



Item # 8

07-17-03

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
Office of the Chairman, Montgomery County Planning Board

**MEMORANDUM**

**DATE:** July 11, 2003

**TO:** Montgomery County Planning Board

**VIA:** Joseph R. Davis, Chief, Development Review Division *JRD*

**FROM:** A. Malcolm Shaneman, Supervisor, Development Review Division *AMS*

**REVIEW TYPE:** Pre-Preliminary Plan of Subdivision

**APPLYING FOR:** Three Hundred and Ninety-Six (396) One Family Dwelling Units and Golf Course

**PROJECT NAME:** Fairland Golf Course Community

**CASE NO.** 7-01050

**REVIEW BASIS:** Chapter 50 Montgomery County Subdivision Regulations  
Approved and Adopted Fairland Master Plan

**ZONE:** RE-2 and R-200

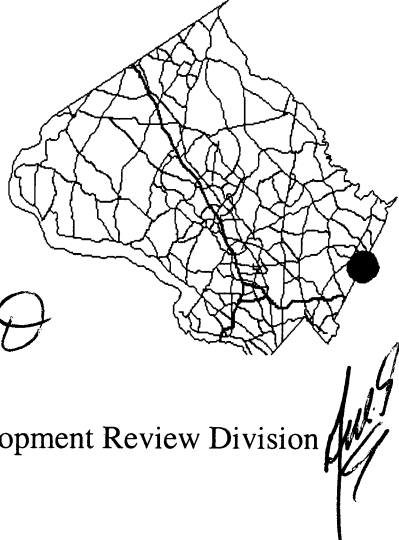
**LOCATION:** Northwest of Gunpowder Road, South of Spencerville Road (MD 198)  
and the ends of Cedar Creek Drive and Saddle Creek Drive

**MASTER PLAN:** Fairland

**APPLICANT:** Artery/Fairland, L.L.C.

**SUBMITTED:** June 20, 2001

**HEARING DATE:** July 17, 2003



---

**STAFF RECOMMENDATION:** Pursuant to Section 50-33A of the Subdivision Regulations,  
No Objection to the Submission of a Preliminary Plan, Subject to Conditions

## DISCUSSION OF ISSUES

The purpose of the public hearing on the Fairland Golf Course Community is to discuss several issues regarding its development. The application contemplates a public/private partnership to develop property surrounding the Fairland Regional Park. The development is proposed to consist of residential component and public golf course. As the Board is aware, the Fairland Regional Park straddles Montgomery and Prince George's Counties. The Master Plan envisions a regional park that includes, among other facilities, a golf course. The Commission has contemplated a public/private concept to develop a golf course community both in counties, for about ten years. The privately developed golf course will serve as a major feature within the regional park. The project itself is quite complex requiring rezoning, development applications in both Counties, and a long-term public/private partnership lease agreement that ultimately will need to be approved by both Planning Boards and both County Councils.

This discussion is designed to seek the Planning Board's advice on several issues that affect the overall proposal. These issues include the following topics:

- **Developments Split Zoning**

**Applicant's Position:** The Applicant wishes to proceed with the development review process on the R-200 portion of the site. The Applicant points out that because the Board is reviewing the entire site at the pre-preliminary plan stage, in effect it is approving the project as a "planned development." The Applicant states that it can develop a *PD-like* layout on the R-200 portion of the site, given the flexibility of the MPDU optional method design standards. The Applicant's position is that because it can obtain the density and layout that it seeks using a combined R-200 MPDU option and PD zone; it can comprehensively "planned development. The Applicant's position is that because it can obtain the density and layout that it seeks using a combined R-200 MPDU option and PD zone; it can comprehensively plan the project and thereby qualifies for the AGP exemption as a "planned unit development".

**Staff's Position:** Staff does not support the applicant's request to allow that portion of property currently zoned R-200 permission to move forward independent of the rezoning of the other half of the site. This recommendation is based on the language contained in the Annual Growth Policy (AGP); (2) the legislative history of the AGP; (3) the guidance provided in the Approved and Adopted Fairland Master Plan; and (4) the limiting effect a split review process will impose on design and layout issues.

- **Environmental Issues**

**Applicant's Position:** Much of the effort extended in preparation of the Pre-Preliminary Plan layout is primarily related to the complex environmental issues

on the site. These issues resulted in the establishment of certain environmental corridors by Environmental Staff and the Applicant. These environmental corridors served to guide the layout of the pre-preliminary plan. The layout of the public golf course and private development are consistent with the established corridors because the preservation areas established to protect high-priority forested areas along the Silverwood and McKnew tributaries have been protected. The Applicant is seeking approval of the golf course and development layouts (including the environmental corridors).

**Staff's Position:** Staff recognizes that placement of the land-intensive master plan proposed land uses (school, residential, and "championship" golf course) on this site requires flexibility in the strict implementation of environmental guidelines on this highly constrained property. Staff guidance was given for design of the site through designation of areas of preservation, areas of maximum feasible forest retention and restoration areas per the attachment dated May 7, 2002 (Attachment 1). This attachment, entitled "Fairland Golf Course Revisited", identified the environmental corridors referred to by the Applicant, and further defined how, where, and under what conditions flexibility would be applied. This staff directive was intended to move the proposal forward to create the best opportunity for developing an acceptable plan. While the Applicant's proposed layout reflects considerable improvement in addressing the areas of environmental sensitivity, staff believes further protection can be achieved. Whether the proposal is indeed acceptable cannot be determined until the full breadth of planning and zoning options are examined during subsequent reviews, and the determination is made that the master plan land use objectives, and the public purposes they engender, are acceptable in balance to the environmental and forest impacts that will occur as a result.

**Applicant's Position:** The conceptual Preliminary Forest Conservation Plan for the site demonstrates that forest retention requirements for the site can be met without need for the reforestation, if existing forest located in MNCPPC park land is credited toward this joint development project. If such credit is not given, the resulting reforestation requirements for the project should be met by MNCPPC.

**Staff's Position:** The Forest Conservation Law requires that forest conservation calculations be based on a "tract area" that includes the legal boundaries (platted or deeded) of all lots or parcels that contain any of the development.<sup>1</sup> The current development envelope extends slightly into several deeded parcels within Fairland Recreation Park, because residential lots and/or golf course extend into the parkland under the current design. The combined effect of the definition of "tract" and the Applicant's use of a small portion of parkland parcels for development is that large tracts of publicly owned forest are reflected in the Applicant's Forest Conservation Plan as "retained forest," and credited against forested areas that will be cleared. These parkland parcels, however, already are

---

<sup>1</sup> "Tract" means the property subject to a development application or sediment control permit, as described by deed or record plat." FCL Section 22A-3(qq).

protected from development by virtue of the approved Forest Conservation Plan for Fairland Park. It would be possible to revise the approved Forest Conservation Plan for Fairland Park to facilitate use of these parcels in the proposed plan. However, staff recommends that the Board assert, as public policy, that it is in the public interest to commit only the minimum necessary MNCPPC resources to the implementation of this joint public-private proposal, and do not permit credit for any forest already protected within parkland

- **Site Circulation and Connections to the Surrounding Road Network**

**Staff's Position:** At the time of preliminary plan submission a more comprehensive review will be undertaken regarding site circulation and the impact of the development on the existing road infrastructure. Staff has, however, conducted an Adequate Public Facilities (APF) review based on information submitted by the applicant for this development. The summary of the transportation analysis performed by staff has been included in this report and contains recommendations that will be considered as part of the reviews conducted with the submission of the preliminary plan.

**Applicant's Position:** To date the applicant has not raised any substantive issues regarding the transportation analysis conducted by staff.

### **PROJECT DESCRIPTION: Vicinity and Property Description**

The subject property is located in both Montgomery and Prince George's Counties adjacent to the existing Gunpowder Golf Course, northwest of Gunpowder Road and south of Spencerville Road (MD 198) at the extensions of Cedar Creek Drive and Saddle Creek Drive. The site has diverse existing conditions, such as rolling topography with an assortment of cleared areas and forests. The lower areas of the site, adjacent to the stream valley areas will be primarily incorporated into the golf course and parkland/openspace. The higher elevations are generally more open and are slated for the residential component of the development. The Little Paint Branch Watershed bisects the property from north to south.

The total tract area included in this application consists of approximately 463 acres of land in both Montgomery and Prince George's Counties. Of the total area approximately 354 acres are located in Montgomery County. This acreage is comprised of both private and public holdings including an area designated as "Parcel X". This parcel, approximately 42 acres in size, is privately held and must be acquired in order for the regional park to be developed. Previously submitted plans designated a large portion of Parcel X as slated for residential development and the remainder would be transferred to the Commission as part of a land exchange to complete the golf course layout. More recent plans have removed the residential component from this parcel.

