

**The Upper Rock Creek Coalition
The Olney Coalition**

January 16, 2004

Steve Silverman, President
Montgomery County Council
100 Maryland Ave
Rockville, MD 20850

Dear President Silverman:

The Upper Rock Creek community was asked to express their concerns regarding the RNC zone that is being recommended for the large undeveloped properties in the Upper Rock Creek master plan. Up to this point, RNC zoning has only been applied to properties in Sandy Spring / Ashton and Potomac, and it has only been developed in Sandy Spring / Ashton.

In order to understand the issues from as broad a range of perspectives as possible, we collected input from three groups of people: members of the Upper Rock Creek and the Olney Coalitions; residents of Sandy Spring / Ashton; and planning professionals including Planning Board and Council staff members. More than thirty people shared their observations with us. This is what they had to say.

- Despite good intentions, RNC has not preserved the rural character of Sandy Spring / Ashton.
- RNC has preserved significant tracts of contiguous Open Space. This land is protected from future development by easements that are controlled by Greater Sandy Spring Green Space, Inc.
- RNC has protected rural vistas along the Rural Legacy Trail, but not the rural vistas that characterize the country roads people use every day. What people see today are huge houses on small lots – “a wall of vinyl.”
- Visual buffers are especially important with RNC because the zone introduces suburban development patterns in rural areas. These patterns do not fit with their surroundings, so people want to hide them from view.
- A densely packed cluster of nearly identical luxury homes on very small lots does not meet the requirement for a diversity of lot sizes under the optional method or the community's desire for a variety of architectural designs and house sizes.
- RNC opens the sewer envelope and significantly increases the density of development. For example, if Dellabrooke were developed on well and septic it would have yielded 21 units. Rezoned RNC it yielded 48. From the community's point of view this is a huge difference.
- When hot real estate markets, clustered development and rural infrastructure collide, the result is a mess. The pace of build-out accelerates and quickly overwhelms infrastructure capacity leading to lower levels of service for everyone. Residents notice this and they are angry.

If the county is going to apply the RNC zone in master plan areas other than the one for which it was designed, there has to be some thought given to how to make this work. Nothing in the intent statement for the zone addresses the protection of water quality or sensitive natural resources. Properties proposed for RNC zoning in the Upper Rock Creek and the Olney master plans have significant environmental issues. The protection of water quality is particularly critical for properties in the Upper Rock Creek watershed.

The community believes it is very important that the Planning Board goes back and takes a look at the RNC zone from this point of view before applying it to these properties. Perhaps there needs to be a separate optional method for environmentally sensitive properties where the intent of the zone is to preserve water quality versus preserving rural vistas along the Rural Legacy Trail.

We welcome the opportunity to work with Planning Board staff to strengthen the RNC zone so that it will work effectively in all the areas where it is applied.

Respectfully,
Susan Petrocci, The Upper Rock Creek Coalition
Nancy Wendt, The Olney Coalition

Copies to:

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Background

The RNC zone was created during the development of the 1998 Sandy Spring Ashton master plan. The zone was initially drafted to accomplish three things.

1. Preserve the rural character of Sandy Spring / Ashton.
2. Create large, contiguous tracts of open space at the periphery of new developments.
3. Protect unique aspects of the area's cultural heritage including the Sandy Spring and the Rural Legacy Trail.

During the planning process it was recognized that the RNC zone had countywide applicability. As a result, the initial overlay zone was broadened and added to the Montgomery County Code under the agricultural zone section.

Today the RNC zone provides for two methods of development, standard and optional. Under the standard method key requirements include:

1. Clustered development.
2. A minimum of 60% of the property must be set aside as rural open space.
3. Density cannot exceed 1 unit per 5 acres.

Under the optional method key requirements include:

1. Clustered development.
2. A range of 65% to 85% of the property must be set aside as rural open space.
3. Density cannot exceed 1 unit per acre.
4. Minimum area of development is 10 acres.
5. A diversity of lot sizes (if the development is 70 acres or more).
6. Common open space (if the development is 10 units or more).
7. Community sewer and water (unless it can be demonstrated at the time of subdivision that a limited number of lots on a private well and septic facility within the cluster will provide a more beneficial subdivision design because of environmental or compatibility reasons.)

Expectations were created by the Sandy Spring / Ashton master plan and the application of the RNC zone to properties within the plan. Residents expected the new zone to protect the rural character of Sandy Spring / Ashton with large areas of undeveloped land preserved in open space. Property owners expected the value of their land to increase because the RNC zone enhanced development options with sewer and water. Developers expected increased densities due to sewers and reduced infrastructure costs due to less paved surface for roads and sidewalks. Therefore, opinions about what's working and what's not working depend on the expectations of the observer.

Rural Character

There is widespread agreement that the RNC zone has not preserved the rural character of the area. Most people feel the visual character of the new RNC developments is suburban not rural. Two quotes convey this sentiment.

"It makes no sense to put a glop of huge houses on tiny lots in the middle of nowhere."

“When I drive along and see a wall of houses where there used to be fields and trees, I am sad.”

