



THE MARYLAND-NATIONAL CAPITAL PARK & PLANNING COMMISSION

November 14, 2005

Memorandum

To: Judy Daniel, Community-based Planning
Tariq El-Baba, Legal Department

From: Matthew Greene, Research & Technology Center

Via: Karl Moritz, Chief, Research & Technology Center

Re: RDT Child Lot Research (revised from Nov 30)

This memo accomplishes the following two goals: 1) identify subdivisions in the RDT zone where the child lot provision has been used and 2) estimate the maximum number of child lots that might be created in the RDT zone under the child lot provision in the future.

Existing Child Lot Subdivisions

Preliminary and pre-preliminary plans, as well as record plats, must note whether child lots are involved. However, this data has not been captured reliably in any of our databases. The best method for gathering this data seems to be to examine each record plat associated with plans in the RDT zone. However, this is a rather time-consuming approach. A memo written in October 2000 covers part of this research chore. It identifies 34 plans in the RDT zone approved through 1999 that show a total of 70 child lots. The development review database identified two additional plans through 1999 with seven child lots. That's a total of 36 plans, with 142 approved lots, 77 of which are child lots.

Total RDT Child Lots, 1981 – 1999: 77

It should be noted that since the Nov 30 version of this memo, Leslie Seville has been assigned to research the approximately 100 plats submitted from 2000 to the present. This will complete the research on the number of child lots created in the RDT since the creation of the Agricultural Reserve.

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Potential Child Lots

The estimation of potential future child lots began with the identification of parcels in the GIS-based parcel file that had the following attributes:

- 1) RDT zoning
- 2) Not parkland or otherwise in permanent protected status
- 3) Transfer date prior to 1981 or parcel number indicative of existence prior to 1981
- 4) One or more remaining development rights, calculated as follows: one per five acres, rounded down, less any existing units, less any buildable development rights (1 per 25 acres, rounded down), and less rights known to have been transferred to specific receiving areas.

This selection process identified 169 parcels, 100 of which have land use codes of 812, 815, 816, or 818, indicating their present use in agriculture. Table 1 shows a breakdown of the selected parcels based on parcel size and whether the transfer date or parcel number was used to determine likely continuity of ownership since the advent of the Rural Density Transfer zone. Please note that this is an estimate and that all parcel data has not been verified. Additionally, some of the parcels with no transfer date probably wouldn't meet the continuity of ownership requirement under the child lot provision, meaning that this overall estimate errs to the high side.

Table 1

Parcels that may have future child lot potential		
Parcels with transfer date prior to 1981		
Parcel Size (Acres)	Number of Parcels with land use codes for:	
	Agriculture	Other
> 100	8	5
26 - 100	25	8
0 - 25	41	34
Grand Total	74	47
Parcels with no transfer date, but account number indicating creation prior to 1981		
Parcel Size (Acres)	Number of Parcels with land use codes for:	
	Agriculture	Other
> 100	7	2
26 - 100	11	3
0 - 25	8	17
Total	26	22
Total		
Parcel Size (Acres)	Number of Parcels with land use codes for:	
	Agriculture	Other
> 100	15	7
26 - 100	36	11
0 - 25	49	51
Total	100	69

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THE MARYLAND-NATIONAL CAPITAL PARK & PLANNING COMMISSION

December 15, 2005

Memorandum

To: Judy Daniel, Community-Based Planning
Tariq El-Baba, Legal Department

From: Leslie Saville, Community-Based Planning

Re: Child Lot Statistics

The completed research data on child lots created in the RDT Zone is attached. In summary it indicates that 95 child lots have been created in the zone since 1981, and the number of child lots created per year has varied widely, although there was generally higher activity in the 1990's.

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Child Lot Statistics RDT Zone 1981 - 2005

