



MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB
Item #
7/19/07



SUPPLEMENTAL MEMORANDUM

DATE: July 7, 2007

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief *RK*
Development Review Division

FROM: Catherine Conlon, Subdivision Supervisor *CC*
Development Review Division
(301) 495-4542

REVIEW TYPE: Preliminary Plan Review

APPLYING FOR: Subdivision to create 30 lots for 29 one-family residential dwelling units and an existing camp retreat

PROJECT NAME: Bennett Knolls

CASE #: 120060830

REVIEW BASIS: Chapter 50, Montgomery County Subdivision Regulations

ZONE: RC

LOCATION: Located on the east side of Georgia Avenue (MD 97), approximately 1,300 feet north of Holiday Drive

MASTER PLAN: Olney

APPLICANT: Central Union Mission

ENGINEER: Loiederman Soltesz Associates, Inc.

ATTORNEY: Linowes and Blocher

FILING DATE: February 15, 2006

HEARING DATES: February 1, 2007 and July 19, 2007

STAFF RECOMMENDATION: Approval, subject to the following conditions (as revised):

- 1) Approval under this preliminary plan is limited to twenty-seven (27) lots for twenty-six (26) residential dwelling units and an existing camp retreat.
- 2) The Applicant shall revise the preliminary plan to remove proposed lots 2, 10 and 11, and reduce the length of proposed "Street B", accordingly. These lot areas, and associated forest, shall be included in the park dedication.
- 3) The Applicant must comply with the conditions of approval for the preliminary forest conservation plan. The applicant must meet all conditions prior to the recording of plat(s) or MCDPS issuance of sediment and erosion control permit(s), as applicable. Conditions include but are not limited to the following:
 - a) Reforestation planting list must be revised to use a minimum size of 1" caliper native trees at 200 trees per acre, at least 5 species of trees, and 33 native shrubs per acre.
 - b) The applicant must meet reforestation requirements that cannot be done onsite through the purchase of credits from a forest mitigation bank or by planting forest at an offsite location. The applicant must identify the specific forest mitigation bank or offsite forest planting area for staff review and approval prior to the pre-construction meeting.
 - c) Final forest conservation plan to include the following:
 - i. Survey of trees 6 inches and greater, diameter at breast height, for 25 feet on either side of the proposed limits of disturbance, and delineation of their critical root zones.
 - ii. Detailed forest planting plan and notes
 - iii. Permanent signs and/or fences to be located along the boundary of the Category I conservation easements. Where conservation easement areas include non-forested areas or planting areas, the boundaries must be marked by permanent fences and signs.
 - iv. A note stating that ~~for septic fields, only the area for the initial septic trenches can be cleared of forest until the Department of Permitting Services has declared in writing that the initial trench is no longer functional~~ forest or tree clearing for each lot cannot exceed that area shown within the limits of disturbance (LOD) on the approved preliminary forest conservation plan (FCP) prior to authorization by the M-NCPPC inspector to remove the tree protection fence.
 - v. Revise the tree protection fence to a chain link fence (four feet high), snow fence (four feet high), super silt fence, or 14 gauge 2 inch x 4 inch welded wire fencing supported by steel T-bar posts (minimum 4 feet high) with high visibility flagging.
- 4) The record plat shall show dedication as well as centerline of the following rights-of-way, consistent with the 2005 Approved and Adopted Olney Master Plan:
 - a) Georgia Avenue – minimum of 60 feet from the centerline of the roadway right-of-way centerline;
 - b) Bordly Drive – minimum of 35 feet from the centerline of the roadway right-of-way centerline.

- c) Proposed interior secondary residential public street "Street A" – full width of 60 feet from Georgia Avenue to interior "Street B".
 - d) Proposed interior tertiary residential public street "Street A" – full width of 50 feet between interior "Street B" and "Street A" cul-de-sac.
 - e) Proposed interior secondary residential public street "Street B" – full width of 60 feet from "interior Street A" to "Street B" cul-de-sac.
- 5) The record plat shall show required corner truncation at all public street intersections.
 - 6) The Applicant shall make additional payments equivalent to 50% of the applicable transportation impact tax for the area (consistent with the 2003-2005 Annual Growth Policy – Policy Element, Section TL1) to the Montgomery County Department of Permitting Services (DPS), prior to release of any building permit for the proposed new dwelling units to mitigate traffic impact related to the subject development at the intersection of Georgia Avenue and New Hampshire Avenue (MD 650) in Sunshine.
 - 7) Access to the subdivision from Georgia Avenue (MD 97) shall be restricted to the proposed interior residential public street called "Street A".
 - 8) The applicant shall construct all road rights-of-way shown on the approved preliminary plan to the full width mandated by the Master Plan and to the design standards imposed by all applicable road codes. Only those roads (or portions thereof) expressly designated on the preliminary plan, "To Be Constructed By _____" are excluded from this condition.
 - 9) The Applicant shall resolve all outstanding issues related to the Maryland State Highway Administration (SHA) and Montgomery County Department of Public Works and Transportation (DPWT) review of this preliminary plan prior to the first building permit, and shall provide written notification to both the Development Review Division staff and the Transportation Planning staff that these issues were resolved.
 - 10) The Applicant shall comply with conditions of MCDPWT letter dated May 1, 2006, unless otherwise amended.
 - 11) Compliance with conditions of MCDPS (Health Dept.) septic approval dated December 21, 2006.
 - 12) Compliance with the conditions of approval of the MCDPS stormwater management approval dated December 13, 2006, unless otherwise amended.
 - 13) Compliance with conditions of SHA approval letter dated March 31, 2006, prior to issuance of access permit.
 - 14) Applicant to dedicate to M-NCPPC the following forested open space areas designated for parkland in the Olney Master Plan. Dedicated area to include the following:
 - a) proposed Parcel "E", consisting of approximately 37 acres;
 - b) the open space land that is located along the north side of the proposed 61.89 acre parcel where the current camp is located, including the Hawlings River and surrounding steep slope areas, consisting of approximately 8.5 acres and designated on the Plan as "Easement Area for Future Dedication";
 - c) the open space land that is located on the northeast corner of the proposed camp parcel, consisting of approximately 4.4 acres and designated on the Plan as "Easement Area for Future Dedication"; and
 - d) all forested land that lies within what is currently proposed as Lots 2, 10 and 11.

- 15) Land that is to be dedicated to park shall be conveyed free of trash and unnatural debris, and the Applicant shall clearly stake and sign boundaries between parkland and private properties.
- 16) The areas designated as "Easement Area for Future Dedication" shall be recorded as separate parcels with an easement or covenant that provides for dedication to M-NCPPC when the camp ceases to operate or ownership of the land is transferred. The language of the easement or covenant shall be approved by M-NCPPC. The Liber and Folio of the easement/covenant shall be noted on the record plat for the parcels.
- 17) The preliminary plan shall be revised to reflect a public access easement from the "Street B" cul-de-sac, to adjacent parkland that will not be signed or identified for public access as long as the camp retreat use remains on proposed Lot 30.
- 18) Record plat to reflect a Category I easement over all areas of stream valley buffer and forest conservation which are not part of the park dedication. The areas designated as "Easement Area for Future Dedication" shall be included in the Category I conservation easement until such time as they are conveyed to M-NCPPC.
- 19) Record plat to reflect all areas included in Rural Open Space.
- 20) Record plat to reflect common ingress/egress and utility easements over any shared driveways.
- 21) Record plat to reference the Common Open Space Covenant recorded at Liber 28045, Folio 578 ("Covenant"). Applicant shall provide verification to Commission staff prior to release of final building permit that Applicant's recorded HOA Documents incorporate by reference the Covenant.
- 22) Record Plat shall reflect all parcels under Homeowners Association control, and separately designate stormwater mangement parcels.
- 23) Record plat to have the following note: "The land contained hereon is within an approved cluster development and subdivision or resubdivision is not permitted after the property is developed."
- 24) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion.
- 25) Other necessary easements.
- 26) The future proposed septic field area located in forest on the camp retreat lot (proposed Lot 30) may only be cleared if no alternative non-forested area is available, and only for that area specifically needed for a septic field as approved by MCDPS.

DISCUSSION OF PREVIOUS HEARING AND STAFF RECOMMENDATION

This preliminary plan application to create 30 lots for 29 residential dwellings and a camp retreat was submitted in February, 2006. The application was reviewed by staff and other agencies, whose recommendations concerning the application were summarized in a staff report prepared on January 12, 2007, and presented to the Planning Board at a public hearing on February 1, 2007 (Attachment A). Staff recommended approval of the application with conditions that included the deletion of three proposed lots (Lots 2, 10 and 11) to protect forested area that qualifies as high priority for retention. This condition was strongly opposed by the applicant based upon the argument that the County Council did not designate the forest as high priority in the applicable master plan. During the public hearing, both staff and the applicant

presented additional justification in support of their positions, and the Planning Board discussed the issue at length; however, prior to taking action, the Board granted the applicant's request for deferral of the case.

This supplemental memorandum summarizes the additional justification presented during the first hearing, and the respective positions of staff and the applicant concerning the three lots in question.

Applicant's Position

Discussion of the Applicant's position in the previous staff report noted that development potential on the subject property is limited by the presence of environmentally sensitive areas, and by well and septic area regulations. As a result, 29 proposed residential lots are significantly less than the maximum 43 lots that could be achieved under the zone. According to the Applicant, the proposed lots were clustered as much as possible to preserve environmental areas and comply with the septic limitations.

In the Applicant's opinion, removal of proposed Lots 2, 10 and 11 from the preliminary plan is not justified because the County Council did not classify the forest within these lots as high priority at the time that they considered the specific recommendations for the property in the Olney Master Plan. This position is discussed in the January 29, 2007 letter from the Applicant's representative (Attachment B), which was presented during the previous Planning Board hearing. In the Applicant's opinion, the forested area was classified as medium priority and specifically omitted from the Master Plan recommendations for protection in recognition of the 132 acres of open space and significant amount of forest protection the Applicant would already be providing through subdivision, and to balance the provision of housing and the perpetuation of the goals of the Central Union Mission and its non-profit activities.

In support of their position, the Applicant's representative submitted several pieces of correspondence and exhibits that were included in the legislative history for the Olney Master Plan. The letter argues that Planning staff described the forest as medium to high priority during the master plan (see Exhibit E), and, despite staff's recommendation to include all medium to high priority forest in the desired acquisition/dedication area (see Exhibit F), the Council decided to specify that only high priority forest should be protected in the master plan chart describing protection techniques and recommendations (see Exhibit H). The Applicant's letter requests that the Board follow this specific recommendation and approve the preliminary plan application with Lots 2, 10 and 11 as proposed.

During the hearing, the Applicant's representative also asked the Board to consider that the proposed application includes a considerable portion of staff's recommended dedication area despite the fact that it is not anticipated in the master plan. Coupled with the area that will be in designated open space, she pointed out that the application will protect approximately 95 acres of forest while balancing the desire to preserve lot yield. She further noted that forest clearing associated with the three lots in question would amount to only 3 acres for the initial house and septic construction, and that the ultimate clearing of 6 acres would not occur for a considerable amount of time, if ever, when replacement septic area is needed. To further minimize the

impacts of proposed Lot 2, the Applicant proffered an alternative layout to create a lot without frontage, with a shared driveway that reduces the overall forest clearing and loss of large trees. Finally, the Applicant's representative also stated that the Applicant had revised the preliminary plan to extend the park dedication to the proposed Street "B" cul-de-sac so that staff's recommended condition #17 is not necessary. The Applicant also submitted proposed revisions to staff's recommended conditions (Attachment C).

Staff's Position

Staff recommends deletion of Lots 2, 10, and 11 because the forested area they are within is recommended for protection in the 2005 Olney Master Plan, and qualifies as highest priority for preservation under the provisions of the Montgomery County Code, Chapter 22A, the Forest Conservation Law. As noted in the previous staff report, the master plan categorizes the subject site as a Legacy Open Space Water Supply target area (Class II) where it is important to keep pervious surface levels low and preserve forest to protect the water quality in the Patuxent reservoirs. The large blocks of forest on the site also serve as an important ecological buffer for the Hawlings River Biodiversity Area, which is found in the adjacent stream valley park. This Biodiversity Area supports a maturing, second growth, mixed deciduous forest with two state watchlist species.

As noted in the staff report, the master plan includes several recommendations for protecting large forested areas that contain interior forest habitat, and contribute to the health of the drinking water supply. The forest on the subject property qualifies as both, and is also called out specifically as an important ecological buffer for the adjacent Hawlings River Biodiversity Area. For these reasons, the subject site was designated as a Class II Legacy Open Space Water Supply target area with the following recommendations for protection:

- Protect high priority forest through easement with current use (camp on site).
- If land use changes, preferred option is to seek dedication or acquisition of the portion of the forest that adjoins the Hawlings River Stream Valley Park. (The existing camp should be allowed to continue operations and M-NCPPC should restrict public access on parkland for as long as the camp is in operation.) Use easements to protect the rest of the forest. At the time of subdivision, easements could be used to protect all or part of the high priority forest if deemed appropriate by the Planning Board.

A figure on page 66 in the latest printing of the master plan, Forest Preservation Priorities, includes the entire forest on the subject property as high priority for preservation (Attachment D). A map on page 120, Existing and Proposed Parkland, also includes the forest on the western half of the site as proposed parkland (Attachment E).

During the previous hearing, staff argued that the County Council's decision that only high priority forest should be protected by park acquisition or dedication did not include a specific finding concerning the areas that qualified as high priority. The Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) approved at the time (Exhibit E in Applicant's 1/29/07 letter) described the entire western forest stand as medium to high priority because some

areas do not meet high priority criteria. But when the overall stand is analyzed per those criteria, as defined by the Forest Conservation Law, the stand clearly qualifies as high priority.

Section 107.A. of the forest conservation regulations defines forest stands that are the highest priority for retention as follows:

“A. The following trees, shrubs, plants, and specific areas are considered the highest priority for retention and protection and must be left in an undisturbed condition unless the Planning Director or Planning Board find that the provisions of subsection 22A-12(b)(1) of the Forest Conservation Law, have been met and the development proposal cannot reasonably be altered:

- (1) trees, shrubs, and other plants located in sensitive areas including intermittent and perennial streams and their buffers, slopes over 25 percent (not man-made), nontidal wetlands and their buffers, erodible soils on slopes of 15% or more, 100-year floodplains, and critical habitats;
- (2) a contiguous forest that connects the largest undeveloped or most vegetated tracts of land within and adjacent to the site;
- (3) a forest area which has been designated as priority for retention in master plans or functional plans, or in the absence of such plans, forest which exhibits all of the following characteristics as further discussed in the most recent version of the *Trees Technical Manual*:
 - (a) high structural and species diversity;
 - (b) few alien or invasive species present;
 - (c) very good overall stand health; and
 - (d) high potential to provide a significant amount of habitat for forest interior dwelling plant, animal and bird species; ...”

As pointed out by staff during the previous hearing, the forest on the western portion of the subject property does contain sensitive areas, and the overall stand is contiguous with the much larger forest within the Hawlings River Stream Valley Park and Biodiversity Area. In staff’s opinion, the Olney Master Plan does designate this forest as priority for retention, but even if the Board does not make that finding, the forest does exhibit all the characteristics included in subsection (3)(a)-(d), above. Staff therefore noted that its recommendation for deletion of the three lots that most significantly encroach into this area would be the same absent the master plan recommendations.

In staff’s opinion, deletion of the three lots represents a reasonable alteration of the plan as anticipated in Section 22A-12(b) of the Forest Conservation Law, which states:

“(b) Retention.

(1) The primary objective of the forest conservation plan should be to retain existing forest and trees and avoid reforestation in accordance with this Chapter. The forest conservation plan must retain certain vegetation and specific areas in an undisturbed condition unless the Planning Director finds that:

- (A) the development would make maximum use of any available planning and zoning options that would result in the greatest possible retention;

- (B) reasonable efforts have been made to protect the specific areas and vegetation listed in the plan; and
 - (C) the development proposal cannot reasonably be altered.
- (2) In general, areas protected under this subsection include:
- (A) floodplains, stream buffers, steep slopes, and critical habitats;
 - (B) contiguous forests;
 - (C) rare, threatened and endangered species;
 - (D) trees connected to an historic site;
 - (E) exceptionally large trees; and
 - (F) areas which have been designated as priority save areas in a master plan or functional plan.”

There are three other proposed lots (Lots 3, 8, and 9) that will result in the clearing of roughly 4.6 additional acres of high priority forest, but staff does not recommend deletion of these lots. Staff found that this clearing is reasonable because it occurs along the edges of the high priority forest stands, and would not significantly damage their overall quality since forest fragmentation and creation of new forest edge is minimized. In contrast, construction of proposed Lots 2, 10 and 11 will result in both forest fragmentation, and the creation of 2800 linear feet of new forest edge with the associated loss of interior habitat.

Finally, staff notes that the Planning Board has authority under the Subdivision Regulations to restrict the subdivision of land based on both forest conservation and master plan requirements. Section 50-32(c), *Trees, Forests, and Environmentally Sensitive Areas*, states in part:

“The board may restrict the subdivision of land to achieve the objectives of Chapter 22A relating to conservation of tree and forest resources and to protect environmentally sensitive areas. ...”

Section 50-35(l), *Relation to Master Plan*, also states in part:

“In determining the acceptability of a preliminary plan submitted under this Chapter, the Planning Board must consider the applicable master plan, sector plan, or urban renewal plan. A preliminary plan must substantially conform to the applicable master plan, sector plan, or urban renewal plan, including maps and text, unless the Planning Board finds that events have occurred to render the relevant master plan, sector plan, or urban renewal plan recommendation no longer appropriate.”

In staff’s opinion, the Board has authority to remove proposed Lots 2, 10, and 11 from the subject preliminary plan based upon the recommendations of the Olney Master Plan, the provisions of the Forest Conservation Law and Regulations, and the provisions of the Subdivision Regulations. A 26-lot residential subdivision plus the proposed lot for the camp retreat is, in staff’s opinion, a reasonable alternative for development of this site given the septic limitations and significant environmental features.

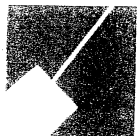
CONCLUSION

For the reasons discussed above, and in the previous staff report, staff continues to recommend that the Planning Board approve the preliminary plan application conditioned upon removal of proposed Lots 2, 10 and 11. In staff's opinion, the Board has authority to exclude these lots from the approval based upon the recommendations of the Olney Master Plan, the provisions of the Forest Conservation Law and Regulations, and the provisions of the Subdivision Regulations. Pursuant to the applicable sections, as noted above, the forest within these proposed lots qualifies as high priority for retention. In staff's opinion, the recommended change is a reasonable alternative to protect these areas. Staff, therefore, recommends that these lots be deleted, and their land area be added to the site's open space.

With this change, staff continues to support the plan and finds that it will conform to the Subdivision Regulations and Zoning Ordinance. As such, Staff recommends approval of the preliminary plan, subject to the conditions specified above. The conditions have been revised since the previous staff report to provide clarification and include an additional provision for future septic on the proposed lot for the camp.

ATTACHMENTS:

Attachment A	2/1/07 Staff Report
Attachment B	Applicant's 1/29/07 Letter
Attachment C	Applicant's revised conditions
Attachment D	Olney Master Plan Forest Preservation Priorities
Attachment E	Olney Master Plan Existing and Proposed Parkland



MCPB
Item #
2/1/07

COPY



MEMORANDUM

DATE: January 12, 2007

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief *RK*
Development Review Division

FROM: Catherine Conlon, Subdivision Supervisor *CC*
Development Review Division
(301) 495-4542

REVIEW TYPE: Preliminary Plan Review

APPLYING FOR: Subdivision to create 30 lots for 30 one-family residential dwelling units

PROJECT NAME: Bennett Knolls

CASE #: 120060830

REVIEW BASIS: Chapter 50, Montgomery County Subdivision Regulations

ZONE: RC

LOCATION: Located on the east side of Georgia Avenue (MD 97), approximately 1,300 feet north of Holiday Drive

MASTER PLAN: Olney

APPLICANT: Central Union Mission

ENGINEER: Loiederman Soltesz Associates, Inc.

ATTORNEY: Linowes and Blocher

FILING DATE: February 15, 2006

HEARING DATE: January 25, 2007

STAFF RECOMMENDATION: Approval, subject to the following conditions:

- 1) Approval under this preliminary plan is limited to twenty-seven (27) lots for twenty-six (26) residential dwelling units and an existing camp retreat.
- 2) The Applicant shall revise the preliminary plan to remove proposed lots 2, 10 and 11, and reduce the length of proposed "Street B", accordingly. These lot areas, and associated forest, shall be included in the park dedication.
- 3) The Applicant must comply with the conditions of approval for the preliminary forest conservation plan. The applicant must meet all conditions prior to the recording of plat(s) or MCDPS issuance of sediment and erosion control permit(s), as applicable. Conditions include but are not limited to the following:
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 - b) The applicant must meet reforestation requirements that cannot be done onsite through the purchase of credits from a forest mitigation bank or by planting forest at an offsite location. The applicant must identify the specific forest mitigation bank or offsite forest planting area for staff review and approval prior to the pre-construction meeting.
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 - iii. Permanent signs and/or fences to be located along the boundary of the Category I conservation easements. Where conservation easement areas include non-forested areas or planting areas, the boundaries must be marked by permanent fences and signs.
 - iv. A note stating that for septic fields, only the area for the initial septic trenches can be cleared of forest until the Department of Permitting Services has declared in writing that the initial trench is no longer functional.
 - v. Revise the tree protection fence to a chain link fence (four feet high), snow fence (four feet high), super silt fence, or 14 gauge 2 inch x 4 inch welded wire fencing supported by steel T-bar posts (minimum 4 feet high) with high visibility flagging.
- 4) The record plat shall show dedication as well as centerline of the following rights-of-way, consistent with the 2005 Approved and Adopted Olney Master Plan:
 - a) Georgia Avenue – minimum of 60 feet from the roadway right-of-way centerline;
 - b) Bordly Drive – minimum of 35 feet from the roadway right-of-way centerline.
 - c) Proposed interior secondary residential public street "Street A" – full width of 60 feet from Georgia Avenue to interior "Street B".
 - d) Proposed interior tertiary residential public street "Street A" – full width of 50 feet between interior "Street B" and "Street A" cul-de-sac.

