



MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB

Item # 5
4/5/07



MEMORANDUM

DATE: March 26, 2007

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief *RK*
Catherine Conlon, Supervisor *CC*
Development Review Division

FROM: Neil D. Braunstein, Coordinator (301-495-4532) *NDB*
Richard A. Weaver, Coordinator (301-495-4544) *RAW*
Development Review Division

REVIEW TYPE: Preliminary Plan Review

APPLYING FOR: Subdivision to create 16 one-family detached residential lots.

PROJECT NAME: Kruhm Property
CASE #: 120060940
REVIEW BASIS: Chapter 50, Montgomery County Subdivision Regulations

ZONE: Rural Cluster (RC)
LOCATION: Located on both sides of Kruhm Road, 500 feet north of Belle Cote Drive
MASTER PLAN: Fairland

APPLICANT: Mr. Craig C. Kazanjian, KAZ Development
ENGINEER: Benning and Associates, Inc.

FILING DATE: March 21, 2006
HEARING DATE: April 5, 2007

RECOMMENDATION: Approval subject to the following conditions:

- 1) Approval under this plan is limited to sixteen lots for sixteen one-family detached dwelling units.
- 2) The applicant must place a Category I conservation easement over all environmental buffers, forest retention areas, and forest planting areas. Conservation easements must be shown on the record plat.
- 3) The applicant must comply with the conditions of approval of the preliminary forest conservation plan. Conditions include, but are not limited to:
 - a. Final forest conservation plan must include the following items:
 - i. Boundaries of environmental buffers and forest conservation areas must have permanent markers, such as permanent signs and/or fences. For those parts of the environmental buffers that are currently not forested, fences and signs are required.
 - ii. Measures to remove trash and debris in the environmental buffer area in the northeastern portion of the property.
 - iii. Details for removal and control of ailanthus (tree of heaven).
 - b. Prior to issuance of any building permit on proposed Lot 16, which contains the historic resource, a tree save plan must be submitted to, and approved by MNCPPC staff.
- 4) The applicant must dedicate a 50-foot wide right-of-way for a tertiary, open-section, public street for Kruhm Road, as shown on the approved preliminary plan.
- 5) The applicant must construct all road improvements within the rights-of-way shown on the preliminary plan to the full width mandated by the Master Plan and to the design standards imposed by MCDPWT as part of their final review.
- 6) The applicant must comply with the conditions of the MCDPWT letter dated June 7, 2006, unless otherwise amended.
- 7) The applicant must dedicate a 25-foot wide easement for a public equestrian and hiking trail along the east side of Kruhm Road, as shown on the approved preliminary plan.
- 8) The applicant must comply with the conditions of the MCDPS stormwater management approval dated November 27, 2006.
- 9) The applicant must comply with the conditions of the MCDPS (Health Dept.) septic approval dated December 7, 2006.
- 10) The record plat must have the following note: "The land contained hereon is within an approved cluster development and subdivision or resubdivision is not permitted after the property is developed."
- 11) The record plat must reflect all areas under Homeowners Association ownership and specifically identify stormwater management parcels.
- 12) The record plat must reflect common ingress/egress and utility easements over all shared driveways.
- 13) The record plat must show that at least 60 percent of the subdivision is reserved for open space or agricultural uses.
- 14) The record plat shall identify the historic setting for the Duvall-Kruhm Farm and the "viewshed" located on proposed Parcel "B" as identified by the Historic Preservation Commission.

- 15) The HPC must approve the location of any temporary or permanent structures on Parcel "B" and Lots 1, 2 and 16, prior to issuance of the building permit(s). Record plat to contain the following note: "The Historic Preservation Commission maintains the right to approve building permits for any structures located on Parcel B, Lot 1, lot 2 and lot 16 as shown hereon."
- 16) The record plat must show other necessary easements.
- 17) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion.

SITE DESCRIPTION

The subject property, shown below and in Attachment A, consists of five parcels totaling 82.6 acres of land in the Rural Cluster (RC) zone. The property is located on both sides of Kruhm Road, 500 feet north of Belle Cote Drive. Kruhm Road is currently a privately maintained road. A Pepco right-of-way, containing electrical transmission lines, crosses the property from southeast to northwest. Two one-family residences exist onsite. One will be demolished and one will be retained. An existing barn, which is an historic structure, will also be retained. The property is used for equestrian uses, which are proposed to continue on the four parcels to be retained by the owner after completion of the subdivision process.

Surrounding land uses include public open space to the north and west of the property (the Patuxent River Watershed Park). A mixture of residential and agricultural uses along with undeveloped properties exists to the north, south, east, and west of the subject property.

