RODGERS CONSULTING | Knowledge Creativity Enduring Values

Statement in Support of Site Plan
Creekside at Cabin Branch, Clarksburg, Maryland

TO: Maryland National-Capital Park and Planning Commission, Planning Staff

FROM: Rodgers Consulting, Inc.

SUBJECT: Property (commonly known as the "Creekside at Cabin Branch"):
Shiloh Parcels

1. 22300 Clarksburg Road, Boyds, MD 20841, ±230.59 acres, and Apparent Deed Gap ±2.38 acres, Parcel P600, Tax Map EV13 (Tax ID #02-00028845)
2. Parcel P900, Tax Map DW61 (Tax ID #02-00029565), ±43.65 acres
   Parcel P900, Tax Map EV13 (Tax ID #02-00016871), ±66.49 acres
3. Parcel P222, Tax Map EV12 (Tax ID #02-01592550), ±59.51 acres

DATE: February 10, 2021

I. INTRODUCTION AND PROPERTY DESCRIPTION

Our clients, Shiloh Farm Investments, LLC and Pulte Home Corporation are the owners of approximately 402 acres (gross tract area) of the (the "Property") located to the southwest of Interstate I-270 and to the west of Maryland Route 121, in Clarksburg, MD. The Property is comprised of three separate parcels, as described above, and the existing conditions include a mix of woodlands and farm fields, with forest covering much of the stream valleys. The site is currently a mix of forest and active agriculture preserve, bound by Clarksburg Road and single-family detached residential parcels to the east, Ten Mile Creek to the west, forested land to the north and forested land and single-family detached residential parcels to the south. The Property is zoned RNC (Rural Neighborhood Cluster). The Property is also located with the Clarksburg West Environmental Overlay Zone (CWE), which was created via Montgomery County Zoning Ordinance No. 18-28 and can be referenced by §4.9.6 of the Ordinance, the Ten Mile Creek Area Limited Amendment Master Plan ("Master Plan"), which was adopted and approved July 2014, as well as the Ten Mile Creek special protection area (SPA). There are no FEMA mapped floodplains on or within 100' of the site. There is a historical resources on the site, as noted in the Master Plan. The Cephas Summers House is a locally-designated property and includes a designated environmental setting per the approved Master Plan, located along the eastern end of the site boundary. Parcel 225, the 4-acre property owned by David and Danielle Delaney is currently land locked on the Property, however is accessed via easement from Clarksburg Rd.

The Project was the subject of a Concept Plan review (No. 520190190 – Ten Mile Creek) in July 2019 and a Preliminary Plan of Subdivision (No. 120200050), which was recommended for approval with conditions on 12/3/2020.

II. MASTER PLAN

The 1994 Clarksburg Master Plan ("the 1994 Plan") amended the 1968 Clarksburg and Vicinity Master Plan. The 1968 Master Plan provided policy guidance for the growth of Clarksburg from its present rural character into a small town rather than a Corridor City as originally envisioned in the 1964 General Plan. It also addressed the absence of public services, such as schools, parks, and roads. The 1994 Plan also addressed new policy concerns that had emerged since 1968 such as the critical importance of

protecting environmental and historic resources, preserving farmland, transit-oriented land use patterns, as well as land use pattern mixes.

In October 2012, the Montgomery County Council directed the Planning Board to undertake a Limited Amendment of the 1994 Plan because environmental analyses showed continued uncertainty about the ability to protect sensitive resources in Ten Mile Creek if full development occurred under the original Plan recommendations. This Amendment includes the watershed of Ten Mile Creek.

The Ten Mile Creek Area Limited Amendment recommended the subject properties (and two other parcels to the north) for residential development, with a number of guidelines for environmental protection and housing unit mix. (The 1994 Master Plan had previously designated the Ten Mile Creek area as a receiving area for transferable development rights, with a maximum of up to 900 units).

The Ten Mile Creek Area Limited Amendment provides for optional method development of the Property under the RNC Zone, while providing flexibility in the mix of housing types, including a blend of single-family and attached units as a means of achieving maximum development yields.

III. OVERVIEW OF PROJECT AND DESCRIPTION OF PROPOSED DEVELOPMENT

Development Proposal

In accordance with the Ten Mile Creek Limited Area Master Plan Amendment and Zoning Ordinance, the Applicant proposes to develop the Property ("the Project") with a walkable, pedestrian-friendly, environmentally sensitive residential community totaling 326 dwelling units, including 117 single family detached units, 1 existing house, 167 single family attached units and 41 MPDUs, associated amenities and parking to support The Creekside at Cabin Branch development. The condition of the Cephas House has been an ongoing discussion with the Historic Preservation Committee. It was determined that the demolition of the house is inevitable due to the resulting deterioration. Therefore Applicant is working with HPC staff in determining that a better solution would be the total reconstruction of the house, with appropriate modifications to enable it to function as a home in current times. The Site Plan displays a clustered residential community through an interconnected grid of streets and greenways. The Site Plan presents a combined single-family/townhouse residential neighborhood that – although not as dense as envisioned by the Ten Mile Creek Area Limited Amendment Master Plan, embraces the guidelines for environmental protection and housing unit mix. Responding to market demands, a mix of 3-story townhouse and single- family detached homes, provide for transitional land use from neighboring land uses to the nearby agricultural preserve.

- (1) Existing historical single-family detached lot with home (Cephas House)
- (41) 16' wide with rear-loaded garages
- (25) 24' wide with front-loaded garages
- (142) 20' wide with rear-loaded garages
- +(117) two-story single-family detached lots

326 Total Units

Twelve and a half percent MPDUs (326 total units * 12.5% = 41 MPDUs) are proposed, to be co-located within the townhouse community. The Project proposes processing the Site Plan through the Optional Method. The overall organization of the Site Plan is established upon the main entrance of the community from a fully improved Clarksburg Road. The multi-sized townhouses are anchored by single-family detached units to the northwest, and the community center, as well as environmental features to the southwest. The single-family detached units are tucked within the consolidated environmental buffer; allowing for expansive views to existing natural features.

