site. As a result, we have gone from TWO sewer connections as shown on the approved development plan to ONE sewer connection minimizing environmental impacts and tree disturbances.

The Preliminary & Final Forest Conservation Plan shows the project layout and the trees that will be saved, impacted or removed. The following is a tree-by-tree removal analysis for the project and a discussion on why the impact or removal is necessary.

I.0 Tree-By-Tree Analysis - Removals

I.1 Upland Forested Areas and Individual Upland Trees

The project contains special conditions that necessitate this variance. The property is discussed within the Potomac Region Master Plan (approved and adopted 2002) as the location for a proposed community. The Master Plan makes specific recommendations for the proposed community; including a conceptual layout for the property, the location of local park dedication, roads, and open space requirements. The subject trees to be impacted or removed are primarily upland trees within the development footprint reflected in the Master Plan. In the process of complying with and implementing the Master Plan and its myriad objectives, subject tree removal is required.

Efforts to minimize impacts to high priority sensitive natural resources such as streams, stream valley buffers, wetlands, and steep slopes, were taken into consideration early in the project development phase. Resultantly, impacts to high priority natural resources, such as streams, stream valley buffers, wetlands, and steep slopes, have been minimized to the greatest extent possible.

The trees that will be removed are as follows:

Tree #'s 101, 103, 104, 105, 107, 111, 112, 113, 118, 121, 144, 145, 147, 149, 150, 152, 154, 156, 158, 188, 200, 206, 207, 217, 225, 227, 234, 237, 238, 253, 254, 255, 257, 259, 262, 278, 280, 281, 282, 284, 297, 299, 322, 341, 345, 347, 348, 353, 354, 356, 386, 406, 411, 414, 452, 493, 494, 495.

Tree# 101 is a 45" tulip poplar in good health. Tree 103 is a 34" tulip poplar in good health. Tree# 104 is a 31" tulip poplar in fair health. Tree# 105 is a 31" tulip poplar in fair health. Tree# 107 is a 36" black oak in good health. Tree# 111 is a 40" black oak in fair/poor health. Tree# 112 is a 30" white oak in fair health. Tree# 113 is a 42" red maple in good health. Tree# 118 is a 30" tulip poplar in fair health. Tree# 121 is a 36" white oak in fair health. Tree 144 is a 34" tulip poplar in fair health. Tree# 145 is a 31" tulip poplar in fair health. Tree# 147 is a 34" black oak in fair health. Tree# 149 is a 40" red maple in poor health. Tree# 150 is a 32" red maple in fair health. Tree# 152 is a 30" red maple in poor health. Tree# 154 is a 32" tulip poplar in fair/good health. Tree# 156 is a 32" tulip poplar in fair health. Tree# 158 is a 34" tulip poplar in fair health. Tree# 188 is a 30" tulip poplar good. Tree# 200 is a 31" tulip poplar in good health. Tree# 206 is a dead black oak. Tree# 207 is a 36" white oak in fair health.

Tree# 217 is a 31" tulip poplar in good health. Tree# 225 is a 36" tulip tree in good health. Tree# 227 is a 36" red oak in good health. Tree# 234 is a 31" tulip poplar in good health. Tree# 237 is a 31" white oak in fair/good health. Tree# 238 is a 30" tulip poplar in in fair health. Tree# 253 is a 31" white oak in fair health. Tree# 253 is 31" white oak in fair health. Tree# 254 is 36" tulip poplar in good health. Tree# 255 is a 32" red oak in good health. Tree# 257 is a 31" dead red oak. Tree# 259 is a 31" white oak in fair health. Tree# 262 is a 31" black cherry in fair health. Tree# 278 is a 47" tulip tree in fair health. Tree# 280 is 38" tulip poplar in fair health. Tree# 281 is a 34" tulip poplar in good health. Tree# 282 is a 35" tulip poplar in good health. Tree# 284 is a 33" tulip poplar in fair health. Tree# 297 is a 38" red oak in fair health. Tree# 299 is a 30" tulip tree in poor health. Tree# 322 is a 58" tulip poplar in poor health. Tree# 341 is a 31" black oak in good health. Tree# 345 is a 31" red oak in good health. Tree# 347 is a 37" white oak in good health. Tree# 348 is a 40" red oak in good health. Tree# 353 is a 31" black oak in good health. Tree# 354 is a 40" tulip poplar in fair health. Tree# 356 is a 31" tulip poplar in good health. Tree# 386 is a 32" tulip poplar in poor health. Tree# 406 is a 31" black gum in poor condition with a hollow trunk. Tree# 411 is a 37" tulip tree in poor health. Tree# 414 is a 36" tulip tree in fair health. Tree# 452 is a 37" tulip poplar in good health. Tree 493 us a 31" tulip poplar in good health. Tree# 494 is 36" tulip poplar in good health. Tree# 495 is a 50" red oak in fair health. Impacts to 58% of the critical root zone is required for residential lot grading. The applicant will work with a certified arborist reduce critical root impacts to greatest extent possible with the goal of retaining this tree. Root pruning and other stress reducing best management practices will be implemented to the extent feasible.

Denying the applicant, the ability to remove the subject trees would deprive the landowners' ability to implement the Master Plan, which would be an undue hardship.

I.II Planned Road Improvements and Public Utility Easements

Connecting the internal roadways to the existing roadway infrastructure surrounding the site requires unavoidable impacts to specimen trees. The removal of specimen trees is necessary to make required roadway connections to Quince Orchard Road to access the site in locations that facilitate proper sight distances and vehicular and pedestrian movements. Additionally, public utility easements are to be provided along the proposed right-of-way for Turkey Hill Road requiring the removal of specimen trees.

Trees #'s 2, 3, 5, 6, 11, 12, 15, 552, 556, 557, 558

Tree# 2 is a 37 "red maple in good health. Tree# 3 is a 34 "black cherry in fair health. Tree# 5 is a 42 "red oak in good health. Tree# 6 is a 32" white oak in good health. Tree# 11 is a 35" tulip poplar in good health. Tree# 12 is a 33" white oak in good health. Tree# 15 is a 37" tulip poplar in poor health. Tree # 552 is a 31" white pine in fair health. Tree# 2, 3, 5, 6, 11, 15 and 552 will be impacted by grading and tie out to the existing grade for road improvements along Quince Orchard Road and the intersection of the proposed road entering the site. Impacts to the critical root zone of Tree# 15 are also required for the removal of an existing mobile home and road improvements to Quince Orchard Road. Root mat protection, and other stress reducing best management will be used to will be used to minimize impacts to the critical root zone. However, due to the area of the extent of impacts to the critical root zone, the removal of this tree is being requested. Tree# 556 is a 32" elm in good health. Tree# 557 is a 32" scarlet oak in good health. Tree# 558 is a 36" willow oak in good health. All of these trees will be impacted by the need to provide a water line connection within the proposed road right-of-way for Quince Orchard Road.

Trees #'s 408, 410

Tree# 408 is a 47" white oak in good health. Tree# 410 is a 55" red oak in fair health. Impacts to 64% of the critical root zone are required to dedicate road right-of-way for Turkey Foot Road. The applicant will work with a certified arborist reduce critical root impacts to greatest extent possible with the goal of retaining this tree. Root pruning and other stress reducing best management practices will be implemented to the extent feasible. All of these trees will be impacted by the need to dedicate road right-of-way for Turkey Hill Road.

I.IV WSSC Sewer Line Outfall

Public water and sewer will serve the site. Two sewer outfalls along Muddy Branch were proposed on the approved development plan. One sewer outfall is shown on the approved development plan at the northwest corner of the project site and would have resulted in a major crossing of Muddy Branch. A second connection is shown on the approved development plan west of the proposed development site near the confluence of Muddy Branch and an unnamed perennial tributary. During the preparation of the Preliminary Plan the sewer was redesigned to eliminate the need for the outfall at the northwest corner of the site. As a result, we have gone from two sewer connections as shown on the approved development plan to one sewer connection minimizing environmental impacts and tree disturbances.

The Applicant has worked closely with WSSC and the Maryland National Capital Park and Planning Commission to layout the sewer outfall to minimize environmental disturbances to the extent practicable. A tree-by-tree analysis for disturbed/retained trees is presented below.

Trees #'s 509, 511, 513, 514, 515, 518, 519, 522, 523, 524, 525, 538, 541, 550

Tree# 505 is a 36" American sycamore. Tree# 509 is a 32" tulip poplar. Tree# 511 is a 48" tulip tree. Tree# 513 is a 36" tulip poplar. Tree# 514 is a 30" tulip poplar. Tree# 515 is a 36" tulip tree. Tree# 518 is a 36" tulip poplar. Tree# 519 is a 30" tulip poplar. Tree# 522 is a 36" tulip poplar. Tree# 523 is a 36" tulip poplar. Tree# 524 is a 38" tulip poplar. Tree# 525 is a 48" tulip poplar. Tree# 538 is a 48" tulip poplar. Tree# 541 is a 48" tulip poplar. Tree# 550 is a 48" tulip poplar. Trees within and adjacent to the LOD will be impacted from tying out to the existing grade or will have more than 30% of the critical root zone impacted by ground disturbance.

II Tree-By-Tree Analysis- Disturbed/Retained

The following presents an analysis for individual disturbed/retained trees.

Tree# 8: Tree# 8 is a 33" dead red oak. This tree died between the original tree survey and the updated tree survey. Impacts to the critical root zone are related to Quince Orchard Road improvements and proposed road entrance to the proposed project area. This snag is located within an area of forest to be preserved and the impacts to the critical will have no effect on the tree. This tree may be removed if deemed necessary for safety reasons.

Tree# 14: Tree# 14 is a 50" dead red oak. This tree died between the original tree survey and the updated tree survey. Impacts to the critical root zone are required for the removal of an existing mobile home. This snag is located within an area of forest to be preserved and the impacts to the critical will have no effect on the tree. This tree may be removed if deemed necessary for safety reasons.

Tree# 17: Tree# 17 is a 34" black oak in good health. Impacts to 20% of the critical root zone are required for an entrance road off Quince Orchard Road accessing the proposed residential development.

Tree# 84: Tree# 84 is a 44" American sycamore in good health. Impacts to 8% of the critical root zone are required to grade out a trail connection.

Tree# 86: Tree# 86 is a 39" weeping cherry in good health. This tree is located on the 10-acre park being dedicated to Montgomery County Parks. The Parks Department Has requested that the existing buildings on the land to be dedicated be razed while preserving the existing trees. Impacts to the critical root zone of Tree# 86 are required to raze the buildings.

Tree# 91: Tree# 91 is a 36" red oak in good health. This tree is located on the 10-acre park being dedicated to Montgomery County Parks. The Parks Department Has requested that the existing buildings on the land to be dedicated be razed while preserving the existing trees. Impacts to the critical root zone of Tree# 91 are required to raze the buildings.

Tree# 96: Tree# 96 is a 34" red maple in good health. Impacts to 26% of the critical root zone are required for a proposed trail bordering the pond.

Tree# 155: Tree# 155 is a 32" big tooth aspen in fair health northeast of a farm pond near the center of the project area. Impacts to 11% of the critical root zone are required for a proposed trail bordering the pond.

Tree# 163: Tree# 163 is a 30" tulip poplar in good health. Impacts to 4% of the critical root zone are required to grade the rear yard of a residential home.

Tree# 170: Tree# 170 is a 40" tulip poplar in good health. Impacts to 8% of the critical root zone are required to grade the rear yard of a residential home.

Tree# 171: Tree# 171 is a 38" tulip poplar in good health. Impacts to 12% the critical root zone are required to grade the rear yard of a residential home.

Tree# 172: Tree# 172 is a 48" tulip poplar in fair health. Impacts to 24% the critical root zone are required to grade the rear yard of a residential home.

Tree# 173: Tree# 173 is a 64" tulip poplar in good health. Impacts to 23% the critical root zone are required to grade the rear yard of a residential home.

Tree# 174: Tree# 174 is a 47" tulip poplar in fair to good health. Impacts to 10% the critical root zone are required to construct a residential home and tie into the existing grade.

Tree# 175: Tree# 175 is a 54" tulip poplar in fair health. Impacts to 28% the critical root zone are needed to construct a residential home and tie into the existing grade.

Tree# 177: Tree# 177 is a 32" red oak in fair to poor health. Impacts to 2% of the critical root zone are required to tie into the existing grade.

Tree# 190: Tree# 8 is a 30" dead red oak. This tree died between the original tree survey and the updated tree survey. Impacts to the critical root zone are needed to grade the rear yards of two residential homes. This snag is located within an area of forest to be preserved and the impacts to the critical will have no effect on the tree. This tree may be removed if deemed necessary for safety reasons.

Tree# 198: Tree# 198 is a 31" tulip poplar in good health. Impacts to 7% the critical root zone are required to grade the rear yard of a residential home.

Tree# 234: Tree# 234 is a 31" tulip poplar in good health. Impacts to 3% the critical root zone are required to provide a retaining wall and tie out to existing grade in order to provide a window of forest preservation that aligns with a proposed roadway located to the north.

Tree# 271: Tree# 271 is a 32" tulip poplar in good health. Impacts to 18% the critical root zone are required to tie out to existing grade for a residential lot.

Tree# 274: Tree# 274 is a 54" tulip poplar in fair health. Impacts to 18% the critical root zone are required to tie out to existing grade for a residential lot.