The property is located within the Patuxent River watershed. Two small tributaries of the Patuxent River flow across the property from south to north near the western and eastern property lines, and enter the Rocky Gorge Reservoir north of the property. The western and eastern edges of the property are forested and the interior is pasture land.



PROJECT DESCRIPTION

The application proposes to create 16 one-family residential lots and one outlot. The subdivision uses the optional cluster method of development, with proposed lots clustered adjacent to Kruhm Road. The residential lots will occupy approximately 33.8 acres of the subject property. The clustered lots range in size from 1.56 acres to 5.12 acres. Access to the proposed lots will be from Kruhm Road. The applicant proposes to dedicate a public right-of-way and improve the road to public street standards for an open section tertiary street. The publicly dedicated portion of Kruhm Road will terminate in a temporary turnaround at the northern property line, which will allow for the future continuation of the road to undeveloped property to the north. In the interim, the plan also shows dedication of an area to accommodate a cul-de-sac near the northern property boundary as requested by MCDPWT. MCDPWT will need to determine the necessity of the cul-de-sac as opposed to the hammerhead termination at the northern property line, prior to the recordation of the plat. The remaining 46.6 acres will be retained by the owner in four parcels, which will be used for equestrian purposes. This meets the requirement of the zoning ordinance that at least 60 percent of the site be retained in open space or agricultural uses. The equestrian parcels are located primarily on the eastern and western edges of the property, with two large areas along Kruhm road also included. The site will be served by public water and on-site private septic systems.

(Attachment B – proposed plan)

ANALYSIS AND FINDINGS

Master Plan Compliance

The Fairland Master Plan identifies the property as part of Area 26, a developable area in the northern portion of the Master Plan area. The Master Plan recommends the following for parcels located in Area 26:

- Retain the Rural Cluster (RC) zoning.
- Locate stormwater facilities outside of regulatory stream buffers.
- Do not allow uses that result in more than ten percent imperviousness.
- Do not extend sewer service to RC zoned properties; water service may be extended on a case-by-case basis.

The proposed subdivision complies with the recommendations adopted in the Master Plan in that it preserves open space for equestrian use consistent with the recommended Rural Cluster zone, while creating low-density residential development. No stormwater facilities are proposed within regulatory stream buffers, the subdivision results in less than ten percent imperviousness (4.11 percent), and sewer service is not proposed to be extended to the property.

Transportation

The proposed lots do not generate 30 or more vehicle trips during the morning or evening peak-hours. The application, therefore, is not subject to Local Area Transportation Review. Proposed vehicle and pedestrian access for the subdivision will be safe and adequate with the proposed public improvements.

Waiver of sidewalk requirements

Section 49-34(f) of the Montgomery County Code gives the Planning Board the authority to determine when a tertiary street may be used and to establish the right-of-way. This plan contemplates a tertiary street having a 50 foot wide right-of-way. Typical tertiary road standards require sidewalks on both sides of the road, however the Board has the authority to waive sidewalks on either one or both sides of the road. The applicant has submitted a waiver request to waive the requirement that sidewalks be constructed on Kruhm Road. The justification for the waiver request is that the proposed subdivision is located in a rural portion of the County with no existing sidewalks in the vicinity. Any sidewalk constructed in conjunction with the subdivision would not provide pedestrian connectivity to any destination or network of sidewalks. Pedestrian safety would not be compromised because Kruhm Road carries low traffic volumes and a 25-foot wide trail easement along Kruhm Road is proposed, which could serve pedestrians within the subdivision. Pursuant to Section 50-26(h)(3), the Planning Board must find that pedestrian safety can be accommodated without sidewalks, on the street pavement.

It has been Planning Board practice not to require sidewalks on either side of tertiary streets in five-acre zones. The rationale has been that low traffic volumes allow use of the local street network for pedestrian movement. This particular subdivision is at the end of Kruhm Road; little through-traffic will ever traverse this section of the road because there is very little development potential to the north of the subject property. A waiver of sidewalks is therefore justified because pedestrians will be able to safely use the road.

Environment

Forest Conservation

Staff finds that the preliminary forest conservation plan, as modified by staff's recommended conditions, meets the requirements of the County Forest Conservation Law. Individual specimen trees are to be protected as part of the construction of the subdivision. The preliminary forest conservation plan proposes to preserve all of the existing forest (10.32 acres) and to plant 6.21 acres of forest. The afforestation area is proposed to be located within that part of the environmental buffer that is currently not forested.

