



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

MCPB
Item #
5/6/10



MEMORANDUM

DATE: April 26, 2010

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief *RK*
Catherine Conlon, Subdivision Supervisor *CC*
Development Review Division

FROM: Patrick Butler, Planner (301-495-4561) *P.B.*
Development Review Division

REVIEW TYPE: Preliminary Plan of Subdivision

APPLYING FOR: 1 lot for 3,100 square feet of retail space and 2,500 square feet of storage space for a nursery, and 20,322 square feet of farm machinery service and storage.

PROJECT NAME: Snow Hill Farm

CASE #: 120070570

REVIEW BASIS: Chapter 50, Montgomery County Subdivision Regulations

ZONE: RS

LOCATION: Between Frederick Road (MD 355) and I-270, approximately 2,000 feet south of Little Bennett Drive

MASTER PLAN: Clarksburg

APPLICANT: Ronald Furman

ENGINEER: CAS Engineering

FILING DATE: January 17, 2007

HEARING DATE: May 6, 2010

RECOMMENDATION: Approval subject to the following conditions:

- 1) Total development under the subject preliminary plan is limited to one lot for 25,922 square feet of Rural Service (RS) permitted uses, which is comprised of 3,100 square feet of retail space for nursery, 2,500 square feet of storage space for the nursery, and 20,322 square feet of a farm machinery/service area.
- 2) The applicant must provide for pavement marking and signal timing modifications at the intersection of MD 355 and MD 121 subject to the State Highway Administration's approval. The proposed pavement marking is to provide an exclusive left-turn lane and a shared through/right-turn lane on each approach of MD 121. This improvement must be complete prior to obtaining a building permit.
- 3) The preliminary plan must comply with all conditions of the preliminary forest conservation plan. The applicant must satisfy all conditions prior to recording of plat(s) or Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permits, as appropriate.
- 4) The Applicant must provide an 8-foot-wide shared use path with a 5-foot-wide landscape panel along the entire length of the property's frontage on MD 355.
- 5) The Applicant must comply with the conditions of the MCDPS, Wells and Septic Section approval dated February 12, 2008. These conditions may be amended by MCDPS, provided the amendments do not conflict with other conditions of the preliminary plan approval.
- 6) The Applicant must comply with the conditions of the MCDPS, Stormwater Management Section approval dated February 5, 2008. These conditions may be amended by MCDPS, provided the amendments do not conflict with other conditions of the preliminary plan approval.
- 7) The Applicant must dedicate 40 feet of right-of-way from the centerline of Frederick Road (MD 355) along the property frontage as shown on the preliminary plan.
- 8) The Applicant must dedicate 75 feet of right-of-way along the property frontage of Interstate 270 as shown on the plan.
- 9) The Applicant must satisfy provisions for access and improvements as required by the Maryland State Highway Administration (MDSHA), and including construction of the 8-foot-wide shared use path, prior to issuance of access permits.
- 10) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board resolution.
- 11) Other necessary easements must be shown on the record plat.

SITE DESCRIPTION

The Subject Property, as shown below and in Attachment A, is a 6.86 acre unplatted parcel in the Rural Service (RS) zone. The property is located between Interstate 270 and Frederick Road (MD 355), approximately 2000 feet south of Little Bennett Drive. The subject property is currently developed with a one-family detached residence and various accessory structures for storage purposes. The site is in the Little Bennett Creek watershed, a Use I-P watershed. There are no forests, wetlands, or streams onsite. There are several gravel areas throughout the Property that are used to park various vehicles and farm equipment. Nearby properties are zoned RS, RDT, Rural, RE-2, and C-1.



Figure 1: Aerial Image

PROPOSED PLAN (Attachment B)

The Applicant proposes to record the existing parcel into one lot approximately 6.45 acres in size. The proposed lot would have 3,100 square feet of retail and 2,500 square feet of storage for a nursery/garden center, and 20,323 square feet of farm machinery storage and service space. Access to the lot and structures will be provided from Frederick Road via a private driveway. The existing house will be converted into the sales area for the nursery/garden center. The proposed nursery/garden center will be served by a private well and a private standard septic system.

