

# Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Date Mailed:

January 17, 2025

MCPB No. 24-119  
Administrative Subdivision No. 620240010  
Rich Meadows Parcel 606  
Date of Hearing: December 19, 2024

## **RESOLUTION**

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

WHEREAS, on November 1, 2023, Kent Murphy (“Applicant”) filed an application for approval of an administrative subdivision plan of property that would create one (1) lot for one (1) single-family detached dwelling unit on 15.17 acres of land in the RC zone, located at 13635 Darnestown Road, approximately 2,000 feet NW of Masonwood Drive (“Subject Property”), in the Rural West Policy Area and 2002 *Potomac Subregion Master Plan* (“Master Plan”) area; and

WHEREAS, Applicant’s administrative subdivision plan application was designated Administrative Subdivision Plan No. 620240010, Rich Meadows Parcel 606 (“Administrative Subdivision Plan” or “Application”); and

WHEREAS, the Application was submitted for concurrent review and approval with Forest Conservation Plan No. F20240060; 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 December 6, 2024, providing its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on December 19, 2024, the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the motion of 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.

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Approved as to  
Legal Sufficiency:

/s/ Emily Vaias  
M-NCPPC Legal Department

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Administrative Subdivision Plan No. 620240010 to create one (1) lot for one (1) single-family detached dwelling unit on the Subject Property, subject to the following conditions:<sup>1</sup>

### **General Approval**

1. This Administrative Subdivision Plan is limited to one (1) lot for one (1) single-family detached dwelling unit.

### **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 Permitting Services (“MCDPS”), Water Resources Section in its stormwater management concept letter dated September 26, 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 MCDPS – Water Resources Section if the amendment does not conflict with any other conditions of the Administrative Subdivision Plan approval.
5. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”), Well and Septic Section in its letter dated October 25, 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 MCDPS – Well and Septic Section if the amendment does not conflict with any other conditions of the Administrative Subdivision Plan approval.

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<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.

6. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”), Fire Department Access and Water Supply Section in its letter December 10, 2023, 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 Administrative Subdivision Plan approval.

### **Record Plats**

7. There shall be no clearing or grading of the site prior to recordation of the plat.
8. The record plat must show necessary easements.
9. The record plat must reflect the following building restriction lines (“BRL”) as shown on the Administrative Subdivision Plan:
  - a. Proposed Lot A: A 35-foot rear BRL from Parcel C and Parcel D, a 20-foot side BRL from Lot 40, a 20-foot side BRL from Lot 27 and Lot 41, and a 20-foot side BRL from Parcel B and Parcel C.

### **Certified Administrative Subdivision Plan**

10. 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. 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.*
11. Prior to submittal of the Certified Administrative Subdivision Plan, the Applicant must make the following changes:
  - a. Show resolutions and approval letters on the certified set.
  - b. Include the approved Fire and Rescue Access plan in the certified set.
  - c. Update the Administrative Subdivision Plan to match the Well and Septic Plan approved plan on October 25, 2024, for the stormwater setback requirements.

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 up to 3 lots for detached houses permitted in any residential zone.*

A. *The lots are approved for standard method development;*

The lot was submitted and is approved for standard method development in the Rural Cluster (RC) zone which is a rural residential 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 lot will be served by a private well and septic system as the Subject Property received approval on October 25, 2024.

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

The lot does not front on public right-of-way and therefore no dedication is required as part of the 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. Please refer to Finding 2.C below for additional information.

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

The Application satisfies all of the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and is compliance with the Montgomery County Planning Department's Environmental Guidelines as further discussed in the findings for Forest Conservation Plan No. F20240060, which are included in a separately approved resolution and are incorporated herein.

The Application received approval of a Stormwater Management Concept Plan from the MCDPS, dated September 26, 2024, per Chapter 19 of the County Code. The SWM Concept Plan demonstrates that stormwater will be managed through the use of dry wells and a micro-infiltration trench. As conditioned, the Project must satisfy all Stormwater Management requirements with the MCDPS prior to approval of the record plat.

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 approved lot, as dimensioned and laid out on the Administrative Subdivision Plan, is appropriate for the detached dwelling unit, considering the recommendations of the 2002 *Potomac Subregion Master Plan* and the applicable requirements of Chapter 59. The dimensions of the lot are adequate to accommodate the approved building and other infrastructure deemed necessary to serve the lot, including but not limited to accessory structures, forest conservation, stormwater management, parking, utilities, and driveways.