Tree# 275: Tree# 275 is a 34" tulip poplar in good health. Impacts to 25% the critical root zone are required to tie out to existing grade for a residential lot.

Tree# 277: Tree# 277 is a 41" tulip poplar in good health. Impacts to 1% the critical root zone are required to tie out to existing grade for a residential lot.

Tree# 287: Tree# 287 is a 41" tulip poplar in good health. Impacts to 3% the critical root zone are required to tie into the existing grade for a residential lot.

Tree# 289: Tree# 289 is a 36" tulip poplar in good health. Impacts to 15% the critical root zone are required to tie into the existing grade for a residential lot.

Tree# 296: Tree# 296 is a 37" tulip poplar in good health. Impacts to 11% the critical root zone are required to tie into the existing grade for a residential lot.

Tree# 298: Tree# 298 is a 36" tulip poplar in good health. Impacts to 16% the critical root zone are required to tie into the existing grade for a residential lot.

Tree# 300: Tree# 300 is a 31" tulip poplar in good health. Impacts to 17% the critical root zone are required to tie into the existing grade for a residential lot.

Tree# 301: Tree# 301 is a 33" tulip poplar in good health. Impacts to 4% the critical root zone are required to tie into the existing grade for a residential lot.

Tree# 315: Tree# 315 is a 34" American beech in good health. Impacts to 3% the critical root zone are required to grade the rear yard of a residential home.

Tree# 319: Tree# 319 is a 31" tulip poplar in poor health. Impacts to 13% the critical root zone are required to grade the rear yard of a residential home.

Tree# 320: Tree# 320 is a 30" black oak in fair health. Impacts to 2% the critical root zone are required to grade the rear yard of a residential home.

Tree# 325: Tree# 325 is a 36" tulip poplar in good health. Impacts to 4% the critical root zone are required to construct a sewer outfall.

Tree# 333: Tree# 333 is a 33" white oak in good health. Impacts to 3% of the critical root zone are required to grade the rear yard of a residential home.

Tree# 336: Tree# 336 is a 33" white oak in fair health. Impacts to 2% of the critical root zone are required to grade the rear yard of a residential home.

Tree# 337: Tree# 337 is a 33" red oak in fair/poor health. Impacts to 23% of the critical root zone are required to grade the rear yard of a residential home.

Tree# 338: Tree# 338 is a 35" white ash in poor health. Impacts to 21% of the critical root zone are required to grade the rear yard of a residential home.

Tree# 362: Tree# 362 is a 35" red maple in good health. Impacts to 8% the critical root zone are required to construct a storm drain outfall.

Tree# 369: Tree# 336 is a 40" tulip poplar in good health. Impacts to 13% of the critical root zone are required to grade the rear yard of a residential home.

Tree# 390: Tree# 390 is a 34" tulip poplar in fair health. Impacts to 8% of the critical root zone are required to tie into the existing grade.

Tree# 415: Tree# 415 is a 36" tulip poplar in good health. Impacts to 23% of the critical root zone are required for residential lot grading.

Tree# 424: Tree# 424 is a 34" American sycamore in good health. Impacts to 17% of the critical root zone are required for grading and to provide a trail connection that connects into an existing natural surface trail through the forest.

Tree# 502: Tree# 502 is a 36" tulip poplar in good health. Impacts to 1% the critical root zone are required to construct a sewer outfall.

Tree# 504: Tree# 504 is a 36" American sycamore. Impacts to 3% of the critical root zone are required to tie into the existing grade for the WSSC public water and sewer easement.

Tree# 505: Tree# 505 is a 36" American sycamore. Impacts to 28% of the critical root zone are required to tie into the existing grade for the WSSC public water and sewer easement.

Tree# 506: Tree# 506 is a 36" American sycamore. Impacts to 3% of the critical root zone are required to tie into the existing grade for the WSSC public water and sewer easement.

Tree# 516: Tree# 516 is a 36" tulip tree. Impacts to 12% of the critical root zone are required to tie into the existing grade for the WSSC public water and sewer easement.

Tree# 520: Tree# 520 is a 36" tulip tree. Impacts to 26% of the critical root zone are required to tie into the existing grade for the WSSC public water and sewer easement.

Tree# 535: Tree# 533 is a 48" tulip tree. Impacts to 20% of the critical root zone are required to tie into the existing grade for the WSSC public water and sewer easement.

The variance request requirements under Section 22A-21 are presented below and followed by a narrative discussing how those requirements are satisfied.

III Requirements for the Granting a Variance Request

(1) Describe the special conditions peculiar to the property which would cause the unwarranted hardship:

The project contains special conditions that necessitate this variance. The property is discussed within the Potomac Region Master Plan (approved and adopted 2002) as the location for a proposed community. The Master Plan makes specific recommendations for the proposed community; including a conceptual layout for the property, the location of local park dedication, roads, and open space requirements. The subject trees to be impacted or removed are primarily upland trees within the development footprint reflected in the Master Plan. In the process of complying with and implementing the Master Plan and its myriad objectives, subject tree removal is required.

Efforts to minimize impacts to high priority sensitive natural resources such as streams, stream valley buffers, wetlands, and steep slopes, were taken into consideration early in the project development phase. Resultantly, impacts to high priority natural resources, such as streams, stream valley buffers, wetlands, and steep slopes, have been avoided, and will be left undisturbed.

During the preparation of the Preliminary Plan the sewer layout was redesigned to eliminate one of the previously approved sewer connections shown on the development plan. As a result, we have gone from TWO sewer connections as shown on the approved development plan to ONE sewer connection minimizing environmental impacts and tree disturbances.

The remaining impacts are required to connect internal roads to the surrounding public road infrastructure and provide public utility connections along County rights-of-ways.

Denying the applicant, the ability to remove the subject trees would deprive the landowners' ability to implement the Master Plan, provide roadway connections to existing public roads surrounding the site and provide public sewer, which would be an undue hardship.

- (2) *Describe how enforcement of this Chapter will deprive the landowner of rights commonly enjoyed by others in similar areas:*

The property is discussed within the Potomac Region Master Plan (approved and adopted 2002) as the location for a proposed community. The Master Plan makes specific recommendations for the proposed community; including a conceptual layout for the property, the location of local park dedication, roads, and open space requirements. The subject trees to be impacted or removed are primarily upland trees within the development footprint reflected in the Master Plan. In the process of complying with and implementing the Master Plan and its myriad objectives, subject tree removal is required.

Not allowing the Applicant to develop the site would deprive the Applicant the same opportunities afforded to similar development projects planned for Montgomery County. Failing to grant a variance will preclude the Applicant from implementing the Potomac Region Master Plan vision and create undue hardship on the Applicant.

- (3) *Verify that State water quality standards will not be violated and that a measurable degradation in water quality will not occur as a result of granting the variance.*

Environmentally sensitive, high priority areas have been incorporated into the development design for protection to the extent feasible. Undisturbed forested areas and stream valley buffers will be dedicated to Maryland National Capital Park and Planning Commission or placed in a perpetual conservation easement and will continue to safeguard water quality standards and maintain societal and natural benefits to streams and wetlands. Furthermore, the proposed development is subject to Chapter 19 of the Montgomery County Code, which has been determined by the Maryland Department of the Environment to be in conformance with the State's water quality standards.

- (4) *Provide any other information appropriate to support the request.*

The property is and has been actively farmed for the several generations and the owners have been exceptional environmental stewards of their land. However, the implementation of the proposed development will place stream buffers that were previously farmed in perpetual conservation easements. Additionally, the development will be subject to current State and County water quality standards greatly improving water quality to both the streams on-site and the nearby Muddy Branch. Overall the development of this property will provide an environmental benefit over and above the current use.

In addition to meeting the criteria of subsection (a), the granting of this variance:

- (1) *Will not confer on the applicant a special privilege that would be denied to other applicants,*

Granting the variance will not confer a special privilege on the applicant. Efforts minimize adverse impacts and preserve forested areas were taken into consideration early in the project development design phase to the extent feasible, with inputs from the regulatory community. Given the number and distribution of 30 inch and greater trees on this property, failing to grant a variance would deprive the landowners' ability to implement the specific recommendation for this property contained in the Potomac Region Master Plan (approved and adopted 2002), which would be an undue hardship.

(2) Will not be based on conditions or circumstances which result from the actions by the applicant.

This specimen tree variance request is based on the specific recommendations for this property contained within the Potomac Region Master Plan (approved and adopted 2002) and the size, type and distribution of trees contained on the property. It is not based on circumstances which result from the actions by the applicant.

(3) Will not be based on a condition relating to land or building use, either permitted or nonconforming, on a neighboring property.

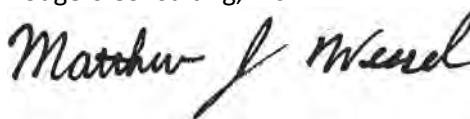
The requested variance is based upon the nature of the existing site, amount and locations of specimen trees, surrounding roadways and sewer infrastructure, and the recommendations of the Potomac Region Master Plan (approved and adopted 2002) specific to the property and not on a condition relating to land or building use on a neighboring property.

(4) Will not violate State water quality standards or cause measurable degradation in water quality.

Environmental Site Design (ESD) planned for development of this property will maintain or improve water quality standards. The proposed development is subject to Chapter 19 of the Montgomery County Code, which has been determined by the Maryland Department of the Environment to be in conformance with the State's water quality standards.

Please do not hesitate to contact me with any questions or comments concerning this application. I can be reached at (240) 912-2150 or mwessel@rodgers.com.

Sincerely,
Rodgers Consulting, Inc.



Matthew J. Wessel, PLA, ISA Certified Arborist
Environmental Team Leader

Encl: Preliminary & Final Forest Conservation Plan
N:\MD-Montgomery\Hanson Farm\documents\Technical\Environmental\Tree variance letter\MtProspect-tree-variance-2018-01-22.doc



SPECIMEN TREE MITIGATION SCHEDULE									
No.	Min Caliper	Common Name	Latin Name	Native?	No.	Min Caliper	Common Name	Latin Name	Native?
1	3"	Red Maple	Acer rubrum	Yes	45	3"	Thornless Common Honeylocust	Gleditsia triacanthos inermis	Yes
2	3"	Black Gum	Nyssa sylvatica	Yes	46	3"	Thornless Common Honeylocust	Gleditsia triacanthos inermis	Yes
3	3"	Red Maple	Acer rubrum	Yes	47	3"	Thornless Common Honeylocust	Gleditsia triacanthos inermis	Yes
4	3"	Black Gum	Nyssa sylvatica	Yes	48	3"	Thornless Common Honeylocust	Gleditsia triacanthos inermis	Yes
5	3"	Red Maple	Acer rubrum	Yes	49	3"	Thornless Common Honeylocust	Gleditsia triacanthos inermis	Yes
6	3"	Kentucky Coffee Tree	Gymnocladus dioica	Yes	50	3"	Thornless Common Honeylocust	Gleditsia triacanthos inermis	Yes
7	3"	Black Gum	Nyssa sylvatica	Yes	51	3"	Willow Oak	Quercus phellos	Yes
8	3"	Pignut Hickory	Carya glabra	Yes	52	3"	Willow Oak	Quercus phellos	Yes
9	3"	Pignut Hickory	Carya glabra	Yes	53	3"	Willow Oak	Quercus phellos	Yes
10	3"	Laurel Oak	Quercus hemisphaerica	Yes	54	3"	Kentucky Coffee Tree	Gymnocladus dioica	Yes
11	3"	Laurel Oak	Quercus hemisphaerica	Yes	55	3"	Red Oak	Quercus rubra	Yes
12	3"	Laurel Oak	Quercus hemisphaerica	Yes	56	3"	Red Oak	Quercus rubra	Yes
13	3"	Laurel Oak	Quercus hemisphaerica	Yes	57	3"	Red Oak	Quercus rubra	Yes
14	3"	Laurel Oak	Quercus hemisphaerica	Yes	58	3"	Red Oak	Quercus rubra	Yes
15	3"	American Elm	Ulmus americana	Yes	59	3"	Red Oak	Quercus rubra	Yes
16	3"	American Elm	Ulmus americana	Yes	60	3"	Red Oak	Quercus rubra	Yes
17	3"	American Elm	Ulmus americana	Yes	61	3"	Red Oak	Quercus rubra	Yes
18	3"	American Elm	Ulmus americana	Yes	62	3"	Red Oak	Quercus rubra	Yes
19	3"	Pignut Hickory	Carya glabra	Yes	63	3"	Red Oak	Quercus rubra	Yes
20	3"	Kentucky Coffee Tree	Gymnocladus dioica	Yes	64	3"	Red Oak	Quercus rubra	Yes
21	3"	Kentucky Coffee Tree	Gymnocladus dioica	Yes	65	3"	American Elm	Ulmus americana	Yes
22	3"	Kentucky Coffee Tree	Gymnocladus dioica	Yes	66	3"	American Elm	Ulmus americana	Yes
23	3"	Black Gum	Nyssa sylvatica	Yes	67	3"	American Elm	Ulmus americana	Yes
24	3"	Black Gum	Nyssa sylvatica	Yes	68	3"	American Elm	Ulmus americana	Yes
25	3"	Black Gum	Nyssa sylvatica	Yes	69	3"	American Elm	Ulmus americana	Yes
26	3"	Kentucky Coffee Tree	Gymnocladus dioica	Yes	70	3"	American Elm	Ulmus americana	Yes
27	3"	Kentucky Coffee Tree	Gymnocladus dioica	Yes	71	3"	American Elm	Ulmus americana	Yes
28	3"	Kentucky Coffee Tree	Gymnocladus dioica	Yes	72	3"	American Elm	Ulmus americana	Yes
29	3"	Red Maple	Acer rubrum	Yes	73	3"	American Elm	Ulmus americana	Yes
30	3"	Red Maple	Acer rubrum	Yes	74	3"	American Elm	Ulmus americana	Yes
31	3"	Red Maple	Acer rubrum	Yes	75	3"	American Elm	Ulmus americana	Yes
32	3"	Pignut Hickory	Carya glabra	Yes	76	3"	Willow Oak	Quercus phellos	Yes
33	3"	Pignut Hickory	Carya glabra	Yes	77	3"	Willow Oak	Quercus phellos	Yes
34	3"	Red Oak	Quercus rubra	Yes	78	3"	Willow Oak	Quercus phellos	Yes
35	3"	Red Oak	Quercus rubra	Yes	79	3"	Willow Oak	Quercus phellos	Yes
36	3"	Thornless Common Honeylocust	Gleditsia triacanthos inermis	Yes	80	3"	Willow Oak	Quercus phellos	Yes
37	3"	Thornless Common Honeylocust	Gleditsia triacanthos inermis	Yes	81	3"	Willow Oak	Quercus phellos	Yes
38	3"	Thornless Common Honeylocust	Gleditsia triacanthos inermis	Yes	82	3"	Sweet Gum	Liquidambar styraciflua	Yes
39	3"	Thornless Common Honeylocust	Gleditsia triacanthos inermis	Yes	83	3"	Sweet Gum	Liquidambar styraciflua	Yes
40	3"	Thornless Common Honeylocust	Gleditsia triacanthos inermis	Yes	84	3"	Sweet Gum	Liquidambar styraciflua	Yes
41	3"	Thornless Common Honeylocust	Gleditsia triacanthos inermis	Yes	85	3"	Red Maple	Acer rubrum	Yes
42	3"	Thornless Common Honeylocust	Gleditsia triacanthos inermis	Yes	86	3"	Red Maple	Acer rubrum	Yes
43	3"	Thornless Common Honeylocust	Gleditsia triacanthos inermis	Yes	87	3"	Red Maple	Acer rubrum	Yes
44	3"	Thornless Common Honeylocust	Gleditsia triacanthos inermis	Yes	88	3"	Red Maple	Acer rubrum	Yes