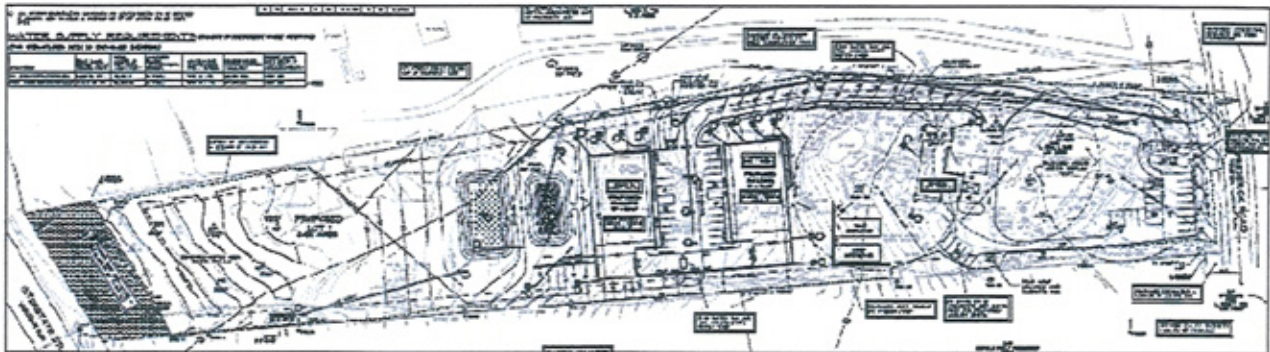


Figure 2: Preliminary Plan

ANALYSIS AND FINDINGS

Substantial Master Plan conformance

The Subject Property is zoned Rural Service (RS) and is located in the Clarksburg Master Plan & Hyattstown Special Study Area. The Master Plan does not make specific recommendations for the Property; however, the Property is located in an area identified by the Master Plan as the southern portion of the Hyattstown transition area. The Plan recognized this area as having several existing non-conforming commercial uses and a unique location between I-270 and MD 355. The Plan offers the following recommendations with respect to this area (page 84):

- Non-residential land uses in this area which is projected to experience severe noise impacts;
- Creation of a new zone to permit services of a scale and character which would be compatible in rural settings and would encourage appropriate landscaping and access. Such a zone would be appropriate in this portion of the plan;

The Applicant is proposing a landscaping business and farm machinery storage and servicing business onsite, which is consistent with the zoning and non-residential land uses recommended by the Master Plan. Therefore, staff finds that the preliminary plan substantially conforms to the Clarksburg Master Plan.

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. The proposed size, width, shape and orientation of the lot is appropriate for the location of the subdivision.

The lot was reviewed for compliance with the dimensional requirements for the RS zone as specified in the Zoning Ordinance. The lot 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 (Attachment D).

Zoning Text Amendment (ZTA) for Grandfathering of Pre-Existing Parcels

After Preliminary Plan 120070570 Snow Hill Farm was submitted, staff discovered that the proposed lot did not meet the frontage requirements of the RS zone. At that time, the development standards of the RS zone required 300 feet of frontage, while the existing parcel only has 195 feet of frontage. While researching the creation of the RS zone and associated development standards, staff was able to determine that the Planning Board had originally recommended that any parcel which existed prior to the enactment of the RS zone and has not changed in size or configuration by deed after the application of the RS zone be grandfathered from the development standards including frontage. When the RS zone was adopted by the County Council and formally codified, staff believes the footnote referencing the grandfathering

provision for frontage was inadvertently omitted from the development standards. Therefore, ZTA 09-12, sponsored by Councilmember Mike Knapp, was introduced on November 17, 2009 to correct this issue. The ZTA was heard by the Planning Board on January 7, 2010, and the Planning Board recommended that the text amendment be approved by the County Council as introduced. The Council agreed that the grandfathering provision had been inadvertently omitted from the development standards and adopted the ZTA on February 2, 2010 (See Attachment C).

Public Facilities

Local Area Transportation Review (LATR)

Two intersections were identified as critical intersections affected by the proposed Snow Hill Farm development. These two intersections were examined in a submitted traffic study to determine whether they met the applicable congestion standard. The congestion standards for the MD 355/MD 109 intersection (located in the Rural East Policy Area) and MD 355/MD 121 intersection (located in the Clarksburg Policy Area) are 1,350 and 1,425 Critical Lane Volumes (CLV), respectively. The result of the CLV analysis is summarized in Table 1.

