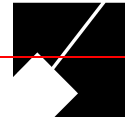


The Maryland-National Capital Park and Planning Commission  
 Prince George's County Planning Department  
 Development Review Division  
 301-952-3530



Comment [COMMENT1]: WHEN INSERTING INFORMATION AT THE @ SIGN REMEMBER TO USE INDENT FOR SECOND LINE - NOT TAB. ALSO, IT WILL LOOK LIKE THE TEXT IS GOING WACKO, BUT DON'T WORRY - IT IS FINE.

*Note: Staff reports can be accessed at [www.mnccppc.org/pgco/planning/plan.htm](http://www.mnccppc.org/pgco/planning/plan.htm)*

## PRELIMINARY PLAN

**4-02067**

Application	General Data
Project Name:	Date Accepted 08/15/02
<b>BRADY PROPERTY</b>	Planning Board Action Limit 02/02/03
Location:	Tax Map & Grid 061/F-04
North end of Kings Valley Drive, 300 feet north of the intersection with Kings Manor Drive.	Plan Acreage 28.41
Applicant/Address:	Zone R-E
Woodyard Estates, L.L.C.	Lots 24
P. O. Box 186	Parcels 2
LaPlata, MD 20646	Planning Area 74A
	Council District 06
	Municipality N/A
	200-Scale Base Map 202/3NE11

Purpose of Application	Notice Dates
RESIDENTIAL SUBDIVISION	Adjoining Property Owners (CB-15-1998) N/A
	Previous Parties of Record (CB-13-1994) N/A
	Sign(s) Posted on Site 01/07/03
	Variance(s): Adjoining Property Owners N/A
Staff Recommendation	Staff Reviewer: Whitney Chellis
APPROVAL	APPROVAL WITH CONDITIONS
	X
DISAPPROVAL	DISCUSSION

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Preliminary Plan of Subdivision 4-02067  
Brady Property, Lots 1–24, and Parcels A and B

OVERVIEW

The subject property is located on Tax Maps 61 and 68, in Grids F-4 and F-1, and is known as Parcel 24. The property is approximately 28.41 acres and is zoned R-E. The property is currently improved with a single-family dwelling unit and several accessory barns. All of the existing structures are to be removed.

The applicant is proposing to subdivide this property into 24 lots and 2 parcels. Parcels A and B are open space parcels that are to be conveyed to the Department of Parks and Recreation. Parcels A and B are approximately .5 acre in total. These parcels are 30 feet wide and will accommodate an eight-foot- wide pedestrian trail that will provide access to the Kingsford Elementary Park/School site to the southwest. The applicant has agreed to construct the eight-foot-wide asphalt trail on Parcel A. A trail currently exists on a parcel of land owned by the Department of Parks and Recreation abutting the south property line of proposed Parcel B.

The property has frontage on Kings Valley Drive to the south. Kings Valley Drive is a stub street originally dedicated to public use in 1974 via record plat NLP 89 @ 4 and was planned as a future connection into the subject property. The proposed 24 lots will all front and have direct vehicular access onto Kings Valley Drive extended, which ends in a cul-de-sac within the proposed subdivision. Kings Valley Drive is a 60-foot dedicated public street abutting the south property line to the south and is proposed to taper at the site entrance to 50 feet wide to serve the proposed development. The Department of Public Works and Transportation has evaluate the proposed development and offered no comment regarding the right-of-way reduction.

SETTING

The subject property is located on the north side of the stub street of Kings Valley Drive in the Woodmore Community. A portion of the Kettering subdivision is located to the southeast and is developed with single-family homes in the R-80 Zone. A portion of the Woodmore South subdivision is located to the northeast and is developed with single-family dwelling units. Homeowners' open space, provided as part of these developments, abuts the subject site's east property line as well as previously dedicated parkland. A portion of the townhouse development of Woodmore South is located north of the subject property. To the northwest is vacant R-E zoned land and to the southwest is a large acreage parcel in the R-E Zone developed with one single-family dwelling unit and the Kingsford Elementary Park/School on the southwest.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

1. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-E	R-E
Use(s)	Single-family residential	Single-family residential
Acreage	28.41	28.41
Lots	0	24
Parcels	1	2
Dwelling Units:		
Detached	1	24

2. **Environmental**—This property is subject to the provisions of the Prince George’s County Woodland Conservation Ordinance because the gross tract area is in excess of 40,000 square feet and there are more than 10,000 square feet of existing woodland on site. The Type I Tree Conservation Plan, TCPI/12/02, as revised on November 12, 2002, has been found to generally address the requirements of the Prince George’s County Woodland Conservation Ordinance. This 28.4-acre property in the R-E Zone has a woodland conservation threshold of 25 percent, or 6.38 acres. In addition, there is a replacement requirement of 1.60 acres. The requirements are proposed to be satisfied with 4.70 acres of on-site preservation in priority retention areas and 3.4 acres of off-site mitigation at a site to be determined. TCPI/12/02 is recommended for approval.