- e) Proposed interior secondary residential public street "Street B" – full width of 60 feet from "interior Street A" to "Street B" cul-de-sac.
- 5) The record plat shall show required corner truncation at all public street intersections.
- 6) The Applicant shall make additional payments equivalent to 50% of the applicable transportation impact tax for the area (consistent with the 2003-2005 Annual Growth Policy – Policy Element, Section TL1) to the Montgomery County Department of Permitting Services (DPS), prior to release of any building permit for the proposed new dwelling units to mitigate traffic impact related to the subject development at the intersection of Georgia Avenue and New Hampshire Avenue (MD 650) in Sunshine.
- 7) Access to the subdivision from Georgia Avenue (MD 97) shall be restricted to the proposed interior residential public street called "Street A".
- 8) The applicant shall construct all road rights-of-way shown on the approved preliminary plan to the full width mandated by the Master Plan and to the design standards imposed by all applicable road codes. Only those roads (or portions thereof) expressly designated on the preliminary plan, "To Be Constructed By _____" are excluded from this condition.
- 9) The Applicant shall resolve all outstanding issues related to the Maryland State Highway Administration (SHA) and Montgomery County Department of Public Works and Transportation (DPWT) review of this preliminary plan prior to the first building permit, and shall provide written notification to both the Development Review Division staff and the Transportation Planning staff that these issues were resolved.
- 10) The Applicant shall comply with conditions of MCDPWT letter dated May 1, 2006, unless otherwise amended.
- 11) Compliance with conditions of MCDPS (Health Dept.) septic approval dated December 21, 2006.
- 12) Compliance with the conditions of approval of the MCDPS stormwater management approval dated December 13, 2006, unless otherwise amended.
- 13) Compliance with conditions of SHA approval letter dated March 31, 2006, prior to issuance of access permit.
- 14) Applicant to dedicate to M-NCPPC the forested open space designated for parkland in the Olney Master Plan. Dedicated area to include the following:
 - a) proposed Parcel "Z", consisting of approximately 37 acres;
 - b) the open space land that is located along the north side of the proposed 61.89 acre parcel where the current camp is located, including the Hawlings River and surrounding steep slope areas, consisting of approximately 8.5 acres and designated on the Plan as "Easement Area for Future Dedication";
 - c) the open space land that is located on the northeast corner of the proposed camp parcel, consisting of approximately 4.4 acres and designated on the Plan as "Easement Area for Future Dedication"; and
 - d) all forested land that lies within what is currently proposed as Lots 2, 10 and 11.
- 15) Land that is to be dedicated to park shall be conveyed free of trash and unnatural debris, and the Applicant shall clearly stake and sign boundaries between parkland and private properties.
- 16) The areas designated as "Easement Area for Future Dedication" shall be recorded as separate parcels with an easement or covenant that provides for dedication to M-NCPPC

when the camp ceases to operate or ownership of the land is transferred. The language of the easement or covenant shall be approved by M-NCPPC. The Liber and Folio of the easement/covenant shall be noted on the record plat for the parcels.

- 17) The preliminary plan shall be revised to reflect a public access easement from the "Street B" cul-de-sac, to adjacent parkland that will not be signed or identified for public access as long as the camp retreat use remains on proposed Lot 30.
- 18) Record plat to reflect a Category I easement over all areas of stream valley buffer and forest conservation which are not part of the park dedication. The areas designated as "Easement Area for Future Dedication" shall be included in the Category I conservation easement until such time as they are conveyed to M-NCPPC.
- 19) Record plat to reflect all areas included in Rural Open Space.
- 20) Record plat to reflect common ingress/egress and utility easements over any shared driveways.
- 21) Record plat to reference the Common Open Space Covenant recorded at Liber 28045, Folio 578 ("Covenant"). Applicant shall provide verification to Commission staff prior to release of final building permit that Applicant's recorded HOA Documents incorporate by reference the Covenant.
- 22) Record Plat shall reflect all parcels under Homeowners Association control, and separately designate stormwater management parcels.
- 23) Record plat to have the following note: "The land contained hereon is within an approved cluster development and subdivision or resubdivision is not permitted after the property is developed."
- 24) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion.
- 25) Other necessary easements.

I. SITE DESCRIPTION:

The subject property, identified as Parcel 375 (Liber 21162/Folio 580), contains approximately 219 acres in the Rural Cluster (RC) Zone. The property is located on the east side of Georgia Avenue (MD 97), in the northeast quadrant of its intersection with Bordly Drive (Attachment A). The site contains an existing camp retreat, Camp Bennett, which will remain. Surrounding land uses are larger-lot (2 acres and greater) residential. A major Pepco right-of-way bisects the southwestern corner of the site. The property is not served by public water or sewer.

The property lies within the Hawlings River watershed (a Use IV stream). The main stem of the Hawlings River (a major stream in the Patuxent River watershed) flows just offsite along the northeastern property boundary. There are several tributary streams, and associated wetlands and buffer area, located on the property. The stream valleys contain moderate to steep slopes and associated forest. These environmentally sensitive areas limit the buildable area on the site.

There are about 54 acres of environmental buffers on the site, most of which (52.84 acres) are forested. Slightly over half of the site, or about 129 acres, is in forest cover. There are

also 215 large and specimen trees located both within the forest cover, and standing alone or in small groupings.

II. PROJECT DESCRIPTION

This is an application to subdivide the property into 30 lots and two large open space parcels using the cluster method of development (Attachment B). Under the cluster development option 60% of the site must remain as open space or a farmette. This plan envisions protection of the required amount of open space through a combination of park dedication and conservation easements on the two open space parcels, and retention of the camp retreat use.

The proposed residential lots are 2 acres or greater in size, and the existing camp retreat will occupy the 61.89-acre proposed Lot 30. The lots will be served by wells and standard private septic systems. Most of the proposed lots will have access from Georgia Avenue (MD 97) via a new public secondary street, with an internal tertiary street. Three of the proposed lots will have access from existing Bordly Drive. The proposed streets will end as over-length cul-de-sacs. The proposed lots have been clustered to preserve all the onsite stream buffer areas. The preliminary forest conservation plan (FCP) shows about 94.26 acres of forest proposed for retention and about 34.52 acres of forest to be cleared.

III. ANALYSIS AND FINDINGS

A. Number of Lots

The proposed plan includes three residential lots (proposed Lots 2, 10 and 11) that are located entirely within forested area that, in Staff's opinion, is designated as priority for protection in the Olney Master Plan. The master plan leaves delineation of the ultimate boundary of this protection area, and the means by which it is protected (conservation easement or park dedication), to the Planning Board as part of the subdivision plan review. In staff's opinion, the three lots in question should be removed from the plan. The Applicant disagrees with this position.

Applicant's Position

The subject property has been owned by the Central Union Mission since 1934. The site is used for the operation of its Christian summer camp for at-risk children known as Camp Bennett, as well as some agricultural, religious, and recreational activities. The Mission intends to maintain Camp Bennett on the property and consolidate the structures for the camp on one lot, while creating one-family residential lots on the remainder and using the proceeds to continue its valuable mission to the community.

Development potential on the subject property is limited by the presence of environmentally sensitive area, and by well and septic area regulations. As a result, the 29 proposed residential lots are significantly less than the maximum 43 lots that might be achieved under the zone. In the Applicant's opinion, the proposed subdivision for 29 residential lots should be approved because it provides the required 132 acres (60 percent) of

open space, it is consistent with the cluster provisions of the RC zone (see Applicant's letter in Attachment C), and the proposed plan is consistent with the specific recommendations in the Olney Master Plan regarding Legacy Open Space. The proposed lots were clustered as much as possible to preserve environmental areas and comply with the septic limitations. The Applicant's position is that the proposed preliminary plan, including Lots 2, 10 and 11, is consistent with the specific recommendations in the Olney Master Plan. However, in order to address some of staff's concerns for forest and large tree protection on proposed Lot 2, the Applicant is offering to modify the configuration of that lot, and use a shared driveway with proposed Lot 3 for access (Attachment D). This provides almost an additional acre of dedicated forest as parkland and another half-acre of forest area in protected easements. With respect to Lots 10 and 11, the Applicant submits that the forest on the future septic fields can be protected through a note consistent with Condition No. 3 (c)(iv).

Staff's Position

The subject site is identified in the 2005 Olney Master Plan as a Legacy Open Space site. The site is categorized as a Water Supply target area where it is important to keep pervious surface levels low and preserve forest to protect the water quality in the Patuxent reservoirs. The large blocks of forest on the site also serve as an important ecological buffer to the Hawlings River Biodiversity Area, which is found in the adjacent stream valley park. This Biodiversity Area supports a maturing, second growth, mixed deciduous forest with two state watchlist species. The master plan recommends protecting and enhancing buffer to the biodiversity area, such as the high priority forest found on the subject property. The plan recommends that the forest be protected through conservation easements if the current use as a private camp continues, or through park dedication or acquisition if the current camp is no longer in operation.

The highest priority forest areas on the property are located to the west of the existing north-south driveway. Most of the forest proposed to be cleared for the subject development is within the forest stands that are of lower priority for protection. However, development on proposed Lots 2, 10 and 11 would result in the clearing of roughly 6 acres of the high priority forest. In addition, Lot 2 would result in clearing inside the forest stand, rather than clearing forest on the edge of a stand; this creates a longer forest edge that is more susceptible to non-native invasive plant growth. The part of the forest that would be cleared by Lot 2 also contains large trees and is located near two environmental buffer areas.

In staff's opinion, proposed Lots 2, 10 and 11 should be deleted from the proposed plan, and their land area and associated forest be placed within the park dedication area. Proposed Lot 2 is of the most concern since it involves clearing in the middle of a forest stand and loss of large trees. The applicant's proposal to relocate the driveway for this lot reduces some of this impact, but does not prevent creation of excessive new forest edge that will negatively impact the surrounding interior forest stand.

B. Master Plan Compliance

The Central Union Mission property is located in Northern Olney--all of the area north of the Town of Brookville that is also a part of the County's Agricultural Reserve and Open Space. This property is identified in the 2005 Olney Master Plan as a Legacy Open Space Target property. It is first mentioned in the Land Use Chapter on page 18. Under Northern Olney, the Plan states: "As Northern Olney faces increasing pressure for more development, additional tools are recommended to be used to protect resources important to water supply protection and sensitive natural resources. The Legacy Open space Program is one of the tools and is described in detail in the Implementation Chapter." On Page 19, under Recommendation #2 and #3, it states:

"2. Protect forested areas and wetlands, particularly the large interior forests on the Spurrier (Becker), Carmen, Mitchell, Nash, Central Union Mission and Pepco properties. Consider Legacy Open Space funding and forest conservation banking for easement protection. Add the Carmen property and portions of the Spurrier, Mitchell, Central Union Mission and Nash properties to proposed parkland (see Implementation Chapter for Legacy Open Space recommendations for these properties). If development is proposed on these properties, use appropriate regulatory and park dedication tools to protect the key resource areas.

3. Protect forested areas and wetlands that contribute to the health of the drinking water supply through the development process and applicable conservation programs."

On page 150 in the Implementation Chapter, the Plan identifies this property as #7 in the Natural Resources and Legacy Open Space table, it states that this property has "two large forested areas immediately adjacent to parkland, and provides important ecological buffer to Hawlings River Biodiversity Area." It recommends adding the property to Water Supply Target area (Class II), and recommends the following:

- Protect high priority forest through easement with current use (camp on site).
- If land use changes, preferred option is to seek dedication or acquisition of the portion of the forest that adjoins the Hawlings River Stream Valley Park. (The existing camp should be allowed to continue operations and M-NCPPC should restrict public access on parkland for as long as the camp is in operation.) Use easements to protect the rest of the forest. At the time of subdivision, easements could be used to protect all or part of the high priority forest if deemed appropriate by the Planning Board.

A map on page 114, Existing and Proposed Parkland, shows a major forested portion of the property as proposed parkland.

The proposed preliminary plan achieves many of the goals stated in the Olney Master Plan, but in Staff's opinion, does not fully achieve the goal for forest protection in that it involves clearing within high priority forest areas. In staff's opinion, the plan will fully

comply with the master plan if proposed lots 2, 10 and 11 are removed and the land is incorporated into the protected open space.

C. Transportation

The new lots proposed under this subdivision application will include 28 new lots for new one-family dwellings, a new lot that will include the existing camp (Camp Bennett, a non-profit summer camp, camp retreat, and conference center run by the Central Union Mission), and another new lot that will accommodate an existing one-family dwelling currently used by the camp director. As discussed below, the proposed vehicle and pedestrian access for the subdivision will be safe and adequate with the proposed improvements.

Site Location, Access, Circulation and Transportation Facilities

The Bennett Knolls development is located within the northeast quadrant of Georgia Avenue and Bordly Drive. The Approved and Adopted 2005 Olney Master Plan includes the following nearby master-planned roadway, bikeway and pedestrian facilities:

1. Georgia Avenue, as a north-south two-lane major highway (M-8) with a minimum right-of-way width of 120 feet between Prince Philip Drive to the south and the Howard County line to the north. The master plan also recommends on-road bike lanes along Georgia Avenue (BL-22) between proposed Brookville Bypass and the Howard County line. There are no sidewalks proposed along Georgia Avenue in this area.
2. Bordly Drive, as an east-west two-lane primary residential roadway (P-23) with a minimum right-of-way width of 70 feet between Georgia Avenue to the west and Brighton Dam Road to the east. The roadway is currently built to master plan recommendations with a shared-use path (B-3) along its south side. Its approach to Georgia Avenue is Stop-sign controlled.

Access to the site is subject to review by two separate agencies. The State Highway Administration (SHA) has the authority to issue access permits for the proposed secondary street from Georgia Avenue (MD 97). The location, as shown on the plan, has been reviewed for site distance and has been approved subject to the other existing driveways being closed. SHA is still reviewing detailed plans for the necessary acceleration and deceleration lanes from Georgia Avenue, and the possible need for a south-bound, left-turn lane.

Construction of the new culs-de-sac of Streets "A" and "B" is subject to review by the Department of Public Works and Transportation (DPWT). In their letter dated May 1, 2006, approval is recommended subject to finalizing the road profile, storm drain and site distance studies prior to release of the record plats by Montgomery County.

Local Area Transportation Review

A traffic study was required for the subject preliminary plan in accordance with the *Local Area Transportation Review (LATR) Guidelines* since the development, with the existing uses and the proposed 28 new one-family dwelling units, was estimated to generate 30 or more peak-hour trips during the typical weekday morning (6:30 a.m. – 9:30 a.m.) and evening (4:00 p.m. – 7:00 p.m.) peak-periods.

The consultant for the applicant submitted a traffic study (dated May 18, 2006) that presented the traffic-related impacts of the development within the study area during weekday morning and evening peak-periods. Staff review of the above traffic study indicated that the study complied with the requirements of the LATR Guidelines and the traffic study scope provided by the staff.

The traffic study estimated that the build-out of the site (with existing and proposed uses) would generate approximately 38 peak-hour trips during the weekday morning peak-period and 42 peak-hour trips during the weekday evening peak-period.

Under Total Traffic or Build Conditions, Critical Lane Volume (CLV) at the intersections of Georgia Avenue and New Hampshire Avenue in Sunshine exceed the congestion standard for the Rural Policy Area (1,400 CLV) during the morning peak-hour. However, as a development that would generate between 30 and 49 peak-hour trips during the typical weekday morning and evening peak-periods, the development is eligible for the "limited LATR" review as provided for in the FY05 Annual Growth Policy (AGP) (see Attachment E). Under this provision, the Planning Board must require the applicant to either implement/construct all required LATR mitigation improvements, or make an *additional* payment equal to 50% of the applicable transportation impact tax before the subdivision receives any building permit.

The consultant for the applicant submitted a letter dated October 30, 2006, expressing the applicant's interest in paying the additional transportation impact tax in-lieu of physical improvements to mitigate the development's impact. Transportation Planning staff supports this request because of the non-viability of implementing various mitigation measures that were considered. Staff therefore recommends that the Planning Board require the applicant to pay the additional transportation impact tax and satisfy the LATR requirements of the Adequate Public Facilities test.

Over-length Cul-de-sacs

The roadway design for the property includes the creation of two cul-de-sac roads which will be greater than 500 feet in length. Per Section 50-26(d) of the Montgomery County Code, a cul-de-sac road should be no longer than 500 feet unless a greater length is justified by reason of property shape, size, topography, large lot size, or improved street alignment.

In staff's opinion, design of these over-length roadways is justified by the shape of the property and the fact that the proposed street alignment provides protection of environmentally sensitive areas and avoids stream and wetland crossings. If a roadway loop or other connection were required for these roads, sensitive environmental areas would be impacted. Therefore, staff supports the roadways as proposed.

D. Environment

Forest Conservation

The subject site is identified in the 2005 Olney Master Plan as a Legacy Open Space property. The master plan states that the property is an important ecological buffer to the Hawlings River Biodiversity Area, which is found in the adjoining parkland. The master plan recommends that the high priority forest be protected through conservation easements if the current use as a private camp continues or through park dedication or acquisition if the current camp is no longer in operation.

The approved Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) identifies 107.17 acres of the 128.78 acres of forest as having medium to high priority for retention. These forest stands are associated with the environmental buffers, are next to high quality offsite forest, have good forest structure, and/or include trees of large sizes. There are smaller stands of forest, covering about 21.61 acres, with medium to low priority retention value.

The preliminary forest conservation plan (FCP) shows about 94.26 acres of forest proposed for retention, and about 34.52 acres of forest to be cleared. The majority of the forest proposed for protection is of medium to high priority retention value. With the proposed forest clearing, 35.30 acres of reforestation is required. Of this amount, 6.33 acres of the planting will be done on the site within currently unforested environmental buffer areas or adjacent to protected forest. The remainder (28.97 acres) of the required reforestation will be met by buying credits in a forest bank or through forest planting on an offsite property.

Most of the forest proposed to be cleared is within the forest stands that are of lower priority for protection. However, there are portions of high priority forest that are proposed to be cleared. These areas include forest within proposed lots 2, 10, and 11. As previously discussed, staff recommends deletion of these lots and retention of the roughly 6 acres of high priority forest that are associated with them.

Although there are other proposed lots (Lots 3, 8, and 9) that would result in the clearing of roughly a total of 4.6 acres of high priority forest, the clearing for these lots would occur along the edges of the high priority forest stands. In staff's opinion, the proposed forest clearing for these three lots would not significantly damage the high quality forest on the site and, therefore, staff does not recommend deletion of these lots. There is also roughly 2.5 acres of high quality forest on the west side of the property that will be cleared in the future for an expanded septic field for existing camp uses.

In general, staff does not recommend placing conservation easements on private lots if the lots are part of a cluster subdivision. Staff believes that it is more effective to enforce forest conservation areas within common open space or public parkland. However, to allow the establishment of an easily defined and uniform property boundary line for a row of lots, staff is willing to allow conservation easements to be placed on the rear of Lots 8 and 9 to protect on-lot forest; this on-lot forest will be over 100 feet away from proposed houses on the lots.

Staff recommends that the boundaries of forest conservation areas, environmental buffers, and forest planting areas be clearly delineated through the use of permanent, open-style fences (e.g., split rail fences) or signs. For forest planting areas or any parts of the environmental buffers that are not currently in forest cover, staff recommends the use of both permanent fencing and signs to clearly define the environmentally-sensitive areas that cannot be mowed or disturbed.

In staff's opinion, with the deletion of Lots 2, 10, and 11 and the placement of conservation easements on Lots 8 and 9, the proposed subdivision will be able to protect the majority of the high priority forest. Retained forest will be protected through Category I conservation easements or location within dedicated parkland. The forest that is proposed by the applicant to be retained and enlarged by staff's recommended changes to the subdivision will be a buffer to the adjacent biodiversity area in M-NCPPC parkland. It is Staff's position that this configuration of protected forest is consistent with the master plan recommendations.

Section 22A-12(f)(1) of the County Forest Conservation Law requires that a site developed in an agricultural and resource area "must include a minimum amount of forest on-site as part of meeting its total forest conservation requirement." Section 22A-12(f)(2)(A) states that "in an agricultural and resource area, on-site forest retention must equal 25% of the net tract area." For the proposed subdivision, this would mean that forest retention would have to be at least 54.75 acres (219.00 acres x 25%). The proposed forest retention area is 94.26 acres. This exceeds the minimum forest retention amount required in the Forest Conservation Law.

The applicant proposes to reforest using seedling-size trees. Staff recommends that the applicant's planting plan be revised to use at least one-inch caliper size native trees and to include native shrubs. Although the Planning Board's *Tree Manual* allows for small-sized trees to be used in reforestation projects, staff has required a minimum of one-inch caliper trees to be planted for many years. Staff has found that seedlings have a high mortality rate due to high competition by invasive plant growth and due to deer browse.

Staff finds that the proposed preliminary forest conservation plan, if it is modified as recommended in staff's conditions, meets the requirements of the County Forest Conservation Law and is consistent with the master plan recommendations.

Environmental Buffers

There are about 54.59 acres of environmental buffers on the subject site. About 52.84 acres of the buffers are forested. The preliminary plan proposes to protect the environmental buffer areas through location of the buffers on dedicated parkland or within Category I conservation easements on open space land. Staff finds the proposed protection of the environmental buffers to be acceptable.

Patuxent River Primary Management Area (PMA)

About 168.4 acres of the site is within the Patuxent River Primary Management Area (PMA). The PMA is land next to a stream within the Patuxent River watershed that is defined by the Patuxent River Watershed Functional Master Plan. The PMA is ¼ mile (1320 feet) from the mainstem of the Patuxent or Hawlings River and 1/8 mile (660 feet) from all other streams in the watershed. The Planning Board's *Environmental Guidelines* recommend an imperviousness limit of 10 percent within the part of a PMA that is not an environmental buffer area (identified as a "transition area"). The preliminary plan proposes an imperviousness of 4.65 percent within the site's PMA transition area. This is acceptable since it is significantly less than the 10 percent limit recommended in the guidelines.

Stormwater Management

The MCDPS Stormwater Management Section approved the stormwater management concept for the project on December 13, 2006. The proposed stormwater management plan includes on-site water quality control and onsite recharge via nonstructural (grass swales and sheet-flow to buffers) and structural (sand filters and bioretention) methods.

E. Parks

As previously noted, this site was designated as a Legacy Open Space (LOS) site in the Olney Master Plan. To protect the resources on the site, the master plan indicates part of the property as suitable for parkland (p. 120). In the LOS section of the plan, it also recommends that the preferred option is to protect the high priority forest areas on the site through dedication or acquisition, while maximizing protection of the rest through easements. It is Staff's position that the proposed plan does not fully satisfy the LOS recommendations for protection of high priority forest within parkland. In staff's opinion, these recommendations can be met through deletion of proposed Lots 2, 10 and 11 and inclusion of their land area within parks.

F. Compliance with the Subdivision Regulations and Zoning Ordinance

This application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The application meets all applicable sections. Access and public facilities will be adequate to support the proposed lots and uses. The proposed lot sizes, widths, shapes and orientation are appropriate for the location of the subdivision.

In staff's opinion, the proposed subdivision will meet the requirements for the RNC zone as specified in the Zoning Ordinance, with the recommended changes. With the exception of proposed Lots 2, 10, and 11, the plan protects the portion of the site recommended as the most appropriate for open space in the applicable master plan, and minimizes disturbance to environmentally sensitive area. The plan will be fully compliant with the deletion of these lots. The proposed cluster development will be compatible with surrounding development in that the proposed lots will be appropriately located and sized. The plan meets the minimum requirement for 60% rural open space, and the location of the open space will protect environmentally sensitive area, scenic vistas, and priority forest.

The lots as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. A summary of this review is included in attached Table 1. The application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan (see Attachment E for referenced agency correspondence).

G. Citizen Correspondence and Issues

This application pre-dated any requirement for pre-submission meetings with interested parties, however, the application and the date of the public hearing were noticed. As of the date of this staff report, no written correspondence pertaining to this plan has been received. The plan being presented for approval does not vary significantly from the original submission. Changes since that time include relocation of two stormwater management facilities between proposed Lots 5 and 6, straightening of the proposed rear lot lines on proposed Lots 6 and 8-10, adding 4 forested acres of to Parcel E by reducing the size of Lots 2-11, and proposing the dedication of over 37 acres of forest area to M-NCPPC.