Date	Subdivision Name	P Plan #	Acres	# Lots	# Child Lots	Child lot # on Plat	Notes
1984	Petrucelli	182047	52.92	7	5	Lots 1-5	
1987	Brown	184001	46.91	3	1	Lot 9	
1987	Hazen	187212	12.82	1	1	Parcel A	
1988	Meier	186038	11.83	2	2	2 and 3	
1988	Watkins	187043	38.06	1	1	Lot 3	
1989	Howard	188048	53	6	4	Not given	
1989	Seckinger	187069	53.77	5	3	Not given	
1989	Watkins	189150	14.8	2	2	1 and 2	
1990	Berrybell Farm	189133	10	2	1	Lot 5	
1990	CH Ligon	188015	18.41	3	3	1 to 3	
1990	Keshishinan	188210	166.62	4	2	2 and 3	
1991	Gladhill	190113	47.11	2	1	Lot 1	
1991	Huntt	190054	11	2	2	16 and 17	
1991	Mitra	190056	2.7	1	1	Lot 1	
1991	Schaffer	188259	100.11	5	2	Not given	
1992	Sunridge South	191011	28.96	6	2	120 and 122	
1992	Willet Estates	191009	87.1	5	1	Lot 5	
1993	Haines	192008	30.81	5	4	6, 7, 8, 10	
1993	Van Kirk	186058	105.59	5	1	Lot 2	
1994	Contenetti	194050	46.7	4	3	1, 2, and 3	
1994	Ephraims 1,2,3	191125	19.1	3	2	1 and 2	
1994	Ephraims 4,5,6	191126	15.56	3	2	4 and 5	
1994	Stull	194051	48.1	4	1	Parcel I	
1994	Sundown Hills	195019	12.97	1	1	Lot 61	
1995	Easterday	195040	10.46	2	1	Parcel K	
1995	Lockey	195101	33.6	2	1	Lot 126	
1995	Meiklejohn	194052	15.4	3	1	Lot 9	
1996	Nicholson	196056	22.14	1	1	Not given	
1996	Watkins	195047	112.34	11	3	Not given	
1996	Wooden	196033	103.4	9	5	Not given	
1997	Acker	197043	11.5	2	1	Parcel M	
1997	Chadwick	197074	146.65	9	4	Not given	
1997	Marshall	197002	28.8	5	4	1 to 4	
1997	Moxley	196096	50	3	1	Lot 3	
1998	Sunridge South	119950570	11.944	5	5	127, 128, 129, 130, 131	
1998	Vail Estates	119961140	10.0201	1	1	Lot 1	
1999	Abell's Level		2.314	1	1	Lot 1	
1999	Bucklodge Hills	119970740	89.753	9	4	Not given	
2000	Mullinix Mill Estates		3.1147	1	1	Lot 4	
2000	Tall Trees, Lot 18	119900540	5.3474	1	1	Lot 17	
2000	Watkins Estates	119950470	11.0406	4	1	Lot 38	

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Child Lot Statistics RDT Zone 1981 - 2005

Date	Subdivision Name	P Plan #	Acres	# Lots	# Child Lots	Child lot # on Plat	Notes
2001	Mountain View Overlook	119901130	43.3945	5	2	Lots 2 and 3	
2002	Mountain View Overlook	7-01035	5.6224	1	1	Lot 5	Resubdivision of Outlot B
2002	Tomahawk Farm	120000940	15.3935			101 and 102	Replatted--see 2005
2002	Tomahawk Farm	120000940	7.7488			Lot 106	Replatted--see 2005
2002	Tomahawk Farm	120000940	2.01	1	1	Lot 108	Acreage from Hansen
2003	Etchison		2.0148	1	1	Lot 2	
2004	Dry Seneca Estates	120031030	73.3876	5	3	Lots 1, 2 and 3	
2005	Tomahawk Farm	120000940	13.8088	3	1	Lot 114	Resub of 104, 105, and 106
2005	Tomahawk Farm	120000940	15.307	2	1	Lot 111	Resub of 101 and 102
2005	Tomahawk Farm	120000940	7.387	1	1	Lot 112	Resub of 103
				170	95		

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Child Lots Created By Year

Year	Number of Subdivisions With Child Lots	Number of Child Lots	Number of Lots
1984	1	5	7
1986	0	0	0
1987	2	2	4
1988	2	3	3
1989	3	8	13
1990	3	6	9
1991	4	6	10
1992	2	3	11
1993	2	5	10
1994	5	9	15
1995	3	3	7
1996	3	9	21
1997	4	10	19
1998	2	6	6
1999	2	1	1
2000	3	6	3
2001	1	1	1
2002	2	2	2
2003	1	1	1
2004	1	5	3
2005	1	3	6
TOTAL	47	95	170

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THE MARYLAND-NATIONAL CAPITAL PARK & PLANNING COMMISSION

December 15, 2005

Memorandum

To: Judy Daniel, Community-Based Planning
Tariq El-Baba, Legal Department

From: Leslie Saville, Community-Based Planning

Re: Child Lot Provisions in Regional Jurisdictions

In brief, the staff surveyed five other regional jurisdictions and found one with a child lot provision, although it is not similar to the Montgomery County provision. A summary of the jurisdictions surveyed is below.

Howard County, Maryland

Howard County *does not have* a Child Lot provision. Zoning generally requires lot minimums of 3 or 4.25 acres in the Rural West. Development rights can be sent and received within the area, reducing minimum lot minimums to 2 acres. In July 2005, a proposal was submitted to amend the zones to increase lot sizes to 5 and 10 acres, and to cease permitting the Rural Conservation (RC) zone from being a receiving area for development rights; the Rural Residential (RR) zone would retain the provision for 2 acre minimum lots under this option.

Under Howard County Code, a *Child Lot provision existed for the Agricultural Land Preservation Program until 1993*. Under this program, 20 acre minimum lots were permitted for owners and children; presently, the program permits 50 acre minimum lots with no family restrictions or benefits.

Frederick County, Maryland

In the Frederick County, there is *no Child Lot provision* in the zoning or subdivision regulations. In the Agricultural District, three lots may be subdivided off of an 'original tract' of land—original tracts are those on record as of August 18, 1976. The minimum lot size for each is 40,000 square feet. The code provides for a cluster option under which additional density may be granted for each 50 acres.