## **PROJECT DESCRIPTION: Proposal**

Consistent with the Approved and Adopted Fairland Area Master Plan, the project includes expanding and upgrading the existing public Gunpowder Golf Course while integrating a well-designed residential community. The development of both components must be designed to be environmentally sensitive, provide openspace and a stream valley parkland and trail system. The plan as currently configured proposes 300 one family detached dwelling units and 96 one family attached dwelling units on approximately 115 acres of land. Approximately 254 acres of additional land is dedicated to the golf course. The proposal will also include the dedication of land suitable for an elementary school site. The proposal provides for direct access and connections between local parks and the Fairland Recreational Park. As the plans evolve through zoning, subdivision and site plan reviews processes, a more comprehensive review will be undertaken for all the contributing elements of the proposal.

Beginning in 1997, the property owner of the majority of the acreage (Konterra) met with parks staff from both counties to discuss how the golf course could be developed and operated. During these exploratory meetings, discussion centered around the concept of land exchange between the M-NCPPC and Konterra and acquisition of the intervening properties owned by individuals other than Konterra, specifically Parcel X, which is a severely degraded land fill site.

In 2000, Ryland Homes and Artery entered into a long-term contract purchase agreement with Konterra to develop the site as a golf course community. These developers were not involved in the drafting of the AGP language, and decided to take a different approach to the master plan recommended development process. The developers and golf course architect began meeting with staff in 2000 and presented a proposal to submit a pre-preliminary plan for to be presented to the Planning Board for guidance to be followed by a preliminary plan the portion of the property zoned R-200. The RE-2 zoned land, held by M-NCPPC would proceed through a rezoning to be used for residential development. The developers believed that this approach would reduce the time spent in the development process and would allow them to exercise their contract purchase agreement in a timely fashion. There was much discussion on the appropriateness of this approach; Planning Staff maintains that such an approach is contrary to the master plan. The applicant decided to submit a pre-preliminary plan in July 2001 in Montgomery County and a preliminary plan in Prince George's County.

The M-NCPPC full Commission held a public meeting on July 18, 2001 to hear concerns regarding the proposal by communities in both counties. The Prince George's County Planning Board subsequently approved the preliminary plan for that portion of the project. That approval included 120 one family detached dwelling units on 67 acres of land and 60 acres of land dedicated to the golf course portion of the development.

## **DISCUSSION OF ISSUE: Developments Split Zoning**

### **Compliance with the Approved and Adopted 1997 Fairland Master Plan**

The main goal of the *1997 Approved and Adopted Fairland Master Plan* was community building: recognizing and reinforcing each community's unique character and identity. The master plan organized the area into communities and each community was described as to housing types, local facilities, known problems and what could be added if there was any development potential within the community.

A secondary goal that applied to all the communities was providing more housing options including increasing the number of single-family detached housing where the existing housing mix favored attached or apartment units. The plan therefore recommended rezoning including optional methods of development, such as TDRs, PD, and cluster, to balance the overall mix of units within a community.

The *1997 Approved and Adopted Fairland Master Plan* designated the subject properties as Area 2 within the Oakfair-Saddlecreek Community and described the community as follows:

Much of this area was built in the 1980s and encompasses about 1200 homes ... there are 800 townhouses and over 400 detached homes. The average density is six units to the acre ... Problems in the area include the lack of pedestrian connections from this neighborhood to the Fairland Recreational Park... Three public streets stub at the 200-acre tract of vacant land (Area 2) and there are concerns regarding the extension of these roads and the ability of the road system to accommodate additional units.

Area 2 is located between the residential development and the County line. Prior to the 1980s much of this acreage was used for sand and gravel excavation. There are forested areas steep slopes and wetlands associated with the upper reaches of the Little Paint Branch...Area 2 has the potential of adding detached units to the housing mix, expanding or reconfiguring the Gunpowder Golf Course, as proposed by one of the owners; improving the road network including a possible extension of roads to Old Gunpowder in Prince George's County; and hiker/biker access to the Fairland Recreational Park. The Planning Staff for the Montgomery County Public Schools has recommended that a school site be included in Area 2 for two reasons: the number of household that could be served (approximately 1,500) and the potential for children to walk to school. A school would provide a centrally located community focal point,

The master plan noted in the detailed description of Area 2 that there were nine separate parcels in private ownership totaling 198 acres. Prior to the 1997 master plan, Area 2 was zoned R-200/TDR and RE-2. The 1997 master plan recommended removed the TDR zone designation because the TDR density could not be achieved due to

environmental constraints associated with the Little Paint Branch. The plan recommended that the properties in conjunction with the adjoining public Gunpowder Golf Course would be suitable for development as a golf course community with the golf course remaining in public ownership.

Since assemblage of the nine privately owned parcels and publicly held land was necessary to accomplish the golf course community concept, the master plan encouraged the use of the Planned Development (PD) zone to achieve the appropriate mix and size of units, an improved golf course design outside the stream valley along with protection of other environmental features. The PD zone process would require the developer to assemble the parcels and cooperate with MNCPPC as well as allow the highest level of consideration of compatibility and environmental issues and public input prior to the subdivision process. The PD Zone provides the flexibility required to address housing types, environmental protection, overall site circulation and compatibility with the existing community and Public Park.

The master plan further proposed that the development of the golf course community would include a public/private partnership between the M-NCPPC and the developer, since the golf course is owned by the M-NCPPC and a land exchange is necessary to redesign the golf course within a new residential community. If the developer were interested in pursuing the golf course community, then rezoning and cooperation with M-NCPPC was necessary to permit residential land uses on existing parkland. The complex issues inherent in this kind of project would be best resolved through a rezoning process that would redraw the boundaries between public and private lands and establish the phasing and other necessary arrangements necessary to achieve the master plan goal. Some parkland would have to be zoned PD to, including the golf course, to achieve the master plan densities.

Sectional Map Amendment G-747, implementing the master plan, removed the TDR designation and reconfirmed the R-200 on privately held land and rezoned any privately held land in the RE-2 zone to the R-200 zone to create a consistent zone on all privately held land. The SMA reconfirmed all publicly owned lands in the RE-2 zone, thereby requiring rezoning of any public lands that would be used for residential development in a land exchange, ensuring District Council input into a future golf course community project.

In the event the property owners wished to develop properties individually, without being part of a golf course community proposal, development could occur through the subdivision process under the R-200 standards and per all other regulations pertaining to environmental protection including those sensitive areas described in the master plan, such as the McKnew and Silverwood Tributaries. The publicly owned land would remain in the RE-2 Zoned reflecting the public use.

The master plan recommended that evaluation at the time of rezoning and development should include:

- Density cap of 396 units in Montgomery County with an appropriate mix of housing
- MDPU's distributed throughout the development
- Extension of the road network
- Areas of no disturbance and environmental impact
- Non-vehicular access to the Recreational Park
- Connect roads to Prince George's County, if desirable
- Common open space for the residents
- A 12-15 acre school site

The master plan also contains recommendations for protecting the environment and for an expanded transportation. In the Environmental section of the plan stated that the stream valley between McKnew Local Park and the Fairland Recreational Park, although disturbed, contained a diverse and unusual plant community, and was worthy of protection as parkland. On page 140, the master plan discussed the forest cover and recommends protection where possible and practicable, specifically on Area 2 (Konterra) where development is to cluster in order to protect stream buffer areas and high quality forest stand between the stream and the Colonial Gas Pipeline right-of-way. The environmental analysis is covered in more detail later in this report.

In the Transportation section of the master plan, on page 94, the plan recommends that an interconnected road system be evaluated creating a connection between Cedar Tree Drive and Gunpowder Road to access the golf course and proposed golf course community. The plan also recommends on page 92 that the traffic signal at McKnew Road be evaluated and possibly moved the Cedar Tree Drive because Cedar Tree Drive can accommodate more traffic since it has fewer driveway access points. The transportation issues are addressed in greater detail later in this report.

Planning Staff in reviewing the layout and community design aspects of the plan notes the following with respect to the recommendations of the master plan, except the recommendation that the project proceed through rezoning as a PD.

- 1) Density cap of 396 units in Montgomery County with an appropriate mix of housing.