Specimen Trees Removed Not Mitigated Per Chapter 22A							Mitigation	
Tag #	DBH	Common	Latin	Condition	Disposition	Mitigation Type	Caliper	Number of Trees
11	35"	Tulip Poplar	Liriodendron tulipifera	Good	Remove	1:4 Caliper Replacement	8"	75
111	40"	Black Oak	Quercus velutina	Fair/Poor	Remove	1:4 Caliper Replacement	10"	10
149	40"	Red Maple	Acer rubrum	Poor	Remove	1:4 Caliper Replacement	10"	10
150	30"	Red Maple	Acer rubrum	Fair	Remove	1:4 Caliper Replacement	8"	8
152	30"	Red Maple	Acer rubrum	Poor	Remove	1:4 Caliper Replacement	7.5"	7.5
154	32"	Red Maple	Acer rubrum	Fair/Good	Remove	1:4 Caliper Replacement	8"	8
282	31"	Black Cherry	Prunus serotina	Fair	Remove	1:4 Caliper Replacement	7.5"	7.5
280	38"	Tulip Poplar	Liriodendron tulipifera	Fair	Remove	1:4 Caliper Replacement	9.5"	9.5
281	34"	Tulip Poplar	Liriodendron tulipifera	Good	Remove	1:4 Caliper Replacement	8.5"	8.5
297	38"	Red Oak	Quercus rubra	Fair	Remove	1:4 Caliper Replacement	9.5"	9.5
299	30"	Tulip Poplar	Liriodendron tulipifera	Poor	Remove	1:4 Caliper Replacement	7.5"	7.5
322	38"	Tulip Poplar	Liriodendron tulipifera	Poor	Remove	1:4 Caliper Replacement	14.5"	14.5
386	34"	Tulip Poplar	Liriodendron tulipifera	Poor	Remove	1:4 Caliper Replacement	8.5"	8.5
406	31"	Black Gum	Nyssa sylvatica	Poor	Remove	1:4 Caliper Replacement	7.75"	7.75
408	31"	White Oak	Quercus alba	Good	Remove	1:4 Caliper Replacement	18.75"	18.75
410	39"	Red Oak	Quercus rubra	Fair	Remove	1:4 Caliper Replacement	13.25"	13.25
411	37"	Tulip Poplar	Liriodendron tulipifera	Fair	Remove	1:4 Caliper Replacement	9.25"	9.25
414	36"	Tulip Poplar	Liriodendron tulipifera	Fair	Remove	1:4 Caliper Replacement	9.00"	9.00
493	31"	Tulip Poplar	Liriodendron tulipifera	Good	Remove	1:4 Caliper Replacement	7.75"	7.75
494	36"	Tulip Poplar	Liriodendron tulipifera	Good	Remove	1:4 Caliper Replacement	9.00"	9.00
496	30"	Red Oak	Quercus rubra	Fair	Remove	1:4 Caliper Replacement	12.50"	12.50
523	36"	Tulip Poplar	Liriodendron tulipifera	Fair	Remove	1:4 Caliper Replacement	9.00"	9.00
524	38"	Tulip Poplar	Liriodendron tulipifera	Fair	Remove	1:4 Caliper Replacement	9.50"	9.50
525	48"	Tulip Poplar	Liriodendron tulipifera	Poor	Remove	1:4 Caliper Replacement	12.00"	12.00
552	31"	White Pine	Pinus strobus	Fair	Remove	1:4 Caliper Replacement	7.75"	7.75
556	32"	Elm sp.	Ulmus sp.	Good	Remove	1:4 Caliper Replacement	8.00"	8.00
557	32"	Scarlet Oak	Quercus coccolinea	Good	Remove	1:4 Caliper Replacement	8.00"	8.00
558	36"	Willow Oak	Quercus phellos	Good	Remove	1:4 Caliper Replacement	26.50"	26.50
Total Caliper Inches							Min. Tree Caliper (inches)	3.00
							Number of Trees	88

Specimen Tree mitigation to be provided by planting eighty-eight (88) 3" caliper trees on-site, as shown on plan.

LEGEND

- SITE LIMITS
- STREAM VALLEY BUFFER (SVB)
- FOREST RETENTION
- FOREST REMOVAL
- LIMIT OF DISTURBANCE
- SPECIMEN TREE
- SPECIMEN TREE TO BE REMOVED
- MITIGATION TREE

CALL "MISS UTILITY" AT 1-800-257-7777 48 Hours Before Start Of Construction

The excavator must notify all public utility companies with underground facilities in the area of proposed excavation and have those facilities located by the utility companies prior to commencing excavation. The excavator is responsible for compliance with requirements of Chapter 36A of the Montgomery County Code.

APPLICANT: TOLL MD XI, LP c/o TOLL BROS., INC. 7164 COLUMBIA GATEWAY DRIVE, SUITE 230 COLUMBIA, MD 21046 PHONE: (410) 872-9105 CONTACT: MR. TOM MATEYA

MT. PROSPECT (HANSON FARM)

PARCEL 020, L 13737 F.591, PARCEL 945, L 13900 F.553, & PARCEL 412, L 820 F.346 ELECTION DISTRICT No. 6 GAITHERSBURG, MONTGOMERY COUNTY, MARYLAND WSSC MAPS 219N12, GRIDS J6 & K6 AND 219N12, GRIDS J7, K7, J8 & K8 TAX MAPS ER 562, GRIDS E52 & E62 AND ER 563, GRIDS E53 & E63



19847 Century Boulevard, Suite 200, Germantown, Maryland 20874 Ph: 301.946.4700 Fax: 301.946.6256 www.rodgers.com

BY	DATE
DESIGNED	
DRAWN	
REVIEWED	
RELEASE FOR	<input type="checkbox"/>
BY	DATE

SPECIMEN TREE VARIANCE EXHIBIT PRELIMINARY & FINAL FOREST CONSERVATION PLAN

SCALE: NTS JOB No: 0696P1 DATE: August 2017 SHEET No: 4 of 6

DEVELOPER'S CERTIFICATE

The undersigned agrees to execute all the features of Approved Final Forest Conservation Plan No. 820170160-004, including financial bonding, forest planting, maintenance, and all other applicable agreements.

Developer's Name: _____
 Contact Person or Owner: _____
 Address: _____
 Phone and Email: _____
 Signature: _____





Attachment G

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Isiah Leggett
County Executive

Patty Bubar
Acting Director

February 5, 2018

Casey Anderson, Chair
Montgomery County Planning Board
Maryland National Capital Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

RE: Mount Prospect (Hanson Farm), ePlan 820170160, preliminary plan amendment application accepted on 1/11/2017

Dear Mr. Anderson:

All applications for a variance from the requirements of Chapter 22A of the County Code submitted after October 1, 2009 are subject to Section 22A-12(b)(3). Accordingly, given that the application for the above referenced request was submitted after that date and must comply with Chapter 22A, and the Montgomery County Planning Department ("Planning Department") has completed all review required under applicable law, I am providing the following recommendation pertaining to this request for a variance.

Section 22A-21(d) of the Forest Conservation Law states that a variance must not be granted if granting the request:

1. Will confer on the applicant a special privilege that would be denied to other applicants;
2. Is based on conditions or circumstances which are the result of the actions by the applicant;
3. Arises from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; or
4. Will violate State water quality standards or cause measurable degradation in water quality.

Applying the above conditions to the plan submitted by the applicant, I make the following findings as the result of my review:

1. The granting of a variance in this case would not confer a special privilege on this applicant that would be denied other applicants as long as the same criteria are applied in each case. Therefore, the variance can be granted under this criterion.
2. Based on a discussion on March 19, 2010 between representatives of the County, the Planning Department, and the Maryland Department of Natural Resources Forest Service, the disturbance of trees, or other vegetation, as a result of development activity is not, in and of itself, interpreted as a condition or circumstance that is the result of the actions by the applicant. Therefore, the variance can be granted under this criterion, as long as appropriate mitigation is provided for the resources disturbed.

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www.montgomerycountymd.gov/dep

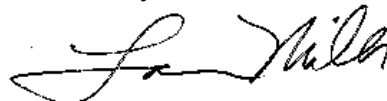
3. The disturbance of trees, or other vegetation, by the applicant does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property. Therefore, the variance can be granted under this criterion.
4. The disturbance of trees, or other vegetation, by the applicant will not result in a violation of State water quality standards or cause measurable degradation in water quality. Therefore, the variance can be granted under this criterion.

Therefore, I recommend a finding by the Planning Board that this applicant qualifies for a variance conditioned upon meeting all 'conditions of approval' pertaining to variance trees recommended by Planning staff, as well as the applicant mitigating for the loss of resources due to removal or disturbance to trees, and other vegetation, subject to the law based on the limits of disturbance (LOD) recommended during the review by the Planning Department. In the case of removal, the entire area of the critical root zone (CRZ) should be included in mitigation calculations regardless of the location of the CRZ (i.e., even that portion of the CRZ located on an adjacent property). When trees are disturbed, any area within the CRZ where the roots are severed, compacted, etc., such that the roots are not functioning as they were before the disturbance must be mitigated. Exceptions should not be allowed for trees in poor or hazardous condition because the loss of CRZ eliminates the future potential of the area to support a tree or provide stormwater management. Tree protection techniques implemented according to industry standards, such as trimming branches or installing temporary mulch mats to limit soil compaction during construction without permanently reducing the critical root zone, are acceptable mitigation to limit disturbance. Techniques such as root pruning should be used to improve survival rates of impacted trees but they should not be considered mitigation for the permanent loss of critical root zone. I recommend requiring mitigation based on the number of square feet of the critical root zone lost or disturbed. The mitigation can be met using any currently acceptable method under Chapter 22A of the Montgomery County Code.

In the event that minor revisions to the impacts to trees subject to variance provisions are approved by the Planning Department, the mitigation requirements outlined above should apply to the removal or disturbance to the CRZ of all trees subject to the law as a result of the revised LOD.

If you have any questions, please do not hesitate to contact me directly.

Sincerely,



Laura Miller
County Arborist

cc: Mary Jo Kishter, Senior Planner



Patricia A. Harris

Attorney

301-841-3832

paharris@lerchearly.com

February 8, 2018

By Electronic Mail

Mr. Ben Berbert
Maryland National Capital
Park and Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910

Re: Hanson/Mt. Prospect -- Preliminary Plan No. 120170130 - Request for Extended Adequate Public Facilities Validity Period and Plan Validity Period

Dear Mr. Berbert:

On behalf of Toll MD XI, Limited Partnership (the "Applicant") and in connection with the Planning Board's consideration of the above-referenced Preliminary Plan, we respectfully request a ten year adequate public facilities period and an eight year plan validity period, pursuant to Subdivision Ordinance Sections 50.4.3.J.5.a.iv and 50.4.2.G.2.b., respectively. Section 50.4.3.J.5.a.iv provides for a standard APF period of five to ten years, and as explained below, the scope of the project justifies the ten year period. Please note that this letter supersedes our prior request, dated October 31, 2017.