The plans have been revised to minimize the proposed Patuxent River Primary Management Area (PMA) impacts to the greatest extent possible. Type I Tree Conservation Plan TCPI/12/02 and the proposed PMA impacts are recommended for approval subject to the conditions.

A review of the available information indicates streams, wetlands, 100-year floodplain, severe slopes, and areas of steep slopes with highly erodible soils are found to occur on the property. No transportation-related noise impacts have been found to impact this property. According to available information, Marlboro clay is not found to occur on this property. The soils found to occur, according to the Prince George’s County Soil Survey, include the Collington and Bibb series. Some of these existing soils have limitations that will have some impact on the development of this property. Although these limitations will ultimately affect the construction phase of this development, there are no limitations that would affect the site design or layout. It is important to understand that during the review of building permits the Department of Environmental Resources may require a soils study addressing the soil limitations with respect to the construction of homes.

The sewer and water service categories are S-4 and W-4, according to information obtained from the Department of Environmental Resources dated November 1, 2001. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program publication entitled *Ecologically Significant Areas in Anne Arundel and Prince George’s Counties*, December 1997, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. There are no designated scenic and historic roads in the vicinity of this property. This property is located in the Northeast Branch watershed of the Patuxent River basin and in the Developing Tier as reflected in the adopted General Plan.

Two unnamed streams and the Northeast Branch, a tributary to the Patuxent River, are located on this property. Section 24-130(b)(5) of the Subdivision Ordinance provides for the protection of streams and the associated buffers that compose the Patuxent River PMA. The PMA includes the 50-foot stream buffer, adjacent areas of wetlands, the 25-foot wetland buffer, the 100-year floodplain, adjacent slopes in excess of 25 percent (severe slopes), and adjacent slopes between 15 and 25 percent on highly erodible soils (steep slopes). The PMA has been accurately shown on the

preliminary plan and TCPI.

The Subdivision Ordinance, Section 24-130(b)(5), requires that the PMA be preserved in a natural state to the fullest extent possible. A letter of justification for the proposed PMA impacts was submitted with the plan revisions on November 12, 2002. Section 24-113(a) of the Subdivision Regulations sets forth the required findings for approval of variation requests.

- (1) **The granting of the variation will not be detrimental to the public safety, health, or welfare or injurious to other property;**

The approval of the proposed impacts will allow for the construction of an access road onto and through the property for the construction of stormdrain outfalls and for the construction of a sewer outfall to connect to the existing sewer line located in the 100-year floodplain. The approval of these impacts will not create conditions detrimental to the public safety, health, or welfare or injurious to other property. In fact, the approvals will help to avoid such conditions by safely conveying stormwater to the stream, avoiding erosion and the subsequent stream pollution, and by allowing for safe access to the north end of the property.

- (2) **The conditions on which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties;**

The conditions of the property are unique with respect to the existing road stub at the south end of the property and the stream that bisects the property, running east/west. If the proposed disturbance for the stream were to be disallowed, over half of the lots would not be accessible. The other proposed impacts are associated with the conveyance of stormwater to the streams and connecting the proposed sewer to the existing sewer located in the PMA.

- (3) **The variation does not constitute a violation of any other applicable law, ordinance, or regulation; and**

No other variances, departures, or waivers are required. All appropriate federal and state permits must be obtained before the construction can proceed.

- (4) **Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;**

As noted above, the failure to allow for the proposed PMA disturbances would severely affect the development of this property. Due to the configuration of the site and the existing topography, no other reasonable options are possible that would further reduce or eliminate the number and extent of the proposed impacts.

The proposed impacts for two stormwater outfalls, a sewer outfall, and road crossing are supported and recommended for approval based on the proceeding findings.

