



THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

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ITEM #5
DATE: 11/04/04



MEMORANDUM

DATE: October 29, 2004

TO: Montgomery County Planning Board

VIA: Richard C. Hawthorne, Acting Chief, Development Review Division *RAH*
Cathy Conlon, Acting Supervisor, Development Review Division *CC*

FROM: Richard A. Weaver, Planner Coordinator (301) 495-4544 *RAW*
Development Review Division

REVIEW TYPE: Preliminary Plan of Subdivision for 17 one family detached dwelling units

APPLYING FOR: Preliminary Plan Review

PROJECT NAME: Thompson Farm

CASE NO. 1-97098

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

ZONE: RDT

LOCATION: North and south side of West Old Baltimore Road, east of Slidell Road, west of Shiloh Church Road, and approximately 4,700 feet southwest of Comus Road

MASTER PLAN: Clarksburg

APPLICANT: Charles H. Jamison, Inc.
ENGINEER: Benning and Associates
ATTORNEY: Debelius, Clifford, Debelius, Crawford, Bonifant and Fitzgerald

HEARING DATE: November 4, 2004

STAFF RECOMMENDATION

Approval of Seventeen (17) Lots Pursuant to the FY 2002 Annual Growth Policy Alternative Review Procedures for Limited Residential Development (DAP), Subject to the Following Conditions:

- 1) Compliance with the conditions of approval for the preliminary forest conservation plan. The Applicant must satisfy all conditions prior to recording of plats or MCDPS issuance of sediment and erosion control permits
- 2) All road rights-of-way shown on the approved Preliminary Plan shall be dedicated, by the Applicant, to the full width mandated by the Clarksburg Master Plan unless otherwise designated on the Preliminary Plan
- 3) Record plat to show delineation of a Category I Conservation Easement over the areas of stream valley buffer and forest conservation
- 4) Record plat to provide dedication of 80 feet of right-of-way for Slidell Road, 80 feet of right-of-way for West Old Baltimore Road and 70 ft. of right-of-way for Shiloh Church Road
- 5) Record plat to reflect common ingress/egress easements over all shared driveways
- 6) Compliance with the MCDPS stormwater management letter dated, September 2, 2003
- 7) Compliance with conditions of MCDPS septic approval letters
- 8) Prior to issuance of building permits, applicant to submit to MCDPS an engineered sediment control plan for review and approval
- 7) Dedication and acquisition of land for Park purposes and establishment of public use trail easements to be in accordance with the Park Planning and Resource Analysis Unit Memorandum dated, December 3, 2003 as follows:
 - Dedication of "Parcel A" to M-NCPPC, which parcel consists of approximately 19 acres of land and includes a width along Old Baltimore Road of at least 250' and extends along Old Baltimore Road to include all forestland across the road from Lot 18
 - Dedication to M-NCPPC of the small triangular parcel of land located on the west side of Slidell Road that is surrounded by Bucklodge Conservation Park
 - Applicant to establish 25' wide public use trail easements in the following locations:

- Along the southeast boundary of Lots 12,13,14,15,16,17 and 1, then along the south and east sides of Lot 3, then continuing along the east side of Lot 5 and along the north side of Lot 4 to Shiloh Church Road
 - Along the entire northeast side of Lot 17 to extend from the easement along the east side of Lot 17 to park property located on Slidell Road
- Dedicated parkland to be conveyed at time of record plat and to be free of trash and unnatural debris and borders to be staked to distinguish parkland from private property. Easements to be identified with appropriate signage
 - Applicant and MNCPPC Staff to negotiate acceptable terms to facilitate acquisition of Lot 18, by MNCPPC for use as parkland
- 8) Access and improvements as required to be approved by MCDPWT prior to recordation of plats
 - 9) Provide an affidavit to verify the availability of a TDR for each existing and proposed dwelling unit shown on the approved Preliminary Plan. Include a note referencing affidavit on record plat.
 - 10) This Preliminary Plan will remain valid for thirty-seven (37) months from the date of mailing of the Planning Board opinion. Prior to this date, a final record plat must be recorded for all property delineated on the approved Preliminary Plan, or a request for an extension must be filed.
 - 11) The Adequate Public Facilities (APF) review for the Preliminary Plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion.
 - 12) All necessary easements.