For example, on 25 to 75 acre parcels, four lots may be permitted, while on 75 to 125 acre parcels, five lots may be permitted. Under the cluster option, the lots should average 1 ½ acres, but cannot be less than 40,000 square feet or greater than 2 acres, except if required by the Health department for an adequate septic system.

Baltimore County, Maryland

Baltimore County *permits "intrafamily transfers"* in two of their Resource Conservation Zones, R.C. 20 and R.C. 50. The current owner must have owned the property on or before March 1, 1986, and the parcel must have been recorded by that same date. Intrafamily transfer lots must be 60,000 square feet or less with one lot containing the remainder, unless an exception is granted for water and sewer requirements, physical characteristics of the site, adjacent development characteristics, or other factors. A restriction is noted on the subdivision plan and recorded in the deed; permits and use and occupancy certifications can only be released to the grantee as owner. The property can only be transferred within the owner's immediate family for five years; the code provides exceptions. Those details which differ between the two zones follow:

In R.C. 20, no lot under 20 acres may be subdivided; larger lots may be subdivided at the rate of one lot for each 20 gross acres. Clustering is permitted. An intrafamily transfer in the R.C. 20 zone allows a lot of seven to twelve acres to be subdivided into two lots and a lot of twelve to 60 acres may be subdivided into three acres.

In R.C. 50, no lot under 20 acres may be subdivided; a lot between 20 and 100 acres may be subdivided once, provided the average density is no less than one unit per 20 acres. A lot having more than 100 acres may be subdivided at one lot per 50 acres. An intrafamily transfer having seven to 40 acres may be subdivided into two lots and a lot having 40 to 150 acres may be subdivided into three lots.

The zoning text language concerning density in the R.C. 50 zone *appears* to permit one unit per 20 acres. Baltimore County zoning and development review staff agree that the language is ambiguous and indicate that one lot per 50 acres is the intended minimum in this zone. Baltimore County Council staff is mailing copies of the two bills establishing these provisions; Baltimore County planning staff familiar with the zone will be available to discuss the language next week.

Fairfax County, Virginia

Fairfax County has *no equivalent to Child Lots*, and has *no agricultural preservation program*. The Residential-Preservation (R-P) zone has the largest minimum lot requirement at 10 acres; other zones require 5 or fewer acres, with some allowing additional density through cluster options.

Loudoun County, Virginia

Loudoun County *does not have a Child Lot provision* similar to Montgomery County's provision. A development option called the Principal/Subordinate Option was formerly called the Parent/Child Option; confusion caused by the name recently prompted a name change. The

County does provide for Family Subdivisions but they do not grant additional density. Unlike other subdivisions, Family Subdivisions permit the use of private access easements without bonding, and have no requirement for well-drilling and testing prior to approval of the family subdivision plat. To qualify, a family must hold the property for a year before and a year after subdivision.

Rural Policy Area zoning and subdivision regulations are actively changing in Loudon County. On December 7, 2005, the Board of Supervisors voted for 20- and 40-acre base densities in the AR-1 and AR-2 zones, with one- and two- acre cluster and Principal/Subordinate lot minimums, respectively. Numerous other changes were discussed and votes taken. Public hearings will be scheduled in February; draft recommendations are then due on March 6, 2006.

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M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK & PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

INTERNAL MEMORANDUM

TO: Derick Berlage
FROM: Judy Daniel
CC: John Carter
DATE: October 19, 2005
SUBJECT: Outreach to Agricultural Community

Given the concern expressed by the Council yesterday regarding a perceived need for better public outreach to the agricultural community, I felt it would be helpful to give you an update on the community outreach I have been doing to gather public comment on the agricultural initiatives. My schedule in recent weeks and in the future includes:

- October 3 Met with Tom Hoffman, Dolores Milmoie, Mike Rubin and others – primarily regarding child lot provisions and use of sand mounds
- October 3 Met with religious leaders at Council office – primarily regarding PIF issues
- October 4 Met with Farm Bureau Board – review of all issues
- October 7 Met with Smart Growth Alliance staff – review of all issues
- October 11 Met with Agricultural Preservation Board – review of all issues
- October 14 Met with County Soil Conservation Board – review of all issues
- October 18 Met with Agricultural Advisory Committee – review of all issues
- October 24 Meeting with Agricultural Preservation Groups at Boyds Presbyterian Church – review of all issues
- October 25 Meeting with other Agricultural Preservation group representatives at M-NCPPC – review of all issues
- October 27 Meeting with Celebrate Rural Montgomery leaders – review of all issues
- October 30 Participate in Celebrate Rural Montgomery event at Butler's Orchard.
- November 1 Citizens to Preserve the Reserve – primarily interested in PIF issues

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The format of these meetings has been to review the issues individually in priority order, requesting informal comments; and then requesting formal written comments that can be included in the final report to the Planning Board in November. Since many of these initiatives have been before the public for quite a while, I am spending the most time on the action options for the more recent issues such as child lots, sand mounds, and PIFs.

These forums have been very helpful and it is worth noting that among these groups, which represent the agricultural landowners and the agricultural reserve defenders who generally are not farmers, there appears to be agreement on a number of issues.

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