IV. CONCLUSION

Staff finds that Preliminary Plan #120060830, Bennett Knolls, does not, as proposed, conform to the recommendations of the Olney Master Plan. In staff's opinion, the plan does not preserve all necessary high priority forest. Therefore, staff recommends that three of the proposed lots (Lots 2, 10 and 11) be deleted, and their land area be added to the site's open space. With this change, staff supports the plan and finds that it will conform to the Subdivision Regulations and Zoning Ordinance. Staff further finds that vehicular and pedestrian access to the subdivision will be safe and adequate. As such, Staff recommends approval of the preliminary plan, subject to compliance with the above conditions.

ATTACHMENTS:

Attachment A	Vicinity Map
Attachment B	Preliminary Plan
Attachment C	Applicant's Letter
Attachment D	Proposed Lot 2 Reconfiguration

Attachment E
Attachment F

AGP Requirements
Agency Correspondence

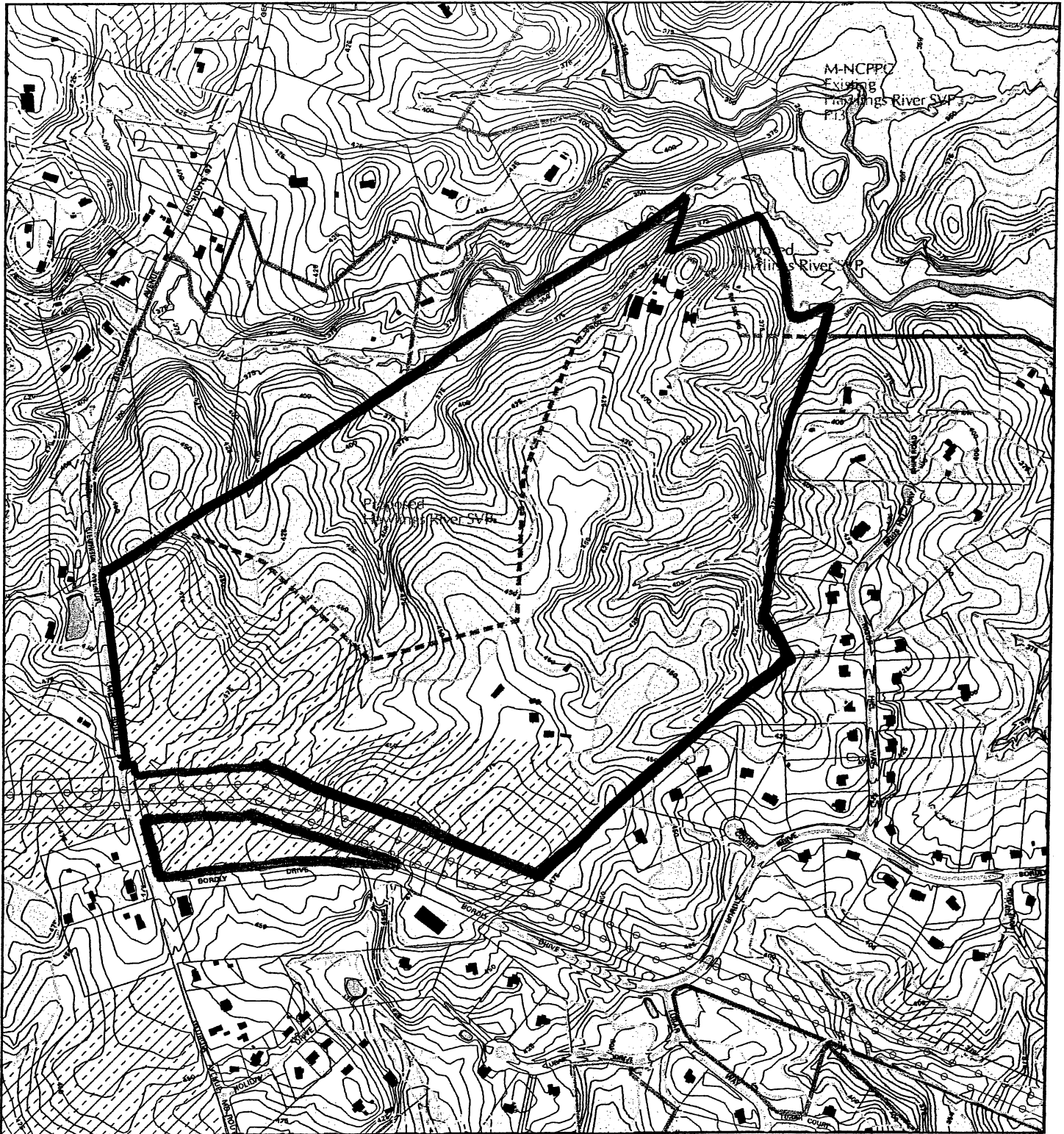
Table 1. Preliminary Plan Data Table and Checklist

Plan Name: Bennett Knolls				
Plan Number: 120060830				
Zoning: RC				
# of Lots: 30				
# of Outlots: 0				
Dev. Type: Residential dwelling units and an existing camp retreat				
PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval on the Preliminary Plan	Verified	Date
Minimum Lot Area	40,000 sq.ft.	87,120 sq.ft. is minimum proposed	CAC	1/14/07
Lot Width	125 ft.	Meets minimum	CAC	1/14/07
Lot Frontage	25 ft.	Meets minimum	CAC	1/14/07
Setbacks				
Front	50 ft. Min.	Must meet minimum ¹	CAC	1/14/07
Side	17 ft. Min./35 ft. total	Must meet minimum ¹	CAC	1/14/07
Rear	35 ft. Min.	Must meet minimum ¹	CAC	1/14/07
Height	50 ft. Max.	May not exceed maximum ¹	CAC	1/14/07
Max Resid'l d.u.	43	29 ²	CAC	1/14/07
MPDUs	N/A			
TDRs	N/A			
Site Plan Req'd?	No		CAC	1/14/07
FINDINGS				
SUBDIVISION				
Lot frontage on Public Street	Yes		CAC	1/14/07
Road dedication and frontage improvements	Yes		Agency letters	5/1/06 and 3/31/06
Environmental Guidelines	Yes ³		Staff memo	1/11/07
Forest Conservation	Yes ³		Staff memo	1/11/07
Master Plan Compliance	Yes ³		Staff comments	1/12/07
Parks	Yes ³		Staff memo	1/12/07
ADEQUATE PUBLIC FACILITIES				
Stormwater Management	Yes		Agency letter	12/13/06
Water and Sewer (WSSC)	N/a			
10-yr Water and Sewer Plan Compliance	Yes		Agency comments	3/13/06
Well and Septic			Agency letter	12/21/06
Local Area Traffic Review			Staff memo	1/3/07
Fire and Rescue			Agency letter	12/12/06

¹ As determined by MCDPS at the time of building permit.

² One additional lot will contain the existing camp use.

³ Findings are contingent upon Lots 2, 10 and 11 being deleted.



Map compiled on March 07, 2006 at 3:08 PM | Site located on base sheet no - 228NWQ3

NOTICE

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Key Map



N



Research & Technology Center

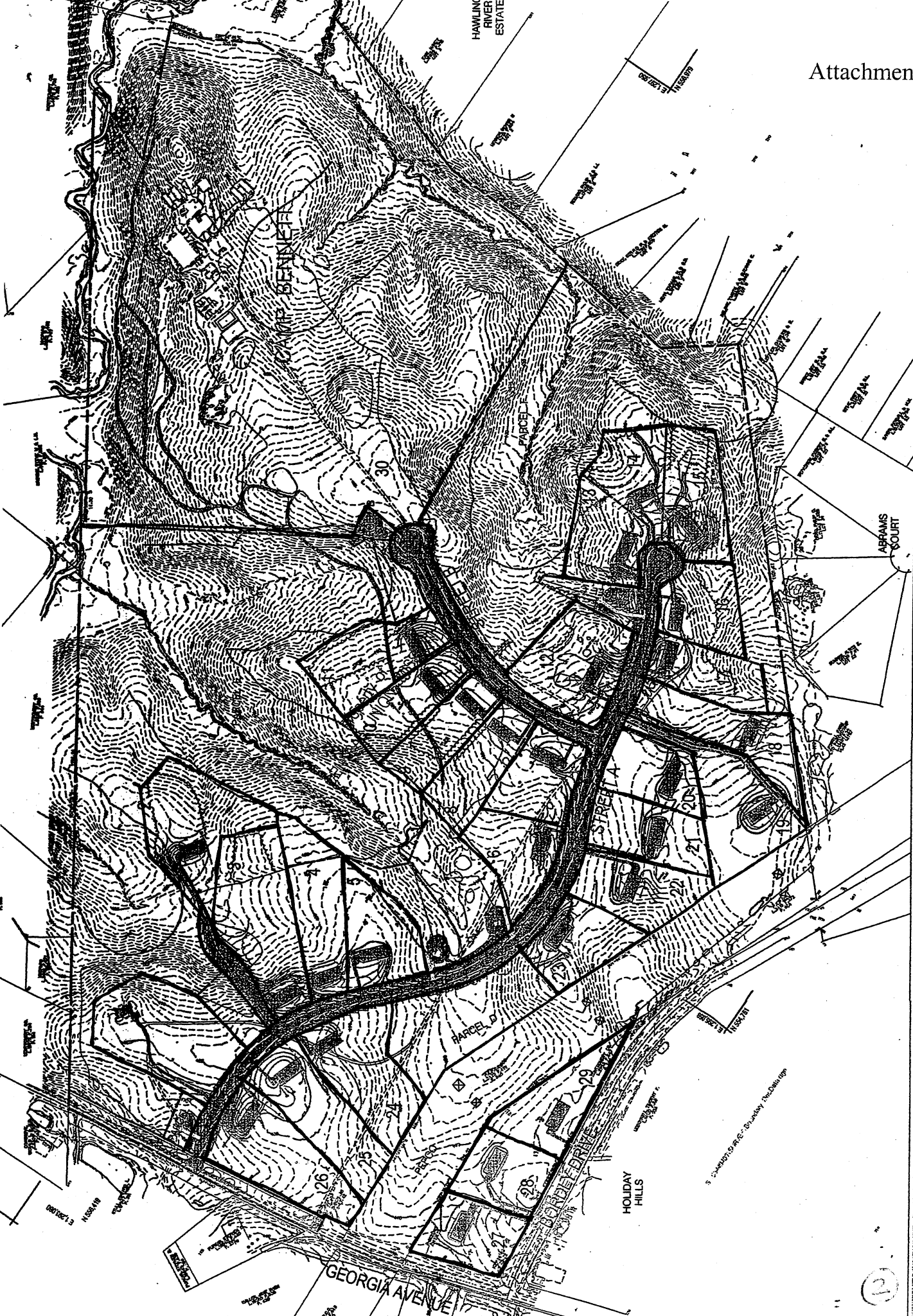


1 inch = 800 feet
1 : 9600

MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue - Silver Spring, Maryland 20910-3760





LINOWES
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February 15, 2006

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Hand Delivered (with Preliminary Plan Application)

Ms. Catherine Conlon
Development Review Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910

Re: Preliminary Plan Application- Central Union Mission, Camp Bennett Property
(Bennett Knolls); Cluster Provisions and Cul-De-Sac Waiver

Dear Ms. Conlon:

On behalf of the Central Union Mission (the "Mission"), we are submitting this additional information with the Preliminary Plan of Subdivision materials for the residential cluster development on the Camp Bennett property (identified herein as "Bennett Knolls") to address the cul-de-sac waiver request and to outline how the subdivision adheres to the guidelines for a cluster development in the Rural Cluster ("RC") zone. The 219-acre site is located at 20515 Georgia Avenue in Olney (the "Property") and currently consists of the Camp Bennett use (camp retreat, non-profit), a single-family home for the Camp Director, and open space and forest areas.

The Mission has owned the Property since 1934 and uses the site for the operations of its christian summer camp (overnight) for at-risk children known as Camp Bennett, as well as some agricultural, religious, and recreational activities. Since 1969, the Mission has also integrated the use and maintenance of the Property into the third phase of its five-phase Spiritual Transformation Program. The main area of the Camp is in the rear of the Property, with the cabins, dining hall and recreational buildings surrounded by the wooded natural environment that the Mission has preserved over its history of owning the Property.

The Mission intends to maintain Camp Bennett on the Property and consolidate the structures for the camp on one lot, and utilize the RC cluster opportunity to create single-family lots on

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the Property, using the proceeds to continue its valuable mission in the community. Based on the significant site area necessary for septic fields in this watershed, the constraints associated with the well and septic requirements and the limitations imposed by the forest conservation regulations, the Mission has proposed only 29 residential lots on the Bennett Knolls preliminary plan, instead of the potential 43 lots permitted in the RC cluster zone for the Property. In addition to the reduced density, at least 60 percent of the Property, or 132 acres, will remain as open space pursuant to the cluster provisions of the RC zone. As noted below, the Bennett Knolls development adheres to the RC cluster development guidelines in Section 59-C-9.53 of the Zoning Ordinance and requires cul-de-sacs longer than 500 feet as permitted by waiver in Section 50-26(d) of the Montgomery County Code based on the shape, topography, and location of the Property.

The proposed development adheres to the RC cluster development guidelines in Section 59-C-9.53 of the Zoning Ordinance as follows:

- (a) *The plan of cluster development must locate and arrange the residential development so as to protect, to the maximum extent reasonable, that portion of the tract appropriate for open space, farming or other permissible uses listed in section 59-C-9.52.*

The proposed Bennett Knolls development preserves the high-priority forest areas on the Property as specifically recommended in the Natural Resources section of the Olney Master Plan, approved and adopted in March 2005. These forested areas are primarily located in stream valley buffer areas near the Hawlings River Stream Valley Park and will be protected through forest conservation easements. The Camp Bennett use is similarly considered appropriate as open space pursuant to Section 59-C-9.52(c) of the Zoning Ordinance (and as recognized by the Planning Board and County Council during the Olney Master Plan review process) and will have an open space easement on the Property to maintain the established camp retreat, non-profit use as well as forest conservation easements on the forested areas of the Camp lot. The total open space on the Property through this cluster development is 130.96 acres or 60 percent of the Property.

- (b) *The plan of cluster development must indicate an arrangement of residential development so as to reduce as much as possible any nuisance, jeopardy, or conflict between the residential and the agricultural uses both within the tract and in relation to adjoining or nearby tracts and to demonstrate the compatibility of the proposed cluster plan with existing development.*

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The proposed cluster development is similar in density and lot sizes to residential subdivisions located to the southeast of the Property. The arrangement of the lots provides for the preservation of the existing Camp Director's home located immediately off Georgia Avenue, the preservation of Camp Bennett at the rear of the Property adjacent to parkland, and conservation of the high priority forest areas on the Property. The forested open space areas and the Camp use on the Property tie into existing adjacent park and forest areas and thus form a natural transition from the residential uses to the open space areas. Furthermore, the residential lots in the Bennett Knolls subdivision are arranged to be compatible in size and shape and layout with the other new lots within the development.

- (c) *The residential portion of the plan of cluster development must be so laid out, and protected during construction, as to remain as harmonious as possible with the natural environment, minimizing as much as possible the clearing of trees, grading of earth, disturbing of streams, and other similar dislocations of the natural environment.*

The residential portion of the Bennett Knolls subdivision is primarily located on areas with existing fields on the Property that consist of an even grade and that do not contain or disturb any streams. The high priority forest areas on the Property within the stream buffer areas are located within the proposed open space areas that will be protected by easements. The only forest areas disturbed for the residential development consist of the low to medium quality forest area and are only minimally impacted to provide the homes on the Property. The County Council recognized the need to balance housing and the environmental and other constraints on the Property at the time of the Olney Master Plan and noted that the high-priority forests should be preserved, but that some flexibility should be given for the residential lots that minimally impact the lower quality forest areas.

- (d) *The plan of cluster development must provide that, if any area is reserved for open space in accordance with the provisions of section 59-C-9.52, it may be recorded as either:*
- (1) *A parcel for common open space;*
 - (2) *An outlot; or*
 - (3) *An open space easement on a residential lot, provided that the area is clearly delineated and its reservation as open space is clearly stated on the record plat in the land records of Montgomery County.*

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The major portion of the open space area on the Property will be owned by the Mission and will include an open space easement to maintain the camp retreat, non-profit use (and other forest conservation easements). In addition, the future homeowners association will also own some open space parcels.

- (e) *The minimum size of a farm in the area reserved for farming or other uses, as provided in section 59-C-9.52, must be 25 acres unless the planning board finds that a smaller size would better implement the purposes of the zone and the guidelines of this section.*

There is no farm proposed for the Bennett Knolls subdivision.

- (f) *The plan of cluster development must show how scenic vistas are being preserved or enhanced, and reflect an arrangement which has considered the visual impact of the residential development on such vistas.*

The Property is recognized for the various high priority forests on the site and the proposed subdivision will preserve the viewsheds that contain the forest areas. The Bennett Knolls development maintains the existing Camp Director home located on the Georgia Avenue frontage and will maintain a single street for vehicular access into the site. In consideration of the Pepco power transmission lines that bisect the southern portion of the development, the preservation of forest areas on the side and rear of the site through conservation easements will maintain more enhanced quality and scenic vistas than the front of the Property on Georgia Avenue.

- (g) *The planning board may refuse to approve the cluster method or a plan of cluster development if in its judgment:*

- (1) *Significant agricultural, farming, or similar activity would be jeopardized unduly through development under the cluster method;*

There is no significant or consistent agricultural or farming on the Property today that will be unduly jeopardized by the Bennett Knolls cluster subdivision.

- (2) *The natural integrity of environmentally sensitive areas would be threatened due to the cluster development; or*

The proposed Bennett Knolls subdivision specifically preserves the high priority forest areas through conservation easements on open space parcels and on the

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camp lot with the open space easement. Further, the cluster development has been designed to minimally impact other forested areas on the Property.

- (3) *Significant scenic vistas would be lost, obliterated, or substantially diminished in value due to the cluster development.*

As noted above, the proposed cluster development preserves the forest and viewsheds on the side and rear of the Property adjacent to the existing parkland. The existing Camp Director's house on the front of the Property will be preserved and the site will continue to only have one access from Georgia Avenue. There are Pepco transmission lines that bifurcate the frontage of the site at Georgia Avenue, so the proposed preservation of the forest areas at the side and rear of the Property provide a more valuable vista than from the Georgia Avenue frontage.

Pursuant to Section 50-26(d) of the Code, the Planning Board may approve the use of a cul-de-sac longer than five hundred (500) feet when an improved street layout will result because of the unusual shape, size or topography of subdivision and a greater length is justified. As described herein, the subject property is significantly constrained by the narrow shape, location of the stream valley buffer areas, and the regulations for well and septic areas. These constraints, along with the limited street frontage on Georgia Avenue (particularly because of the Pepco transmission lines that go through the southern portion of the Property) and adherence to impervious area guidelines in the road design, restrict the buildable area on the Property and eliminate the opportunity for through streets on the property. Therefore, the cul-de-sacs for Streets "A" and "B" depicted on the Preliminary Plan provide an improved street layout because they are the only option to provide a safe area for vehicles to turn around on the site within the roadway.

The Street "A" length of 3,231.82 feet and 1,141.99 feet for Street "B" are both justified because of the limited frontage on Georgia Avenue and the ability to provide only one road connection based on intersection separation standards. Further, the length of the streets and cul-de-sacs are necessary because of the limited buildable area on the site created by the environmental and impervious area constraints.

For all of the above reasons, we submit that the proposed Preliminary Plan will provide an environmentally superior and more compatible development that satisfies the guidelines for an RC zone cluster development and that makes better use of the property with the approval of the proposed waiver regarding the cul-de-sac length.

Ms. Catherine Conlon
February 15, 2006
Page 6

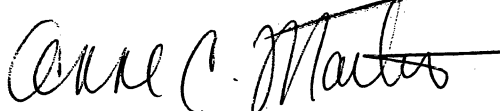
Thank you for your assistance and consideration of this matter. Please do not hesitate to call us if you have any questions.

Sincerely,

LINOWES AND BLOCHER LLP



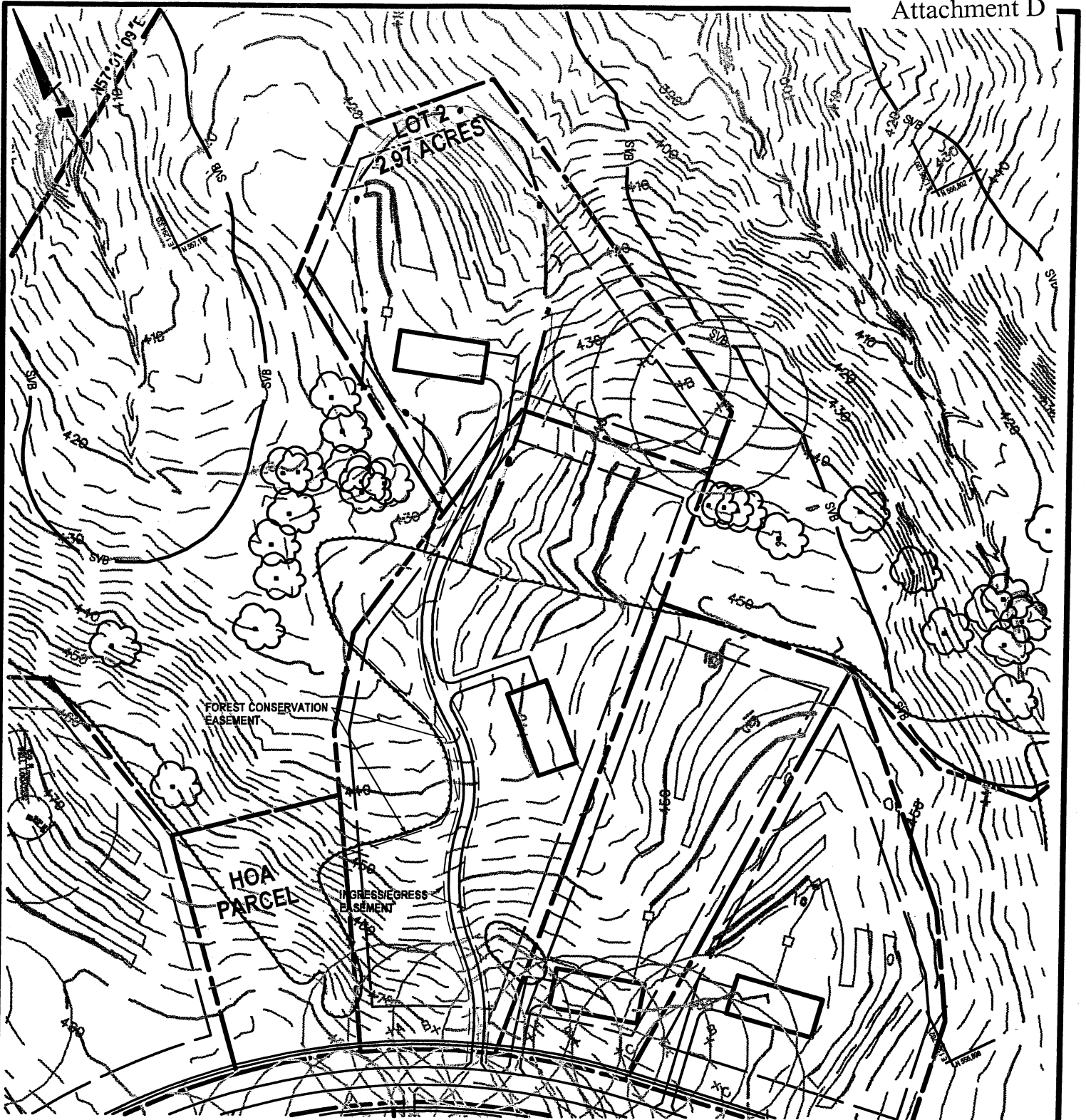
Robert H. Metz



Anne C. Martin

cc: David O. Treadwell
Stephen Tawes

L&B 569642v1/05736.0001



LOT 2 ALTERNATIVE



Loiederman
Soltesz Associates, Inc.

