

February 18, 2004

Steve Silverman, President
Montgomery County Council
100 Maryland Avenue
Rockville, MD 20850

Dear President Silverman and members of the Council;

The Upper Rock Creek Coalition and the Olney Coalition have studied and responded to the Resolution Draft on the Upper Rock Creek Master Plan. Our responses are presented in red within the Draft document. We appreciate the opportunity to comment on the language which will govern development in our communities and have a great impact on our lives in Montgomery County.

Sincerely,

Susan Petrocci
Upper Rock Creek Coalition

Nancy Wendt
The Olney Coalition

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MEMORANDUM

February 9, 2004

TO: County Council

FROM: Marlene L. Michaelson, Senior Legislative Analyst

SUBJECT: Upper Rock Creek Resolution

Attached is a DRAFT of the Resolution approving the Upper Rock Creek Master Plan. It has been Council practice to circulate a draft Resolution to the Council and members of the community, civic organizations, or property owners who request a copy. Each reviewer is asked to consider whether the language in the resolution properly reflects the actions of the Council at your January 20th worksession. Staff will not make any substantive changes unless they are addressed by the Council in public session. Amendments to substantive Council decisions can be considered when the resolution is before the Council for approval (tentatively scheduled for February 24th). **Suggested technical/editorial changes to the resolution should be given to Staff by Wednesday, noon on February 18th.**

Councilmembers should note that on page 72 of the Plan, Redland Road was changed from an Arterial to a Primary Residential street. The resolution also amends the Plan to indicate that Redland Road will be 4 lanes between Crabbs Branch way to Needwood Road, consistent with the existing and proposed project description forms (PDFs).

The last 2 pages of the resolution provide directions to the Park and Planning Department to begin working on 2 text amendments that the Council asked be adopted before a change in zoning through the sectional map amendment (SMA):

- The creation of an environmental overlay zone to implement an impervious surface cap.
- Revisions to the RNC zone.

DRAFT

Planning Staff will work on the two zoning text amendments while they are preparing the SMA and will submit them to the Council at the same time as the SMA, if not sooner. It typically takes the Park and Planning Department 2 to 6 months from adoption of a master plan to prepare the SMA and this should provide the Park and Planning Department with sufficient time to prepare the amendments. The special protection area (SPA) designation will occur via language in the Master Plan and will not require any further Council action.

Once the Council receives the SMA and text amendments, it will hold public hearings and worksessions, providing the public with an opportunity to comment. The Council will act on the SMA after it has approved the zoning text amendments (particularly the overlay zone since it will not be possible to apply this zone until it is created).

Several questions have arisen about potential exemptions or waivers to the impervious surface cap. With the exception of the Catherine Fraley property and public facilities (schools, roads, etc.) which the Council discussed at the January 20th meeting, Staff recommends that the Council direct the Park and Planning Department to consider the need for any potential exemptions or waivers during its creation of the overlay zone.¹ This will provide the Park and Planning Department Staff with more time to adequately consider this issue, rather than requiring a hurried analysis in time for Council action on the Master Plan. (Examples of potential issues that should be considered are small under or undeveloped industrial and commercial properties in the area recommended for the cap.)

Staff is working to identify different options for preserving the open space required by the rural neighborhood cluster (RNC) zone. Staff will be meeting with different community representatives to discuss options for preserving open space and will prepare a memorandum summarizing the options before the Council meets on February 24th. At this point it is not clear whether it would be preferable to specify one option in the Master Plan or indicate that the Planning Board should select the best option available at the time of development (since the available options could change over time).

The Council has received a letter from the Maryland Department of Planning recommending various amendments to the Master Plan (received on January 23rd after the Council held its worksession on the Plan). Staff is preparing a memorandum addressing each of their comments and will circulate it to the Council sometime in the next few days.

Should you have any questions regarding the draft resolution or the process described above, feel free to contact me. **PLEASE PROVIDE ME WITH ANY COMMENTS YOU HAVE ON THE DRAFT BY NOON ON WEDNESDAY, FEBRUARY 18th SO THAT I WILL HAVE TIME TO REVISE THE RESOLUTION BEFORE DISTRIBUTING THE FINAL VERSION FOR COUNCIL ACTION.**

¹ The Council agreed that development on the Catherine Fraley property should receive a waiver from the impervious surface cap if affordable housing is included in the development. The Council also agreed that the overlay zone and impervious surface cap should not preclude the construction of any public project.

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Resolution No.: _____
Introduced: _____
Adopted: _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT
WITHIN MONTGOMERY COUNTY, MARYLAND

By: District Council

Subject: Approval of Planning Board Draft Upper Rock Creek Master Plan

1. On August 7, 2003 the Montgomery County Planning Board transmitted to the County Executive and the County Council the Planning Board Draft Upper Rock Creek Master Plan.
2. The Planning Board Draft Upper Rock Creek Master Plan amends the approved and adopted Master Plan for the 1985 Master Plan for the Upper Rock Creek, as amended; the Master Plan of Bikeways 1978, as amended; the General Plan (On Wedges and Corridors) for the Physical Development of the Maryland-Washington Regional District in Montgomery and Prince George's Counties, as amended; and the Master Plan of Highways within Montgomery County, as amended.
3. On September 11, 2003 the County Executive transmitted to the County Council his fiscal analysis of the Upper Rock Creek Master Plan.
4. On October 21, 2003 the County Council held a public hearing regarding the Planning Board Draft Upper Rock Creek Master Plan. The Master Plan was referred to the Planning, Housing, and Economic Development Committee for review and recommendation.
5. On November 10, November 17, December 1, December 8, 2003 and January 12, 2004 the Planning, Housing, and Economic Development Committee held worksessions to review the issues raised in connection with the Planning Board Draft Upper Rock Creek Master Plan.
6. On January 20, 2004 the County Council reviewed the Planning Board Draft Upper Rock Creek Master Plan and the recommendations of the Planning, Housing, and Economic Development Committee.

