



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

MONTGOMERY COUNTY PLANNING BOARD

The Maryland-National Capital Park and Planning Commission

October 2, 2003

TO: The County Council for Montgomery County, Maryland, sitting as the District Council for the Maryland-Washington Regional District in Montgomery County, Maryland

FROM: Montgomery County Planning Board

SUBJECT: Planning Board Recommendation on Zoning Text Amendment
No. 03-21, Subdivision Regulations Amendment No. 03-01, and Forest Conservation Regulations Amendment No. 29-03

BOARD RECOMMENDATION

The Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission reviewed ZTA No. 03-21, SRA No. 03-01, and FCRA No. 29-03, at its regular meeting on Thursday, September 25, 2003. By a vote of 4-0, the Board recommends DEFERRAL/DENIAL of these amendments. The Board concurs with the reservations expressed in the staff report (adopted and attached) regarding these proposals, that they are too subjective in their language and too permissive in their intent.

Regarding the Subdivision Regulations Amendment, the Board supports the amended definition of agriculture and the added definition of agricultural land – but concurs with the staff that agricultural land should not be exempted from subdivision review. Regarding the Forest Conservation Regulations, the Board concurs with the staff that a full exemption from this legislation should not be provided to equestrian activities; and concurs with their recommended language limiting exemption to proposed facilities that do not result in the “cutting, clearing, or grading of any forest in a stream buffer, or any specimen or champion trees”.

However the Board strongly agrees that the regulation of riding stables must be amended due to the current regulatory uncertainty and instability surrounding this use. To expedite this process, the Board recommends that the Council consider alternative legislation, attached to this

memorandum, to amend the introduced ZTA. This proposal of the M-NCPPC staff incorporates elements of the introduced ZTA, but proposes basic standards for all equestrian facilities, permitted by right or by special exception. In discussing this alternate version, the Planning Board supports it generally, but recommends that the Council consider the following issues that need further refinement:

1. Three levels of equestrian events are defined (59-A-2.1.). The Council should consider how this is to be enforced and how it will be limited? Also, the number of allowed "equestrians and spectators" should be on a "per day" basis.
2. A definition should be provided for an "Equestrian Sports Field", based on its size. Polo is the primary equestrian field sport that might request lights for night play; and these fields may be smaller "arena" or larger standard fields. There may also be other field activities that should be included. Both are considerably larger than the facilities used for dressage or other equestrian activities. Additional research is needed.
3. A "grandfathering" clause should be added to the operating criteria proposed for Division 59-A-6, to protect existing riding stables; and perhaps provide a timeframe for larger facilities that are out of compliance with the new regulations to make necessary changes to come into compliance.
4. The threshold criteria for special exception for equestrian facilities in 59-A-6 should include a criteria related to anticipated trip generation. An evaluation of impact on the primary access road should be a part of when special exception is triggered. Information should be available to indicate what volume of additional trips would bring a measurable level of disruption to the surrounding neighborhood.
5. The term "sport field" within the threshold criteria for special exception should be changed to "equestrian sport field" and a definition added for it (as noted in "2" above).

The Planning Board believes that with these issues resolved, the attached alternate ZTA will be a better, more fair and balanced, less subjective method of regulating equestrian facilities. The Board supports a deferral of this process to allow time to consider these changes, and the Board fully supports the need to clarify the regulatory process for this important use that is becoming ever more vital to the economy of the Agricultural Reserve.

CERTIFICATION

This is to certify that the attached report is a true and correct copy of the technical staff report; and the foregoing is the recommendation adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, on motion of Commissioner

Robinson, seconded by Commissioner Perdue, with Commissioners Robinson, Perdue, Bryant and Chairman Berlage voting in favor of the motion, and with Commissioner Wellington absent, at its regular meeting held in Silver Spring, Maryland, on Thursday, September 25, 2003.



Derick P. Berlage
Chairman

cc: Members of the Planning Board

Bill No. 29-03
Concerning: Forest Conservation-
Equestrian Facilities
Revised: 4-29-04 Draft No. 6
Introduced: July 29, 2003
Expires: January 29, 2005
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: none
Ch. _____, Laws of Mont. Co. _____

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By: Councilmember Silverman

AN ACT to:

- (1) amend the requirements for forest conservation for certain equestrian facilities on land in agricultural zones; and
- (2) generally amend the forest conservation law regarding equestrian facilities.

By amending

Montgomery County Code
Chapter 22A, Forest Conservation – Trees
Sections 22A-3 and 22A-5

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

1 **Sec. 1, Sections 22A-3 and 22A-5 are amended as follows:**

2 **22A-3. Definitions.**

3 In this Chapter, the following terms have the meanings indicated:

4 * * *

5 **Equestrian Facility:** Any building, structure, or land area that is used or
6 designed for the care, breeding, boarding, rental, riding, sport eventing, or training of
7 horses or ponies, the teaching of equestrian skills, or competitive equestrian events.

8 * * *

9 **22A-5. Exemptions.**

10 The requirements of Article II do not apply to:

11 * * *

12 (r) an equestrian facility located in an agricultural zone that is exempt
13 from platting requirements under Section 50-9, whether or not a
14 sediment control permit is obtained under Section 19-2[(d)]. [[but]]
15 However, Section 22A-6(b) applies if any specimen or champion tree
16 would be cleared. This exemption does not permit any forest or tree
17 that was preserved under a previously-approved forest conservation plan
18 or tree save plan to be cut, cleared, or graded unless the previously-
19 approved plan is amended to allow that activity. This exemption does
20 not apply if:

21 (1) any forest was cleared during an agricultural activity, as defined
22 in subsection (b), during the 5 years before any exemption under
23 this subsection is claimed;

24 (2) any forest or tree located in a stream valley buffer would be
25 cleared;

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(3) on-site forest retention does not equal at least 20% of the gross tract area or all forest existing when the exemption is claimed, whichever is less; or

(4) onsite forest clearing would exceed 50% of the net tract area. A conservation easement is not required for any equestrian facility, whether or not the exemption in this subsection applies. However, another type of long-term protection may be required under Section 22A-12(h)(2) if the facility includes any forest save area;

[(r)] (s) * * *

[(s)] (t) * * *

Approved:

Steven A. Silverman, President, County Council Date

Approved:

Douglas M. Duncan, County Executive Date

This is a correct copy of Council action.

Mary A. Edgar, CMC, Clerk of the Council Date

AMENDMENT 1
To Bill 29-03
BY COUNCILMEMBER KNAPP

PURPOSE: to require additional forest retention

On page 3, line 26, replace 20% with 25%

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AMENDMENT 2
To Bill 29-03
BY COUNCILMEMBER KNAPP

PURPOSE: to require additional retention of large forest tracts

On page 3, replace line 29 with:

- (4) on-site forest ~~[[clearing would exceed]]~~ *retention does not equal at least 50% of* ~~[[the]]~~ *any net tract area when more than 50% of that tract is existing forest.*

On page 3, line 33, replace save with retention.

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