PREVIOUS PLANNING BOARD ACTION/BACKGROUND:

On April 8, 1997, Harry Leet and "Thompson Farm Partnership" submitted an application for review, designated as Preliminary Plan 1-97098 with the Montgomery County Planning Board. The Preliminary Plan initially requested approval of seven (7) single-family lots on 176.53 acres in the RDT zone. The Preliminary Plan was scheduled to go before the Planning Board in March of 1998, but was pulled from the agenda by the controlling member of a partnership of owners.

In the fall of 2001, Jamison Realty purchased the subject property and the Preliminary Plan was revised to propose 15 single-family detached homes and two outlots now on 434.73 acres, again in the RDT zone. After review by the Planning Board's technical staff, the revised Preliminary Plan was brought before the Montgomery County Planning Board for a public hearing on June 27, 2002. At the public hearing, the Planning Board heard testimony and received evidence submitted into the record on the Preliminary Plan. Based upon the testimony and evidence presented by Staff and on the information in the Preliminary Subdivision Plan application form, the Planning Board found Preliminary Plan 1-97098 to be in accordance with the purposes and requirements

of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) as well as the Zoning Ordinance (Chapter 59, Montgomery County Code) and the Regional District Act (Article 28 of the Maryland Code Annotated), and approved Preliminary Plan 1-97098, subject to conditions as shown on the December 3, 2002 opinion.

The opposition requested a reconsideration of this approval. It was granted to clarify a technical issue related to the applicable Clarksburg Master Plan, as the opinion stated that the property was on the "east" side of Ten Mile Creek, and it is actually on the "west" side of the creek. The Planning Board reconsidered the plan to clarify that point. At the reconsideration hearing on December 11, 2003, the Board, after consideration of the testimony, changed its vote to instead deny the subdivision application, citing in the discussion the language in the Plan related to the area "west" of Ten Mile Creek.

The applicants have now requested this reconsideration and the Board has agreed to that. Both the opposition and applicant have contributed written and oral testimony regarding the language of the zoning ordinance and the pertinent master plans. At this reconsideration, the staff believes it crucial to understand the intent of the language in the Clarksburg Master Plan for the area "west" of Ten Mile Creek, and cited language from the Master Plan for the Preservation of Agricultural and Rural Open Space (AROS Master Plan). A review of the language for the RDT Zone is also pertinent. Finally a discussion of the points made in the submittal of the opposition to the subdivision has been included.

SITE DESCRIPTION:

The property, consisting of a total of 434.73 acres, is located within the Clarksburg Master Plan Area. The property is bordered by Slidell Road to the west, and is intersected by West Old Baltimore Road in its southern section. The property falls within the Ten Mile Creek Area of the Clarksburg Master Plan.

The immediate area is largely agricultural. Most of the properties are zoned Rural Density Transfer. An adjoining subdivision to the east, approved in the early 1990's, developed at a higher density due to the prior underlying zone (R-200) which permitted a density of two (2) dwelling units per one (1) acre. The majority of the subject property, for several years, has been placed in the conservation reserve program and left fallow. Since 1996, much of the property has been used for hay production.

PROJECT DESCRIPTION:

The Application proposes the creation of 17 residential lots on 434.73 acres under the RDT zone provisions within the Zoning Ordinance. The proposal includes a dedication of a 19-acre area designated as "Parcel A" in the southeast corner of the property, fronting on West Old Baltimore Road for use as an inter-park connector system to connect the Bucklodge Forest Conservation Park to the Black Hills Regional Park. Various public use easements will be established on the plat to allow pedestrian and equestrian movement through the property to these destinations. The proposal gives M-

NCPPC approximately 19 acres of fee simple land, with the applicant proffering to enter into negotiations with staff to sell Lot 18, containing 23.5 acres in fee simple to M-NCPPC at the current fair market value.

The Preliminary Plan proposes a grouping of five (5) lots with access on Slidell Road, sharing a common driveway (Lots 10, 11, 12, 13, 14) of the following sizes: 4.9 acres, 3.9 acres, 4.7 acres, 4.6 acres, and 6.5 acres and another grouping of lots, each with access of off Slidell Road: Lots 15 (15.6 acres), 16 (19.5 acres), 17 (38.9 acres), 1 (28.5 acres), 2 (19 acres) and 7 (15 acres). The plan further proposes a common ingress/egress driveway off of Shiloh Church Road serving three (3) lots, Lots 3 (31.5 acres), 4 (25.5 acres), and 5 (31.5 acres). Finally, there are two large lots, Lots 8 (77.0 acres) and 9 (61.9 acres) located on the south side of West Old Baltimore Road.

