TECHNICAL STAFF REPORT

Linden Grove
Lots 1 – 44, Buildable Preservation Parcel A and Non-Buildable Preservation Parcels B - D

Planning Board Hearing of December 7, 2017

File No./Petitioner: PB-432/Heritage Land Development

Project Name: Linden Grove

DPZ Planner: Tanya Krista-Maenhardt, AICP, Planning Supervisor
(410) 313-2350, tmaenhardt@howardcountymd.gov

Request: For the Planning Board to approve a preliminary equivalent sketch plan (SP-17-003) for 44 cluster lots, one buildable preservation parcel, and three non-buildable preservation parcels in the RC-DEO (Rural Conservation – Density Exchange Option) zoning district. Review is in accordance with State Senate Bill 236, The Sustainable Growth and Agricultural Preservation Act of 2012.

Recommendation: The Department of Planning and Zoning recommends approval in accordance with Subdivision Review Committee comments, Senate Bill 236, and any conditions by the Planning Board.

Location: Southwest corner of the intersection of Frederick and Daisy Roads, Lisbon, Maryland, 21765. The property consists of 176.68 acres located on Tax Map 8, Grid 13, Parcel 5.

Vicinal Properties: North: Frederick Road (MD RT 144)

East: Daisy Road

West: Lot 1-Sharon Sachs property, lots 8 and 9-Weller property, and property owned by Howard County Board of Education. All zoned RC-DEO (Rural Conservation – Density Exchange Option)

Legal Notice:
The property was posted with two Planning Board posters and verified by the Department of Planning and Zoning. The case was advertised in two local newspapers, a minimum 30 days prior to the hearing date.

Regulatory Compliance:
This project is subject to the Amended Fifth Edition of the Subdivision and Land Development Regulations, the 2013 Howard County Zoning Regulations (effective October 6, 2013), the Howard County Design Manual, the Adequate Public Facilities Ordinance, the Forest Conservation Manual, and the Landscape Manual.

Plan History:
A Pre-Submission Community Meeting was held February 23, 2017, at the Glenwood Library.

An Environmental Concept Plan (ECP-17-019) was approved September 2017.

An Alternative Compliance Petition (WP-18-001) to the Subdivision and Land Development Regulations Section 16.119(f)(3) was submitted July 6, 2017. Regulations state that the Department of Planning and Zoning may approve a single
use-in-common driveway that meets the minimum sight distance requirements of the Design Manual, or the State Highway Administration’s access requirements, if the Department determines that a public road is not required in accordance with Section 16.119(a)(8). WP-18-001 would allow the applicant to retain the existing farm access drive to the barn and silos and install an additional use-in-common driveway to serve future lots 40-44. Both driveways would access MD. Rt. 144 (a minor arterial).

The petitioner has provided written justification for the SRC to consider. On August 9, 2017, the planning director determined that no action would be taken until after the Planning Board had reviewed and considered SP-17-003 at a public hearing.

### Site Information:

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<thead>
<tr>
<th>ACREAGE</th>
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<tbody>
<tr>
<td>Gross Acreage of Property</td>
<td>176.68 ac.</td>
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<tr>
<td>Area of 100-year Floodplain</td>
<td>6.204 ac.</td>
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<tr>
<td>Area of 25% or Greater Steep Slopes (outside of floodplain)</td>
<td>0.60 ac.</td>
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<td>Net Tract Area</td>
<td>169.876 ac.</td>
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<tr>
<th>DENSITY – Cluster Subdivision</th>
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<tr>
<td>Total No. of Lots Allowed By Right (Base Density)</td>
<td>41 lots</td>
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<tr>
<td>(1 dwelling unit per 4.25 gross acres)</td>
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<td>Bonus density allowed per Sec. 104.0. G.1. c.2</td>
<td>4 lots</td>
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<tr>
<td>(1 dwelling unit per 25 acres of gross preservation parcel created)</td>
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<tr>
<td>Total Number of Lots Proposed, Inc. 1 Buildable Preservation Parcel</td>
<td>45 lots</td>
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### Site Proposal:

Preliminary Equivalent Sketch Plan, SP-17-003, initially submitted April 2017, proposes 44 residential cluster lots, one buildable preservation parcel, and three non-buildable preservation parcels on 176.680 acres. A new public road (Linden Grove) will intersect existing Daisy Road to access the main portion of the subdivision. A named use-in-common easement (Kimberlys Way) will provide access to lots 40-44 from Frederick Road. An existing 70 foot wide Colonial pipeline easement bisects the property and written permission is being sought to cross the easement with driveways for lots 9-11.