Section 22A-12(f)(2)(A) of the County Forest Conservation Law states that "in an agricultural and resource area, on-site forest retention must equal 25% of the net tract area." However, if existing forest on a site has less than the minimum required forest retention, then Section 22A-12(f)(2)(C) applies, which requires that all existing forest on site be retained, and

on-site afforestation to bring the total up to the minimum standard must be provided.

The subject site, which is zoned Rural Cluster (RC), is in an agricultural and resource area. The existing forest covers 10.32 acres, which is less than the required forest retention amount of 20.66 acres. Therefore, the minimum onsite forest requirement is the afforestation threshold, which is 16.53 acres. The preliminary forest conservation plan meets this on-site forest requirement by preserving all of the existing forest and planting 6.21 acres of forest. The preliminary forest conservation plan proposes to place a Category I conservation easement on the forest retention and planting areas.

Environmental Buffers

The environmental buffers are proposed to lie within the proposed open space parcels and on Lot 16, where the existing house is located. The environmental buffers will be placed in a Category I conservation easement. The proposed forest planting will also be located within the environmental buffers.

Staff recommends that the boundaries of the environmental buffers and any forest retention areas that lie outside the buffers be permanently marked so that it is clear where the protection boundaries are located. For those parts of the buffers that are currently not in forest cover, staff recommends that the boundaries be marked by open-type fencing, such as split-rail fencing, and signs to make it clear that pasturing of animals in the buffers is not allowed.

Staff notes that of the 25.76 acres of environmental buffers on the subject site, about 10.03 acres are in forest cover and 6.21 acres will be afforested to meet the subdivision's requirements under the Forest Conservation Law. This leaves 9.52 acres of environmental buffers that will be unforested in the short term. Staff notes that the 9.52 acres of unforested environmental buffers could be planted in forest and set up as a forest mitigation bank for off-site development projects that need to purchase forest bank credits to meet their forest conservation requirements.

Patuxent River Watershed Primary Management Area (PMA)

The majority of the site (79.96 acres of the 82.64 acre property) lies within the Patuxent River Primary Management Area (PMA). The PMA is land next to a stream within the Patuxent River watershed that is defined by the Patuxent River Watershed Functional Master Plan as follows: The PMA is ¼ mile (1320 feet) from the main stem of the Patuxent or Haulings Rivers and ⅛ mile (660 feet) from all other streams in the watershed. The Environmental Guidelines recommend an imperviousness limit of 10 percent within the part of a PMA that is not an environmental buffer area. (The part of a PMA that lies outside an environmental buffer is identified as a transition area). Alternatively, the Environmental Guidelines allow for the imperviousness to be averaged over the entire development, "if a higher imperviousness is desirable in the transition area to maintain community character, achieve compatibility, and/or accomplish master plan goals."

The imperviousness for the proposed subdivision is 4.11 percent over the entire subject site or 6.27 percent over the transition area within the PMA. Under either calculation method, the proposed subdivision is less than the recommended imperviousness limit of 10 percent. Therefore, the proposed subdivision conforms to the imperviousness limits set forth for new development in the Environmental Guidelines for the Patuxent River watershed.

Stormwater Management

Proposed stormwater management for the site includes on-site water quality control and recharge via nonstructural measures. The MCDPS Stormwater Management Section approved the stormwater management concept for the project on November 27, 2006.

Historic Preservation

The property contains a Historic Resource identified as Master Plan Resource #15/60, the Duvall-Kruhm Farm. The Historic Preservation Commission (HPC) at a December 6, 2006 hearing reviewed the resource and plan. The HPC recommended approval of the plan, including creating Lot 16 as the historic setting for the farmhouse and Parcel B for the barns and outbuildings. The HPC also recommended that Parcel B be protected as a viewshed for the setting and for the viewshed to be delineated on the record plat. The HPC desired review authority over any building permits on Lots 1, 2 and 16 as well as Parcel B to maintain the viewshed and integrity of the resource. Conditions #14 and 15 address the approval conditions of the HPC.

Compliance with the Subdivision Regulations and Zoning Ordinance

This application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The application meets all applicable sections. Access and public facilities will be adequate to support the proposed lots and uses. The proposed lot size, width, shape and orientation are appropriate for the location of the subdivision.

The lots were reviewed for compliance with the dimensional requirements for the Rural Cluster (RC) zone as specified in the Zoning Ordinance. The lots as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. A summary of this review is included in attached Table 1. The application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan (see Attachment C for agency correspondence).