ROCKVILLE OFFICE

2 Research Place, Suite 100 Rockville, MD 20850 t.301.948.2750 f.301.948.9067

Engineering Planning Surveying Environmental Sciences

www.LSAssociates.net

The Board may conditionally approve the PAPF application if it will meet all of the requirements of the APFO and AGP. The Board may condition its approval on, among other things, the creation and funding of the district and the building of no more than the maximum number of housing units and the maximum nonresidential space listed in the petition.

For an application to be approved, the applicants must commit to produce the infrastructure improvements needed to meet APF requirements in the proposed district as well as any added requirements specified by the Planning Board. The Planning Board must list these required infrastructure improvements in its approval. The infrastructure improvements may be funded through the development district or otherwise. The development district's PAPF must be prepared in the following manner:

The Planning Board must not approve a PAPF application unless public facilities adequacy is maintained throughout the life of the plan. The timing of infrastructure delivery may be accomplished by withholding the release of building permits until needed public facilities are available to be "counted," or by another similar mechanism.

Infrastructure may be counted for public facilities adequacy, for infrastructure provided by the district, when construction has begun on the facility and funds have been identified and committed to its completion, and, for infrastructure provided by the public sector, when:

- for Local Area Transportation Review, the project is fully-funded within the first 4 years of the approved County, state, or municipal capital improvements program;
- for water and sewer facilities, the project is fully-funded within the first 5 years of the approved WSSC capital improvements program;
- for public school facilities, the project is fully-funded within the first 5 years of the approved Montgomery County Public Schools capital improvements program; and
- for police, fire, and health facilities, the project is fully-funded within the first 6 years of the relevant approved capital improvements program.

TP4.4 Additional Facilities Recommended for Funding

The County Executive and Planning Board may also recommend to the County Council additional facilities to be provided by the development district or by the public sector to support development within the district. These facilities may include, but are not limited to libraries, health centers, local parks, social services, greenways, and major recreation facilities.

TP4.5 Satisfaction of APF Requirements

As provided in Chapter 14 of the County Code, once the development district is created and the financing of all required infrastructure is arranged, the development in the district is considered to have satisfied all APF requirements, any additional requirements that apply to development districts in the AGP, and any other requirement to provide infrastructure which the County adopts within 12 years after the district is created.

TL Local Area Transportation Review (LATR)

TL1 Standards and Procedures

To achieve an approximately equivalent transportation level of service in all areas of the County, greater congestion is permitted in policy areas with greater transit accessibility and usage. Table 1 shows the

intersection level of service standards by policy area. Local Area Transportation Review must at all times be consistent with the standards and staging mechanisms of adopted master plans and sector plans.

Local area transportation review must be completed for any subdivision that would generate 30 or more peak-hour automobile trips. For any subdivision that would generate 30-49 peak-hour automobile trips, the Planning Board after receiving a traffic study must require that either:

- all LATR requirements are met; or
- the applicant must make an additional payment equal to 50% of the applicable transportation impact tax before it receives any building permit in the subdivision.

In administering the Local Area Transportation Review (LATR), the Planning Board must not approve a subdivision if it finds that an unacceptable peak hour level of service will result after taking into account existing roads, programmed roads, available or programmed mass transportation, and improvements to be provided by the applicant. If the subdivision will affect an intersection or roadway link for which congestion is already unacceptable, then the subdivision may only be approved if it does not make the situation worse.

The nature of the LATR test is such that a traffic study is necessary if local congestion is likely to occur. The Planning Board and staff must examine the applicant's traffic study to determine whether adjustments are necessary to assure that the traffic study is a reasonable and appropriate reflection of the traffic impact of the proposed subdivision after taking into account all approved development and programmed transportation projects.

For Local Area Transportation Review purposes, the programmed transportation projects to be considered are those fully funded for construction in the first 4 years of the current approved Capital Improvements Program, the state's Consolidated Transportation Program, or any municipal capital improvements program. For these purposes, any road required under Section 302 of the County Charter to be authorized by law is not programmed until the time for petition to referendum has expired without a valid petition, or the authorizing law has been approved by referendum.

If an applicant is participating in a traffic mitigation program or one or more intersection improvements to meet Local Area Transportation Review requirements, that applicant must be considered to have met Local Area Transportation Review for any other intersection where the volume of trips generated is less than 5 Critical Lane Movements.

Each traffic study must examine, at a minimum, the number of signalized intersections in the following table unless the Planning Board affirmatively finds that special circumstances warrant a more limited study.

Maximum Peak-Hour Trips Generated	Minimum Signalized Intersections in Each Direction
< 250	1
250 - 749	2
750 - 1,249	3
1,250 - 1,750	4
> 1,750	5

At the Planning Board's discretion, each traffic mitigation program must be required to operate for at least 12 years but no longer than 15 years. The Planning Board may select either trip reduction measures or road improvements (or a combination of both) as the required means of traffic mitigation.

Agency Correspondence



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

December 13, 2006

Shahriar Amiri
Acting Director

Mr. Jason Evans
Loiderman Soltesz Associates, Inc.
1390 Piccard Drive, Suite 100
Rockville, MD 20850

Re: Stormwater Management **CONCEPT** Request
for Central Union Mission
Preliminary Plan #: Pending
SM File #: 222964
Tract Size/Zone: 218.99/RC
Total Concept Area: 218.99ac
Lots/Block: 29 Proposed
Parcel(s): 375
Watershed: Hawlings River

Dear Mr. Evans:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept consists of on-site water quality control and onsite recharge via the use of surface sand filter and non structural measures. Channel protection volume is not required because the one-year post development peak discharge is less than or equal to 2.0 cfs.

The following items will need to be addressed during the detailed sediment control/stormwater management plan stage:

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.
4. A Montgomery County Floodplain Study will be required for all drainage areas greater than thirty acres located within the property limits.
5. All roadside swales will be constructed with a modified ditch section with a bottom width of two feet to provide enhanced pre treatment prior the surface sand filters.
6. Any proposed stream channel improvements must be included with the first submission for detailed sediment control review. Other agencies permits may be required based upon the proposal of stream improvements.

This list may not be all-inclusive and may change based on available information at the time.

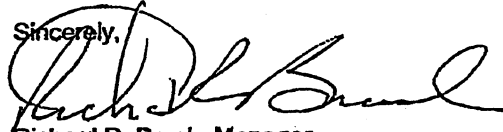
Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 is not required.



This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact Thomas Weadon at 240-777-6309.

Sincerely,



Richard R. Brush, Manager
Water Resources Section
Division of Land Development Services

RRB:dm CN 222964

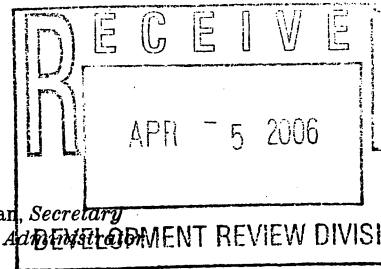
cc: C. Conlon
S. Federline
SM File # 222964

QN - On Site; Acres: 218.99ac
QL - On Site; Acres: 218.99ac
Recharge is provided



Robert L. Ehrlich, Jr., *Governor*
Michael S. Steele, *Lt. Governor*

Robert L. Flanagan, *Secretary*
Neil J. Pedersen, *Assistant Secretary*



Maryland Department of Transportation

March 31, 2006

Ms. Cathy Conlon
Supervisor, Development Review
Subdivision Division
Maryland National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

Re: Montgomery County
Bennett Knolls
File No. 1-20060830
MD 97 (east side)
Mile Post: 15.0

Dear Ms. Conlon:

The State Highway Administration (SHA) appreciates the opportunity to review the preliminary plan application for the proposed 30-lot residential development. We offer the following comments:

- The applicant submitted the proper sight distance evaluation worksheets. According to this evaluation, the proposed street connection will result in 675' of sight distance (SD) to the left/south and 850' of SD to the right/north. Our measurements confirm these distances. The available sight distance exceeds the required minimum SD of 555' and is acceptable.
- The location of the proposed Street 'A' connection with MD 97 is acceptable providing that the existing Camp Bennett MD 97 entrance is closed and that future Camp Bennett traffic utilizes proposed Street 'A' for access.
- The applicant should submit separate MD 97 improvement plans at 50 scale or better. The proposed Street 'A' connection with MD 97 must be improved to a 25' width with 30' turning radii at a minimum.
- It is our understanding that a Traffic Statement was submitted to MNCPPC for review and eventual distribution to SHA and DPW&T. SHA must review this Traffic Statement and possibly a traffic impact study before determining whether a left-turn lane is warranted and whether any offsite MD 97 improvements will be recommended.
- In the meantime, it is clear that partial length acceleration and deceleration lanes are warranted. The required MD 97 improvement plans must include 250' long by 16' wide acceleration and deceleration lanes. The acceleration and deceleration lanes should be channelized with type 'A' curb & gutter for 150' in both directions from Street 'A'.

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410.545.0300 • www.marylandroads.com

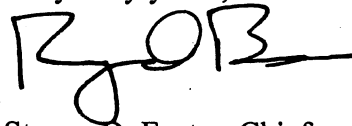
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Ms. Catherine Conlon
Page Two

- A separate signing and pavement marking plan is required.
- Hydrologic and hydraulic computations should be submitted by the applicant.
- SHA concurs with the MNCPPC's requirement for a class II bikeway along MD 97.
- The proposed entrance is subject to the terms and conditions of an access permit, which must be received from this office.
- Truncations and right-of-way dedications need to be in accordance with the Master Plan of Highways. SHA will require right-of-way dedications and changes to access controls be platted to SHA standards. These plats must be submitted in hard copy format for SHA review, checking and final issuance. Please contact Mr. Daniel Andrews of the Plats and Surveys Division at 410-545-8860 for additional information. For questions regarding the plat review process, please contact Mr. Andrews at dandrews@sha.state.md.us.

If you have any questions or require additional information, please contact Ray Burns at 410-545-5592 or our toll free number in Maryland only 1-800-876-4742.

Very truly yours,



for Steven D. Foster, Chief
Engineering Access Permits Division

SDF/rbb

cc: Central Union Mission \ 1350 R Street NW, Washington, DC 20009
LSA, Inc. \ 1390 Piccard Drive, Suite 100, Rockville, Maryland 20850
Mr. Richard Weaver \ MNCPPC
Mr. Shahriar Etemadi \ MNCPPC
Mr. Gregory Leck \ Montgomery County DPW&T
Mr. Darrell Mobley *sent via e-mail*
Mr. Ted Beeghly *sent via e-mail*
Mr. Jeff Wentz *sent via e-mail*
Mr. Augustine Rebish *sent via e-mail*

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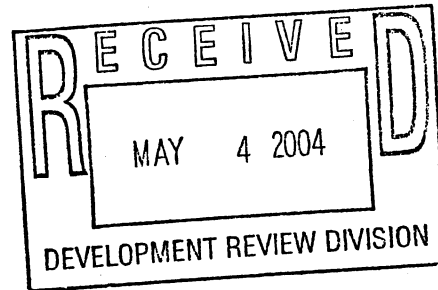
DEPARTMENT OF PUBLIC WORKS
AND TRANSPORTATION

Douglas M. Duncan
County Executive

Arthur Holmes, Jr.
Director

May 1, 2006

Ms. Catherine Conlon, Subdivision Supervisor
Development Review Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760



RE: Preliminary Plan #1-20060830
Bennett Knolls

Dear Ms. Conlon:

We have completed our review of the preliminary plan dated 2/14/06. This plan was reviewed by the Development Review Committee at its meeting on 3/13/06. We recommend approval of the plan subject to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to DPS in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

1. Show all existing planimetric and topographic details (specifically storm drainage) on the preliminary plan.
2. Necessary dedication for Georgia Ave in accordance with the Master Plan.
3. Full width dedication and construction of all interior public streets.
4. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
5. We did not receive conceptual road profiles for the new public streets. As a result, we are unable to offer any comments at this point.
6. Prior to approval of the record plat by the Department of Permitting Services (DPS), the applicant's consultant will need to obtain the approval of grade establishments for new public streets from DPS.



Division of Operations

101 Orchard Ridge Drive, 2nd Floor • Gaithersburg, Maryland 20878
240/777-6000, TTY 240/777-6013, FAX 240/777-6030

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7. Wells and septic systems cannot be located within the right of way nor slope or drainage easements.
8. Provide horizontal alignment for all proposed public streets.
9. Prior to approval of the record plat by the Department of Permitting Services, submit a completed, executed and sealed DPWT Sight Distances Evaluation certification form, for the proposed driveway(s) on Bordly Drive, for our review and approval.
10. Record plat to reflect a reciprocal ingress, egress, and public utilities easement to serve the lots accessed by each common driveway.
11. Waiver from the Montgomery County Planning Board for overlength cul-de-sac(s).
12. Private common driveways and private streets shall be determined through the subdivision process as part of the Planning Board's approval of a preliminary plan. The composition, typical section, horizontal alignment, profile, and drainage characteristics of private common driveways and private streets, beyond the public right-of-way, shall be approved by the Planning Board during their review of the preliminary plan.
13. Revise the plan as necessary to meet the requirements of the Montgomery County Department of Permitting Services with regard to wells and/or septic systems.
14. Access and improvements along Georgia Ave (MD 97) as required by the Maryland State Highway Administration.
15. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
16. If the proposed development will alter any existing street lights, signing, and/or pavement markings, please contact Mr. Fred Lees of our Traffic Control and Lighting Engineering Team at (240) 777-6000 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
17. Trees in the County rights of way - species and spacing to be in accordance with the applicable DPWT standards. A tree planting permit is required from the Maryland Department of Natural Resources, State Forester's Office [(301) 854-6060], to plant trees within the public right of way.
18. Please coordinate with Department of Fire and Rescue about their requirements for emergency vehicle access.
19. The owner will be required to submit a recorded covenant for the operation and maintenance of private storm drain systems, and/or open space areas prior to MCDPS approval of the record plat. The deed reference for this document is to be provided on the record plat.
20. Public Improvements Agreement (PIA) will be an acceptable method of ensuring construction of the required public improvements within the County right of way. The PIA details will be determined at the record plat stage. The PIA will include, but not necessarily be limited to, the

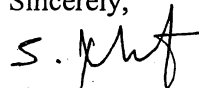
Ms. Catherine Conlon
Preliminary Plan No. 1-20060830
Date May 1, 2006
Page 3

following improvements:

- A. Street grading, paving, shoulders, sidewalks and handicap ramps, side drainage ditches and appurtenances, and street trees along interior public streets as open section tertiary residential roadways terminating in standard cul-de-sacs.
- B. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.
- C. Erosion and sediment control measures as required by Section 50-35(j) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.
- D. Developer shall ensure final and proper completion and installation of all utility lines underground, for all new road construction.
- E. Developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the Traffic Engineering and Operations Section.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact me at sam.farhadi@montgomerycountymd.gov or (240) 777-6000.

Sincerely,



Sam Farhadi, P.E., Senior Planning Specialist
Development Review Group
Traffic Engineering and Operations Section
Division of Operations

m:/subdivision/farhas01/preliminary plans/ 1-20060830, Bennet Knolls.doc

cc: David Treadwell, Central Union Mission
Stephen Tawes, Loiederman Soltesz Associates
Anne Martin, Linowes and Blocher
Joseph Y. Cheung; DPS RWPPR
Christina Contreras; DPS RWPPR
Sarah Navid; DPS RWPPR
Shahriar Etemadi; M-NCPPC TP
Gregory Leck, DPWT TEOS
Raymond Burns, MSHA
Preliminary Plan Folder
Preliminary Plans Note Book

(18)



DEPARTMENT OF PERMITTING SERVICES


Isiah Leggett
County Executive

Shahriar Amiri
Acting Director

MEMORANDUM

December 21, 2006

TO: Maryland National Capital Park and Planning Commission
Attn: Cathy Conlon

FROM: Shahriar Amiri, Acting Director 
Department of Permitting Services

SUBJECT: Status of Preliminary Plan: 1-20060830
Bennett Knolls, 30 lots

This is to notify you that the status of the plan received in this office on December 19, 2006 is as follows:

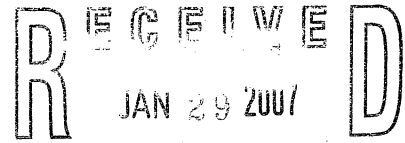
Approved with the following reservations:

1. Record plat must be at same scale as approved preliminary plan or provide a certified film positive of the record plat at the preliminary plan scale.
2. The existing water well and septic system, for the residence near proposed lots 12 and 18, must be properly abandoned and sealed- prior to the issuance of a razing permit.
3. The existing well and septic systems that serve the dwelling on Lot 1 must be properly abandoned and sealed-and new systems installed-prior to the approval of the record plat.
4. A Groundwater Appropriations Permit (GAP) must be obtained from the Maryland Department of the Environment (MDE) prior to the approval of the record plat.
5. Prior to the approval of the record plat, the engineer must submit a separate plan for lot 30. This plan must indicate the location of all existing buildings; water wells; and septic reserve area for the camp operation.

If you have any questions, contact Gene von Gunten at (246) 777-6319.

cc: Surveyor
File

DEC 27 2006



OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

January 29, 2007

Anne C. Martin
301.961.5127
amartin@linowes-law.com

Via Email and Hand Delivered

Dr. Royce Hanson
Chairman, and Members of the
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910-3760

Re: Bennett Knolls, Preliminary Plan No. 120060830 (the "Preliminary Plan");
Planning Board Hearing- February 1, 2007, Item No. 6, Supplemental Memorandum

Dear Chairman Hanson and Members of the Board:

On behalf of the Central Union Mission (the "Mission"), we respectfully request additional time at the Preliminary Plan hearing on February 1st to address the conditions of approval in the Staff Report and Recommendation dated January 12, 2007 (the "Staff Report"), which recommend deletion of three (3) of the lots proposed in the residential cluster development. Although we will provide the background and explanation of the Mission's position on the conditions below for the convenience of the Planning Board and Staff in advance of the hearing, we still feel that the discussion of this important issue will warrant more than the ten (10) minutes generally allotted for an applicant.

The Staff Report recommends that the Mission revise the Preliminary Plan to remove three (3) residential lots identified as Lots 2, 10, and 11. The basis for the recommendation is that the "development on proposed Lots 2, 10 and 11 would result in the clearing of roughly 6 acres of the high priority forest." As explained in detail below and shown in the attached legislative history for the Olney Master Plan, the forested area on Lots 2, 10 and 11 was not classified as high priority at the time the County Council, acting as the District Council (the "Council"), considered the specific recommendations for the property in the Olney Master Plan (the "Master Plan"). The forested area was classified as medium priority and was specifically omitted from the Master Plan recommendations in recognition of the 132 acres of open space and significant amount of forest protection the Mission would already be providing through subdivision and to balance the provision of housing and the perpetuation of the goals of the Mission. We respectfully request that the Planning Board follow the specific Master Plan recommendations and similarly consider the significant amount of park dedication (52.8 acres), open space preserved (133 acres), forest areas protected (95 acres), housing provided (29 homes), and goals of the Mission maintained with the subdivision, and approve the Preliminary Plan with Lots 2, 10 and 11 as proposed.

Dr. Royce Hanson and Members
of the Montgomery County Planning Board
January 29, 2007
Page 2

During the Master Plan deliberations before the Planning Board and the Council, the Mission prepared a Pre-Application Preliminary Plan and coordinated with Staff to clarify the forest areas recommended in the Draft Master Plan for easement, dedication and/or acquisition. Since the Mission had preserved the forest for over 70 years without requirements and since the Mission needed protection for the children attending Camp Bennett, the Mission requested flexibility with respect to the method of forest protection (acquisition, dedication or easement) as well as the area to be designated. As the February 27, 2004 and September 21, 2004 correspondence to the Council attached hereto as Exhibit A and Exhibit B demonstrate, the Mission initially proposed 31 residential lots and acknowledged that twelve (12) lots were proposed in forest areas the Staff initially identified as low priority. At the Council's Planning, Housing and Economic Development ("PHED") Committee worksession on October 25, 2004, the PHED Committee agreed with the Mission's request to add clarifying language to the Master Plan to indicate that only priority forests needed to be protected, a recommendation that had no objection from M-NCPPC Staff. However, at the PHED Committee worksession on November 5, 2005, the M-NCPPC Staff requested that the recommendation be revised to state that both high and medium priority forests should be protected. For your reference, the excerpts of the Memorandum for the PHED Committee worksession on October 25, 2004 are attached as Exhibit C, a copy of the Memorandum for the PHED Committee worksession on November 5, 2004 is attached as Exhibit D, the M-NCPPC Staff Exhibits for the PHED worksessions are attached as Exhibit E and Exhibit F and the Mission's Priority Forest exhibit for the PHED worksessions with the proposed lot layout is attached as Exhibit G.

As noted in the Staff Exhibits for the November 5th PHED Committee worksession, only the area at the north side of the site is identified as "high priority" and the forest area where Lots 2, 10 and 11 are proposed is identified as "medium to high priority" forest (Exhibit E). The Staff Exhibit further indicates the location of the residential lots proposed by the Mission within the medium to high priority forest area (Exhibit F). The Mission's Priority Forest Exhibit (Exhibit G) identifies the area with Lots 2, 10 and 11 as medium priority. After considering the positions on the issue, the PHED Committee majority recommended amending the Draft Master Plan to indicate that only the high priority forests need to be protected. The full Council subsequently considered the PHED Committee recommendation, as explained in the excerpts of the Memorandum for the December 7, 2004 Council worksession attached hereto as Exhibit H, and adopted the PHED Committee recommendation to amend the Master Plan to clarify that only the high priority forest would need to be protected through acquisition, dedication or easement. The Mission's correspondence dated January 11, 2005 and the excerpts of the Council Memorandum for the March 8, 2005 Council action are attached hereto for reference as Exhibit I and Exhibit J.