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Action

The County Council for Montgomery County, Maryland sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following resolution:

The Planning Board Draft Upper Rock Creek Master Plan, dated July 2003 is approved with revisions. Council revisions to the Planning Board Draft Upper Rock Creek Master Plan are identified below. Deletions to the text of the Plan are indicated by [brackets], additions by underscoring.

Page 7: Add to the 3rd bullet

- Increases open space, that will remain so in perpetuity, through dedication, acquisition, or easement as land develops

Page 7: Add the following language after the first 3 bullets:

- Requires the designation of portions of the Planning area as a “Special Protection Area” and the application of an impervious surface cap to minimize the impacts of development on streamswater quality.

Page 11: Amend the fifth paragraph as follows:

Advances in regulatory methods, coupled with adjustments to allowable densities, make cluster development a more effective way to enhance open space and protect sensitive resources than large-lot development using septic systems. This Land Use Plan proposes cluster development where blocks of contiguous forest and wetlands should be maintained to protect headwaters located outside of regulated stream valley buffers and maintain the health of wetland complexes. To enhance overall water quality protection, the Plan designates [recommends that] the Upper Rock Creek watershed north of Muncaster Mill Road [be designated] as a Special Protection Area, and that a mandatory imperviousness limit of 8 percent be applied through an environmental overlay zone for Upper Rock Creek. The Land Use Plan aims to direct development away from sensitive areas, maintain low densities and build on the heritage of open space in this part of the watershed.

Comment: This language should appear throughout the Plan where this statement is made.

Page 12: Add a new second bullet under “Residential Wedge Areas”:

- Designate the Upper Rock Creek watershed north of Muncaster Mill Road a Special Protection Area and apply an environmental overly zone with a mandatory imperviousness limit of 8 percent.

DRAFT

Page 12: Add a new sentence to the last paragraph on the page:

The Plan protects the low-density residential character of the watershed by recommending low-density zones. With the densities recommended in this Master Plan, Upper Rock Creek will have the lowest densities of any residential wedge area in the County.

Comment: I remember that Marlene made this statement during the work sessions. We are not clear what purpose that statement serves. Is the intent to guide future, rather than near term, development not to increase densities? Or could that statement encourage requests for higher densities because they might exist in other residential wedge areas? Request that this sentence be deleted because the point of setting densities in the mp was to allow densities to address the unique characteristics of each property on its own merits. So what's the point of comparisons. Take it out. It sends a conflicting message.

Page 12: Continuing with the last paragraph: Where it recommends cluster development,..... it recommends the Rural Neighborhood Cluster (RNC) Zone.

Comment: This is the first time RNC is mentioned in the MP, we believe. Add language to reflect that changes to the existing Zone are being developed to improve the effectiveness of the RNC zone in reflect environmentally sensitive areas and ~~application and improvements for more~~ and situations where compatible character with existing communities. is paramount.

Page 14: Amend the fifth paragraph as follows:

Review of recent subdivision activity in the Planning Area indicates that the average number of units per acre in septic subdivisions is approximately equal to one dwelling unit for every two acres. Where this Plan recommends cluster development, it recommends maximum densities of about one dwelling unit for every three acres, rather than the one-acre zone now in place. While cluster development on a given property [may] could in theory allow more units than septic development, the RNC zones requires that density under the optional method of development be set in the Master Plan (between one unit per acre and one unit per five acres). This Plan uses the RNC zone to [reducing] limit zoning densities to an amount comparable [brings the number of units more into line] with prevailing densities in the Planning Area.

Comment: In the original Draft MP, the “three acres” is written 2.5 acres. It seems that three acres is a change.

Page 15: Add new sentence to end of the second full paragraph on the Dungan property:

This property is included in the recommended Special Protection Area for Upper Rock Creek.

Page 15: Amend the third full paragraph as follows:

The recommended densities range from one dwelling unit for every five acres to one dwelling unit for every three acres. These densities are in keeping with low density residential character. Environmental, regulatory or design considerations may reduce

DRAFT

achievable densities on this property. [Any] If Moderately Priced Dwelling Units [should be] are required in the RNC Zone by a future change in law, they should be provided in accordance with Chapter 25A of the County Code as follows:

- 0.2 dwelling units per acre or less - No MPDUs would be required if the property develops under the RNC standard method development without community sewer service;
- 0.33 dwelling units or less - 12.5 percent MPDUs required if the property develops under the RNC zone optional method development with community sewer service;
- 0.33 to 0.4 dwelling units per acre—MPDUs required under the RNC zone optional method development with community sewer service using a sliding scale from 12.5 percent MPDUs required at 0.33 dwelling units per acre to 15 percent MPDUs required at 0.4 dwelling units per acre.

Comment: Added for consistency with bullets above.

If MPDUs are not required in the RNC Zone, the maximum density of development for the Dungan property is 0.33 dwelling units per acre, under the conditions outlined below.

Page 15: Insert a new second bullet under Recommendations:

- Include the entire property in the proposed new environmental overlay zone for Upper Rock Creek.

Question: Should this bullet state “with an impervious cap of 8%”?

Page 16: Amend the second bullet on the page as follows:

- ~~[x]~~0.33 units to the acre with community sewer service (or up to 0.4 units to the acre with MPDUs) if all development occurs on the Casey property, and this property remains open space **in perpetuity.**

Page 16: Add a new sentence to the fourth paragraph under Casey Property as follows:

Development on the Casey property should implement resource protection strategies that maintain stream quality. These strategies include preserving land in an undeveloped and natural state, limiting imperviousness, directing development away from the sensitive North Branch, ~~[discouraging]~~ **prohibiting** sewer line construction in sensitive areas, and locating stormwater management facilities on open space outside of parkland. For these reasons, this property is included in the recommended Special Protection Area for Upper Rock Creek.