Scope and Complexity

The Applicant proposes the development of 186 residential units (and the retention of one existing unit), consisting of 121 single family detached units, 42 single family attached (duplexes) and 24 townhouse (MPDU) units. Following Preliminary Plan and Site Plan approval, the Applicant anticipates that it will take approximately one year before construction of residences within Phase I will commence. During this period between entitlement and construction the Applicant will need to address the post entitlement obligations and complete the initial site work, including three offsite infrastructure extensions. The Applicant proposes to develop the property in two phases -- Phases I (comprised of Phase Ia and Phase Ib for plan validity purposes) and Phase II. Phase I will involve the construction of approximately 90 units located in the southern portion of the Property. Phase II will involve the construction of the remaining 96 units located in the northern portion of the Property in addition to the retention of one existing unit.

Development Schedule

The demands of the single family residential market support this phased development approach. As to be expected, the pace of development within the project will be directly tied to the market demand. The sale of the 186 units will depend on several factors outside the control of the Applicant, including the strength of the residential for-sale market, interest rates and the health of the economy. Thus, these factors will play a significant role in determining the construction schedule.

Based on the variables associated with the development of the Property, the Applicant generally anticipates closing on between 20 to 30 residences annually, with Phase I completed approximately six years following approval of the Preliminary Plan and Phase II, completed in the subsequent remaining four years. Accordingly, the Applicant anticipates the following estimated construction timetable:

Phase 1, first 90 units, six years	
Year 1	No units – site work and pre-construction
Year 2	Up to 15 units
Year 3	Up to 35 units
Year 4	Up to 55 units
Year 5	Up to 75 units
Year 6	Up to 90 units
Phase 2, units 91-186 four years	
Year 7	Up to 115 units
Year 8	Up to 140 units
Year 9	Up to 165 units
Year 10	Up to 186 ¹ units (site complete)

Based on the schedule, it's anticipated that ten years is the needed time period for the development and absorption of the 186 residential units at Mt. Prospect. Please note that because it is difficult to ascertain the precise build-out schedule, the outline above is intended to reflect the anticipated construction schedule but is not intended to be binding.

While a five year APF period is sufficient for a small residential subdivision, it is simply not adequate for a subdivision involving 186 residential lots. By providing a standard APF period that ranges between five and ten years, the Subdivision Ordinance recognizes the obvious -- larger projects will take longer to complete than a straight forward two or three lot subdivision. As a matter of practice, the Planning Board has consistently granted longer APF and plan

¹ APF validity is for one unit less than the total number of lots because the Preliminary Plan retains one existing dwelling.

validity periods (i.e. longer than five years) for large multi-phase projects containing more than 100 units.

In order to provide a realistic plan validity period, we request the following to allow adequate time for the recordation of the plats within Phases Ia, Ib and II:

Phase	Duration of Phase	Time Elapsed Since Adoption
Phase I-a, Lots 1 - 45	36 months (3 years)	36 months (3 years)
Phase I-b, Lots 45-90	24 months (2 years)	60 months (5 years)
Phase II, Lots 91 – 187	36 months (3 years)	96 months (8 years)

Public Interest

While a demonstration of public need is not required when the APF period is within the specified minimums (i.e. five to ten years), it is nonetheless worth noting that the ten year period furthers the public interest. Given the scope of the project and the expectation that full build out will take more than five years, it is in the public interest to provide upfront a realistic APF validity period and plan validity period to allow for the implementation of the approved project. Providing a realistic APF validity period at the time of the Preliminary Plan approval assists the County in its capital planning efforts. In addition, to do otherwise will result in a waste of administrative resources and agency expense, by requiring staff to process and the Planning Board to review the Applicant's extension request.

The full build out of the project is also in the public interest in that it provides needed single family housing, including the provision of 24 MPDUs. In addition, full build-out of the project will be a benefit to the surrounding area. It will provide new housing stock; the dedication of ten acres for a local park; expansion of the Muddy Branch stream park; and the dedication of a significant amount of land area to Montgomery County Parks Department for expansion of the existing parkland.

For these reasons, we respectfully request approval of a ten year APF validity period and an eight year plan validity period. We appreciate your consideration of this request.

Very truly yours,



Patricia Harris

cc: Mr. Tom Mateya
Mr. Gary Unterberg



Attachment I

DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Isiah Leggett
County Executive

Clarence J. Snuggs
Director

January 26, 2018

Mr. Benjamin Berbert
Area 3 Division
Montgomery County Planning Department
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Mt. Prospect (aka Hanson Farm)
Site Plan No. 820170160

Dear Mr. Berbert:

The Montgomery County Department of Housing and Community Affairs (DHCA) has reviewed the above referenced plan and recommends Approval, with the following comments:

1. In the MPDU Agreement to Build for this development, DHCA may require that certificates of use and occupancy on some market units be held back until certificates of use and occupancy have been issued for all MPDUs, if necessary to ensure proper phasing of the MPDU and market rate units.
2. The MPDUs must have at least 3 bedrooms and 1.5 baths, and every bedroom must be no more than one level away from a full bath.

Sincerely,

Lisa S. Schwartz
Senior Planning Specialist

cc: Gary Unterberg, Rodgers Consulting

S:\Files\recurring\Housing\MPDU\Developments\Mt Prospect (aka Hanson Property)\Mt. Prospect DHCA Letter_1-26-2018.docx

Division of Housing

Affordable Housing Common Ownership Communities Landlord-Tenant Affairs Multifamily Housing

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Attachment J



Department of Permitting Services Fire Department Access and Water Supply Comments

DATE: 30-Nov-17
TO: Frank Bossong - fbossong@rodgers.com
Rodgers Consulting, Inc.
FROM: Marie LaBaw
RE: Mt Prospect/Hanson Property
120170130 820170160

PLAN APPROVED

1. Review based only upon information contained on the plan submitted 30-Nov-17. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

***** See Statement of Performance Based Design *****



Attachment K

DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

January 18, 2018

Al R. Roshdiah
Director

Mr. Ben Berbert, Planner Coordinator
Area Three Planning Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910-3760

RE: Preliminary Plan No. 120170130
Design Exception
Hanson Farm

Dear Mr. Berbert:

We have completed our review of the revised preliminary plan uploaded on December 19, 2017. A previous plan was reviewed by the Development Review Committee at its February 7, 2017, meeting. We appreciate the cooperation and additional information provided by the applicant and their consultant. We recommend conditional approval of the plan subject to the following comments, to be depicted prior to Certified Preliminary Plan:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to the Department of Permitting Services in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

Design Exception Requests

The applicant has submitted a Design Exception request, dated December 19, 2017, for the following items:

1. **Modify MCDOT Std. No. MC-2004.07A – Suburban Arterial Road, 4 Lanes for the following roads:**
 - a) **Quince Orchard Road:** To remain consistent with the existing Quince Orchard Road section and to prevent the loss of existing trees, the applicant proposes to dedicate the full 40-foot width from the centerline but with one 14-foot travel lane (rather than one 14-foot lane and one 11-foot lane), a five-foot lawn panel (rather than eight-foot), and an eight-foot, asphalt shared-use path (rather than a five-foot, concrete sidewalk).

Office of the Director

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Mr. Benjamin Berbert
120170130 Hanson Farm
January 18, 2018
Page 2

- b) **Travilah Road:** To remain consistent with the existing Travilah Road section and to prevent the loss of existing trees, the applicant proposes to dedicate the full 40-foot width from centerline, but with an open (rather than closed) section roadway, one 14-foot travel lane (rather than one 14-foot lane and one 11-foot lane), a five-foot lawn panel (rather than eight-foot), a 10-foot, asphalt shared-use path (rather than a five-foot, concrete sidewalk), and allow existing utility poles to remain in their current location.

MCDOT Response: MCDOT **approves** these modifications.

2. **Provide less than 100-foot tangent section for four of the private alleys.** The alleys C1, D1, F1 and X are less than 100-foot tangent. Sight distances are adequate and are compliant with Montgomery county Fire and Rescue requirements.

MCDOT Response: MCDOT **approves** this modification.

3. **Modify MCDOT Standard No. MC-2002.02 – Secondary Residential Street, parking on one side:** Locate an eight (8) foot wide, asphalt path within a 10-foot wide Public Improvement Easement (PIE) (rather than a five-foot concrete sidewalk within the right-of-way) and provide a 15.5-foot wide lawn panel (rather than 8.5') for stormwater management.
- a. **Street A Station 30+10 to Station 36+66:**
 - b. **Street B Station 0+00 to Station 13+49:**
 - c. **Street D Station 4+74 to Station 12+23**

MCDOT Response: MCDOT approves these modifications.

Preliminary Plan Review Comments

1. The applicant is responsible for widening the pavement, installing curb & gutter and an 8-ft shared use path along the site frontage on Quince Orchard Road per the modified standard detail MC-2004.07A as discussed in Design Exception #1.
2. The applicant is responsible for widening the pavement and installing a 10-ft shared use path, where applicable, along the site frontage on Travilah Road per the modified standard detail MC-2004.07A as discussed in Design Exception #1.
3. The proposed traffic circle at the intersection of Travilah Road, Turkey Foot Road and Street A has been reviewed by MCDOT DTEO and is acceptable. The applicant will be required to install a 10-foot wide asphalt path around the entire traffic circle perimeter.

Mr. Benjamin Berbert
120170130 Hanson Farm
January 18, 2018
Page 3

4. The Traffic Impact Study (TIS) dated January 4, 2017 was reviewed and approved by MCDOT on March 20, 2017.
5. Typical sections for all roadways, including those approved per the design exceptions, should be shown on the certified preliminary plan, or a note should be added where the typical sections are located.
6. The sight distance certifications have been reviewed and accepted by MCDOT. Approved copies are attached to this letter.
7. The storm drain study is incomplete. The applicant needs to verify the size and adequacy of the existing culvert on Travilah Road located approximately 300' east of the proposed traffic circle. The adequacy of the proposed, closed-system connection to this existing culvert will also need to be verified. Any necessary improvements to this system can be determined at the record plat stage.
8. Label the proposed 10-foot PIE, as described in Design Exception Request No. 3, on all applicable sheets of the certified preliminary plan.
9. Trees in the County rights of way – spacing and species to be in accordance with the applicable MCDOT standards. Tree planning within the public right of way must be coordinated with DPS Right-of-Way Plan Review Section.
10. If the proposed development will alter any existing street lights, signing, and/or pavement markings, please contact Mr. Dan Sanayi of our Traffic Engineering Design and Operations Section at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
11. At or before the permit stage, please coordinate with Ms. Stacy Coletta of our Division of Transit Services to coordinate improvements to the RideOn bus facilities in the vicinity of this project. Ms. Coletta may be contacted at (240) 777-5800.
12. Permit and bond will be required as a prerequisite to DPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:
 - a. Street grading, paving, curbs, gutters, asphalt path, handicap ramps, storm drainage and appurtenances along Quince Orchard Road site frontage.
 - b. Street grading, paving, asphalt path, handicap ramps, storm drainage and appurtenances along Travilah Road site frontage.
 - c. Street grading, paving, curbs, gutters, sidewalks, handicap ramps, storm drainage and appurtenances, and street trees along all internal, public streets.

Mr. Benjamin Berbert
120170130 Hanson Farm
January 18, 2018
Page 4

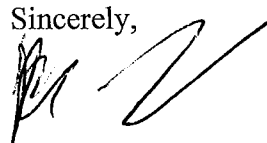
- d. Street grading, paving, curbs, gutters, asphalt path, handicap ramps, storm drainage and appurtenances, and street trees along the proposed traffic circle.

***NOTE: the Public Utilities Easement is to be graded on a side slope not to exceed 4:1.**

- e. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
- f. Storm drain easement(s) are required prior to record plat. No fences will be allowed within the storm drain easement(s) without a revocable permit from the DPS and a recorded Maintenance and Liability Agreement.
- g. Provide permanent monuments and property line markers as required by Section 50-24(e) of the Subdivision Regulations.
- h. Erosion and sediment control measures as required by Section 50-35(j) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.
- i. The developer shall ensure final and proper completion and installation of all utility lines underground, for all new road construction.
- j. The developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the MCDOT Division of Traffic Engineering and Operations.

Thank you for the opportunity to review the design exception requests. If you have any questions or comments regarding this letter, please contact Mr. William Whelan, our Development Review Engineer for this project, at william.whelan@montgomerycountymd.gov.