#### Creation of Lots without Frontage

Pursuant to Chapter 50, Section 6.3.B.5.b, the Planning Board must review this Application because the approved lot is a lot without frontage on a public or private road.

Section 50.4.3.C.1.c of the Subdivision Regulations states that the Planning Board must not approve lots that do not abut a public or private road, except where unusual topography, environmental conditions, or the position of the tract in relation to surrounding properties and rights-of-way permit no other feasible way to subdivide and the Board determines that appropriate separation between building envelopes will be achieved.

In this case, the creation of a lot without frontage is acceptable considering the shape of the Property, the location of the residence, and that access to the new residence will be provided by a new driveway that connects to an existing gravel driveway loop. The existing tract is irregularly shaped and physically isolated (landlocked) from any right-of-way along a public or private road. Therefore, there is no feasible way to subdivide the Property to avoid the creation of a lot without frontage.

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

- i. the Board must not approve more than two lots in a subdivision that do not abut a public or private road;
- ii. the lots will be served by a private driveway that serves no other lots without frontage;
- iii. 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 lot without frontage and:
  - a) the building envelopes of all lots that are adjacent to the rear lot line of the proposed lot without frontage; and
  - b) the building envelopes of all lots that are between the proposed lot without frontage and the road from which it is accessed;
- iv. 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;
- v. all building restriction lines must be shown on the plat; and
- vi. the access to lots with no road frontage must be adequate to serve the lots for emergency vehicles and for installation of public utilities. In addition, the lots must be accessible for other public services and not detrimental to future development of adjacent lands.

Consistent with the lots without frontage requirements, the Applicant has demonstrated that the subdivision is limited to a single lot that does not abut a public or private road and the approved private driveway is solely for the one approved residence. The Subject Property is zoned RC, which is a rural residential category and not a residential category, therefore the 80 feet of separation between building envelopes does not pertain to this Application. There are not any neighboring structures in close proximity to the approved residence.

In relation to the surrounding Property, the approved Lot A will have a 35-foot rear BRL from Parcel C and Parcel D, a 20-foot side BRL from Lot 40, a 20-foot side BRL from Lot 27 and Lot 41, and a 20-foot side BRL from Parcel B and Parcel C. As conditioned, all building restriction lines must be shown on the plat.

Access to Lot A will be safe, adequate, and efficient for emergency vehicles and for the installation of public utilities. Lot A will be accessible for other public services and not detrimental to future development of adjacent lands.

The Lot and Use comply with the basic requirements of Chapter 59  
The approved lot conforms to the dimensional standards of the RC zone, taking into consideration the creation of the approved lot without frontage.

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

Land Use

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

*[...] is the westernmost area in the Potomac Subregion and is in the semi-rural lower reach of the Seneca Creek Valley. Most of the Darnestown area is zoned Rural Cluster, intended to provide a compatible mix of agricultural uses and low-density residential development that promotes agriculture and protects scenic and environmentally sensitive areas [...] While no longer an area primarily used for farming, Darnestown still has a rural character and a very strong sense of community. This Plan's recommendations are designed to preserve, protect, and enhance Darnestown's unique residential and community character and to review major undeveloped sites for their potential to contribute to park land and open space. Recommendations for development patterns and density are designed to provide a transition between the suburban areas to the east and the prime agricultural areas to the west. (p. 94)*

Subdivision of the Subject Property into a single lot for a single-family detached dwelling unit, under the RC standard method, is consistent with the Master Plan and maintains low density on the Property.

As envisioned by the Master Plan, the Application develops the Property with one single-family detached residence, under the RC standard method of development. The Application maintains the existing low density; a density below the maximum permitted within the RC zone. The approved development limits impacts to the natural environment and preserves the existing forest and tree canopy by locating the new residence within the southeast corner of the Property and placing 12.8 acres of forest within a Category 1 Forest Conservation Easement.

Given the environmental conditions of the Subject Property, the location of the single-family detached residence provides an ideal location on the approved lot that minimizes the amount of forest clearing and utilizes as much unforested area on the Property as possible. The subdivision of the Property using the RC standard method is consistent with the Master Plan.