Page 16: Change the first sentence of the fifth paragraph:

Clustering homes on part of this property and preserving [a] contiguous area of undeveloped open space.....

DRAFT

Comment: Pursuant to the discussions on RNC zone changes, “1” contiguous area may no longer be required. Should a change in wording occur here?

Page 17: Add a new second paragraph:

Acquiring the important natural resources on the Dungan property offers public benefits but would incur moderate environmental costs on the Casey property associated with the increased density that would result from combined development. Every effort should be made, however, to accommodate added density from the Dungan property in clusters on the Casey property in accordance with the specified guidelines and without significant impact to the open space and sensitive environmental areas described above. Increased density also incurs compatibility costs in maintaining the semi-rural community character that exists. Changes in the RNC zone are needed to manage this cost.

Page 17: Amend the third paragraph as follows:

The recommended densities range from one dwelling unit for every five acres to one dwelling unit for every three acres. Development standards for the RNC Zone will allow sensitive areas in significant amounts to be preserved as rural open space, and site plan review will allow the guidelines outlined below to be implemented as the property develops. Environmental, regulatory or design considerations may reduce achievable densities on this property. If [Any] Moderately Priced Dwelling Units [should be] are required in the RNC Zone by a future change in law, they should be provided in accordance with Chapter 25A of the County Code as follows:

- 0.2 dwelling units per acre or less—No MPDUs would be required under standard method development without community sewer service;
- 0.33 dwelling units or less—12.5 percent MPDUs required if the property develops under the RNC zone optional method development with community sewer service;
- 0.33 to 0.4 dwelling units per acre—MPDUs required under the RNC zone optional method development with community sewer service using a sliding scale from 12.5 percent MPDUs required at 0.33 dwelling units per acre to 15 percent MPDUs required at 0.4 dwelling units per acre.

Comment: change of language is consistent with language used for Dungan property – Resolution draft pg. 3

If MPDUs are not required in the RNC Zone, the maximum density of development for the Casey property is 0.33 dwelling units per acre under the conditions outlined below.

Page 18: Add a new first bullet as follows:

- Include the entire property in the proposed new environmental overlay zone for Upper Rock Creek;

DRAFT

Page 18: Amend the existing first bullet as follows:

- Allow the following range of densities if the specified conditions are met:
 - 0.2 units to the acre if the property is developed using septic systems;
 - 0.33 units to the acre with community sewer service (or up to 0.4 units to the acre with MPDUs) if all development occurs on the Casey property, the Dungan property remains open space **in perpetuity**. [and if open space as shown on the accompanying map is provided as part of development.]

Question: If the RNC zone is changed to allow some non-contiguous open space use after the sensitive areas have been protected, the Casey property open space could be arranged differently than what is shown on the map. Can the language within the brackets above be reworded to allow this option depending on the RNC zone changes?

Page 18: Amend the second bullet as follows:

- Adhere to these guidelines during development of this property:
 - Enhance compatibility by maintaining areas adjacent to existing communities as rural open space or by developing those areas with lots of one and two acres or larger, which would be similar [size] to those in the adjoining neighborhood;
- **Protect rural view sheds by placing lots of at least 2 acres on the periphery;**
 - Provide substantial variations in lot sizes, as required by the RNC Zone development standards; [and maintain compatibility by avoiding lots that are smaller than 15,000 square feet] cluster neighborhoods should offer the broadest possible range of lot sizes;
 - Size and locate the smallest lots to ensure compatibility with existing development and preservation of rural views;
 - [Encourage] **Provide substantial variations in** diversity in house size and style;
- **No new sewer lines can be constructed in the streambeds of the North Branch;**

Page 20: Amend the third sentence on the page as follows:

Like the Dungan property, the Freeman property includes significant natural resources that are worthy of protection and essential to the protection of the headwaters.

Page 20: Amend the second paragraph as follows:

The location of this property in the headwaters of North Branch and its extensive inventory of sensitive environmental resources heighten the importance of determining appropriate densities for the property. It is included in the recommended Special Protection Area for

DRAFT

Upper Rock Creek. This Plan recommends cluster development for this property because development using individual septic systems would result in extensive forest fragmentation, significant impacts on plant and wildlife habitat, and a decrease in water quality. It recommends the RNC Zone for this property and sets a scale of recommended densities for optional method development. The recommended densities range from one dwelling unit for every five acres to one dwelling unit for every three acres. This recommendation confers the private benefit of community sewer service in return for the public benefit of open space. Development standards for the RNC Zone will allow sensitive areas in significant amounts to be preserved as rural open space, and site plan review will allow the guidelines outlined below to be implemented as the property develops. The recommended densities range from one dwelling unit for every five acres to one dwelling unit for every three acres. Environmental, regulatory or design considerations may reduce achievable densities on this property. If [Any] Moderately Priced Dwelling Units [should be] are required in the RNC Zone by a future change in law, they should be provided in accordance with Chapter 25A of the County Code as follows:

- 0.2 dwelling units per acre or less—No MPDUs would be required under standard method development without community sewer service;
- 0.33 dwelling units or less—12.5 percent MPDUs required if the property develops under the RNC optional method development with community sewer service;
- 0.33 to 0.4 dwelling units per acre—MPDUs required under the RNC optional method development with community sewer service using a sliding scale from 12.5 percent MPDUs required at 0.33 dwelling units per acre to 15 percent MPDUs required at 0.4 dwelling units per acre.

Comment: This language is consistent with Dungan and Casey.

If MPDUs are not required in the RNC Zone, the maximum density of development for the Freeman property is 0.33 dwelling units per acre under the conditions outlined below.

Page 20: Insert a new second bullet under Recommendations:

- Include the entire property in the proposed new environmental overlay zone for Upper Rock Creek;

Page 21: Amend the sub bullet at top of page as follows:

- 0.33 units to the acre with community sewer service (or up to 0.4 units to the acre with MPDUs) if open space as shown on the accompanying map is provided as part of development.

