

## Highlights of the January 20, 2004 County Council Meeting

On January 20 the County Council discussed the Upper Rock Creek Master Plan (URC MP) and took a “straw vote” on key elements within the Land Use section of the plan. *It is very important to note that “straw votes” are subject to change. When the final vote is taken at the end of February, some decisions may change.* This is especially true where the Council has asked staff to conduct a review or provide additional analysis.

Highlights from the Council discussion and “straw vote” are as follows:

1. **Transportation** – The Planning, Housing and Economic Development (PHED) Committee unanimously voted to remove the Cherry Valley Drive extension from the Master Plan. In the event that the InterCounty Connector (ICC) cannot be built, alternative transportation options may be considered. These options are 4 lane roads built on either the ICC right of way or a combination of the M-83 and ICC right of way.
2. **Zoning** – The first vote was to keep the current RE1 (1 unit per acre) and RE2 (1 unit per 2 acres) zoning with septic on the Casey, Dungan, Freeman and Woodlawn properties. This was defeated 6 to 3, with Council Members Praisner, Andrews and Leventhal voting in support of the community position to continue septic zoning. A majority of the Council voted to re-zone these four properties to Rural Neighborhood Cluster (RNC). Council Member Praisner abstained pending a staff review of the RNC Zone (see below.)
3. **RNC Open Space** – Council member Praisner recommended the minimum open space required under the optional method of RNC development be raised from 65% to 70%. This motion was defeated. The second issue considered was the preservation of open space. The Council asked staff to identify the best means of preserving RNC open space in perpetuity. Options being considered include easements, third party land trusts, and a new category of parkland that can never be developed.
4. **RNC Lot Size** – The Council voted to delete the Planning Board’s recommendation for a higher minimum lot size of 15,000 square feet in Upper Rock Creek. The minimum lot size for URC MP properties zoned RNC will be 4,000 square feet.
5. **RNC Densities** – the Council voted to support the Planning Board’s recommended densities for RNC properties (.2 units per acre for standard method on septic and .33 units per acre for optional method on sewer.) As a point of reference, approximate yields for each property at different densities are shown in the following chart.

Property (Acres)	Estimated Yield at 0.2 (Septic) 1 unit / 5 acres	Estimated Yield at 0.33 (Sewered) 1 unit / 3 acres	Estimated Yield at 0.5 (Sewered) 1 unit / 2 acres	Developer Proposed Yields (Sewered)
Casey (336) *	67	110	168	
Dungan (132) *	26	44	66	
Freeman (332)	66	110	166	718, 585, 334
Woodlawn (79)	16	31	40	

\* A related question before the Council is whether to encourage the property owners to combine these two properties. If combined, the open space would be used to protect the sensitive natural resources on Dungan and the dwelling units would all be built on Casey. The community does not support combined development because it requires opening the sewer envelope and it increases the density.

6. **Special Protection Area (SPA)** – At Council member Praisner’s urging, the PHED committee recommended and the full Council unanimously voted to create an SPA extending from Muncaster Mill Road to the northern and eastern boundaries of the Upper Rock Creek Master Plan. This is important because an SPA requires three things: a performance based water quality plan, water quality monitoring before, during and after development, and the use of storm water management BMP’s (Best Management Practices.). An SPA is an unusual step. There are only three SPA’s in all of Montgomery County. The creation of a new SPA recognizes the high quality of the Class III streams that make up the headwaters of the Upper Rock Creek and the importance of protecting them.
7. **Environmental Overlay Zone with an 8% Imperiousness Cap** – The PHED committee recommended and the full Council unanimously voted to establish an Environmental Overlay Zone with an imperviousness cap of 8% and apply it to all properties (sewered and septic) that lie within the SPA. There is a waiver provision in the SPA law. The Council discussed two situations where waivers would be appropriate within the Upper Rock Creek SPA: schools and moderately priced dwelling units (MPDU’s) on the Catherine Fraley property located near the intersection of Redland Road and Muncaster Mill Road. The 8% imperviousness requirement would be waived to permit schools to be built within the SPA (schools usually come in around 35% imperviousness, well above the recommended cap of 8%). The 8% requirement would also be waived for the Catherine Fraley property if, and only if, the developer submits a plan which includes MPDU’s.
8. **RNC Zoning Text Amendment (ZTA)** – The RNC zone was created during the 1998 Sandy Spring / Ashton master plan amendment. “The intent of the Rural Neighborhood Cluster zone is to preserve open land, sensitive natural areas and rural community character that would be lost under conventional, large-lot development.”