Environmentally sensitive areas typically associated with the stream valley system are to be protected by a Category I conservation easement.

CONFORMANCE WITH THE SUBDIVISION REGULATIONS

Section 50-35 of the Subdivision Regulations provides the approval procedure for preliminary plans of subdivision. The general provisions for lot design for a subdivision are set forth in Section 50-29 of the Subdivision Regulations. In order to be approved by the Planning Board, lot size, width, shape, and orientation must be appropriate for the location of the subdivision and for the type of use contemplated. Lots must also abut a dedicated street or public road. Staff has reviewed this preliminary plan with respect to all applicable sections of the Subdivision Regulations.

CONFORMANCE WITH THE ZONING ORDINANCE:

The preliminary plan proposes seventeen lots pursuant to the RDT provisions of the Zoning Ordinance (Section 59-C-9.41). The RDT zone has a density requirement that allows one, one-family residential dwelling unit per twenty five (25) acres. The minimum net lot area requirements in this zone allows for lots as small as 40,000 square feet; the Zoning Ordinance sets no maximum lots size for this zone. Staff has evaluated the preliminary plan for consistency with all applicable sections of the Zoning Ordinance and finds that the preliminary plan as submitted meets all zoning requirements.

PURPOSE OF THE ZONE

The Rural Density Transfer Zone (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 this 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.

RELATIONSHIP TO THE MASTER PLAN

The subject property is located within the Ten Mile Creek analysis area of the Clarksburg Master Plan. The Master Plan recommends a land use pattern west of Ten Mile Creek that is supportive of the larger Agricultural Reserve. The Ten Mile Creek Area adjoins a portion of the County-wide Agricultural Reserve described in the Functional Master Plan for the Preservation of Agricultural and Rural Open Space in Montgomery County as the "Central Sector." The Central Sector is described in the Functional Master Plan for Agricultural and Open Space as follows:

This 36,000-acre sector is the pivotal point in Montgomery County's agricultural and rural open space preservation program...Pressure to develop this area is expected to increase because of its natural beauty and as employment opportunities move northward along the I-270 corridor. An aggressive preservation program should be focused on this area.

The Functional Master Plan for Agricultural and Open Space recommended that the Clarksburg Master Plan examine Clarksburg's potential for agricultural preservation. The Clarksburg Master Plan focused on the area west of Ten Mile Creek as the most critical in terms of helping to preserve the larger Agricultural Reserve. The existing land use pattern is dominated by very large parcels and has traditionally been a farming community. Although the suitability of soils for farming varies from poor to good, the importance of this area to County-wide agriculture is significant because it forms a critical transition from the I-270 Corridor to the very productive farmland of western Montgomery County.

For this reason, the Clarksburg Master Plan recommended approximately 1,800 acres west of Ten Mile Creek be added to the County's Agricultural Reserve area to encourage the preservation of agriculture and open space. Alternative rural land use patterns were considered in this area but rejected as being inconsistent with farmland preservation objectives. As discussed in the Clarksburg Master Plan Land Use chapter, many different public policy objectives have influenced the land use pattern in the Ten Mile Creek Area, including environmental concerns, farmland preservation, the creation of a Town Center near the Clarksburg Historic District, maintaining future employment

sites along I-270, and addressing the County's housing demand for single-family detached units.

It is important to note that this area was in the R-200 Zone prior to the adoption of the Clarksburg Master Plan, so this was a very substantial downzoning. The Plan states that "*alternative rural land use patterns were considered in this area, but rejected as being inconsistent with farmland preservation policies.*" Staff must point out that the "alternative rural land use patterns" would have been the Rural Cluster or Rural Zone. These zones, with five-acre density, are zones that acknowledge the fully rural land pattern of contiguous farm fields necessary for traditional agriculture have generally been lost, and these areas have a mixed pattern of residential, farm, and rural open space. Indeed, they are the "Rural Open Space" portion of the Master Plan for the Preservation of Agricultural and Rural Open Space." So in putting the 1,800 acres in the Rural Density Transfer Zone of the Agricultural Reserve, the Council acknowledged the still rural character of the area "west" of Ten Mile Creek, and was granting that area the protections of the very low density of the RDT Zone. But those protections of the zoning ordinance or the master plan do not include any provision under which the lot sizes allowed for the RDT Zone are curtailed. The Clarksburg Master Plan adopted the "alternative rural pattern" higher density Rural Cluster Zone east of Ten Mile Creek.