Table 1: Calculated Critical Lane Volume Values at Studied Intersections

Intersection	Weekday Peak Hour	Traffic Condition		
		Existing	Total	Total w/ Improvement
MD 355 & MD 109	Morning	1,076	1,089	1,089
	Evening	1,253	1,268	1,268
MD 355 & MD 121	Morning	1,063	1,092	1,050
	Evening	1,441	1,471	1,228

As shown in the above table, the MD 355/MD 109 is currently operating within an acceptable CLV level of 1,350 and is expected to continue to do so for the total future development. The MD 355/MD 121 intersection is currently operating with an unacceptable CLV level (higher than 1,425) during the weekday PM peak hour and this condition would continue for the total future development. To address this failing intersection condition, the applicant must provide restriping at the intersection to create an exclusive left-turn lane and a shared through/right-turn lane on each approach of MD 121, and modify the signal timing. With the proposed intersection improvements the MD 355/MD 121 intersection is expected to operate within an acceptable CLV level during the weekday PM peak hour. Therefore, this preliminary plan application meets the LATR requirements of the APF review.

Policy Area Mobility Review (PAMR)

The site is located within the Rural East Policy Area where there is no PAMR trip mitigation requirement according to the Growth Policy. Thus, the subject preliminary plan meets the PAMR requirements of the APF review.

Site Access and Vehicular/Pedestrian Circulation

Access to the Subject Property is provided via a private driveway from Frederick Road (MD 355). SHA will require the construction of an exclusive northbound MD 355 left turn lane and a southbound MD 355 deceleration lane and acceleration lane at the MD 355/Site Access Drive intersection. Staff finds that the proposed access point is adequate to accommodate the site-generated traffic. Staff has also reviewed the proposed internal traffic/pedestrian circulation systems shown on the preliminary plan and finds them to be adequate.

Other Public Facilities and Services

The lot will be served by private wells and private standard septic systems. A 10-foot public utility easement has been provided along the MD 355 frontage of the lot to accommodate any necessary installation of electrical and telecommunication services. The application meets the Montgomery County Fire and Rescue Service requirements for fire and rescue vehicle access. The proposed subdivision is for commercial use; therefore, the application is not subject to the school moratorium or school facilities payment. Other public facilities and services, such as police stations, firehouses and health services, are operating within the standards set by the Growth Policy Resolution currently in effect. Gas, electrical and telecommunications services are also available to serve the lots.

Environment

Environmental Guidelines

The site is in the Little Bennett Creek watershed, a Use I-P watershed. There are no forests, wetlands, or streams onsite. The Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) #4-07108 for this site was approved on December 21, 2006. This plan is in compliance with the Montgomery County Environmental Guidelines.

Forest Conservation

The applicant submitted a preliminary forest conservation plan as part of the preliminary plan of subdivision. Under Forest Conservation Section 22A-12 of the Montgomery County Code properties must retain, plant, or mitigate up to a certain threshold (percentage) of forest. There is no forest onsite, and the applicant proposes to meet the 1.03-acre planting requirement via off-site planting. Two trees are proposed to be removed that are greater than 30 inches in Diameter at Breast Height (DBH), therefore a Forest Conservation Variance is required.

Forest Conservation Variance

Section 1607(c) of the Natural Resources Article, MD Ann. Code identifies certain individual trees as high priority for retention and protection. If a forest conservation plan cannot be altered to protect these trees, the Applicant is required to demonstrate that it qualifies for a variance in accordance with Section 22A-21 of the Montgomery County Code to remove them. In general, the law requires the retention and protection of all trees that measure 30" DBH and greater; trees that are 75% or greater than the diameter of the county champion for that species; and rare, threatened and endangered species. Since this project will require the removal of two trees greater than 30 inches DBH, a variance is required. The trees that are requested to be removed are identified on the Preliminary Forest Conservation Plan as tree #104 and tree #118. Tree

#104 is located in the center of the proposed drive on the north side of the property and is a 31” DBH Norway maple (*Acer platanoides*). Tree #118, located in the center of the property, is a 33” honey locust (*Gleditsia triacanthos*).