Sincerely,



Rebecca Torma-Kim, Acting Manager
Development Review Team

Mr. Benjamin Berbert
120170130 Hanson Farm
January 18, 2018
Page 5

Sharepoint\120170130 Hanson Farm – Preliminary Plan Letter 011818.doc

cc: Tom Mateya Toll Brothers, Inc.
Kim McCary Rodgers Consulting, Inc.
Frank Bossong Rodgers Consulting, Inc.
Gary Unterberg Rodgers Consulting, Inc.
Matt Polhaus Rodgers Consulting, Inc.
Patricia Harris Learch, Early & Brewer
Preliminary Plan folder
Preliminary Plan letters notebook

cc-e: Atiq Panjshiri MCDPS RWPR
Sam Farhadi MCDPS RWPR
Marie LaBaw MCFRS
Gary Erenrich MCDOT DTP
Devang Dave MCDOT DTEO
William Whelan MCDOT OTP
Rebecca Torma-Kim MCDOT OTP

Mr. Benjamin Berbert
120170130 Hanson Farm
January 18, 2018
Page 6

MAILING LIST

Ben Berbert, Planner Coordinator
Area Three Planning Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910-3760

TOM MATEYA
TOLL BROTHERS, INC.
7164 COLUMBIA GATEWAY DRIVE
SUITE #230
COLUMBIA, MARYLAND 21046

Kim McCary
Rodgers Consulting, Inc.
19847 Century Blvd, Suite 200
Germantown, Maryland 20874

Frank Bossong
Rodgers Consulting, Inc.
19847 Century Blvd, Suite 200
Germantown, Maryland 20874

Gary Unterberg
Rodgers Consulting, Inc.
19847 Century Blvd, Suite 200
Germantown, Maryland 20874

PATRICIA HARRIS
Lerch Early & Brewer, Chtd
3 BETHESDA METRO CENTER
SUITE 460
BETHESDA, MARYLAND 20814

Matt Pohlhaus
Rodgers Consulting, Inc.
19847 Century Blvd, Suite 200
Germantown, MD 20874

820170160 Mt Prospect (aka Hanson Farm)

Contact: Sam Farhadi at 240 777-6333

We have reviewed site and landscape plans files that have been uploaded on/ dated “12/19/2017”.

The followings need to be addressed prior to the certification of site plan:

1. Ensure all driveway aprons are perpendicular to the curb within ROW and have a minimum of 5’ clearance from other surface utilities and features such as storm drain inlets.
2. At the proposed roundabout at the intersection of Travilah Road and Turkey Foot Road:
 - a. Remove the proposed street trees within the roundabout island;
 - b. Relocate the proposed street trees on the outside of the multi-use path to the green strip between the curb and multi-use path.

And, the followings need to be conditions of the certified site plan:

1. Private streets to be built to tertiary roadway structural standards at minimum.
2. All existing easements within ROW area are subject to subordination agreement.



Attachment M

DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Diane R. Schwartz Jones
Director

February 12, 2018

Mr. Timothy Stemann
Rodgers Consulting, Inc.
19847 Century Blvd., Suite 200
Germantown, MD 20874

Re: **COMBINED STORMWATER MANAGEMENT
CONCEPT/SITE DEVELOPMENT
STORMWATER MANAGEMENT PLAN** for
Mt. Prospect (Hanson Farm)
Preliminary Plan #: 120170130
SM File #: 282550
Tract Size/Zone: 170.8 Ac. / PD-2
Total Concept Area: 170.8 Ac.
Parcel(s): P.020, 412, & 945
Watershed: Muddy Branch

Dear Mr. Stemann:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above-mentioned site is **acceptable**. The stormwater management concept proposes to meet required stormwater management goals via ESD via the use of micro-bioretenion and vegetated swales.

The following items will need to be addressed during the detailed sediment control/stormwater management plan stage:

1. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
2. An engineered sediment control plan must be submitted for this development.
3. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
4. Landscaping shown on the approved Landscape Plan as part of the approved Site Plan are illustrative purpose only and may be changed at the time of detailed plan review of the Sediment Control/Storm Water Management plans by the Mont. Co. Department of Permitting Services, Water Resources Section.
5. Prior to detailed sediment control plan submittal, submit a copy of the final report from MDE Dam Safety on the condition of the existing ponds. This will help determine what you will need to do to bring the ponds up to current MD-378 criteria.
6. You must provide safe outfalls for all structures in the back yards. You may combine the outfalls of the facilities to a main line located in HOA area, and take the outfall to the stream. This outfall must be designed to convey the ten-year storm.



255 Rockville Pike, 2nd Floor, Rockville, Maryland 20850 | 240-777-0311 | www.montgomerycountymd.gov/permittingservices

Mr. Timothy Stemann
February 12, 2018
Page 2 of 2

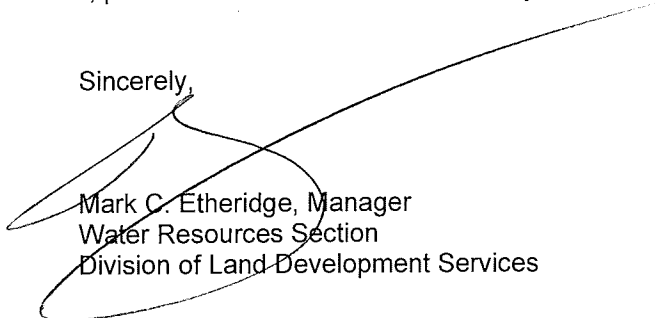
7. Size all single-family lot stormwater management practices to the target ESD volume based on the drainage area coming to them.
8. At the concept stage you did not provide detailed grading of the stormwater practices. On the design plans you must provide grading for the drainage areas as shown on the concept plans to each facility. Modifications to the conceptually approved drainage divides may require a formal stormwater concept revision.
9. Provide safe conveyance of all outfalls.
10. Use MCDPS current design standards for all stormwater management practices.
11. The maximum slope for vegetated swales is 4%. Slope in excess of that amount will not be allowed.
12. Do not oversize on-lot practices to compensate for areas off the lot.
13. Provide existing/designed and proposed flow (Q) into and out (include velocity out) for each pond.

This list may not be all-inclusive and may change based on available information at the time.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact David Kuykendall at 240-777-6332.

Sincerely,



Mark C. Etheridge, Manager
Water Resources Section
Division of Land Development Services

MCE: CN282550 Mt Prospect.DWK

cc: N. Braunstein
SM File # 282550

ESD: Required/Provided 154,362 cf / 157,255 cf
PE: Target/Achieved: 1.0, 1.44, 1.35, 1.8 / 1.01, 1.48, 1.37, 1.90
STRUCTURAL: 0.0 cf
WAIVED: 0.0



Mount Prospect: Site Plan Extension No. 820170160

BCB Benjamin Berbert, Planner Coordinator, Area 3, Benjamin.Berbert@montgomeryplanning.org, 301-495-4644

SP Sandra Pereira, Supervisor, Area 3, Sandra.Pereira@montgomeryplanning.org, 301-495-2186

RAW Richard Weaver, Chief, Area 3, Richard.Weaver@Montgomeryplanning.org 301-495-4544

Staff Report Date: 1/19/18

Description

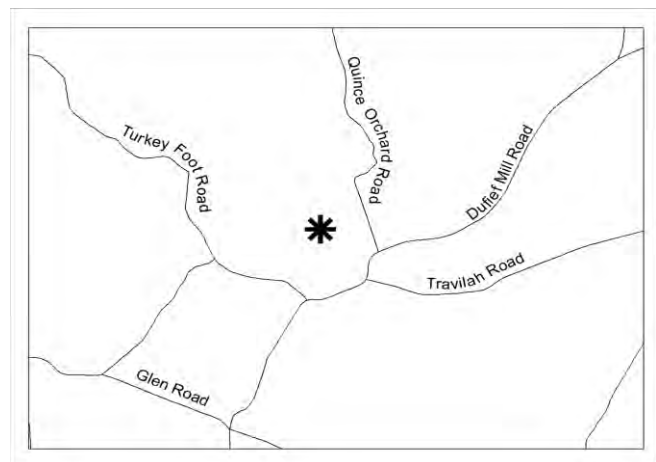
Mount Prospect: Site Plan Extension No. 820170160

Request for a five-week extension to the regulatory clock for the Site Plan review, to construct 186 new one-family dwelling units including 121 detached and 66 attached, 12.5% MPDUs, and up to 17 TDRs, located broadly in the northwest quadrant of the intersections of Quince Orchard Rd, Dufief Mill Rd, and Travilah Rd, 170.77 acres, PD-2 Zone; 2002 Potomac Subregion Master Plan.

Applicant: Toll Brothers

Submittal Date: September 14, 2017

Review Basis: Chapter 59



Summary

Section 59.7.3.4.C of the Montgomery County Zoning Ordinance provides that the Planning Board shall hold a public hearing no later than 120 days after the filing of a Site Plan application, though the Board may extend this period. For this application, the 120-day deadline is January 25, 2018.

Planning Staff initiated an extension request, dated January 16, 2018 to extend the regulatory clock for the Site Plan application by five weeks. The extension is to provide the Applicant additional time to resolve multiple issues that were raised by the Development Review Committee including right-of-way dedication and cross-sections, stormwater management, and dedication of the 10-acre local park. The requested extension will have the Site Plan before the Planning Board no later than March 1, 2018. The Site Plan will be heard concurrently with an associated Preliminary Plan for the 170-acre property.

Staff recommends **approval** of this extension request.

Attachment A: Extension Request Form



8787 Georgia Avenue
 Silver Spring, Maryland 20910-3760

www.montgomeryplanning.org

Effective: December 5, 2014

Phone 301.495.4550
 Fax 301.495.1306

REGULATORY PLAN EXTENSION REQUEST

Request #1

Request #2

M-NCPPC Staff Use Only

File Number Date Received	_____ _____	MCPB Hearing Date	_____
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Plan Name: _____ **Plan No.** _____

This is a request for extension of:

<input type="checkbox"/> Project Plan	<input type="checkbox"/> Sketch Plan
<input type="checkbox"/> Preliminary Plan	<input type="checkbox"/> Site Plan

The Plan is tentatively scheduled for a Planning Board public hearing on: _____

The Planning Director may postpone the public hearing for up to 30 days without Planning Board approval. Extensions beyond 30 days require approval from the Planning Board.

Person requesting the extension:

Owner, Owner's Representative, Staff (check applicable.)

Name *Affiliation/Organization*

Street Address

City *State* *Zip Code*

Telephone Number *ext.* *Fax Number* *E-mail*

We are requesting an extension for _____ weeks until _____

Describe the nature of the extension request. Provide a separate sheet if necessary.

Signature of Person Requesting the Extension

Signature

Date

Attachment O

Resolution No.: 16-1393
Introduced: June 15, 2010
Adopted: June 15, 2010

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT
IN MONTGOMERY COUNTY**

By County Council

SUBJECT: APPLICATION NO. G-884 FOR AMENDMENT TO THE ZONING ORDINANCE MAP, Stuart R. Barr, Esquire, Attorney for Applicant, The Hanson Family, OPINION AND RESOLUTION ON APPLICATION
Tax Account Nos. 06-00393952, 06-03136510 and 06-03132818.

OPINION

Application No. G-884, filed on June 1, 2009, by Applicant “the Hanson Family,” requests reclassification of a 170.77-acre parcel of mostly unimproved farm land from the RE-2 Zone to the PD-2 Zone. The Applicant proposes to develop the property with 187 residential units, at least 35% of which will be single-family detached units and at least 35% (but not more than 45%) of which will be townhouse or attached units. The site will include a local park of at least 10 acres dedicated to the Maryland-National Capital Park and Planning Commission (M-NCPPC), and 12.5% of the units will be Moderately Priced Dwelling Units (MPDUs). No commercial uses are proposed.

The site is comprised of three parcels, 020, 945 and 312, located at 14100 and 14200 Quince Orchard Road, bordering Muddy Branch Park, Turkey Foot Road, Quince Orchard Road and Travilah Road, in Gaithersburg, Maryland.

The application for rezoning was reviewed by the M-NCPPC’s Technical Staff, who in a report dated February 22, 2010, recommended approval (Exhibit 49). The Montgomery County Planning Board

("Planning Board") considered the application on March 4, 2010, and by a vote of 4 to 0, also recommended approval, as stated in a memorandum dated March 5, 2010 (Exhibit 52).¹

Two opposition letters were received prior to the hearing. Dr. Paul Goldberg, a nearby resident, wrote to oppose the development because, in his opinion, it will exacerbate traffic problems in his neighborhood (Exhibit 44). Norman Knopf, Esquire, attorney for the Hunting Hill Estates Homeowners Association (HHE-HOA), filed a letter of opposition raising concerns about compatibility (Exhibit 51).

A public hearing was originally noticed for December 4, 2009 (Exhibit 31), but it was postponed so that the Applicant could amend its application to resolve some concerns raised by Technical Staff. The revisions resulted in less environmental impact and improved compatibility with surrounding development. Following these revisions, a new notice of a hearing date was issued and the hearing preceded as scheduled on March 12 and 15, 2010. Applicant called five witnesses, and six opposition witnesses testified, including three from the HHE-HOA. The People's Counsel participated in the proceedings and supports the application.

The record was held open until April 12, 2010, to allow the parties to make additional requests to Applicant for binding elements, to allow Technical Staff time to consider some revisions in the development plan resulting from the hearing, and to give the parties an opportunity to file final arguments. After the submission of revised plans and comments thereon, the record closed, as scheduled on April 12, 2010. The Hearing Examiner's Report and Recommendation was filed on May 18, 2010, and it is incorporated herein by reference.