In order to provide a clear understanding of conformance with the Ten Mile Creek Limited Area Master Plan Amendment, the Montgomery County Zoning Ordinance, as well as the Clarksburg West Environmental Overlay Zone; various illustrative exhibits are included, in addition to this explanation. These include the Illustrative Concept Plan, the Rural Open Space Exhibit, the Parkland Conveyance Exhibit, the Conservation Management Area Exhibit, the Stream Restoration Exhibit, the Fire Access Exhibit, and the Lot and Street Diagram.

The Site Plan is in accordance with the intent of the RNC Zone §4.3.5, to "…preserve open land, environmentally sensitive natural resources, and rural character though clustering of residential neighborhoods…", as well as, "…to implement the recommendations of the applicable master plan…" The residences are clustered away from environmentally sensitive resources, to provide a variety of unit types and lot sizes. The Site Plan illustrates existing environmental features, overall density, open space/forest preservation, amenities, and the road network.

The Rural Open Space Exhibit clarifies how the open space within the Project, in terms of area and percentage. Approximately 81% of the Property area will be used as Rural Open Space. Some of these open space recommendations include forest preservation and afforestation, stream restoration area, neighborhood park, and conservation management plan area(s). Recommendations from the Ten Mile Creek Limited Area Master Plan Amendment, Zoning Ordinance, and the Clarksburg West Environmental Overlay Zone have been taken into careful consideration with this exhibit, and it's content. Specific recommendations from all of the above-mentioned ordinances and regulations can be found in sections IV, V and VI.

The Parkland Conveyance Exhibit delineates approximately +/-280.8-acres to enhance the Ten Mile Creek Conservation Park, which will be completed in two phases. Phase 1 includes approximately 132 acres of park conveyance located northwest and southwest of the Property and includes the 10-acre neighborhood park and will be the first to be conveyed. As part of the future neighborhood park, 26,136 square feet of impervious area has been allocated for future park improvements consisting of a parking area, ADA compliant hard surface trails, pavilion and other improvements are planned for this area. Phase I does not include the areas proposed for afforestation, forest banking, stream restoration or other forms of environmental enhancement. Phase 2 consists of approximately 148 acres that surrounds the existing streams and the development area. This phase involves additional work to meet forest conservation afforestation requirements, forest banking efforts or areas of stream restoration required to meet environmental master plan obligations. Phase 2 conveyance will take place after the development and stabilization is completed. Outside of the conveyance areas will be Homeowner Association (HOA) property that will be maintained with a Conservation Management Plan.

The Conservation Management Area Exhibit shows the areas that will allow the new development to meet the performance goals of protecting natural resources within the Ten Mile Creek special protection area. These goals include: the management of natural resources, preservation of pervious and compatibility with all adjacent land uses. The Conservation Management plan includes +/-62 acres of the Property located outside of the limits of disturbance and are not part of the proposed park conveyance or rural open space easement. As a condition of the Preliminary Plan, the final Conservation Management Plan will be submitted during site plan for review and approval by the Planning Board with recommendations by the Department of Parks, Planning, andDEP to meet this specific requirement.

The intent of **The Stream Restoration Exhibit** is to meet the requirements of the Approved and Adopted Ten Mile Creek Area Limited Amendment, page 22, which requires the restoration of streams and wetlands adversely affected by existing uses.

The Fire Access Exhibit illustrates compliance with the Department of Permitting Services' Fire Code, showing fire access routes within the townhouse cluster development, at a maximum of 150' from a primary door on each unit. All on-site private alleys are designed as a fire lane, with 20' minimum clear width. A 12' emergency vehicle access has been provided as a secondary connection to MD 121.

The Final Water Quality Plan indicates how the Project will meet stormwater requirements and the **Final Forest Conservation Plan** does so with respect to forest conservation requirements. Per Preliminary Plan conditions of approval, the Final Forest Conservation Plan includes an updated limit of disturbance and Tree Variance Request to include applicable affected trees associated with the historic Cephas Summers House demolition and reconstruction, and the Final Stream and Wetland Restoration Plan. The Final Forest Conservation Plan also designates the specific areas on the Property proposed for the potential creation of a forest bank.

The Site Plan. The Project was the subject of an intake review by the Staff on May 28, 2020. This application addresses the comments that are applicable to the overall design.

IV. PROJECT'S CONFORMANCE WITH THE MASTER PLAN

The proposed development directly implements the recommendations from the Ten Mile Creek Area Limited Amendment Clarksburg Master Plan and Hyattstown Special Study Area. Set forth below in italics are the Master Plan recommendations for the Property followed by an explanation of how the proposed development conforms with each recommendation.

Ten Mile Creek Area Limited Amendment Master Plan Recommendations

Environmental Recommendations

- *Require development of the Pulte/King properties to include a conservation management plan for areas outside the limits of disturbance that are not either dedicated to M-NCPPC for parkland or placed in a rural open space easement, if such areas are included in a development plan. This Plan should be coordinated with the Planning Department and Department of Parks to address management of natural resources, preservation of pervious land cover, and compatibility with all adjacent land uses (both parks and development area). This conservation management plan must be approved as part of the preliminary plan or site plan for the site. (Page 19)*

  Response: The Project does comply. Please see the Conservation Management Plan Area on the Rural Open Space Exhibit. The Conservation Management Plan includes areas outside of the Development Cluster Footprint and other uses programmed within the Rural Open Space of the Project; including Forest Preservation and Forest Afforestation Areas. Pending further discussions related to Parkland Conveyance, these areas consist of approximately 40.5 acres.

- *Reduce the development footprint and impervious cover, emphasizing reduced impacts to upland forested areas and steep slopes. In particular, protect existing stream conditions in the high quality headwater subwatersheds LSTM 110 (King Spring) and LSTM 111. (Page 19)*

  Response: The Project does comply with the reduction of the development footprint and impervious cover limitations. Following delineation of all environmental features, the Development Cluster Footprint was carefully arranged to avoid disturbances to such features. At this time, no impacts to upland forest areas or steep slopes are proposed unless to address specific Master Plan recommendations; such Step Pool Conveyance System outfalls or Stream Restoration requirements. In both instances, the design and limits of these improvements has been carefully coordinated with MNCPPC-Parks staff in order to minimize impacts and maximize environmental benefits. .