In Upper Rock Creek the RNC zone is being applied to meet other master plan objectives including:

- a. Achieve a diversity of housing sizes, architectural styles and price ranges.
- b. Maintain a particular balance of house bulk relative to lot size (for example, densely developed suburban communities typically average 35% lot coverage where large lot communities average less than 10%).
- c. Preserve the rural character of Upper Rock Creek.
- d. Vary the arrangement of the open space and developed portions of an RNC property depending on whether the goal is to preserve sensitive natural areas or to protect view sheds along area roads.
- e. Require practices that protect water quality (for example, minimize impervious surfaces, maintain stream buffers, require the best available proven storm water management techniques, maintain forest cover, keep sewers out of stream valleys, etc.)

Councilmember Praisner requested that staff conduct a review of the RNC zone to determine whether an amendment to the RNC zone, a new environmental zone and/or specific guidance in the master plan is the best way to ensure that development achieves the master plan objectives for each property.

9. **Staging of Development** – Council member Praisner recommended the addition of staging language in the master plan to assure that adequate public facilities are available when the 294 new units in the Upper Rock Creek master plan are developed. This motion was defeated.
10. **Catherine Fraley Property** – A portion of this property is already zoned RT at a density of 12.5 units per acre. The Council voted to rezone the remaining 3-acre portion from R90 to TDR at 12.5. This action encourages affordable housing by creating a TDR (Transferable Development Rights) receiving area for approximately 27 units. If the developer purchases the required TDR's and submits a plan that includes MPDU's, the Council will waive the 8% impervious cap for this property as noted under item 2 above.
11. **Casey / Dungan Properties** – Council member Praisner motioned to retain the existing RE1 and RE2 zoning on septic for these properties. This motion was defeated. The Council voted to rezone Casey/Dungan to RNC at the densities recommended in the Planning Board Draft Master Plan (0.2 units per acre for standard method on septic and 0.33 units per acre for optional method on sewer *only if* the Dungan property is preserved in its entirety as open space and all development is shifted to Casey.)
12. **Freeman Property** – the Council unanimously agreed not to support Pulte / Del Webb's revised proposal to build a 334 unit (down from 718 then 585 unit) Active Adult Community on this property. The Council unanimously supports rezoning Freeman to RNC at the densities recommended in the Planning Board Draft Master Plan (0.2 standard method and 0.33 optional method.)
13. **Upper Rock Creek Master Plan Resolution** – Over the next two to three weeks Council Staff will prepare and publish a DRAFT URC MP resolution. (A "resolution" is a line-by-line description of changes to the text of the Planning Board Draft Master Plan.) The URC MP resolution will be available for comment by mid-February. Comments, limited to error corrections or omissions, will be received for a brief period prior to a final Council vote to adopt the URC MP (expected by the end of February.)
14. **Sectional Map Amendment (SMA)** – as soon as the URC MP Resolution is approved by the Council, the URC MP is adopted. The next step is the preparation of a SMA to implement the new master plan zoning. The SMA is expected to take between 2 and 6 months to prepare. A DRAFT will be available sometime after the beginning of May and a Council Hearing will be scheduled shortly after that.

Council asked that work on the SMA and the RNC ZTA proceed in parallel so that one Public Hearing can be held to consider both items. This hearing will likely occur sometime between the first of May and the end of August.

**Glossary of terms used:**

ICC	Inter County Connector
Imperviousness	The degree to which land is impervious to water runoff. Undeveloped land has no (or very little) imperviousness. Development such as roads, sidewalks, driveways, homes, increases the imperviousness of the land.
PHED	Planning Housing and Economic Development. A committee of the County Council currently comprised of Council members Praisner, Floreen and Silverman.
R90	Residential One Family zone, minimum lot area of 9,000 sq.ft. for each dwelling
RE1	Rural Estate zone, 1 unit per acre
RE2	Rural Estate zone, 1 unit per 2 acres
RNC	Rural Neighbor Cluster zone. Development on smaller lots is clustered in between areas of open space; the zone is usually associated with a density such as .2, which would mean the overall density, including the open space, is one unit for every five acres.
RT	Residential Townhouse zone
SMA	Sectional Map Amendment. The adjustment of the county property maps to reflect new zoning.
SPA	Special Protection Area. SPA requires three things: a performance based water quality plan, water quality monitoring before, during and after development, and the use of storm water management BMP's (Best Management Practices.).
TDR	Transferable Development Rights. In order to maintain the agricultural reserve, many large properties were rezoned in the 1980's from 1 unit/5 acres to 1 unit/25 acres. In exchange for this rezoning, the land owners were granted Transferable Development Rights (TDRs), which they could then sell to developers. Other areas in the county were designated as TDR receiving areas. If a developer bought a TDR, they could build a development in the TDR receiving area at a higher density than it was originally zoned.
URC MP	Upper Rock Creek Master Plan
URC	Upper Rock Creek

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