IN THE MATTER OF	:	BEFORE THE
Cattail Creek Country Club, Inc	:	HOWARD COUNTY
Petitioner	:	BOARD OF APPEALS
	:	HEARING EXAMINER
	:	BA Case No. 26-004C

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DECISION AND ORDER

On November 17, 2026, the undersigned, serving as the Howard County Board of Appeals Hearing Examiner, and in accordance with the Hearing Examiner Rules of Procedure, held the evidentiary hearing for the Petition of Cattail Creek Country Club, Inc (Petitioner) for a Golf Course Conditional Use in a RC (Rural Conservation) DEO (Density Exchange Overlay) Zoning District, filed pursuant to Section 131.0.N.24 of the Howard County Zoning Regulations (HCZR).

The Petitioner certified to compliance with the notice and posting requirements of the Howard County Code. The Hearing Examiner viewed the subject property as required by the Hearing Examiner Rules of Procedure. Sang Oh, Esq. represented the Petitioner. Robert Vogel, civil engineer, testified on behalf of the Petitioner. No one appeared in opposition.

FINDINGS OF FACT

Based upon the evidence of record, the Hearing Examiner finds the following facts:

1. Property Identification. The Property consists of 72.63-acres which is currently undeveloped and is irregularly shaped. The Conditional Use is limited to 2.81 acres of this Property. If the instant Petition is approved, the total acreage for the entire Golf Course will be 109.78 acres. The Property is identified as Tax Map 21, Grid 3, Parcel 3, Lot PAR 4. The Property is in Council District 5 and is further identified as 3600 Cattail Creek Drive, Glenwood, Maryland. It is located in the RC (Rural Conservation) DEO (Development Exchange Overlay) zoning district. The Property is encumbered by an Environmental Preservation Easement (Liber 4819, Folio 456; Plat 13798, approved July 20, 1999) and several stream buffer and wetland areas. The site rises from an elevation of 494 feet along the southwestern property line to 526 feet at the northern boundary of the Property.

2. Vicinal Properties.

Direction	Zoning	Land Use
North	RC-DEO	Single-Family Residential
South	RC-DEO	Golf Course
East	R-ED	RT 97/ Single-Family residential
West	RC-DEO	Golf Course

3. Roads. Cattail Creek Drive has two travel lanes within a 50-foot right-of-way with dedicated turn lanes into the Property. The speed limit is 25 miles per hour. Access to Cattail Creek Drive is from MD 97 (Roxbury Mills Road), which is a Minor Arterial within an 80-foot right-of-way. There are no proposed changes to the existing ingress or egress areas providing access to the Property. There is no Average Annual Daily Trips data for this section of Cattail Creek Drive

4. Water and Sewer Service. The Property is not within the Metropolitan District or Planned Service Area for water and sewer.

The Property is served by private well and septic facilities.

5. The General Plan. The Property is designated Rural Living on the Future Land Use Map of HoCo By Design.

Cattail Creek Drive is a Local Road.

6. Reported Agency Comments. There are no Department or Agency comments in opposition to the proposed Conditional Use.

The Division of Land Development (DLD) has reviewed the Conditional Use Petition to expand the existing golf course operations of Cattail Creek Country Club to include adjacent Parcel 4. DLD has no objection to a Conditional Use to Section 131.0.N.25 of the Zoning Regulations.

• A Site Development Plan (SDP) for the proposed use and improvements will be required prior to issuance of grading and building permits.

·o Technical requirements of the Subdivision and Land Development Regulations will be revised upon submission of SDP.

7. Zoning History.

A. Case No.: BA-92-02E

Petitioner: Cattail Creek Country Club, Inc.

Request: Special Exception for Golf Course.

Action: Granted June 14, 1990

B. Case No.: BA-11-030C

Petitioner: Cattail Creek Country Club, Inc.

Request: Golf Course Expansion with a driving range.

Action: Granted February 6, 2012.

C. Case No.: BA-14-021C

Petitioner: Cattail Creek Country Club, Inc.

Request: Golf Course Expansion with a new short game practice facility and other course alterations.

Action: Granted September 9, 2014

D. Case No.: BA-19-019C

Petitioner: Cattail Creek Country Club, Inc.

Request: Golf Course Expansion for an addition to the clubhouse

Action: Granted January 24, 2020, Case: AA-14-019

8. Conditional Use Proposal. The Petitioner, Cattail Creek Country Club, Inc, proposes to expand their existing golf course Conditional Use area to include 2.81 acres of adjacent Lot PAR 4. The proposed area within Lot PAR 4 is currently used and will continue to be used for the golf course maintenance, material, and equipment storage. No additions or modifications are proposed. .