The application is also consistent with intent of the Rural Cluster (RC) zone, because more than 60 percent of the property is being retained for open space and equestrian uses.

Citizen Correspondence and Issues

On March 22, 2006, adjacent and confronting owners were notified of the submittal of the Kruhm Property preliminary plan to MNCPPC for review. In response to this notification, one adjacent property owner submitted correspondence regarding the preliminary plan

(Attachment D). The correspondence raised concerns regarding an increase in traffic, loss of the rural setting, loss of equestrian access to the trails of the Patuxent River Watershed Conservation Park, and potential destruction of the on-site historic barn.

According to the traffic statement submitted by Benning and Associates on behalf of the applicant, the subdivision will generate up to 14 morning peak-hour trips and 16 evening peak-hour trips. This increase in traffic is not a significant increase, and is not expected to negatively impact surrounding properties.

With respect to the rural setting of the subject property and the surrounding area, the project is being developed with the optional cluster method of development, which maximizes the amount of open space that will be retained on site. The 46.6 acres of land that will remain outside of the proposed 16 one-family residential lots will be retained by the owner for equestrian purposes, thus preserving the rural character of the property and the area.

A 25-foot wide public use trail easement is proposed alongside Kruhm road across the length of the property. This trail easement will ensure that members of the public will retain access to the Patuxent River Watershed Conservation Park.

Finally, the existing historic barn will not be removed in conjunction with approval of this preliminary plan. The barn is proposed to be retained on open space Parcel B, which will be retained by the owner and used for equestrian purposes.

Therefore, citizen concerns have been adequately addressed by the proposed plan.

CONCLUSION

The proposed lots meet all requirements established in the Subdivision Regulations and the Zoning Ordinance, and comply with the recommendations of the Fairland Master Plan. Access and public facilities will be adequate to serve the proposed lots, and the application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan. Therefore, approval of the application with the conditions specified above is recommended.

Attachments

- Attachment A – Vicinity Development Map
- Attachment B – Proposed Development Plan
- Attachment C – Agency Correspondence
- Attachment D – Adjacent Property Owner Correspondence

TABLE 1: Plan Checklist and Data Table

Plan Name: Kruhm Property				
Plan Number: 120060940				
Zoning: Rural Cluster (RC)				
# of Lots: 16				
# of Outlots: One				
Dev. Type: Cluster				
PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval on the Preliminary Plan	Verified	Date
Minimum Lot Area	40,000 sq. ft.	67,953 sq. ft. or greater		1/29/07
Lot Width	125 ft.	Must meet minimum		1/29/07
Lot Frontage	25 ft.	Must meet minimum		1/29/07
Setbacks				1/29/07
Front	50 ft. Min.	Must meet minimum		1/29/07
Side	17 ft. Min./35 ft. total	Must meet minimum		1/29/07
Rear	35 ft. Min.	Must meet minimum		1/29/07
Height	50 ft. Max.	May not exceed maximum		1/29/07
Max Resid'l d.u. per Zoning	16 dwelling units	16 dwelling units		1/29/07
Open Space	60% min.	60%		1/29/07
Impervious Surfaces for PMA	10% max.	4.11%		1/29/07
Site Plan Req'd?	No			1/29/07
FINDINGS				
<i>SUBDIVISION</i>				
Lot frontage on Public Street	Yes			1/29/07
Road dedication and frontage improvements	Yes		Agency letter	6/07/06
Environmental Guidelines	Yes		Staff memo	1/22/07
Forest Conservation	Yes		Staff memo	1/22/07
Master Plan Compliance	Yes		Staff memo	1/29/07
<i>ADEQUATE PUBLIC FACILITIES</i>				
Stormwater Management	Yes		Agency letter	11/27/06
Water and Sewer (WSSC)	Yes		Agency Comments	4/24/06
Well and Septic	Yes		Agency letter	12/07/06
Local Area Traffic Review	N/A		Staff memo	4/24/06
Fire and Rescue	Yes		Agency letter	4/24/06
Other (parks, schools, etc.)				

KRUHM PROPERTY (120060940)

Attachment A



Map compiled on April 18, 2006 at 10:23 AM | Site located on base sheet no - 221NE03

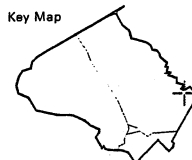
NOTICE

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Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods.

