



**MONTGOMERY COUNTY PLANNING BOARD**  
 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 18-024  
 Preliminary Plan No. 120160210  
 Cashell Estates  
 Date of Hearing: April 5, 2018

**APR 13 2018**

**RESOLUTION**

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review preliminary plan applications; and

WHEREAS, on February 10, 2017, Garrett Gateway Partners, LLC (“Applicant”) filed an application for approval of a preliminary plan of subdivision of property that would create nineteen (19) lots on 2.0 acres of land in the RE-1 zone, located at located at 7009 Garrett Road in Derwood, approximately 2,300 feet south of the intersection of Redland Road and Muncaster Mill Road (“Subject Property”), in 2004 Upper Rock Creek Area Master Plan (“Master Plan”) area; and

WHEREAS, Subdivision Regulation Amendment 16-01, adopted by the Montgomery County Council on November 15, 2016 as Ordinance No. 18-19, replaced Chapter 50, Subdivision of Land in its entirety, effective February 13, 2017 (“Subdivision Regulations”); and

WHEREAS, Ordinance 18-19 provided that any preliminary plan application filed and certified as complete before the effective date of the Subdivision Regulations may, at the applicant’s option, be reviewed under the Subdivision Regulations in effect when the application was submitted; and

WHEREAS, Applicant’s preliminary plan application was designated Preliminary Plan No. 120160210, Cashell Estates (“Preliminary Plan” or “Application”); and

WHEREAS, Applicant opted to have this Preliminary Plan reviewed under the Subdivision Regulations in effect on February 10, 2017; and

WHEREAS, following review and analysis of the Application by Planning Board staff (“Staff”) and other governmental agencies, Staff issued a memorandum to the Planning Board, dated March 23, 2018, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

Approved as to  
 Legal Sufficiency:

MONTGOMERY COUNTY PLANNING BOARD  
 www.montgomeryplanningboard.org

8787 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320  
 MNCPPC Legal Department E-Mail: mcp-chair@mncppc-mc.org

WHEREAS, on April 5, 2018, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, at the hearing the Planning Board voted to approve the Application, subject to certain conditions, by the vote certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 120160210 to create nineteen (19) lots on the Subject Property, subject to the following conditions:<sup>1</sup>

1. This Preliminary Plan is limited to 19 lots for 19 Townhouse Living Units.
2. The Applicant must comply with conditions of approval of in the Hearing Examiner's Report and Decision dated December 2<sup>nd</sup>, 2016 for Conditional Use No. 2016-11.
3. Prior to record plat approval, amended plans for Conditional Use No. CU2016-11 that are consistent with the approved Preliminary Plan must be submitted to the Hearing Examiner.

Forest Conservation

4. The Applicant must comply with the conditions of approval for the Final Forest Conservation Plan No. 120160210, approved as part of this Preliminary Plan, including:
  - a. Prior to the start of any demolition, clearing, grading or construction on the Subject Property, the Applicant must record an M-NCPPC approved Certificate of Compliance in an M-NCPPC approved off-site forest bank to satisfy the afforestation requirement for a total of 0.42 acres (18,295 sq. ft.) of mitigation credit.
  - b. At the direction of the M-NCPPC Forest Conservation Inspector, mitigation must be provided for the removal of three variance trees. Mitigation must be provided in the form of planting eleven (11) native canopy trees with a minimum planting stock size of three caliper inches. The trees must be planted outside of any rights-of-way, or utility easements, including stormwater management easements. The trees must be planted within one year or two growing seasons after the development project is complete. The planting locations of these trees and any substitution of species from what is