In accordance with Montgomery County Code, Section 22A-21(c) the Planning Board must refer a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection for a written recommendation prior to acting on the request. The County Arborist has elected not to review the variance request. As such, the County Arborist’s recommendation for the variance request is therefore presumed to be favorable.

In accordance with Section 22A-21(e), the Planning Board must find that the applicant has met all criteria required to grant the variance. Staff has analyzed the application and believes the Board can make the appropriate findings for the following reasons:

a) The variance will not confer on the applicant a special privilege that would be denied to other applicants.

The proposed rural service uses on the Subject Property necessitate grading and improvements to the majority of the site. The two trees in question are located in areas of the site which make them difficult to avoid while still providing the necessary area for the proposed uses. If the trees were required to remain, the critical root zones (CRZ) of both would be adversely impacted by the proposed development. As a result, the trees would most likely become hazardous. The proposed uses and intensity of the development are anticipated by the Clarksburg Master Plan for this site, and providing these uses necessitates impact to the trees. Therefore, the proposed variance is not a special privilege that would be denied to other applicants.

b) The variance is not based on conditions or circumstances which are the result of the actions by the applicant.

The Norway maple, an invasive species, will need to be removed to accommodate the proposed driveway from 355. The proposed display area and narrow width of the lot doesn’t leave the Applicant with enough room to relocate the driveway in a way that will not impact the Norway maple. The honey locust is located in an area near the proposed nursery that will be used for storage and display purposes, which will likely impact the CRZ. Therefore, the site layout and design necessitates the removal of the 31” DBH Norway maple (*Acer platanoides*) and the 33” honey locust (*Gleditsia triacanthos*) since the trees will likely become hazardous following the removal of the CRZ and the proposed grading for the proposed buildings.

c) The need for the variance does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property.

The requested variance is a result of the proposed site design and layout on the subject property and not a result of land or building use on a neighboring property.

d) The variance will not violate State water quality standards or cause measurable degradation in water quality.

The trees in question are isolated individuals that are not associated with any streams or environmentally sensitive areas or steep slopes. As such, the removal of these trees is not considered to have an adverse impact on the water quality standards or degradation in water quality.

As a result of the above findings, the Board should approve the applicant's request for a variance from Forest Conservation Law to remove the 31" DBH Norway maple (*Acer platanoides*) and the 33" honey locust (*Gleditsia triacanthos*).

Stormwater Management

The Montgomery County Department of Permitting Services (MCDPS) Stormwater Management Section approved the Water Quality Inventory and stormwater management concept for the project on February 5, 2008. The stormwater management concept consists of on-site channel protection measures via the use of a dry pond. On-site water quality control and groundwater recharge will be handled via the use of a surface sand filter and nonstructural measures.

Citizen Correspondence and Issues

As of the date of this report, no citizen concerns have been brought to Staff's attention regarding the proposed subdivision. On January 17, 2007, the Applicant properly notified adjacent and confronting property owners and civic associations of the preliminary plan submission. The application information was properly posted on the Property.

CONCLUSION

The proposed lot meets all requirements established in the Subdivision Regulations and the Zoning Ordinance and substantially conforms to the recommendations of the Clarksburg Master Plan. Access and public facilities will be adequate to serve the proposed lots, and the application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan. Therefore, staff recommends approval of the application with the conditions specified above.