This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or up to date. All map features are approximately within five feet of their true location. This map may not be the same as a map of the same area plotted at an earlier time as the data is continuously updated. Use of this map, other than for general planning purposes is not recommended. - Copyright 1998

Key Map



N



Research & Technology Center



1 inch = 800 feet
1 : 9600

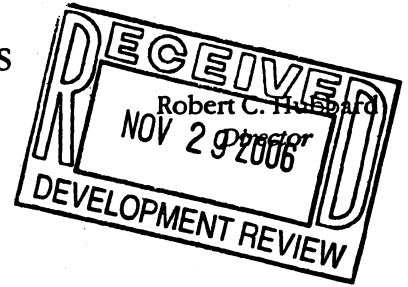


Attachment C

DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan
County Executive

November 27, 2006



Mr. Yanaki Lefterov
LR Engineering
10390 Hedgeapple Bend
New Market, MD 21774

Re: Stormwater Management **CONCEPT** Request
for Kruhm Property
Preliminary Plan #: 1-06094
SM File #: 224870
Tract Size/Zone: 82.63/RC
Total Concept Area: 82.63ac
Lots/Block: 1-16 Proposed
Parcel(s): 128, 22, 725, 862, 110
Watershed: Lower Patuxent

Dear Mr. Lefterov:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept consists of on-site water quality control and onsite recharge via the use of non structural measures. Channel protection volume is not required because the one-year post development peak discharge is less than or equal to 2.0 cfs.

The following items will need to be addressed during the detailed sediment control/stormwater management plan stage:

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.
4. Ensure that safe conveyance is provided from outfall # 5.
5. Permission must be granted from PEPCO to allow the proposed roadway to be located within their easement, prior to the first sediment control submission.
6. Any required removal of debris on this site must be included within the proposed limits of disturbance


This list may not be all-inclusive and may change based on available information at the time.



Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 is not required.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact Thomas Weadon at 240-777-6309.

Sincerely,

Richard R. Brush, Manager
Water Resources Section
Division of Land Development Services

RRB:dm CN 224870

cc: C. Conlon
S. Federline
SM File # 224870

QN - On Site; Acres: 82.63ac
QL - On Site; Acres: 82.63ac
Recharge is provided



DEPARTMENT OF PUBLIC WORKS
AND TRANSPORTATION

Douglas M. Duncan
County Executive

Arthur Holmes, Jr.
Director

June 7, 2006



Ms. Catherine Conlon, Subdivision Supervisor
Development Review Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan #1-20060940
Kruhm Property

Dear Ms. Conlon:

We have completed our review of the preliminary plan dated 3/20/06. This plan was reviewed by the Development Review Committee at its meeting on 4/24/06. We recommend approval of the plan subject to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to DPS in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

1. Show all existing planimetric and topographic details specifically paving and storm drainage on the preliminary plan.
2. In order to establish the roadway profile within the property, applicant's engineer will need to extend the Kruhm Road profile all the way back to Spencerville Road (MD 198) and submit to MCDPS for approval. This effort will also entail determining the horizontal alignment of that section of roadway. All items below should be addressed once this study is done, approved and necessary revisions have been made.
3. Full width dedication and construction of Kruhm Road as an open section tertiary residential roadway terminating in a cul-de-sac.
4. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
5. Prior to approval of the record plat by the Department of Permitting Services (DPS), the applicant's consultant will need to obtain the approval of grade establishments for new public streets from DPS.



Division of Operations

101 Orchard Ridge Drive, 2nd Floor • Gaithersburg, Maryland 20878
240/777-6000, TTY 240/777-6013, FAX 240/777-6030

Ms. Catherine Conlon
Preliminary Plan No. 1-20060940
Date June 7, 2006
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6. Wells and septic systems cannot be located within the right of way nor slope or drainage easements.
7. The plan should provide a horizontal alignment of Kruhm Road which satisfies the design speed.
8. Waiver from the Montgomery County Planning Board for overlength cul-de-sac(s).
9. Revise the plan as necessary to meet the requirements of the Montgomery County Department of Permitting Services with regard to wells and/or septic systems.
10. The owner will be required to submit a recorded covenant for the operation and maintenance of private streets, storm drain systems, and/or open space areas prior to MCDPS approval of the record plat. The deed reference for this document is to be provided on the record plat.
11. This site is located in the vicinity of one of the alignments under consideration for the Inter County Connector project. The applicant is advised to contact the ICC Project Office in Baltimore (1-800-548-5026) to assess the potential impact of that roadway on this site.
12. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
13. If the proposed development will alter any existing street lights, signing, and/or pavement markings, please contact Mr. Fred Lees of our Traffic Control and Lighting Engineering Team at (240) 777-6000 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
14. Trees in the County rights of way - species and spacing to be in accordance with the applicable DPWT standards. A tree planting permit is required from the Maryland Department of Natural Resources, State Forester's Office [(301) 854-6060], to plant trees within the public right of way.
15. Please coordinate with Department of Fire and Rescue about their requirements for emergency vehicle access.
16. Public Improvements Agreement (PIA) will be an acceptable method of ensuring construction of the required public improvements within the County right of way. The PIA details will be determined at the record plat stage. The PIA will include, but not necessarily be limited to, the following improvements:
 - A. Street grading, paving, shoulders, side drainage ditches and appurtenances, and street trees along Kruhm Road ending in a cul-de-sac.
 - B. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.
 - C. Erosion and sediment control measures as required by Section 50-35(j) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to