*A mix of units is detached housing 60% and attached housing 40%, which is the required mix for the R-200 MPDU development standards. The total number of units reflects the 396 units cap.*

*The type and mix of housing is an issue because if the relationship of the developable areas and the environmental constrains, which are many. The standards for the R-200 zone require lots of a certain size with standard setbacks. The PD zone has much greater flexibility for detached and attached unit types. The setbacks are established with respect the unit type and compatibility with surrounding development and most importantly, only single family detached lots can be located within 100 feet of land recommended for single-family detached*



*zoning. This requirement helps establish compatibility with the existing development. The applicant has been unable to take advantage of the PD standards to minimize the overall impact of the proposed development on the environmental conditions.*

- 2) MDPUs distributed throughout the development

*This detail has not been examined in any great detail, but is not an issue at this time. The master plan recommends distribution of MPDUs and this can be accomplished regardless of the layout.*

- 3) Extension of the road network

*The proposed road network extends the existing road network and provides access to the proposed school site.*

- 4) Areas of no disturbance and environmental impact

*The Environmental Planning Unit will cover the complex aspects of these recommendations.*

- 5) Non-vehicular access to the Recreational Park

*The plan includes connections to the existing trail system and access via sidewalk has been included in the plan. More details at the appropriate scale will be necessary during the next stage in the development process.*

- 6) Connect roads to Prince George's County, if desirable

*Cedar Tree Road has been connected to Old Gunpowder in Prince George County. The Prince George's County Planning Board has approved this connection.*

- 7) Common open space for residents

*Community open space has been provided, but the details and the interconnections between the public and private open space systems have to be developed further.*

- 8) 12-15 Acre School site

*The plan includes a school site centrally located and with access from the two primary roads that serve the existing and new communities.*

## Annual Growth Policy

The Annual Growth Policy's Alternative Review Procedure for Limited Residential Development is available only to a "planned unit development" in the Fairland/White Oak policy area that includes a golf course or other major amenity that is developed on a public/private partnership basis.

Unless the parcel is rezoned to be consistent with the "planned unit development" requirement, the golf course community is not eligible for the Alternative Review Procedure.

During the 2001-2003 AGP Policy Element, the issue was raised as to whether this language would require the whole of the golf course community property to be rezoned PD-2 in order to be eligible for the Alternative Review Procedure. The issue was discussed in detail at the Planning Board and County Council level. Planning staff recommended against the change – a position that was endorsed by the Planning Board and agreed to by the County Council. At all times during these discussions it was clear that, by not changing the language, the Council was requiring the R-200 portions of the parcel to be rezoned in order to be eligible for the Alternative Review Procedure. The RE-2 portion of the site was always considered to be part of the rezoning application

On September 27, 2001, the Montgomery County Planning Board reviewed a request to amend the AGP from Artery/Ryland LLC, developer of the public/private golf course community in the Oak Fair/Saddle Creek area of Fairland. The applicant requested that the language in the AGP authorizing their use of the Alternative Review Procedure for Limited Residential Development be revised from "planned unit development" to the more general "planned development." The purpose of the request was to allow the R-200 portion of the property to be approved under the Alternative Review Procedure for Limited Residential Development without rezoning.

Planning staff recommended against the language change and the Planning Board agreed. The Planning Board's letter to the Council President to the County Executive states the rationale:

*"Developers of a proposed golf course community in the Fairland/White Oak Policy Area requested that the procedure be extended and revised for their use only. The Planning Board agrees with one exception: the Board does not support the applicant's request to change a stipulation in the procedure. The change would mean that the procedure, instead of applying only to projects in the planned development zone, would apply only to "planned development" projects. This change is contrary to clear language in the master plan and would deny a critical additional opportunity for County Council (and public) review."*

## **About the Alternative Review Procedure for Limited Residential Development**

The Alternative Review Procedure for Limited Residential Development was added to the FY 1994 Annual Growth Policy and continued to be available for new approvals until November 1, 2001. Projects for which a complete application for a preliminary plan of subdivision was filed before November 1, 2001 continued to be eligible until July 1, 2002. The only exception to this rule is (FY03 AGP cited):

*“However, TA3 may be used in the Fairland-White Oak Policy Area to approve a planned unit development that includes a golf course or other major amenity that is developed on a public/private partnership basis, regardless of when an application for a preliminary plan of subdivision is filed for this development.”*

The Alternative Review Procedure for Limited Residential Development contains limits on how many approvals can occur in any policy area. For certain golf course communities in Fairland/White Oak, the rules are somewhat different -- there's no limit on the number of approvals but there is a limit on the pace at which the development may be built out. According to the FY03 AGP:

*“The limits in TA3.3.1 do not apply to a planned unit development in the Fairland-White Oak policy area that includes a golf course or other major amenity which is developed on a public/private partnership basis if:*

- *not more than 100 units, in addition to MPDUs, are built in the first fiscal year after construction of the development begins, and*
- *not more than 100 units, in addition to MPDUs and the unbuilt remaining portion of all prior year's approved units are built in any later fiscal year.*

In 2001, the Planning Board “strongly opposed” the continuation of the Alternative Review Procedure for Limited Residential Development.

## **Purpose of the PD Zone**

As has been stated previously, both the Master Plan and the Annual Growth Policy contemplated the subject property be rezoned to a zone that would allow greater flexibility in setbacks, lot sizes and housing types. Staff recommends a zone that helps to also protect stream valleys, wooded areas and other natural features. The Planned Development (PD) zone is this type of zone. Approximately 222 acres of the northern portion of the site are zoned R-200, and approximately 146 acres of the southern portion of the site are zone RE-2. The purpose of the PD zone states the following:

*“It is the purpose of this zone to implement the general plan for the Maryland-Washington Regional District and the area master plans by permitting*

unified development consistent with densities proposed by master plans. It is intended that this zone provide means of regulating development which can achieve flexibility of design, the integration of mutually compatible uses and optimum land planning with greater efficiency, convenience and amenity than the procedures and regulations under which it is permitted as a right under conventional zoning categories. In so doing, it is intended that the zoning category be utilized to implement the general plan, area master plans and other pertinent county plans and policies that may be possible under other zoning categories.”

The purpose clause further states: “... the purpose of the zone is to provide and encourage a broad range of housing types.... Preserve and take greatest possible aesthetic advantage of trees and, in order to do so, minimize the amount of grading necessary for construction of the development. Encourage and provide for open space not only for use as setbacks and yards surrounding structures and related walk ways, but also conveniently located with respects to points of residential and commercial concentration so as to function for the general benefit of the community and public at large as places for relaxation, recreation and social activity; and, furthermore, openspace should be so situated as part of the plan and design of each development as to achieve the physical and aesthetic integration of the uses and activities....”

Staff believes that the PD zone provides not only greater flexibility in housing types but allows for the ability to reduce lot sizes to avoid encroaching into environmentally sensitive areas. This flexibility is not provided in the R-200 zone, even under the optional method of development.

The Applicant wishes to proceed with the development review process on the R-200 portion of the site. The Applicant points out that because the Board is reviewing the entire site at the pre-preliminary plan stage, in effect it is approving the project as a “planned development.” The Applicant states that it can develop a *PD-like* layout on the R-200 portion of the site, given the flexibility of the MPDU optional method design standards. The Applicant’s position is that because it can obtain the density and layout that it seeks using a combined R-200 MPDU option and PD zone; it can comprehensively plan the project and thereby qualifies for the AGP exemption as a “planned unit development”.

A detailed development plan will be required as part of the review by the Planning Board and approval by the County Council for application of the PD zone. A development plan specifies proposed housing types, location of the housing, schools, parks, recreation areas pedestrian connection and other features. The development plan must be approved as an integral feature of the rezoning. The development plan approved by the County Council in conjunction with its approval of a PD zone is binding unless or until the Council approves an amendment.

Staff does not support the applicant's request to allow that portion of property currently zoned R-200 permission to move forward independent of the rezoning of the other half of the site. Based on the language contained in the: (1) AGP; (2) the legislative history of the AGP; (3) the guidance provided in the Approved and Adopted Fairland Master Plan; and (4) the limiting effect a split review process will impose on design and layout issues.

## **DISCUSSION OF ISSUES: Environmental Analysis**

### **Site Description**

The site of this pre-preliminary plan proposal includes the main stem and several tributaries of the upper watershed of Little Paint Branch, a Use I stream. In addition to the associated stream valleys and their sensitive components including riparian forest, floodplains, and wetlands, the site also has valuable natural resources in the upland areas, including priority forest contiguous to the stream valleys and, throughout the site, locations of rare, threatened and endangered species (RTE), and flora and fauna unique in Montgomery County due to this site's location straddling the fall line between the Piedmont Plateau and Coastal Plain physiographic provinces.