---

<sup>1</sup> For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

- shown on the approved FFCP are subject to the approval of the M-NCPPC Forest Conservation Inspector.
- c. The Applicant must comply with all tree protection and tree save measures shown on the approved FFCP. Tree save measures not specified on the FFCP may be required by the M-NCPPC Forest Conservation Inspector.
  - d. The Applicant must have all required site inspections performed by M-NCPPC staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
  - e. The limits of disturbance (LOD) on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved FFCP.
5. The Planning Board has accepted the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”) - Water Resources Section in its Stormwater Management Plan letter dated March 2, 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 the amendments do not conflict with other conditions of the Preliminary Plan approval.
  6. The Planning Board has accepted the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated March 8, 2018, with the exception of Condition #3 Redland Road – Comment #2, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the incorporated recommendations as set forth in the letter, which may be amended by MCDOT, provided 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 has accepted the recommendations of the MCDPS - Fire Department Access and Water Supply Section in its letter dated March 1, 2018, 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.
  9. The Applicant must obtain a Park Construction Permit from the Montgomery County Department of Parks prior to any construction on Parkland related to this Application.

**Road Dedication & Improvements**

10. The Applicant must dedicate and show on the record plat(s) the following dedications:

- a. Thirty-five feet from the existing road centerline along the Subject Property frontage for Redland Road as shown on the Preliminary Plan.
  - b. Forty-four feet from the opposite right-of-way line along the Subject Property frontage for Garrett Road as shown on the Preliminary Plan.
11. The Applicant must construct all road improvements within the rights-of-way shown on the approved Preliminary Plan to the full width mandated by the master plan and/or to the design standards imposed by all applicable road codes.
  12. Prior to recordation of the plat(s) the Applicant must satisfy MCDPS requirements to ensure the construction of a five-foot wide sidewalk along the property frontage on Redland Road and Garrett Road.

Private Roads

13. The Applicant must provide Private Road, Street "A", including any sidewalks, bikeways, storm drainage facilities, street trees, street lights, private utility systems and other necessary improvements as required by either the Conditional Use Plan within the delineated private road area (collectively, the "Private Road"), subject to the following conditions:
  - a. The record plat must clearly delineate the Private Road Parcel and include a metes and bounds description of the boundaries of the Private Road.
  - b. The Private Road must be subjected by reference on the plat to the Declaration of Restrictive Covenant for Private Roads recorded among the Land Records of Montgomery County, Maryland in Book 54062 at Page 338, and the terms and conditions as required by the Montgomery County Code with regard to private roads set forth at § 50-4.3.E et seq.
  - c. Prior to issuance of building permit, the Applicant must deliver to the Planning Department, with a copy to MCDPS, certification by a professional engineer licensed in the State of Maryland that the Private Road has been designed and the applicable building permits will provide for construction in accordance with the paving detail and cross-section specifications required by the Montgomery County Road Code, as may be modified on this Preliminary Plan, and that the road has been designed for safe use including horizontal and vertical alignments for the intended target speed, adequate typical section(s) for vehicles/pedestrians/bicyclists, ADA compliance, drainage facilities, sight distances, points of access and parking, and all necessary requirements for emergency access, egress, and apparatus as required by the Montgomery County Fire Marshal.
14. Prior to the release of the tenth (10th) building permit, the Applicant must:

- a. Record the access easement on Parcel 313, as stated in the Maryland State Highway Administration (“SHA”) letter dated May 31, 2017.
- b. Permit and bond the portion of the private street from Garrett Road to the Subject Property within the SHA access easement on Parcel 313.

15. Prior to release of the seventeenth (17<sup>th</sup>) building permit, the Applicant must construct the portion of the private street section on Parcel 313.

#### Surety

16. Prior to issuance of any building permit and sediment control permit, the Applicant must enter into a 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, 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 list any/all aspects required for construction of a site element by the Planning Board on the preliminary plan such as a private road, sidewalks or other circulation, and any off-site improvements not bonded by other county agencies
  - c. Completion of all improvements covered by the surety will be followed by inspection and potential reduction of the surety.
  - d. The bond or surety for each item shall be clearly described within the Surety & Maintenance Agreement including all relevant conditions.