- *Limit imperviousness to six percent of new development on properties recommended for the RNC zone. (Page 19)*

Response: The Project does comply with the imperviousness limitations found in the CWE. The impervious area will not exceed 6%, see The Impervious Area Exhibits are contained within the Site Plan for reference.

Impervious Calculation Table

Category	ft2	ac.
Roadway	344,512	7.91
Sidewalk	109,949	2.52
SFD Homes	208,620	4.79
Townhomes	169,058	3.88
Leadwalks	15,374	0.35
Driveways	121,218	2.70
Clubhouse/Pool	17,709	0.41
Optional Additions	20,580	0.47
Retaining Walls	1,600	0.04
Onsite Impervious	1,009,246	23.07
Development Impervious (%)		**5.752%**

Miscellaneous Impervious

Category	ft2	ac.
Cephas-Summers House	4,306	0.10
Local Park	26,136	0.60
Existing Delaney Driveway	10,901	0.25
Total	41,343	0.95
Miscellaneous Impervious (%)		**0.236%**

Total Impervious

Sum Impervious	1,050,590	24.11
Total Site Area	17,537,970	402.62
Total Impervious (%)		**5.988%**

- *Environmental buffers must be consistent with all regulations and guidelines. In addition, in all areas in Ten Mile Creek other than the Historic District, on both sides of perennial and intermittent streams, and adjacent to springs and seeps, buffers must be a minimum of 200 feet, and must be expanded to include:*
    - *All erodible soils (listed in the Planning Board's Environmental Guidelines for Development, as amended);*
    - *Wetlands that extend beyond the buffer must have a minimum 50-foot wetland buffer;*
    - *All ephemeral streams, not including roadside drainage ditches, plus a 50-foot buffer;*
    - *All slopes 15 percent or greater that begin within the buffers described above. (Page 19)*

  Response: The Project does comply with the environmental buffers and expanded buffers as described in above and as reflected in the approved NRI/FSD. Each of these features has been delineated and mapped as part of Project's NRI/FSD #420190250; which was approved September 10, 2019.

- *Minimize disturbance of natural resources throughout the Ten Mile Creek Watershed, especially forests in the headwater areas. Forest Conservation Plans for properties in the Ten Mile Creek Watershed should protect:*
    - *All forest required by the Forest Conservation Law and Regulations (includes environmental buffers as previously described and minimum retention requirements), as well as areas defined in this Master Plan*

- *On the Pulte/King properties, all forest adjacent to environmental buffers;*
- *All off-site forest planting for new development should be located in the Ten Mile Creek Watershed as a first priority. (Page 19)*

Response: The Project meets all aspects of the environmental protection requirements set forth in The Master Plan. Please refer to Site Plan and support drawings provided. In addition, the Project will generate forest preservation and forest afforestation areas well beyond the minimum mitigation requirements established by the Forest Conservation Law. As shown on Preliminary / Final Forest Conservation Plan, approximately 253 acres in total will be preserved or planted as part of the Project. Areas preserved or planted beyond the mitigation required for the Project will be managed as a "Bank" and assist other Projects in the watershed, and beyond, to comply with Forest Conservation requirements. This approach has required that the Parkland Conveyance take place in two (2) phases; with the latter phase being the area of afforestation that will make up the "Bank". These areas will be dedicated following the establishment and completion of the banking efforts.

Land Use & Zoning Recommendations

As mentioned in the development proposal, the Project proposes a walkable, pedestrian-friendly, environmentally sensitive residential community totaling 326 dwelling units, (including MPDUs) associated amenities and parking, which is approximately 0.80 units per acre. If developed at the maximum density of 1.22 units per acre, the Project would likely be limited to a single, townhome, unit type as suggested by the Master Plan. Protection of environmental resources within Ten Mile Creek is the basis of the Project's design approach. Although the Project does not achieve maximum density for the site, the mix of unit types proposed allows the clustered development footprint to more precisely respond to the Project's environmental features, minimize terra forming and is in keeping with the intent the RNC Zone.

- *The stream impacts should be minimized by making preservation and protection of natural resources a clear priority; maintaining natural drainage routes and patterns; minimizing imperviousness; clustering development; planting all stream buffers in forest; and minimizing grading, soil disturbance and soil compaction. (Page 42)*

  Response: The Project meets the aspects of the environmental protection requirements described in this portion of the Master Plan. The implementation of both Montgomery County's Environmental Guidelines for Special Protection Areas (SPA) and Maryland Department of the Environment's (MDE) Environmental Site Design regulations (ESD) will further ensure compliance to the Master Plan's intent described above. Furthermore, the Applicant has coordinated the limits of direct stream restoration, as required by the Master Plan, and incorporated the necessary provisions into the Site Plan materials in order to complete these restoration efforts in the future.

- *The combination of reduced densities and cluster development could increase undeveloped open space using privately owned conservation areas in addition to parkland. The Rural Neighborhood Cluster (RNC) zone would allow a more precise percentage of open space to be required on the properties. The RNC zone requires a significant portion of the open space to be undisturbed and contiguous. It provides an optional method of development on public water and sewer service with a range of allowable development densities up to a maximum of one dwelling unit per acre, and allows master plans to make density recommendations, enabling a more precise density designation appropriate to the properties. It also provides a standard method of development without sewer service at one dwelling unit for every five acres, should that be determined more appropriate. (Page 42)*

Response: The Master Plan requires that a minimum of 80% of usable space on the Property be open space; specifically Rural Open Space as defined by §6.3.4 of the Zoning Ordinance. Per the Rural Open Space Exhibit the Project consists of approximately 320 acres of Rural Open Space or approximately 81% of the Property. This area of the Project will consist of multiple components, as shown, and are to include:

- Forest Preservation
- Forest Afforestation (per Master Plan)
- Local Park (per Master Plan)
- Stream Restoration Area (per Master Plan)
- Conservation Management Area (per Master Plan)
- Environmental Banking Area

- *The Cephas-Summers House, a locally-designated historic resource, is located on the property proposed for development along Clarksburg Road. The current environmental setting includes the whole property, but could be reduced to approximately five acres as part of the proposed development. The house should be restored and become part of the adjacent development. (Page 42) The house is in very poor condition and it may not be possible to save it. Applicant is working with HPC staff on options.*

  Response: In any case, the Project delineates a 10.2 acre environmental setting. The house is in very poor condition, and further analysis indicates that it may not be possible to salvage the building due to its current structural state. However, the HPC concluded that, the demolition of the house is inevitable due to the resulting deterioration. The Applicant submitted the Historic Area Work Permit application on January 6, 2021, with a subsequent hearing for a Preliminary Consultation on January 27, 2021. The Applicant is currently working with Historic Preservation Commission staff on how to move forward.

