



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB
ITEM #7
12/9/04



MEMORANDUM

DATE: December 3, 2004

TO: Montgomery County Planning Board

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

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

REVIEW TYPE: Preliminary Plan of Subdivision

APPLYING FOR: Preliminary Plan Approval of thirteen (13) lots and eight (8) outlots;
thirteen (13) one family detached dwelling units

PROJECT NAME: Stoney Springs (Casey Property)
CASE NO. 1-05029

REVIEW BASIS: Pursuant to Chapter 50, the Subdivision Regulations and Chapter 59, the
Zoning Ordinance

ZONE: RDT

LOCATION: Located on the south side of Offut Road and west side of Mount Nebo
Road at the intersection of West Offut Road and Mount Nebo Road

MASTER PLAN: Agricultural and Rural Open Space

APPLICANT: Winchester Homes
ENGINEER: Benning & Associates, Inc.
ATTORNEY: Holland and Knight, LLP

HEARING DATE: December 9, 2004

Staff Recommendation: Approval subject to the following conditions:

- 1) Approval under this preliminary plan is limited to 13 lots and 8 outlots.
- 2) Compliance with the conditions of approval for the preliminary forest conservation plan including requirements that reforestation occur during the first planting season after issuance of the first sediment control permit and that applicant construct a permanent, split rail fence on lots 2,7,11, and 12 to protect and delineate the forest conservation easement area. The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits.
- 3) Future contract of sale for proposed lot 2 shall include notification to potential buyers that the lot contains a historic resource included on the Historic Preservation Locational Atlas (Resource #17/32, Log Cabin - Offutt Road).
- 4) Future contracts of sale for all houses shall include notification to potential buyers of the shooting range operated on the adjacent Izaak Walton League property.
- 5) Prior to recordation of plats, applicant shall conduct necessary stabilization measures for the existing historic structure in coordination with Historic Preservation staff.
- 6) All road rights-of-way shown on the approved preliminary plan shall be dedicated by the applicant to the full width mandated by the Rustic Road Master Plan, unless otherwise designated on the preliminary plan.
- 7) Dedicate five (5) additional feet of right-of-way for a total of 35 feet from the centerline of Mount Nebo Road, as required for rustic road R-27.
- 8) Compliance with the conditions of approval of the MCDPS stormwater management approval dated October 29, 2004.
- 9) Compliance with conditions of MCDPS (Health Dept.) septic approval.
- 10) Applicant to establish 25' Public Use Trail Easements in the following locations:
 - a. Along the south side of West Offutt Road from Edwards Ferry Road to the midpoint of Outlot "A" and south along the west side of Nebo Road to the property's southern border;
 - b. South from West Offutt Road along the entire eastern border of proposed Lot 4;
 - c. Along the southern border of the subject property from the southeastern corner of proposed Outlot 13; and
 - d. From West Offutt Road south through the eastern portion of the subject property to the southern property boundary, to be located east of proposed Lots 14 and 15, and west of the Potomac River tributary that runs from north to south through the property.Easement and trail to be adequately identified by the applicant with appropriate signage.
- 11) Exact alignment and description of Public Use Trail Easements that will be filed in the Montgomery County Land Records to be determined by applicant and MNCPPC staff prior to record plat.
- 12) Compliance with conditions of MCDPWT letter dated November 12, 2004, unless otherwise amended.
- 13) Record plat to reflect a Category I easement over all areas of stream valley buffers and forest conservation.
- 14) Record plat to reflect common ingress/egress and utility easements over all shared driveways.

- 15) Other necessary easements.

SITE DESCRIPTION and SURROUNDING AREA:

The Stoney Springs development is a 704-acre site near the intersection of Edwards Ferry and West Offutt Roads (see Attachment A). The property is zoned RDT and includes an existing farmhouse and outbuildings. The property is actively farmed. The property includes numerous streams, wetlands, floodplains, and 309 acres of forest.

