

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Date Mailed:

June 18, 2024

MCPB No. 24-052

Administrative Subdivision No. 620240040

Saddle Ridge

Date of Hearing: May 23, 2024

RESOLUTION

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

WHEREAS, on October 18, 2023, David Blair (“Applicant”) filed an application for approval of an administrative subdivision plan of property that would create three (3) lots on 24.14 acres of land in the RE-2 zone, located at 11524 Highland Farm Road, on Highland Farm Road, west of Deercrest Lane (“Subject Property”)¹, in the Rural West Policy Area and the 2002 *Potomac Subregion Master Plan* (“Master Sector Plan”) area; and

WHEREAS, Applicant’s administrative subdivision plan application was designated Administrative Subdivision Plan No. 620240040, Saddle Ridge (“Administrative Subdivision Plan” or “Application”); 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 May 10, 2024, providing its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on May 23, 2024, the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the motion of

¹ The Subject Property is approximately 24.14 acres and is comprised of four lots, two parts of lots and four parcels as follows; Lots 131 (2.43 acres) and 132 (9.02 acres) identified on Record Plat 20941, Lot 110 (3.65 acres) identified on Record Plat 15208, Lot 91 (2.12 acres) part of Lot 90 part of Lot 86 (2.14 acres) identified on Record Plat 15375, Parcel 817 (2.31 acres), Parcel 850 (2.14 acres) on Tax Map FQ 122, Parcel 710 (0.21 acres) and Parcel 723 (0.097 acres). Lot 91, Lot 110, Lot 131 and Lot 132 are existing flag lots with frontage on Highland Farm Road.

Commissioner Hedrick, seconded by Vice Chair Pedoeem, with a vote of 5-0; Chair Harris, Vice Chair Pedoeem, Commissioners Bartley, Hedrick, and Linden voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Administrative Subdivision Plan No. 620240040 to create three (3) lots on the Subject Property, subject to the following conditions:²

General Approval

1. This Administrative Subdivision Plan is limited to three (3) lots for three (3) single-family detached dwelling units.

Adequate Public Facilities and Outside Agencies

2. The Adequate Public Facilities (“APF”) review for the Administrative Subdivision Plan will remain valid for five (5) years from the initiation date (as defined in Montgomery County Code Section 50.4.3.J.5).

Plan Validity Period

3. The Administrative Subdivision Plan will remain valid for three (3) years from its initiation date (as defined in Montgomery County Code Section 50.4.2.G), and prior to the expiration date of this validity period, a final record plat for all property delineated on the approved Administrative Subdivision Plan must be recorded in the Montgomery County Land Records or a request for an extension filed.

Outside Agencies

4. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated March 29, 2024, and incorporates them as conditions of the Administrative Subdivision Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by MCDOT if the amendment does not conflict with any other conditions of the Administrative Subdivision Plan approval.
5. Before recording a plat for the Subject Property, the Applicant must satisfy MCDOT’s requirements for access and improvements.
6. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”), Water Resources Section in its stormwater management concept waiver letter dated August 8, 2023, and incorporates them as conditions of the Administrative Subdivision Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by

² 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.

MCDPS – Water Resources Section if the amendment does not conflict with any other conditions of the Administrative Subdivision Plan approval.

7. The Planning Board has reviewed and accepts the recommendations of the MCDPS, Fire Department Access and Water Supply Section in its letter dated April 1, 2024, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which MCDPS may amend if the amendment does not conflict with other conditions of the Administrative Subdivision Plan approval.

Other Approvals

8. Except clearing and grading associated with the demolition of building and paving on Lot A and C, there shall be no clearing or grading of the site prior to recordation of plat(s).

Record Plats

9. The record plat must show necessary easements.
10. The record plat must reflect common ingress/egress and utility easements over all shared driveways.
11. The record plat must reflect “Access Denied” from Highland Farm Road on the northern frontage, between 11618 Highland Farm Road and 11614 Highland Farm Road.
12. The record plat must reflect the following building restriction lines (“BRL”) as shown on the Administrative Subdivision Plan:
 - a) Lot A: A 45-foot rear BRLs from Lots 49-50 and Lots 93-95, a 45-foot side BRL from Lot 130 and a 17-foot side setback from proposed Lot C.
 - b) Lot B: A 63-foot rear BRL from Lots 18-19, a 45-foot side BRL from PT.86, Lot 87 and 89 and a 22-foot side BRL from the pipestem of Lot A.
 - c) Lot C: A 63-foot rear BRL from Lot A and a 22-foot side BRL from the pipestem of Lot A.