- *Include these properties in the proposed Clarksburg West Environmental Overlay Zone, with a six percent imperviousness limit and an 80 percent open space requirement. (Page 42)*

  Response: The Project does comply with the impervious surface limitations and open space requirements found in the CWE; as discussed more thoroughly above.

- *Allow optional method development in the RNC Zone with public sewer at a permitted density of one unit per acre. Moderately priced dwelling units beyond the minimum 12.5 percent would be in addition to the recommended density, in accord with Chapter 25A of the Montgomery County code, if the development does not exceed the impervious surface cap. (Page 42)*

  Response: The Project includes 12.5% Moderately Priced Dwelling Units. The Site Plan will be processed via the Optional Method though no additional, or "bonus", density will be requested.

- *Provide flexibility in the mix of housing types; allow either a blend of single-family lots and attached units, or exclusively attached units as a means of achieving maximum development yields. (Page 42)*

  Response: The Project proposes a blend of single-family and attached units consisting of 3-story townhouses (16' wide and 24' wide with rear-loaded garages and 20' wide with front-loaded garages) and two-story single-family units. A development program consisting of exclusively attached units and maximum development yields was considered, but ultimately, it was determined that the current proposal provided the best means to address both environmental protection and current market needs. Design techniques have been employed to help minimize impervious cover, including:

- Cluster development with smaller building footprints on smaller lots; as well as development within unforested areas
- The limitation of impervious cover for cul-de-sacs by reducing curve radii and providing a green space within the turn-around area
- The preservation land with a high infiltration capacity to be used for storm water infiltration or natural recharge area.

Legacy Open Space Recommendations

Montgomery County preserves its most significant undeveloped open space through its Legacy Open Space program. The 2001 Legacy Open Space Functional Master Plan identifies natural resources, open space, farmland, and historic places that can be conserved through a variety of protection tools, including easements, protection through the regulatory process and, when appropriate, acquisition. The Plan includes the Special Protection Area of the Ten Mile Creek Watershed as a Natural Resource site that meets Legacy Open Space criteria, but needs further study to select specific properties.

- *Protect the designated Natural Resource on an individual property basis using a variety of tools, which may include easements, dedication through the development review process, and fee simple acquisition. (Page 48)*

  Response: The Project does comply with the protection of designated natural resources by including both areas dedicated to M-NCPPC for parkland/environmental protection and privately owned conservation areas.

- *To create the core of the Ten Mile Creek Conservation Park, dedicate the Rural Open Space outside of the development envelope on the Pulte and King properties to the Department of Parks as a condition of the development review process. Land unavailable through dedication during the development review process may be acquired by the Department of Parks. (Page 48)*

  Response: The Project does comply with this element of the Master Plan by way of compliance with and identification of the Rural Open Areas, as well of Parkland Conveyance by applicant, please refer to the Rural Open Space and Parkland Conveyance exhibits found in the Site Plan. The Parkland Conveyance shall provide a new natural resource-based Neighborhood Park of a minimum of 10 developable acres for close-to-home recreation for the Ten Mile Creek area, designed to M-NCPPC Montgomery Parks standards.

Parks & Trails Recommendations

The 1994 Plan created a park and open space system that designated general locations for new local parks serving Clarksburg's developing neighborhoods. Importantly, the 1994 Plan also made provisions for connections between these local parks and the greenway network as prominent components of its overall vision. However, since park planners did not anticipate the significant development west of I-270 that was ultimately approved as part of the 1994 Plan, no local park was included in the Ten Mile Creek Watershed. The Master Plan now calls for:

- *Provide a countywide natural surface trail, designed to M-NCPPC Montgomery Parks standards, in the Ten Mile Creek area linking Little Bennett Regional Park and Black Hill Regional Park per the Countywide Park Trails Plan (2008) and the 1994 Clarksburg Master Plan. (Page 49)*

- *Provide five trailheads, designed to M-NCPPC Montgomery Parks standards, to access the Ten Mile Creek natural surface trail and nearby natural areas for park users and operations staff. (Page 49)*

Response: The Project does comply with this portion of the Master Plan by providing its portion (within the Project's boundary) of the natural surface trail system and trailheads; refer to the Site Plan for proposed locations.

- *Provide a new natural resource-based Neighborhood Park of at least 10 developable acres for close-to-home recreation for the Ten Mile Creek area, designed to M-NCPPC Montgomery Parks standards. The park, located outside of environmentally sensitive areas, is recommended as a platform for walkable, close-to-home facilities and to serve as a trailhead for the Ten Mile Creek natural surface trail. The park should have a natural resource theme and should be located adjacent to conservation parkland. The proposed Preliminary Program of Requirements for the Neighborhood Park is as follows:*
    - *Access to the Conservation Park for trail users and operations, maintenance and police functions from the planned development;*
    - *A trailhead with a small gravel parking area (6-8 spaces), with access through adjacent development;*
    - *Picnic area;*
    - *Natural play area;*
    - *Community garden;*
    - *Community open space large enough for community festivals and pickup sports, of at least 15,000 square feet;*
    - *Adequate space to provide for Environmental Site Design, Stormwater Management, Forest Conservation, and other regulatory requirements. Ensure that public infrastructure planning for Clarksburg is fully coordinated with planning and implementation efforts for Clarksburg Triangle Civic Green. (Page 49)*

Response: The Project does comply with this element of the Master Plan. The Local Park is proposed south of the clustered development footprint. The proposed location of the Local Park differs slightly from that shown in the Master Plan but the proposed location provides access directly from Clarksburg Road (Maryland Route 121), minimizes the impervious area needed to provide vehicular access, and provides some distinction between the parkland area and the proposed community. Meanwhile the location easily provides connectivity to the both the larger Ten Mile Creek Park system and the proposed development via the proposed trailheads and natural surface trail system. A minimum 10 acre area of the Property has been reserved for this purpose. Impervious area shall be allocated towards the park.