The legislative history from the Master Plan review clearly demonstrates that the Council intended the Legacy Open Space level of protection of the only the high priority forest areas on the Mission property at the time of subdivision. When the Council made this decision on the

Dr. Royce Hanson and Members
of the Montgomery County Planning Board
January 29, 2007
Page 3

Master Plan recommendation, the forest areas on Lots 2, 10 and 11 were classified as medium priority or “medium to high” priority forests, not high priority forests. The delineation of the area the Staff now proposes to be protected, which is in the Staff Report on Attachment A, mirrors the area the Staff presented to the Council as “medium to high priority” forest, not “high priority” (see Exhibit E and Exhibit F), before the Council amended the language of the Draft Master Plan to clarify that only high priority forests were intended to be protected through easement, dedication or acquisition. Therefore, the Staff’s position that the forest area on Lots 2, 10 and 11 must be dedicated as parkland does not correspond to the specific intent and language in the approved and adopted Master Plan.¹

It is important to recognize that the Mission is maintaining a significant amount of high, medium and low priority forest area with the rural cluster subdivision as proposed, and that the area of proposed dedication on the Preliminary Plan is only 2+/- acres less than shown as the “Option B” area proposed by Staff. As shown on the Preliminary Plan, the Mission is preserving over 95 acres of forest, maintaining 133 acres of open space, and dedicating over 52 acres as parkland, in addition to the notable benefits of providing 29 homes and perpetuating the goals of the Mission through proceeds. Further, there are areas of forest on a few of the proposed lots (including 2, 10 and 11) that must be considered “cleared” although the forest will remain for decades until (and if) the reserve septic fields are necessary. Lastly, regardless of the land use category applied in the Forest Conservation Plan, the Mission will be replanting (at 1 inch caliper) over 6 acres of forest on-site and providing significant funds for forest mitigation banks off-site. We submit that the significant amount of forest protection (dedication, easement, replanting) outlined above proposed by the Mission for this subdivision more than offsets the 6 acres of medium density forest proposed by Staff to be saved on Lots 2, 10 and 11.

It is also important to recognize that the Mission has been a good steward of the forests for over 70 years and will be a neighbor to the new residential development, so forest protection to the extent feasible is also important to the Mission and Camp Bennett. The Mission has made efforts throughout the Master Plan, Pre-Application Preliminary Plan and Preliminary Plan process to increase the forest area protected through dedication or easement. As shown on the attached Exhibit K, which is the Priority Forest Exhibit that was before the Council with a redline indicating the current lot envelope on the Preliminary Plan, the Mission has reduced the

¹ Further, the area proposed by Staff during the Council Master Plan deliberations shown as “Option B” on Exhibit F and currently shown on Attachment A to the Staff Report was only intended to be an example of a proposed area to protect. As stated by Commissioner Bryant at the hearing on March 11, 2004, for the Draft Master Plan in response to a Staff inquiry regarding which area should be shown on a proposed Parkland Map for the Council, “It’s my motion and I’m willing to go along with the idea of showing [Option] B as long as it is understood that we are showing this as an example, and that we are not saying that that specifically is the portion of land, etc., etc., etc., that we are talking about.”

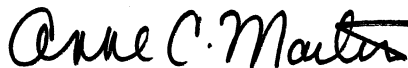
Dr. Royce Hanson and Members
of the Montgomery County Planning Board
January 29, 2007
Page 4

amount of medium priority forest impacted on the lots by almost 5 acres (plus additional low priority forest has been realigned into easement areas). The Lot 2 Alternative proposed by the Mission (Attachment D in the Staff Report) will provide an additional acre of forested property in dedication, an additional half-acre of forest in protected easement and will decrease the grading required for the now shared driveway. The Lot 2 Alternative with the shared driveway would require specific Planning Board approval pursuant to Section 50-29 of the Subdivision Regulations; however, we think all would agree that the additional forest protection warrants the shared driveway. Although the Mission only learned of the Staff recommendation to delete lots 10 and 11 when the Staff Report was issued, the Mission has reviewed the lots and determined they cannot be reduced any further due to the area for septic reserve fields and setback areas. However, the Mission does agree with Condition No. 3(c)(iv) for Lots 10 and 11 that requires the forest in the reserve septic field areas to remain until the Department of Permitting Services has declared the initial trench is no longer functional, which measure should protect the forest in the reserve areas for decades (if not permanently).

In conclusion, the detrimental loss of three (3) potential lots after the Mission sought and obtained certainty on this issue at the time of the Master Plan and has made such significant efforts to preserve forest on the property through this Preliminary Plan warrants the additional explanation to provide a background for a meaningful and productive discussion at the hearing. Thank you for your time and consideration of this important matter.

Very truly yours,

LINOWES AND BLOCHER LLP


Anne C. Martin

Attachments

cc: David Treadwell
Catherine Conlon
Doug Powell
Candy Bunnag
Stephen Tawes

0

LINOWES |
AND BLOCHER LLP
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February 27, 2004

Robert H. Metz
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amartin@linowes-law.com

Via Hand Delivery

Derick P. Berlage, Chairman
The Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Public Hearing Draft Olney Master Plan
March 11 Worksession

Dear Mr. Berlage and Members of the Planning Board:

On behalf of Central Union Mission (the "Mission"), the owners of the 219 acre property located in the RC (Rural Cluster) zone at 20501 Georgia Avenue in northeast Olney (the "Property"), we would like to submit more specific comments to supplement our September 24, 2003 correspondence regarding the Draft Olney Master Plan as it relates to the future of the Property. Our general request remains that the Master Plan maintain flexibility so that future development and environmental protection can coexist on the Property; however, since the Mission has made some decisions regarding the future of the Property and is more aware of the development constraints since the last correspondence, we believe it is critical to address the recommendations more specifically for the worksession. As discussed herein, we request that Draft Plan be revised to: 1) note that environmental protection on the Property can occur through the forest conservation and zoning regulations and by easements instead of solely by dedication and acquisition, and 2) specify that it is the priority forests that need to be protected, not the entire wooded area of the Property.

As stated previously, the Mission has owned the Property since 1934 and uses the site for the operations of its christian summer camp (overnight) for at-risk children known as Camp Bennett, as well as some agricultural, religious, and recreational activities. Since 1969, the Mission has also integrated the use and maintenance of the Property into the third phase of its five-phase Spiritual Transformation Program. The main area of the Camp is in the rear of the Property, with the cabins, dining hall and recreational buildings surrounded by the wooded natural environment that the Mission has preserved over its history of owning the Property.

Since our last correspondence, the Mission has confirmed that it would like to maintain Camp Bennett on the Property, and utilize the RC cluster opportunity to create single-family lots on the Property, using the proceeds to continue its valuable mission in the community. The

Derick P. Berlage, Chairman
February 27, 2004
Page 2

Mission retained Loiederman Soltesz Associates to prepare a pre-preliminary plan application to proceed with perc testing of the Property and thus determine the potential density of the Property. Based on the significant site area necessary for a septic field in the Patuxent River Watershed area of the County and the constraints associated with the well and septic requirements, the Mission has proposed only 33 lots on the pre-preliminary plan, instead of the potential 43 lots permitted in the RC cluster zone for the Property. We have enclosed a copy of the draft cluster layout on the Property for your reference (the "Draft Cluster Plan"). You will note that the Draft Cluster Plan maintains 132 acres of open space, including Camp Bennett, consistent with the cluster provisions of the RC zone.

The Draft Olney Master Plan (the "Draft Master Plan") references the Property as an area identified in the Legacy Open Space Master Plan (the "Open Space Plan"). The Open Space Plan does not specifically identify the Property nor was the Mission aware of the recommendations concerning the Property in the Open Space Plan. However, the Draft Master Plan identifies the Property (or a significant portion thereof) as an area that is in a Water Supply Target area and that needs to be "protected through easement with current use" or to "seek dedication or acquisition if land use changes." The Technical Staff ("Staff") have reviewed the Draft Master Plan language with us and clarified that it is the forested area of the Property that falls within the recommendation, and they have clarified the priority areas including in their recommendation.

In order to provide some certainty for the Mission and preserve the flexibility for some development on the Property, while maintaining Camp Bennett, we respectfully request that Draft Plan be revised to: 1) note that environmental protection on the Property can occur through the forest conservation and zoning regulations and by easements instead of solely by dedication and acquisition, and 2) specify that it is the priority forests that need to be protected, not the entire wooded area of the Property. Specifically we request the "Protection Technique Recommendation" that is currently on page 140 of the Draft Plan, a copy of which is attached, be revised to state "important to protect the priority forest and wetlands if redevelopment occurs through the forest conservation and zoning regulations and through easements."

The environmentally sensitive areas of the Property could be thoroughly protected with the proposed residential development through the application of the forest conservation laws and the zoning regulations. For example, with the proposed development, over 57 acres of the Property would automatically be in conservation easements as stream valley buffers areas. Further, as illustrated on the Draft Cluster Plan, the Mission would propose to put approximately 17 additional acres of the Property in Category I forest conservation easements. The easements would provide the same protection and use of the forest areas as dedication. The Mission has provided protection without any easements for over 70 years and is committed to continue that protection in the future with the Category I Forest Conservation Easement to

Derick P. Berlage, Chairman
February 27, 2004
Page 3

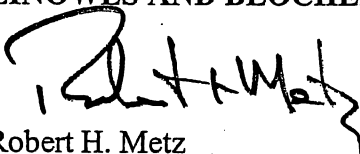
satisfy the goals of the Open Space Plan. It is extremely important that the Mission retain ownership of the Property as it is critical to protect the children at Camp Bennett and to avoid the "general public" from having access to the Camp. We would submit that there is no difference in the protection given to the forested areas between dedicating the area and imposing an easement, especially with a 70-year history of protection.

There are approximately twelve (12) lots currently proposed in the southeast corner and middle of the Property that are in a currently forested area that the Staff has identified as low priority. Although the Draft Cluster Plan will change as a result of the perc tests and in response to comments from the Development Review Committee meeting, it is impossible to cluster the development further in the other areas of the Property as suggested because of the well and septic regulations and restrictions. The ability to utilize this low priority area of the Property for the already significantly limited residential development is therefore critical to provide the housing units and to continue Camp Bennett and the work of the Mission.

Thank you for your consideration of this request on behalf of the Mission to preserve some flexibility for the future of its Property over the 20 year lifetime of the Olney Master Plan, while still maintaining the guidance to protect the priority environmentally sensitive areas on the site. We look forward to working with Staff as this proposed development progresses to accomplish all of the desired objectives, including environmental protection, provision of housing, and maintaining Camp Bennett and the services provided by the Mission.

Sincerely,

LINOWES AND BLOCHER LLP



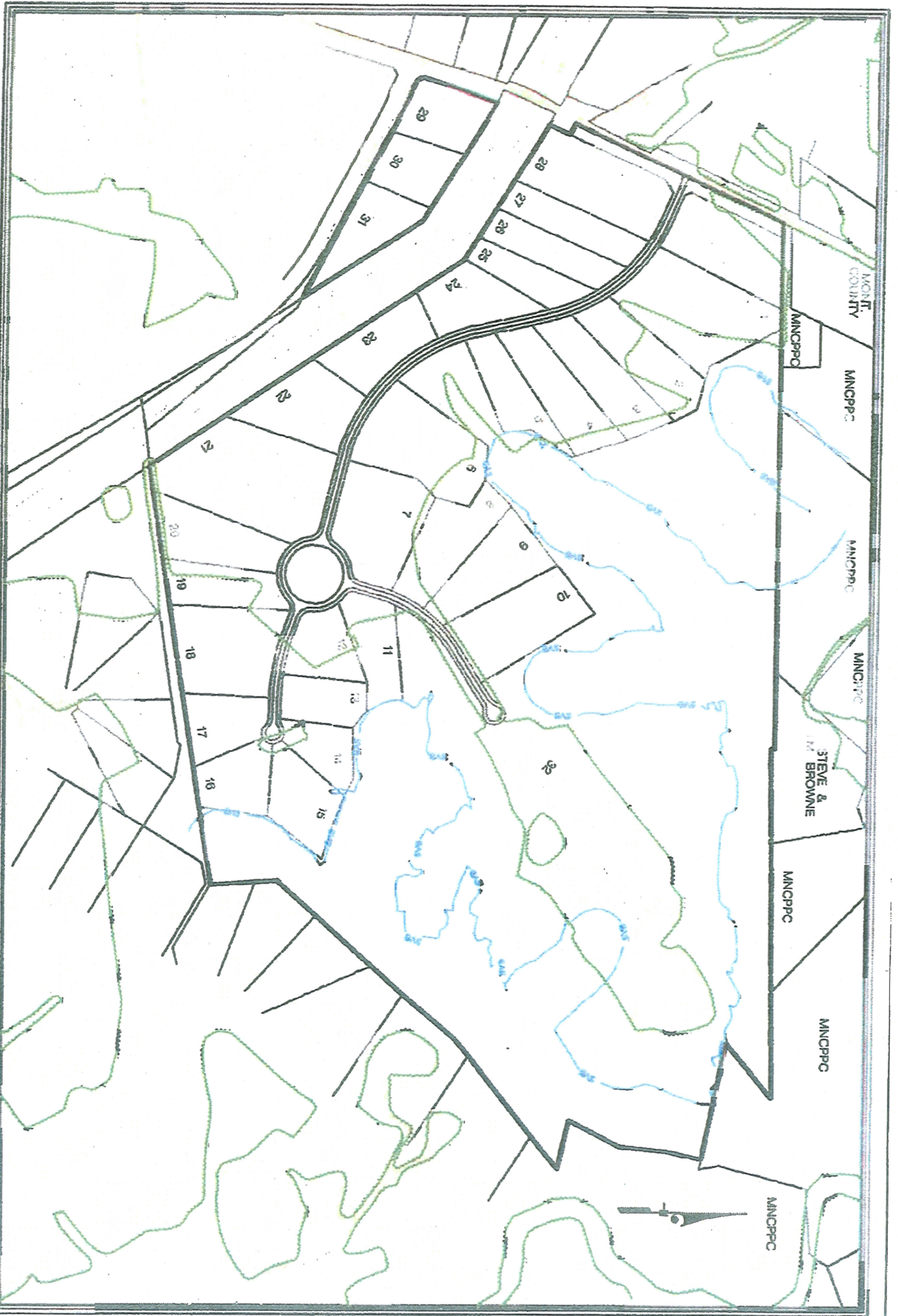
Robert H. Metz



Anne C. Martin

Attachments

cc: Mr. David O. Treadwell
Mr. Khalid Afzal
Ms. Brenda Sandberg
Mr. Stephen P. Tawes



1000 Pennsylvania Ave. NW
 WASHINGTON, DC 20004
 (202) 748-7118

**CENTRAL UNION MISSION
 CAMP BENNETT PROPERTY
 NOT TO SCALE**

CENTRAL UNION MISSION
 DAVID TREADWELL, EXEC. DIR.
 1950 P STREET, NW
 WASHINGTON DC 20036
 (202) 748-7118

Natural Resources and Legacy Open Space

Site Number & Name	Comments	Legacy Category Recommendation	Protection Technique Recommendation
5. Nash Properties (Park acquisition area only)	Large, high quality complex of forest and wetlands adjacent to existing parkland. Contributes to preserving quality of Reddy Branch Biodiversity Area	Add to Natural Resources category (Class I) - Retain within agricultural and water supply target areas	<ul style="list-style-type: none"> - Protect through dedication or acquisition - Potential for combining with Ag preservation efforts on the rest of Nash properties - Potential for heritage protection
6. Mess and Simms properties (Park acquisition area only)	Large, high quality forest complex. Key trail connection from Northwest Branch to Hawlings & Patuxent Rivers	Add to Natural Resources category (Class I) - Retain within agricultural and water supply target areas	<ul style="list-style-type: none"> - Protect Mess through dedication of open space required by RNC Zone - Protect Simms through acquisition
7. Central Union Mission	Two large forested areas immediately adjacent to parkland. Provides important ecological buffer to Hawlings River Biodiversity Area	Add to Water Supply target area (Class II)	<ul style="list-style-type: none"> - Protect through easement with current use - Seek dedication or acquisition if land use changes

2

LINOWES
AND BLOCHER LLP
ATTORNEYS AT LAW

September 21, 2004

Robert H. Metz
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Anne C. Martin
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amartin@linowes-law.com

The Honorable Steven A. Silverman, President,
and Members of the Montgomery County Council
100 Maryland Avenue, Sixth Floor
Rockville, Maryland 20850

Re: Planning Board Draft - Draft Olney Master Plan

Dear President Silverman and Members of the County Council:

On behalf of Central Union Mission (the "Mission"), the owners of the 219 acre property located in the RC (Rural Cluster) zone at 20501 Georgia Avenue in northeast Olney (the "Property"), we respectfully request that language pertaining to the Property in the Planning Board Draft of the Olney Master Plan (the "Draft Plan") be revised to maintain flexibility so that future development and environmental protection can coexist on the Property. As discussed herein, we request that Draft Plan be revised to: 1) note that if the land use changes, environmental protection on the Property can occur through easements instead of dedication and acquisition, and 2) specify that it is the priority forests that need to be protected, not the entire wooded area of the Property.

The Mission has owned the Property since 1934 and uses the site for the operations of its christian summer camp (overnight) for at-risk children known as Camp Bennett, as well as some agricultural, religious, and recreational activities. Since 1969, the Mission has also integrated the use and maintenance of the Property into the third phase of its five-phase Spiritual Transformation Program. The main area of the Camp is in the rear of the Property, with the cabins, dining hall and recreational buildings surrounded by the wooded natural environment that the Mission has preserved over its history of owning the Property.

The Mission intends to maintain Camp Bennett on the Property, and utilize the RC cluster opportunity to create single-family lots on the Property, using the proceeds to continue its valuable mission in the community. The Mission retained Loiederman Soltesz Associates to prepare a pre-preliminary plan application to proceed with perc testing of the Property and thus determine the potential density of the Property. Based on the significant site area necessary for a septic field in the Patuxent River Watershed area of the County, the constraints associated with the well and septic requirements and the limitations imposed by the forest conservation

The Honorable Steven A. Silverman
September 21, 2004
Page 2

regulations, the Mission has proposed only 33 lots on the pre-preliminary plan (the "Draft Cluster Plan"), instead of the potential 43 lots permitted in the RC cluster zone for the Property. Regardless of the number of lots, 60 percent of the Property, or 132 acres, will remain as open space pursuant to the cluster provisions of the RC zone.

The Draft Plan identifies the Property (or a significant portion thereof) as an area that is in a Water Supply Target area of the Legacy Open Space Master Plan (the "Open Space Plan") and recommends to:

Protect through easement with current use. If land use changes, preferred option if land use changes is to seek dedication or acquisition of the portion of the forest that adjoins the Hawlings River Stream Valley Park. Use easements to protect the rest of the forest. At the time of subdivision, easements could be used to protect all or part of the forest if deemed appropriate by the Planning Board.

However, in order to provide some certainty for the Mission and preserve the flexibility for some development on the Property, while maintaining Camp Bennett, we respectfully request that Draft Plan be revised to: 1) note that environmental protection on the Property can occur through easements instead of solely by dedication and acquisition, and 2) specify that it is the priority forests that need to be protected, not the entire wooded area of the Property. Specifically we request the "Protection Technique Recommendation" that is currently on page 143 of the Draft Plan, a copy of which is attached, be revised as follows:

Protect the priority forests of the Hawlings River Stream Valley Park through easements. [~~with current use; If land use changes, preferred option is to seek dedication or acquisition of the portion of the forest that adjoins the Hawlings River Stream Valley Park. Use easements to protect the rest of the forest.~~] At the time of subdivision, easements could be used to protect all or part of the forest if deemed appropriate by the Planning Board.

The environmentally sensitive areas of the Property could be thoroughly protected with the proposed residential development through the application of the forest conservation laws and the zoning regulations. For example, with the proposed development, over 57 acres of the Property would automatically be in conservation easements as stream valley buffers areas. Further, the Mission proposes to put approximately 17 additional acres of the Property in Category I forest conservation easements in the current Draft Cluster Plan. The easements would provide the same protection and use of the forest areas as dedication. The Mission has provided protection without any easements for over 70 years and is committed to continue that protection in the future with the Category I Forest Conservation Easement to satisfy the goals

The Honorable Steven A. Silverman
September 21, 2004
Page 3

of the Open Space Plan. It is extremely important that the Mission retain ownership of the Property as it is critical to protect the children at Camp Bennett and to avoid the "general public" from having access to the Camp. We would submit that there is no difference in the protection given to the forested areas between dedicating the area and imposing an easement, especially with a 70-year history of protection.

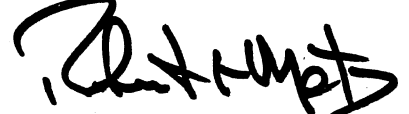
The flexibility in this language is critical because there are approximately twelve (12) lots in the current Draft Cluster Plan proposed in the southeast corner and middle of the Property that contain portions of a low priority forested area identified by the Planning Board Staff. Although our pre-preliminary plan will change as a result of the perc tests, it is impossible to cluster the development entirely out of the low priority forested areas of the Property as suggested because of the well and septic regulations and restrictions. The ability to utilize this low priority area of the Property for the already significantly limited residential development is therefore critical to provide the housing units and to continue Camp Bennett and the work of the Mission. The proposed language change will maintain the discretion and flexibility of the Planning Board at the time of subdivision, but provides the direction from the Council clarifying that the priority forests (approximately 60 acres) should be protected, and that the preservation of the low priority forests should be balanced with the provision of housing, the 132 acres of open space on the Property, and perpetuation of the goals of the Mission.

Thank you for your consideration of this request on behalf of the Mission to preserve some flexibility for the future of its Property over the 20 year lifetime of the Olney Master Plan, while still maintaining the guidance to protect the priority environmentally sensitive areas on the site. We look forward to working with the Planning Board Staff as this proposed development progresses to accomplish all of the desired objectives, including environmental protection, provision of housing, and maintaining Camp Bennett and the services provided by the Mission.

Our best regards.