#### Record Plats

17. The record plat must show necessary easements.
18. The record plat must reflect a common use and access covenant for the benefit of the public over all trails, sidewalks and paths not included in a public right-of-way or private street parcel. The covenant must be created in a form approved by the M-NCPPC Office of the General Counsel and recorded in the Montgomery County Land Records.
19. The record plat must reflect all areas under Homeowners Association ownership and specifically identify stormwater management parcels.
20. The record plat must reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 (“Covenant”). The Applicant must provide verification to Staff prior to release of the final building permit that the Applicant’s recorded HOA Documents incorporate the Covenant by reference.
21. 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 issuance of building permit(s). 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.”*

**APF**

22. The Adequate Public Facility (“APF”) review for the Preliminary Plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board Resolution.

BE IT FURTHER RESOLVED that having considered the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

1. *The Preliminary Plan substantially conforms to the Master Plan.*

The Hearing Examiner found that Conditional Use CU2016-11 substantially conformed with the 2004 Upper Rock Creek Area Master Plan. The approved Preliminary Plan does not include any substantial changes to the lot configuration and statement of operations that were included in the record of the Conditional Use application. However, the layout has been modified slightly with the addition of a second access point, as discussed below. While not reviewed as part of CU2016-11, the secondary entrance does not conflict with the Hearing Examiner’s finding that CU2016-11 conforms to the Master Plan. This Application is also in substantial conformance with the Master Plan.

As discussed at the time of the Conditional Use review, the Master Plan does not make specific recommendations for the Subject Property, but as noted below, makes general land use and zoning recommendations for the area in which the Subject Property is located.

The Master Plan focused on preserving environmental resources in the sensitive Upper Rock Creek watershed, maintaining the fabric of existing communities and enabling environmentally sensitive new development. To achieve a balance among these objectives, the Master Plan recommended low-density cluster development in the area north of Muncaster Mill Road, allowing public sewer service to large developing properties and creating a Special Protection Area to

help preserve natural resources. An environmental overlay zone, with an eight percent limit on impervious surfaces, helped to implement these recommendations. The Upper Rock Creek Master Plan did not include in the Special Protection Area the portion of the watershed south of Muncaster Mill Road, which is largely developed and includes the Subject Property.

The Master Plan also endorsed the County's Housing Policy, which "stresses the provision of affordable housing, or assistance to those with diverse housing needs, such as the elderly, the physically disabled and those with mental illness, and of equal opportunity in seeking housing." The Master Plan recognized that preservation of natural resources and low density residential character limited the universe of housing options. It recommended several specific sites as suitable for additional affordable housing and endorsed expansion of the Moderately Priced Dwelling Unit program to large lot zones.

The Master Plan reconfirmed existing land uses and zones in the area south of Muncaster Mill Road. The Subject Property is in the RE-1 Zone. Land to the east and south is in the R-200 Zone. The Master Plan notes that development in this area occurred in the 1960s and "did not entirely conform to the General Plan's policy recommendations, which in this area translated into residential densities of about one unit for every two acres." The 1964 General Plan recommended a rural pattern for large parts of the county, including the Upper Rock Creek watershed, that would contribute to creation of a wedge that would mold "the urban corridors, providing open space for recreation, enabling the continuation of farming and natural resource activities and conserving natural resources."

The Master Plan notes that "land along Needwood and Redland Roads was reclassified to half-acre zones—in part because trunk sewer lines had already reached the area—and residential subdivisions were approved at this density." The R-200 communities in the vicinity of the Subject Property were initially laid out in the mid-sixties, and their creation, contrary to the General Plan's recommended policy, prompted preparation of the 1968 Master Plan for the Rock Creek Planning Area. The RE-1 Zone placed on the Subject Property and other land along Redland Road is consistent with a longstanding planning vision for this part of the Upper Rock Creek watershed. The Master Plan does not forbid conditional uses in this area, nor did it foresee the introduction of new uses that could further accomplish the housing goals recommended in the Master Plan.

The project falls under the category of Townhouse Living which is a limited or conditional use in the RE-1 Zone. In general, conditional uses are considered appropriate when subject to an additional layer of regulatory scrutiny. In this case, the focus is on accessibility for broad ranges of residents. With conformance to the conditional use standards and recommended conditions of approval, the

Hearing Examiner found that this use is consistent with the Master Plan's land use and housing goals. It will enable the integration of additional housing in Upper Rock Creek suitable for people with special needs, an important objective of the Master Plan.