The Hearing Examiner recommended approval on grounds that the proposed development satisfies the intent, purpose and standards of the PD-2 Zone; that it meets the requirements set forth in Section 59-D-1.61 of the Zoning Ordinance; that the application proposes a project that would be compatible with

¹ In that same memorandum, the Planning Board noted that it did not believe that this stage of the proceeding was appropriate to specify the dispersal and architectural features of proposed MPDUs, which some community members had requested be determined in a binding element as part of the development plan.

development in the surrounding area; and that the requested reclassification to the PD-2 Zone has been shown to be in the public interest.

Based on its review of the entire record, the District Council finds that the application does meet the standards required for approval of the requested rezoning for the reasons set forth by the Hearing Examiner. In reaching this conclusion, the District Council notes that the proposed development plan is almost exactly what is called for in the 2002 Potomac Subregion Master Plan.

The Property, Surrounding Area and Zoning History

The 170.77-acre subject property is irregularly shaped and has approximately 600 feet of street frontage along Turkey Foot Road, 1,000 feet of frontage along Travilah Road and 1,600 feet along Quince Orchard Road. The property has been used as a family-operated farm for the past three generations. Two single-family residences (with associated barns and outbuildings), and one mobile home exist in the northeastern quadrant of the property. Activities on site have included raising cattle, harvesting grain and producing timber.

Approximately one-third of the property is forested, with the remaining area used for crops or pasture. Two farm ponds are located in the center and southeastern corner of the site, respectively. Four intermittent tributaries exist on the property, flowing to the adjacent Muddy Branch Stream Valley Park, located north and west of the site. The site is not in either a special protection area or a primary management area.

The surrounding area must be identified in a floating zone case so that compatibility can be evaluated properly. The "surrounding area" is defined less rigidly in connection with a floating zone application than in evaluating a Euclidean zone application. In general, the definition of the surrounding area takes into account those areas that would be most directly affected by the proposed development. In the present case, the District Council accepts the area designated by Applicant in Exhibit 53(a) as properly describing the surrounding area, for the reasons set forth by the Hearing Examiner in his report. It

surrounds the subject site, approximately one quarter to one half mile out from its property line, and includes the following areas and development, as described by Applicant's land planner, Matthew Leakan (3/12/10 Tr. 124):

. . . the zoning immediately adjacent to and within the surrounding area of the subject site to the east is R-200 . . . single-family zoning currently in use as the Potomac Horse Center, which is a commercial use. To the south of that Potomac Meadows subdivision [is] another R-200 zoned portion of land. Immediately to the south of that [is] an R-200 TDR zoned portion, and then going around the horn again clockwise to the west R-200 for the . . . underlying zoning of the Travilah Elementary School, located at Travilah and Dufief Mill Road. Then RE-2 immediately to the south of the property comprising the Hunting Hill neighborhood, Hunting Hill Farm neighborhood, Belvedere neighborhood to the south and west, the what's described as Windmill Farm neighborhood to the south and west again, and then again RE-2 zoning[;]. . . the underlying zone of Muddy Branch Stream Valley Park parcels is RE-2 zoning with no improved residential homes. Just to the north of the RE-2 zone, again, within the surrounding area there's a cluster, RE-2 cluster zone, which transitions from the RE-2 to the R-200 just to the north of that subdivision, Potomac Chase subdivision . . .

The zoning history was reported by Technical Staff: The subject property was zoned R-A dating back to 1958, the year that Upper Montgomery County was combined with the then Regional District of Montgomery County by a zoning ordinance revision and a comprehensive remapping of the County. In 1973, through Zoning Text Amendment 73013, the R-A Zone was renamed RE-2. The subject property has been zoned RE-2 ever since. Two sectional map amendments (G-247 and G-800) have involved nearby properties, but have not affected the subject site.

Proposed Development

Applicant is proposing a 187-unit residential development that will incorporate a 10 acre local park, large open spaces, walking paths and bicycle trails. The residences will be clustered away from environmentally sensitive resources, and will provide a variety of unit types and lot sizes so as to offer a maximum opportunity for a variety of life styles. Exhibit 49, p. 6. The timing of the proposed development is uncertain because the Hanson family intends to continue farming the land for the indefinite

future. Technical Staff assesses the proposed development as “closely follow[ing] the goals and conceptual layout shown in the Potomac Subregion Master Plan.” *Id.* Staff further explains:

Larger single-family detached homes are strategically placed on the perimeter of the property to fit within the established residential patterns to the south and east of the site. Similarly, large areas of parkland and open space are proposed to the north and east of the site to fit the existing character of the area. Smaller lots and attached homes are grouped toward the center of the site, away from existing patterns of development along Travilah and Quince Orchard and buffered by forested areas. A significant portion of the property will be preserved as open space, including the creation of a ten acre local park along Quince Orchard Road. A network of pedestrian, biking, and equestrian paths will connect internal open spaces to the ten acre park, the adjacent Potomac Horse Center, and the Muddy Branch Stream Valley Park. *Id.*

The proposed development will incorporate the two existing farm ponds and the existing residence located at the northeastern corner of the site. Several greens, squares and open spaces are planned to allow gathering space for the community. The proposed development includes significant dedications of forested area along the border of Muddy Branch Stream Valley Park and along the tributaries and stream valleys.

Three entrances are proposed to the Property – two along Quince Orchard Road and one along Travilah Road at its intersection with Turkey Foot Road. A traffic circle is proposed at the Travilah and Turkey Foot Road intersection to enhance safety and slow traffic.²

Development Plan & Binding Elements

Pursuant to Zoning Ordinance § 59-D-1.11, development under the PD-2 Zone is permitted only in accordance with a development plan that is approved by the District Council when the property is reclassified to the PD-2 Zone. Under Code §59-D-1.3, this development plan must contain several elements, including a land use plan. Illustrative and conceptual elements of the development plan may be changed during site plan review by the Planning Board, but the binding elements (*i.e.*, those that the

² Technical Staff notes that a roundabout is not typically a feature or entryway to a rustic road; however, Staff recognizes that this is a unique location and the roundabout addresses concerns raised by the community. By utilizing a roundabout, the Applicant is able to preserve trees on Turkey Foot Road, ensuring that the rustic road will retain its character. Exhibit 49, p. 7.

District Council considers in evaluating compatibility and compliance with the zone) cannot be changed without a separate application to the District Council for a development plan amendment.

The final Land Use Plan for the present zoning application is labeled Exhibit 82(a). Although land use plans are technically only a part of the overall development plan, they are usually referred to as the “development plan,” and may be so referenced herein. It contains a site layout, a listing of all the binding and non-binding elements and other notations.

The proposed Development Plan is divided into four, color coded, “Land Bays, ” designated “A” through “D.” Land Bay A consists almost entirely of the 10 acre local park to be dedicated to M-NCPPC and three to five acres of additional open space. Land Bay B is approximately 11 acres in size and will contain a maximum of 11 single-family detached dwelling units (*i.e.*, lots sizes of approximately one acre each). Land Bay C is approximately 15 acres in size and will contain a maximum of 4 single-family detached dwelling units, each of which will have a minimum lot size of 2 acres. Land Bay D is approximately 130 acres, and it will contain between 66 and 121 single-family detached dwelling units and between 66 and 85 single-family attached dwelling units. There are no commercial uses proposed for the site.

It should be noted that Applicant has been very flexible in making changes to satisfy the expressed needs of the neighbors. Seven new binding elements and two new non-binding elements were added to the land use plan as a result of the public hearing.³ Technical Staff approved all of the changes, stating “Staff has no objection to the revised development plan and supports the effort to further limit development of the site in a manner compatible with the surrounding area.” Exhibit 80.

The binding and non-binding textual elements from the Land Use Plan (Exhibit 82(a)) are set forth on the following pages:

³ The land use plan initially presented at the hearing (Exhibit 40(a)), which had already been changed significantly in response to comments of Technical Staff, had 6 binding elements and 8 non-binding elements, while the final land use plan (Exhibit 82(a)) has 13 binding elements and 10 non-binding elements.

DEVELOPMENT PLAN NOTES:

BINDING ELEMENTS:

1. The total area to be rezoned to PD-2 is 170.77 acres+/- . The limits of the property to be rezoned are based on the identification Plat and Metes & Bounds description.
2. The total number of residential units shall not exceed 187 units. Any units over 170 require the use of Transferable Development Rights (TDR's). A minimum of 35% of the total units will be single-family detached and a minimum of 35% of the total units will be townhouses or attached. No commercial uses are proposed.
3. The developed area of the site shall not exceed 50% of the total site area, excluding the local park. The developed area is all of the proposed residential lots and road rights of way.
4. Parking will be provided through a combination of on-lot parking (in driveways and/or garages) and on-street parking. A minimum of 51 on-street parking spaces shall be provided in Land Bay A to satisfy the parking demand for the local park. The total number of on-street parking spaces shall not exceed 193 for Land Bays B, C, and D.
5. The local park site shall be dedicated to M-NCPPC and must be at least 10 acres in size and free and clear of any existing structures as required by M-NCPPC
6. The project shall provide 12.5% of the total number of units as Moderately Priced Dwelling Units (MPDU's)
7. The dwelling units in Land Bay C shall be at least 2 stories in height and comply with the minimum side yard setbacks and height restrictions of the RE-2 zone in place at the time of this Development Plan approval.
8. Attached units, including townhouses, shall not comprise more than 45% of the total number of dwelling units for this project.
9. Vehicular access to Land Bay C for the proposed residential uses shall be located at the intersection of Travilah Road and Turkey Foot Road and shall be the only point of vehicular access from Travilah Road and Turkey Foot Road.
10. Except where Street A joins Travilah Road and Turkey Foot Road, the distance between the Street A right of way and the Travilah Road right of way shall be a minimum of 30'.
11. The existing residence located at 14200 Quince Orchard Road, as identified, shall be retained to be incorporated into the plan.
12. The open space between the Street A right-of-way and Travilah Road right-of-way shall be considered green area, as defined by the Zoning Ordinance, but shall not contain children's playgrounds or swimming pools.
13. Land Use Analysis by Land Bay

A

Quince Orchard Road/Local Park & Open Space: ±15 acres

Use	Area	# Units	On-Lot Parking	On-Street Parking
Local Park	10 Acres min.	n/a	n/a	51-65 spaces
SFD Units:	Zero (0)	Zero (0)	Zero (0)	
SFA Units:	Zero (0)	Zero (0)	Zero (0)	
MF Units:	Zero (0)	Zero (0)	Zero (0)	
Commercial:	Zero (0)	Zero (0)	Zero (0)	
Open Space:	13 Ac. +/-			

B

Large Lot Residential Addressing Existing Adjacent Residences: ±11 acres

Use	Area	# Units	On-Lot Parking (Driveway and/or garage)	On-Street Parking
SFD Units:	n/a	11 (Max)	22 (2 /lot min.)	Zero (0)
SFA Units:	n/a	Zero (0)	Zero (0)	
MF Units:	Zero (0)	Zero (0)	Zero (0)	
Commercial:	Zero (0)	Zero (0)	Zero (0)	
Open Space:	0 Ac. +/-			

C

Large Lot Residential Addressing Travilah Road: ±15 acres

Use	Area	# Units	On-Lot Parking (Driveway and/or garage)	On-Street Parking
SFD Units:	n/a	4 (Max)	8 (2 /lot min.)	Zero (0)
<i>(Lots to be min. 2 acres in size)</i>				
SFA Units:	n/a	Zero (0)	Zero (0)	
MF Units:	Zero (0)	Zero (0)	Zero (0)	
Commercial:	Zero (0)	Zero (0)	Zero (0)	
Open Space:	7 Ac. +/-			

D

Internal Neighborhood: ±130 acres

Use	Area	# Units	On-Lot Parking (Driveway and/or garage)	On-Street Parking
SFD Units:	n/a	66 - 121	132-242 (2/lot min.)	193 (max)
SFA Units:	n/a	66 - 85	132-170 (2/lot min.)	
MF Units:	Zero (0)	Zero (0)	Zero (0)	
Commercial:	Zero (0)	Zero (0)	Zero (0)	
Open Space:	71 Ac +/-			

NON-BINDING (ILLUSTRATIVE) ELEMENTS :

1. This Development Plan generally depicts the overall and unified concept for the Hanson Property and the conformance to the Potomac Subregion Master Plan and Zoning Ordinance.
2. Building and parking locations shown hereon are approximate. Specific building and structure locations, footprints, parking locations, roadways, trails and other design details will be refined and finalized during the Subdivision and Site Plan proceedings.
3. The exact limits of the areas to be dedicated to public use may be refined at future planning stages.
4. This plan is to be developed in one or two phases except as otherwise required to satisfy future AGP staging requirements, construction sediment control requirements, or other standards as required during future regulatory review.
5. The shading for the offsite areas are for illustrative purposes only to identify adjacent land uses.
6. There shall be no more than six (6) bedrooms per unit.
7. Rights of way for the following confronting roads will be dedicated as required at the time of Preliminary Plan approval:
 - a. Quince Orchard Road (80' right of way)
 - b. Travilah Road (80' right of way)
 - c. Turkey Foot Road (70' right of way)
8. At the Subdivision or Site Plan review stage, any units that are unable to be located within either Land Bays B or C may be relocated to Land Bay D and any reduced open space and undeveloped area within Land Bay D as a result of this transfer may be relocated to Land Bays B or C.
9. Subject to septic testing, roadway engineering, and other civil engineering analysis, the dwelling units in Land Bay C shall be designed to comply with the following RE-2 zone development requirements: minimum 150' lot width at building line, minimum 50' front yard setback, minimum 35' rear yard setback.
10. The Potomac Master Plan recommends dedication of "a ten-acre site as a local park, sufficient to accommodate two ball fields and adequate parking."