3. **Community Planning**—The subject property is located within the limits of the *Bowie-Collington-Mitchellville and Vicinity Master Plan* (1991), in Planning Area 74A. The 2002 General Plan located this property in the Developing Tier. The land use recommendation for the subject property

is for Suburban Estate. The proposed preliminary plan is consistent with the land use recommendations in the master plan and General Plan.

4. **Parks and Recreation**—Staff of the Department of Parks and Recreation (DRP) has reviewed the submitted preliminary plan. The subject property is adjacent to Kingsford Elementary Park/School to the southwest. The applicant is required to dedicate 0.5 acre of public parkland and to construct 640 linear feet of eight-foot-wide asphalt trail on Parcel A for the fulfillment of the mandatory dedication of parkland as required by Section 24-134 of the Subdivision Regulations. DPR staff met with the applicant and developed this mutually acceptable package of land dedication and recreational facilities on dedicated parkland. A recreational facilities agreement and bonding of these facilities will be required to ensure that the trail is constructed.
5. **Trails**—In conformance with the Adopted and Approved Bowie-Collington-Mitchellville and Vicinity Master Plan and discussions with DPR, the applicant should dedicate to DPR a 30-foot-wide park trail corridor along the subject property's entire southern boundary. The dedication will be from the Northeast Branch floodplain to the western edge of the subject property adjacent to the existing park/school facility, shown on the preliminary plan as Parcels A and B. A minimum eight-foot-wide asphalt trail connection should be constructed within Parcel A from Kings Valley Drive to the subject property's western boundary, ultimately to be connected to the Kingsford Elementary Park/School site. This trail connection will facilitate safe bicycle and pedestrian movement to the park and school. A trail currently exists along the southern boundary of Parcel B of the subject site.

Standard sidewalks are recommended along both sides of the internal road and are required by the Department of Public Works and Transportation. All trails and sidewalks should be ADA compatible and be free of above-ground utilities and street trees.

6. **Transportation**—The property is located at the north end of Kings Valley Drive, generally between MD 214, MD 193, and Woodmore Road. The applicant proposes to develop the site as a residential subdivision with 24 single family detached residences.

The transportation staff determined that a traffic study was not warranted by the size of the proposed development. Staff did have peak-hour counts on hand at two critical intersections in the area. Therefore, the findings and recommendations outlined below are based upon a review of relevant materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

#### **Growth Policy—Service Level Standards**

The subject property is located within the Developing Tier, as defined in the Adopted General Plan for Prince George's County. As such, the subject property is evaluated according to the following standards:

**Links and signalized intersections:** Level-of-service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better.

**Unsignalized intersections:** The *Highway Capacity Manual* procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study

and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

#### Staff Analysis of Traffic Impacts

The transportation staff is basing its findings on the traffic impacts at two critical intersections, both of which are unsignalized:

MD 193/Kings Arrow Street  
MD 193/Kings Valley Drive

Existing Conditions				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level-of-Service (LOS, AM & PM)	
MD 193/Kings Arrow Street	41.7*	146.1*	--	--
MD 193/Kings Valley Drive	138.2*	622.8*	--	--
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the <i>Guidelines</i> , an average delay exceeding 50.0 seconds indicates inadequate traffic operations. Delays of +999 are outside the range of the procedures, and should be interpreted as excessive.				

Under existing traffic, both intersections operate unacceptably as unsignalized intersections during at least one peak hour. The guidelines identify unsignalized intersections operating with delay exceeding 50.0 seconds in any movement as unacceptable.

The transportation staff has reviewed approved development in the area, and assumed a two percent annual growth rate for through traffic along MD 193 over three years. No improvements are currently funded in either the County Capital Improvement Program or the State Consolidated Transportation Program. Background conditions are summarized below:

Background Conditions				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level-of-Service (LOS, AM & PM)	
MD 193/Kings Arrow Street	51.6*	230.0*	--	--
MD 193/Kings Valley Drive	304.4*	+999*	--	--
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the <i>Guidelines</i> , an average delay exceeding 50.0 seconds indicates inadequate traffic operations. Delays of +999 are outside the range of the procedures, and should be interpreted as excessive.				