Sincerely,

LINOWES AND BLOCHER LLP



Robert H. Metz



Anne C. Martin

The Honorable Steven A. Silverman
September 21, 2004
Page 4

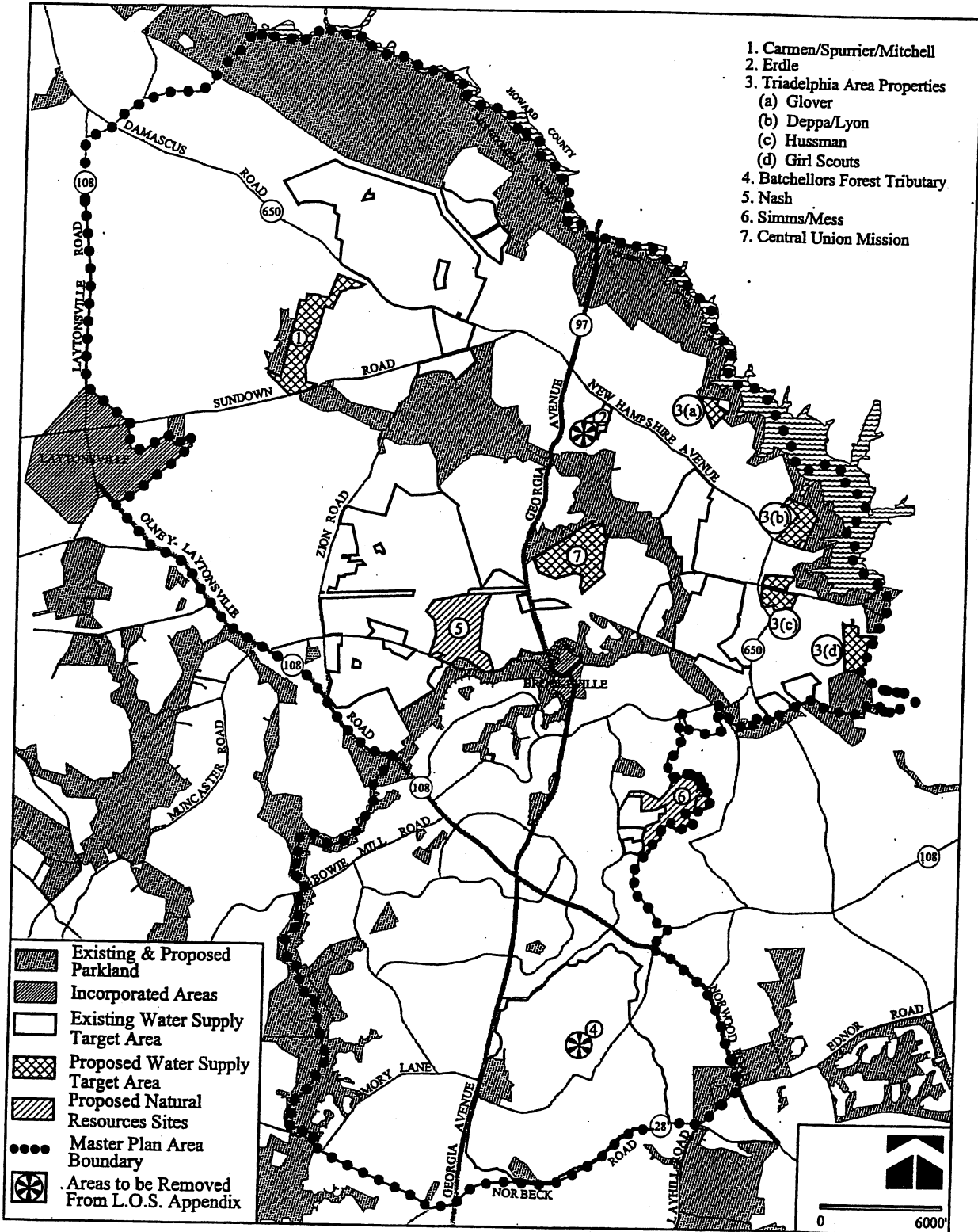
Attachments

cc: Mr. David O. Treadwell
Mr. Stephen P. Tawes

Natural Resources and Legacy Open Space

Site Number & Name	Comments	Legacy Category Recommendation	Protection Technique Recommendation
5. Nash Properties (Park acquisition area only)	Large, high quality complex of forest and wetlands adjacent to existing parkland. Contributes to preserving quality of Reddy Branch Biodiversity Area	Add to Natural Resources category (Class I) - Retain within agricultural and water supply target areas	<ul style="list-style-type: none"> - Protect through dedication or acquisition - Potential for combining with Ag preservation efforts on the rest of Nash properties - Potential for heritage protection
6. Mess and Simms properties (Park acquisition area only)	Large, high quality forest complex. Key trail connection from Northwest Branch to Hawlings & Patuxent Rivers	Add to Natural Resources category (Class I) - Retain within agricultural and water supply target areas	<ul style="list-style-type: none"> - Protect Mess through dedication of open space required by RNC Zone - Protect Simms through acquisition
7. Central Union Mission	Two large forested areas immediately adjacent to parkland. Provides important ecological buffer to Hawlings River Biodiversity Area	Add to Water Supply target area (Class II)	<ul style="list-style-type: none"> - Protect through easement with current use - If land use changes, preferred option is to seek dedication or acquisition of the portion of the forest that adjoins the Hawlings River Stream Valley Park. Use easements to protect the rest of the forest. At the time of subdivision, easements could be used to protect all or part of the forest if deemed appropriate by the Planning Board.

Legacy Open Space Recommendations



PHED COMMITTEE #1
October 25, 2004

MEMORANDUM

October 21, 2004

TO: Planning, Housing, and Economic Development (PHED) Committee

FROM: Marlene L. Michaelson, Senior Legislative Analyst
Amanda White, Council Legal Intern

SUBJECT: Olney Master Plan; Worksession #1

This is the PHED Committee's first worksession on the Olney Master Plan. The schedule for review of Master Plan issues is as follows:

Worksession #1: Major Plan Theme and Concepts for Sub Areas
Northern Olney
Southwest Quadrant (excluding the Bowie Mill School Site)

Worksession #2: Environmental Issues (including special protection area
designation and impervious caps)
Southeast Quadrant

Worksession #3: Community Facility Issues
General Housing Issues
Town Center (including Dr. Miller's property)
Bowie Mill School Site
Special Exception Recommendations

Staff has attached a map of the major properties to ©1. This map also appears on page 26 of the Master Plan. A zoning map for Southern Olney appears on page 133 of the Plan. **Committee members should bring a copy of the Plan with them for reference purposes.**

Exhibit C

I. MAJOR PLAN THEMES AND CONCEPTS FOR SUB AREAS

The Olney Master Plan was last revised in 1980 and this Master Plan revision confirms many of the same themes outlined in the last plan. This Plan affirms the satellite town concept as the basic framework of land use planning in Olney and focuses on improving current land use patterns through infill development, preserving open space, and upgrading existing facilities. The Plan also proposes additional opportunities to meet the area's need for more affordable housing at appropriate locations and densities.

The Olney Planning Area includes four main sub areas: Northern Olney, the Southwest quadrant, the Southeast quadrant, and the Town Center. Northern Olney consists of all of the land north of Brookeville Road and MD 108. This area is mostly open space with the northwest area zoned RDT and the northeast area zoned RC. The Plan proposes acquisition of approximately 753 additional acres of forested land as parkland to protect the area's sensitive environmental resources. Additionally, the Plan recommends protection of open space critical to the County's drinking water resource through a combination of land use initiatives, regulatory controls, public-private partnerships, and implementation of best management practices to reduce imperviousness and increase undisturbed natural open space in new developments.

The Southwest quadrant is mostly developed land. The Plan recommends changes to only a few select properties. The Southeast quadrant is primarily vacant, undeveloped land and contains significant environmental resources including the headwaters of the Northwest Branch. The Plan retains Southeast Olney as a transition area between the Town Center and more rural communities. The Plan recommends that new housing be clustered to conserve open space and natural resources. The Plan recommends changes to a significant number of properties.

The Town Center is the commercial area around the intersection of Georgia Avenue and MD 108. It is mostly developed land with options for redevelopment. It is envisioned as a local shopping and service area that also serves as the focal point of the community's civic life. The Plan reinforces the Town Center by prohibiting commercial development outside the Town Center. The Plan proposes circulation and urban design improvements to make it more pedestrian-oriented.

II. NORTHERN OLNEY

There are only two groups of properties in the Northern Olney area with specific recommendations and testimony that the Committee should consider. Each is discussed below.

A. Central Mission Property

Several properties in the northern part of Olney were recommended for parkland acquisition including the Spurrier, Carmen, Mitchell, Nash, Central Mission and PEPCO properties. Since the owners of the Central Mission property were the only ones to object to this recommendation, they are the focus of the following discussion.

Page in Master Plan: 19 and 143

Acres: 219

Existing Zoning: RC

Recommended Zoning: RC

Plan Recommendations: Protect forest areas and wetlands on the Central Union Mission property. Add the Central Union Mission property (as well as similar properties) to proposed parkland.

Testimony: Central Union Mission requests that the draft plan be revised to: (1) note that if the land use changes, environmental protection on the property can occur through easements instead of dedication and acquisition, and (2) specify that it is the priority forests that need to be protected, not the entire wooded area of the property.

Staff Analysis: Regarding the first request of Central Union Mission, the Master Plan clearly states on page 143 that the Planning Board can allow easements instead of dedication or acquisition. The chart on page 143 recommends consideration as a Legacy Open Space site and provides the following guidance regarding the Central Union Mission property:

Site Number and Name	Comments	Legacy Category Recommendation	Protection Technique and Recommendation
7. Central Union Mission	Two large forested areas immediately adjacent to parkland. Provides important ecological buffer to Hawlings River Biodiversity Area.	Add to Water Supply target areas (Class II)	-Protect through easement with current use. -If land use changes, preferred option is to seek dedication or acquisition of the portion of the forest that adjoins the Hawlings River Stream Valley Park. Use easements to protect the rest of the forest. At the time of subdivision, easements could be used to protect all or part of the forest if deemed appropriate by the Planning Board.

Since the Plan states that easements are appropriate with the current use, Central Union Mission does not have to be concerned about allowing public access through their camp for at-risk children. If the use changes in the future, the Planning Board will still have the opportunity to make a judgment call regarding the benefits of public ownership versus private ownership with easements.

Regarding their second request to only require preservation of priority forests, Planning Environmental staff will be prepared to address this question at the worksession and will describe the characteristics of the forest on this property and the scope of needed preservation.

MEMORANDUM

November 3, 2004

TO: Planning, Housing, and Economic Development (PHED) Committee

FROM: Marlene L. Michaelson, ^{JMM} Senior Legislative Analyst

SUBJECT: Olney Master Plan; Worksession #2

This is the PHED Committee's second worksession on the Olney Master Plan. This meeting will include follow-up issues identified at the last worksession, environmental issues and the Southeast Quadrant (excluding the Golden Bear site which will be addressed at a future worksession). A map showing each of the major properties discussed in this packet is attached on ©1. Committee Members should bring a copy of the Plan for reference.

I. FOLLOW-UP ISSUES

At the October 25th worksession the Committee identified three issues for follow-up discussion. Detailed information provided in that packet is not repeated below; Committee Members may want to bring a copy of the October 25th packet for referenced.

A. Central Union Mission Property

Background information on this property was provided in the packet for the October 25th Committee meeting. The Committee asked Staff to draft language that would allow the camp to continue operating at their current site without being required to provide public access as long as the camp continues to operate. Park and Planning Department Staff believe it would be advisable to seek dedication or acquisition when the property owner is before the Planning Board for any change in land use (since they will have no basis for requesting dedication at a later date); however, this may occur at a time when the camp is still operational. One option is to continue to recommend dedication or acquisition at the time of any change in land use but to have M-NCPPC enter into a "life estate agreement" that would guarantee Central Union Mission

use of the property and deny public access for as long the camp is operational. (This is typically used when the Park and Planning Department purchases a property or easement and there is a resident who wants to remain in their home; Staff sees no reason why this same approach cannot be used for an institution.) The other option would be to delay acquisition until the camp ceases operation. The disadvantage of this option is that dedication may not longer be an option and acquisition would be far most costly for the County. It would also be difficult for M-NCPPC to know when the camp closes.

The Committee agreed with the property owner's request to add language indicating that only priority forests needed to be protected based in part on the fact that Park and Planning Department Staff had no objection at the worksession. After further consideration of this issue and review of the forest delineation maps, Park and Planning Department now believe that the Plan should require protection of **high and medium priority forests**. They will be prepared to discuss the rationale for their new recommendation at the worksession.

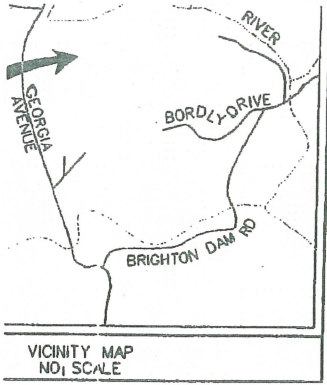
Revised language which recommends protection of high and medium priority forests (per the revised Planning staff recommendation) and recommends allowing continued operation of the camp after dedication is provided below.

Site Number and Name	Comments	Legacy Category Recommendation	Protection Technique and Recommendation
7. Central Union Mission	Two large forested areas immediately adjacent to parkland. Provides important ecological buffer to Hawlings River Biodiversity Area.	Add to Water Supply target areas (Class II)	-Protect <u>high and medium priority forest</u> through easement with current use (<u>camp on site</u>). -If land use changes, preferred option is to seek dedication or acquisition of the portion of the forest that adjoins the Hawlings River Stream Valley Park. (<u>The existing camp should be allowed to continue operations and M-NCPPC should restrict public access on parkland for as long as the camp is in operation.</u>) Use easements to protect the rest of the forest. At the time of subdivision, easements could be used to protect all or part of the <u>high and medium priority forest</u> if deemed appropriate by the Planning Board.

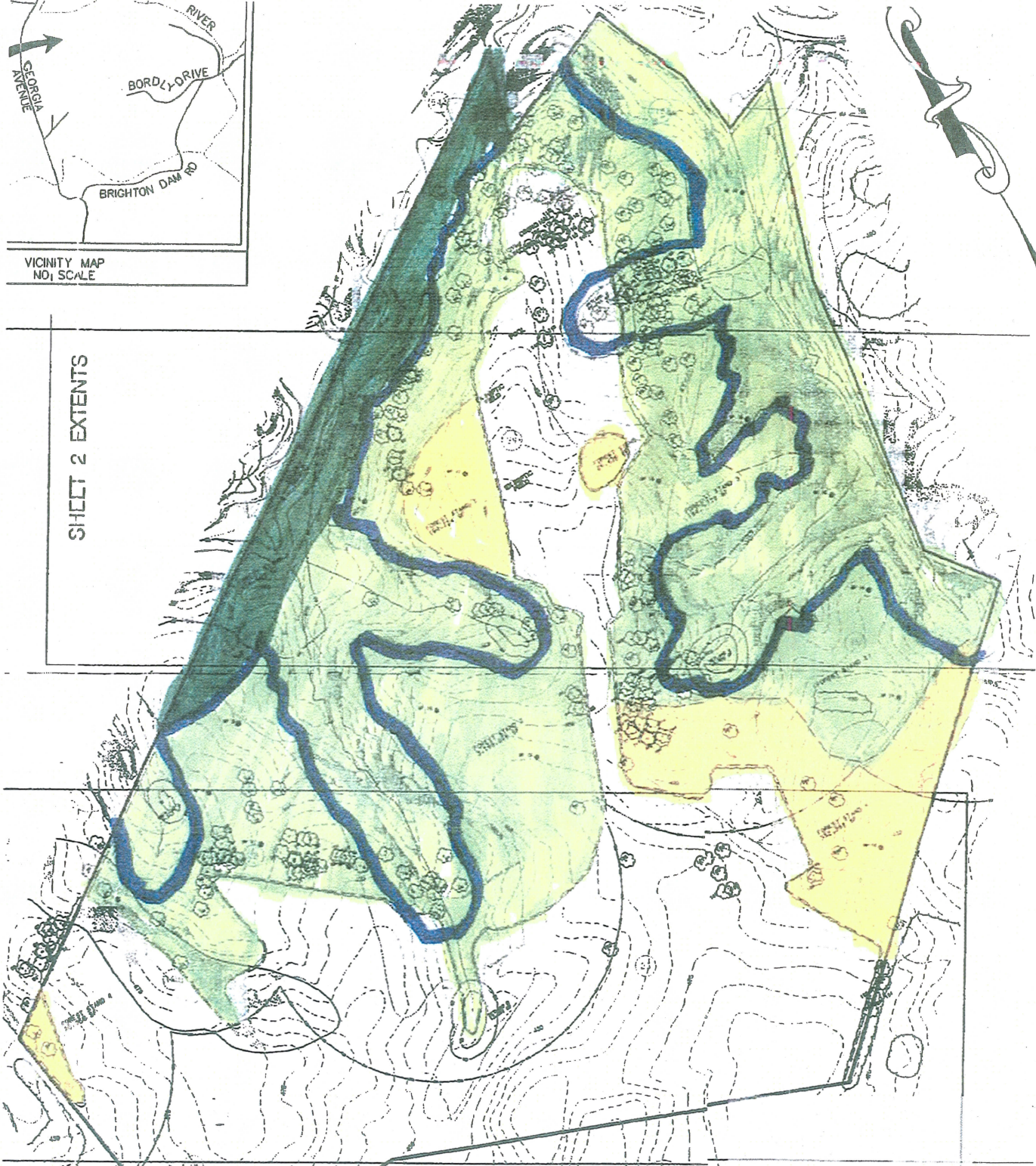
B. Silo Inn Property

Background information on this property was provided in the packet for the October 25th Committee meeting. A brief summary of zoning information is provided below.

Central Union Mission

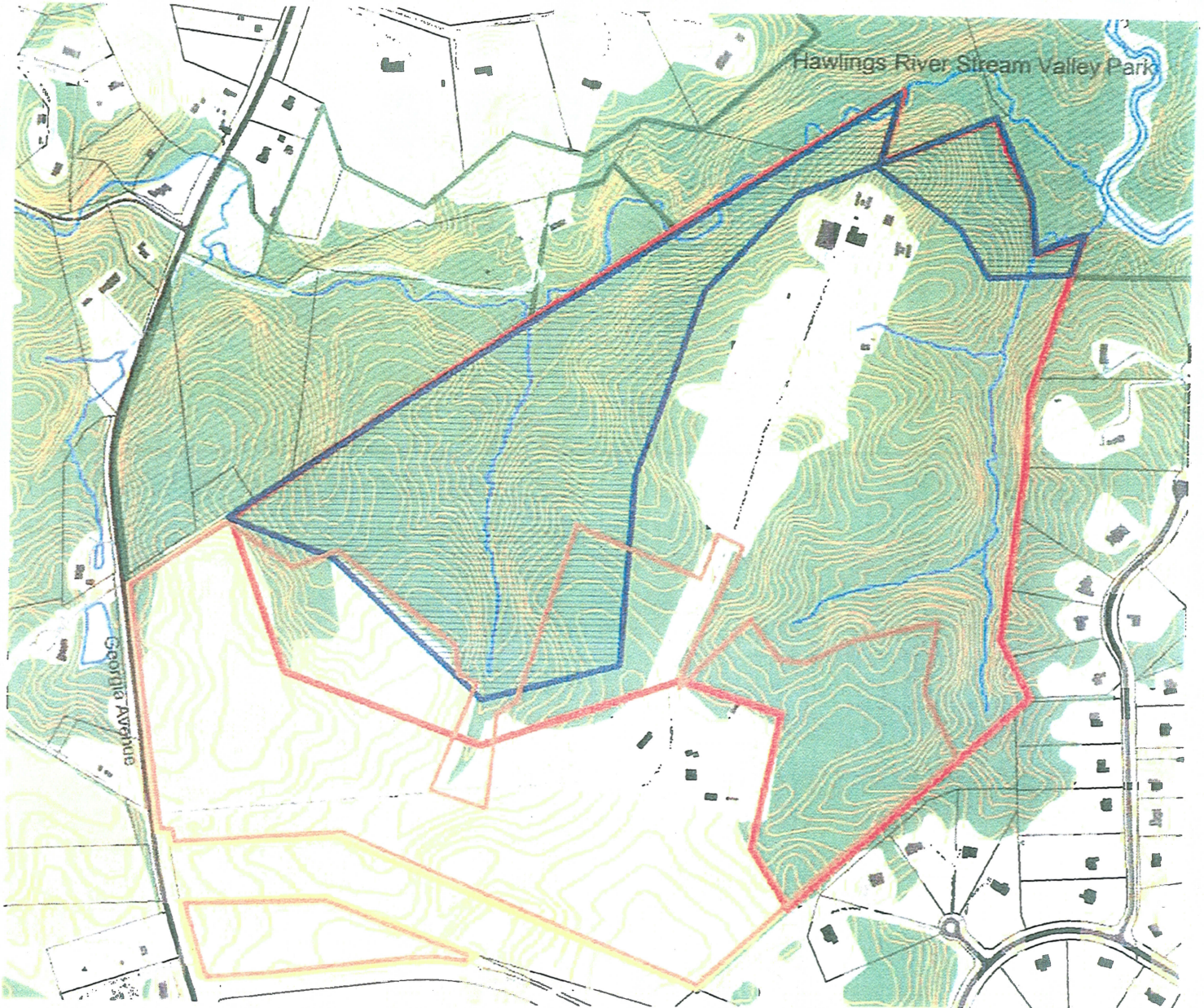


SHEET 2 EXTENTS



- High Priority
 - Medium to High Priority
 - Low Priority
 - Stream Valley
- (Soil Sur)

Central Union Mission Property Concept Park Dedication Area - Option B













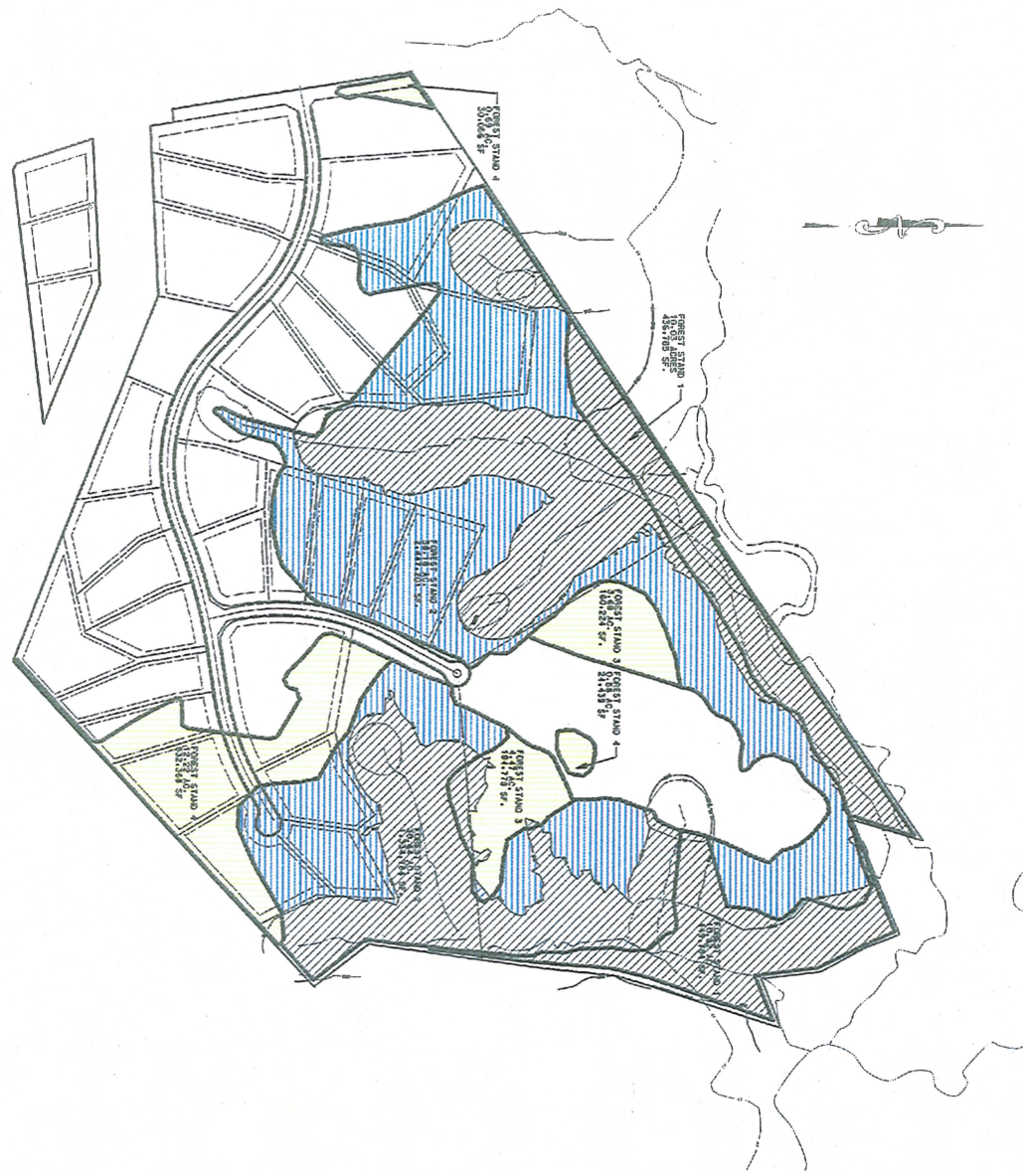
-  Potential Park Acquisition/Dedication Area
-  Potential Development Footprint (based on Pre-Preliminary Plan #4-04043)
-  Proposed Legacy Open Space Water Supply Resource
-  Central Union Mission Property
-  Woodlands
-  Crop and Pasture Land
-  Existing Parkland
-  Proposed Parkland
-  Rivers and Streams
-  Topography