BURDEN OF PROOF

The Court of Appeals of Maryland has frequently expressed the applicable standards for judicial review of the grant or denial of a Conditional Use. The Conditional Use is a part of the comprehensive zoning plan sharing the presumption that, as such, it is in the interest of the general welfare, and therefore, valid. The Conditional Use is a valid zoning mechanism that delegates to an administrative body a limited authority to allow enumerated uses which the legislature has determined to be permissible absent any fact or circumstance negating this presumption. The legislative body has statutorily determined that a Conditional Use is compatible in a particular zoning district absent specific facts adduced to the contrary at a particular location. The duties given the hearing body are to judge whether the neighboring properties in the general neighborhood would be adversely affected and whether the use in the particular case is in harmony with the general purpose and intent of the Zoning Plan.

The Applicant has the burden of adducing testimony which will show that his use meets the prescribed standards and requirements, he does not have the burden of establishing affirmatively that his proposed use would be a benefit to the community. These prescribed standards and requirements are conditions precedent to the approval of a conditional use. If he shows to the satisfaction of the zoning body that the conditions precedent have been met and that the proposed use would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest to a greater extent than if the proposed use were located elsewhere, he has met his burden.

The extent of any harm or disturbance to the neighboring area and uses is, of course, material. If the evidence makes the question of harm or disturbance or the question of the disruption of the harmony of the comprehensive plan of zoning fairly debatable, the matter is one for the zoning body to decide. But if there is no probative evidence of harm or disturbance in light of the nature of the zone involved or of factors causing disharmony to the operation of the comprehensive plan, a denial of an application for a Conditional Use is arbitrary, capricious, and illegal. Turner v. Hammond, 270 Md. 41, 54-55, 310 A.2d 543, 550-51 (1973); Rockville Fuel & Feed Co. v. Board of Appeals of Gaithersburg, 257 Md. 183, 187-88, 262 A.2d 499, 502 (1970); Montgomery County v. Merlands Club, Inc., 202 Md. 279, 287, 96 A.2d 261, 264 (1953); Anderson v. Sawyer, 23 Md. App. 612, 617, 329 A.2d 716, 720 (1974).

These standards dictate that if a requested Conditional Use is properly determined to have an adverse effect upon neighboring properties in the general area, it must be denied. Schultz v. Pritts, 291 Md. 1, 432 A.2d 1319, 1325 (1981). See also Mossberg v. Montgomery County, 107 Md. App. 1, 666 A.2d 1253 (1995).

The appropriate standard to be used in determining whether a requested Conditional Use would have an adverse effect and, therefore, should be denied is whether there are facts and circumstances that show that the particular use proposed and the particular location proposed would have any adverse effects above and beyond those inherently associated with such a Conditional Use irrespective of its location within the zone. Turner v. Hammond, 270 Md. 41, 54-55, 310 A.2d 543, 550-51 (1973); Deen v. Baltimore Gas & Electric Co., 240 Md. 317, 330-31; 214 A.2d 146, 153 (1965); Anderson v. Sawyer, 23 Md. App. 612, 617-18, 329 A.2d 716, 720, 724 (1974). Schultz v. Pritts,

291 Md. 1, 432 A.2d 1319, 1331 (1981). See also Mossberg v. Montgomery County, 107 Md. App. 1, 666 A2d 1253 (1995).

CONCLUSIONS OF LAW

1. **General Criteria for Conditional Uses (Section 131.0.B)**

HCZR Sections 131.0.B.1-3 require the Hearing Authority to evaluate whether the proposed Conditional Use will be in harmony with the landscape uses and policies indicated in the Howard County General Plan for district in which it is located through the application of three standards: harmony with the General Plan, overall intensity and scale of use, and atypical adverse impacts.

A. Harmony and Intensity of Use

Section 131.0.B.1. The proposed Conditional Use plan will be in harmony with the land uses and policies in the Howard County General Plan which can be related to the proposed use.

While the Howard County General Plan, HoCo by Design, policies are not directly related to Conditional Use requests for golf courses, properly sited facilities are considered compatible with residential land uses. The golf course has existed since the early 1990's and has received four conditional use modifications/expansions since then.

Section 131.0.B.2. The nature and intensity of the use, the size of the site in relation to the use, and the location of the site with respect to streets giving access to the site are such that the overall intensity and scale of the use(s) are appropriate for the site.

The expanded Conditional Use area is approximately 2.81 acres or 3.87% of the 72.6 -acre site, as shown on the Conditional Use plan (August 2026). This parcel is under common ownership with the Cattail Creek Country Club and will continue to be

used for maintenance and storage areas. The 2.81-acre Conditional Use area is to be included in the overall 109.78-acre golf course property. The Property meets all conditional use criteria, and the proposed structures and areas are compliant with bulk regulations. The Functional Road Classification Map of HoCo By Design depicts MD Route 97 as a Minor Arterial Road, which is appropriate for the type and number of vehicles associated with the golf course use. The nature and intensity of the existing Conditional Use will not change significantly.