Master Plan Transportation Facilities

The following summarizes recommendations included in the 2004 Approved and Adopted Upper Rock Creek Master Plan, 2005 Countywide Bikeways Functional Master Plan and the 2018 Bicycle Master Plan Update (in progress), and the 2009 Intercounty Connector Limited Functional Master Plan Amendment – Bikeways and Interchanges along the property frontage:

- Redland Road is a two-lane road, with a posted speed limit of 35 MPH and is designated in the 2004 Approved and Adopted Upper Rock Creek Master Plan as a Primary Residential Street (P-7) with an ultimate right-of-way of 70 feet between Needwood Road and Muncaster Mill Road.
- Bike lanes (BL-29) were designated on Redland Road between Needwood Road and Muncaster Mill Road as part of the 2005 Countywide Bicycle Functional Master Plan. The in-process 2018 Bicycle Master Plan Update recommends these same bike lanes as well as a side path on the north side of the road, opposite the Subject Property. Therefore, the Applicant will construction a five and one-half (5.5)-foot-wide bike lane along the frontage of the Subject Property on Redland Road abutting the current pavement edge.
- Garrett Road is not a currently classified road. With the removal of the one house on the subject property and the addition of the 19 townhomes for the Cashell Estates property, as well as future possible development on the state-owned parcel to the east of the Subject Property, the road will at no point in the future serve 75 or more dwelling units. Therefore, Staff recommend that Garrett Road be classified as a Tertiary Residential Street.
- Midcounty Highway Extended (M-83) is proposed to intersect Redland Road just north of the property and connect Shady Grove Road with the Intercounty Connector (ICC). This road is planned to be a four to six lane divided Major Highway (M-83) with an ultimate right-of-way of 150 feet.

The Application takes into consideration the necessary dedication and right-of-way improvements recommended in the aforementioned master plans. The Applicant is dedicating approximately 35 feet of right-of-way from the existing centerline along the Subject Property's frontage on Redland Road to the property



edge to achieve the full master planned right-of-way width on their side of the road.

Garrett Road is currently improved within a 40-foot wide right-of-way with a variable pavement width of 16 feet to 18 feet along the frontage of the Subject Property. Garrett Road was a through road at one point but was bisected when the ICC was constructed. Garrett Road is approximately 600 feet long and terminates in a non-standard cul-de-sac (constructed by SHA). The Applicant is dedicating an additional four feet along the Subject Property's frontage which will provide the 22' from the centerline required to fulfill their portion of the ultimate 44' right-of-way width and the ultimate 44' right-of-way width (modified Tertiary, MC-2001.01). The Applicant also proposes to widen the pavement on Garrett Road to meet the full 20' pavement width along the frontage of their property and the additional access easement to the east of the Subject Property.

During the review of the Preliminary Plan it became evident that the Conditional Use review did not adequately address the proximity of the project's access onto Redland Road with the future planned intersection of Redland Road and the Midcounty Highway Extension recommended in both the 2004 Approved and Adopted Upper Rock Creek Master Plan and the 2009 Intercounty Connector Limited Functional Master Plan – Bikeways and Interchanges. Without knowing the details of the future planned intersection or interchange because no study had been completed, SHA deferred all decisions regarding the future intersection/interchange to Montgomery County in a letter dated May 31, 2017. Therefore, MCDOT found it necessary to plan for an alternative access point to the Subject Property in the case that the spacing between the two intersections would not be safe. After coordination with MCDOT, the Applicant suggested in a letter dated May 1, 2017 that they be granted approval of the project provided they permit and bond an additional access onto Garrett Road prior to the issuance of the 10th building permit. Since permitting and bonding would require the Applicant to pay for the alternative road connection, Planning and MCDOT staff have coordinated to condition that the alternative access be permitted and bonded prior to the 10th building permit and built prior to issuance of the 17th building permit (not the 16th as indicated in MCDOT's approval letter). Requiring the alternative access be built at this time prevents the issue of when to release the bond, provides no adverse effect to nearby residences, and ensures safe access to the Subject Property should future road connections to Midcounty Highway and/or the ICC be implemented.