The site is proposed for development as a residential subdivision of 24 lots. Using trip generation rates in the guidelines, the proposed use would generate 18 AM (4 in, 14 out) and 22 PM (14 in, 8 out) peak-hour vehicle trips. Staff assumes these trips are distributed as follows:

35 percent—north along MD 193  
22 percent—south along MD 193 (via Kings Arrow)  
43 percent—south along MD 193 (via Kings Valley)

Given these assumptions, staff obtained the following results under total traffic:

Total Traffic Conditions			
Intersection	Critical Lane Volume (CLV, AM & PM)		Level-of-Service (LOS, AM & PM)
MD 193/Kings Arrow Street	52.8*	237.4*	-- --
MD 193/Kings Valley Drive	312.2*	+999*	-- --
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the <i>Guidelines</i> , an average delay exceeding 50.0 seconds indicates inadequate traffic operations. Delays of +999 are outside the range of the procedures, and should be interpreted as excessive.			

The analysis indicates that both of the critical intersections along MD 193 would operate unacceptably as unsignalized intersections during both peak hours. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study at each location and install the signals if they are deemed warranted by the appropriate operating agency. The warrant study is, in itself, a more detailed study of the adequacy of the existing unsignalized intersections. It is important to remember that the analysis method employed by the transportation planning staff is an approximation of operating conditions, while the signal warrant studies analyze peak hour and daily traffic trends, safety factors, actual queuing on side streets, and gaps along the primary roadway.

This applicant, at the suggestion of staff, has taken the unusual step of preparing and submitting the traffic signal warrant studies prior to submittal of the preliminary plan. The Department of Public Works and Transportation (DPW&T) and the State Highway Administration (SHA) have reviewed both studies. As both intersections are along MD 193, a state facility, SHA has final jurisdiction over whether or not signals should be installed. By memorandum dated July 16, 2002 (attached), SHA determined that signals were not recommended for installation at either location. SHA staff determined under their criteria that the intersection operates acceptably. With this information in hand, staff believes that the Planning Board can find that the two critical intersections operate acceptably in both peak hours.

Based on the preceding findings, the Transportation Planning Section concludes that adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Subdivision Regulations.

7. **Schools**—The Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the *Adequate Public Facilities Regulations for Schools* (CR-23-2001 and CR-38-2002) and concluded the following. **These findings are subject to change in accordance with the provisions of CR-23-2001 and CR-38-2002.**

### Finding

#### Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 3	Middle School Cluster 2	High School Cluster 2
Dwelling Units	24 sfd	24 sfd	24 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	5.76	1.44	2.88
Actual Enrollment	5864	4397	12045
Completion Enrollment	339	201	412
Wait Enrollment	128	189	377
Cumulative Enrollment	158.88	91.50	183.00
Total Enrollment	6495.64	4879.94	13019.88
State Rated Capacity	5054	3648	10811
Percent Capacity	128.52%	133.77%	120.43%
Funded School	Bowie, Whitehall		Frederick Douglass addn.

Source: Prince George's County Planning Department, M-NCPPC, January 2002

The affected elementary, middle, and high school clusters capacities are greater than 105 percent. Bowie and Whitehall are the funded schools in the affected elementary school cluster. There is no funded school in the affected middle school cluster. The Frederick Douglass addition is the funded school in the affected high school cluster. Therefore, this subdivision can be approved with a six-year waiting period.

Based on this information, staff finds that the subdivision may be approved subject to conditions.

8. **Fire and Rescue**—The Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public facilities and concluded the following:
- The existing fire engine service at Kentland Fire Station, Company 46, located at 10400 Campus Way South has a service response time of 5.47 minutes, which is beyond the 5.25-minute response time guideline.
  - The existing ambulance service at Kentland Fire Station, Company 46, located at 10400 Campus Way South has a service response time of 5.47 minutes, which is within the 6.25minute response time guideline.
  - The existing paramedic service at Kentland Fire Station, Company 46, located at 10400 Campus Way South has a service response time of 5.47 minutes, which is within the 7.25 minutes response time guideline.

These findings are in conformance with the 1990 *Adopted and Approved Public Safety Master Plan* and the *Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities*. To alleviate the negative impact on fire and rescue services due to the inadequate service discussed, the



Fire Department requires that all residential structures be fully sprinklered in accordance with National Fire Protection Association Standard 13D and all applicable Prince George's County laws. Since this is a matter of existing law, no condition is necessary.