The Master Plan seeks to achieve a balance among these different policy issues. The west side of Ten Mile Creek, designated for farmland preservation, will maintain 64 percent of the drainage area as low density. Elsewhere in the drainage area, the Master Plan relies on imperviousness caps, extensive stream buffers, and staging to help mitigate the effects of development. In addition, the Master Plan states that the proposed rural and agriculture land use pattern is the key protection strategy for the area west of Ten Mile Creek, where agricultural Best Management Practices (BMP) usage is anticipated to increase.

The proposed development of the subject property will provide open space for the benefit of the public at large or a substantial buffer for the "very productive farmland of Western Montgomery County." It achieves the Master Plan objective by providing a variety of open space features that connect to Black Hill Regional Park. Easy access to Black Hill Regional Park's outdoor experiences by future residents of Clarksburg is a key goal of the Master Plan. The proposed development provides contiguous open space for agricultural, environmental protection, and other open space preservation goals. Residential development (and lots as small as 40,000 square feet) was envisioned, although not encouraged, by the Clarksburg Master Plan in the RDT Zone at the 25-acre density.

Subdivisions in the RDT Zone

The size of subdivision lots approved in the RDT Zone has varied widely since 1980. The attached copies of approved preliminary plans provide an indication of the range of subdivision sizes and lot sizes approved by the Planning Board in the RDT Zone since 2000. Although the size of the lots approved has not generally been an issue of

concern, the number of lots being approved has been a concern. The placement of housing sites on land being subdivided is also a concern, due to the goal of preserving open and contiguous farm fields. These concerns have led to proposals to strengthen subdivision review guidelines in the RDT Zone to allow more control over building lot placement so that farmland vistas and contiguous fields could be preserved. The size of the lots is actually a separate issue from the preservation of fields and vistas. Vista protection is a goal, but has always been secondary to the economic goals of agriculture and farm field protection of the agricultural preservation programs as well as secondary to the anticipated uses allowed under the development standards of the RDT Zone.

This is because the primary intent of the AROS Master Plan is to preserve farming, and houses grouped together in one area leaving large open contiguous fields are more conducive to economically viable farming than houses on twenty-five acre "farmettes".

Master Plan for the Preservation of Agricultural and Rural Open Space Language

The Master Plan for the Preservation of Agricultural and Rural Open Space (page 35) states "*This Plan recognizes that some residential development will occur even in productive areas... but only on a limited basis and in a manner that is consistent with preservation policies.*" As interpreted since 1980, the "limited basis" means the 25-acre density of the RDT Zone, and the "manner consistent with preservation policies" includes the ability to create smaller lots that allow the bulk of the property to remain in large contiguous fields.

Later (page 44) the Plan cites an example of a "farmer" who wishes to develop some lots on the farm in the RDT Zone. The farmer may convert his "buildable" development rights into building lots, "*each lot having a minimum of 40,000 sq. ft. on the farm.*" It should be clarified that most of the language in this Master Plan cites "farmers", but nothing in the language of the zone excludes any property owner from the provisions of the zone. And this language in the Plan clearly anticipates smaller lot sizes.

Elements of the Statement of the Opposition

There are a number of statements in the submitted testimony of the primary opposition in this case that should be clarified and refuted, as they are inconsistent with all past practice and interpretation of the zoning ordinance and pertinent Master Plans.

- A. First, they state that the Board followed appropriate procedures in denying the Preliminary Plan, which they state was based in part on the subdivision plan's failure to conform to the Functional Master Plan for the Preservation of Agricultural and Rural Open Space (AROS) and the Clarksburg Master Plan. Their testimony states that the subdivision "*clusters lots within the Agricultural Reserve, thereby forever removing these parcels of land from agricultural use. Reconfiguring the Agricultural Reserve in this manner and frustrating the very purpose for which the Agricultural Reserve was created constitutes an alternative land use pattern that was explicitly rejected in the Clarksburg Master Plan.*"

The staff believes this interpretation of the intent of the AROS Master Plan and the Clarksburg Master Plan are completely inconsistent with all past interpretation of the intent and language of these Plans, and contrary to all past regulatory decisions pertaining to the Agricultural Reserve. As previously stated, the ability to create lots as small as 40,000 s.f. is a clear right in the zone; and the intent of that lot size is to preserve large tracts of contiguous land while still selling a residential lot and preserving the overall low density of the zone.