Attachments

Attachment A – Vicinity Map

Attachment B – Preliminary Plan

Attachment C – RS Zone ZTA Regarding Frontage and Map

Attachment D – Agency Correspondence

Table 1: Preliminary Plan Data Table and Checklist

Plan Name: Snow Hill Farm				
Plan Number: 120070570				
Zoning: RS				
# of Lots: 1				
# of Outlots: 0				
Dev. Type: Commercial				
PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval by the Preliminary Plan	Verified	Date
Minimum Lot Area	2 acres	6.45 acres	PB	4/14/10
Lot Width	125 ft.	202 ft.	PB	4/14/10
Lot Frontage	300 ft.	195 ft. ¹	PB	4/14/10
Setbacks				
Front	50 ft. Min.	220 ft.	PB	4/14/10
Side	20 ft. Min./40 ft. total	25.8 ft.	PB	4/14/10
Rear	35 ft. Min.	500 ft.	PB	4/14/10
Height	50 ft. Max.	50 ft. max	PB	4/14/10
Lot Coverage	10%	8.33%	PB	4/14/10
MPDUs	N/a	N/a	PB	4/14/10
TDRs	No	No	PB	4/14/10
Site Plan Req'd?	Yes	Yes	PB	4/14/10
FINDINGS				
<i>SUBDIVISION</i>				
Lot frontage on Public Street		Yes	PB	4/14/10
Road dedication and frontage improvements		Yes	Staff Memo	3/26/07
Environmental Guidelines		Yes	Staff Memo	4/8/10
Forest Conservation		Yes	Staff Memo	4/8/10
Master Plan Compliance		Yes	Staff Memo	10/2/08
Other (i.e., parks, historic preservation)		N/A		
<i>ADEQUATE PUBLIC FACILITIES</i>				
Stormwater Management		Yes	Agency Letter	2/5/08
Water and Sewer (WSSC)		N/A		
10-yr Water and Sewer Plan Compliance		Yes	Agency Letter	2/12/08
Well and Septic		Yes	Agency Letter	2/12/08
Local Area Traffic Review		Yes	Staff Memo	4/7/10
Policy Area Mobility Review		Yes	Staff Memo	4/7/10
Transportation Management Agreement		N/A		
School Cluster in Moratorium?		N/A		
School Facilities Payment		N/A		
Fire and Rescue		Yes	Agency Letter	10/27/08
Other (i.e., schools)		N/A		

¹ Grandfathered per ZTA 09-12

SNOW HILL FARM (120070570)

Attachment A



Map compiled on March 07, 2007 at 2:22 PM | Site located on base sheet no - 234NW14

NOTICE

The planimetric, property, and topographic information shown on this map is based on copyrighted Map Products from the Montgomery County Department of Park and Planning of the Maryland-National Capital Park and Planning Commission, and may not be copied or reproduced without written permission from M-NCPPC.

Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods.

This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or up to date. All map features are approximately within five feet of their true location. This map may not be the same as a map of the same area plotted at an earlier time as the data is continuously updated. Use of this map, other than for general planning purposes is not recommended. - Copyright 1998

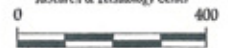
Key Map



N



Research & Technology Center



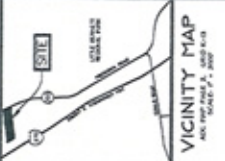
1 inch = 400 feet
1 : 4800

MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue - Silver Spring, Maryland 20910-3760

10

SNOW HILL FARM
CLATSOP COUNTY, OREGON
PRELIMINARY PLAN

DATE	06-19-14
BY	10/2006
REVISION	06-19-14
DESCRIPTION	REVISIONS TO PRELIMINARY PLAN
DATE	06-19-14
BY	10/2006
REVISION	06-19-14
DESCRIPTION	REVISIONS TO PRELIMINARY PLAN
DATE	06-19-14
BY	10/2006
REVISION	06-19-14
DESCRIPTION	REVISIONS TO PRELIMINARY PLAN



SIGNIFICANT TREE TABLE

TREE #	SPECIES	DBH (INCHES)	CONDITION	COMMENTS
01	WATER OAK	12	GOOD	TO BE PRESERVED
02	WATER OAK	10	GOOD	TO BE PRESERVED
03	WATER OAK	8	GOOD	TO BE PRESERVED
04	WATER OAK	6	GOOD	TO BE PRESERVED
05	WATER OAK	4	GOOD	TO BE PRESERVED
06	WATER OAK	3	GOOD	TO BE PRESERVED
07	WATER OAK	2	GOOD	TO BE PRESERVED
08	WATER OAK	1	GOOD	TO BE PRESERVED
09	WATER OAK	1	GOOD	TO BE PRESERVED
10	WATER OAK	1	GOOD	TO BE PRESERVED
11	WATER OAK	1	GOOD	TO BE PRESERVED
12	WATER OAK	1	GOOD	TO BE PRESERVED
13	WATER OAK	1	GOOD	TO BE PRESERVED
14	WATER OAK	1	GOOD	TO BE PRESERVED
15	WATER OAK	1	GOOD	TO BE PRESERVED