9. **Police Facilities**—The proposed development is within the service area for District II-Bowie police station. In accordance with Section 24-122.1(c) of the Subdivision Regulations, the existing county police facilities will be adequate to serve the proposed Brady Property development. This police facility will adequately serve the population generated by the proposed subdivision.
10. **Health Department**—The Health Department notes that any abandoned well or septic system serving the existing dwelling should be noted on the preliminary plan. Any abandoned well or septic system should be pumped, backfilled and/or sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative of the Health Department.
11. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. Stormwater Management Concept Plan # 34841-2001-00 has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with this approved plan.
12. **Lot Size Averaging**—The applicant has proposed to utilize the lot size averaging (LSA) provision provided for in Section 24-121(a)(12) of the Subdivision Regulations for development of this property. The property is approximately 28.41 acres and in the R-E Zone. Section 27-423 of the Prince George's County Zoning Ordinance establishes the zoning requirements for lot size averaging. Specifically, in the R-E Zone:
  - A. The maximum number of lots permitted is equal to the gross acreage divided by the largest minimum lot size in the zone (40,000 square feet).
  - B. At least 50 percent of the lots created shall equal or exceed the largest minimum lot size in the zone (40,000 square feet).

For the 28.41 acres located in the R-E Zone, 30 lots would be allowed. The applicant proposes 24 lots; 12 of the proposed lots meet or exceed 40,000 square feet. Therefore, the proposed subdivision meets the minimum Zoning Ordinance standards for lot size averaging.

Further, Section 24-121(a)(12) requires that the Planning Board make the following findings in permitting the use of lot size averaging. The following discussion is applicable to either of the scenarios discussed above regarding lot yield.

- A. **The subdivision design provides for better access, protects or enhances historic resource or natural features and amenities, or otherwise provides for a better environment than that which could be achieved by the exclusive use of standard lots.**

The site has several significant environmental features that include wetlands, floodplain and steep and sever slopes. The applicant has utilized LSA to locate these features on the largest lots to provide adequate usable yards for all the proposed lots. The proposed subdivision layout protects and enhances the existing natural features of the site that could not be accomplished utilizing conventional R-E zoning standards.

**B. The subdivision design provides for an adequate transition between the proposed lot sizes and locations of lots and the lots, or lot size standards, of any adjacent residentially zoned parcels.**

The two subdivisions located east of the property were developed utilizing lot size averaging and cluster subdivision approaches. This allowed for preservation of the environmental feature in common open space along the east property line. The applicant has provided for the environmental feature on the largest lots along this property line, allowing for a transition into the common open space from the subject subdivision.

The subdivision to the south is zoned R-R and was developed with lots of 20,000 square feet in general. The applicant has proposed the dedication of land to the Department of Parks and Recreation for the construction of a trail, providing a buffer between the 20,000 square-foot lots to the south and the 40,000 square-foot lots at the entrance to the subdivision. The Department of Parks and Recreation property provides a transition between the two properties.

The property to the northwest is zoned R-E and is vacant. The property to the southwest is improved with a single-family dwelling on a six-acre parcel. These two properties compose the entire west property line of the proposed subdivision.

The applicant's proposal is sensitive to the zoning and established lot sizes of the surrounding properties and provides an appropriate transition between the proposed lot sizes and lots of the adjacent residential properties.

**C. The subdivision design, where applicable, provides for an adequate transition between the proposed natural features of the site and any natural features of adjacent parcels.**

The subject property has significant environmental features on site that extend onto surrounding properties. The applicant has proposed the largest lots in the subdivision, 40,000 square feet and greater, abutting these natural features. The proposed design provides an appropriate transition to the adjacent properties in the vicinity of the floodplain, wetlands, and steep and severe slopes.

Staff supports the applicant's proposal to utilize the LSA provision for the development of this property.

**RECOMMENDATION**

APPROVAL, subject to the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised to provide the conceptual stormwater management plan number and approval date.
2. Prior to the issuance of permits, a Type II tree conservation plan shall be approved.
3. Development of this property shall be in conformance with the approved Stormwater Management Concept Plan, # 34841-2001-00.
4. Prior to approval of the final plat, in accordance with Section 24-134 and 24-135 of the Subdivision Regulations, the applicant, his heirs, successors and or assignees shall dedicate Parcels A and B to

The Maryland-National Capital Park and Planning Commission. Lands to be dedicated shall be subject to the following:

- a. An original, special warranty deed for the property to be conveyed (signed by the Assessment Supervisor, Washington Suburban Sanitary Commission) shall be submitted to the Subdivision Section of the Development Review Division, The Maryland-National Capital Park and Planning Commission (M-NCPPC), along with the final plat.
  - b. M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to sewer extensions, adjacent road improvements, drains, sidewalks, curbs and gutters, and front-foot benefit charges, prior to and subsequent to final plat.
  - c. The boundaries and acreage of land to be conveyed to M-NCPPC shall be indicated on all development plans and permits that include such property.
  - d. The land to be conveyed shall not be disturbed or filled in any way without the prior, written consent of the Department of Parks and Recreation (DPR). If the land is to be disturbed, DPR shall require that a performance bond be posted to warrant restoration, repair, or improvements made necessary or required by the M-NCPPC development approval process. The bond or other suitable financial guarantee (suitability to be judged by the General Counsel's Office, M-NCPPC) shall be submitted to DPR within two weeks prior to applying for permits.
  - e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by M-NCPPC. DPR shall review and approve the location and design of these facilities. DPR may require a performance bond and easement agreement prior to the issuance of grading permits.
  - f. All waste matter of any kind shall be removed from the property to be conveyed. DPR shall inspect the site and verify that it is in acceptable condition for conveyance prior to final plat approval.
  - g. No stormwater management facilities or tree conservation or utility easements shall be proposed on lands owned by or to be conveyed to M-NCPPC without the prior written consent of DPR. DPR shall review and approve the location and/or design of these features. If such proposals are approved by DPR, a performance bond and an easement agreement may be required prior to the issuance of grading permits.
  - h. The applicant, his successors and/or assignees shall submit a letter to the Subdivision Section, DRD, prior to final plat indicating that the Department of Parks and Recreation has conducted a site inspection and found the land to be dedicated to M-NCPPC in acceptable condition for conveyance.
5. The applicant, his heirs, successors and/or assignees shall submit three original recreational facilities agreements (RFA) to the Park Planning and Development Division (PP&D) of DPR for approval prior to the submission of final plats for construction of the eight-foot-wide trail facilities on Parcel A. Upon approval by the PP&D, the RFA shall be recorded among the county land records.
  6. The applicant, his heirs, successors and/or assignees shall submit a performance bond, letter of

credit, or other suitable financial guarantee prior to building permits for the construction of recreational facilities on park property.

7. Prior to signature approval of the preliminary plan of subdivision, the Type I tree conservation plan shall be revised as follows:
  - a. The numbers used in the TCP worksheet shall be revised to the nearest 100<sup>th</sup> of an acre.
  - b. Areas of woodland retained but not counted shall be clearly labeled as “Woodlands Retained but Not Counted.”
  - c. The TCPI shall be sealed, signed, and dated by a registered landscape architect, licensed forester, or qualified professional.
  - d. Areas shown on the forest stand delineation as woodlands shall be characterized on the TCPI as woodlands cleared, woodland conservation area, or woodlands retained but not counted.
8. Development of this subdivision shall be in compliance with an approved Type I Tree Conservation Plan (TCPI/12/02). The following note shall be placed on the final plat of subdivision:

“This development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/12/02), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved tree conservation plan and will make the owner subject to mitigation under the woodland conservation/tree preservation policy.”
9. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain all of the Patuxent River Primary Management Area except for approved impacts. The following note shall be placed on the plat:

“Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation is prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”
10. The applicant, his heirs, successors and/or assignees shall construct 640 linear feet of an eight-foot-wide asphalt trail on Parcel A to provide for an ultimate connection from the subject subdivision to the Kingsford Elementary Park/School to the west and be subject to the following:
  - a. The trail shall be constructed in accordance with the applicable standards in the *Parks and Recreation Facilities Guidelines*.
  - b. Detailed construction drawings for recreational facilities on park property including grading plan, sections and details shall be submitted to DPR for review and approval prior to submission of application for grading permit.
  - c. The trail shall be constructed to assure dry passage. If wet areas must be traversed, suitable structures shall be constructed. Designs for any needed structures shall be reviewed by DPR

- d. The location of the trail shall be staked in the field and approved by DPR prior to construction.
  - e. The construction of the trail shall be completed prior to issuance of the 18<sup>th</sup> building permit.
  - f. Building permits shall not be issued for residential Lots 1 and 2 until the trail is under construction.
  - g. Submission to DPR of a performance bond, letter of credit, or other suitable financial guarantee to secure construction of the recreational facilities on park property, in an amount to be determined by the DPR, within at least two weeks prior to applying for building permits.
9. Any abandoned well or septic system shall be pumped, backfilled and/or sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative of the Health Department prior to final plat approval.

STAFF RECOMMENDS APPROVAL OF TREE CONSERVATION PLAN TCPI/12/02.