Page 21: Amend the first bullet as follows:

- Adhere to these guidelines during development of this property:

DRAFT

- Enhance compatibility in the western portion of this property by maintaining areas near existing communities as rural open space or by developing those areas with lots of one and two acres or larger, which would be similar [size] to those in the adjoining neighborhood;
- Protect rural view sheds by placing lots of at least 2 acres on the periphery; (Note Rifkin originally asked for 25 acre conservation lots on the periphery; that was cut to 10 acres
 - Provide substantial variations in lot sizes, as required by the RNC Zone development standards; [and maintain compatibility by avoiding lots that are smaller than 15,000 square feet] cluster neighborhoods should offer the broadest possible range of lot sizes;
 - Size and locate all the smallest lots to ensure compatibility with existing development and preservation of rural views;
 - [Encourage] Provide substantial variations in diversity in house size and style;

Page 23: Add the following sentence at the end of the first paragraph:

Both properties are located in the recommended Special Protection Area for Upper Rock Creek.

Page 23: Insert a new third bullet as follows:

- Include both properties in the proposed new environmental overlay zone for Upper Rock Creek;

Page 25: Delete third bullet (which is an exact repetition of the second bullet) and replace with the following language:

- Consistent with proposed clarifications to the RNC zone, density should be calculated on gross tract area (excluding any land purchased by the government) and open space should be calculated on the net tract area.

Page 28: Amend the fourth full paragraph as follows:

Extending townhouses to all of the Fraley property is appropriate in light of the existing pattern of development in the area. Allowing townhouse development in the remaining undeveloped area is consistent with the recommendation of the 1968 Plan and will complete recommended development of the area adjacent to the Redland commercial center. A unified townhouse development on the Fraley property will serve as an appropriate transition to

DRAFT

lower residential densities in this area. [The RT-10 Zone is a floating zone; with the written consent of the property owner, the RT-10 zone should be applied to this property through the Sectional Map Amendment process. A more detailed explanation of floating zones may be found in the Implementation Chapter.]

This area, which is adjacent to a small commercial center, is particularly suitable for additional affordable housing. [To maximize provision of Moderately Priced Dwelling Units, this Plan strongly encourages assembly of all land in and proposed for townhouse zones, a total of about 7.5 acres.] To encourage provision of such needed housing in this area, this Plan recommends that the R-90 portion of the property be reclassified to the R-90/TDR Zone, with a density on that portion not to exceed 13 units to the acre. This property is also located in the area designated for an environmental overlay zone and impervious surface cap. As an additional incentive to provide affordable housing, this Plan recommends that it be granted a waiver from the impervious cap, if a subdivision plan is submitted that shows Moderately Priced Dwelling Units as part of the development.

Page 29: Amend the map to reflect revised zoning recommendation for the Catherine Fraley Property

Page 33: Amend the second paragraph as follows:

The H&S Leasing property is in the Gude Drive-Southlawn Lane Special Study Area. That policy study states that northern quadrants of the intersection of Gude Drive and Southlawn Lane, where Smith Lithograph's property is located, are "suitable for light industrial or other commercial uses because of the size and current uses of the properties." [This recognizes that the printing plant is well-established, and acknowledges that t] The relatively small size of the property and the likely difficulties of assembling land in this area, combined with the fact that redevelopment in the I-2 zone is likely to be incompatible with surrounding uses, all lead to the conclusion that the property should be rezoned to [warrant its placement in] a light industrial zone.

Page 36: Amend the first bullet under Large undeveloped properties as follows:

- This Plan recommends four undeveloped properties in the master plan area – the Dungan, Casey, Freeman and Woodlawn properties – for cluster development with community sewer service. Should the Zoning Ordinance be amended to expand the MPDU program to the large lot zones, three of these properties would be required to provide MPDUs (Dungan, Casey and Freeman). If the Zoning Ordinance is amended to reduce the minimum subdivision size that triggers requirement for MPDUs, it is possible that the Woodlawn property would also be required to provide MPDUs. If not, its developers could still decide to provide MPDUs on a voluntary basis. [The fourth, the Woodlawn property, could provide MPDUs voluntarily.]

A pending zoning text amendment would require MPDUs in the RNC Zone. This proposed amendment has not been approved or implemented as of the approval of this Plan but is likely to be acted on before these properties develop. If the amendment is

DRAFT

approved, this Plan recommends that MPDUs be provided in accordance with Chapter 25A of the County Code as follows:

0.2 dwelling units per acre or less—No MPDUs would be required under standard method development without community sewer service;

0.33 dwelling units per acre or less—12.5 percent MPDUs required under optional method development with community sewer service;

0.33 to 0.4 dwelling units per acre—MPDUs required under optional method development with community sewer service using a sliding scale from 12.5 percent MPDUs required at 0.33 dwelling units per acre to 15 percent MPDUs required at 0.4 dwelling unit per acre.

Page 37: Amend the last sentence on the page as follows:

The maximum density will be permitted only if adequate open space is provided in accord with the recommendations in this Plan.

Page 45: Add text under WATER RESOURCES as follows:

Protecting the water resources of the Upper Rock Creek watershed is critical. The entire area is considered the headwaters of the larger Rock Creek watershed that extends into the District of Columbia, and the northern portion of the Upper Rock Creek Planning Area contains the headwaters of two large tributaries, the Mainstem Rock Creek and the North Branch Rock Creek.

Page 46: Insert new paragraph after first full paragraph:

The Upper Rock Creek watershed within the Planning Area north of Muncaster Mill Road [should be] is designated as a Special Protection Area (SPA). The existing water resources, including the Use III stream and associated forests and wetlands, are of high quality and unusually sensitive (see additional text in this chapter describing each resource). The proposed land uses have the potential to threaten these resources in the absence of special water quality protection measures that are closely coordinated with land use controls. The water quality review process would provide an opportunity to establish water quality goals for each development prior to design, provide better performance overall of best management practices through use of a sequential treatment strategy, and monitor water quality before, during and after construction to determine the effects of the development.

