

TOWN OF LAYTONSVILLE

RESOLUTION NO. R-01-06

Resolution of the Mayor and Council of the Town of Laytonsville, Maryland, In Support of Proposed Legislation By Montgomery County Council Members Knapp, Subin, and Floreen

WHEREAS, the Mayor and Council commend the Montgomery County Council on its unanimous vote on November 29, 2005, to prohibit the extension of water and sewer service into the Agricultural Reserve on land zoned Rural Density Transfer ("RDT"); and

WHEREAS, the Town of Laytonsville ("Town") remains concerned that Private Institutional Facilities ("PIFs") may circumvent the prohibition by constructing multi-use septic systems; and,

WHEREAS, the Town, which is located adjacent to the Agricultural Reserve, is on record in support of additional limitations on PIF development within the Agricultural Reserve like requiring PIFs to comply with special exception zoning requirements and imposing strict limits on peak capacity for private well and septic disposal systems; and,

WHEREAS, the Town remains opposed to a proposed PIF development on 225-acres of working farmland located within the Agricultural Reserve at the intersection of Griffith Road and Route 108, which is near the Town's municipal limits. The scope and scale of this massive multi-purpose development is out of character with the surrounding rural community and it would not conform to the preferred use of this land, which is agriculture; and,

WHEREAS, several members of the Montgomery County Council, while acknowledging the significant step taken by the Council on November 29 with its unanimous vote, understand that preserving the County's Agricultural Reserve requires additional legislative action and have proposed the following amendments:

1. *Council Member Knapp's Amendment to Montgomery County's Comprehensive Ten-Year Water Supply and Sewerage Systems Plan regarding Multi-use On-site Systems.* The Knapp amendment would impose a capacity restriction calculated for each property by determining the maximum number of residential units that could be constructed based on current zoning requirements, and multiplying that total by 600 gallons, which reflects current assumptions for expected maximum flows produced by residents in a four-bedroom house. This amendment needs to be amended to define usage as actual daily peak flow.

2. *Council Member Subin 's Amendment to the Montgomery County Zoning Ordinance.* The Subin amendment would codify that a Transferable Development Right ("TDR") Easement governing real property, in addition to limiting the construction of one-family dwellings, prohibits the construction of any non-residential use on the property, other than for agricultural uses as defined in Montgomery County Code Section 59-A-2. The amendment would also exclude land zoned RDT that is used for a public purpose or developed for commercial or industrial purposes from a landowner's calculation of TDRs available for transfer, or if such TDRs already exist, require their extinguishment. Council Members Floreen and Knapp are co-sponsors of the Subin amendment.

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Town commend Montgomery County Council Members Knapp, Subin, and Floreen for their amendments and endorse passage by the Council as soon as possible following a scheduled public hearing on January 19, 2006, provided the original intent and application of these amendments is not diminished or altered materially.

Adopted this 3rd day of January, 2006, by the Mayor and Council of the Town of Laytonsville, Maryland.

Charles W. Oland, Mayor

THIS IS TO CERTIFY that the foregoing Resolution was adopted by the Town Council of the Town of Laytonsville in public meeting assembled on the 3rd day of January, 2006 and that the same was approved by the Mayor of the Town of Laytonsville on the 3rd day of January, 2006. This Resolution will become effective on the 3rd day of January, 2006.

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Cathryn D. Buit, Town Clerk