

8911 and 8915 Burdette Road, Administrative Subdivision Plan No. 620170070

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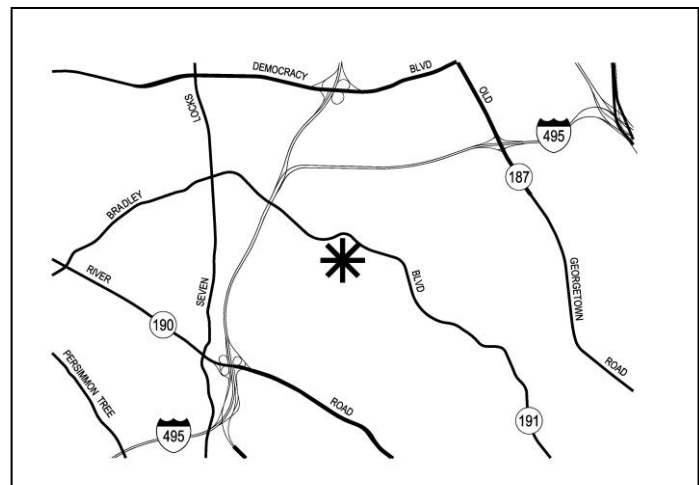
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Completed: 6/15/18

Description

- Request to subdivide a property into three lots;
- Current use: single-family dwelling and a tennis court;
- Located on Burdette Road, approximately 900 feet south of Bradley Boulevard;
- 2.86 acres, zoned R-200;
- 1990 *Bethesda-Chevy Chase Master Plan*;
- Applicant: Jan Evans & Steven Heflin;
- Acceptance date: July 10, 2017.



Summary

- Staff recommends approval of the Administrative Subdivision Plan with conditions.
- Although this Application is an Administrative Subdivision Plan, the Director has required that the application be acted on by the Planning Board in accordance with Section 50.6.3.B.1 of the Subdivision Code.
- The Application meets the applicability requirements for an Administrative Subdivision Plan to create up to three (3) lots for three detached houses.
- The Application meets the requirements of Chapter 22A, Forest Conservation Law.
- The Application meets stormwater management requirements.
- The Application substantially conforms to the 1990 *Bethesda-Chevy Chase Master Plan*.
- In accordance with Chapter 50, Subdivision Code, Section 50.6.3.B.3, the Administrative Subdivision Plan received a Planning Director extension postponing the hearing date from October 5, 2017 until November 9, 2017 and three subsequent Planning Board extensions postponing the hearing date from November 9, 2017 through December 7, 2017, December 7 to March 8, 2018 and then from March 9, 2018 through September 9, 2018.

ADMINISTRATIVE SUBDIVISION PLANS

Chapter 50, Section 6.1.C of the County Code permits the subdivision of land through an administrative subdivision plan instead of a preliminary plan of subdivision for up to 3 lots for detached houses permitted in any residential zone in accordance with the required findings in Chapter 50, Section 6.1.C. The necessary technical requirements of these applications must be reviewed under Section 50.4.3.

Under Section 50.6.3.B, the Planning Director must act upon the application, in writing, or may require that the application be acted upon by the Planning Board. The Planning Director has required that the application be acted on by the Planning Board.

A pre-submittal community meeting with the community/public/parties of record is not required. However, applicants must post signs on the development site and provide public notice that the application has been filed under Section 50.00.01.04 of the Administrative Procedures for Subdivision Plan Review.

On July 10, 2017, Jan Evans and Steven Heflin (Applicant) filed an application designated Administrative Subdivision Plan No. 620170070 (Administrative Plan or Application) to create three lots on 2.86 acres of land in the R-200 zone, comprised of Lot 13 and Part of Lot 17, Block B, Bradley Hills Grove Subdivision, located northeast to the intersection of Burdette Road and Hillmead Road (Subject Property or Property), in the Bethesda Chevy Chase Policy Area and the 1990 *Bethesda-Chevy Chase Master Plan* (Master Plan) area.

A notice of the Application was sent to all required parties by the Applicant on July 11, 2017. The notice gave the interested parties 15 days to review and comment on the contents of the Application. Staff received an email with questions regarding the Application on February 19, 2018 and responded on February 21, 2018. Staff has not received any additional correspondence.