Exhibit G



FOREST STAND SUMMARIES

FOREST STAND #	ACRES
FOREST STAND #1	20.28
FOREST STAND #2	81.92
FOREST STAND #3	81.6
FOREST STAND #4	12.27

PRIORITY AREA TOTALS

HIGH PRIORITY AREA	58.90 ACRES
MEDIUM PRIORITY AREA	58.00 ACRES
LOW PRIORITY AREA	23.77 ACRES

LEGEND

- HIGH PRIORITY AREA
- MEDIUM PRIORITY AREA
- LOW PRIORITY AREA
- PRIORITY BOUNDARY
- PROPERT Y BOUNDARY
- EXISTING OFF-PAV
- FOREST STAND BOUNDARY
- STIPICAL VALLEY BUFFER
- WETLAND BUFFER
- ROOFCLEAN BOUNDARY

PRIORITY EXHIBIT WITH LOTS

CENTRAL UNION MISSION
 PARCEL 376 PT GOULDS BRANCH
 20515 GEORGIA AVENUE
 OLNEY REGION DISTRICT NO. 8
 MONTGOMERY COUNTY, MARYLAND

ROCKVILLE OFFICE
 1300 WASHINGTON BLVD
 ROCKVILLE, MD 20850
 TEL: 301-281-1100
 FAX: 301-281-1101

NO.	DATE	DESCRIPTION	BY
1	10/15/01	PRELIMINARY	...
2	11/15/01
3	12/15/01
4	01/15/02
5	02/15/02
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99	12/15/09
100	01/15/10

U.S. Geological Survey
 National Wetlands Inventory
 12/15/01

AGENDA ITEM #12
December 7, 2004

Worksession

MEMORANDUM

December 2, 2004

TO: County Council
FROM: Marlene L. Michaelson, Senior Legislative Analyst
Amanda White, Council Legal Intern
SUBJECT: Olney Master Plan

The recommendations of the Planning, Housing, and Economic Development (PHED) Committee on the Olney Master Plan are presented below. The Committee met on October 25th, November 5th, 15th and 22nd to discuss land use issues. The major issues covered in this memorandum are listed below (transportation is addressed in a separate memorandum). In the detailed report which follows, the Committee recommendation is stated at the beginning of each section.

- I. Major Plan Theme and Concepts for Sub Areas
- II. Environmental Issues
- III. Northern Olney
- IV. Southwest Quadrant
- V. Southeast Quadrant
- VI. Town Center¹
- VII. Parks and Recreation
- VIII. Community Facility Issues

The Committee supported all of the major recommendations in the Master Plan and the underlying themes of the Plan. The only major changes recommended by a majority of the Committee are as follows:

¹ The PHED Committee has deferred some issues associated with Town Center pending its review of the new Town Center zone that will be introduced on December 14th. The Council will have to revisit the Master Plan recommendations for Town Center after considering the zoning text amendment.

Summary of Results of Planning Staff SPA Analysis

	High Quality or Unusually Sensitive	Zoning or Existing Land Uses Conflict with Water Quality Goals	SPA Requirements or Imperviousness Cap Make a Difference
Batchellors Forest Tributary of Northwest Branch	No - Use IV stream, CSPA half Good, half Fair. Good scores are low in the good range	Maybe – 5-6% increase in imperviousness resulting in predicted Fair conditions	Maybe – Caps would probably limit only a few special exceptions and institutional uses

Testimony: The South East Rural Olney Civic Association, the Olney Coalition, the Upper Rock Creek Coalition, the Greater Olney Civic Association, and the Audubon Naturalist Society support a Special Protection Area designation for the Northwest Branch. Similarly, Jane Osburn and Leslie Cronin support a SPA designation for the Northwest Branch. Washington Christian Academy endorses the recommendation that the Master Plan not specifically set an impervious cap for developable properties in the Southeast quadrant since properties vary in their imperviousness for each particular development option.

Staff analysis: Staff once again believes that the two criteria in judging the need for an impervious surface cap are the quality of the water and the impact of a cap. While the Southeast Quadrant contains two of the main tributaries forming the headwaters of the Northwest Branch, the streams are use Class IV and the water quality is not considered to be as environmentally pristine as the North Branch of Rock Creek. Planning staff believe that at 0.33 units per acre density, the Northwest Branch would stay at around an acceptable 12.1% imperviousness.

Assuming the density does not change from the Planning Board draft, Planning staff indicate that either an 8% or 10% cap would not change overall watershed imperviousness. The only unknown which could impact imperviousness is the development of new institutions (in addition to those institutions discussed in the Plan which are included in the imperviousness calculations). The Planning Board has submitted to the Council a text amendment which would limit the imperviousness of institutions in low-density zones to 20%. If this text amendment passes and new institutions are built, the overall imperviousness could increase approximately 1%. If the text amendment does not pass and new institutions are built at more typical levels of imperviousness, Planning staff estimate that imperviousness could increase as much as 3%. Since a cap would not impact residential development, the primary rationale for imposing a cap would be to prevent unintended increases in imperviousness due to institutions. A text amendment which deals with this issue in all low-density zones might be a better way to address this issue.

III. NORTHERN OLNEY

There are only two groups of properties in the Northern Olney area with specific recommendations and testimony that the Committee considered. Each is discussed below.

A. Central Union Mission Property

Committee Recommendation: The Committee majority recommends amending the Master Plan to indicate that only the “high” priority forests should be protected. Councilmember Praisner supported the Park and Planning Department Staff’s recommendation to protect “high and medium” priority forests. The entire Committee recommends that the Plan clarify that Central Union Mission should be able to use the property as long as they operate the camp.

Several properties in the northern part of Olney were recommended for parkland acquisition including the Spurrier, Carmen, Mitchell, Nash, Central Union Mission and PEPCO properties. Since the owners of the Central Union Mission property were the only ones to object to this recommendation, they are the focus of the following discussion.

Page in Master Plan: 19 and 143

Acres: 219

Existing Zoning: RC

Recommended Zoning: RC

Plan Recommendations: Protect forest areas and wetlands on the Central Union Mission property. Add the Central Union Mission property (as well as similar properties) to proposed parkland.

Testimony: Central Union Mission requests that the draft plan be revised to: (1) note that if the land use changes, environmental protection on the property can occur through easements instead of dedication and acquisition, and (2) specify that it is the priority forests that need to be protected, not the entire wooded area of the property.

Committee Recommendation: Regarding the first request of Central Union Mission, the Master Plan clearly states on page 143 that the Planning Board can allow easements instead of dedication or acquisition. The Committee did not believe that the Plan should exclude the possibility of dedication or acquisition at the time of a new subdivision of this property (since they will have no basis for requesting dedication at a later date). Instead the Committee recommends that the Plan be clarified to indicate that Central Union Mission should be able to continue to operate their camp at this location without concern about providing public access while campers are on the premises. M-NCPPC can enter into a “life estate agreement” that would guarantee Central Union Mission use of the property and deny public access for as long the camp is operational. (This is typically used when the Park and Planning Department purchases a property or easement and there is a resident who wants to remain in their home; Staff sees no reason why this same approach cannot be used for an institution.)

The Committee majority agreed with the property owner’s request to add language indicating that only high priority forests needed to be protected. Councilmember Praisner supported the Park and Planning Department staff recommendation that the Master Plan require protection of **high and medium** priority forests.

Revised language which recommends protection of high priority forests and recommends allowing continued operation of the camp after dedication is provided below.

Site Number and Name	Comments	Legacy Category Recommendation	Protection Technique and Recommendation
7. Central Union Mission	Two large forested areas immediately adjacent to parkland. Provides important ecological buffer to Hawlings River Biodiversity Area.	Add to Water Supply target areas (Class II)	-Protect <u>high priority forest</u> through easement with current use (<u>camp on site</u>). -If land use changes, preferred option is to seek dedication or acquisition of the portion of the forest that adjoins the Hawlings River Stream Valley Park. (<u>The existing camp should be allowed to continue operations and M-NCPPC should restrict public access on parkland for as long as the camp is in operation.</u>) Use easements to protect the rest of the forest. At the time of subdivision, easements could be used to protect all or part of the <u>high priority forest</u> if deemed appropriate by the Planning Board.

B. Mess, Simms and Brooke Grove Foundation Properties

Committee Recommendation: Support Master Plan recommendation.

Page in Master Plan: 25, 131, and 143 (see map on page 25)

Acres: Mess - 204 acres; Brooke Grove Foundation – 15.8 acres; Simms – 10.6 acres

Existing Zoning: RE-2

Recommended Zoning: Mess property – RNC with .33 units per acre; Simms property – RNC with .2 units per acre or .33 if combined with Mess.

Plan Recommendations: Rezone the Simms property to RNC with .2 units per acre on community water and septic. Either acquire the Simms property as parkland or allow .33 units per acre on sewer if it is combined with the Mess property and dedicated as parkland.

Rezone the Mess and Brooke Grove Foundation properties to RNC on community water and sewer with .33 units per acre. Acquire as parkland the forested area and stream buffers on the Mess property and confine houses to the open field area.

Testimony: The Mess family does not want the zoning changed on their property and notes that several other nearby properties have been developed at higher densities on water and sewer. They believe that the change in zoning would be an unfair downzoning. The County Executive supports the preservation of parkland through the purchase of the Simms property.

1/11/05

LINOWES
AND BLOCHER LLP
ATTORNEYS AT LAW

January 11, 2005

Robert H. Metz
301.961.5112
rmetz@linowes-law.com
Anne C. Martin
301.961.5127
amartin@linowes-law.com

Hand Delivered

The Honorable Thomas E. Perez, President,
and Members of the Montgomery County Council
100 Maryland Avenue, Sixth Floor
Rockville, Maryland 20850

Re: Olney Master Plan- Council Worksession January 18, 2005

Dear President Perez and Members of the County Council:

On behalf of Central Union Mission (the "Mission"), the owner of the 219 acre property located in the RC (Rural Cluster) zone at 20501 Georgia Avenue in northeast Olney (the "Property"), we would like to provide answers to some of the questions Council members posed at the Council Worksession on December 7, 2004, regarding the recommendations for the Property in the Draft Olney Master Plan (the "Draft Plan"). As noted in the Council Staff Memorandum regarding the Environmental Issues in the Draft Plan, the PHED Committee recommended that the language pertaining to the Property be clarified to state that the "high" priority forest should be protected through easement. This clarification will consequently give the Planning Board more flexibility with respect to the medium priority forests on the Property during the review of a residential cluster development. At the worksession, some Council members had questions regarding the forests on the Property and the residential development, therefore we have addressed these issues in detail below.

The Mission intends to maintain the existing camp retreat use on the Property and utilize the RC cluster development to create single-family lots on a portion of the Property, using the proceeds to continue its valuable mission in the community. Pursuant to the cluster provisions of the RC zone, 60 percent of the Property, or 132 acres, will remain as open space with the development and will consist of forest areas, fields, landscaped areas and some camp retreat areas. The Mission has prepared a pre-preliminary plan, conducted perc testing of the Property and is in the process of determining the potential density of the Property. Based on the significant site area and setbacks necessary for a septic field in the Patuxent River Watershed area of the County, the constraints associated with the well and septic requirements, and the

The Honorable Thomas E. Perez
January 11, 2005
Page 2

limitations imposed by the forest conservation regulations, the Mission can only provide 29 lots for the residential development on the Property instead of the potential 43 lots permitted in the RC cluster zone. To provide an example of some of these constraints, on the current draft pre-preliminary plan for the Property, the septic setback areas from lot lines range from 21 to 50 percent of the lot area and the septic fields themselves comprise from 10 to 35 percent of the lot area for the proposed lots. These well and septic constraints restrict the location and number of lots and the buildable area on the Property such that providing more lots, smaller in size, is not an option as suggested at the Council worksession. In summary, the Property is already limited to 14 lots less than the recommended RC zone density of 43 lots based on the environmental and well and septic constraints alone.

The Property has 55 acres of high priority forests that will be preserved in conservation easements through development, and approximately 32 acres of medium and low priority forests are also proposed to be preserved in easements with the current development proposal for the Property. In addition, the Property has existing field and recreational areas that will be preserved as open space. If the Draft Plan were to provide a guideline for the Planning Board to protect all medium priority forests on the Property in addition to the high priority forests, this would impact another 10 of the proposed current 29 lots, thus reducing the potential residential density on the Property from the recommended RC cluster density of 43 lots by over half to only 19 residential lots and homes.

In order to provide some certainty for the Mission and preserve the flexibility for some development on the Property, we respectfully request that the Council adopt the PHED committee recommendation to specify as a guideline in the Draft Plan that it is the high priority forests that need to be protected, not the medium priority forests on the Property. It is impossible to cluster the development entirely out of the low and medium priority forested areas of the Property because of the well and septic regulations and restrictions. The ability to utilize these areas of the Property for the already significantly limited residential development is therefore critical to provide the housing units and to continue the camp retreat use and the work of the Mission. The proposed language change will maintain the discretion and flexibility of the Planning Board at the time of subdivision, but provides the direction from the Council clarifying that the high priority forests (approximately 55 acres) should be protected, and that the preservation of the medium and low priority forests should be balanced with the provision of housing, the 132 acres of open space on the Property, and perpetuation of the goals of the Mission.

Thank you for your consideration of this request on behalf of the Mission to preserve some flexibility for the future of its Property over the 20 year lifetime of the Olney Master Plan, while still maintaining the guidance to protect the priority environmentally sensitive areas on the site.

The Honorable Thomas E. Perez
January 11, 2005
Page 3

Our best regards.

Sincerely,

LINOWES AND BLOCHER LLP



Robert H. Metz



Anne C. Martin

cc: Ms. Marlene L. Michaelson
Ms. Amanda White
Mr. David O. Treadwell
Mr. Stephen P. Tawes

AGENDA ITEM #11
March 8, 2005

Action

MEMORANDUM

March 4, 2005

TO: County Council

FROM: Marlene L. Michaelson, Senior Legislative Analyst
Amanda White, Council Legal Intern *AW*

SUBJECT: Action on the Olney Master Plan

Attached on © 1- 37 is the resolution approving the Olney Master Plan. The resolution reflects the Council's decisions on the Master Plan (excluding the section on Town Center) and the Planning, Housing, and Economic Development (PHED) Committee's recommendations regarding Town Center. **Councilmembers should bring a copy of the Olney Master Plan with them for reference purposes.**

Drafts of the resolution were previously circulated and the attached resolution includes comments that Staff considered to be clarifications of Council or Committee decisions. Page 5 of the resolution includes the changes to the section of the Plan that address the Bowie Mill School site. The attached resolution is different from earlier drafts in the following ways:

- Criteria to be considered in determining the amount of housing on the Bowie Mill School site were changed in to include the requirement that at least 50 percent of the units be affordable. This requirement was part of the motion voted on by Council but inadvertently left out by Staff in the earliest draft of the resolution.
- The attached draft indicates that it would be acceptable to provide the affordable housing at another site in Olney if there is joint development of the 2 sites.
- The language regarding stormwater management is clarified to indicate that the suggested measures be included in a stormwater management concept plan.
- The Recommendation section on page 38 of the Plan now reflects the Council recommended change in zoning.

3. Expand the Upper Rock Creek Environmental Overlay Zone with an eight percent imperviousness cap for the same geographic area as the Special Protection Area.

Page 143: Revise section in chart on Central Union Mission as follows:

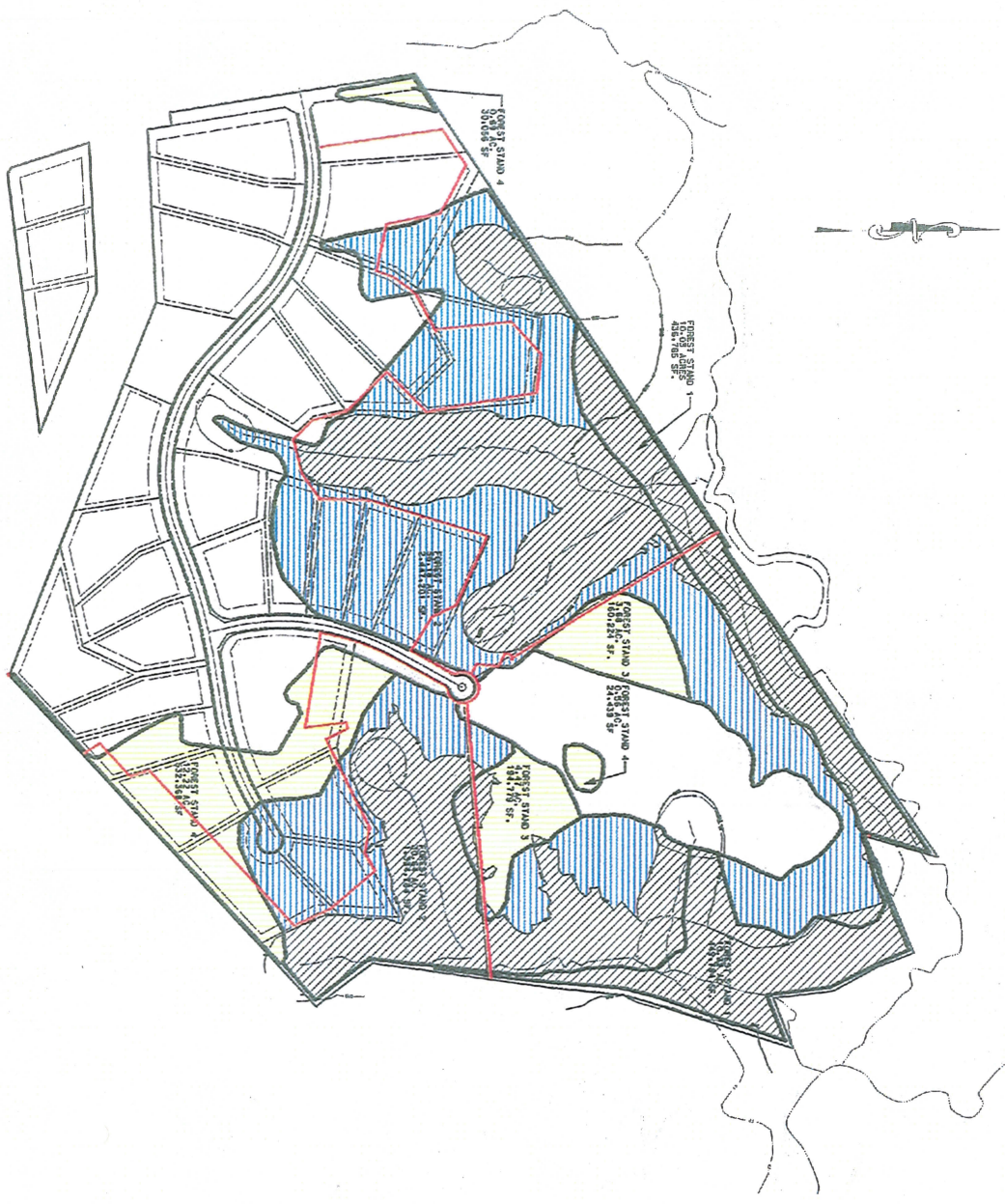
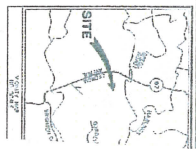
Site Number and Name	Comments	Legacy Category Recommendation	Protection Technique and Recommendation
7. Central Union Mission	Two large forested areas immediately adjacent to parkland. Provides important ecological buffer to Hawlings River Biodiversity Area.	Add to Water Supply target areas (Class II)	-Protect <u>high priority forest</u> through easement with current use (<u>camp on site</u>). -If land use changes, preferred option is to seek dedication or acquisition of the portion of the forest that adjoins the Hawlings River Stream Valley Park. (<u>The existing camp should be allowed to continue operations and M-NCPPC should restrict public access on parkland for as long as the camp is in operation.</u>) Use easements to protect the rest of the forest. At the time of subdivision, easements could be used to protect all or part of the <u>high priority forest</u> if deemed appropriate by the Planning Board.

General

All figures and tables included in the Plan are to be revised where appropriate to reflect District Council changes to the Planning Board Draft Olney Master Plan and to reflect actions taken on related zoning text amendments prior to the final printing of the approved Master Plan. In particular, text and estimates of housing units should be updated to reflect Council action on changes to legislation impacting Moderately Priced Dwelling Units (MPDUs). 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 Olney Master Plan.

In addition to the changes to the Master Plan described above, the Council recommends the follow tasks to support the Master Plan objectives:

The Park and Planning Department should review option to allow a small cancer center on the R-200 property owned by Dr. Kenneth Miller and prepare a text amendment for introduction. Options to be considered include amending the RE-2 zone to allow clinics by



FOREST STAND SUMMARIES

FOREST STAND #1	ACRES
HIGH PRIORITY	23.5
MEDIUM PRIORITY	0.09
LOW PRIORITY	0.00
TOTAL	23.59
FOREST STAND #2	ACRES
HIGH PRIORITY	32.81
MEDIUM PRIORITY	55.01
LOW PRIORITY	0.00
TOTAL	87.82
FOREST STAND #3	ACRES
HIGH PRIORITY	0.50
MEDIUM PRIORITY	0.00
LOW PRIORITY	724
TOTAL	724.50
FOREST STAND #4	ACRES
HIGH PRIORITY	18.27
MEDIUM PRIORITY	0.00
LOW PRIORITY	122.89
TOTAL	138.16

PRIORITY AREA TOTALS

HIGH PRIORITY AREA	59.06 ACRES
MEDIUM PRIORITY AREA	55.01 ACRES
LOW PRIORITY AREA	20.71 ACRES

LEGEND

- HIGH PRIORITY AREA
- MEDIUM PRIORITY AREA
- LOW PRIORITY AREA
- PROPERTY BOUNDARY
- EXISTING STREAM
- FOREST STAND BOUNDARY
- STREAM VALLEY BUFFER
- WETLAND BUFFER
- FLOODPLAIN BOUNDARY

PRIORITY EXHIBIT WITH LOTS

CENTRAL UNION MISSION
 PARCEL 375 PT GOULDS BRANCH
 20815 GEORGIA AVENUE
 OLNEY ELECTION DISTRICT NO. 8
 NORTHGOMERY COUNTY, MARYLAND

MISS UTILITY NOTE
 PROPERTY OWNERS FROM SURROUNDING LOTS TO BE ADVISED THAT THE PROPERTY LINES SHOWN ON THIS MAP ARE BASED ON THE RECORD SURVEY AND ARE NOT TO BE CONSIDERED AS A GUARANTEE OF ACCURACY. THE PROPERTY LINES SHOWN ON THIS MAP ARE NOT TO BE CONSIDERED AS A GUARANTEE OF ACCURACY. THE PROPERTY LINES SHOWN ON THIS MAP ARE NOT TO BE CONSIDERED AS A GUARANTEE OF ACCURACY.

