

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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DATE MAILED:

April 9, 2026

MCPB No. 26-11
Administrative Subdivision No. 620260050
19101 Darnestown Road
Date of Hearing: February 19, 2026

RESOLUTION

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

WHEREAS, on October 23, 2025, David McKee (“Applicant”) filed an application for approval of an administrative subdivision plan of property that would create one (1) lot for one (1) new single-family detached dwelling unit on 16.38 acres of land in the Agricultural Reserve (“AR”) zone, located southwest of the intersection of Darnestown Road (MD 28) and Jerusalem Road (“Subject Property”), in the Rural West Policy Area and 1980 *Preservation of Agriculture & Rural Open Space Functional Master Plan* (“Master Plan”) area; and

WHEREAS, Applicant’s administrative subdivision plan application was designated Administrative Subdivision Plan No. 620260050, 19101 Darnestown Road (“Administrative Subdivision Plan” or “Application”); and

WHEREAS, the Application was submitted for concurrent review and approval with Forest Conservation Plan No. F20260200; 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 February 19, 2026, providing its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on February 19, 2026, 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 Commissioner Bartley, with a vote of 3-0; Vice Chair Linden and Commissioners Bartley and Hedrick voting in favor, Chair Harris and Commissioner Pedoeem being necessarily absent.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Administrative Subdivision Plan No. 620260050 to create one (1) lot for one (1) new single-family detached dwelling unit on the Subject Property, subject to the following conditions:¹

General Approval

1. This Administrative Subdivision Plan is limited to one (1) lot for one (1) detached residential 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 Transportation (“MCDOT”) in its letter dated January 29, 2026, and incorporates them as conditions of the Administrative Subdivision Plan approval. The Applicant must comply with each recommendation 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 record plat for the Subject Property, the Applicant must satisfy MCDOT’s requirements for access and improvements.

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.

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 statement letter dated September 8, 2025, and incorporates them as conditions of the Administrative Subdivision Plan approval. The Applicant must comply with each recommendation 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.
7. The Planning Board has reviewed and accepts the recommendations of the MCDPS, Well and Septic Section, in its letter dated November 24, 2025, 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.
8. The Planning Board has reviewed and accepts the recommendations of the MCDPS, Fire Department Access and Water Supply Section, in its letter dated December 29, 2025, and incorporates them as conditions of approval. The Applicant must comply with each recommendation in the letter, which MCDPS may amend, provided the amendment does not conflict with other conditions of Administrative Subdivision Plan approval.
9. Before approval of a record plat or any demolition, clearing or grading for the Subject Property, the Applicant must receive Staff certification of this Administrative Subdivision Plan.

Transportation

Existing Frontage Improvements

10. The Applicant must provide the following dedications and show them on the record plat for the following existing roads:
 - a. All land necessary to accommodate forty feet (40 ft) from the existing pavement centerline along the Subject Property frontage for Darnestown Road.
 - b. All land necessary to accommodate thirty-five feet (35 ft) from the existing pavement centerline along the Subject Property frontage for Jerusalem Road.

Record Plats

11. There shall be no clearing or grading of the site prior to the recordation of the plat.
12. The record plat must show the septic reserve areas as shown on the approved plans in accordance with MCDPS standards.
13. The Application must include, with the submission of the record plat, an affidavit verifying the availability of a Transferable Development Right ("TDR") for each lot shown on that plat and include a note referencing the affidavit or other documents on the record plat.

Easements

14. The record plat must show necessary easements.
15. Forest conservation easements are required as part of the accompanying Forest Conservation Plan No. F20260200 and must be setback at least five (5) feet from the septic area.

Notes and Labels

16. Any record plat for the Subject Property must contain the following note:
 - a. *Agriculture is the preferred use in the AR Zone. All agricultural operations shall be permitted at any time, including the operation of farm machinery, and no agricultural use shall be subject to restriction because it interferes with other uses permitted in the Zone.*

Certified Administrative Subdivision Plan

17. 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 permits. 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 pre-construction 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 during construction.

18. 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.

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.B for creation of certain residential lots located in the Agricultural Reserve ("AR") zone. Up to 5 lots for detached houses may be created under these procedures in the AR zone if:*
 - A. *written approval for a proposed well and septic area is received from the Department of Permitting Services before approval of the plat;*

The Application has been reviewed by the Montgomery Department of Permitting Services (MCDPS) Well and Septic Section, which determined that the proposed well and septic location is acceptable, as stated in its approval letter dated November 24, 2025.