RECOMMENDATION: Approval subject to the following conditions:

1. This Administrative Subdivision Plan is limited to three lots for one single family detached dwelling unit on each lot.
2. Prior to any clearing, grading, or demolition necessary to construct the project, the Applicant must obtain Planning Department approval of a Final Forest Conservation Plan consistent with the approved Preliminary Forest Conservation Plan.
3. The Final Forest Conservation Plan must address the following items:
 - a. Signage, and a split-rail fence and/or boundary posts, to delineate easement areas;
 - b. Control of invasive species;
 - c. Cleanup of trash/debris;
 - d. Mitigation tree planting details, and timing for installation;
 - e. Update the FCP sheets to entirely remove the previously proposed overhead electric notes/graphics (within the CRZ of tree 34) and show the proposed utility location similar to the layout on the Certified Administrative Subdivision Plan;
 - f. Detailed tree save plan;
 - g. Removal of hazardous trees/limbs; and
 - h. All tree protection measures shown on the plans must be certified by an International Society of Arboriculture certified arborist who is also a Maryland Licensed Tree Care Expert.

4. The signage, and a split-rail fence and/or boundary posts, (as determined on the Final Forest Conservation Plan) to delineate easement areas must be installed prior to the release of any building permit for new construction.
5. The Planning Board accepts the recommendations of MCDPS – Water Resources Section in its stormwater management concept letter dated January 18, 2018, and hereby incorporates them as conditions of the Administrative Subdivision 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 Administrative Subdivision Plan approval. The MCDPS Water Resources Section will review, approve, and inspect all landscaping within the Storm Water Management easements and facilities.
6. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS) Fire Code Enforcement Section in its letter dated January 4, 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 Administrative Subdivision Plan approval.
7. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation (MCDOT) in its letter(s) dated August 23, 2017, and December 21, 2017, and hereby incorporates them as conditions of the Administrative Subdivision 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 Administrative Subdivision Plan approval.
8. Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements as required by MCDOT as amended in the MCDOT, December 21, 2017 approval letter.
9. The record plat must show necessary easements.
10. The Adequate Public Facility (“APF”) review for the Administrative Subdivision Plan will remain valid for sixty-one (61) months from the date of mailing of this Planning Board Resolution.
11. The Certified Administrative Subdivision Plan must contain the following note:

“Unless specifically noted on this plan drawing or in the conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Administrative Subdivision Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of issuance of building permit(s) 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 approval.”

PROPERTY AND VICINITY DESCRIPTION

Administrative Subdivision Plan No. 620170070 is a request to subdivide a property into three lots. The Subject Property includes Lot 13 (comprised of 79,411 square feet) and approximately 45,108 square foot part of Lot 17, Block B, Bradley Hills Grove Subdivision as shown on Tax Map GP 341. The Subject Property is located 530 feet northeast of the Burdette Road and Hillmead Road intersection and consists of 2.86 acres, zoned R-200. The Property is within the 1990 *Bethesda Chevy Chase Master Plan*.