The North Branch Rock Creek watershed and a small part of the Mainstem extend beyond the Planning Area into Olney. The designation of the SPA exclusively for areas within this master plan leaves more than half of the North Branch watershed outside the SPA. (The need to designate portions of the Olney Planning area as an SPA will be considered during review of the Olney Master Plan.) Existing and new development will continue to influence the water quality of the North Branch, and to a lesser extent, the Mainstem. With this

DRAFT

designation, the primary SPA benefit will be in protecting the small tributaries of the North Branch that are directly affected by the major new development projects within the SPA.

A very small, developed portion of the Mainstem Rock Creek watershed extends beyond the Upper Rock Creek Planning Area west of Woodfield Road in the I-270 Corridor. This area is not recommended for inclusion in the SPA.

Page 46: Amend the last paragraph as follows:

Minimizing imperviousness is one of the best methods for assuring protection of water resources, especially in headwaters areas. Evidence clearly indicates a causal relationship between the overall level of watershed imperviousness, water quality and the health of the aquatic community within receiving streams. The cluster recommendations in this Plan are estimated to result in a lower impervious surface than the existing large lot zoning.

Page 47: Amend the first paragraph and add new language as follows:

In the residential zones, all types of development – residential, institutional or special exception – should be regulated to achieve the same relatively low levels of imperviousness. An imperviousness cap mandates a level of impervious surface coverage to sustain the current quality of the streams in the area north of Muncaster Mill Road. The analysis of projected imperviousness indicates that if new development is held to 8 percent hard surface imperviousness, the stream quality should be maintained. A cap should be established in Upper Rock Creek through an environmental overlay zone as part of the Sectional Map Amendment. [When higher levels of imperviousness are unavoidable, techniques that increase infiltration and reduce adverse effects—disconnecting impervious areas, reducing setbacks, added reforestation between impervious areas and water bodies—should be used. (See Environmental Guidelines, which were adopted by the Montgomery County Planning Board.)]

This cap will limit the imperviousness generated within the Planning Area, but will not affect development within the watershed outside the SPA in the Olney Planning Area. This satellite town contains cluster development that has protected large areas of farmland [and significantly reduced development in our drinking water reservoir watersheds to the detriment of the water quality of the North Branch.] The North Branch in Olney has significantly higher density zoning with sewer service.

Comment: The text between the brackets is confusing and the intent is unclear. The introduction of the TDR's just north of Bowie Mill Rd, in the Olney area are part of the cause of the deteriorating water quality.

Page 47: Amend the second bullet as follows:

- New development [should] must employ all planning and zoning options, and design [and engineering] techniques to reduce imperviousness. Such techniques include:

DRAFT

Page 47: Add the following recommendations under Recommendations:

- Designate a Special Protection Area for the Upper Rock Creek watershed within the Planning Area north of Muncaster Mill Road.
- Establish an environmental overlay zone for all new development within the Special Protection Area to implement an 8 percent imperviousness cap and to maintain low imperviousness levels throughout the watershed.

Page 54: Insert the following paragraph at the bottom of the page:

This Plan relies on existing zones and septic development in areas where large lots are the most desirable or the only way to maintain compatibility and where sensitive environmental resources can be preserved in existing regulatory buffers with easements on private lots. Where there are significant amounts of sensitive resources that should be protected in an undeveloped state and where community sewer service is available without disturbing significant portions of nearby stream systems, the Plan recommends RNC zoning and expansion of the sewer envelope.

Page 68: Redland Road, add new paragraph before "Recommendation" to read as follows:

While these characteristics of Redland Road are common to arterial roadways, the function of Redland Road has not been compromised by its current classification as a primary residential road.

Page 68: Redland Road Recommendation, modify first bullet to read as follows:

- [Reclassify] Retain Redland Road as an [Arterial roadway (A-42)] a Primary Residential roadway (P-7) between Muncaster Mill Road and Crabbs Branch Way, with [an 80-] a 70-foot minimum right-of-way. Between Muncaster Mill Road and Needwood Road, two through travel lanes and an open section are recommended. Between Needwood Road and Crabbs Branch Way, a maximum of four travel lanes is recommended as through lanes between the programmed intersection capacity improvements.

Page 68: Redland Road Recommendation, delete second bullet as follows:

- [This Plan recognizes the largely residential character of Redland Road, particularly between Needwood Road and Roslyn Avenue. Reclassification of Redland Road does not alter that character and should not be used as a basis for rezoning requests.]

Page 70: Change the graphic line width to indicate that Redland Road continues to be designated a primary residential road.

Page 72: Delete Redland Road from the Arterials section of the chart and move to the Primary Road Section of the chart as follows:

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Arterials

Roadway +		Limits	Minimum ROW Width (feet)	Number of Travel Lanes
[A-102]	[Redland Road]	[Crabbs Branch Way to Muncaster Mill Road]	[80]	[2]

Primary Residential

Roadway +		Limits	Minimum ROW Width (feet)	Number of Travel Lanes
<u>P-7</u>	<u>Redland Road</u>	<u>Crabbs Branch Way to Needwood Road</u>	<u>70</u>	<u>4</u>
		<u>Needwood Road to Muncaster Mill Road</u>	<u>70</u>	<u>2</u>

Page 73: Amend the fifth and sixth bullets as follows:

- Bikeways can be used as commuter routes to the Shady Grove Metro Station. This Plan recommends a Class II or Class III bikeway on Redland Road [and on Needwood Road], depending on the availability of right-of-way. Class II or Class III bikeways on Muncaster and Bowie Mill Roads should be designated to allow longer distance commuters the opportunity to reach Shady Grove. On Needwood Road, a Class I bike path should [also] be designated and constructed from Redland Road to [Beach Drive] Muncaster Mill Road to provide access to Rock Creek Park. The Park and Trails section of this Plan contains additional information on connecting bike paths between Rock Creek Park and the Intercounty Connector bike paths. A Class I bike path is included as part of improvements to MD 124.
- The Magruder Bikeway allows connections between Rock Creek and Shady Grove. [A Class II or Class III bikeway should be designated on Needwood Road north of the ICC right-of-way from Lake Needwood to Muncaster Mill Road.] The Class I bikeway on Needwood Road provides access from Shady Grove to Muncaster Mill Road near Magruder High School. Connecting bike paths should be designated and built as part of the development of the Casey property to serve Magruder High School and connect to the park.