The site occurs on and/or below the geologic fall-line, which separates the piedmont physiographic province from the upper coastal plain. Topography, soil profile and vegetation are more typical of the coastal plain, contributing to it being unique among MNCPPC lands in Montgomery County. Soils, even in upland areas, are nearly a pure sand/gravel mixture. This profile produces a rapidly infiltrating, nutrient poor soil in contrast to most piedmont soils. With such soils, plant association not typical of Montgomery County result.

Two-second order perennial streams in the headwaters of the Little Paint Branch watershed flow through the proposed project area; the Silverwood and the Saddle Creek/McKnew tributaries. *Both of these tributaries have documented good to excellent water quality.* The project area also encompasses numerous intermittent and ephemeral streams, seep areas and wetlands. Just south of Maryland Route 198, there exists an approximate 17-acre forested headwater wetland, straddling the Montgomery County/Prince Georges County line. This wetland provides considerable water storage and base flow contribution to the Little Paint Branch watershed. *Unique to this wetland is near constantly saturated soil conditions, occurrence of at least one state rare plant species and an unusual plant community where the usually dry habitat chestnut oak (*Quercus prinus*) is found growing with the wetland plants including swamp bay magnolia (*Magnolia virginiana*), viburnums and *Leucothoe*.* Surface and subsurface gravel deposits add to the uniqueness of this wetland area.

Approximately 210 acres of forest occurs on the 337 acre project site (Montgomery County). The northern and southern boundaries of the proposed Fairland Golf Community contain and are adjacent to significant forested area. *The Silverwood tributary, west of the Prince Georges' County line, contains approximately 400 acres of intact, generally un-fragmented forest, including quality upland forest. Intact forest acreage of this size is uncommon in Montgomery County. The northern portion of the property contains approximately 85 acres of forest associated with Saddle Creek and a large headwater wetland just south of Maryland Route 198. Both areas exhibit high structural and species diversity, low instances of alien or invasive species, very good overall stand health, and significant amounts of interior forest habitat area. As such, both are highest priority for preservation as described in the county Forest Conservation Law.*

### **Environmental Issues**

The fundamental question facing the Board at this stage is whether the appropriate balance of master plan land use and environmental objectives has been established at a conceptual level, subject to subsequent reviews. Given the amount of highest priority forest and environmentally sensitive area (stream buffers and wetlands) on the plan, it will be very difficult to balance the master plan goals of achieving both a golf course community, and adhering to the environmental protection objectives noted in the plan and required by the forest conservation law and environmental guidelines.

The section contains discussion of the environmental issues related to this project. Highlighted first are two issues of policy that should be addressed as part of the pre-preliminary plan deliberations at the Planning Board, and staff's recommendations.

#### **Issue #1 Loss of Priority Forests**

**Statement:** The site contains over 200 acres of existing forest, of which approximately two-thirds (about 175 acres) falls into the category of highest priority for retention. These highest priority areas include: the major forest stands (riparian plus upland) along the Silverwood and McKnew tributaries, forest stands associated with wetlands, and the forest within the stream buffer of the lower reaches of the McKnew tributary. The current plan shows loss of at least half the total forest on the site (approximately 99 acres) including, 75 acres of the high priority forest. Approximately 15 acres of the high priority loss area is associated with environmentally sensitive areas (stream buffers, wetlands, steep slopes), and the remaining 60 acres is upland forest. The upland forest loss includes 10.23 acres of the high priority forest in MNCPPC park land within the Silverwood tributary stand.

This loss of priority forest is excessive in relation to achievement of other master plan objectives, and out of keeping with master plan language for golf course design located "outside stream buffer...and wooded area". Per section 22A-12(b), the Forest Conservation Law states that highest priority forest areas must be retained in an undisturbed condition unless a finding is made that:

- A. the development would make maximum use of any available planning and zoning options that would result in the greatest possible forest 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.<sup>2</sup>

If the Planning Director, and subsequently the Planning Board, find that the proposed land uses on the site are essential and efficient in their configuration and scale to achieving master plan land use objectives, and have utilized all planning and zoning options to maximize feasible priority forest retention, a finding can be made per Section 22A-12(b) at preliminary plan. Towards that end, staff believes this property should be developed using the PD zone, and that the maximum flexibility of this zone should be used to modify the current proposal and further reduce disturbance of environmentally sensitive areas and highest priority forest.

**Recommendation:** Use the flexibility of PD zoning on this property to minimize disturbance of environmentally sensitive areas and highest priority forest while still providing a golf course community.

- Use PD options that allow for smaller lot sizes, more intense unit types, etc.
- Develop a tighter golf course configuration: necessity for golf course of the breadth and scale proposed; minimization of forest loss by more efficient design (e.g., in-line tee boxes); creation of large un-maintained “environmental area” designations along fairways and at crossovers of sensitive areas; etc.
- Protect highest priority forest per the following hierarchy<sup>3</sup>:
  - a) Highest priority forest areas associated with the stream valleys (stream buffers and some of the associated steeper sloped, adjacent upland area) of the Silverwood and upper McKnew tributaries of Little Paint Branch must be protected.
  - b) “Upland” portions, contiguous to preserved riparian forest, of the Silverwood and upper McKnew stands must be preserved to the maximum extent possible by: using the flexibility provided in the PD zone for housing types to reduce residential area footprints; and relocating or reducing the extent of golf course holes.
  - c) Other forest, including highest priority forest in the stream buffers of the lower McKnew tributary and other isolated stands, and forest in areas of restoration preserved to the extent possible.

---

<sup>2</sup> Montgomery County Code Chapter 22A-12(b)

<sup>3</sup> Section 107 of the Forest Conservation regulations highlights priorities as suggested here.

## ISSUE #2 Method of Crediting Forest Land

**Statement:** Per the forest conservation law, forest conservation requirements are calculated based upon a tract area that includes the legal boundaries (platted or deeded) of all parcels, which contain any of the development. The current development envelope extends into parcels on which forest is already protected as part of an approved forest conservation plan (Fairland Recreational Park), which allows this forest to be counted toward the requirements of the development. Staff believes credit for saved forest within parkland should not be given for this project.

**Recommendation:** Assert as public policy that it is in the public interest to commit only the minimum necessary MNCPPC resources to the implementation of this joint public-private proposal, and do not permit credit for any forest already protected within parkland.

- Relocate all residential lots (and/or reduce lot size) and associated grading from MNCPPC owned land west of the existing Gunpowder golf course westernmost boundary. Additional purpose is to further preserve priority forest.
- Exclude all parcels west of the westernmost boundary of Old Gunpowder Golf Course from any future submissions of the joint application as unnecessary (~25± acres).
- Consider land swaps and/or redefine boundary/parcel lines as part of subsequent review to prevent unwarranted use of MNCPPC forest for forest credit.
- Provide necessary reforestation to mitigate the unavoidable losses of forest in the development area. Current estimates place the reforestation requirement around 30 acres. Determination will need to be made regarding where reforestation needs would be met and by whom (on park land or not, by Developer or MNCPPC).

## Other Environmental Issues

Many other issues (some of which may be critical to the success of the project, such as irrigation) remain to be further defined and resolved as part of subsequent reviews. These include: stream buffer encroachment; rare, threatened, and endangered species (RTE) identification and the issue of forwarding the objective of preserving county biodiversity; the irrigation concept; the stormwater management concept; and integration of residential and golf course best management practices (e.g., Integrated Pest Management, or IPM). A few of these are discussed below.

## Environmental Buffer Encroachments/Compensation (Environmental Guidelines)



The plan proposes permanent encroachment in the environmental buffer of about 20 acres (including disturbance of high priority forest as discussed above), mainly in the lower reaches of the McKnew tributary of Little Paint Branch. Further, over one acre of wetland may be lost, which may require public notice and individual permit review by MDE and the Corps of Engineers. The encroachment is necessary for crossings of golf holes and roads. As a rule, staff does not permit encroachment of any kind in the environmental buffer. While unavoidable crossing is typically permitted, the extent of disturbance for the golf course is more than typical.

As previously stated above, staff believes this property should be developed using the PD zone, and that the maximum flexibility of this zone should be used to modify the current proposal and further reduce disturbance of environmentally sensitive areas and highest priority forest. No residential lots will be permitted in the stream buffers. The lots currently shown in stream buffer along Cedar Tree Drive extended must be relocated. Appropriate compensation/mitigation measures will be required for golf course encroachment. At a minimum:

- Limit encroachments to unavoidable and necessary disturbances, and otherwise concentrated in the highly disturbed riparian areas along the northeastern tributary of Little Paint (near Parcel X).
- Provide a comprehensive restoration and stabilization of this abused stream system and the significant unstabilized conditions that exist throughout much of this watershed area.
- Compensation for unavoidable and minimized encroachments. Standard for acceptable compensation is that proposed measures/ improvements shall be beyond those required by other regulatory agencies (e.g., DPS sediment and erosion control and SWM), and shall be designed with the objective of significantly improving the functions and values of the stream system and riparian areas, resulting in a stabilized, sustainable near-stream environment.
- Provide comprehensive restoration and stabilization of large area of upper watershed damaged from decades of abuse and neglect to help offset the loss of stream buffers and highest priority forest, including re-establishment of riparian habitat along portions of restored stream system, and control off-site runoff draining through site.