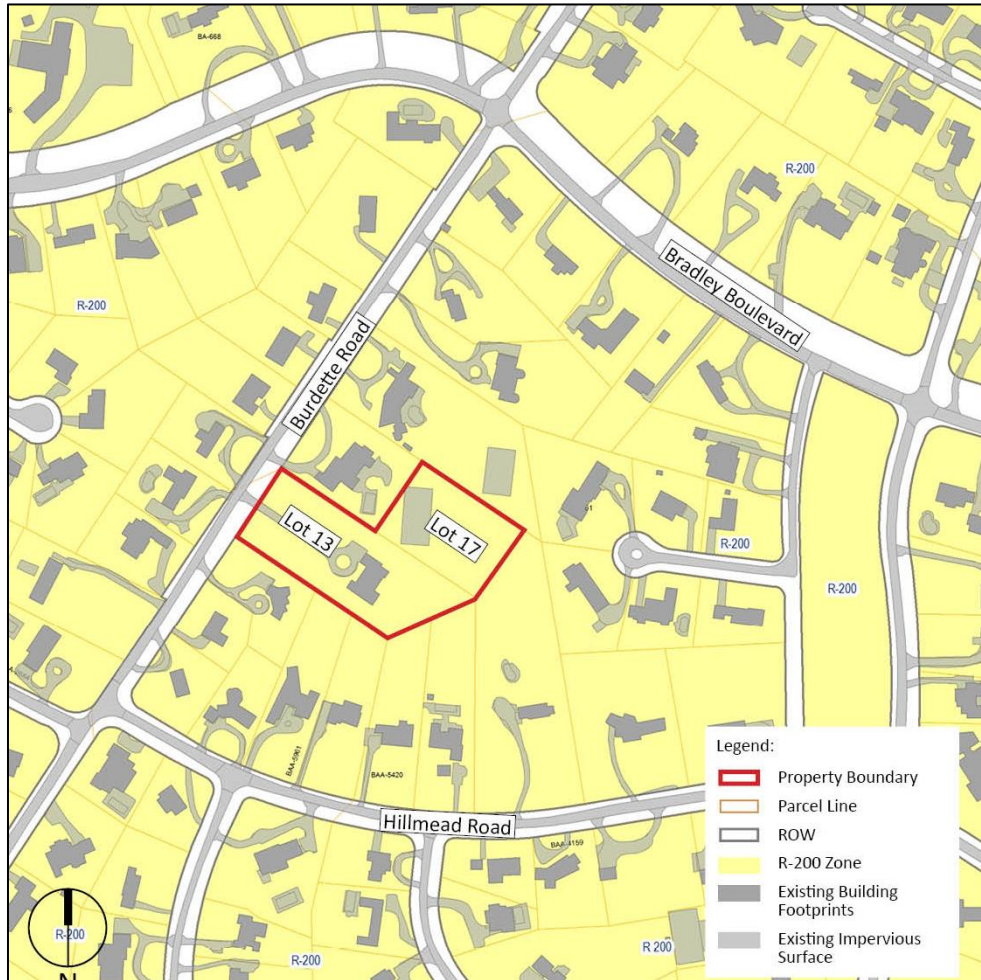


Figure 1-Vicinity

As depicted in Figure 2, the Property is developed with a single-family house and a tennis court. The site lies within the Booze Creek Watershed, a state designated Class I watershed. It does not lie in a special protection area. There is currently 1.1 acres of forest cover on the Property and many steep slopes greater than 25 percent. Forested areas on these slopes contain mature trees and are therefore considered to be a high priority forest area. There are no stream buffers on or adjacent to the Subject Property.



Figure 2-Property's Ecological Features

PROJECT DESCRIPTION

The Application proposes to create three lots for single-family homes, with access from a shared driveway off of Burdette Road. Although, the Property is required to provide a frontage sidewalk in accordance with Section 49-33(e) of the County Code, MCDOT waived construction of the sidewalk in their approval letter dated December 21, 2017.