Environment

Protection of existing forest stands, and tree canopy, is a primary goal of the 2002 *Potomac Subregion Master Plan*. Configuration of the approved subdivision to create one (1) lot at 15.17 acres allows for the retention of 12.80 acres of forest, thereby protecting existing forest stands and canopy within the Master Plan area.

Transportation

The lot will have no frontage on a public roadway, and therefore no dedication to public right-of-way is required.

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 located in the Rural West Policy Area, which is categorized as a green Policy Area under the 2020 – 2024 *Growth and Infrastructure Policy* (the “GIP”). The Property will be served by a private well and septic system and is classified in the W-6 and S-6 categories. 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 GIP. The Application approves one new single-family dwelling unit, which will generate approximately one net new person trip in the morning peak hour and one net new trip in the evening peak hour. As the approved Administrative Subdivision generates fewer than 50 peak-hour person trips it is therefore exempt from Local Area Transportation Review under the GIP without further review. Therefore, roads and transportation facilities are deemed adequate to support the Application.

*Roads and other Transportation Facilities*

Existing Facilities

As stated previously, the lot does not have frontage on a public right-of-way. An existing gravel driveway will continue to provide all access to and from the Site.

Proposed Public Transportation Infrastructure

No public transportation infrastructure is provided for the Application. The Applicant will coordinate with County agencies to ensure that any necessary public utility easements are shown on the plat.

Proposed Private Transportation Infrastructure

There is no private transportation infrastructure provided as part of the Subject Application.



*Local Area Transportation Review (LATR)*

The Project generates fewer than 50 new person trips in the morning and evening peak hours. As a result, the Application is not subject to the Local Area Transportation Review (LATR).

*Schools*

Overview and Applicable School Test

The FY25 Annual School Test, approved by the Planning Board on June 20, 2024, and effective July 1, 2024, is applicable to this application. The Application approves a single lot for a new single-family detached dwelling unit.

School Adequacy Test

The Application is served by Darnestown Elementary School (“ES”), Lakelands Park Middle School (“MS”), and Northwest High School (“HS”). Based on the FY25 Annual School Test results, the student enrollment and capacity projections for these schools are noted in the following table:

*Table 1 - FY2025 Annual School Test Projections (2028-2029 School Year)*

School	Program Capacity	Enrollment	% Utilization	Surplus / Deficit
Darnestown ES	413	429	103.9%	-16
Lakelands Park MS	1,154	1,068	92.5%	+86
Northwest HS <sup>2</sup>	2,268	2,171	95.7%	+97

*Table 2 - FY2025 School Test Results*

School	Adequacy Status	Tier 1 Adequacy Ceiling	Tier 2 Adequacy Ceiling	Tier 3 Adequacy Ceiling
Darnestown ES	No UPP	69	86	129
Lakelands Park MS	No UPP	212	317	490
Northwest HS	No UPP	277	551	891

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. Under the FY25 Annual School Test, Darnestown ES, Lakelands Park MS, and Northwest HS do not require any UPP as identified in Table 2.

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<sup>2</sup> Projected enrollment is modified to estimate the impact of Crown HS (CIP P651909), reflecting the scope of the boundary study approved by the Board of Education on March 19, 2024. Due to the delay of the Damascus HS Major Capital Project (CIP P652102), some of the boundary changes can be implemented in phases.

Based on the school capacity analysis performed, using the FY2025 Annual School Test, this Application does not require a Utilization Premium Payment.

*Other Public Facilities and Services*

Other public facilities and services are available and adequate to serve the approved lot. The Property is not served by public water and sewer and is classified in the W-6 and S-6 categories. The Property will be served by a private well and septic system, which will be adequate to serve the approved 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 GIP currently in effect.

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

The Final Forest Conservation Plan satisfies all of the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and is in compliance with the Montgomery County Planning Department's Environmental Guidelines, as is further discussed in the findings for Forest Conservation Plan No. F20240060, which are included in a separately approved resolution.

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

As discussed above, this Application will meet Chapter 19 stormwater management goals through the use of dry wells and a micro-infiltration trench.

*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.*

Not applicable to this Property.

*G. Any other applicable provision specific to the property and necessary for approval of the Administrative Subdivision is satisfied.*

No other provisions apply to the Subdivision.

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

January 17, 2025

(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.

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**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, at its regular meeting held on Thursday, January 16, 2025, in Wheaton, Maryland and via video conference.



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Artie L. Harris, Chair  
Montgomery County Planning Board