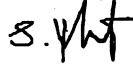
Ms. Catherine Conlon
Preliminary Plan No. 1-20060940
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construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.

- D. Developer shall ensure final and proper completion and installation of all utility lines underground, for all new road construction.
- E. Developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the Traffic Engineering and Operations Section.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact me at sam.farhadi@montgomerycountymd.gov or (240) 777-6000.

Sincerely,



Sam Farhadi, P.E., Senior Planning Specialist
Development Review Group
Traffic Engineering and Operations Section
Division Of Operations

m:/subdivision/farhas01/preliminary plans/ 1-20060940, Kruhm Property.doc

Enclosures 0

cc: Craig Kazanjian, KAZ Development
David McKee, Benning & Associates
Joseph Y. Cheung; DPS RWPPR
Christina Contreras; DPS RWPPR
Sarah Navid; DPS RWPPR
Shahriar Etemadi; M-NCPPC TP
Gregory Leck, DPWT TEOS
Preliminary Plan Folder
Preliminary Plans Note Book



**THE MARYLAND-NATIONAL CAPITAL PARK AND
PLANNING COMMISSION**

Department of Park & Planning, Montgomery County, Maryland
8787 Georgia Avenue, Silver Spring, Maryland 20910

MEMORANDUM

TO: Richard Weaver, Planner Coordinator, Development Review Division

FROM: ^{CB} Candy Bunnag, Planner Coordinator, Environmental Planning Section,
Countywide Planning Division

DATE: February 1, 2007

SUBJECT: Preliminary Plan 120060940, Kruhm Property

The Environmental Planning staff has reviewed the preliminary plan referenced above. Staff recommends approval of the preliminary plan of subdivision with the following conditions:

1. Applicant to place a Category I conservation easement on environmental buffers, forest retention areas, and forest planting areas. Conservation easements must be shown on the record plat.
2. Applicant must comply with the conditions of approval of the preliminary forest conservation plan. Conditions include, but are not limited to:
 - a. Final forest conservation plan must include the following items:
 - i. Boundaries of environmental buffers and forest conservation areas must have permanent markers, such as permanent signs and/or fences.
 - ii. Measures to keep horses and other livestock out of conservation easement areas.
 - iii. Measures to remove trash and debris in the environmental buffer area in the northeastern portion of the property.
 - iv. Details on removal and control of ailanthus (tree of heaven).

BACKGROUND

The 82.64-acre property lies within the Patuxent River watershed (Use I-P waters). The site is bisected by a PEPCO ROW. Two tributaries of the Patuxent River and their environmental buffers lie along the western and eastern property boundaries. Parts of the environmental buffers are forested. There are also individual specimen trees on the site. About 10.32 acres of forest lie on the subject property, mostly within the environmental buffers.

Much of the site is in pasture. An existing house, associated outbuildings, and a private road also lie on the subject site.

Forest Conservation

The preliminary forest conservation plan proposes to preserve all of the existing forest (10.32 acres) and to plant 6.21 acres of forest. The afforestation area is proposed to be located within that part of the environmental buffer that is currently not forested.

Section 22A-12(f) (2)(A) of the County Forest Conservation Law states that “in an agricultural and resource area, on-site forest retention must equal 25% of the net tract area.” However, if existing forest on a site is less than this minimum required forest retention, then Section 22A-12(f)(2)(C) applies and the combination of forest retention plus onsite afforestation must equal at least 20 % of the net tract:

“On a site covered by this subsection, if existing forest is less than the minimum required retention, all existing forest must be retained and on-site afforestation up to the minimum standard must be provided. If existing forest is less than the applicable afforestation threshold in subsection (a), the afforestation threshold is the minimum onsite forest requirement.”