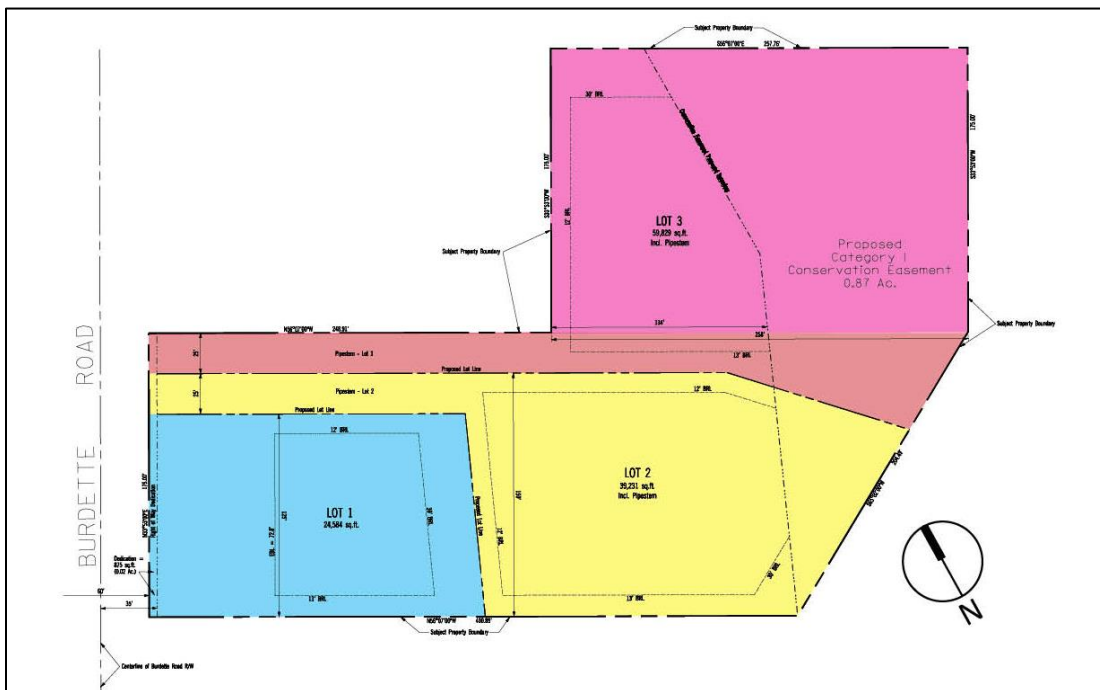


Figure 3-Proposed Lotting Diagram

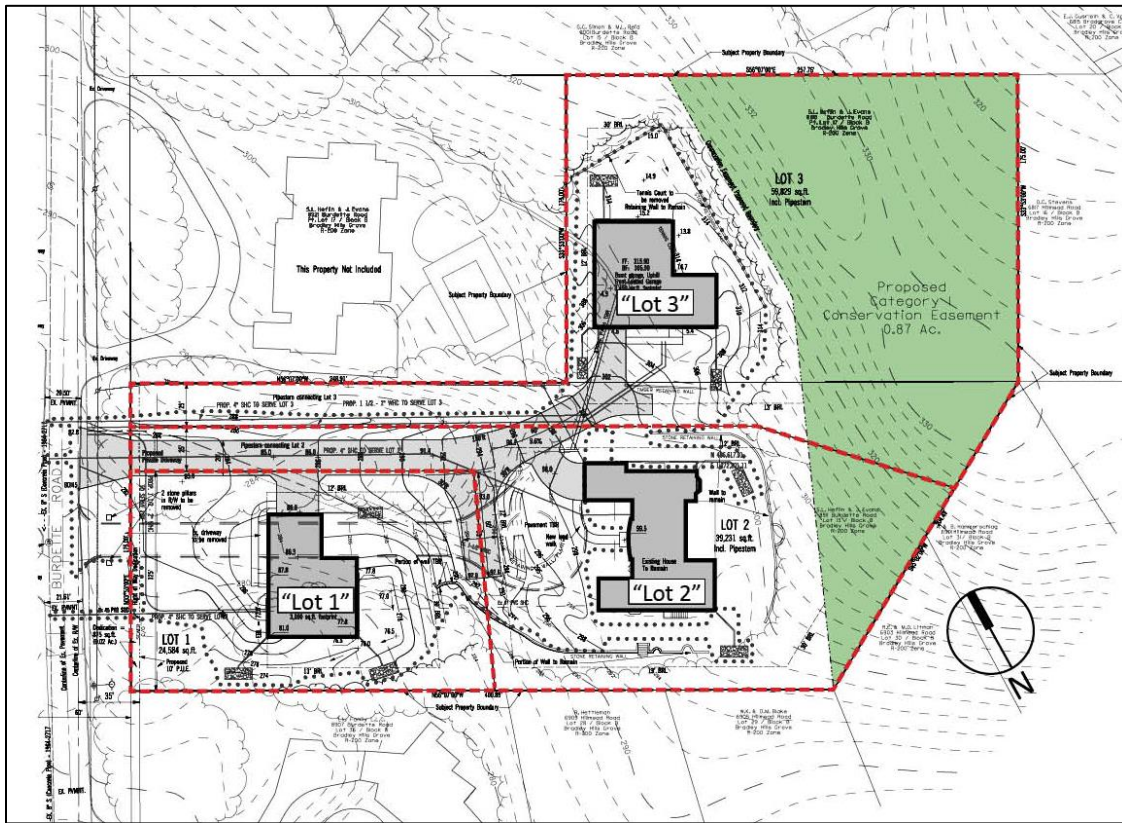


Figure 4-Administrative Subdivision Plan

Environment

A Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) # 420170850 for the site was approved on March 9, 2017. The site contains numerous native trees, many of which are significant or specimen in size. The property is 2.86 acres in size and encompasses 1.10 acres of forest. The forest includes areas of steep slopes and rock outcrops and is rated as high priority for retention due to presence of large trees, steep slopes, and connections to other offsite forest areas. The site is located within the Booze Creek watershed which is a tributary to Cabin John Creek, a Use I-P watershed¹.

Forest Conservation and Tree Save

The project is subject to the forest conservation law under the Applicability Section 22A-4(a) which states: “Except as otherwise expressly provided in this Chapter, this Chapter applies to: a person required by law to obtain an approval or amendment to a development plan, diagrammatic plan, project plan, preliminary plan of subdivision, or site plan.” The project does not qualify for a forest conservation exemption due the subdivision proposed on the relatively large-sized property. Therefore, the project is subject to a Forest Conservation Plan (FCP).

The proposed layout of the subdivision includes a 0.87-acre Category I Conservation Easement at the eastern side of the site which protects most of the onsite forest area. Forest clearing of 0.23 acres is proposed (cross-hatched area in Figure 5 below), however only about 0.02 acres is actively cleared within the limits of disturbance (LOD).