#### Rare, Threatened and Endangered Species

A 17-acre wetland complex is located on the part of the site just south of Rte. 198. It is part of the large, high-quality forest that connects to McKnew Local Park. The wetland also includes a scrub-shrub meadow plant community where the PEPCO power transmission lines traverse through it. A Maryland Department of Natural Resources (DNR) Natural Heritage Division inventory of the nearby McKnew Local Park also included this wetland complex. The inventory described the parts of the wetland

complex under the PEPCO power transmission lines as a true sphagnum bog, which supports plant communities uncommon to Montgomery County. The inventory also revealed occurrences of the state-rare Halberd-leaved greenbriar (*Smilax pseudochina*) scattered along a large portion of the PEPCO right-of-way, as well as in the adjoining forested wetland.

The conceptual layout for the golf course community preserves the wetland complex plus a 25-foot buffer around the wetland. Single family detached lots and associated road network are proposed to be located adjacent to the wetland complex. Impacts from the proposed development could include change to the hydrology and loss of groundwater recharge to the wetland by changing the adjoining land cover from dense forest to residential subdivision. Introduction of non-native, invasive plants that could crowd out the native vegetation, including the uncommon and rare native plants within the wetland complex, could occur. Staff's concerns are whether the 25-foot buffer and any stormwater management controls for the proposed development are sufficient to maintain the health and integrity of the wetlands (including its hydrology) and its high quality, unusual vegetation community.

Staff has initiated discussions with staff from DNR Natural Heritage Division and the Maryland Department of the Environment (MDE) regarding preservation of the high quality wetland complex. Staff will continue coordination with staffs from these state agencies to determine the need for further inventory and the appropriate protection measures as the project proceeds through the regulatory review process.

In addition to the wetland complex, DNR staff has indicated that other parts of the site may support unusual or rare, threatened and endangered plants. DNR suggested a comprehensive inventory for this site covering at least a full growing season, to identify any other areas that support these species.

#### Irrigation Concept

Storage volume is being created within the large in-stream pond for use in the irrigation concept. Significant amounts of finite groundwater within the Little Paint Branch watershed would be needed for golf course irrigation. The Fairland golf course will require permits to withdraw surface and/or ground water. Problems currently exist regarding existing permits that MDE issued for the nearby Cross Creek Golf Course. That permit may have to be significantly changed for Cross Creek because of MDE's determination of what was an acceptable amount of water withdrawal may be too extensive. Cross Creek Golf Course is downstream of the proposed Fairland Golf Course Community. As such water withdrawal issues at Fairland will potentially exacerbate problems at Cross Creek.

## **Further Discussion**

During the pre-preliminary review, positive amendments to the plan have been made. Preservation of the sensitive areas along the western boundary of the project, including the Silverwood tributary stream valley and some of the contiguous highest quality upland forest has been improved. The McKnew tributary forested stream buffer has been better protected through deletion of a roadway crossing, with additional contiguous forest targeted for protection in subsequent reviews. The proposal as a whole (particularly the golf course) has been consolidated into a tighter configuration, given the applicant's interpretation of the appropriate unit mix, lot size, and scale and expanse of an "upgraded" golf course.

Although improvements have been made to create a more environmentally sensitive project, there remain significant adverse impacts to natural resource features, many of which are of high quality. These impacts are contrary to the goals, objectives, and strict interpretation of the Planning Board's Environmental Guidelines and the County Forest Conservation Law. However, there are adverse environmental impacts that can be reduced (but not eliminated) during subsequent reviews of the proposal.

Staff notes that even with significant changes in the breadth and scale of the major land use elements of the plan, adverse impacts will likely be unavoidable if this plan is to be implemented due to the land-extensive uses in combination with the site's constraints. Staff believes changes to the proposed layout should continue, consistent with the intent to meet both environmental and land use objectives in the master plan.

## **Site Circulation and Connections to the Surrounding Road Network**

Planning staff recommends the following conditions as part of the APF test for transportation requirements related to approval of the subject pre-preliminary plan:

1. Limit the pre-preliminary plan to:
  - a. A total of up to 396 housing units as limited on page 48 of the *Fairland Master Plan* with a current mix of 300 single-family detached units and 96 single-family attached units and phased for up to 100 housing units each year.
  - b. Replace the existing Gunpowder Golf Course with an 18-hole golf course operated on a public/private partnership basis. The clubhouse with its parking area and 12 holes are entirely within Montgomery County while the County line divides four holes. Two holes, a driving range, and a "First Tee" (designed for disadvantaged, disabled, and young golfers) are entirely in Prince George's County.

2. Support internal street network and cross-section designs to provide interconnectivity for local traffic.
3. Resolve with the Maryland State Highway Administration's (SHA) transportation language on page 92 of the *Fairland Master Plan* to evaluate relocating the existing traffic signal along Sandy Spring Road (MD 198) from McKnew Road to Cedar Tree Drive.
4. Coordinate with SHA's MD 28/MD 198 Corridor Improvement Study regarding the following:
  - a. Satisfying the right-of-way requirements along Sandy Spring Road property frontage approximately 800 feet east and west of Riding Stable Road.
  - b. Providing safe and adequate traffic operation along Sandy Spring Road at the intersection of Sandy Spring Road and Riding Stable Road. Additional turning lanes on Sandy Spring Road may be needed to accommodate site-generated traffic to and from a new access/internal street terminating opposite Riding Stable Road.
5. Coordinate with the Montgomery County Department of Public Works and Transportation (DPWT) regarding the following:
  - a. Providing sidewalks within available right-of-way.
  - b. Designing and installing traffic calming measures to minimize non-local traffic on Cedar Tree Drive, McKnew Road, and the site's internal residential streets between Sandy Spring Road and Old Gunpowder Road.
6. Coordinate with SHA and DPWT regarding upgrading the northbound McKnew Road approach at Sandy Spring Road (MD 198) for an extra approach lane to separate left-turns from right-turns where some right-turns now use the shoulder as a second approach lane.
7. Submit an updated traffic study that is complete and adequate in accordance with the updated *Local Area Transportation Review Guidelines* when filing a preliminary plan application.
8. Coordinate with the Montgomery County Public Schools regarding dedication of land for an elementary school site at the terminus of Saddle Creek Drive.
9. Coordinate with SHA on alternatives under consideration for the new ICC project planning study.

## DISCUSSION

### Site Location

The site is located in the southwest quadrant of Sandy Spring Road and Old Gunpowder Road (i.e., Prince George's County). The Montgomery County and Prince George's County line runs north south through the site and approximately two-thirds of the land area is located in Montgomery County. The site includes the existing Gunpowder Golf Course and part of the existing Fairland Recreational Park.

### Vehicular Site Access

The five site access points are from either Sandy Spring Road in Montgomery County or from Old Gunpowder Road in Prince George's County. The internal street network should be interconnected to permit local traffic to access Sandy Spring Road in Montgomery County and Old Gunpowder Road in Prince George's County.

Within Montgomery County, the site accesses from Sandy Spring Road are as follows:

1. Cedar Tree Drive: An existing raised center median along Sandy Spring Road restricts motorists to right-turn-in and right-turn-out at Cedar Tree Drive. As discussed in Recommendation No. 3, relocating the traffic signal along Sandy Spring Road from McKnew Road to Cedar Tree Drive is recommended in the *Fairland Master Plan*. However the Oak Hills Homeowners Association does not support installing a traffic signal at the intersection of Cedar Tree Drive and Sandy Spring Road because of their concerns about additional non-local traffic along the northern segment between Sandy Spring Road and McKnew Road.
2. McKnew Road: The northern segment is an alternative connection between Cedar Tree Drive and Sandy Spring Road with speed humps to encourage reduction of motorists' speed. The intersection with Sandy Spring Road has a median break that permits full movement to and from McKnew Road at the signalized intersection. McKnew Road is not built to primary residential street standards.
3. A proposed internal residential street serves 95 single-family detached units on the Pre-Preliminary Plan with five units located in Prince Georges County. This proposed residential street terminates at Sandy Spring Road opposite Riding Stable Road. The existing intersection of Sandy Spring Road and Riding Stable Road is not signalized. The homeowner association of the residences living off existing Riding Stable Road requested a traffic signal warrant study. A study was conducted and determined that existing nor projected future site-generated traffic would satisfy warrants for a traffic signal at this intersection.