<u>Rural Open Space Requirements</u>

- *Include all land meeting the Environmental Buffer requirements, as well as forest protection, listed on page 19;*

Response: The Project does comply with this portion of the Master Plan as all environmentally sensitive areas are proposed as part of the Rural Open Space; see the Rural Open Space Exhibit.

- *The neighborhood park recommended for this portion of the watershed may be wholly or partially within the rural open space;*

Response: The Project proposes the neighborhood park within the Rural Open Space; see the Rural Open Space Exhibit.

- *The following should be addressed when implementing the Rural Open Space Design Guidelines as part of the development review process for these properties:*

- *Concentrate cluster development in unforested upland areas; wooded stream valleys should be left intact, undeveloped, and in their natural states as rural open space;*
- *Reduce environmental impacts and imperviousness during development by applying ESD techniques;*
- *Require a conservation management plan for areas outside the limits of disturbance that are not dedicated to M-NCPPC for parkland or placed in a rural open space easement, if such areas are located in a development plan. The conservation management plan should be coordinated with the Planning Department, the Department of Parks, and the Department of Environmental Protection to address management of natural resources, preservation of pervious land cover, and compatibility with adjacent land uses (both Parks and development area). This conservation management plan must be approved as part of the site.*
- *Direct new sewers away from Ten Mile Creek, utilizing proposed and existing roads; pump stations may be required to make connections to sewer lines in Cabin Branch;*
- *Size and locate lots to preserve rural views from Clarksburg Road and ensure an environmental setting of five acres for the historic Cephas-Summers house. Include restoration of the Cephas-Summers house in a development plan;*
- *Incorporate open space into the clustered community to provide residents with recreational opportunities;*
- *Provide access from public roads within a development to the proposed Ten Mile Creek Conservation Park to facilitate the creation of trailheads for natural surface trails and allow park maintenance access.*

Response: The Project does comply with this portion of the Master Plan by responding to each point listed. The proposed Project:

- Has been designed to cluster development only in unforested areas;
- Reduce environmental and impervious area by various means including the following application of ESD techniques;
    - The overall site layout has been designed to match existing drainage divides
    - The water quality plan meets requirements of the Master Plan by instituting the highest standards of protection for proposed development areas, avoiding overflow discharges onto steep slopes, managing discharges from stormwater outfalls using step-pool storm drainage conveyance systems, minimizing environmental buffer impacts associated with ESD overflow outfalls.
    - Step pool conveyance to decrease runoff & erosion of stream on site are being coordinated with parks
- Has been designed using individual Grinder Pumps and the proposed force main sewer system will provide service without the need to be located near Ten Mile Creek or cross its tributaries;
- Has been designed such that the Development footprint will provide uninterrupted natural views from Clarksburg road by not placing housing units directly along the roadway frontage, by screening the units placed in closest proximity (with both the use of berms and natural landscaping), by placing no housing units along the south side of the main primary street entrance for expansive views into the adjacent stream valley, and by reserving the road frontage south of the Cephas-Summers house for the natural resource based neighborhood park;
- Has been designed to provide significant and integrated open space within the development footprint to compliment the significant open space provided to the exterior of the clustered development; and

- Will locate the natural-resource based park adjacent to Clarksburg Road to provide for direct access from a public road.

Future Water Quality Plan Requirements

"Water Quality Plans for development in the Ten Mile Creek Watershed must comply with the most current water quality regulations that include ESD outfall and overflow management strategies, such as:

- *Avoiding overflow discharges onto steep slopes.*
- *Ensuring that any overflow occurs as sheet flow to the floodplain and/or receiving streams.*
- *Managing discharges from stormwater outfalls using step-pool storm drainage conveyance systems or comparable designs, as appropriate.*
- *Minimizing environmental buffer impacts associated with ESD overflow outfalls.*
- *Minimizing the need to convey stormwater across steep slopes and forested areas, and ensuring such conveyance is done in a non-erosive manner.*

In addition to current SPA requirements, Water Quality Plans for development in the Ten Mile Creek Watershed must demonstrate the application of the following principles and strategies:

- *Minimize disturbance of natural resources throughout the Ten Mile Creek Watershed, especially forest over in the headwater areas.*
- *Minimize direct impacts associated with new infrastructure, such as the MD 355 bypass and the sanitary sewer extension on natural resources.*
- *Minimize grading the thin and rocky soils in Ten Mile Creek, which helps sustain groundwater flows to the many springs and seeps.*
- *Indicate the importance of limiting grading and soil compaction as much as possible through creative site design and development staging.*
- *New development must employ planning and zoning options and design techniques that minimize impervious cover, including;*
    - *Cluster development with smaller building footprints on smaller lots with shorter driveways;*
    - *Place houses near the front of a building envelope to reduce driveway length, and provide shared driveways, where feasible;*
    - *Design narrower streets with limited sidewalks;*
    - *Use vegetated swales to guide runoff toward ESD facilities or pervious areas instead of curbs and gutters on secondary streets unless they conflict with other requirements;*
    - *Limit impervious cover for cul-de-sacs by reducing curve radii and having a green space in the turn-around area;*
    - *Preserve land with a high infiltration capacity to be used for storm water infiltration or natural recharge area.*
    - *Maintain natural drainage patterns, especially around zero order streams by:*
        - *Preserving and designing around ephemeral streams within the limits of disturbance, as much as possible;*
        - *Maintaining existing natural topography and vegetation within 50 feet of ephemeral streams;*
        - *De-compacting and amending soils within the limits of disturbance (LODs) with organic matter to a greater depth than currently required (this measure would be determined by the Department of Permitting Services as part of development plan approvals).*
    - *Environmental Site Design (ESD)*
        - *As a first step, apply appropriate ESD site planning techniques within proposed development areas to maximize environmental benefits;*
        - *Site planning and design must be guided by and integrated with the selection and appropriate location of ESD practices to achieve the greatest watershed benefits based on an evaluation of specific site and subwatershed considerations;*