The subject site, which is zoned RC, is in an agricultural and resource area. The existing forest, which covers 10.32 acres, is less than 25% of the site (or 20.66 acres). Therefore, the minimum onsite forest requirement is 20%, or 16.53 acres. The preliminary forest conservation plan meets this onsite forest requirement by preserving all the existing forest and planting 6.21 acres of forest. Planted forest will be located within the environmental buffers. The preliminary forest conservation plan proposes to place a Category I conservation easement on the forest retention and planting areas.

Individual specimen trees are also proposed to be protected during the construction of the subdivision.

Staff finds that the preliminary forest conservation plan, as modified by staff's recommended conditions, meets the requirements of the County Forest Conservation Law.

Environmental Buffers

The environmental buffers lie within the proposed open space parcels and on Lot 16, where the existing house is located. The environmental buffers will be placed in a Category I conservation easement.

Staff recommends that the boundaries of the environmental buffers and any forest retention areas that lie outside the buffers are permanently marked so that it is clear where they are located. Staff also recommends measures, such as fencing specific areas outside of environmental buffers and forest preservation areas for pasture use, to keep horses and other livestock out of conservation easement areas.

Staff notes that of the 25.76 acres of environmental buffers on the subject site, about 10.03 acres are in forest cover and 6.21 acres will be afforested to meet the subdivision's requirements under the Forest Conservation Law. This leaves 9.52 acres of environmental buffers that will be unforested in the short term. Staff suggests that the 9.52 acres of unforested environmental buffers should be planted in forest and set up as a forest mitigation bank for offsite development projects that need to purchase forest bank credits to meet their forest conservation requirements.

Patuxent River Watershed Primary Management Area (PMA)

The majority of the site (79.96 acres out of 82.64 acres) lies within the Patuxent River Primary Management Area (PMA). The PMA is land next to a stream within the Patuxent River watershed that is defined by the Patuxent River Watershed Functional Master Plan. The PMA is ¼ mile (1320 feet) from the mainstem of the Patuxent or Hawlings River and 1/8 mile (660 feet) from all other streams in the watershed. The Environmental Guidelines recommend an imperviousness limit of 10 percent within the part of a PMA that is not an environmental buffer area. (The part of a PMA that lies outside an environmental buffer is identified as a transition area). Alternatively, the Environmental Guidelines allow for the imperviousness to be averaged over the entire development, "if a higher imperviousness is desirable in the transition area to maintain community character, achieve compatibility, and/or accomplish master plan goals."

The imperviousness for the proposed subdivision is 4.11 percent over the entire subject site or 6.27 percent over the transition area within the PMA. Under either calculation method, the proposed subdivision is less than the recommended imperviousness limit of 10 percent. Therefore, the proposed subdivision conforms to the imperviousness limits set forth for new development in the Environmental Guidelines for the Patuxent River watershed.



DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan
County Executive

Robert C. Hubbard
Director

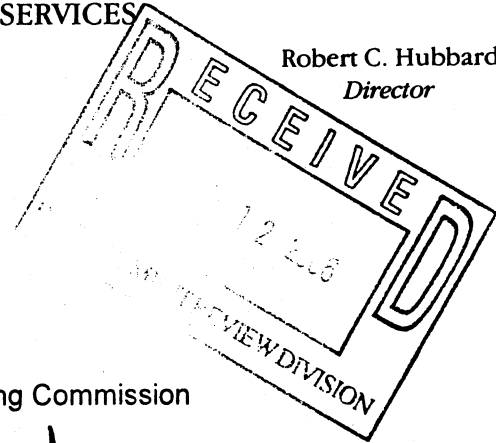
MEMORANDUM

December 7, 2006

TO: Cathy Conlon, Development Review,
Maryland National Capital Park and Planning Commission

FROM: Shahriar Amiri, Acting Director, MCDPS *S.A.*

SUBJECT: Status of Preliminary Plan: #1-20060940, Kruhm Property



This is to notify you that the status of the plan received in this office on December 6, 2006, is as follows:

Approved with the following reservations:

1. The record plat must be at the same scale as the preliminary plan, or submit an enlargement of the plat to match the preliminary plan
2. All existing buildings to appear on the record plat.
3. Public water must be provided.
4. The existing septic system on Lot 1; and the existing water well near Parcel B must be properly abandoned and sealed prior to the issuance of the first building permit.
5. A new septic system is to be installed on lot 16 prior to the first building permit.