PROFESSIONAL ENGINEER CERTIFICATION

DATE: 03/03/2010
 Carl A. Schaeffer
 CIVIL & MECHANICAL, PE

PARKING TABULATION

TYPE OF FACILITY	STANDARD / SERVICE	NUMBER OF SPACES	NUMBER OF SPACES PROVIDED
RESIDENTIAL	1.5 SPACES / 1,000 SF	15	15
OFFICE	1.5 SPACES / 1,000 SF	15	15
TOTAL		30	30

FAR COMPUTATIONS

ALLOWABLE FAR IN BULK SERVICE ZONE = 0.8
 TOTAL SITE AREA = 1.2 ACRES
 TOTAL DEVELOPABLE AREA = 0.97 ACRES
 MAXIMUM FAR = 0.8 ACRES / 0.97 ACRES = 0.82

SEPTIC FIELD COMPUTATIONS

DESIGN LOAD = 100 GPD
 DESIGN LIFE = 20 YEARS
 DESIGN FLOW RATE = 2.0 GPD
 DESIGN AREA = 1,000 SF

OPEN SPACE COMPUTATIONS

MINIMUM OPEN SPACE IN BULK SERVICE ZONE = 40%
 TOTAL SITE AREA = 1.2 ACRES
 MINIMUM OPEN SPACE AREA = 0.48 ACRES
 ACTUAL OPEN SPACE AREA = 0.5 ACRES

ZONING DATA

GENERAL NOTES:
 1. THIS PLAN IS SUBMITTED FOR REVIEW AND APPROVAL BY THE CLATSOP COUNTY PLANNING COMMISSION.
 2. THE PLANNING COMMISSION WILL REVIEW THIS PLAN AND MAKE RECOMMENDATIONS TO THE CLATSOP COUNTY BOARD OF COMMISSIONERS.
 3. THE BOARD OF COMMISSIONERS WILL MAKE THE FINAL DECISION ON THIS PLAN.

ENVIRONMENTAL DATA TABLE

LOCATION	AREA	CONTENTS
AREA 1	1.0 ACRES	WOODLAND
AREA 2	0.2 ACRES	WOODLAND
AREA 3	0.1 ACRES	WOODLAND
AREA 4	0.1 ACRES	WOODLAND
AREA 5	0.1 ACRES	WOODLAND
AREA 6	0.1 ACRES	WOODLAND
AREA 7	0.1 ACRES	WOODLAND
AREA 8	0.1 ACRES	WOODLAND
AREA 9	0.1 ACRES	WOODLAND
AREA 10	0.1 ACRES	WOODLAND

PERCOLATION TEST RESULTS

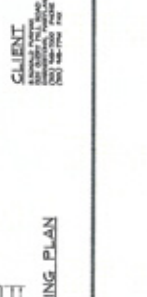
TEST #	DATE	PERCOLATION RATE (GPD/SQ FT)
1	03/03/2010	1.5
2	03/03/2010	1.5
3	03/03/2010	1.5
4	03/03/2010	1.5
5	03/03/2010	1.5
6	03/03/2010	1.5
7	03/03/2010	1.5
8	03/03/2010	1.5
9	03/03/2010	1.5
10	03/03/2010	1.5

STORM DRAIN NOTES

1. THE STORM DRAIN SYSTEM IS DESIGNED TO DRAIN ALL ROOFS AND DRIVEWAYS.
 2. THE STORM DRAIN SYSTEM IS DESIGNED TO DRAIN ALL ROOFS AND DRIVEWAYS.
 3. THE STORM DRAIN SYSTEM IS DESIGNED TO DRAIN ALL ROOFS AND DRIVEWAYS.