¹ Use I-P: WATER CONTACT RECREATION & PROTECTION OF AQUATIC LIFE, AND PUBLIC WATER SUPPLY

Waters that are suitable for: water contact sports: play and leisure time activities where the human body may come in direct contact with the surface water; fishing; the growth and propagation of fish (other than trout); other aquatic life, and wildlife; agricultural water supply, industrial water supply, and use as a public water supply.

For forest conservation accounting purposes, the forest areas not within the protection of the proposed conservation easement are technically considered to be cleared.

As discussed in the findings below, the Application is proposing to impact trees subject to a Forest Conservation Variance.

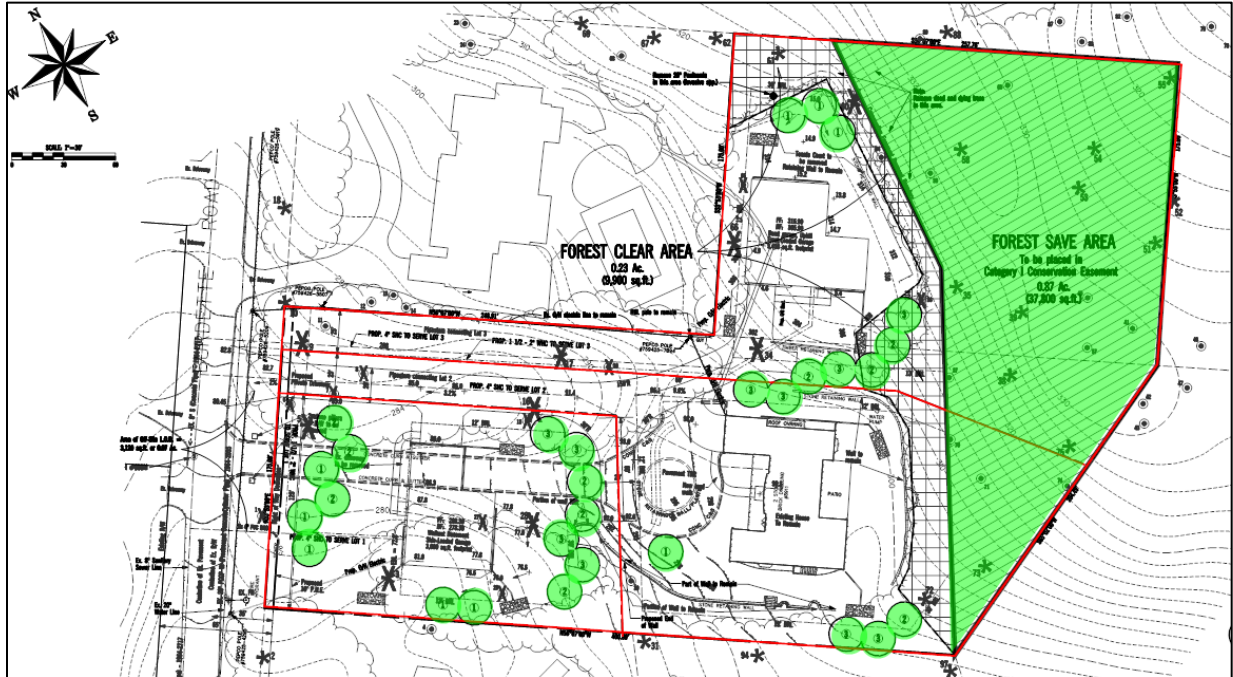


Figure 5- Preliminary Forest Conservation Plan Exhibit

ANALYSIS AND FINDINGS – CHAPTER 50

The following are the qualifications and technical review requirements for an Administrative Subdivision:

Applicability, Section 6.1.C

1. The lots are approved for the standard method of development;

The lots were submitted and are approved for standard method development in the R-200 zone.

2. Written approval for any proposed well and septic area is received from the Department of Permitting Services, Well and Septic Section before approval of the plat;

The lots will not be served by wells or septic areas, as the Property is served by public water and sewer service and is designated in the W-1 and S-1 categories.

3. Any required road dedications and associated public utility easements are shown on the plat and the applicant provides any required improvements;

The Applicant is providing road dedication in accordance with the Master Plan, which designates Burdette Road as a principal secondary roadway (PS-1) with a 70-foot right-of-way. The Applicant will coordinate

with County agencies to ensure that any necessary public utility easements are shown on the plat as well as a common ingress/egress easement over the shared driveway.