Certified Administrative Subdivision Plan

13. The certified Administrative Subdivision Plan must contain the following notes:
 - a. *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 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). Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.*
 - b. *The Applicant must schedule an on-site preconstruction meeting with M-NCPPC inspection staff before any demolition, clearing, or grading occurs on-site. The Applicant, along with their representatives, must attend the pre-construction*

meeting with the M-NCPPC inspector. A copy of the approved Certified Administrative Subdivision Plan is required to be on-site at all times.

14. Prior to submittal of the Certified Administrative Subdivision Plan, the Applicant must make the following changes:
- a) Increase all 62.5-foot BRL's to 63-foot BRL's.
 - b) Decrease all 17.5-foot BRL's to 17-foot BRL's.
 - c) Decrease all 22.5-foot BRL's to 22-foot BRL's
 - d) Show resolutions and approval letters on the certified set.
 - e) Include the approved Fire Department Access plan in the certified set.

BE IT FURTHER RESOLVED that having considered the recommendations of its Staff as presented at the hearing and/or 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 Administrative Subdivision Plan meets the requirements of Chapter 50, Section 6.1.C for the creation of up to 3 lots for detached house in any residential zone under these procedures:*

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

The lots were submitted and are approved for standard method development in the RE-2 zone.

B. 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.

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

Highland Farm Road is a Neighborhood Residential Street with a total right-of-way measuring 60 feet, which meets the minimum required 60 feet, per Chapter 49 of the County Code. A 10-foot-wide public utility easement (P.U.E.) is proposed along all frontages of proposed Lots A-C. The existing right-of-way width of Highland Farm Road is 60 feet as recorded in the Montgomery County Land records by Record Plat Nos. 15106, 15107 and 15112. No additional right-of-way dedication is necessary as part of this Application. The Applicant

will coordinate with County agencies to ensure that any necessary public utility easements are shown on the plat.

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

Adequate public facilities exist to support and service the Property in accordance with Section 50.4.3.J of the Subdivision Regulations, as discussed in Findings Section below.

E. 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. As conditioned, the accompanying Preliminary/Final Forest Conservation Plan ("FFCP") No. F20240100, complies with the requirements of the Forest Conservation Law. The Subject Property has a reforestation requirement of 1.32 acres which will be met on-site and protected with a Category I Conservation Easement.

MCDPS, Stormwater Management Section issued a Stormwater Management Concept plan waiver dated August 8, 2023. As discussed in the Findings Section below, Stormwater Management requirements for this Application have been met.

2) The Administrative Subdivision Plan meets the technical review requirements of Chapter 50, Section 4.3.

A. The layout of the subdivision, including size, width, shape, orientation, and density of lots, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59.

The three proposed lots, in one block, as dimensioned and laid out on the Administrative Subdivision Plan, are appropriate for the existing and proposed detached dwelling units, considering the recommendations of the 2002 *Potomac Subregion Master Plan* and the applicable requirements of Chapter 59. The dimensions of the lots are adequate to accommodate the proposed buildings and other infrastructure deemed necessary to serve the lots, including but not limited to accessory structures, forest conservation, stormwater management, parking, utilities, and driveways.

Creation of Flag Lots

Pursuant to Chapter 50, Section 6.3.B.5, the Planning Board must review this Application because proposed Lots A and B are flag lots.

Section 50.4.3.C.1.b. of the Subdivision Regulations states that the Planning Board must not approve flag lots, except where unusual topography, environmental conditions, or the position of the tract in relation to the surrounding properties and right-of-way permit no other feasible way to subdivide and the Board determines that the appropriate separation between building envelopes can be achieved.

In this case, the creation of flag lots is acceptable, considering the shape of the Property, the location of the existing house and adjacent slopes. The existing tract is irregularly shaped with two existing pipestems leading to Highland Farm Road, which makes it infeasible to avoid the creation of flag lots (or lots without frontage) when subdividing.