RECORD INFORMATION

NO.	DATE	DESCRIPTION
1	10/15/2011	RECORD SURVEY
2	10/15/2011	RECORD SURVEY
3	10/15/2011	RECORD SURVEY
4	10/15/2011	RECORD SURVEY
5	10/15/2011	RECORD SURVEY
6	10/15/2011	RECORD SURVEY
7	10/15/2011	RECORD SURVEY
8	10/15/2011	RECORD SURVEY
9	10/15/2011	RECORD SURVEY
10	10/15/2011	RECORD SURVEY

PROPERTY INFORMATION

NO.	DATE	DESCRIPTION
1	10/15/2011	RECORD SURVEY
2	10/15/2011	RECORD SURVEY
3	10/15/2011	RECORD SURVEY
4	10/15/2011	RECORD SURVEY
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7	10/15/2011	RECORD SURVEY
8	10/15/2011	RECORD SURVEY
9	10/15/2011	RECORD SURVEY
10	10/15/2011	RECORD SURVEY

OWNER INFORMATION

NO.	DATE	DESCRIPTION
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2	10/15/2011	RECORD SURVEY
3	10/15/2011	RECORD SURVEY
4	10/15/2011	RECORD SURVEY
5	10/15/2011	RECORD SURVEY
6	10/15/2011	RECORD SURVEY
7	10/15/2011	RECORD SURVEY
8	10/15/2011	RECORD SURVEY
9	10/15/2011	RECORD SURVEY
10	10/15/2011	RECORD SURVEY

Attachment C

February 1, 2007

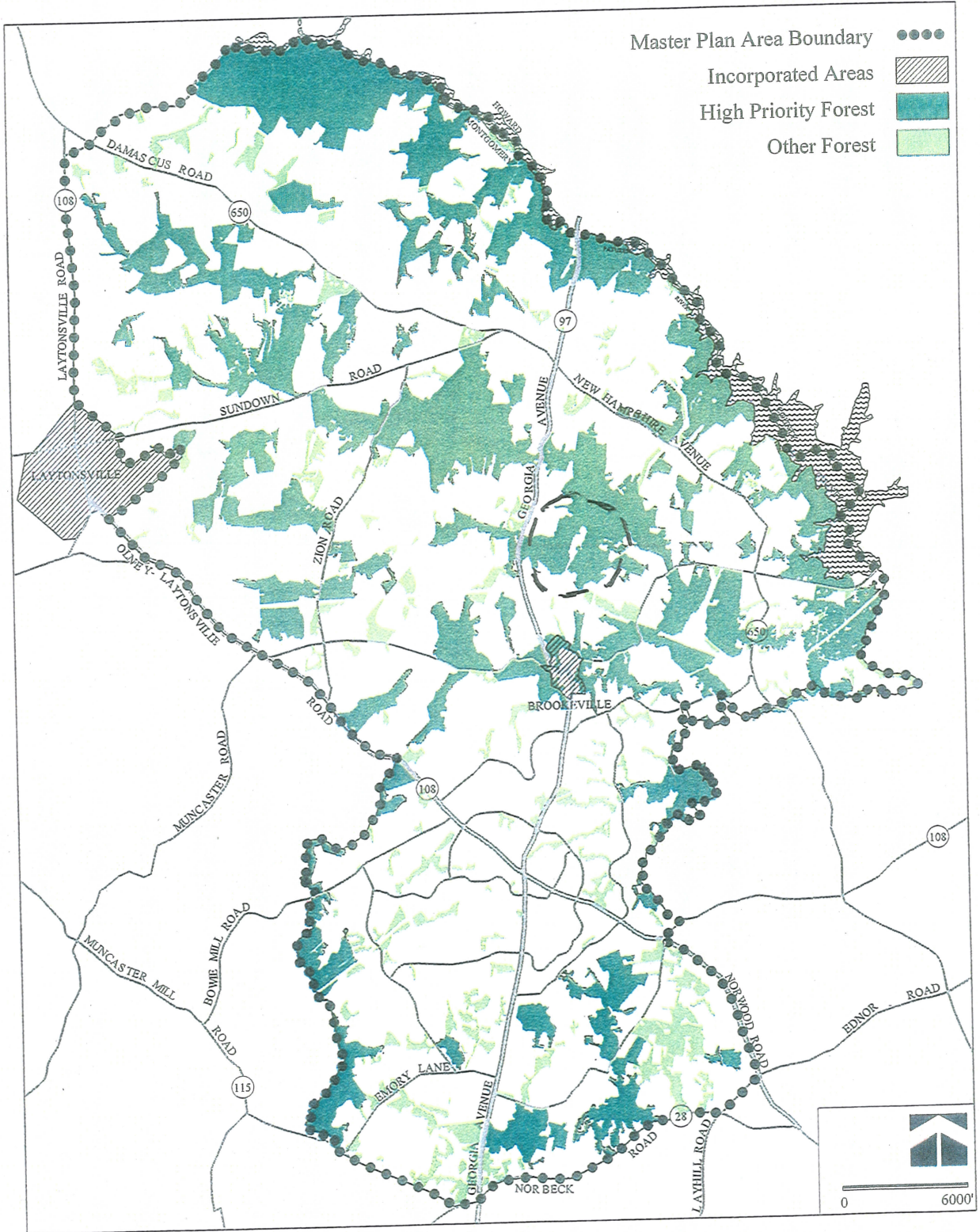
Bennett Knolls, Preliminary Plan No. 120060830

Proposed Revised Conditions:

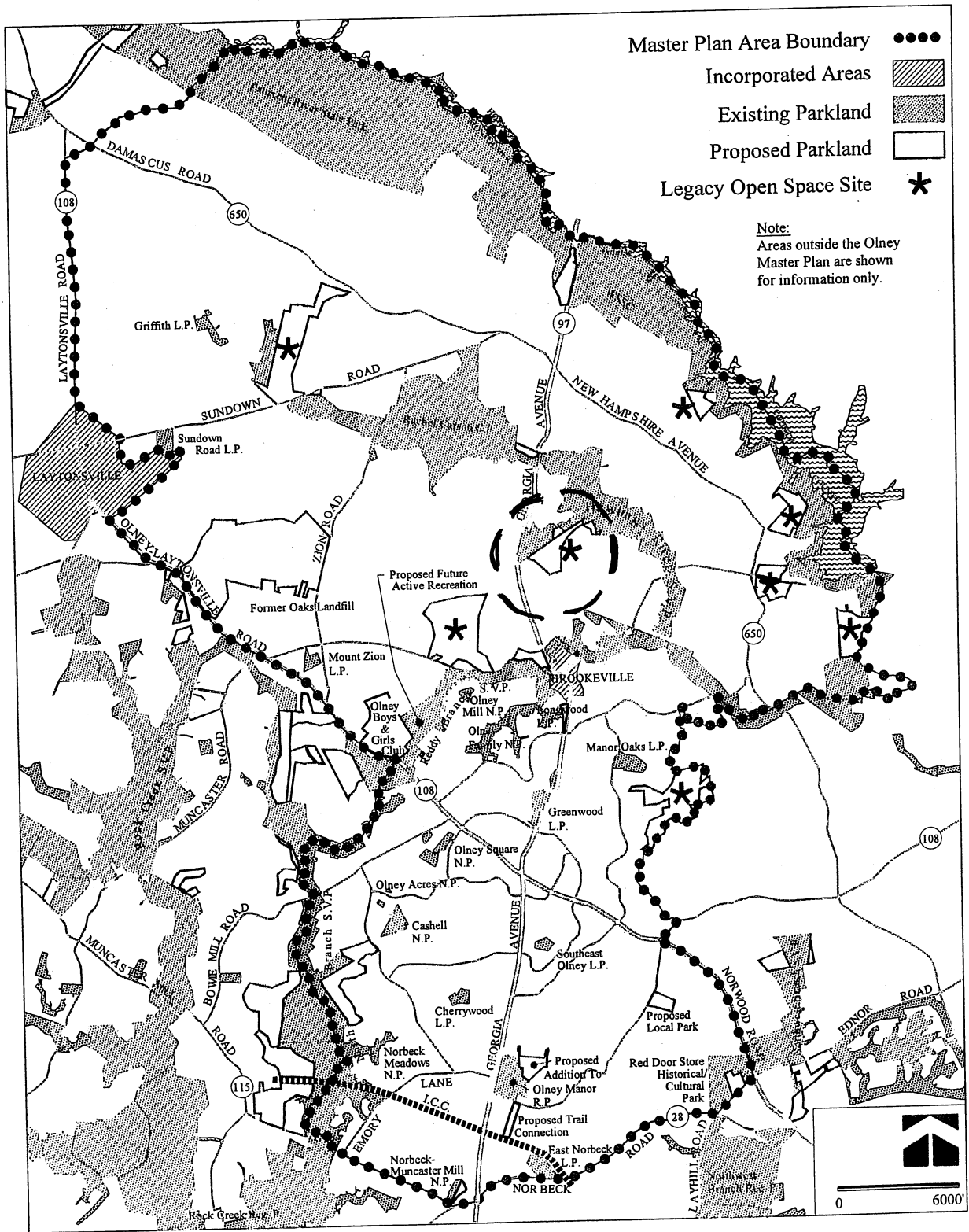
Approval, subject to the following conditions:

- 1) Approval under this Preliminary Plan is limited to ~~twenty-seven (27)~~ thirty (30) lots for ~~twenty-six (26)~~ twenty-nine (29) residential dwelling units and an existing camp retreat.
- 2) The Applicant shall revise the preliminary plan ~~to remove proposed lots 2, 10 and 11, and reduce the length of proposed "Street B", accordingly. These lots areas, and associated forest, shall be included in the park dedication.~~ with the Alternative Lot 2 lot layout, the revised and enlarged Parcel C to extend the dedicated parkland to the cul-de-sac on "Street B", and the additional forest conservation easement area on Lots 10 and 11. The Applicant must provide Fire Marshal approval of the revised Lot 2 access prior to record plat approval.
- ~~17) The preliminary plan shall be revised to reflect a public access easement from the "Street B" cul de sac, to adjacent parkland that will not be signed or identified for public access as long as the camp retreat use remains on proposed Lot 30.~~

Forest Preservation Priorities



Existing and Proposed Parkland





MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB
Item # 7
7/19/07

July 13, 2007

Bennett Knolls
Preliminary Plan No. 120060830
FURTHER REVISED CONDITIONS

Based on the applicant's reconfiguration of the proposed park dedication area per the attached revised preliminary plan drawing, staff would recommend deletion of proposed Condition # 17.

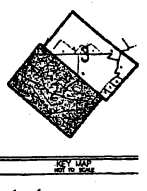
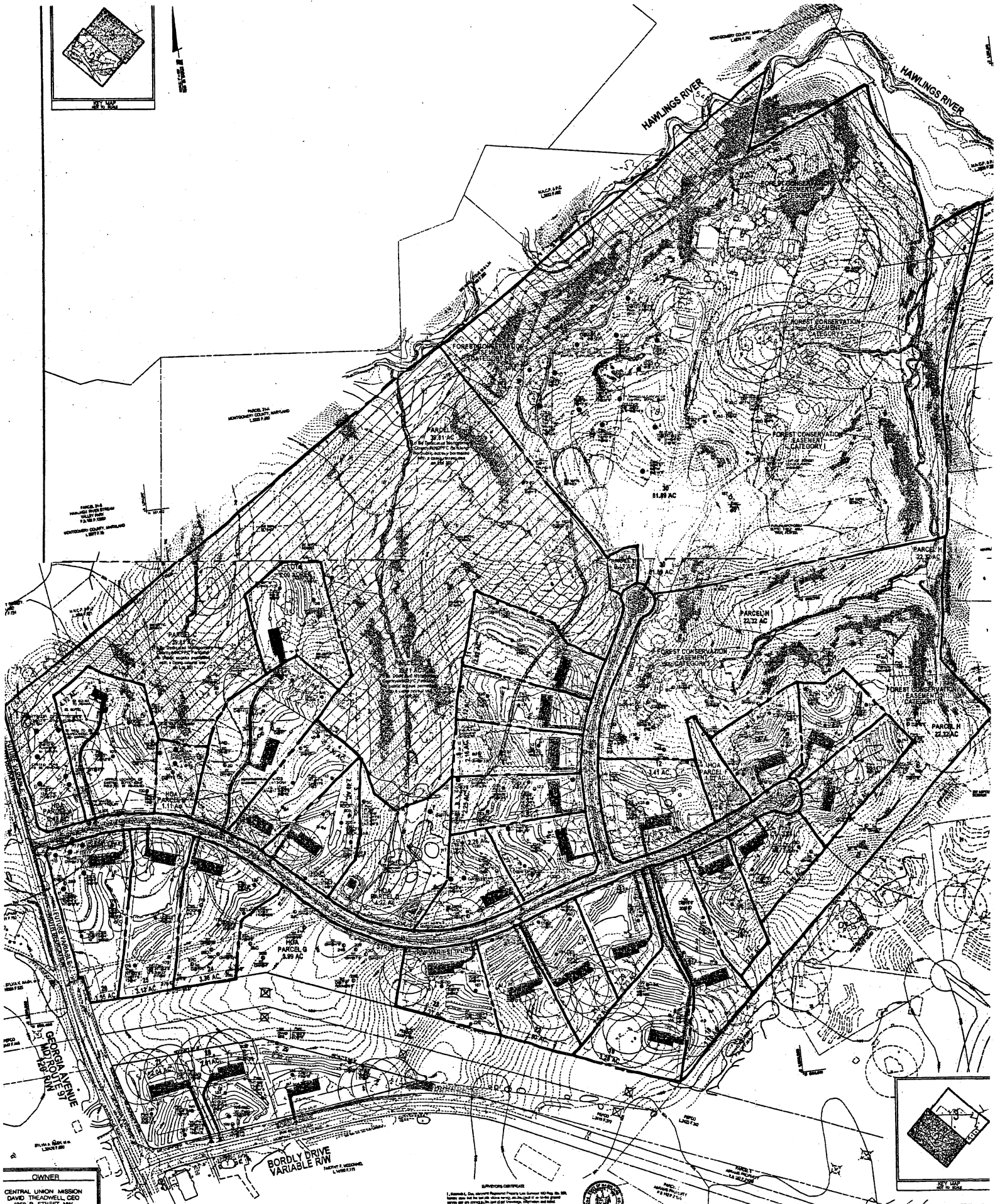
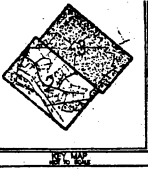
STAFF RECOMMENDATION: Approval, subject to the following conditions (as revised):

- 1) Approval under this preliminary plan is limited to twenty-seven (27) lots for twenty-six (26) residential dwelling units and an existing camp retreat.
- 2) The Applicant shall revise the preliminary plan to remove proposed lots 2, 10 and 11, and reduce the length of proposed "Street B", accordingly. These lot areas, and associated forest, shall be included in the park dedication.
- 3) The Applicant must comply with the conditions of approval for the preliminary forest conservation plan. The applicant must meet all conditions prior to the recording of plat(s) or MCDPS issuance of sediment and erosion control permit(s), as applicable. Conditions include but are not limited to the following:
 - a) Reforestation planting list must be revised to use a minimum size of 1" caliper native trees at 200 trees per acre, at least 5 species of trees, and 33 native shrubs per acre.
 - b) The applicant must meet reforestation requirements that cannot be done onsite through the purchase of credits from a forest mitigation bank or by planting forest at an offsite location. The applicant must identify the specific forest mitigation bank or offsite forest planting area for staff review and approval prior to the pre-construction meeting.
 - c) Final forest conservation plan to include the following:
 - i. Survey of trees 6 inches and greater, diameter at breast height, for 25 feet on either side of the proposed limits of disturbance, and delineation of their critical root zones.
 - ii. Detailed forest planting plan and notes
 - iii. Permanent signs and/or fences to be located along the boundary of the Category I conservation easements. Where conservation easement areas include non-forested areas or planting areas, the boundaries must be marked by permanent fences and signs.

- iv. A note stating that ~~for septic fields, only the area for the initial septic trenches can be cleared of forest until the Department of Permitting Services has declared in writing that the initial trench is no longer functional~~ forest or tree clearing for each lot cannot exceed that area shown within the limits of disturbance (LOD) on the approved preliminary forest conservation plan (FCP) prior to authorization by the M-NCPPC inspector to remove the tree protection fence.
 - v. Revise the tree protection fence to a chain link fence (four feet high), snow fence (four feet high), super silt fence, or 14 gauge 2 inch x 4 inch welded wire fencing supported by steel T-bar posts (minimum 4 feet high) with high visibility flagging.
- 4) The record plat shall show dedication as well as centerline of the following rights-of-way, consistent with the 2005 Approved and Adopted Olney Master Plan:
 - a) Georgia Avenue – minimum of 60 feet from the centerline of the roadway right-of-way centerline;
 - b) Bordly Drive – minimum of 35 feet from the centerline of the roadway right-of-way centerline.
 - c) Proposed interior secondary residential public street “Street A” – full width of 60 feet from Georgia Avenue to interior “Street B”.
 - d) Proposed interior tertiary residential public street “Street A” – full width of 50 feet between interior “Street B” and “Street A” cul-de-sac.
 - e) Proposed interior secondary residential public street “Street B” – full width of 60 feet from “interior Street A” to “Street B” cul-de-sac.
 - 5) The record plat shall show required corner truncation at all public street intersections.
 - 6) The Applicant shall make additional payments equivalent to 50% of the applicable transportation impact tax for the area (consistent with the 2003-2005 Annual Growth Policy – Policy Element, Section TL1) to the Montgomery County Department of Permitting Services (DPS), prior to release of any building permit for the proposed new dwelling units to mitigate traffic impact related to the subject development at the intersection of Georgia Avenue and New Hampshire Avenue (MD 650) in Sunshine.
 - 7) Access to the subdivision from Georgia Avenue (MD 97) shall be restricted to the proposed interior residential public street called “Street A”.
 - 8) The applicant shall construct all road rights-of-way shown on the approved preliminary plan to the full width mandated by the Master Plan and to the design standards imposed by all applicable road codes. Only those roads (or portions thereof) expressly designated on the preliminary plan, “To Be Constructed By _____” are excluded from this condition.
 - 9) The Applicant shall resolve all outstanding issues related to the Maryland State Highway Administration (SHA) and Montgomery County Department of Public Works and Transportation (DPWT) review of this preliminary plan prior to the first building permit, and shall provide written notification to both the Development Review Division staff and the Transportation Planning staff that these issues were resolved.
 - 10) The Applicant shall comply with conditions of MCDPWT letter dated May 1, 2006, unless otherwise amended.
 - 11) Compliance with conditions of MCDPS (Health Dept.) septic approval dated December 21, 2006.

- 12) Compliance with the conditions of approval of the MCDPS stormwater management approval dated December 13, 2006, unless otherwise amended.
- 13) Compliance with conditions of SHA approval letter dated March 31, 2006, prior to issuance of access permit.
- 14) Applicant to dedicate to M-NCPPC the following forested open space areas designated for parkland in the Olney Master Plan. Dedicated area to include the following:
 - a) proposed Parcel "E-C", consisting of approximately 37 acres;
 - b) the open space land that is located along the north side of the proposed 61.89 acre parcel where the current camp is located, including the Hawlings River and surrounding steep slope areas, consisting of approximately 8.5 acres and designated on the Plan as "Easement Area for Future Dedication";
 - c) the open space land that is located on the northeast corner of the proposed camp parcel, consisting of approximately 4.4 acres and designated on the Plan as "Easement Area for Future Dedication"; and
 - d) all forested land that lies within what is currently proposed as Lots 2, 10 and 11.
- 15) Land that is to be dedicated to park shall be conveyed free of trash and unnatural debris, and the Applicant shall clearly stake and sign boundaries between parkland and private properties.
- 16) The areas designated as "Easement Area for Future Dedication" shall be recorded as separate parcels with an easement or covenant that provides for dedication to M-NCPPC when the camp ceases to operate or ownership of the land is transferred. The language of the easement or covenant shall be approved by M-NCPPC. The Liber and Folio of the easement/covenant shall be noted on the record plat for the parcels.
- ~~17) The preliminary plan shall be revised to reflect a public access easement from the "Street B" cul-de-sac, to adjacent parkland that will not be signed or identified for public access as long as the camp retreat use remains on proposed Lot 30.~~
- 18) Record plat to reflect a Category I easement over all areas of stream valley buffer and forest conservation which are not part of the park dedication. The areas designated as "Easement Area for Future Dedication" shall be included in the Category I conservation easement until such time as they are conveyed to M-NCPPC.
- 19) Record plat to reflect all areas included in Rural Open Space.
- 20) Record plat to reflect common ingress/egress and utility easements over any shared driveways.
- 21) Record plat to reference the Common Open Space Covenant recorded at Liber 28045, Folio 578 ("Covenant"). Applicant shall provide verification to Commission staff prior to release of final building permit that Applicant's recorded HOA Documents incorporate by reference the Covenant.
- 22) Record Plat shall reflect all parcels under Homeowners Association control, and separately designate stormwater mangement parcels.
- 23) Record plat to have the following note: "The land contained hereon is within an approved cluster development and subdivision or resubdivision is not permitted after the property is developed."
- 24) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion.
- 25) Other necessary easements.

- 26) The future proposed septic field area located in forest on the camp retreat lot (proposed Lot 30) may only be cleared if no alternative non-forested area is available, and only for that area specifically needed for a septic field as approved by MCDPS.



OWNER
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EDGEVILLE OFFICE
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NO.	DESCRIPTION	DATE	BY	REVISIONS
1	PRELIMINARY PLAN	7/1/12	JLH	
2	REVISIONS			
3				
4				
5				
6				
7				
8				
9				
10				

DISPOSER CERTIFICATE
 I, the undersigned, being the Proprietor and Owner of the above described land, do hereby certify that the same is being disposed of as shown on the above map and that the same is being disposed of as shown on the above map and that the same is being disposed of as shown on the above map.

[Signature] 7/1/12



MISS VILLITY NOTE
 This map was prepared by the undersigned and is not to be used for any other purpose without the written consent of the undersigned.

PRELIMINARY PLAN
BENNETT KNOLLS
 PARCEL 376 FT GOLDS BRANCH
 2050 GEORGIA AVENUE