4. The requirements for adequate public facilities under Section 4.3.J are satisfied before approval of the plat; and

Roads and Transportation Facilities

There are adequate public facilities to support and service the Property in accordance with Section 50.4.3.J of the Subdivision Code. The Property is located in the Bethesda/Chevy Chase Policy Area, which is categorized as an Orange Policy Area under the 2016 – 2020 Subdivision Staging Policy (the “SSP”). As demonstrated in Lenhart Traffic Consulting’s May 8, 2017, Traffic Statement submitted with the Application, the proposed Administrative Subdivision generates fewer than 50 peak-hour person trips and is therefore exempt from Local Area Transportation Review under the SSP. Therefore, roads and transportation facilities are adequate to support the Application.

School Adequacy

This Application was reviewed for school adequacy. The Property is served by Burning Tree Elementary School, Thomas W. Pyle Middle School, and Walt Whitman High School. The following analysis looks at the school capacity within each of these schools and the Application’s impacts to the school enrollment.

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. The Application proposes to build two new one-family detached houses and retain an existing house.

Per Unit Student Generation Rates

	Elementary School	Middle School	High School
SF Detached	0.204	0.111	0.150
SF Attached	0.234	0.111	0.147
MF Low- to Mid-Rise	0.212	0.084	0.112
MF High-Rise	0.072	0.029	0.038

The proposed project includes three single family detached dwelling units on a property with one existing single family detached unit. With a net of two new single family homes, the proposed project is estimated to generate the following number of students:

Type of Unit	Net Number of Units	ES Generation Rates	ES Students Generated	MS Generation Rates	MS Students Generated	HS Generation Rates	HS Students Generated
SF Detached	2	0.204	0.408	0.111	0.222	0.150	0.300
TOTAL	2		0		0		0

This project is estimated to generate zero new elementary school students, middle school students, and high school students.

Cluster Adequacy

The project is located in the Walt Whitman High School Cluster. Based on the FY18 Annual School Test results, the student enrollment and capacity projections for the Whitman 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
Elementary	2,179	2,538	85.9%	3,046	2,179
Middle	1,359	1,502	90.5%	1,803	1,359
High	2,305	2,397	96.2%	2,877	2,305

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

The applicable elementary and middle schools for this project are Burning Tree ES and Thomas W. Pyle 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	
Burning Tree ES	399	378	105.6%	454	509	399
Thomas W. Pyle MS	1,359	1,502	90.5%	1,803	1,682	1,359

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 does not exceed the Burning Tree ES seat deficit threshold nor the 120% utilization threshold for the school. Likewise, for Thomas W. Pyle MS, the projected enrollment plus the estimated impact of this application falls below both applicable moratorium thresholds. Therefore, there is sufficient capacity at these schools to accommodate the estimated number of students generated by this project.

Based on the school cluster and individual school capacity analysis performed, using the FY2018 Annual School Test, there is adequate school capacity for the amount and type of development proposed by this application. If, however, this application comes before the Planning Board after June 30, 2018, the FY2019 Annual School Test would apply and this analysis would need to be conducted anew.

Other Public Facilities and Services

The Property is served by public water and sewer and is classified in the W-1 and S-1 categories. Public water and sewer mains currently serve the Property, which will be adequate to serve the proposed subdivision. Dry utilities including electricity, gas, and telephone are also available to the Property. Other utilities, public facilities and services, such as electric, telecommunications, police stations, firehouses and health services are currently operating within the standards set by the Subdivision Staging Policy Resolution currently in effect.

5. Forest conservation, stormwater management, and environmental protection requirements are satisfied before approval of the plat.

The Subject Property is subject to Chapter 22A of the County Code. The Planning Board finds that, as conditioned, the Preliminary Forest Conservation Plan complies with the requirements of the Forest Conservation Law.

A Stormwater Concept Plan was approved by the Montgomery County Department of Permitting Services on January 18, 2018. The Administrative Subdivision Plan will meet stormwater management goals with eight drywells and one bioswale.

There no additional environmental protection requirements to be met.

Technical Review, Section 4.3

1. Lot Appropriateness

The Administrative Subdivision Plan meets all applicable sections of the Subdivision Code. The proposed lot sizes, widths, shapes, and orientations are appropriate for the location of the subdivision, taking into account the recommendations of the Master Plan, the existing lot pattern of surrounding properties, and for the building type (single-family homes) contemplated for the Property.