- B. *any required road dedications and public utility easements along the frontage of the proposed lots are shown on the record plat, and the applicant provides any required improvements;*

The Property has frontage along Darnestown Road (MD 28), a Country Connector owned and maintained by the Maryland Department of Transportation State Highway Administration (SHA), and along Jerusalem Road, a Rustic Road. The Applicant is dedicating 1.02 acres of land along Darnestown Road and Jerusalem Road, which is sufficient to achieve the master planned right-of-way width of 80 feet (40 feet from the existing pavement centerline) along Darnestown Road and the master planned right-of-way width of 70 feet (35 feet from the existing pavement centerline) along Jerusalem Road. The record plat will show all necessary dedications and public utility easements.

- C. the requirements for adequate public facilities under Section 4.3.J are satisfied before approval of the plat;*

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 the Findings Section 2.C below.

- D. a covenant is recorded for the unplatted balance of the tract noting that density and development rights have been used for the new lots and noted on the record plat for the lots;*

This criterion is not applicable because the entire tract of land subject to the Application is being recorded as a buildable lot and recorded on a record plat. The Deed recorded at book 50113, page 412, shows that two Transferable Development Rights ("TDRs"), recorded as TDR numbers 03-9494 and 03-9495, were conveyed from the Subject Property. The Subject Property had the capacity for three TDRs, with two conveyed, this left one for the proposed single-family residence. As conditioned, a note on the record plat must state that the development rights have been used for the new lot.

- E. lots created in the AR zone through this procedure are 5 acres or less, unless approved by the Board; and*

The Planning Board approves the proposal to convert the existing 16.38-acre parcel into a lot that exceeds the 5-acre lot size limit. The lot shape and proposed house location on the unforested portion of the Property near the front of the lot allows for maximum retention of forested area while meeting the applicable development standards of the AR Zone and prior Rural Zone, as permitted under Montgomery County Zoning Ordinance section 59-7.7.1.D.9. After dedication, the proposed lot will be 15.36 acres.

- F. forest conservation plan approval and stormwater management and environmental protection requirements, if applicable, are satisfied before approval of the plat.*

The Application is subject to the requirements of Chapter 19 and Chapter 22A. As discussed below, the Application meets the stormwater requirements of Chapter 19. As conditioned and discussed below in the Technical Review for Forest Conservation section, the Application satisfies the forest conservation requirements.

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 Subject Property is exempt from certain area and dimensional requirements of the Agricultural Reserve (AR) zone, per Section 7.7.1.D.9 of the Montgomery County Zoning Ordinance:

A lot or parcel in the Agricultural Reserve (AR) zone, in addition to other exemptions in this subsection, is exempt from the minimum lot area requirements and lot width requirements of the AR zone, but must satisfy the requirements of the zone applicable to it before its classification to the AR zone if:

a. the lot or parcel was created before January 6, 1981

The Subject Parcel was created by a deed recorded at Liber 5411, folio 770 on October 8, 1979, which describes the parcel as, "a 16.3788-acre parcel of land, situate in the Poolesville Election District." Prior to October 8, 1979, as referenced in the deed at Liber 5411 folio 770, the parcel was "part of" a larger parcel of land identified in the deed at Liber 4577 folio 227 (87.844 Acres). The current deed recorded at Liber 66070 folio 350 and prior deeds recorded at Liber 35774 folio 70 and Liber 5423 folio 770 show that the parcel has not changed in size or shape since the deed of creation recorded on October 8, 1979.

Given the deed history, the Property is exempt from the lot area and lot width requirements of the AR zone because it is a parcel created before January 6, 1981. However, it must meet the requirements of the Rural zone, which was in place prior to the AR zone (formerly the RDT zone). The Property, as proposed, meets the applicable area and width requirements of the Rural zone, which include the minimum lot area of five acres and a minimum width at the building line of 300 feet.

In addition, the proposed lot meets all other applicable dimensional requirements of the AR zone, as identified on the subdivision plan and summarized in Table 1.

