

September 14, 2004

Testimony before the County Council Regarding:

ZTA 04-17 RNC Zone Amendments

ZTA 04-18 Environmental Overlay Zone for Upper Rock Creek

**Presented by Nancy Wendt on Behalf of
The Olney Coalition**

President Silverman and members of the Council, good evening. My name is Nancy Wendt and I represent The Olney Coalition, an umbrella organization comprised of eight citizens associations and representing more than 2,000 households.

SUMMARY

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The members of the Olney Coalition applaud the creation of a Special Protection Area with an Environmental Overlay Zone and 8% imperviousness cap to protect the headwaters of the North Branch of Upper Rock Creek. We believe this is an essential step to protect both the quality and quantity of these headwaters and thereby assure residents in the area that the wells they depend on for drinking water will continue to meet their needs without the risks of contamination or depletion. We believe this level of protection should be extended to the entire North Branch watershed and not stop at the master plan boundary.

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Earlier this year The Olney Coalition and The Upper Rock Creek Coalition collected input from more than thirty people who are directly impacted by the RNC zone in Sandy Spring / Ashton, Upper Rock Creek, and Olney. In the interest of time, my comments this evening will focus on findings from that report that have yet to be addressed in the revised recommendation from the Planning Board. A copy of the original report submitted to the Council on January 16, 2004 is attached to our written testimony for ease of reference if you want more detail.

The Planning Board's proposed amendments to the RNC zone address a number of the concerns raised by the community regarding what is and what is not working in practice. We appreciate the planning staff's efforts in this regard. There are, however a number of issues that need further work. The Olney Coalition believes the amendment should be strengthened and clarified to ensure that:

- ◆ Open space will be managed and will remain open space in perpetuity. Rural open space needs to be designated "conservation parkland" with easements held by a land trust with sufficient resources to conduct periodic inspections and to enforce any violations that are identified.
- ◆ RNC clusters will be developed in harmony with the policies and guidelines of relevant master plans and in a manner that is compatible with adjoining large lot development.
- ◆ Athletic fields, ball fields, and equestrian facilities will not be permitted in rural open space nor will they be credited in the calculation of rural open space.
- ◆ Rezoning parcels previously zoned RE1 and RE2 to RNC will not result in significant increases in density over the maximum yield that would have been achievable prior to rezoning. The purpose of RNC is to preserve open space, sensitive environmental and cultural resources, and the rural character of communities that previously developed under large lot zoning. The purpose is not to increase density.

- ◆ Diversity of lot size and house size is achieved in every RNC development. At preliminary plan and site plan review the Planning Board needs to find that diversity has been achieved. The challenge is against what standards do they determine this. In the original Sandy Spring overlay zone a specific distribution of lot sizes was stipulated. That was dropped when the overlay became the RNC zone. We ask you to revisit this issue and provide specific guidelines.

For example, the diversity requirement is NOT met by:

- ◆ One or two “estate lots” on the perimeter of the development with all lots in between very similar in size and configuration.
- ◆ Huge houses on very small lots with almost non-existent setbacks. An appropriately diverse plan places large houses on large lots and smaller houses on smaller lots. For example, 35% lot coverage may work on large lots, but lots smaller than 12,000 feet should not be allowed more than 20% lot coverage.

The point of the diversity requirement is to guide development so that the resulting community has the rural character of an area that developed one house at a time over many years. The natural variety of housing choices that results is part of what gives a rural community rural character. It is not a homogenized development where everything is the same.

SPECIFIC RECOMMENDATIONS

1. Statement of Intent

(59-C-9.23.1 page 3 line 11) – “The intent of the Rural Neighborhood Cluster zone is to preserve open land, environmentally sensitive natural resources and rural community character that would be lost under conventional, large-lot development.” Insert the words in perpetuity after the word "preserve" in this sentence.

(59-C-9.23.1 page 3 line 19) – “It is further the intent of this zone to implement the recommendations of the relevant master plan, such as maintaining broad vistas of open space, preserving agrarian character or preserving environmentally sensitive natural resources to the maximum extent possible, and to ensure that new development is in harmony with the policies and guidelines of the relevant master plan.” Add the words and is compatible with existing development on adjoining and confronting properties at the end of this sentence.

(59-C-9.3. page 4 chart and line 3) - Please add a line to the Land Use chart that addresses athletic fields and ball fields and a third footnote to explain that this class of use is not permitted in the rural open space set aside in RNC zoned developments.

	Rural	RC	LDRC	RDT	RS	RNC
(a) Agricultural						
Equestrian facility	P/SE	P/SE	P/SE	P/SE	P/SE	SE ²
Athletic fields and ball fields	P/SE	P/SE	P/SE	P/SE	P/SE	SE ³

² This use or class of uses is not permitted in the portion of a rural cluster development regulated by section 59-C-9.52 or in the rural open space as regulated by section 59-C-9.57.

³ This use or class of uses is not permitted in the rural open space as regulated by section 59-C-9.57.

2. Purpose

(59-C-9.571 page 5 line 2 – Reinstate the following wording from the previous draft at the end of line 2: Rural open space must be permanently preserved and limitations on its use established in the land records.

3. Rural Open Space

(59-C-9.571 page 5 line 4 – “Rural open space may be used for limited and passive recreation, such as biking trails.” Please change this to read such as hiking and biking trails.

4. Density

(59-C-9.573 page 6 lines 3 and 4 – “The density of development under the optional method must not exceed one dwelling unit per gross acre.” Since the intent of the RNC zone is to preserve and protect open space, rural character, and sensitive natural resources, we agree the text of this amendment needs to make a statement limiting the density that results from rezoning land RNC. However, we prefer to tie the density cap to the previous zoning. Please replace this sentence with the following sentence – The density of development under either method of RNC development may not exceed the maximum density recommended in the pertinent master or sector plan for the parcel undergoing subdivision.

5. Diversity

(59-C-9.573 page 6 line 8 – “Diversity of Lot Sizes: Under the optional method, a diversity of lot sizes is required for all developments. The Planning Board must evaluate the range of lot sizes provided and insure that a proposed development is compatible with existing development on adjoining properties.” Please replace this text with the following: Diversity of Housing Options – A diversity of lot sizes, house sizes (including MPDU’s) are required for all RNC developments. The Planning Board must evaluate the preliminary plan and find that a range of housing choices are provided and that the planned layout ensures that the proposed development is compatible with existing development on adjoining and confronting properties.

6. Preservation of Open Space

59-C-9.573 page 7 line 13 “All land in the rural open space area must be preserved either by dedication to parkland or by application of an easement or covenant in a recordable form approved by the Planning Board.” Please modify this sentence to read - All land in the rural open space area must be preserved in perpetuity by dedication to parkland, or by application of an easement or covenant in a recordable form approved by the Planning Board, or both.

7. Community Outreach

The above requests address the concerns of the Upper Rock Creek and the Olney Coalitions’ member communities as well as the issues raised by the residents of Sandy Spring / Ashton who participated in the survey we conducted at the beginning of the year. However, the RNC zone will impact neighborhoods across all areas of Montgomery County. Therefore, we strongly urge the Council to request that the Planning Board hold countywide outreach meetings to discuss the zone before finalizing these amendments.

The Olney Coalition thanks you for this opportunity to provide input to your decision process.

Respectfully,
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