The lots were reviewed for compliance with the dimensional requirements for the R-200 zone as specified in the Zoning Ordinance. The lots will meet all the dimensional requirements for area, frontage, and width, and can accommodate a building which can reasonably meet the setbacks requirements in that zone. A summary of this review is included in Table 1.

Table 1-Development Review Table

R-200	Required by the Zone	Proposed for Approval
Minimum Lot Area	20,000 sq. ft.	Lot 1 = 24,500 sq. ft. Lot 2 = 39,200 sq. ft. Lot 3 = 59,800 sq. ft.
Minimum Lot Frontage	25 feet	Lot 1 = 125' Lot 2 = 25' Lot 3 = 25'

Minimum Lot Width at B.R.L.	100 feet	Lot 1 = 125' Lot 2 = 150' Lot 3 = 250'
Maximum Lot Coverage	25%	25% or less
Front Setbacks	40 feet or Established Building Line	40 feet or Established Building Line
Side Setbacks, abutting Residential	12 feet min./ 25 feet total	12 feet min./ 25 feet total or greater
Rear Setbacks, abutting Residential	30 feet	30 feet or greater
Building Height Based on Lot Area	Lot 1 = 40' Lot 2 = 45' Lot 3 = 50'	Lot 1 = Not to exceed 40' Lot 2 = Not to exceed 45' Lot 3 = Not to exceed 50'
Site Plan Required	No	No

2. Master Plan Conformance

The Administrative Subdivision Plan substantially conforms to the 1990 *Bethesda-Chevy Chase Master Plan*. This property is in the “Mid-Bethesda – Northern B-CC” area of the Master Plan.

While the Master Plan does not specifically identify the Subject Property, this proposed development is proposing single-family houses which aligns with the established character of high-quality residential neighborhoods this area. This Application reserves a large portion of the Property in a Category 1 forest conservation easement.

3. Adequate Public Facilities

As discussed in findings 6.1.c.4 above, public facilities will be adequate to support and service the area of the subdivision.

4. Forest Conservation

A. Forest Conservation

The Subject Property is subject to Chapter 22A of the County Code. The Planning Board finds that as conditioned, the Forest Conservation Plan complies with the requirements of the Forest Conservation Law.

B. Forest Conservation Variance

Section 22A-12(b)(3) of Montgomery County Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection. Any impact to these trees, including removal of the subject tree or disturbance within the tree’s critical root zone (CRZ), requires a variance under Section 22A-21 of the Law. An Applicant for a variance must show that enforcement would result in unwarranted hardship and provide certain written information in support of the required findings. The law requires no impact to trees that measure 30 inches DBH or greater; are part of a historic site or designated with a 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 to trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species.

The project includes removals of and impacts to trees measuring 30 inches DBH or greater and are therefore subject to a variance. The Applicant submitted a variance request to remove nine specimen trees and to impact, but retain, eight specimen trees.

TABLE 2: SUBJECT TREES TO BE REMOVED

Tree #	Name	Size	Condition	Comments
Tree #3	Tulip Poplar	56" DBH	Good Condition	Within graded area
Tree #5	Tulip Poplar	31" DBH	Good Condition	Within graded area
Tree #9	Tulip Poplar	34" DBH	Good Condition	Within graded area
Tree #16	Tulip Poplar	43" DBH	Good Condition	Within graded area
Tree #17	Tulip Poplar	35" DBH	Good Condition	Within graded area
Tree #28	Tulip Poplar	33" DBH	Fair Condition	Within graded area
Tree #34	Am. Beech	37" DBH	Good Condition	Within graded area
Tree #60	Red Oak	34" DBH	Fair Condition	Adjacent to L.O.D.
Tree #66	Red Oak	35" DBH	Good Condition	Within graded area

TABLE 3: SUBJECT TREES TO BE IMPACTED BUT RETAINED

Tree #	Name	Size	Condition	Percent of impact
Tree #2	Tulip Poplar	44" DBH	Good Condition	1% CRZ Impacted
Tree #10	White Oak	31" DBH	Good Condition	12% CRZ Impacted
Tree #31	Red Oak	36" DBH	Fair Condition	10% CRZ Impacted
Tree #35	Red Oak	34" DBH	Good Condition	22% CRZ Impacted
Tree #61	Tulip Poplar	36" DBH	Good Condition	20% CRZ Impacted
Tree #62	Red Oak	36" DBH	Good Condition	4% CRZ Impacted
Tree #72	Red Oak	32" DBH	Good Condition	7% CRZ Impacted
Tree #94	Tulip Poplar	42" DBH	Good Condition	14% CRZ Impacted

The Applicant has shown that enforcement of the Law for the designated trees would result in an unwarranted hardship for the following reasons:

- a. One of the trees proposed for removal under the variance (tree 60) is in severely declining health (now in poor condition based on recent site visit), and retention of the tree would create a significant maintenance burden and potential liability;
- b. Not granting the variance would severely limit the site's buildable area, due to the extensive cover of the critical root zones of subject trees throughout the property.