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

#### Local Area Transportation Review (LATR)

The Application was accepted after January 1, 2017 and therefore was reviewed under the new 2016-2020 Subdivision Staging Policy and Local Area Transportation Review (LATR) Guidelines in effect currently. The Applicant's consultant provided a traffic statement which states that the proposed development of 19 dwelling units will generate 13 morning peak hour person trips and 15 evening peak hour person trips. Based on the traffic statement, the development will generate fewer than 50 peak hour person trips during the morning or evening peak hours. Therefore, this project is exempt from the LATR.

The Preliminary Plan has been evaluated by M-NCPPC Staff ("Staff") and the Montgomery County Department of Transportation, which supports the transportation elements of the Preliminary Plan as indicated in a letter dated March 8, 2018. The proposed access to the Subject Property, as shown on the Preliminary Plan, is adequate to serve the development and the alternative Garrett Road access provides access should M-83 be constructed.

#### Other Public Facilities and Services

The Subject Property is in sewer category S-3 and water category W-3 which is consistent with the Applicant's proposal to connect to public water and sewer which are available and adequate to serve the development.

The Application has been reviewed by the MCDPS Fire Code Enforcement Section, which determined that the Property has adequate access for fire and rescue vehicles by transmittal dated March 1, 2018.

Other public facilities and services, such as police stations, firehouses and health services are currently operating within the standards set by the 2016-2020 Subdivision Staging Policy.

#### School Adequacy Analysis

##### **Calculation of Student Generation**

To calculate the number of students generated by the proposed development, the number of dwelling units is multiplied by the applicable student generation rate for each school level. Dwelling units are categorized by structure type: single family detached, single family attached (townhouse), low- to mid-rise multifamily unit, or high-rise multifamily unit.

As shown in the Staff Report, the Application includes 19 single family attached units replacing one single family detached unit and is estimated to generate 4 elementary school students, 1 middle school student and 2 high school students.

**Cluster Adequacy Test**

There is sufficient capacity within the school cluster to accommodate the estimated number of students generated by this project. The project is located in the Col. Zadok Magruder High School Cluster. Based on the FY18 Annual School Test results, the student enrollment and capacity projections for the Magruder Cluster are noted in the following table:

School Level	Projected Sept. 2022 Enrollment	100% Projected MCPS Program Capacity, 2022	Cluster % Utilization 2022-2023	Moratorium Enrollment Threshold	Projected Enrollment + Application Impact
<b>Elementary</b>	2,612	2,868	91.1%	3,442	<b>2,616</b>
<b>Middle</b>	1,283	1,603	80.0%	1,924	<b>1,284</b>
<b>High</b>	1,872	1,941	96.4%	2,330	<b>1,874</b>

The Moratorium Enrollment Threshold identified in the table is the enrollment at which the 120% utilization threshold is exceeded, resulting in a cluster-wide residential development moratorium. As indicated in the last column, the projected enrollment plus the estimated impact of this Application fall below the moratorium thresholds at all three school levels. Therefore, there is sufficient capacity at the elementary, middle and high school cluster levels to accommodate the estimated number of students generated by this project.

**Individual School Adequacy Test**

The applicable elementary and middle schools for this project are Candlewood ES and Shady Grove MS, respectively. Based on the FY18 Annual School Test results, the student enrollment and capacity projections for these schools are noted in the following table:

School	Projected Sept. 2022 Enrollment	100% Projected MCPS Program Capacity, 2022	School % Utilization 2022-2023	Moratorium Enrollment Thresholds		Projected Enrollment + Application Impact
				120% Utilization	Seat Deficit	
Candlewood ES	360	516	69.8%	620	626	<b>364</b>
Shady Grove MS	632	846	74.7%	1,016	1,026	<b>633</b>

Under the individual school adequacy test, a school is deemed inadequate if the projected 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 a school's projected enrollment exceeds both triggers, then the school service area is placed in a residential development moratorium.