PROJECT DESCRIPTION AND STAFF FINDINGS

A pre-preliminary plan application (Pre-preliminary Plan No. 7-03023) was submitted for this property for septic testing purposes. The subject preliminary plan application proposes to create 13 lots and 8 outlots in the RDT zone (see Attachment B). The proposed lots and outlots range in size from a lot of 3.5 acres to an outlot of 301 acres. The average size of the majority of the proposed lots is approximately 9 acres, with proposed lot 4 being 62 acres and lot 2 being 70 acres. The smallest proposed outlot is 8.6 acres with most of them being greater than 15 acres.

Conformance to the RDT Zone

The subject property is located in the Agriculture and Rural Open Space (AROS) Master Plan area and zoned RDT. The RDT is the most protective agricultural zone in the County. The intent of the zone in the Ordinance states: "*agriculture is the preferred use*", and "*this is to be accomplished by providing large areas of generally contiguous properties suitable for agricultural and related uses.*", but the zone allows single-family residential uses by right. The development standards for the zone state a density of one dwelling unit per twenty-five acres. The minimum net lot area is 40,000 square feet. The intent in allowing this flexible lot size was to allow property owners to carve off smaller lots while retaining the bulk of their land in contiguous fields for agricultural purposes.

The intent of setting a density of 1 dwelling unit per 25 acres, as stated in the AROS Master Plan, was because this was determined to be the minimum size (in 1980) that a person could expect to be able to make a sustainable living in farming. This had nothing to do with residential lot sizes. It was never anticipated that all residents of the Agricultural Reserve would farm, but it was clearly hoped that the flexible lot sizes would enable more farmers to remain in business. Many preferred a lower density, but the need to balance property rights with land preservation goals led to the 1 per 25-acre density.

The plan was reviewed for consistency with Chapter 50, the Subdivision Regulations and found to comply with all applicable sections of that chapter. Staff also finds the lots comply with the dimensional requirements for Rural Density Transfer (RDT) zoned property found in Chapter 59, the Zoning Ordinance. Several of the proposed lots and outlots contain large contiguous field areas which could continue to support traditional farming uses (i.e., crops).

Forest Conservation Requirements

There are 309-acres of existing forest on the property. The development must comply with Section 22A-12(f) of the Montgomery County code (Forest Conservation Law) which requires developments in agricultural resource areas to either retain or plant a certain percentage of forest onsite. For this particular plan, the appropriate threshold is the afforestation threshold. The plan proposes removal of 12-acres of forest. To compensate for this loss, the law requires planting of 24-acres of new forest. The plan proposes planting in unforested stream buffers to meet this requirement. With the proposed retention and replanting, the proposed plan meets the requirements of the forest conservation law.

The plan preserves the stream valleys and environmentally sensitive areas. Safe and adequate access for vehicles and pedestrians are provided by the existing road system and the proposed shared driveways.

Citizen Concerns

A number of letters received from interested citizens, including members of the local Izaak Walton League in Poolesville, MD, are attached to this memorandum. The majority of the letters reference the subject project (previously the Casey Property Pre-preliminary Plan, now Stoney Springs) and another project called the Polo Grounds, which is a pending Pre-preliminary Plan application for which a Planning Board action was not requested. The Polo Grounds application proposed the use of a spray irrigation septic system (shared system) to which many of the attached letters refer. The subject application (Stoney Springs) proposes using sand mound systems for sewage disposal. These systems are permitted under current Executive Regulations for on-site sewage disposal systems.

As pertains to the subject application, the significant concern raised in the letters pertains to the potential for failure of a sand mound system and its impact to water quality both on the Izaak Walton League property and to the Potomac River and Chesapeake Bay. The Montgomery County Department of Permitting Services is the lead agency that reviews and approves applications for all on-site sewage disposal systems in the county. As is the case with a conventional septic system, a mound system must meet percolation standards and have back-up mounds approved in case of failure. Cost for repairs and replacement of a mound system are borne by the property owner.

Montgomery County Department of Permitting Services (MCDPS) Well and Septic staff have reviewed and approved the proposed sand mounds for the 13 lots being created as part of this subdivision. Conversion of the proposed outlots in the subdivision to lots will be contingent on further MCDPS approvals. Staff finds that the proposed well and septic is adequate.

ATTACHMENTS

Attachment A – Vicinity Map
Attachment B – Proposed Plan
Attachment C- Citizen Letters