In addition, the following provisions apply per Section 50.4.3.C.1.b:

i. in residential zones, the Board must require building restriction lines as needed to provide separation of at least 80 feet between the building envelope of the proposed flag lot and:

(a) the building envelopes of all lots that are adjacent to the rear lot line of the proposed flag lot; and

(b) the building envelopes of all lots that are between the proposed flag lot and the road on which it fronts;

ii. the Board may require additional building restriction lines to ensure appropriate separation between building envelopes and to provide appropriate location of the building envelope within the lot; and

iii. all building restriction lines must be shown on the plat.

Consistent with the flag lot requirements, the Applicant has demonstrated that the proposed lots can accommodate the minimum of 80 feet of separation between the building envelope of the proposed flag lots and the building envelopes of the lots that are adjacent to the rear lot line of the proposed flag lots. Taking into consideration the standard RE-2 setbacks (35-foot rear setback and 17 foot/35 foot combined side setback) of the adjacent lots, additional setbacks are provided on the Subject Property to provide a cumulative setback of 80 feet between building envelopes. All other setbacks are the minimum required in the RE-2 zone.

In relation to the surrounding property, Lot A will have 45-foot rear BRLs from Lots 49-50 and Lots 93-95, a 45-foot side BRL from Lot 130 and a 17-foot side setback from proposed Lot C. Lot B will have a 63-foot rear BRL from Lot 18-

19, a 45-foot side BRL from PT.86, Lot 87 and 89 and a 22-foot side BRL from the pipestem of Lot A. Lot C will have a 63-foot rear BRL from Lot A and a 22-foot side BRL from the pipestem of Lot A.

As conditioned, the building envelopes of all lots that are between the proposed flag lot and the road on which it fronts will also accommodate the 80-foot separation. As conditioned, all building restriction lines must be shown on the plat.

B. The Administrative Subdivision Plan substantially conforms to the Master Plan.

2002 Potomac Subregion Master Plan

The Subject Property is located in the *Potomac Subregion Master Plan*, within the Travilah community area as shown on page 5 of the Master Plan.

1) Land Use

The Master Plan includes general recommendations for the Travilah area but does not make specific recommendations for the Subject Property. According to the Master Plan, the Travilah community:

[...] is a low-density area that acts as a transition from the higher density of Potomac and North Potomac to lower-densities in Darnestown and the natural environment of the Potomac River. This community is under intense development pressure and contains natural features of County and State significance [...] Travilah is a more rural portion of the Subregion, and the area's dependence on septic systems has ensured low-density residential neighborhoods...The area is dominated by low-density, single-family detached residential development in the R-200, RE-1, RE-2, and RE-2C Zones. (p.80)

Subdivision of the Property into lots for single-family residential, under the RE-2 standard method is consistent with the Master Plan and maintains low density on the Property.

As envisioned by the Master Plan, the Application proposes to develop the Property with single-family residential units, under the RE-2 standard method of development. The Application maintains the existing low density; a density below the maximum permitted in the RE-2 Zone (i.e., 3 lots instead of 12 lots). The proposed development limits the impact to the natural environment and preserves the stream buffer and forest by locating the new housing on the existing open area of the Property, outside of the stream buffer and existing forested area.

The Property is located in the Watts Branch Watershed. For this watershed, the Master Plan states:

Watts Branch has the highest concentration of unique environmental features in the Subregion. Although Watts Branch watershed has its headwaters outside the Subregion, it has three significant tributaries- Piney Branch, Greenbriar Branch, and Sandy Branch-that are largely, highly sensitive, and whose headwater lie entirely within the Subregion. Water quality in Watts Branch is generally fair with the exception of two subsheds in Piney Branch and Lower Sandy Branch which have good water quality. A serpentine outcrop supports a delicate hydrology and unique botanical community. The lower mainstem has rich species diversity and extremely steep slopes to the Potomac River. (p.16)

Given the environmental constraints on the Property, the location of the lots shown on the proposed Application shows the ideal lot layout that utilizes existing unforested portions of the Property, outside of the environmentally sensitive areas. The subdivision of the Property using the RE-2 standard method is consistent with the Master Plan.