Therefore, the nature and intensity of the use, the size of the Property in relation to the use, and the location of the site, with respect to streets that provide access, are such that the overall intensity and scale of the use are appropriate.

B. Adverse Impacts (Section 131.0.B.3)

Unlike HCZR Section 131.0.B.1, which concerns the proposed use's harmony or compatibility with the General Plan, or Section 131.0.B.2, which concerns the on-site effects of the proposed use, compatibility of the proposed use with the neighborhood is measured under Section 131.0.B.3's six off-site, "adverse effect" criteria: (a) physical conditions; (b) structures and landscaping; (c) parking areas and loading; (d) access; (e) environmentally sensitive areas; and (f) impact on the character and significant historic sites.

Inherent in the assessment of a proposed Conditional Use under these criteria is the recognition that virtually every human activity has the potential for adverse impact. The assessment therefore accepts some level of such impact in light of the beneficial purposes the zoning body determined to be inherent in the use. Thus, the question in the matter before the Hearing Examiner is not whether the proposed use would have adverse effects in an RC-DEO Zoning District. The proper question is whether there are facts and

circumstances showing the particular use proposed at the particular location would have any adverse effects above and beyond those inherently associated with such a special exception [conditional] use irrespective of its location within the zones. *People's Counsel for Baltimore County v. Loyola College in Maryland,* 406 Md. 54, 956 A.2d 166 (2008); *Schultz v. Pritts,* 291 Md. 1, 432 A.2d 1319 (1981); *Mossburg v. Montgomery,* 107 Md. App. 1, 666 A.2d 1253 (1995).

For the reasons stated below, Petitioner has met its burden of presenting sufficient evidence under HCZR Section 131.0.B.3 to establish the proposed use will not have adverse effects on vicinal properties beyond those ordinarily associated with a Golf Course, in the RC-DEO Zoning District.

Section 131.0.B.3.a. The impact of adverse effects such as, but not limited to, noise, dust, fumes, odors, intensity of lighting, vibrations, hazards or other physical conditions will be greater at the proposed site than it would generally be elsewhere in the same zoning district or other similar zoning districts.

The Petitioner is proposing to incorporate this area into the existing Conditional Use area for the continued use of a maintenance and storage area for the Golf Course groundskeeping. The Petitioner is not proposing any additions or modifications to the existing structures or parking areas. The proposed use will not generate any additional noise, dust, fumes, odors, intensity of lighting, vibrations, hazards, or other similar physical conditions different from the originally approved conditional use. Therefore, the impact of adverse effects will not be greater at the proposed site than would generally be elsewhere in the RC zoning district.

Section 131.0.B.3.b. The location, nature and height of structures, walls or fences, and the nature and extent of the existing and/or proposed landscaping on the site

are such that the use will not hinder or discourage the development and/or use of adjacent land and structures more at the subject site than it would generally elsewhere in the same zoning district or other similar zoning districts.

The existing structures meet all bulk regulations of the RC zoning districts and no additions or modifications to the existing structures are proposed. The proposed outdoor areas are surrounded by open space and vegetation and will not be visible from any residential properties in the vicinity. No additional landscaping, fencing or other screening is being proposed.

Therefore, the use will not likely hinder or discourage the development and/or use of adjacent land and structures more at the subject Property than generally elsewhere in the RC zoning district.

Section 131.0.B.3.c. The number of parking spaces will be appropriate to serve the particular use. Parking areas, loading areas, driveways and refuse areas will be approximately located and buffered or screened from public roads and residential uses to minimize adverse impacts on adjacent properties.

The Zoning Regulations do not specify the parking requirements for outdoor maintenance and storage areas. The amount of required parking was approved through SDP-96-015 in 1996. The parking requirement for a Golf Course in 1996 was eight spaces per hole and spaces for ancillary uses were calculated separately. This requirement has not changed. The location of the driveway will not change and will not be shared by other uses. The area that accesses the proposed area is internal to the site and will not be visible from any public roads or residential areas

Section 131.0.B.3.d. The ingress and egress drives will provide safe access with adequate sight distance, based on actual conditions, and with adequate acceleration and deceleration lanes where appropriate. For proposed Conditional Use sites which have driveway access that is shared with other residential properties, the proposed Conditional Use will not adversely impact the convenience or safety of shared use of the driveway.