Within Prince George's County, two access points are from Old Gunpowder Road that serves:

1. The 54 single-family dwelling units located in Prince George's County and on the north and south side of the PEPCO right-of-way.
2. Dwelling units located in Prince George's County and Montgomery County and the golfers:
  - a. The 60 single-family dwelling units located around the tenth golf hole within Prince George's County.
  - b. The clubhouse parking area within Montgomery County.
  - c. The single-family dwelling units in Montgomery County via a connection into Montgomery County and to Cedar Tree Drive.

#### Roadways and Bikeways

The roadways and bikeways are as follows:

1. According to the *Fairland Master Plan*, adjacent and nearby roadways and master-planned bikeways are as follows:
  - a. Sandy Spring Road/Spencerville Road (MD 198) is designated as a four-lane divided major highway, M-76, with 120-foot right-of-way. An eight-foot Class I, PB-34, hiker/biker trail is planned on the south side plus on-road bicycle provisions between US 29 and the Prince George's County line in the *Fairland Master Plan* and SHA's MD 28/MD 198 Improvement Corridor Study.
  - b. McKnew Road is designated as a two-lane primary road, P-26, with a 70-foot right-of-way and sidewalks between Sandy Spring Road and Sugar Pine Court on both sides.
  - c. Saddle Creek Drive is designated as a two-lane primary road, P-27, with a 70-foot right-of-way and an extension of the sidewalks on both sides.
  - d. Cedar Tree Drive is designated as a two-lane primary road, P-45, with a 70-foot right-of-way and a Class III, PB-46, bikeway between Sandy Spring Road and the Fairland Recreational Park. A second Class I bikeway is PB-47, Cedar Tree Drive Connector, through the Fairland Recreational Park connecting Cedar Tree Drive's terminus to Robey Road.
  - e. Riding Stable Road is designated as a two-lane primary road, P-47, with a 70-foot right-of-way and a Class III, PB-61, bikeway from Sandy Spring Road north to the Prince George's County line/Brooklyn Bridge Road.

- f. Through the site, an unpaved trail, PB-41, Patuxent Trail.
  2. Within Prince George's County's *Sectional Map Amendment to the Subregion 1 Master Plan*, Old Gunpowder Road is a four-lane limited access collector with an 80-foot right-of-way and a 20-foot landscaped median.
  3. Residential streets should be designed with sidewalks for adequate internal pedestrian connections per Recommendation No. 2.

#### Pedestrian Site Access

Besides the identified bikeways in the *Fairland Master Plan*, the residential streets should have sidewalks for adequate internal pedestrian connections per Recommendation No. 2.

#### The Intercounty Connector and its Previous Alternative Alignments

SHA has recently re-implemented the study process for the proposed Intercounty Connector (ICC), a limited-access east-west highway intended to link areas between I-270 and I-95/US 1, within central and eastern Montgomery County and western Prince George's County. SHA anticipates developing alternate alignments for detailed study by Fall 2003.

The 1997 Draft Environmental Impact Statement (DEIS) and Major Investment Study (MIS) for the proposed ICC identified a Master Plan Alternative alignment and three alternative alignments for this master-planned roadway -- Upgrade Existing Roads Alternative, Northern Alternative, and Midcounty Highway-MD 198 Alternative.

1. To the west of I-95, the Northern Alternative alignment traversed north-south, parallel and to the east of Old Gunpowder Road before crossing Old Gunpowder Road, Montgomery/Prince George's County lines and MD 198 within the northeastern corner of the proposed Fairland Golf Course community.
2. The Midcounty Highway-MD 198 Alternative alignment for the ICC followed the existing alignment of MD 198 within Prince George's County (with roadway and intersection improvements), and shifted northwards within Montgomery County, creating a new intersection with Riding Stable Road, which was relocated to intersect MD 198 across from Birmingham Drive.

These two proposed ICC alignments are located to the north of the Master Plan Alternative alignment (i.e., which crossed Old Gunpowder Road to the south of Greencastle Road) and are not in the area Master Plans. At this time, the proposed Fairland Golf Course community is a pre-preliminary application, and the Planning Board does not place rights-of-way in reservation at the pre-preliminary plan stage.

Of the above three alternative alignments proposed, only the Northern Alternative alignment would have any physical impact on the proposed Fairland Golf Course community. Some of the single-family detached dwelling units shown off MD 198 (opposite Riding Stable Road) and off Old Gunpowder Road are affected by the proposed Northern Alternative alignment. This alignment will also impact the access to those dwelling units proposed off MD 198. Other possible vehicular access to these dwelling units would be via connections to either Old Gunpowder Road (which will involve at least one stream crossing) or Birmingham Drive.

The new ICC planning process is starting de novo in procedural terms. It has been selected as one of the few transportation projects in the country for a “streamlined” review process. A newly drafted Purpose and Needs Statement is in circulation. Alternative alignments have not been identified at this time. The only information we have on possible alignments comes from the 1997 ICC DEIS and MIS.

Though Park and Planning staff in the past supported protecting the Master Plan Alternative alignments in active planning development, staff in the past has not recommended right-of-way dedication of non-master planned alignments. SHA, as the lead agency planning, designing and implementing the project is free to choose any of the previously studied alternative alignments or even a new alignment based on current environmental, community and cost impacts, and/or other constraints. If SHA selects an alignment other than the Master Plan Alternative alignment, area Master Plans affected by the proposed new alignment must be amended by County Council action. We have alerted SHA to this pre-preliminary plan and may expect their testimony at the Planning Board hearing.

#### Other On-Going Transportation Projects

The other on-going transportation projects are as follows:

1. SHA’s Consolidated Transportation Program (CTP) Project No. MO8675170, US 29/MD 198 Interchange from north of Dustin Road to south of MD 198. Construction started in June 2002 and completion is anticipated at the end of 2004.
2. SHA’s Planning Project, No. MO8861, MD 28 (Norbeck Road)/MD 198 Corridor Improvement Study has been initiated. SHA anticipates releasing the draft environmental document for the project in Summer/Fall 2003. The study is currently funded for project planning only.
3. A private “Road Club” is constructing Relocated Dino Drive between the existing road and Sandy Spring Road from west of Star Pointe Drive to Valley Stream Avenue in accordance with the *Fairland Master Plan*. Dino Drive Extended is designated in the *Fairland Master Plan* as a two-lane industrial road, I-2, with a 70-foot right-of-way. The “Road Club” consists of the



applicants of approved, pending, and future preliminary plans who need vehicular access to their sites that are:

- a. Fronting on and located between Relocated Dino Drive and Sandy Spring Road. When these properties were approved or are being developed, SHA will not permit vehicular access directly to Sandy Spring Road. The alternative vehicular access to Sandy Spring Road would be via Relocated Dino Drive.
- b. Now being served by the existing southern terminus of Star Pointe Drive. The alternative vehicular access to Sandy Spring Road will be needed when SHA closes the Sandy Spring Road/Star Pointe Drive intersection to construct and operate ramps for the US 29/MD 198 Interchange.
- c. Denied vehicular access by SHA directly from Sandy Spring Road when these properties are developed. The alternative vehicular access to Sandy Spring Road would be via the extension of Relocated Dino Drive west of Star Pointe Drive.

#### Prior Plan Reviews

The Fairland Golf Course Community was previously reviewed or approved as follows:

1. In Prince George's County, Preliminary Plan No. 4-01070 was approved for 120 clustered single-family detached units on November 15, 2001. Refer to the resolution by the Prince George's County Planning Board.
2. In Montgomery County, a public hearing of the Planning Board was held on April 12, 2001, for informational briefing on the Fairland Golf Course Community as a proposed public/private partnership for development of a golf course community. No public testimony was taken at that time.