- *To the extent feasible, ESD practices should minimize the concentration of flows through sheet flow and dispersion and must ensure any such conveyance is done in a non-erosive manner.*

- *Require restoration of streams and wetlands adversely affected by existing uses after all development is completed in the drainage area so as to allow the hydrology to adjust to the new landscape."*

Response: As stated in the previous response, the Project addresses these provisions. The Project:

- Has been designed to cluster development only in unforested areas;
- reduce environmental and impervious area by various means including the following application of ESD techniques;
  - The overall site layout has been designed to match existing drainage divides
  - The water quality plan meets requirements of the Master Plan by instituting the highest standards of protection for proposed development areas, avoiding overflow discharges onto steep slopes, managing discharges from stormwater outfalls using step-pool storm drainage conveyance systems, minimizing environmental buffer impacts associated with ESD overflow outfalls.
  - Step pool conveyance to decrease runoff & erosion of stream on site are being coordinated with parks
- Has been designed using individual Grinder Pumps and the proposed force main sewer system will provide service without the need to be located near Ten Mile Creek or cross its tributaries;
- Has been designed such that the Development footprint will provide uninterrupted natural views from Clarksburg road by not placing housing units directly along the roadway frontage, by screening the units placed in closest proximity (with both the use of berms and natural landscaping), by placing no housing units along the south side of the main primary street entrance for expansive views into the adjacent stream valley, and by reserving the road frontage south of the Cephas-Summers house for the natural resource based neighborhood park;
- Has been designed to provide significant and integrated open space within the development footprint to compliment the significant open space provided to the exterior of the clustered development; and
- Will locate the natural-resource based park adjacent to Clarksburg Road to provide for direct access from a public road.

V. PROJECT'S CONFORMANCE WITH ZONING ORDINANCE

The intent of the RNC Zone is to "…preserve open land, environmentally sensitive natural resources, and rural character though clustering of residential neighborhoods…", as well as, "…to implement the recommendations of the applicable master plan…" Compliance with the intent of the RNC Zone is inherit with compliance to the Master Plan. The Project does comply with both requirements.

"Townhouse Living" as well as "Single-Unit Living" are proposed for the Project, and are Permitted Uses in the RNC Zone (see *Use Table 3.1.6* below). The RNC zone also allows development under optional method MPDU Development, and the Project will be applying for development under this method. This "*optional method of development is permitted where moderately priced dwelling units (MPDUs) are included in a development above the minimum required by Chapter 25A, to facilitate the construction of those units*. *Optional method MPDU*

development allows an increase in density above the total number of dwelling units allowed by the standard method of development; allows additional building types; and provides more flexibility for certain dimensional standards." The Master Plan (Pg. 42) states the development program can contain "*…exclusively attached units as a means of achieving maximum development yields*." However, the Project currently proposes both detached and attached residential unit types and is not seeking bonus density.

Section 3.1.6. Use Table

The following Use Table identifies uses allowed in each zone. Uses may be modified in Overlay zones under Division 4.9.

						Residential																					
	Definitions and Standards	Ag	Rural Residential			Residential Detached							Residential Townhouse			Residential Multi-Unit			Commercial/ Residential			Employment				Industrial		
USE OR USE GROUP		AR	R	RC	RNC	RE-2	RE-2C	RE-1	R-200	R-90	R-60	R-40	TLD	TMD	THD	R-30	R-20	R-10	CRN	CRT	CR	GR	NR	LSC	EOF	IL	IM	IH
AGRICULTURAL																												
Agricultural Auction Facility	3.2.1	C																										
Agricultural Processing	3.2.2	C	C	C																						P	P	P
Community Garden	3.2.3	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	
Equestrian Facility	3.2.4	L/C	L/C	L/C	L/C	C	C	C	C																			
Farm Supply, Machinery Sales, Storage, and Service	3.2.5	C		L/C																		P	L				P	
Farming	3.2.6	P	P	P	P	P	P	P	P	P	P	P																
NURSERY	3.2.7																											
Nursery (Retail)	3.2.7.A	C	C	C	C	C	C	C	C											P	P	P	P			L	L	
Nursery (Wholesale)	3.2.7.B	C	C	C	C	C	C	C	C																	P	P	
Slaughterhouse	3.2.8	C	C	C																								
Urban Farming	3.2.9												L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L
ACCESSORY AGRICULTURAL USES	3.2.10																											
Farm Airstrip, Helistop	3.2.10.A	C		C																								
Farm Alcohol Production	3.2.10.B	L/C	L/C	L/C	L/C	L/C		L/C																				
Farm Market, On-site	3.2.10.C	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	
TEMPORARY AGRICULTURAL USES	3.2.11																											
Agricultural Vending	3.2.11.A					L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	
Seasonal Outdoor Sales	3.2.11.B	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	
RESIDENTIAL																												
HOUSEHOLD LIVING	3.3.1																											
Single-Unit Living	3.3.1.B	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	L	L	L	L			
Two-Unit Living	3.3.1.C				P		L	L	L	L	L	P	P	P	P	P	P	P	P	P	P	L	L	L	L			
Townhouse Living	3.3.1.D				P		L	L/C	L/C	L/C	L/C	L	P	P	P	P	P	P	P	P	P	L	L	L	L			
Multi-Unit Living	3.3.1.E															P	P	P	P	P	P	L	L	L	L			

Key: P = Permitted Use L = Limited Use C = Conditional Use Blank Cell = Use Not Allowed

<u>RNC Zone, Optional Method Requirements</u>

- *A diversity of lot sizes is required. The Planning Board must evaluate the range of lot sizes provided and ensure that a proposed development is compatible with existing development on adjoining properties and is consistent with the purpose and intent of the zone.*

  Response: The Master Plan establishes that a singular use is appropriate when reaching maximum development densities. Despite this opportunity, the Project proposes a blend of both attached and detached housing units. Each housing type will be offered in various sizes and configuration providing for a diversity of lot sizes.