Page 74: Delete the following sentences from the second bullet:

- A Class II or Class III bikeway should be designated on Muncaster Mill Road between MD 124 and North Branch. [Safety and right-of-way issues make the Class I bike path currently recommended problematic. Should capital improvements be programmed, a Class I bike path is desirable.]

DRAFT

After Page 74: Insert the following table:

BIKEWAYS

<u>Ref. No.</u>	<u>Bikeway</u>	<u>Location</u>	<u>Type</u>
DB-14	<u>Needwood Road</u>	<u>Redland Road to Muncaster Mill Road (MD 115)</u>	<u>Shared-use path (Class I)</u>
DB-19	<u>Woodfield Road (MD 124)</u>	<u>Gaithersburg Vicinity Plan Boundary to Warfield Road</u>	<u>Dual bikeway (Class I and either Class II or Class III)</u>
BL-20	<u>Bowie Mill Road</u>	<u>Muncaster Mill Road (MD 115) to North Branch of Rock Creek</u>	<u>On-road (Class II or III)</u>
SP-28	<u>Muncaster Mill Road (MD 115)</u>	<u>Gaithersburg Vicinity Plan Boundary to North Branch of Rock Creek</u>	<u>On-road (Class II or III)</u>
BL-29	<u>Redland Road</u>	<u>Crabbs Branch Way to Muncaster Mill Road</u>	<u>On-road (Class II or III)</u>
BL-30	<u>Shady Grove Road</u>	<u>Muncaster Mill Road (MD 115) to Midcounty Highway</u>	<u>On-road (Class II or III)</u>
BL-31	<u>Fieldcrest Road</u>	<u>Woodfield Road (MD 124) to Olney-Laytonsville Road (MD 108)</u>	<u>On-road (Class II or III)</u>
SP-36	<u>Olney-Laytonsville Road (MD 108)</u>	<u>Town of Laytonsville to Olney Plan Boundary</u>	<u>Shared-use path (Class I)</u>
SP-40	<u>ICC</u>	<u>Redland Road to North Branch of Rock Creek</u>	<u>Shared-use path (Class I)</u>
SP-51	<u>East Gude Drive</u>	<u>CSX Railroad to Southlawn Lane</u>	<u>Shared-use path (Class I)</u>
SP-55	<u>Airpark Road</u>	<u>Woodfield Road (MD 124) to Muncaster Mill Road (MD 115)</u>	<u>Shared-use path (Class I)</u>
SP-70	<u>Midcounty Highway Extended</u>	<u>Redland Road to ICC</u>	<u>Shared-use path (Class I)</u>
B-1	<u>Muncaster Road</u>	<u>Olney-Laytonsville Road (MD 108) to Muncaster Mill Road (MD 115)</u>	<u>On-road (Class II or III)</u>
B-2	<u>Cypress Hill Drive</u>	<u>Woodfield Road (MD 124) to Rock Creek Stream Valley Park</u>	<u>On-road (Class II or III)</u>
B-3	<u>Casey property internal street system</u>	<u>Muncaster Road to North Branch Stream Valley Park</u>	<u>On-road (Class II or III)</u>
B-4	<u>Avery Road</u>	<u>Muncaster Mill Road (MD 115) to Rock Creek Regional Park</u>	<u>On-road (Class II or III)</u>
B-5	<u>Agricultural Bikeway</u>	<u>Hendry property internal street system from Muncaster Road to Little Spring Road, Little Spring Road from Hendry property to Fraley Farm Road, Fraley Farm Road from Little Spring Road to Griffith Farm Road, Griffith Farm Road from Fraley Farm Road to Fraley property, Fraley property internal street system from Griffith Farm Road to North Branch Stream Valley Park</u>	<u>On-road (Class II or III)</u>

DRAFT

Page 75: Amend 'Bikeways' map to show a Class I bikeway on Needwood Road between Beach Drive and Muncaster Mill Road.

Page 79: Add new section before Natural Resource Protection:

Open Space under the RNC Zone

The RNC zone requires that a minimum of 65 percent of the property be preserved as open space. There are a variety of mechanisms to ensure that the open space will be preserved in perpetuity. One option is to have the land dedicated as a new category of parkland that would remain as such in perpetuity. If this occurs, the land should not be considered for active recreational uses or other public purposes (e.g. a school).

Note – the only redeeming quality of Parkland is the open space could be “useful” to the community. Most open space is still “owned” by the HOA even though the easement is held by GSSGS or similar trusts. Most owners want to limit permitted uses. Public ownership could potentially make some or all of the open space available for low impact recreation uses or even community supported agriculture.

Page 81: Amend the map to clarify which parks are existing and which are proposed for future development.

Page 87: Amend the third paragraph as follows:

The recommended zoning in the Upper Rock Creek Master Plan will reduce the reliance on sewer and water policy to establish density limits and development standards on individual properties. The proposed zoning for the Residential Wedge Area is also intended to provide a significant opportunity for the preservation of environmentally sensitive areas in a manner compatible with the existing communities. To support efforts to protect water quality and sensitive resources, this Plan recommends that the Upper Rock Creek watershed north of Muncaster Mill Road be designated a Special Protection Area, and that a mandatory imperviousness limit of 8 percent be applied with an environmental overlay zone for Upper Rock Creek. The proposed Special Protection Area and accompanying overlay zone are described in detail in the Environmental Resources Plan.