Site-Generated Traffic

The number of peak-hour trips generated by the proposed land uses during the weekday morning peak period (6:30 a.m. to 9:30 a.m.) and the evening peak period (4:00 p.m. to 7:00 p.m.) are as follows:

Type of Single-Family Units	Vehicular Access from	Number of Units	Peak-Hour Trips	
			Morning	Evening
<b>Within Montgomery County</b>				
Attached	Cedar Tree Drive	96	46	80
Detached		210	155	193
Detached	Riding Stable Road	90	81	95
Both Types		396	282	368
<b>Within Prince George's County</b>				
Detached	Riding Stable Road	5	5	6
	Old Gunpowder Road	115	93	113
	Both Access Points	120	98	119
<b>Within Montgomery County and Prince George's County</b>				
Attached		96	46	80
Detached		423	334	407
Both Types		519	380	487

Congestion Levels at Nearby Intersections

The proposed land uses generate 50 or more peak-hour trips during weekday morning and evening peak hours. Thus, a traffic study is required to satisfy Local Area Transportation Review. An initial traffic study was submitted to assess the congestion levels at nearby intersections within Montgomery County and to identify any off-site improvements at these intersections. The calculated critical lane volumes (CLV) at one of the four intersections were within approximately 90 percent of the 1,550 congestion standard for the Fairland/White Oak Policy Area. The CLV at the other three intersections were between 70 and 80 percent of the congestion standard. The traffic study is to be updated with current counts and standards in the revised *Local Area Transportation Review Guidelines* per Recommendation No. 7.

Policy Area Transportation Review/Staging Ceiling

Under the *FY 2003 AGP* as of May 31, 2003, the remaining transportation staging ceiling capacity for non-residential development is positive 3,399 jobs and negative 3,542 housing units in the Fairland/White Oak Policy Area. Policy Area Transportation Review

can be satisfied under the *FY 2003 AGP* Section TA.3.3.2 – “Restrictions on Number of Approvals, Exception: Golf Course Community” as discussed in the Introduction and Recommendation No.1.

**Contributing Staff:**

Cathy Conlon	Cherian Eapen
Steve Federline	Piera Weiss
Ron Welke	Karl Moritz
Ed Axler	Richard Weaver

<b>ATTACHMENTS</b>	<b>PAGE</b>
Environmental/Natural Resources Guidance	27 - 31
Proposed Fairland Golf Course Community Plan	32
Environmental Corridors Plan	33
Existing Land Ownership	34
Proposed Land Ownership	35

All correspondence received to date is provided under separate cover

## FAIRLAND GOLF COURSE REVISITED (May 7, 2002)

### Environmental/Natural Resource Issues

**Directive:** provide more focused guidance as a supplement to the July 2, 2001 memo as to how to achieve an environmentally acceptable plan by defining three distinct areas of environmental sensitivity, and give direction as to appropriate management measures for each area. These areas include: **(1) areas for preservation; (2) areas of maximum feasible forest retention; and (3) areas for restoration.** The extent of these areas is highlighted on the attached NRI/FSD.

#### **(1) AREAS FOR PRESERVATION**

***Objectives:*** *Preserve the highest quality natural resources (including aquatic and forest communities) associated with the stream valley corridors of the Silverwood and McKnew tributaries of the Little Paint Branch.*

- A. Protect the Silverwood tributary stream valley in its entirety, focusing on preserving all areas west of the eastern edge of the forested stream buffer.**

*Rationale* in support of protecting the Silverwood stream valley:

- Large area of intact, mature high quality forest suitable in size and breadth for interior dwelling birds, wildlife habitat, and unique, continuous regional passive recreational opportunities. Area represents the best generally intact, publicly owned example of the merging of the piedmont and coastal plain physiographic province in Montgomery County.
- Combination of floodplain, steep slopes and significant topographical relief, contiguous forest, and unique habitat along the piedmont/coastal plain fall line.
- The Silverwood tributary is identified in master plan (p134) as highest priority for preservation.

- B. Maximize the preservation of the McKnew tributary stream valley adjacent to McKnew Local Park. This is the environmental buffer area from McKnew Local Park downstream to Columbia gas line crossing of stream.**

*Rationale* in support of protecting this part of McKnew stream valley:

- Large area of high quality forest that is an extension of diverse, unusual high quality forest already protected in McKnew Local Park.

- Combination of floodplain, steep slopes, contiguous forest, and unique habitat along the piedmont/coastal plain fall line.
- The McKnew tributary was identified in the master plan (p140) as highest priority for preservation.
- Identified by the Maryland Department of Natural Resources as harboring watch list, rare, threatened or endangered species.

## **(2) AREAS OF MAXIMUM FEASIBLE FOREST RETENTION**

***Objectives: Preserve the highest quality upland forest stands adjacent to the stream valley corridors of the Silverwood and McKnew tributaries of the Little Paint Branch.***

- A. **Minimize the loss of highest quality upland forest adjacent to the Silverwood tributary stream valley.** This is a large area of intact, mature high quality forest that, in combination with stream valley forest, is suitable in size and breadth for interior dwelling birds, wildlife habitat, and unique, continuous local passive recreational opportunities.
- B. **Minimize the loss of highest quality upland forest southeast of the environmental buffer area between McKnew Local Park and the Columbia Gas Line ROW.** This is an extension of diverse, unusual high quality forest already protected in McKnew Local Park.

The master plan language identifies certain forested areas outside of environmental buffers as highest quality forest suitable for preservation. Both the master plan and the revised forest conservation law mandate an avoidance/minimization approach to forest retention based on maximum use of any available planning and zoning options. This requirement places the highest priority for site design on increasing the efficiency of development (both golf course and housing) as the first option for achieving the greatest possible forest retention of the identified high quality forest.

Language on page 47 of the master plan “*encourages use of the PD zone to achieve an appropriate mix and size of units, an improved golf course design located outside the stream valley, and protection of other environmental features such as steep slopes and wooded area.*”

The forest conservation law in Section 22A-12(b) *Retention* requires that

- 1) ***The forest conservation plan must retain certain vegetation 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 forest 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;.....*
- F) *areas which have been designated as priority save areas in a master plan and functional plan.*

The burden of proof in demonstrating compliance with the master plan and forest conservation law rests with the applicant. It is apparent that a critical look at reducing the area dedicated to the golf course and housing development will be necessary to preserve the high quality natural resources in the identified Silverwood and McKnew tributary areas.

### (3) RESTORATION AREAS

The areas on the site outside the two aforementioned areas are part of a master-plan designated "*Environmental Restoration Area, where a combination of standard environmental protection is used for new development, and stormwater retrofits or stream enhancement is used to address existing problems*" (p. 135). The standard environmental protection measures (e.g. environmental guidelines, SWM practices) shall apply to the residential component of the development. However, some flexibility can be applied in the guideline's application for the housing component if: the flexibility allowed is minimized; the area of encroachment within the stream buffer is devoid of high priority forest and sensitive environmental features; and the resulting development is clearly better from an environmental perspective with the change as compared with standard environmental protection measures (including the standard stream buffer) in place.

However, a more flexible and creative approach shall be applied to the golf course component to implement the overriding objective of stream restoration and stabilization of nearby areas that currently contribute to the severely degraded state of this segment of the Little Paint Branch watershed. To that end, flexibility will be shown in utilization of the environmental buffer areas under MNCPPC's exclusive purview to facilitate both the stream restoration and golf course construction objectives. It must be noted, however,

that other environmental regulatory agencies (i.e., Maryland Dept. of the Environment, U.S. Army Corps of Engineers, and the County Department of Permitting Services) have permitting control over the utilization of portions of the environmental buffers (e.g., wetlands and their buffers; habitat for rare, threatened, and endangered species; floodplains; restoration and continuation of in-stream impoundments; limits on withdrawals and discharges for irrigation needs), and their conceptual approval should be secured before the overall site development concept is considered viable.

Given the multiple objectives for the site, and the potential for significant environmental benefits stemming from the restoration and retrofit opportunities in the severely degraded portions of the Little Paint Branch watershed, flexibility in the strict enforcement of the Planning Board's environmental buffer guidelines is appropriate to facilitate a feasible and acceptable project. Staff guidance in defining the limits in that flexibility is outlined below:

- 1) Consideration will be given to the continued use and expansion of the recently renovated existing in-stream pond to serve golf course irrigation and SWM needs, if acceptable to all environmental regulatory agencies. No new in-stream ponds are acceptable, and the disposition of other existing in-stream ponds shall be determined as part of the overall stream restoration concept.
- 2) A flexible approach will be applied for that part of the golf course development along the stream valley corridor between the most downstream, existing in-stream golf course pond and the upper headwaters area in and around the PEPCO right-of-way. Staff recognizes that many of the proposed encroachments into environmental buffer areas are well in excess of what staff has allowed in other projects.
- 3) One exception to the criteria set forth in (2), above, would occur on Parcel "X": The areas of greatest flexibility for application of the MNCPPC environmental buffer guidelines (more flexible than in item (2)) would occur along the stream segments within Parcel "X". Staff acknowledges that these stream segments are severely degraded and any measures to stabilize this part of the stream valley and establish some native vegetation would substantially improve conditions there. The environmental buffers in Parcel "X" may be used for the golf course, subject to meeting all federal, state, and county regulatory permitting requirements.
- 4) Many factors have led to the decision to consider relatively extensive encroachments: the existing golf course and industrial uses that have substantially altered and degraded long reaches of the natural stream system; the master plan's stated desire to upgrade the existing golf course; and the master plan's recommendation to locate a golf course community and a public elementary school in this part of the county. The large-scale environmental buffer encroachments must be balanced with the extensive public purposes (including

stream stabilization and restoration) being served by this project, and should not be considered a precedent for reviewing future projects.