Table 1: 19101 Darnestown Road Administrative Subdivision Plan Tract Area Data Table for the AR Zone¹ Standard Method, Section 59-4.2.1.F and Rural Zone Section 59-4.3.3.B

Development Standards: Agricultural Reserve (AR) Zone ¹		
Development Standard	Permitted/Required	Proposed
Tract Area	N/A	16.38 AC / 713,512.8 SF
Proposed Dedication	N/A	Darnestown Road: 0.79 AC/34,412.4 SF Jerusalem Road: 0.23 AC/10,018.8 SF 1.02 AC/44,431.2 SF Total for both Darnestown Road and Jerusalem Road
Lot Size ¹	5 AC (Min.)	15.36 AC / 669,081.6 SF
Front Setback (Principal Building)	50 ft. (Min.)	50 ft. or more
Side Setbacks (Principal Building)	20 ft. (Min.)	20 ft. or more
Rear Setback (Principal Building)	35 ft. (Min.)	35 ft. or more
Building Height (Principal and Accessory Buildings)	50 ft. (Max.)	50 ft. or less
Lot Coverage	10% (Max.)	10% Max.
Development Standard	Permitted/Required	Proposed
Lot Width at Front Building Line ¹	300 ft. (Min.)	365 ft.
Lot Width at Front Lot Line ¹	25 ft. (Min.)	334 ft.
Front Setback (Accessory Structures)	50 ft. (Min.)	50 ft. or more
Side Setback (Accessory Structures)	15 ft. (Min.)	15 ft. or more
Rear Setback (Accessory Structures)	15 ft. (Min.)	15 ft. or more

¹ *Lot Area and width requirements of the Rural Zone are applicable to the proposed lot. Per Section 59-7.7.1.D.9, a lot or parcel created prior to January 6, 1981, located in the Agricultural Reserve (AR) zone is exempt from the minimum lot area requirements and lot width requirements of the AR Zone. It must satisfy the requirements of the zone applicable to it before its classification to the AR Zone, which in this case is the Rural zone.*

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

a) Land Use

The Subject Property is located within the limits of the 1980 *Agriculture and Rural Open Space Master Plan*. The Master Plan established the Property's zoning as Rural Development Transfer (RDT), which is now the AR zone. The Application for the Subject Property substantially conforms to the Master Plan by proposing development that is consistent with the requirements of the AR zone. Single-family dwellings and accessory uses, including agricultural activities, are permitted uses in the AR zone.

b) Environment

The Subject Property is subject to the Master Plan's Environmental Guidelines that emphasize the importance of preserving the natural environment in conjunction with farmland by recommending best practices for water and air quality (p.65). While no farmland is proposed with this Application, the proposed development meets these recommendations by obtaining appropriate stormwater management approvals from the MCDPS Water Resources Section, as represented by the approval letter dated September 8, 2025. In addition, the Master Plan's Air Quality recommendations are met through the proposed Category I Forest Conservation Easement, which will preserve the existing 4.14 acres of forest on the Subject Property.

c) Transportation

The Subject Property is located near the intersection of Darnestown Road (MD 28) and Jerusalem Road. Jerusalem Road was originally designated as a Rustic Road by the 1996 *Rustic Roads Functional Master Plan*. The 2023 *Rustic Roads Functional Master Plan Update* ("Rustic Roads Functional Master Plan") reconfirmed the status of Jerusalem Road as a Rustic Road. The Rustic Roads Functional Master Plan states that Jerusalem Road begins at Darnestown Road (MD 28), and the driving experience on the northern portion of the road includes views of farmland and structures on both sides. As discussed in previous sections, the Applicant is dedicating the necessary right-of-way along the frontage of the Subject Property to achieve the Rustic Roads Functional Master Plan recommended width of 70-feet; or 35-feet from the existing pavement centerline. There are no existing or

recommended bikeways or sidewalks along Jerusalem Road because it is designated as a Rustic Road.

Darnestown Road has a proposed bikeable shoulder, per the 2018 Bicycle Master Plan and a recommended sidewalk along the frontage per the 2024 *Complete Streets Design Guide*. However, the project meets the rural exception to the construction of the master planned facility per Sec. 49-33 (d) (1) (A), as the lot exceeds 25,000 square feet for a residential development in a rural area.

The Rustic Roads Advisory Committee (“RRAC”) reviewed the application on December 11, 2025, and voted unanimously to support the project.