2) Environment

Protection of existing forest stands, and tree canopy is a primary goal of the 2002 *Potomac Subregion Master Plan*. Configuration of the proposed subdivision to create three (3) lots ranging in size from 3.70 acres up to 16.58 acres allows for the retention of 5.98 acres of forest and 1.32 acres of reforestation, thereby protecting existing forest stands and increasing the forest canopy within the Master Plan area.

3) Transportation

The 2002 *Potomac Subregion Master Plan* recommends the preservation of the Subregion's existing rural character by establishing a two-lane road policy and a rustic road program, while calling for efforts to create a comprehensive transportation system that can serve residential centers and preserve the Subregion's physical character. The Master Plan did not make any recommendations for Highland Farm Road.

As discussed above, the Application substantially conforms to the applicable Master Plan recommendations.

C. Public facilities will be adequate to support and service the area of the subdivision.

Adequate public facilities exist to support and service the Property in accordance

with Section 50.4.3.J of the Subdivision Regulations. The Property is in the Rural West Policy Area, which is categorized as a Green Policy Area under the 2020 – 2024 *Growth and Infrastructure Policy* (“GIP”). As demonstrated and explained below in Table 1, Net New Persons Trips, the proposed Administrative Subdivision generates fewer than 50 peak-hour person trips and is therefore exempt from Local Area Transportation Review under the GIP without further review. Therefore, roads and transportation facilities are adequate to support the Application.

a) *Roads and other Transportation Facilities*

i. *Existing Facilities*

The Subject Property contains frontage on one public road – Highland Farm Road. Highland Farm Road is not classified in the *Master Plan of Highways and Transitways*, but it is built to the specifications of a Neighborhood Residential Street. Per Chapter 49, Section 32, Neighborhood Residential Streets require 60 feet of right-of-way. As shown on Record Plat No. 20941, the existing right-of-way on Highland Farm Road is 60 feet. No additional dedication is required as part of this Application.

Highland Farm Road does not contain any pedestrian or bicyclist facilities. Currently, Highland Farm Road is intersected by Highland Farm Court and Deercrest Lane – both to the east.

ii. *Proposed public transportation infrastructure*

The 2021-2022 *Bicycle Master Plan* has no recommendation for Highland Farm Road. Additionally, the Application is exempt from providing frontage improvements based on Section 49-33 of the County Code. Section 49-33(d)(A) states that residential properties of over 25,000 square feet within a Rural Road Code area are exempt from providing sidewalks or master-planned bikeways. The Subject Property is in a Rural Road Code Area and each lot is 3.7 acres (161,172 square feet) or larger.

No additional dedication is required, as Chapter 49-32 requires a right-of-way width of 60 feet – which is satisfied per Record Plat No. 20941. The Application has been reviewed by the MCDOT, who determined in its letter dated March 29, 2024, that the proposed driveways will have adequate sight distance on Highland Farm Road to serve the Subject Property. MCDOT also reviewed the Applicant’s storm drain study and determined that no improvements to the downstream public storm drain system are necessary for the Application. Street trees will be installed along the Property frontage; the location and quantity will be determined at the time of right-of-way permit.

b) Local Area Transportation Review (LATR)

As part of this Application, the Applicant is proposing two new single-family homes. The Subject Property is located in the Rural West Policy Area, which is categorized as a Green Policy Area under the *2020-2024 Growth and Infrastructure Policy* (GIP). As demonstrated in the Applicant's traffic statement, dated April 22, 2024, a traffic study is not required for the Administrative Subdivision to satisfy the LATR requirement. The estimated number of peak hour person trips generated by a total of three (3) single-family dwelling units is three (3) in the morning and five (5) in the evening (see Table 1 below, provided by MNCPPC staff).

Table 1 – Net New Persons Trips

Land Use	ITE Rates		Adjusted Rates		Person Trips	
	AM	PM	AM	PM	AM	PM
Existing: 1 Single-Family Dwelling Unit	1	1	1	1	2	2
Proposed: 3 Single-Family Dwelling Units	2	3	2	3	3	5
Net New					1	3

The proposed development will generate a maximum of one (1) net-new person trip during the AM peak-hour period and three (3) net-new person trips during the PM peak-hour period. As this is below the 50-person threshold to trigger a full-scale transportation study, the Application is not subject to additional LATR and is exempt from completing a further transportation adequacy analysis.

c) Schools

The Subject Property is located at 11528 Highland Farm Road and is proposing two new single-family homes. The FY24 Annual School Test, approved by the Planning Board on June 22, 2023 and effective July 1, 2023 is applicable to this Application.