Lessons Learned – the development standards and design guidelines in the RNC zone do not assure the preservation of rural vistas and view sheds.

Open Space

There is broad based agreement that RNC does preserve open space. The fact that easements for many acres of open space have been turned over to Greater Sandy Spring Green Space Inc. is viewed as a success. On the other hand, most of the open space is not visible to and may not be accessible to most residents of the area.

“If I hike the Rural Legacy Trail once a year that is a lot. I used to enjoy the scenery along the road every day.”

Lessons Learned – it matters where houses are clustered on RNC properties and how effectively the open space is used to provide visual buffers between the new development and area roads and adjoining properties.

Diversity

Many residents expressed dismay regarding both the size of the houses and the lack of diversity in RNC developments. Since diversity is an explicit goal under the optional method, people are deeply disappointed to see three or four conservation lots used as bookends at either end of a development of forty or fifty uniform lots with virtually identical houses covering a high percentage of each lot.

Several issues are intertwined here. Residents of the low density residential wedge areas that lie between the suburban communities of the urban ring and the agricultural reserve think of diversity as variety in lot size, house size, house design and cost (1 story, 2 story, colonial, cape cod, farmhouse, ranch, etc.) RNC has not delivered variety on any of these dimensions.

Lesson Learned – variety in lot size, house size, house design and cost does not happen automatically. Standards, guidelines and incentives need to be established to ensure that new development is diverse. Perhaps a “Bell curve” approach would be useful.

Compatibility

The importance of maintaining compatibility with adjoining neighborhoods and the existing community is referenced several times in the text of the RNC zone. Compatibility is a very high priority for residents. The current text of the zone provides some guidance in the sections that address permitted uses, setbacks, yard requirements, lot coverage and building height maximums. The problem is the standards in each of these areas are more compatible with suburban development patterns than they are with rural patterns. In a rural area characterized by one house for every two or five acres, people have a hard time imagining what 35% lot coverage means until they drive through their first clustered development.

A former area leader for Sierra Club observed, "I used to be in favor of RNC, but I have changed my mind. The houses are so big and so close to each other and to the road it is overwhelming."

Lessons Learned - Additional elements need to be stipulated in the zone to encourage compatible scale and balance. Possibilities that merit consideration include:

Reducing the percentage of lot coverage so that the leap from RE 1/ RE 2 to RNC neighborhoods is not so huge.

Add a Floor Area Ratio (FAR) requirement to prevent massive houses on relatively small lots from looming over adjoining properties. Strengthen the RNC zone to ensure a variety of lot sizes and apply a FAR to make sure the largest houses are built on the largest lots.

Infrastructure

When hot real estate markets, clustered development and rural infrastructure collide, the result is a mess. The pace of build-out accelerates and quickly overwhelms infrastructure capacity. Residents notice this and they are angry.

Instead of gradually increasing demands on roads, schools and emergency services, clustered development produces explosive growth. There is no time to catch up where infrastructure is already behind and the hole gets deeper very fast. The consequence is rapidly degrading levels of services for everyone.

Now that Policy Area Reviews have been removed from the Annual Growth Policy and moratorium areas will shortly be free to develop, the combined effects of denser development patterns and lagging infrastructure capacity need to be addressed in master plans especially where the RNC zone will govern most new development.

Environment

The RNC zone was not created specifically to protect the environment. As a result, there are no standards or guidelines in the current text to address water quality, air quality, wetlands, endangered plants or wildlife. Protection of these elements of the environment begins with an accurate baseline, an inventory of the resources to be protected together with an assessment of their current state. Critical thresholds need to be defined and performance measures need to be established. Then the impact development has on natural resources needs to be monitored so that any degradation can be identified in time to take corrective action before it becomes irreversible.

Generally clustered development is environmentally beneficial because road and sidewalk surfaces are reduced, houses can be clustered away from streams, forests and wetlands, and sensitive areas can be set aside in open space. However, if clustering requires sewer lines to be extended in or across sensitive streams, the net effect may be more detrimental than beneficial. Or, if clustered development results in significantly higher densities than what could be achieved on well and septic, total imperviousness for a site may actually be greater with clustering.

Clustered development can be environmentally beneficial. It all depends on good site layout, environmentally sensitive design and an appropriate definition of open space. True open space is green space or undisturbed areas of native vegetative cover that

remain so. Areas such as athletic fields even though “open” have compacted soils that do not serve the same ground water recharge function as green open space. Further achieving truly green design may require an arrangement of open space that is different than the arrangement prescribed in the existing ordinance.

Lessons Learned – clustered development alone does not guarantee environmental protection. One approach would be to create an environmental option under the RNC zone with guidelines that differ from those set up to protect rural character.

Perhaps we should also look at green design concepts and LEED certification. The LEED (Leadership in Energy and Environmental Design) Green Building Rating System™ is a voluntary, consensus-based national standard for developing high-performance, sustainable buildings. Members of the U.S. Green Building Council representing all segments of the building industry developed LEED and continue to contribute to its evolution.