- *The Planning Board must favor diversity of house sizes where such diversity would be substantially consistent with neighboring communities.*

  Response: The Project's development program and unit mix is consistent with the neighboring Cabin Branch community.

- *A lot developed under the optional method must be connected to a community water and sewerage system, unless the applicant can demonstrate in a preliminary plan application that a limited number of lots on a private well and septic facility within the cluster will provide a more beneficial subdivision design because of environmental or compatibility reasons.*

Response: The Project will to connect to public water and sewerage systems per the approved Water/Sewer Category Map amendment (Montgomery County Resolution No. 18-66). As discussed, grinder pumps will be required to provide sewerage system service to the Project.

- *The RNC zone also allows for an optional method of development without the provision of MPDUs above those required by Chapter 25A, if recommended in the applicable master plan. The maximum density for this type of optional method development is 1 dwelling unit per acre, unless a lesser density is recommended by the applicable master plan.*

Response: The Site Plan intends to utilize the Optional Method, to provide the required MPDU units, and achieve a density less than 1 dwelling unit per acre.

RNC Zone, Standard Method Development Standards

Table 4.3.5C

E. RNC Zone, Optional Method Development Standards

	MPDU Development		
1. Site	**Detached House**	**Duplex**	**Townhouse**
Dimensions (min)			
Usable area	10 acres		
Specification for Site			
a. The Planning Board may waive the 10 acre minimum where the property abuts an existing property developed under the provisions of optional method MPDU Development, and the resulting development is a logical extension of the existing development.			
Density (max)			
Density, as recommended in the master plan (units/acre of usable area)	1.22		
Open Space (min)			
Rural open space (% of usable area) (See Section 6.3.4)	65%		
Common open space (% of usable area) (See Section 6.3.5)	5%		
Specification for Open Space			
a. The minimum lot size for a developed lot intended to provide any portion of the rural open space requirement is 10 acres, and a substantial majority of the lot must be encumbered by the instrument regulating the rural open space.			
Site Coverage (max)			
Site coverage	n/a	n/a	30%
Specification for Site Coverage			
a. In development with a townhouse building type, site coverage is calculated based on the area of the site minus any area for detached house and duplex lots.			
2. Lot			
Dimensions (min)			
Lot area	4,000 SF	3,500 SF	1,200 SF
Lot width at front building line	Determined at site plan		
Lot width at front lot line	25'	25'	14'
Frontage on street or open space	Required		
Coverage (max)			
Lot	35%	35%	n/a

Section 4.3.5.E. RNC Zone, Optional Method Development Standards (cont'd)

	MPDU Development		
3. Placement	**Detached House**	**Duplex**	**Townhouse**
Principal Building Setbacks (min)			
Front setback from public street	15'	15'	15'
Front setback from private street or open space	15'	15'	15'
Side street setback	15'	15'	15'
Side or rear setback	Determined at site plan		
Side or rear setback, abutting property not included in application	Equal to required setback for a detached house building type in the abutting zone under standard method		
Rear setback, alley	4'	4'	4'
Accessory Structure Setbacks (min)			
Front setback	5' behind front building line		
Side street setback	Side street setback of principal building		
Side or rear setback	Determined at site plan		
Side or rear setback, abutting property not included in application	Equal to required setback for a detached house building type in the abutting zone under standard method		
Rear setback, alley	4'	4'	4'
4. Height			
Height (max)			
Principal building	35'	35'	35'
Accessory structure	25'	25'	25'
5. Buildings used for Agriculture Associated with Farming			
Specification for Buildings used for Agriculture Associated with Farming			
a. A building used for agriculture associated with Farming must satisfy the standards of an accessory structure, except a building used for agriculture is exempt from the height requirements under Section 4.3.5.E.4.			

(Legislative History: Ord. No. 18-08, § 8.)

In numerous locations within the RNC Standard Method Development Standards certain aspects, most notably density, rural open space and common open space, are derived from the Project's "Usable Area". Per §1.4.2, Specific Terms and Phrases Defined, the term Usable Area is defined as:

"*The area upon which the density of development is calculated in optional method MPDU and Cluster Development Projects. If more than 50% of the tract is within environmental buffers, usable area is calculated by deducting from the tract the incremental area of the environmental buffer that exceeds 50%.*"

The Usable Area is equivalent to the tract area except, as noted, when the portion tract within environmental buffers exceed 50% of the total tract. Based on these regulations, the Stream Valley Protection area (or "stream

valley buffer" or "buffer") are delineated based on stream classification and adjacent topography. Additionally the "buffer" also includes non-tidal wetlands, wetland buffers, floodplain areas, and slopes greater than 15% (when on highly erodible soils). The Project's Usable Area is equivalent to the gross tract area, approximately 402 acres, since the NRI/FSD established the Expanded Stream Valley Buffer area as approximately 209 acres.

Development Table – RNC Zone Optional Method

Development Standard	**Clarksburg West Environmental Overlay Zone Sect. 59.4.9.5**	**Required by the Zone Optional Method Development Sect. 59.4.3.5**	**Proposed for Approval**
Tract Area	n/a	n/a	402.6 acres
Net Tract Area	n/a	n/a	+/-121.7 acres
Dedication – Public Roads	n/a	n/a	12.6 acres
Dedication – Private Roads (alleys)	n/a	n/a	1.5 acres
Conveyance – Parks	n/a	n/a	+/-280.8 acres
Usable Area (unit/acre of usable area)	5 acres (min.)	10	394
Expanded Stream Valley Buffer			209.1 acres
Parcels			22
Lots			326
Density (max)	1 unit/acre** 394	1.22 units/acre of usable area 480	 326
MPDUs	n/a	12.5 percent	12.5 percent
Lots: Townhouse Detached House			326 208 118
Open Space (min)			
Rural open space	80 percent	65 percent	81 percent
Rural open space			320.7 acres
Conservation Management Area (CMA)			39.84 acres
Parkland Conveyance			280.88 acres
Open Space for Recreation & Amenities			27.04 acres
Maximum total impervious surface area	6 percent	n/a	24.11 acres
Dimensions (min)			
Lot Area: Detached House Townhouse Cephas Summers House	 Determined at site plan Determined at site plan n/a	 4,000 sf 1,200 sf 4,000 sf	 5,400 sf – 10,260 sf* 1,200 sf – 3,000 sf* 10.21 acres*
Lot width at front lot line: Detached House Townhouse	 Determined at site plan Determined at site plan	 25 feet 14 feet	 25 feet* 14 feet*
Frontage on street or open space	n/a	Required	Provided
Coverage (max) Detached House Townhouse	 Determined at site plan Determined at site plan	 35 percent n/a	 35 percent* n/a*