School Adequacy Test

The Property is served by Potomac ES, Herbert Hoover MS and Winston Churchill HS. Based on the FY24 Annual School Test results, the student enrollment and capacity projections for these schools are noted in Table 2:

Table 2 – FY2024 Annual School Test Projections (2027-2028 School Year)

	Program Capacity	Enrollment	%Utilization	Surplus/ Deficit
Potomac ES	479	413	86.2%	+66
Herbert Hoover MS	1,139	1,017	89.3%	+122
Winston Churchill HS	1,991	2,129	106.9%	-138

Table 3 – FY2024 School Test Results

	Adequacy Status	Tier 1 Adequacy Ceiling	Tier 2 Adequacy Ceiling	Tier 3 Adequacy Ceiling
Potomac ES	No UPP	151	168	234
Herbert Hoover MS	No UPP	248	350	521
Winston Churchill HS	No UPP	42	261	559

The school adequacy test determines the extent to which an applicant is required to make a Utilization Premium Payment (UPP) based on each school’s adequacy status and ceilings, as determined in the Annual School Test. If the application is estimated to generate more students than the identified ceilings, then additional UPPs or partial payments at multiple tiers may still be required. Under the FY24 Annual School Test, Potomac ES, Herbert Hoover MS and Winston Churchill HS do not require any UPP as identified in Table 3.

Based on the school capacity analysis performed, using the FY2024 Annual School Test, this Application is not subject to a Utilization Premium Payment. Therefore, no UPP condition is required.

d) Other Public Facilities and Services

As noted above, the Property is served by public water and sewer and is classified in the W-1 and S-3 categories. The use of public (community) water service for this Property is consistent with the existing W-1 water category designated for this site. The use of public (community) sewer service for this Application is consistent with the existing S-1 and S-3 sewer categories designated for this site. The Hydraulic Planning Analysis Letter of Findings for this Property is DA63941Z20 and it was approved on April 24, 2020. As shown on the utility plan, the Applicant will extend individual water lines from an 8-inch water main within the Highland Farm Road right-of-way, which is available to serve the

proposed lots. The existing sewer line in the Highland Farm Road right-of-way will be extended to serve Lot B and Lot C (project number DA6941A20). Lot C will connect to an existing 8-inch sewer line within an existing sewer easement at the southern edge of the Property. Once constructed, public water and sewer mains 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 Growth and Infrastructure Policy currently in effect.

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

The Applicant submitted a Preliminary/Final Forest Conservation Plan No. F20240400 (“FFCP”) for concurrent review with Administrative Subdivision Plan No. 620240040. The Application satisfies the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and is in compliance with the Montgomery County Planning Department’s approved Environmental Guidelines. Additional information is contained in the accompanying FFCP No. F20240400 Resolution, approved concurrently with this Application.

E. All stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied.

The Application received approval of a Stormwater Management Concept Plan waiver from the MCDPS, August 8, 2023, per Chapter 19 of the County Code. The house on proposed Lot A (under construction) is being developed under an existing Sediment Control Plan (No. 288148). The design of the stormwater management facilities for the houses on Lot B and C will be determined at building permit. There are no additional environmental protection requirements to be met at this time.

F. Any burial site of which the applicant has actual notice or constructive notice or that is included in the Montgomery County Cemetery Inventory and located within the subdivision boundary is approved under Subsection 4.3.M

There are no known burial sites on the Property and it is not included in the Inventory.

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is

June 18, 2024

(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 consistent with the Maryland Rules for the judicial review of administrative agency decisions.

* * * * *

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 Hedrick, seconded by Vice Chair Pedoeem, with a vote of **5-0**; Chair Harris, Vice Chair Pedoeem, and Commissioners Bartley, Hedrick, and Linden, voting in favor of the motion, its regular meeting held on Thursday, June 13, 2024, in Wheaton, Maryland and via video conference.



Artie L. Harris, Chair
Montgomery County Planning Board