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

a. Roads and other Transportation Facilities

The Subject Property has frontage on two public roads: Jerusalem Road, classified as a Rustic Road, and Darnestown Road (MD 28), classified as a Country Connector. As proposed in this Application, 40 feet of right-of-way will be dedicated from the property line to the centerline of Darnestown Road, and 35 feet of right-of-way will be dedicated from the property line to the centerline of Jerusalem Road.

Darnestown Road (MD 28) does not contain any pedestrian facilities but does have a proposed bikeable shoulder under the 2018 Bicycle Master Plan. However, the project meets the rural exception to the construction of the master planned facility per Sec. 49-33 (d) (1) (A), as the lot exceeds 25,000 square feet for a residential development in a rural area.

Jerusalem Road does not have any existing pedestrian, bicycle, or transit facilities, and none are required to be constructed because of the Rustic Road classification.

b. Local Area Transportation Review (LATR)

The Property is located in the Rural West Policy Area, which is categorized as a Green Policy Area under the 2024–2028 Growth and Infrastructure Policy (the “GIP”). As demonstrated in the Applicant’s traffic statement, dated October 23, 2025, the proposed Administrative Subdivision is proposing fewer than 5 residential dwelling units, and therefore, generates fewer than 30 peak-hour vehicle trips. Accordingly, the project is exempt from Local Area Transportation Review under the GIP without further review, and roads are deemed adequate.

c. *Schools*

School Impact Area Classification

The Subject Property is located within the Rural West Policy Area, which is categorized as a Turnover Impact Area by the 2024–2028 *Growth and Infrastructure Policy*.

Annual School Test Results

The results of the FY2026 Annual School Test, approved by the Planning Board on June 26, 2025, and effective since July 1, 2025, are applicable to the Application.

Monocacy Elementary School, John Poole Middle School, and Poolesville High School serve the Property. The enrollment and capacity projections of these schools are reflected in the FY2026 Annual School Test, which evaluates for the 2029-2030 school year, and the resultant Utilization Premium Payment (UPP) tier placements are shown in Table 2.

Table 2. FY2026 Annual School Test Projections (2029-2030 School Year) & UPP Tier Placements

	Program Capacity	Enrollment	Utilization Rate	Seat Surplus or Deficit	UPP Tier Placement
Monocacy ES	229	177	77.3%	+52	No UPP
John Poole MS	494	475	96.2%	+19	No UPP
Poolesville HS ^[2]	1,508	1,404	93.1%	+104	No UPP

Based on the FY2026 Annual School Test results above, the Property is not subject to any UPP by default, and the addition of one single-family home will not trigger any UPP.

d) *Other Public Facilities and Services*

Other utilities, public facilities, and services, such as electric, telecommunications, police stations, firehouses, and health services, are currently operating in accordance with the current GIP.

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

² 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.

The Application satisfies all of the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and complies with the Montgomery County Planning Department's Environmental Guidelines as further discussed in the findings for Forest Conservation Plan F20260200, which are included in a separately approved resolution and are incorporated herein.

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

MCDPS approved the Stormwater Management Statement Letter ("Statement") on September 8, 2025, in lieu of a Stormwater Concept Plan. The plan will meet stormwater management requirements using Environmental Site Design (ESD) practices at the permit stage. The Statement confirms that "any associated stormwater management requirements for this lot will be fully met by way of Environmental Site Design (ESD) to the maximum extent practicable." The Property is not located in an area of the County that requires a water quality plan. The area of floodplain that exists on the Property is to be contained within the proposed Category I conservation easement. The proposed development does not impact any floodplain areas.

- 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*

This finding is not applicable to this Application because the Applicant has no actual or constructive knowledge of any burial site on the Property and it is not included in the Inventory.

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

There are no other applicable provisions specific to the Administrative Subdivision that are necessary for the approval of this Application.

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

April 9, 2026

(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 the motion of Commissioner Hedrick, seconded by Vice Chair Linden, with a vote of 3-0-2; Vice Chair Linden, and Commissioners Bartley and Hedrick, voting in favor of the motion, Chair Harris and Commissioner Pedoeem abstaining, at its regular meeting held on Thursday, April 9, 2026, in Wheaton, Maryland and via video conference.



Artie L. Harris, Chair
Montgomery County Planning Board

Approved as to
Legal Sufficiency: /s/ Emily Vaias
M-NCPPC Legal Department