The existing ingress/egress entrance to MD Route 97 was approved during the original construction of the Conditional Use by BA-90-002E; no changes are being proposed to this area. The Property does not share a driveway with other residential properties.

Section 131.0.B.3.e. The proposed use will not have a greater potential for adversely impacting environmentally sensitive areas in the vicinity than elsewhere.

The 2.81-acre Conditional Use area is not encumbered by stream and wetland Buffer areas. However, the Property is completely encumbered by an Environmental Preservation Easement. The nearest environmentally sensitive areas are Forest Conservation easements 200 feet to the northwest and a floodplain/wetland area 400 feet to the west.

Therefore, the proposed use will not have a greater potential for adversely Impacting environmentally sensitive areas in the vicinity than elsewhere in the RC zoning district.

Section 131.0.B.3.f. The proposed use will not have a greater potential for diminishing the character and significance of historic sites in the vicinity than elsewhere.

The closest historic structure (HO-189) is approximately 830 feet southeast from the Property and is screened by distance/topography, and vegetation. Therefore, the proposed use will not have a greater potential for diminishing the character and significance of historic sites in the vicinity than elsewhere in the RC zoning district.

2. <u>Specific Criteria for Golf Courses (Section 131.0.N.24)</u>

A Conditional Use may be granted in the RC and RR Districts, on properties that are not ALPP purchased or dedicated easement properties, and in the

R-ED, R-20, R-12, R-SC or R-SA-8 Districts for country clubs with golf courses, provided that:

The Property is zoned RC-DEO and located within an "Other Dedicated" County Easement (Environmental Preservation Parcel). The property is not within an ALPP easement.

a. **A minimum setback of 50 feet is required for all structures and uses from all adjoining properties. This may be reduced by the Hearing Authority if the adjoining property is a farm.**

The maintenance and storage areas are over 70 feet from the nearest adjoining property. Pursuant to § 128.0.A.10 of the Zoning Regulations, DPZ would not apply a setback from adjoining lot PAR B because it is used for the Golf Course.

b. **A separation distance of at least 100 feet will be provided between the edge of golf course fairways and existing residential structures. The design of the fairways shall minimize the potential of errant golf shots from causing damage or hazards on adjoining properties to the greatest extent possible**.

No new fairways are proposed; therefore, this criterion does not apply.

c. **Outdoor uses will be located and designed to shield residential property from noise or nuisance.**

The only outdoor uses associated with this Conditional Use request are pre-existing maintenance and storage areas for the golf course and are shielded from adjacent residential properties by distance and existing

vegetation/landscaping. These outdoor areas are over 300 feet from the nearest residential structure.

d. Other athletic, recreational or social uses accessory to the principal use, such as typical country club uses, are permitted if approved by the Hearing Authority.

This criterion does not apply as the Petitioner is proposing to incorporate the subject parcel with pre-existing maintenance areas into the overall existing Conditional Use Golf Course area to the west, previously approved by BA-92-02E. No other modifications, additions or structures are proposed.

e. For an existing golf course approved prior to October 6, 2013, compliance with Section A and Section B above is only necessary for significant redevelopment of the facility.

The existing Golf Course was approved prior to October 6, 2013, and the proposal complies with Section A and B.

f. An existing use approved under the former Special Exception and Conditional Use category for "Country Clubs and Golf Courses" prior to October 6, 2013, shall be considered conforming under the conditions of the original approval. Enlargements and/or extensions to this previously approved use shall only be subject to the general standards and to Section A, Section C and Section D above.

The existing Golf Course was approved prior to October 6, 2013, and the proposal complies with Sections A, C, and D above.

ORDER

Based upon the foregoing, it is this 18th day of November, 2026, by the Howard County Board of Appeals Hearing Examiner, **ORDERED**:

That the Petition of Cattail Creek Country Club, Inc, for a Golf Course, Conditional Use (2.81 acres to be used as a maintenance facility), in a RC (Rural Conservation) DEO (Development Exchange Overlay) Zoning District, Tax Map 21, Grid 3, Parcel 3, Lot PAR 4, Council District 5, identified as 3600 Cattail Creek Drive, Glenwood, Maryland, be and is hereby **APPROVED**.

HOWARD COUNTY BOARD OF APPEALS

HEARING EXAMINER

Joyce B. Nichols

Notice: A person aggrieved by this decision may appeal it to the Howard County Board of Appeals within 30 days of the issuance of the decision. An appeal must be submitted to the Department of Planning and Zoning on a form provided by the Department. At the time the appeal petition is filed, the person filing the appeal must pay the appeal fees in accordance with the current schedule of fees. The appeal will be heard *de novo* by the Board. The person filing the appeal will bear the expense of providing notice and advertising the hearing.