If you have any questions, contact Gene von Gunten at (240) 777-6319.

cc: Owner
Surveyor
File





MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

January 29, 2007

MEMORANDUM

TO: Neil Braunstein, Development Review Division
VIA: Bill Barron, Community-Based Planning Division
FROM: Calvin Nelson, Jr., Community-Based Planning Division *cn*
SUBJECT: Preliminary Plan - Kruhm Property

The subject property is one of the parcels designated as Area 26 in the 1997 Fairland Master Plan. The Master Plan offers the following recommendations for those parcels located in Area 26:

- Retain RC zoning.
- Locate stormwater facilities outside regulatory stream buffers.
- Do not allow uses that result in more than ten percent imperviousness.
- Do not extend sewer service to RC zoned properties; water service to RC zone considered on a case by case basis.
- Community water and sewer for R-200 zone.
- Cluster residential lots away from MD 198 for noise protection.



FIRE MARSHAL COMMENTS

DATE: 4-24-06
TO: PLANNING BOARD, MONTGOMERY COUNTY
VIA:
FROM: CAPTAIN JOHN FEISSNER 240 777 2436
RE: APPROVAL OF ~ *KRUHM PROPERTY #1-20060940*

1. PLAN APPROVED.

- a. Review based only upon information contained on the plan submitted 4-24-06. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
- b. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

cc: Department of Permitting Services

Crampton, Pamela*Attachment D*

From: Crampton, Pamela
Sent: Monday, April 24, 2006 3:34 PM
To: 'Jenni.Brown@wellsfargo.com'
Cc: Weaver, Richard
Subject: RE: Kruhm Property (#1-20060940)

Ms. Brown:

The above referenced preliminary plan has been assigned to Richard Weaver. He can be reached @ 301.495.4544. By way of this e-mail, (using your "REPLY ALL" function in your e-mail menu) you may now be able to direct all comments and questions to him directly. I have put this e-mail in the correspondence file folder of this preliminary plan. Please give Mr. Weaver time to review the file (as well as the e-mail below), since he was just assigned this morning.

Thank you for your patience.

Pam Crampton
Development Review Division
M-NCPPC
301.495.4586

-----Original Message-----

From: Jenni.Brown@wellsfargo.com [mailto:Jenni.Brown@wellsfargo.com]
Sent: Friday, April 21, 2006 5:02 PM
To: Crampton, Pamela
Subject: RE: Kruhm Property (#1-20060940)

My name is Jenni Brown, and I live on property adjoining the proposed cluster development. My family and I have lived here quite a while now, and we moved here to enjoy a rural setting and take advantage of the agricultural zoning of our sub-division, Bear Bacon. This allows us to keep livestock, which we do. Noisy chickens, goats, horses and ponies., not to mention a bunch of kids, which we are raising to appreciate the values of rural living. We are able to cultivate our land, and enjoy peace and quiet. If this cluster development get under way, we are concerned we will lose our Equestrian right-of-way, which allows us to use land to access the WSSC trails. We live in an Equestrian setting, and if we can't get the 1/2 mile to the trails, it would be a real shame. We might get hit by cars, not to mention lose our rights. If our zoning changes, which it seems it must, our whole life style would be ruined. I don't see how the road will be widened without using my property or my neighbors. Our front doors are close enough as it is. We don't want the road right through our lawns.

This is my third letter, and I don't know if they have had any effect. I understand the historic barn is staying now. I mentioned that a while back. I would like more information. I see bull dozers, and it's making me anxious. The Kruhms have not said a word to us. We just don't what's happening. Sincerely,
Jenni Brown

Jenni Brown

4/24/2006

Home Mortgage Consultant
Wells Fargo Home Mortgage
MAC M4066-031
3905 National Dr. Suite 320
Burtonsville, MD 20866
301-388-1214 Tel
866-484-5236 Toll-free
240-426-8047 Cell
301-421-4318 Fax
Jenni.Brown@wellsfargo.com

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Wells Fargo Home Mortgage-2701 Wells Fargo Way-Minneapolis, MN 55467-8000

-----Original Message-----

From: Crampton, Pamela [mailto:pamela.crampton@mncppc-mc.org]

Sent: Friday, April 14, 2006 10:25 AM

To: Brown, Jenni

Subject: Kruhm Property (#1-20060940)

Per your phone inquiry, this e-mail is being sent in order for you to express concerns and/or questions in regards to the above referenced preliminary plan.

When a staff person is assigned, you will be notified via e-mail. Once this occurs, you should, when responding to future e-mails, use the "REPLY ALL" under Actions on your e-mail menu. This ensures that all parties directly involved with this Plan, will receive all future correspondence pertaining to the above referenced subject.

Thank you for your interest.

Pamela Crampton

Development Review Division

Maryland-National Capital Park & Planning Commission

301.495.4586