The opposition seems to believe that the Master Plans intend for all lots in the RDT Zone to be large enough to permit agriculture. The staff believes this interpretation is again contrary to all past decisions and interpretations. As previously noted, the "alternative land use patterns" referred to are the five-acre Rural or Rural Cluster Zones.

- B. Their testimony correctly states that farmland preservation is explicitly embraced in the Clarksburg Master Plan, and quotes the language about alternative rural land use patterns being rejected as inconsistent with farmland preservation objectives. Again, this language indicates a clear misunderstanding of the master plan history since the language "alternative rural land use patterns" as used in the Clarksburg Master Plan refers to the Rural and Rural Cluster Zones, which were rejected for this area. This area was in the R-200 Zone prior to the adoption of the Clarksburg Master Plan. The area was always intended for agricultural preservation. The options in the Agricultural Zones are the five-acre Rural and Rural Cluster Zones or the very protective 25-acre RDT Zone. By placing this area in the RDT Zone, this area received the maximum protection for farmland preservation currently available under the Zoning Ordinance.
- C. Their testimony states that "*the zoning ordinance, however, does not allow clustering in the RDT Zone, nor does the ordinance explicitly permit the use of averaging in order to satisfy the 1 unit per 25 acres density requirement.*" The ordinance does not "explicitly" discuss the lot size issue, but the zoning ordinance "explicitly" allows a minimum lot size of 40,000 square feet.
- D. Their testimony states that clustering is permitted in the Rural Cluster Zone, not the RDT Zone. It also states "*approving clustering within the Preliminary Plan would, in effect, impermissibly change the zoning for the Thompson Farm from RDT to RC.*" Both of these statements are contrary to all past interpretation and practice. Lots as small as 40,000 sf are allowed in the RDT Zone, and "grouping" or "clustering" smaller lots while retaining the overall 25-acre density is not remotely similar to changing to the densities of the Rural Cluster Zone.
- E. Their testimony cites potential environmental damage from the proposed clustered development. The environmental staff found no environmental concerns with the proposed subdivision plan.

- F. Their testimony states that the development destroys the scenic vistas of the Thompson Farm. They state that the Planning Board should use the standards of the Rural Cluster or Low Density Rural Cluster Zones to evaluate the subdivision. The staff believes this is contrary to all prior practice and interpretation for subdivisions in the RDT Zone. It would be improper to cite language in the Zoning Ordinance pertinent to one zone when evaluating a property in another zone. Further, while protection of scenic vistas is a desirable goal, it is not the primary purpose of the Agricultural Reserve.
- G. Their testimony states that the designation of Slidell Road as a Rustic Road should be used as a rationale for denial of this subdivision. This is also not permissible. This Rustic Roads Master Plan specifically does not allow this. The Purpose statement for this Master Plan (page 5) states "The rustic roads designation is not intended to affect the use of adjoining land except in the design of access to subdivision." This was a strongly debated topic in the adoption of the Rustic Roads Master Plan, and this clause was specifically added to prevent the Rustic Roads designation being used to limit otherwise allowed uses on properties along Rustic Roads.

Other County Policy Considerations

The 1979 "Issues and Alternatives Report", which led to the adoption of the Master Plan for the Preservation of Agricultural and Rural Open Space states (page 34) "*The preferential agricultural zone usually does not define a minimum acreage (tract size). However it does define lot standards. An exclusive agricultural zone is one that defines a minimum acreage (tract size) as that size approaching the minimum necessary for a successful farming operation....The preferential agricultural zone is recommended for use in appropriate rural wedge areas.*" And the adopted Master Plan created the RDT Zone as a "preferential" agricultural zone, which allows for mixed lot sizes, not an "exclusive" agricultural zone which would have required 25-acre lots.

