



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

MCPB No. 18-049
Pre-Preliminary Plan No. 720100040
Cattail Road Property
Date of Hearing: June 21, 2018

JUL 17 2018

RESOLUTION

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

WHEREAS, on March 1, 2010, Irvin Crawford (“Applicant”) filed an application for approval of a pre-preliminary plan of subdivision of property that would create one lot on 64.39 acres of land in the AR zone, located at 18101 Cattail Road, 2,000 feet south of Cattail Lane (“Subject Property”), in the Preservation of Agricultural and Rural Open Space (AROS) (“Master Plan”) area; 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, Applicants pre-preliminary plan application was designated pre-preliminary plan No. 720100040 Cattail Road Property (“Pre-Preliminary Plan” or “Application”); and

WHEREAS, Applicant opted to have this Pre-Preliminary Plan reviewed under the Subdivision Regulations in effect on March 1, 2010; 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, June 8, 2018, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on June 21, 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, on June 21, 2018, the Planning Board voted to approve the Application subject to certain conditions, on motion of Commissioner Fani-Gonzales,

Approved as to
Legal Sufficiency:

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seconded by Commissioner Cichy, with a vote of 5-0; Commissioners Anderson, Cichy, Dreyfuss, Fani-Gonzales, and Patterson voting in favor

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Pre-Preliminary Plan No. 720100040 to create one lots on the Subject Property, subject to the following conditions:¹

1. This Pre-Preliminary Plan is limited to one (1) lot.
2. The Applicant must place a Category I Conservation Easement over all areas of stream valley buffers within Lot 1 not currently being farmed. The easement must be in the form of a deed approved by the M-NCPPC Office of the General Counsel and must be recorded in the Montgomery County Land Records prior to recordation of plat(s). The liber and folio of the recorded deed of easement must be shown on the record plat.
3. Prior to recordation of plat(s), the Applicant must submit and secure M-NCPPC staff approval of a Final Forest Conservation Plan.
4. Prior to recordation of plat(s), a deed of easement must be recorded on the farm remainder noting that density and a TDR have been used for Lot 1. This easement must be referenced on the record plat for Lot 1.
5. The Applicant must dedicate and show on the record plat(s) approximately thirty-five (35) feet of right-of-way from the existing pavement centerline along the lot's frontage on Cattail Road, as shown on the Pre-Preliminary Plan.
6. Prior to recordation of plat(s), the Applicant must satisfy any provisions for access and improvements as required by MCDOT.
7. The record plat must show all necessary easements.
8. Prior to recordation of plat(s), the Applicant must provide an affidavit for Staff review and concurrence demonstrating the existence and availability of a TDR for each lot shown on the plat.
9. The record plat(s) must contain the following note:
"Agriculture is the preferred use in the Agricultural Reserve (AR) Zone. All agricultural operations shall be permitted at any time, including the operation

¹ 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.

of farm machinery and no agricultural use shall be subject to restriction because it interferes with other uses permitted in the Zone.”

10. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Service (“MCDPS”) – Well and Septic-Section in its letter dated June 7, 2018, and incorporates them as conditions of the Pre-Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Well and Septic-Section provided that the amendments do not conflict with other conditions of the Pre-Preliminary Plan approval.

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 Pre-Preliminary Plan substantially conforms to the Master Plan.*

The proposed lot will not significantly reduce the area available for farming. The Pre-Preliminary Plan is designed to minimize fragmentation of the Property, and maximize the viable farmland. The subdivision will not impinge on any forests, trees, natural features, or scenic views.

The Subject Property is encumbered by an agricultural preservation easement which is overseen by the Agricultural Preservation Advisory Board and Montgomery County. This subdivision is in accordance with the agricultural preservation easement and helps to ensure the land will remain in agriculture.

Since the Pre-Preliminary Plan preserves and promotes agriculture, it substantially conforms to the AROS Master Plan and the purpose of the AR zone.

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

Roads and Transportation Facilities

Vehicular and pedestrian access for the subdivision via the existing driveway will be adequate serve Lot 1. As currently proposed, the proposed lot and farm remainder would not generate 50 or more peak hour person trips during the morning or evening peak periods. Therefore, the Application is not subject to Local Area Transportation Review. Right-of-way dedication is required for Cattail Road in front of the portions of the Property that will be platted. A sidewalk is not required

along the Property frontage because it is in the rural policy area. Access to existing and proposed dwelling units will be from the existing driveways onto Cattail Road.

Other Public Facilities and Services

Other public facilities and services are available and will be adequate to serve the proposed lot. Well and septic systems currently serve the existing dwelling units and will be updated to meet current standards. Electrical and telecommunications services are available to serve the Property. Other public facilities and services, such as schools, police stations, firehouses and health services are currently operating within the standards set by the Subdivision Staging Policy currently in effect.

With a net of one new single family detached dwelling unit, the proposed project falls within the de minimis (three units or less) exemption for school enrollment. Below is additional information about the schools and school cluster that serve the application property.

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.*

The approved lot of 64.39 acres will accommodate one-family detached unit.

Zoning Standards		
Zone: RDT	Requirement	Provided
Lot Size	40,000 sf	64.39 ac
Front Setback	50 ft	> 50 ft
Sideyards	20 ft (40 ft total)	> 20 ft
Rearyard	35 ft	> 35 ft
Building Height	50 ft max	< 50 ft
Lot Coverage	10% max	< 10%
Lot Width @ Building Line	125 ft	>125 ft
Frontage	25 ft	25 ft

The size, width, shape, and orientation of the approved lots are appropriate for the location of the subdivision in the AR zone.

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

The Board finds that, as conditioned, the Forest Conservation Plan complies with the requirements of the Forest Conservation Law.

A preliminary forest conservation plan was reviewed by staff and a final forest conservation plan will be approved by Staff prior to Record Plat

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 in part upon the determination by MCDPS that the Stormwater Management Concept Plan meets applicable standards.

When the application proceeds to building permit, the Applicant will be required to address stormwater management at the sediment and erosion control stage.

6. *The Application complies with Montgomery County Code applicable subdivision requirements, Section 50-35A(a)(8)*
 - (a), the well and septic facilities were approved by MCDPS, Well and Septic Section on June 7, 2018.
 - (b), additional right-of-way dedication is being made for Cattail Road along the property frontage.
 - (c) will be satisfied at the time of record plat.
 - (d) is the subject of this current staff report and Application
 - (e) forest conservation is addressed as a condition of approval.

BE IT FURTHER RESOLVED that this Pre-Preliminary Plan will remain valid for 60 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 JUL 17 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 Patterson, with Chair Anderson and Commissioners Cichy and Patterson voting in favor, and Vice Chair Dreyfuss and Commissioner Fani-González absent at its regular meeting held on Thursday, July 12, 2018, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board