Development Program

Subject to further refinement at the time of Preliminary Subdivision approval, the anticipated sequence of construction is as follows:

- Mass grading of site and sediment control measures
- Installation of common infrastructure (water and sewer lines, public utilities, storm water management facilities, storm drain pipes, primary road access)
- Fine grading of site
- Construction of homes, recreational facilities

Consistent with the 2002 Potomac Subregion Master Plan, the Development Plan calls for up to 187 dwelling units, if transferable development rights (TDRs) are used. Without TDRs, the development will be limited to 170 dwelling units. As required by law, at least 12.5% of the units will be moderately priced dwelling units (MPDUs).

According to Technical Staff, the development data provided by Applicant will meet the development standards for the PD-2 Zone, including the 30% green area required by the Zone (§59-C-7.16). Exhibit 49, pp. 20-22. Applicant has depicted approximately 56% green area (*i.e.*, about 96 acres). The project also includes the 374 off-street parking spaces required for 187 dwelling units, and 244 to 258 on-street spaces are planned.

In addition to the parkland, the development plan shows illustrative street right-of-way dedications for Quince Orchard, Travilah, and Turkey Foot Roads, with final dedications to be established at the time of Preliminary Plan. Applicant's Public Domain Plan (Exhibit 76(a)) depicts the connecting trails and bikeways planned by Applicant.

Required Findings

Section 59-D-1.61 of the Zoning Ordinance requires the District Council, before it approves any application for re-zoning to the PD-2 Zone, to consider whether the application, including the development plan, fulfils the “purposes and requirements” set forth in Code Section 59-C for the new zone. In making this determination, Zoning Ordinance §59-D-1.61 expressly requires the District Council to make five specific findings, and Maryland law requires that zoning power be exercised in the public interest.

§59-D-1.61(a): Consistency with Master Plan and other County Policies.

The first required finding is consistency with the use and density requirements of the Master Plan and with other County plans and policies.

The subject site is located in the area analyzed in the 2002 Potomac Subregion Master Plan. The Master Plan recommends the PD-2 Zone for the subject site and specifies various objectives and recommendations, including a “concept plan” for the development. Master Plan pp. 26 and 70-75. Exhibit 76(e), the Master Plan Compliance Exhibit, lists the recommendations of the Master Plan and Applicant’s compliance therewith. It also contains a side-by-side reproduction of the Master Plan’s Concept Plan (Figure 7)⁴ and Applicant’s Land Use Plan. As can be seen on Exhibit 76(e), Applicant’s land use plan tracks the recommendations of the Master Plan. 3/12/10 Tr. 145-150; 193-195. The Technical Staff report contains an excellent discussion of Applicant’s compliance with the Master Plan (Exhibit 49, pp. 11-14), which was quoted by the Hearing Examiner in his report. Technical Staff concluded that Applicant’s “proposal supports almost all of the Master Plan recommendations. . . . Staff finds the proposed rezoning from RE-2 to PD-2 consistent with the 2002 Potomac Subregion Master Plan.”⁵ *Id.* There is no contrary

⁴ The diagram from page 74 of the Master Plan reproduced in this exhibit is actually from the “Interim Addition” of the approved and adopted 2002 Master Plan. When M-NCPPC published the final addition of the Master Plan, it “improved” the diagram on page 74 by colorizing it, thereby obscuring the important details shown on the original diagram.

⁵ Staff noted that the slight deviation in road configuration from the Master Plan’s conceptual layout was necessary to avoid an adverse environmental impact to a stream on the property and an unworkable distance between two access points.

evidence in this record, and the District Council finds that the proposed development is consistent with the recommendations, guidelines and goals of the 2002 Potomac Subregion Master Plan.

Under the County's Adequate Public Facilities Ordinance ("APFO," Code §50-35(k)), the Planning Board has the responsibility, when it reviews a preliminary plan of subdivision, to assess whether the following public facilities will be adequate to support a proposed development: transportation, schools, water and sewage facilities, and police, fire and health services. The Planning Board's application of the APFO is limited by parameters that the County Council sets in its Growth Policy.

While the ultimate test under the APFO is carried out at subdivision review, evidence concerning adequacy of public facilities is relevant to the District Council's determination in a rezoning case, as spelled out in Zoning Ordinance §59-H-2.4(f). That section requires Applicant to produce "[s]ufficient information to demonstrate a reasonable probability that available public facilities and services will be adequate to serve the proposed development under the Growth Policy standards in effect when the application is submitted."

In this case, the application was submitted on June 1, 2009, so the 2007-2009 Growth Policy adopted November 13, 2007 (Resolution 16-376) will apply to the rezoning determination. The 2007-2009 Growth Policy provides, at pp. 22-23, "[t]he Planning Board and staff must consider the programmed services to be adequate for facilities such as police stations, firehouses, and health clinics unless there is evidence that a local area problem will be generated." There is no such evidence in this case, and the District Council therefore concludes those public facilities are adequate. The remaining three public facilities – transportation, schools and water and sewer service – were discussed at length in the Hearing Examiner's report. For the reasons stated therein and summarized below, the District Council finds that the proposed development will not unduly burden the County's public facilities.

1. Transportation:

Concerns about traffic impacts were raised mostly by a nearby resident, Dr. Paul Goldberg, who

felt that the proposed development would worsen traffic on already overcrowded roadways. 3/12/10 Tr. 82-87.

Applicant's expert in traffic engineering, Wes Guckert, conducted traffic counts at intersections near the subject site, as requested by Technical Staff and the neighbors. Mr. Guckert then performed intersection capacity analyses to determine the critical lane volumes (CLVs), and whether or not the development would meet the critical lane volume threshold for the Rural West Area, which is 1,350 CLV. He determined that the development would meet the critical lane volume standards for Local Area Transportation Review (LATR) and reported his findings in Exhibits 17 and 36(h). Policy Area Mobility Review (PAMR), does not apply in this policy area. Based on these findings, Mr. Guckert concluded that the nearby roads and intersections can adequately handle the traffic proposed to be generated by this development. 3/12/10 Tr. 302-303.

Also, in his expert opinion, the proposed internal vehicular circulation systems will be safe and adequate, and the proposed points of external access, as well as the proposed round-about at Travilah Road and Turkey Foot Road, will be safe, adequate and efficient. The three proposed access points also provide adequate sight distances. 3/12/10 Tr. 302-303. Mr. Guckert opined that public transportation facilities and services would be adequate to serve the proposed development, and the proposed uses would not adversely affect the existing residential community as to traffic conditions. 3/12/10 Tr. 295-316.

Both Technical Staff and Department of Transportation (DOT) staff concurred with his findings. As stated by Technical Staff (Exhibit 49, pp. 23-24 and its Attachments 5 and 6),

All existing intersections are currently operating at the acceptable congestion standard and this standard is projected to continue under total future traffic conditions. Therefore, this application meets the LATR requirements of the APF review.

The site is located in the Rural West Policy Area where there is no PAMR mitigation requirement. Therefore, the subject application also satisfies the PAMR requirements of the APF review.

Technical Staff therefore concluded that “[t]he proposed development under the PD-2 Zone will not have an adverse impact on the surrounding roadway network.” *Id.* Staff also found that “the proposed access to the site [will] be safe and adequate . . . [and] that the internal vehicular and pedestrian circulation provides for a safe and adequate movement of traffic.”

Given the review by both M-NCPPC Technical Staff and DOT Staff, and the absence of any expert evidence to the contrary, the District Council finds that there is a reasonable probability that available public transportation facilities and services will be adequate to serve the proposed development.

2. School Capacity:

The subject property is located within the Wootton Cluster and is served by Travilah Elementary School, Robert Frost Middle School and Wootton High School. In a letter dated February 17, 2010, Bruce H. Crispell, Director of Planning and Capital Programming for Montgomery County Public Schools (MCPS), reported to Technical Staff that the proposed development of 187 dwelling units is estimated to generate 57 elementary, 27 middle and 17 high school students, at full build-out.

Mr. Crispell indicated that enrollment at the elementary school is currently within capacity and is projected to remain within capacity; enrollment at Robert Frost Middle School is currently over capacity, although enrollment is trending down and is expected to be within capacity by the 2014-2015 school year; and enrollment at Wootton High School is currently over capacity and is projected to remain over capacity. However, Mr. Crispell concluded by stating that “the current growth policy schools test (FY 2010) finds capacity adequate in the Wootton Cluster.” (Attachment 7 to Exhibit 49). There is no evidence in the record to the contrary.

Given the fact that capacity is adequate under the current growth policy schools test, the District Council finds that it is reasonably probable that public school facilities and services will be adequate to serve the proposed development.

3. Water and Sewer Service

Frank G. Bossong, Applicant's civil engineer testified the entire development would be served by public water, and all but Land Bay C would be served by public sewer; Land Bay C would be served by septic systems. 3/15/10 Tr. 63-65. Public water mains are available adjacent to the subject site. The project is located in an area categorized as S6/W6, and Applicant is requesting S3/W3 categories, which means public water and sewer service. If the S3 category is granted, Land Bay C may still develop with septic fields; however, the S3 category would allow later development of a pressure sewer there.

A Washington Suburban Sanitary Commission (WSSC) memo (Exhibit 76(a)), indicates that while sewage capacity might be exceeded for short periods under wet weather conditions, "the interceptor capacity should be sufficient to handle the generated flow." Mr. Bossong testified that if WSSC finds a specific problem later, there will be a requirement to fix the problem before this development can go forward.

The District Council finds that Applicant has demonstrated a reasonable probability that available water and sewer facilities and services will be adequate to serve the proposed development under the Growth Policy standards in effect when the application was submitted.

In sum, based on this record, the District Council finds that the requested rezoning does not conflict with "other applicable County plans and policies."

§59-D-1.61(b): purposes, standards and regulations of the zone; safety, convenience and amenity of residents; and compatibility with adjacent development.

The second required finding is:

That the proposed development would comply with the purposes, standards, and regulations of the zone as set forth in article 59-C, would provide for the maximum safety, convenience, and amenity of the residents of the development and would be compatible with adjacent development.

1. Compliance with the Purposes, Standards and Regulations of the Zone

Planned Development (PD) zones are a special variety of floating zone, with performance specifications integrated into the requirements of the zone. These zones allow considerable design

flexibility if the performance specifications are satisfied. The applicant is not bound to rigid design specifications, but may propose site-specific criteria, within the parameters established for the zone, for elements such as setbacks, building heights and types of buildings.

Section 59-C-7.11, Purpose Clause

The PD Zones have a lengthy purpose clause, Zoning Ordinance §59-C-7.11, which is linked to the goals of the applicable master plan.

As discussed above, the proposed development will be in substantial compliance with the 2002 Potomac Subregion Master Plan. Accordingly, the requested reclassification will comply with the first element of the PD Zone's purpose clause by allowing implementation of applicable Master Plan objectives.

The second paragraph of the purpose clause calls for a design which will facilitate social and community interaction, create a distinctive visual character and offer a balanced mix of uses. As observed by Technical Staff (Exhibit 49, pp. 17-20), the proposed development will provide several greens, squares, and open spaces to allow gathering space for the community and encourage social and community interaction. The proposal will also incorporate two existing ponds and various tributary areas into the fabric of the community. These natural features will contribute to the desired "distinctive visual character" of the development. Added to this will be a local park with ball fields to be located along Quince Orchard Road, and a network of pedestrian and equestrian paths which will connect the open areas to the proposed residences and to adjacent developments, thereby maximizing social and community interaction. There will be no commercial uses on site because the Master Plan does not envision any, but there will be a mix of residential and recreational uses.

The third paragraph of the purpose clause encourages "a broad range of housing types." The proposed development will provide for a range of different sized single-family detached homes, single-family attached units and townhouse units on differing sized lots. It will thus provide a broad range of housing choices.

The fourth and fifth paragraphs address trees, grading and open space. The areas to be developed as part of this proposal are primarily on existing open fields, thereby preserving much of the existing forest on the property. As already mentioned, the proposal will provide a great deal of open space, including several greens, squares, and a 10 acre local park with ball fields to allow an area for community recreation.

The sixth paragraph calls for pedestrian circulation networks to minimize reliance upon automobiles. The development plan here provides for a network of pedestrian, biking, and equestrian paths which will clearly reduce reliance upon automobiles.

The large scale advocated in the seventh paragraph of the purpose clause is provided by a development of over 170 acres in size.

The eighth paragraph of the purpose clause calls for a development which provides for safety, convenience, amenity and compatibility, and the ninth paragraph reiterates the need for a development that will be proper for the comprehensive and systematic development of the County, and consistent with the Master Plan and the Zone. Safety was discussed above in connection with transportation facilities, and as noted there, the proposed access ways and internal circulation systems will be adequate and safe. Convenience and amenities include the pedestrian, bike and equestrian networks and park areas which were discussed above in this section.