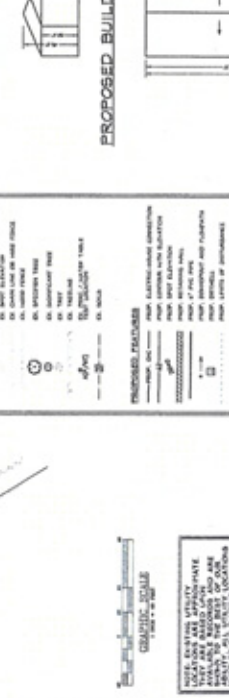
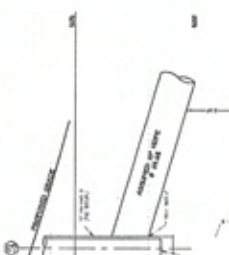
WATER SUPPLY REQUIREMENTS

DESIGN FLOW RATE = 2.0 GPD
 DESIGN AREA = 1,000 SF
 DESIGN LIFE = 20 YEARS



PROPOSED STORM DRAIN AND STORMWATER MANAGEMENT STRUCTURE SCHEDULE

MARKER(S)	TYPE / SPECIFICATION
1	STORM DRAIN
2	STORM DRAIN
3	STORM DRAIN
4	STORM DRAIN
5	STORM DRAIN
6	STORM DRAIN
7	STORM DRAIN
8	STORM DRAIN
9	STORM DRAIN
10	STORM DRAIN
11	STORM DRAIN
12	STORM DRAIN
13	STORM DRAIN
14	STORM DRAIN
15	STORM DRAIN
16	STORM DRAIN
17	STORM DRAIN
18	STORM DRAIN
19	STORM DRAIN
20	STORM DRAIN



TOPSOIL NOTE

1. THE TOPSOIL IS TO BE REMOVED AND STORED AT THE PROJECT SITE.
 2. THE TOPSOIL IS TO BE REAPPLIED TO THE PROJECT SITE.
 3. THE TOPSOIL IS TO BE REAPPLIED TO THE PROJECT SITE.

24610 FREDERICK ROAD
 PROPOSED LOT 1
 SNOW HILL FARM
 PRELIMINARY PLAN

ARCHITECT
 CIVIL & MECHANICAL, PE
 1000 1/2 AVENUE, SEASIDE, OREGON 97138
 (503) 738-2222

CLIENT
 SNOW HILL FARM
 24610 FREDERICK ROAD
 SEASIDE, OREGON 97138

MIBB UTILITY
 THE LOCATION OF UTILITIES IS BASED ON THE RECORD DRAWINGS AND FIELD SURVEY.
 THE LOCATION OF UTILITIES IS BASED ON THE RECORD DRAWINGS AND FIELD SURVEY.
 THE LOCATION OF UTILITIES IS BASED ON THE RECORD DRAWINGS AND FIELD SURVEY.

Ordinance No: 16-42
Zoning Text Amendment No: 09-12
Concerning: Rural Service (RS) Zone -
Development Standards
Draft No. & Date: 1 – 11/10/09
Introduced: November 17, 2009
Public Hearing: January 12, 2010
Adopted: February 2, 2010
Effective: February 22, 2010

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

By: Councilmember Knapp

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- exempt pre-existing lots or parcels in the Rural Service zone from the minimum frontage requirements; and
- generally amend the provision related to the standards for development in the Rural Service zone.

By amending the following section of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

DIVISION 59-C-9
Section 59-C-9.42

EXPLANATION: *Boldface indicates a Heading or a defined term.*
Underlining indicates text that is added to existing law by the original text amendment.
[Single boldface brackets] indicate that text is deleted from existing law by original text amendment.
Double underlining indicates text that is added to the text amendment by amendment.
[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.
** * * indicates existing law unaffected by the text amendment.*

OPINION

Zoning Text Amendment No. 09-12, sponsored by Councilmember Knapp, was introduced on November 17, 2009. This ZTA would allow parcels in the Rural Service (RS) zone with less than 300 feet of road frontage to develop with the frontage that existed when the Rural Service zone was applied. The sponsor believed that this provision was mistakenly absent when the RS zone was first applied.

The Montgomery County Planning Board and the Planning Board Staff in its report to the Council recommended that the text amendment be approved as introduced.

The County Council held a public hearing on January 12, 2010 to receive testimony concerning the proposed text amendment. Public testimony agreed with the sponsor that the grandfathering provision to allow less than 300 feet of road frontage was inadvertently omitted when the RS zone was adopted by the Council. The text amendment was referred to the Planning, Housing, and Economic Development Committee for review and recommendation.

The Planning, Housing, and Economic Development Committee held a worksession on January 21, 2010 to review the amendment. The Committee recommended approval of ZTA 09-12 as introduced.