Residential lots 1-44 encompass 50.765 acres and buildable preservation parcel A encompasses 113.756 acres. Parcel A will be privately owned, with the HOA and Howard County as easement holders. Non-buildable preservation parcels B, C, and D total 7.749 acres. They will be deeded to the homeowner’s association as green space, with some areas for stormwater management. Howard County would be the easement holder for these preservation parcels. The Colonial pipeline easement crosses through both buildable preservation parcel A and non-buildable preservation parcel B. The applicant proposes six forest conservation easement areas, totaling 4.24 acres of retention and 12.27 acres of afforestation. These easements will be within Parcels A and C, adjacent to existing forest, streams, wetlands, and/or steep slopes.
The site contains 6.204 acres of floodplain, 1.57 acres of wetlands, 7.84 acres of streams, 0.6 acres of steep slopes 25% or greater, and 4.3 acres of forest. There will be no impacts to environmental areas, except for 0.06 acres of forest clearing for right-of-way improvements.

**Planning Board Review:** The Sustainable Growth and Agricultural Preservation Act of 2012 (Senate Bill 236) requires all major residential subdivisions within Growth Tier III to be presented before the Planning Board at a public hearing. A major subdivision may only be approved if the Planning Board has reviewed and recommended approval, based upon the following Planning Board criteria.

**Planning Board Criteria:** In accordance with State Senate Bill 236, the review of a residential major subdivision by the Planning Board shall include:

1. **The cost of providing local government services to the residential major subdivision unless a local jurisdiction’s adequate public facilities ordinance already requires a review of government services.**

   *Howard County has adopted an Adequate Public Facilities Ordinance; therefore, this requirement has been met. The purpose of the Ordinance is to provide a predictable planning environment for adequate public road*
facilities and adequate public school facilities by requiring residential and nonresidential projects to pass certain tests as conditions of subdivision or site development plan approval.

The test for adequate public road facilities was conducted and approved by the Department of Public Works and Department of Planning and Zoning with the review of the preliminary equivalent sketch plan.

The test for adequate housing unit allocations and the test for adequate public schools will be conducted once the Planning Board’s Decision and Order has been approved.

2. The potential environmental issues or a natural resource inventory related to the proposed residential major subdivision.

The Natural Resource Inventory indicates two perennial stream, one intermittent stream area, and four wetland systems. These areas are within Lisbon Little Creek watershed, which is part of the Cattail Creek watershed.

- The first perennial stream system is an unnamed, Class IV, perennial stream located along Daisy Road and within proposed forest conservation easement #2.
- The second stream system is a Class IV, perennial stream and is the mainstem of Lisbon Little Creek. It flows north to south and is along the western portion of the property and within forest conservation easement areas #3 and #4.
- The third stream system is an unnamed intermittent stream located in the lower southwestern portion of the property and within proposed forest conservation easement #1.

All Wetland Systems, totaling 1.57 acres, are located on the northwestern and eastern portions of the property, are adjacent to the perennial and intermittent streams, and will be contained within proposed buildable preservation parcel A:

- Wetland Systems A-1 and A-2 are grassy, nontidal wetlands, located along the perennial stream labeled Lisbon Little Creek, in the northwestern portion of the property.
- Wetland System B is associated with Forest Stand B and occupies most of the streamside terrace of the intermittent stream.
- Wetland System C is a small headwater wetland seep located within Forest Stand A, near Daisy Road.

The Natural Resource Inventory indicates there are two distinct forest stands that encompass approximately 4.3 acres and there are no specimen trees or champion trees outside of the forest limits. Except for a small area along the road, forest clearing is not proposed and, therefore, no specimen tree data within the forest stands was collected.
• Forest Stand #1 occupies approximately 1.1 acres, located on the northeastern portion of the property, along Daisy Road and adjacent to the perennial stream and wetland system C.
• Forest Stand #2 occupies approximately 3.2 acres and is in the lower southwestern corner of the project area, adjacent to the intermittent stream, wetland system B and steep slope area.

The Natural Resource Inventory and Floodplain report indicates 6.2 acres of floodplain along both perennial streams. The plan also indicates a total of 0.60 acres of steep slopes located in the lower southwestern corner of the project area, within proposed forest conservation easement #1.

There is no indication of any state or federal records for rare, threatened or endangered species within the project site.

The plan does not propose disturbing the above referenced streams, wetlands, their buffers, floodplain, or steep slopes (defined as 20,000 contiguous square feet). The plan does propose removing 0.06 acres of forest for the roadway dedication. The remaining 4.24 acres of forest will be maintained within the easement and an additional 12.27 acres will be planted and maintained within the easement.

SRC Action: The Subdivision Review Committee has recommended approval.

Recommendation: The Department of Planning and Zoning recommends approval of the preliminary equivalent sketch plan (SP-17-003) in accordance with the Subdivision Review Committee comments, Senate Bill 236, and subject to any conditions by the Planning Board.

Please note that this file is available for public review, by appointment, at the Department of Planning and Zoning’s public service counter, Monday – Thursday, 8:00 a.m. to 5:00 p.m. and Friday, 8:00 a.m. to 3:00 p.m.