Compatibility was discussed at length in Part III.E. of the Hearing Examiner's report, and despite concerns expressed by the community, the Hearing Examiner found that the overwhelming weight of the evidence established that the proposed development will be compatible with surrounding uses, subject to the later detailed review at site plan and subdivision. The District Council also finds that the proposed development will be compatible with surrounding development, and that details regarding the specific sizes, placements and exteriors of individual dwelling units, as well as the appropriate dispersal of MPDUs, are more properly left to site plan and subdivision, as suggested by the Planning Board. The District Council further finds that the binding elements already included in the proposed development plan,

especially the maximum number of dwelling units in Land Bays B and C, adequately insure compatibility with existing development in the surrounding area.

The PD Zone requires that a certain percentage of the dwelling units be townhouse or attached. Since both the Planning Board and the Council approved the Master Plan recommendation for the PD-2 Zone on this site, it was clearly determined that this type of development would be generally compatible with its surroundings. The development proposed here is almost identical to the conceptual plan set forth in the Master Plan for this very property. That conceptual plan called for the same zone and classification applied for (PD-2) and the same number of units proposed in this development plan, arranged in almost the same way, as is evident from Exhibit 76(e) reproduced on pp. 25-26 of the Hearing Examiner's report.

Technical Staff concluded that the development plan would satisfy the zone's purpose clause, including compatibility with the surrounding area (Exhibit 49, p. 15), and the Planning Board adopted Technical Staff's findings (Exhibit 52). The Hearing Examiner also agreed. Based on this record, the District Council finds that the subject development will provide the kind of housing mix and general-benefit open space recommended by the purpose clause, as well as pedestrian interconnectivity and compatibility with its surroundings.

In sum, the proposed development is consistent with the intent and purposes of the PD-2 Zone. We next look to the "standards and regulations" of the PD-2 Zone. The standards and regulations of the PD-2 Zone are spelled out in Code Sections 59-C-7.12 through 7.18.

Section 59-C-7.121, Master Plan

Pursuant to Code §59-C-7.121, "no land can be classified in the planned development zone unless such land is within an area for which there is an existing, duly adopted Master Plan which shows such land for a density of 2 dwelling units per acre or higher." The applicable Master Plan, the 2002 Potomac Subregion Master Plan, recommends that the subject property be developed under the PD-2 Zone, which permits 2 dwelling units per acre. Accordingly, this provision is satisfied in this case.

Section 59-C-7.122, Minimum Area

Code §59-C-7.122 specifies several criteria, any one of which may be satisfied to qualify land for reclassification to the PD Zone. Alternative criterion (a) requires that the site “contain sufficient gross area to construct 50 or more dwelling units under the density category to be granted.” The subject property contains 170.77 acres, more than large enough to construct 50 dwelling units. It is in fact recommended for at least 170 dwelling units by the Master Plan, and up to 187 dwelling units if TDRs are employed.

Section 59-C-7.13 and 7.131, Residential Uses Permitted

Pursuant to Code §59-C-7.131, single-family attached (including townhouses) and detached units are permitted in the PD-2 Zone, but it also specifies that in a development of fewer than 200 units, multi-family dwellings are not permitted. Moreover, a minimum of 35% of the units must be detached and a minimum of 35% must be attached or townhouse. Here, the proposed Development Plan provides for at least 35% single-family detached units and at least 35% single-family townhouse and attached units, satisfying this requirement (Binding Element 2). It also contains a binding element setting the maximum percentage of attached and townhouse units at 45% (Binding Element 8).

Section 59-C-7.132, Commercial Uses

There are no commercial uses proposed here.

Section 59-C-7.133, Other Uses Permitted

Under subsection (a) of this provision of the PD Zone, recreational facilities intended for the exclusive use of the residents and their guests are permitted. Moreover, under subsection (b), any nonresidential, noncommercial use is permitted at the discretion of the District Council on a finding that such use is compatible with the planned development and surrounding development under the strictures of §59-C-7.15.

Because the proposed park will not be for the exclusive use of the residents, it clearly does not fall under subsection (a). To be permitted, then, it must fall under subsection (b), which requires a finding of

compatibility. The District Council finds that the proposed 10 acre park would be compatible with the proposed on-site development and with development in the surrounding area.

Section 59-C-7.14, Density of Residential Development

Three subsections (a), (b) and (e) apply to this case. Subsection (a) sets forth the available density categories for residential development in a PD Zone. In this case, the density category specified in the development plan is PD-2, which is the category recommended in the 2002 Potomac Subregion Master Plan. Subsection (b) requires the District Council to determine the propriety of the density category applied for, and Subsection (e) permits the District Council *“to approve a density bonus of up to 10% above the maximum density specified in the approved and adopted master plan for the provision of TDRs, if the use of TDRs is recommended for the site.”*

The density category applied for, PD-2, is the lowest density available in the PD Zones, and is specifically recommended in the 2002 Potomac Subregion Master Plan. Consistent with the Master Plan and Subsection (e), the Development Plan calls for up to 187 dwelling units, if transferable development rights (TDRs) are used. Without TDRs, the development will be limited to 170 dwelling units. The effective density of placing 187 units on a site of 171 acres is 1.09 dwelling units per acre. The District Council finds that to be an appropriate density for the site. As required by law, at least 12.5% of the units will be moderately priced dwelling units (MPDUs).

Section 59-C-7.15, Compatibility

Section 59-C-7.15 requires a finding of compatibility and specifies that only single-family detached homes may be constructed within 100 feet of any adjoining single-family detached zone. It also prohibits buildings constructed to a height greater than its distance from such adjoining land.

As previously discussed, Technical Staff, the Planning Board and the Hearing Examiner found that the proposed development will be compatible with surrounding development. Moreover, as noted by Technical Staff (Exhibit 49, pp. 21-22), *“The proposal provides solely for single-family detached housing*

or vast stretches of open space around the perimeter of the development. [*i.e.*, there will be no buildings other than single-family residents within 100 feet of the adjoining land.] Further, the single-family detached homes will require setback distances from the perimeter of the development that are at least as great as the height of the homes.” Thus, the District Council finds that all the setbacks proposed for this development comply with the provisions of this section.

Section 59-C-7.16, Green Area

This section of the Ordinance requires 30% green space for the PD-2 Zone, and the Development Plan more than satisfies that requirement with a minimum of 50% green space (Binding Element 3). Technical Staff found that “The proposed development plan depicts green area at 56 percent of the property, which calculates to approximately 96 acres.” Exhibit 49 p. 22.

Section 59-C-7.17, Dedication of Land for Public Use

This section requires that land necessary for public streets, parks, schools and other public uses must be dedicated in accordance with regulations and the Master Plan, with such dedications shown on all required development plans and site plans. The development plan in this case depicts a 10 acre local park and a substantial amount of tributary area associated with the Muddy Branch Stream Valley Park being dedicated to M-NCPPC. In addition to the parkland, the development plan shows illustrative street right-of-way dedications for Quince Orchard, Travilah, and Turkey Foot Roads, with final dedications to be established at the time of Preliminary Plan.

Section 59-C-7.18, Parking Facilities

This section requires that off-street parking be provided in accordance with Zoning Ordinance Article 59-E. Under §59-E-3.7, two parking spaces are required for each single-family dwelling unit. As shown on the Development Plan, the proposed project will provide two off-street spaces for each dwelling unit proposed, and ample on-street parking throughout the development and adjacent to the local park.

In sum, the District Council concludes that the proposed rezoning and the Development Plan will be consistent with the purpose clause and all applicable standards for the PD-2 Zone.

2. Safety, Convenience and Amenity of Residents

The next part of “Finding (b)” required by Section 59-D-1.61 is a determination that the proposed development would provide the “maximum safety, convenience, and amenity of the residents.” Since this required finding is practically identical with one of the purpose clause requirements for the PD-2 Zone, it has been discussed in that context above. The District Council finds that Applicant has provided the maximum in safety, convenience and amenities for the future residents of this development.

3. Compatibility with Adjacent Development

The final required determination under “Finding (b)” is that the proposed development be compatible with adjacent development. For the reasons discussed above in connection with the Purpose Clause of the PD-2 Zone, the District Council concludes that the proposed residential dwelling units will be compatible with other uses existing or proposed in the vicinity of the planned development.

§59-D-1.61(c): safe, adequate and efficient internal vehicular and pedestrian circulation systems.

The third required finding is “[t]hat the proposed internal vehicular and pedestrian circulation systems and points of external access are safe, adequate, and efficient.”

As discussed above, Applicant’s traffic engineer opined that the proposed internal vehicular circulation systems will be safe and adequate, and the proposed points of external access, as well as the proposed round-about at Travilah Road and Turkey Foot Road, will be safe, adequate and efficient. The three proposed access points also provide adequate sight distances. 3/12/10 Tr. 302-303. Applicant’s land planner testified that the pedestrian systems were safe and adequate, as well. 3/12/10 Tr. 201. Technical Staff also found that “[t]he development plan maximizes safe connections between the proposed development and the surrounding area.” Exhibit 49, p. 19.

Accordingly, the District Council finds that the proposed circulation systems and site access would be safe, adequate and efficient for both vehicular and pedestrian traffic.

§59-D-1.61(d): preventing erosion, preserving vegetation, forest conservation and water resources.

The subject site is not within a Special Protection Area or Primary Management Area. Technical Staff stated that the site has been designed with the natural features of the property in mind and that the proposed development and infrastructure have been situated away from natural tributaries and forested land. Staff recommended approval of a “tree variance” and the proposed Preliminary Forest Conservation Plan. The Department of Permitting Services has approved the stormwater management concept plan, and both plans will be reviewed in connection with site plan and subdivision. As observed in Part III.D.5. of the Hearing Examiner’s report, Applicant has been sensitive to environmental concerns, and the entire record indicates that Applicant’s plans take due care to protect the environment.

In sum, the District Council finds that Applicant has demonstrated the environmental controls required by “Finding (d).”

§59-D-1.61(e): common area maintenance.

The fifth required finding is “[t]hat any documents showing the ownership and method of assuring perpetual maintenance of any areas intended to be used for recreational or other common or quasi-public purposes are adequate and sufficient.”

The Hanson family is the Applicant and the owner of the subject site, as indicated in the public tax records. Applicant submitted an illustrative homeowners association declaration of covenants that describes the proposed ownership and maintenance of common areas by a homeowners association, after development. Exhibit 48(b), Section 3.1.

The District Council finds that Applicant has sufficiently demonstrated both its interest in the property and its commitment to perpetual maintenance of all recreational and other common or quasi-public areas.

The Public Interest

The Applicant must show that the proposed reclassification is sufficiently in the public interest to justify its approval. The State Zoning Enabling Act applicable to Montgomery County requires that all zoning power must be exercised:

. . . with the purposes of guiding and accomplishing a coordinated, comprehensive, adjusted, and systematic development of the regional district, . . . and [for] the protection and promotion of the health, safety, morals, comfort, and welfare of the inhabitants of the regional district. [Regional District Act, Maryland-National Capital Park and Planning Commission Article (Art. 28), Md. Code Ann., § 7-110].

When evaluating the public interest, the District Council normally considers Master Plan conformity, the recommendations of the Planning Board and Technical Staff, any adverse impact on public facilities or the environment and public benefits such as provision of affordable housing.

The issue of Master Plan conformance was discussed above. As outlined therein, Applicant's proposal is consistent with the recommendations, goals and objectives of the 2002 Potomac Subregion Master Plan. The Planning Board and its Technical Staff both support the proposed rezoning. The impact on public facilities was also discussed above. The evidence indicates that transportation, schools and water and sewer services would not be adversely affected by the proposed development.

The proposed project will offer a mix of housing opportunities, including affordable housing, in a manner which is sensitive to the environment and compatible with the surrounding area. It will also provide a new ten acre public park and substantial open space which will benefit the community.

For the reasons discussed above, the District Council concludes that the proposed development would be in the public interest.

Conclusion

Based on the foregoing analysis and the Hearing Examiner's report, which is incorporated herein, and after a thorough review of the entire record, the District Council concludes that the proposed development satisfies the intent, purpose and standards of the PD-2 Zone; that it meets the requirements set

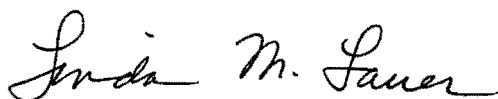
forth in Section 59-D-1.61 of the Zoning Ordinance; that the application proposes a project that would be compatible with development in the surrounding area; and that the requested reclassification to the PD-2 Zone has been shown to be in the public interest. For these reasons and because approval of the instant zoning application will aid in the accomplishment of a coordinated, comprehensive, adjusted and systematic development of the Maryland-Washington Regional District, the application will be approved in the manner set forth below.

ACTION

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District located in Montgomery County, Maryland approves the following resolution:

Zoning Application No. G-884, requesting reclassification from the RE-2 Zone to the PD-2 Zone, of a 170.77-acre parcel of land, known as Parcels 020, 945 and 312, located at 14100 and 14200 Quince Orchard Road, bordering Muddy Branch Park, Turkey Foot Road, Quince Orchard Road and Travilah Road, in Gaithersburg, Maryland, is hereby approved in the amount requested and subject to the specifications and requirements of the revised Development Plan, Exhibit 82(a), provided that the Applicant submits to the Hearing Examiner for certification a reproducible original and three copies of the Development Plan approved by the District Council within 10 days of approval, as required under Code §59-D-1.64.

This is a correct copy of Council action.



Linda M. Lauer, Clerk of the Council