The Moratorium Enrollment Thresholds identified in the table above are the enrollments at which the 120% utilization threshold and the seat deficit threshold are exceeded. As indicated in the last column, the projected enrollment plus the estimated impact of this Application fall below the applicable moratorium thresholds for both Candlewood ES and Shady Grove MS.

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

3. *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.*

This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations that were in effect prior to February 13, 2017. The lot size, width, shape and orientation are appropriate for the location of the subdivision taking into account that the Subject Property was approved for up to 19 townhouses as a Conditional Use<sup>2</sup>. The Conditional Use Application took into consideration the applicable Master Plan recommendations, open space requirements and layout if the development in addition to the density and development standards outlined in Section 59-4.4.12.C.

The common open space does not entirely meet the 50-foot minimum width requirement of Section 6.3.5.B.2, however, an exception was granted by the Hearing Examiner as part of the Conditional Use application. The width ranges from 18 feet at the west to 50 feet at the west (widest point). Although the space does not meet the width requirement, an exception was warranted because the

---

<sup>2</sup> The Subject Property is zoned RE-1, however, the density and development standards of the RE-1 zone do not apply to Townhouse Living as a Conditional Use in the RE-1 zone. Section 59-3.3.1.D.2.b.vii states that "the density limitations and development standards of the TMD zone under optional method (Section 4.4.12.C) apply despite any other limitation in this Chapter." Therefore, the Application was reviewed for compliance with the development standards of the TMD zone under the optional method of development.

open space fully meets the intent of Division 6.3. As described on page 13 of the Conditional Use Staff Report, the common space meets the intent because it is centrally located within the development, provides a break between the individual rows of townhouses, provides passive and active recreation including seating, a pergola, accessible garden beds and specialty play equipment designed for those with disabilities. The space is well connected with sidewalks and will be a welcoming space for visitors and residents.

The lots were reviewed for compliance with the dimensional requirements for the TMD zone, under the Optional Method of Development as specified in the Zoning Ordinance. The Application has been reviewed by other applicable county agencies, all of whom have recommended approval of the Application.

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

- A. Forest Conservation

- As conditioned, the Forest Conservation Plan complies with the requirements of the Forest Conservation Law.

- This Application meets the requirements of Chapter 22A of the Montgomery County Forest Conservation Law. A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) was approved for the Subject Property on June 23, 2015. There are no forests or environmentally sensitive features on the Subject Property. A Preliminary Forest Conservation Plan was approved by the Planning Board on October 6, 2016 as part of a Conditional Use Application, Plan No. CU2016-11. Development of the Subject Property generates a 0.42-acre afforestation planting requirement which will be met by purchasing the necessary credits in an off-site forest mitigation bank.

- B. Forest Conservation Variance

- The Applicant submitted a variance request in a letter dated January 29, 2016 as part of the Preliminary Forest Conservation Plan application. Both the Preliminary Forest Conservation Plan and the variance request were approved by the Planning Board on October 6, 2016.

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.*

This finding is based upon the determination by MCDPS that the Stormwater Management Concept Plan meets applicable standards.

The Preliminary Plan Application meets the stormwater management requirements of Chapter 19 of the County Code. The Applicant received a stormwater concept approval from MCDPS – Water Resources Division on March 2, 2018. The Application will meet stormwater management goals by installing one micro-bioretenion facility and two landscaping infiltration facilities.

BE IT FURTHER RESOLVED that this Preliminary Plan will remain valid for 36 months months from its initiation date (as defined in Montgomery County Code Section 50-35(h)), and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded in the Montgomery County Land Records, or a request for an extension must be filed; and

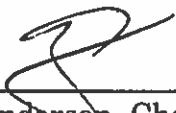
BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is APR 13 2018 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

\* \* \* \* \*

### CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Cichy, seconded by Commissioner Fani-González, with Chair Anderson, Vice Chair Dreyfuss, and Commissioners Fani-González, Cichy, and Patterson voting in favor absent at its regular meeting held on Thursday, April 5, 2018, in Silver Spring, Maryland.

  
\_\_\_\_\_  
Casey Anderson, Chair  
Montgomery County Planning Board