The District Council reviewed Zoning Text Amendment No. 09-12 at a worksession held on February 2, 2010 and agreed with the recommendations of the Planning, Housing, and Economic Development Committee.

For these reasons, and because to approve this amendment will assist in the coordinated, comprehensive, adjusted, and systematic development of the Maryland-Washington Regional District located in Montgomery County, Zoning Text Amendment No. 09-12 will be approved as introduced.

ORDINANCE

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

1 **Sec. 1. DIVISION 59-C-9 is amended as follows:**

2 **Sec. 59-C-9.4. Development standards.**

3 The following requirements apply in all cases, except as specified in the optional
 4 standards for cluster development set forth in sections 59-C-9.5 and 59-C-9.57 and
 5 the exemption provisions of section 59-C-9.7.

6 * * *

	Rural	RC	LDRC	RDT	RS	RNC	RNC/TDR
59-C-9.42. Minimum net lot area.							
No main building, together with its accessory buildings, shall be located on a lot having a net area of less than	5 acres	5 acres	5 acres	40,000 sq. ft.	2 acres ⁴	25,000 sq. ft.	25,000 sq. ft.
59-C-9.43. Minimum lot width (in feet):							
(a) Measured along front building line	300	300	300	125	125	100	100
(b) Measured along front street line	25	300	300	25	300*	25	25

7 * A minimum street frontage is not required if the lot or parcel:

8 1) was created before the application of the RS zone to the lot or parcel; and

9 2) has not changed in size or configuration by deed after the application of
 10 the RS zone to the lot or parcel.

11 * * *



12 **Sec. 2. Effective date.** This ordinance takes effect 20 days after the date of
13 Council adoption.

14

15 This is a correct copy of Council action.

16

17 *Linda M. Lauer*

18 Linda M. Lauer, Clerk of the Council



Attachment D

DEPARTMENT OF PERMITTING SERVICES

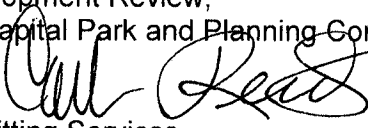
Isiah Leggett
County Executive

Carla Reid Joyner
Director

MEMORANDUM

February 12, 2008

TO: Cathy Conlon, Development Review,
Maryland National Capital Park and Planning Commission

FROM: Carla Reid, Director 
Department of Permitting Services

SUBJECT: Status of Preliminary Plan: # 1-20070570,

Snow Hill Farm, 1 lot

This is to notify you that the Well & Septic Section of MCDPS approved the plan received in this office on February 5, 2008.

Approved with the following reservations:

1. The record plat must be at the same scale as the preliminary plan, or submit an enlargement of the plat to match the preliminary plan.
2. All existing buildings to appear on the plat.
3. Septic system use limited to 840 gal/day maximum.
4. Prior to record plat approval, a septic system use covenant must be recorded with the land records; and a Groundwater Appropriations Permit or waiver must be obtained from the State of Maryland (MDE).
5. Prior to building permit approvals, the existing well and septic systems are to be properly sealed; and a new water well constructed.

If you have any questions, contact Gene von Gunten at (240) 777-6319.

cc: Surveyor
File

FEB 20 2008

16



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Carla Reid Joyner
Director

February 5, 2008

Mr. Eric Tidd
CAS Engineering
108 West Ridgeville Boulevard, Suite 101
Mount Airy, MD 21771

Re: Stormwater Management **CONCEPT** Request
for Snow Hill Farm
Preliminary Plan #: N/A
SM File #: 230614
Tract Size/Zone: 6.86/RS
Total Concept Area: 6.86ac
Lots/Block: N/A
Parcel(s): P212
Watershed: Little Bennett Creek

Dear Mr. Tidd:

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 channel protection measures via the use of a dry pond. On-site water quality control and onsite recharge via the use of a surface sand filter and non structural measures.

The following **items** will need to be addressed **during/prior to** 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. Infiltration testing will be required for the proposed drywell/infiltration trench areas around the proposed buildings. If infiltration is not feasible the sand filter must be sized for the additional drainage area.

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 230614

cc: C. Conlon
S. Federline
SM File # 230614

QN - On Site; Acres: 6.86ac
QL - On Site; Acres: 6.86ac
Recharge is provided