Page 87: Amend the second to last sentence in the fourth paragraph as follows:

This Plan also recommends the Rural Neighborhood Cluster Zone for the Woodlawn property and sets a density of 0.33 dwelling units per acre (one dwelling unit for every three acres) under the optional method of development.

Page 87: Amend the sixth paragraph as follows:

One of those objectives is permanent retention of rural open space. To accomplish this task, techniques should be used that will preserve land designated as rural open space, maintain the environmental qualities of that open space over time, and limit uses to those that are

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acceptable in a rural open space area. It is particularly important that a means of protection be identified that will assure the community that the land will be preserved as open space in perpetuity.

Note that it may be necessary to change the recommendations on the top of Page 88 which describes different ways of protecting open space. Staff will prepare a recommendation on open space options and potential changes to the Master Plan and distribute it to the Council prior to action on this resolution.

Page 88: Amend the second paragraph as follows:

This Plan supports cooperative efforts between public sector agencies and local groups to evaluate these strategies and determine how best to permanently preserve and manage open space on the Casey, Dungan, Freeman and Woodlawn properties. It also recommends that the most suitable strategy and appropriate mechanism available at the time of development under the Rural Neighborhood Cluster Zone be selected to protect the open space on [the Casey, Dungan, Freeman and Woodlawn] these properties.

Page 92: Insert new section before “COMMUNITY FACILITIES”:

ENVIRONMENTAL RESOURCE PROTECTION

The high water quality and unusually sensitive environmental resources of the Upper Rock Creek are potentially threatened by the proposed development in the Planning Area portion of the watershed north of Muncaster Mill Road. This master plan recommends that this area be designated a Special Protection Area (see map on page ____). The Montgomery County Code, Chapter 19, Article V, establishes a process for water quality review in Special Protection Areas (SPA) and addresses applicability, exemptions and waivers. The process requires any person or agency (public or private) proposing a land disturbing activity to submit a water quality inventory and a preliminary and final water quality plan, unless exempt. This article also requires pre-, during, and post-construction water quality monitoring for development subject to water quality plan approval.

The Montgomery County Code, Chapter 19, Article V generally exempts properties in agricultural, residential, and mixed-use zones from submitting a water quality plan if the proposed impervious area is less than 8 percent of the total land area, unless specifically required in, among other things, a land use plan. This plan requires all applicants for new development in the Upper Rock Creek SPA to submit a water quality plan.

In addition, to assure that imperviousness stays at levels that can sustain the current stream conditions, an imperviousness cap of 8 percent should be established through an environmental overlay zone to control all new development. The overlay zone should recognize the importance of specific public projects and provide appropriate means to accommodate these projects.

DRAFT

SPA requirements (in particular, the application of an imperviousness cap) are not intended to preclude the construction of any public project including those designated in this Master Plan, such as the Inter County Connector, public schools and park facilities. However, efforts at avoidance of environmentally sensitive areas, minimization, and mitigation should be thoroughly examined in the earliest stages of project development.

Recommendations:

- Designate a Special Protection Area for the Upper Rock Creek watershed within the Upper Rock Creek Planning Area north of Muncaster Mill Road.
- Require that each applicant proposing any land disturbance activity within the Upper Rock Creek Special Protection Area submit a water quality plan for review in accordance with the Montgomery County Code, Chapter 19, Article V. Water Quality Review in Special Protection Areas.
- Create an environmental overlay zone for the same geographic area as the Special Protection Area that establishes a maximum imperviousness of 8 percent for all new development.

Page 93: Revise the portion of the chart under Resource Protection and add footnote as follows:

Resource Protection

3. Dungan	[Acquire] <u>Protect</u> for resource protection.*
4. Casey	[Seek dedication of] <u>Protect</u> portion that drains to North Branch for watershed protection. *
5. Fraley	[Seek dedication during development process along] <u>Protect area</u> along east and south sides to protect stream buffer. *
6. Freeman	[Seek dedication to p] <u>Protect</u> forested areas, stream buffers [through development process]. *
7. Hendry	[Seek dedication of] <u>Protect</u> portions of two forested stream buffers [through development process]. *

* The proper form of protection should be determined at the time of development and may include dedication, acquisition, easements or other options to be determined.

Page 95: Amend the third sentence on the page as follows:

This Plan recommends extension of sewer service to areas proposed for the RNC Zone, as shown on the accompanying map of the proposed sewer service envelope, provided that the properties develop under the optional method of development in conformance with the recommendations in this Master Plan.

Page 99: Delete the third bullet under 22/15 The Ridge:

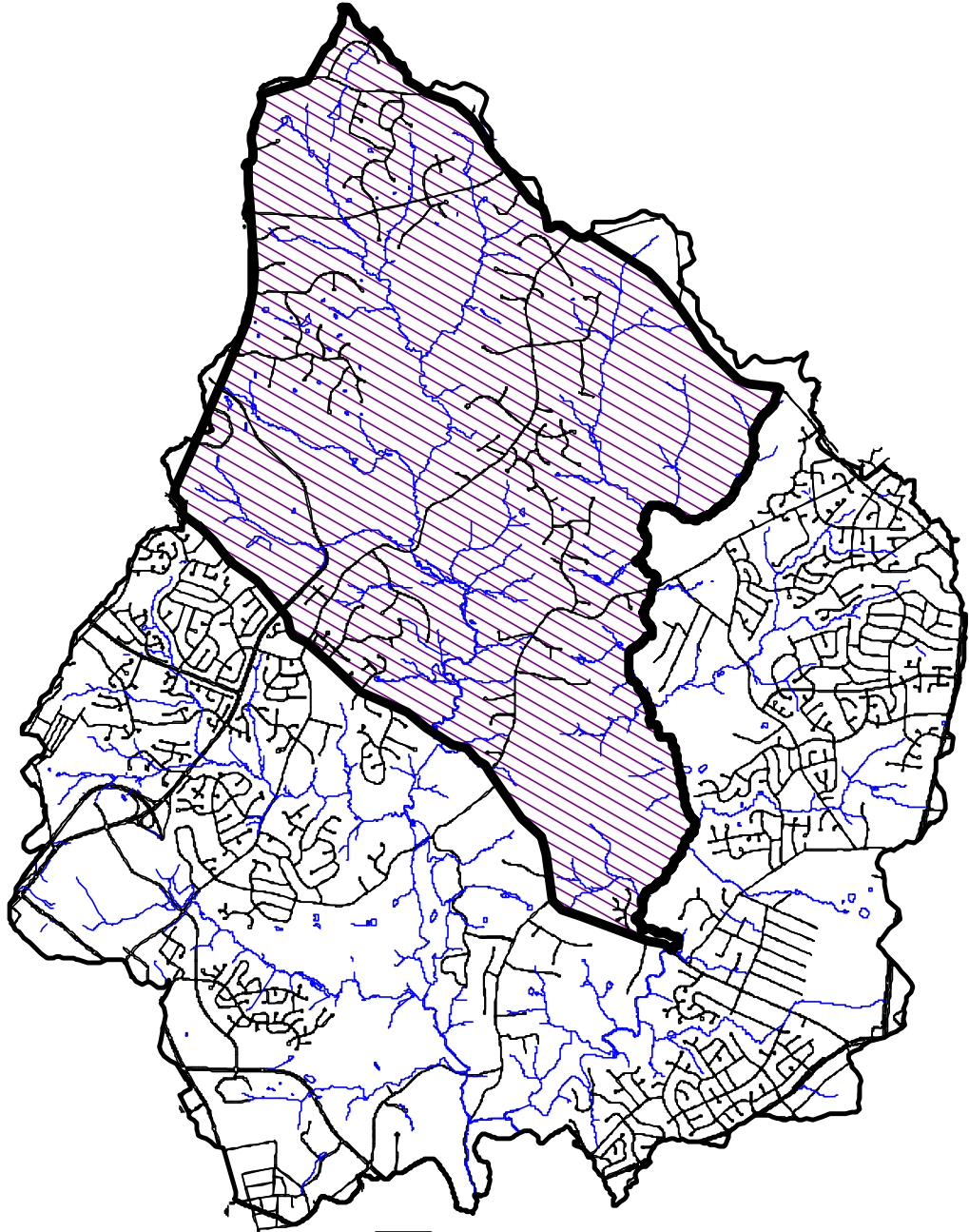
- Pre-1753 – Large house of three sections, oldest (main section) is Flemish bonded brick; rubblestone kitchen dependence connected by a frame section.

DRAFT

- One of few remaining colonial homes, it was built by Zadock Magruder, a County leader; it remained in that family for 200 years.
- [The proposed Muncaster Road widening will not directly impact The Ridge. However, roadway design criteria should include adequate landscaping or berming to protect the historic setting.]

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Upper Rock Creek Special Protection Area



□ Upper Rock Creek Watershed Boundary

▨ Special Protection Area

Prepared by M-NCPPC February 2, 2004

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General

The Planning Board should immediately undertake a review of the Rural Neighborhood Cluster (RNC) zone to address issues raised during the Council's review of the Master Plan. Issues that should be considered include the following:

- Clarify that density is calculated on the gross tract area (including developable land and land dedicated to the County, but excluding land purchased by a government entity).
- Clarify that open space is calculated on the net tract area (which excludes land either dedicated or sold to the County or any other government entity other than the open space required as part of the RNC zone).
- Review whether the RNC zone has accomplished the objectives of the relevant master plan in the communities in which development has occurred; ~~identification of~~ identify problems with existing RNC communities that can be addressed by a change in the zone or the zone elements that are set in a MP.
- Examine how to better achieve the diversity of lot size which is currently required by the zone but has not occurred in RNC projects. ~~[to the extent some believe it should have.]~~
- Review other options for encouraging diversity ~~of single family house size~~ in RNC neighborhoods.
- Identify other development standards that should be reviewed such as lot coverage.
- Determine whether the zone should be amended (or a new zone created) to address situations in the cluster provisions of the zone used to protect environmental resources, rather than rural character.
- Review permitted and special exception uses in the open space.
- Determine ~~[whether any other]~~ the changes ~~[are]~~ necessary related to contiguous open space requirements.
- Review criteria which could encourage cluster developments to be compatible with the character of existing communities.

This plan supports cooperative efforts between public sector and local community groups to evaluate these strategies and determine how best to change the RNC zone to produce the best intended outcome.

The Park and Planning Department should also prepare an overlay zone to create an 8 percent impervious surface cap for the area designated in the Plan. The RNC and environmental overlay zoning text amendments should be submitted to the Council either before or at the same time the Sectional Map Amendment to enable the Council to take action on these changes before any rezoning occurs.

Planning staff should continue to work with Council staff to identify options to ensure that the open space required under the RNC zone is preserved in perpetuity. Options to be considered include designation as parkland, use of easements or covenants (held by a adjacent property owners, a local community group or regional entity), and transferring ownership to a local, regional or national group that holds and preserves land as open space (e.g. Greater Sandy Spring Greenspace, Inc., the Potomac Conservancy, etc.). Recommendations regarding the most

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appropriate form(s) of protection should be finalized as soon as possible so that a specific option for preserving open space can be included in Planning Board approvals of RNC development applications.

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All figures and tables included in the Plan are to be revised where appropriate to reflect District Council changes to the Planning Board Draft Upper Rock Creek Master Plan. Maps should be revised where necessary to conform to Council actions. The text is to be revised as necessary to achieve clarity and consistency, to update factual information, and to convey the actions of the District Council. All identifying references pertain to the Planning Board Draft Upper Rock Creek Master Plan.

This is a correct copy of Council action.

Mary A. Edgar, CMC
Clerk of the Council

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