Variance Findings

Based on the review of the variance request, and Preliminary Forest Conservation Plan, approval of the variance is supported by the following findings:

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

Since the property is considerably constrained by forest to be protected, and the remaining buildable area is largely interspersed with subject trees and their associated critical root zones, any development of the property would require impacts and removals. The tree impacts and removals associated with the site are within the buildable area established by the site's building restriction lines,

and proposed conservation easements. Therefore, the variance request would be granted to any applicant in a similar situation.

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

The requested variance is based on proposed development allowed under the existing zoning and the need to achieve adequate stormwater management and fire/rescue service access. The variance can be granted under this condition if the impacts are avoided or minimized and that any necessary mitigation is provided. Design changes were incorporated to reduce tree disturbance/removals, and onsite mitigation plantings of native canopy trees are provided.

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

The requested variance is a result of the proposed site design and layout of the Subject Property and the impacts are not as 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 Montgomery County Department of Permitting Services (MCDPS) staff approved the stormwater management (SWM) concept for the project on January 18, 2018. The SWM concept proposes to meet required stormwater management goals with eight drywells and one bioswale. MCDPS review and ultimate approval of the sediment and erosion control and stormwater management plans will ensure that appropriate standards are met. Furthermore, the proposed Category I Easement, along with the supplemental mitigation plantings, will help provide water quality enhancements associated with protection of the steep slopes, shading, and water retention/uptake. Therefore, the project will not violate State water quality standards or cause measurable degradation in water quality.

County Arborist's Recommendations

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 Applicants' request was forwarded to the County Arborist on April 23, 2018. The County Arborist issued a response to the variance request on May 18, 2018, and recommended the variance be approved with the condition that mitigation is provided. The County Arborist's response letter also includes general recommendations on tree protection methods and calculating mitigation requirements.

Mitigation for Trees Subject to the Variance Provisions

The LOD and associated variance request includes the removal of trees 3, 5, 9, 16, 17, 28, 34, 60 & 66, each of which measure 30" DBH or greater, and their total DBH is 338". Planting mitigation for the proposed removals should be at a rate that approximates the form and function of the trees removed, at a ratio of approximately 1" DBH for every 4" DBH removed, using trees that are a minimum of 3" caliper. This means that for the 338 diameter inches of tree to be removed, the Applicant must provide mitigation of at least 84.5 inches of caliper replacements. Therefore, the mitigation requirements are addressed by the planting of 29 (quantity) 3" caliper trees for a total of 87 caliper inches of onsite mitigation trees.

No mitigation is recommended for trees impacted but retained. As a result of the above findings, Staff recommends that the Planning Board approve of the Applicant's request for a variance from the Forest Conservation Law to remove nine variance trees and to impact, but retain, eight variance trees on the subject site. The variance approval is incorporated into the Planning Board's approval of the Forest

Conservation Plan. Staff is also recommending approval of the Preliminary Forest Conservation Plan with conditions listed at the front of this staff report.

5. Stormwater Management

A Stormwater Concept Plan was approved by the Montgomery County Department of Permitting Services on January 18, 2018. The Administrative Subdivision Plan will meet stormwater management goals with eight drywells and one bioswale.

CONCLUSION

The Administrative Subdivision Plan meets the technical requirements of Section 50.4.3 of the Subdivision Code, and the applicable requirements of Section 50.6.1.C. The lots meet all requirements established in the Subdivision Code and the Zoning Ordinance and substantially conform to the recommendations of the 1990 *Bethesda-Chevy Chase Master Plan*. Access and public facilities will be adequate to serve the proposed lots, and the Application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan.

This Administrative Subdivision Plan will remain valid for 36-months from its initiation date (as defined under Section 50.4.2.G of the Subdivision Code), by which time a plat must be recorded in the Montgomery County Land Records, or a request for extension must be filed under Section 50.4.2.H.

Attachment A – Administrative Subdivision Plan

Attachment B – Agency Letters

Attachment C – Forest Conservation Plan

Attachment D – County Arborist’s Letter

Attachment E – Statement of Justification