The 1988 Report of the Working Group to Evaluate the Agricultural and Rural Open Space Preservation Programs, Chaired by Norman Christeller, found that "*some landowners owning large tracts classified in the RDT Zone are....anticipating future large lot development. This could undermine agricultural preservation objectives over the long term if 25-acre lots are developed in a manner that reduces the visibility of agriculture in the area. A legislative remedy to this problem that would not limit small farms would include retention of the density of 1/25 acres, a relatively small maximum [residential] lot size [(which would force more land to remain open for farming)], mandatory cluster development, and restriction of the undeveloped areas to agricultural uses and open space, in a manner similar to the Rural Cluster Zone.*"

While these recommendations were not adopted (in part due to strong opposition to mandatory clustering from the agricultural community), they indicate an acknowledgement by the County leaders that large lot development in the RDT Zone was harmful to the future of the Agricultural Reserve and its intent to protect farming.

PARK PLANNING AND RESOURCE ANALYSIS

Condition No. 7 above, addresses the need for park dedication and acquisition and also establishes the necessary public use easements on the subject property. Establishing the above-said easements together with the proposed dedications and Lot 18 acquisition will serve a number of significant park interests in the area.

First, it will facilitate a natural surface trail connection between Black Hill Regional Park, which lies to the southeast of the subject property and Bucklodge Conservation Park to the northwest of the property. An existing natural surface trail in Black Hill Regional Park currently terminates at Parcel A, being dedicated by the Applicant. This development plan will allow trail users to continue through Parcel A, cross Old Baltimore Road at a location with reasonable visibility, continue through Lot 18 (to be acquire from the Applicant) and continue along the designated easements to proposed trails in Bucklodge Conservation Park at a location where Slidell Road can be crossed with reasonable safety.

Second, public access to the new parkland and trail easements will be available from Black Hill Regional Park, West Old Baltimore Road, Branch Hill Road which currently terminates at Lot 18, Shiloh Church Road and Slidell Road.

Third, the proposed plan allows public trail access from the existing adjacent communities to the new parkland and the trails in Black Hill Regional Park and Bucklodge Conservation Park.

Recommendation

The staff recommends support of this subdivision as originally presented to the Board. The grouped lots allow a large amount of acreage to remain open. It meets all the requirements of the applicable Master Plans and the provisions of the RDT Zone. If the Master Plan gave specific guidance as to the configuration of lot layout for a specific piece of property, the Planning Board would have a basis for requiring a change in lot configuration in order to substantially conform with the Master Plan. However, there is no such guidance or requirement in the applicable Master Plans with respect to the subject property, and consequently staff finds that the layout complies with all of the requirements of the applicable Master Plans. Moreover, in the opinion of staff, the major elements of the opposition's testimony and interpretation of the zoning ordinance and pertinent Master Plans are contrary to past agency interpretation and practice.

The staff believes that this subdivision would be improved if it placed more of the houses on smaller lots, allowing more land to remain open in contiguous agriculturally viable open spaces, but we understand that there are septic treatment problems that preclude a preferred design. In the modifications to the subdivision regulations for the RDT Zone that were recommended by the Planning Board, there is a discussion of the important role that septic systems play in subdivision design. The technical requirements

of standard septic systems, and to a certain extent even sand mounds, limit creativity in subdivision design. If alternative systems were available, the design options for this subdivision could be improved.

This subdivision would have less visual impact on the homes in the stretch of Slidell Road near the proposed grouped lots if one of the lots were moved. But the applicant has not chosen to make that alteration in the subdivision design, and the staff believes that the subdivision as proposed meets the requirements of the zone and the master plan. The staff concludes that this subdivision plan should be approved.

CONCLUSION

Staff concludes that the preliminary plan as reviewed conforms to all applicable sections of the Montgomery County Zoning Ordinance, the Montgomery County Subdivision Regulations and the Clarksburg Master Plan as well as the AROS Master Plan. Staff has considered all applicable issues and concerns highlighted in the Master Plans and those raised during the previous public hearing. In particular, the land use proposed and the lot configuration delineated comport with all applicable development standards and are compatible with the existing adjacent development of single-family dwellings and agricultural uses. The development as proposed encourages open space, maintains areas suitable for agricultural uses, provides for Parks and recreational uses, and protects the environmentally sensitive stream valleys.

Attachments

- 1) Approved Plans in the RDT

Contributing Staff:

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