In reviewing golf course proposals which encroach into the environmental buffers (particularly those that are forested), staff will consider whether there are feasible and reasonable alternatives to avoid the encroachment, whether the encroachment is the minimum necessary to make the golf course "work", and what measures are proposed to improve the stream system beyond what would occur with the standard application of environmental laws, regulations, and guidelines, including the environmental buffer guidelines, SWM laws and regulations, wetland and floodplain protection requirements, forest conservation law, etc.

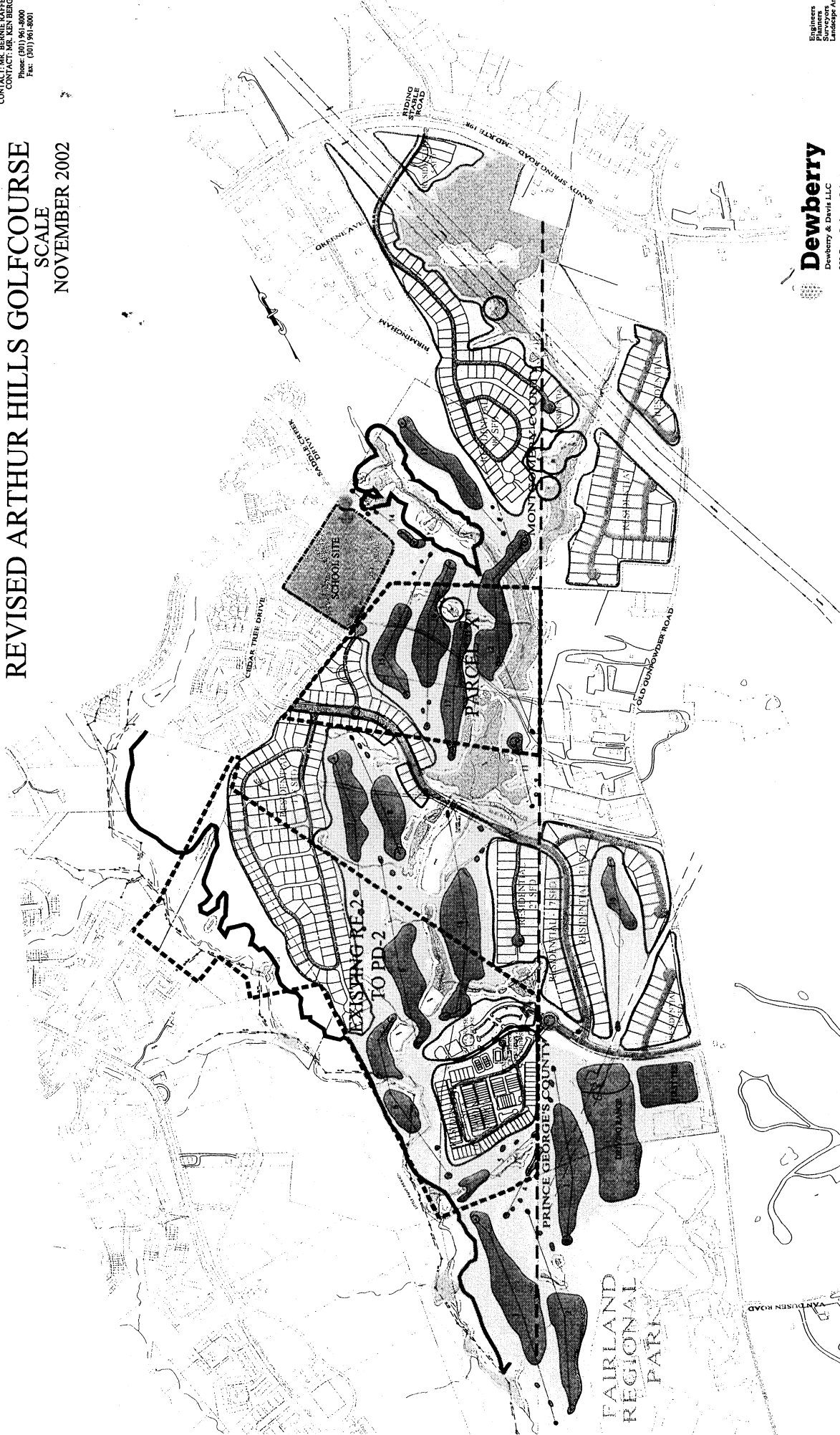
The concept to offset buffer encroachments should be designed with the objective of significantly improving the functions and values of the stream system, which in conjunction with "standard" environmental protection measures, would provide a sustainable, stabilized stream environment. Some elements that staff suggests for consideration include:

- a) Minimum SWM pre-treatment or partial quantity and/or quality controls of offsite runoff from the adjoining industrial-use area that would normally be beyond county SWM regulatory control should be included. This industrial area drains to that part of the stream system upstream of the proposed golf course. Restoration efforts may fail or be short-lived without some level of control for that incoming pollution source.
- b) Measures to maintain or enhance the quantity and quality of the hydrologic resources that support existing wetlands on the site, especially those that are of high quality or support RTE species. As part of proposing such measures, an assessment of the appropriate hydrologic balance to sustain the onsite wetland conditions should be conducted, and should provide consistent downstream discharges to maintain a stable base flow and aquatic habitat.
- c) Restoration of a stream valley often includes efforts to ultimately restore the full forest canopy and understory for the many benefits that ensue. While this objective is still applicable to a golf course, it may preclude a reasonable continuity in the hole layout, and/or the loss of existing, high quality buffer elsewhere. When holes cannot avoid stream buffer crossings, and the playable area of the hole precludes forest canopy, understory scrub/shrub or natural grasses should be planted or preserved.
- 5) The golf course hole-by-hole design shall reflect an effort to avoid and minimize disturbance of the restored and existing environmental areas during operation of the course. Holes with environmental areas in play shall be signed as such, be subject to free drops or stroke penalties, and be enforced by course rangers.



# FAIRLAND GOLF COMMUNITY REVISED ARTHUR HILLS GOLF COURSE SCALE NOVEMBER 2002

DEVELOPER  
ARTERY RYLAND FAIRLAND LLC  
7300 WISCONSIN AVENUE SUITE 1000  
P.O. BOX 3450  
CONTACT: MR. BERNIE RAFFERTY  
CONTACT: MR. KEN BENG  
Phone: (301) 961-4000  
Fax: (301) 961-8001



**Dewberry**  
Dewberry & Davis LLC  
303 Perry Parkway, Suite 1  
Galesburg, MD 20877  
(301) 948-8300 Fax: (301) 286-7607  
www.dewberry.com

Engineers  
Surveyors  
Landscape Architects





**FAIRLAND GOLF COMMUNITY  
PROPOSED LAND OWNERSHIP  
OCTOBER 2002**

OWNERSHIP TABULATION	MONTGOMERY COUNTY	PRINCE GEORGE'S COUNTY	TOTAL
TOTAL LAND AREA	268.4 AC.	122.0 AC.	390.4 AC.
ARTERY RYLAND FAIRLAND	114.9 AC.	67.2 AC.	182.1 AC.
E.L.C. HOLDINGS	251.5 AC.*	59.8 AC.	311.3 AC.

BASED ON PRE-PRELIMINARY PLAN SUBMITTED TO MNCPPC JULY 27, 2002  
 \* INCLUDES 11.3 ACRES FOR FUTURE SCHOOL SITE  
 PARCEL "X" - (8.40 AC. PRIVATE) (19.47 AC. PUBLIC)

**LEGEND**

- PUBLIC LAND
- PRIVATE LAND

MONTGOMERY COUNTY, MARYLAND  
 PRINCE GEORGE'S COUNTY, MARYLAND  
 FAIRLAND GOLF COMMUNITY  
 MONTGOMERY AND PRINCE GEORGE'S COUNTIES  
 2002 Planning and Zoning Department  
 2002 Planning and Zoning Department  
 2002 Planning and Zoning Department  
 2002 Planning and Zoning Department