Placement			
Principal Building Setbacks (min)			
Front setback from public street Detached House Townhouse	Determined at site plan	15 feet	15 feet*
Front setback from private street or open space Detached House Townhouse	Determined at site plan Determined at site plan	15 feet 15 feet	15 feet* 15 feet*
Side street setback Detached House Townhouse	Determined at site plan Determined at site plan	15 feet 15 feet	15 feet* 15 feet*
End Side that sides on a street Detached House Townhouse	Determined at site plan Determined at site plan	15 feet 15 feet	15 feet* 15 feet*
Side or rear setback, abutting property not included in application Detached House Townhouse	Determined at site plan Determined at site plan	Equal to required setback for a detached house building type in the abutting zone under standard method	Equal to required setback for a detached house building type in the abutting zone under standard method*
Rear setback, alley Detached House Townhouse	Determined at site plan Determined at site plan	4 feet 4 feet	4 feet* 4 feet*
Accessory Structure Setbacks (min) *Requires HOA approval			
Front setback Detached House/Townhouse	Determined at site plan	5 feet behind front building line	5 feet behind front building line*
Side street setback Detached House Townhouse	Determined at site plan Determined at site plan	Side street setback of principal building	20 feet* 15 feet *
Side or rear setback, abutting property not included in application Detached House Townhouse Cephas Summers House Side Setback Cephas Summers House Rear Setback	Determined at site plan Determined at site plan Determined at site plan Determined at site plan	Equal to required setback for a detached house building type in the abutting zone under standard method	15 feet* 10 feet* 17 feet* 35 feet*
Rear setback alley Detached House/Townhouse	Determined at site plan	4 feet	4 feet*
Height (max)			
Principal Building Detached House/Townhouse	n/a	35 feet	35 feet
Accessory Structure Detached House/Townhouse	n/a	25 feet	25 feet
Minimum Vehicle Parking Residential Amenities (Pool) Amenities (Clubhouse)	n/a n/a n/a	650*** 16 7	650 16**** 7****
Bicycle Parking	n/a n/a		4 short term spaces 12 long term spaces
Impervious Surface Level	6 percent	n/a	Maximum 6.0 percent

**MINIMUM SIDE SETBACK SHOWN, WITH A MINIMUM OF 40' BETWEEN BUILDINGS AT TRAILHEAD. **ON-LOT DRIVEWAYS ARE 18' IN LENGTH. ***RNC-OPTIONAL METHOD COMMON OPEN SPACE REQUIREMENT, NOT APPLICABLE TO OPEN SPACE FOR RECREATION AND AMENITIES (% OF USABLE AREA) (SEE SECTION 4.3.5E). --REFERENCE THE CERTIFIED PRELIMINARY PLAN FOR SPECIFIC BUILDING RESTRICTION LINES FOR SIDE YARD SETBACKS FOR THE FOLLOWING UNITS: 21, 22, 55, 56, 76 & 77." SECTION IN THE ZONING ORDINANCE THE MINIMUM LOT AREA, LOT DIMENSIONS, BUILDING COVERAGE, AND BUILDING SETBACKS OF THE UNDERLYING ZONE DO NOT APPLY AND ARE DETERMINED DURING THE SITE PLAN APPROVAL PROCESS UNDER SECT. 7.3.4. **THE MASTER PLAN RECOMMENDS 1 UNIT/ACRE FOR DEVELOPMENT ON THE PROPERTY (MASTER PLAN, P. 42).*
****PARKING REQUIREMENT UNDER SECT. 59.6.2.*
117 - ONE-FAMILY DETACHED UNITS = 234 GARAGE SPACES + 234 TANDEM SPACES.
142 - 2 CAR GARAGE TOWNHOUSES = 284 GARAGE SPACES + 284 TANDEM SPACES.
25 - 2 CAR GARAGE TOWNHOUSES (FRONT LOADED) = 50 GARAGE SPACES + 25 TANDEM SPACES.
41 - 1 CAR GARAGE TOWNHOUSES= 41 GARAGE SPACES + 41 TANDEM SPACES.
**INCLUDES THE APPROVED AND ADOPTED JULY 2014 10 MILE CREEK AREA LIMITED AMENDMENT OF THE CLARKSBURG MASTER PLAN & HYATTSTOWN SPECIAL STUDY AREA. **RNC ZONE OPEN SPACE, AS IT RELATES TO RURAL OPEN SPACE IS SUBJECT REQUIREMENTS PER SECT. 4.9.6.D.7 PURSUANT TO THE CLARKSBURG WEST ENVIRONMENTAL OVERLAY ZONE REQUIREMENT. ****PARKING WILL BE PROVIDED VIA ON-STREET PARKING -SWIMMING POOL AND CLUBHOUSE PARKING SPACES ARE SPECIFICALLY ACCOMMODATED BY ON STREET PARKING, NOT OFF-STREET PARKING. AS PART OF THE APPLICATION, A PARKING WAIVER IS REQUESTED.*

Open Space

Feature	Rural Open Space	Common Open Space
Conservation area or land trust for natural, archeological or historical resources	A	A
Open space such as a lawn, garden, ornamental planting area, patio, walk and pathway	x	A
Open space such as a plaza, promenade, arcade, urban park, or town square	x	x
Pedestrian or non-motorized multipurpose trail	x*	A
Natural resource-based recreation	x*	A
Facility-based recreation	x	A
Public space or amenity recommended by an approved urban renewal plan	x	x
Above-ground utility rights-of-way	A	A
Water body, such as a lake, pond, and floodway	A	A
Non-structural, natural, and ESD stormwater management facility	A	A
Utility	A	A
Other conservation-oriented use compatible with the purpose of Division 6.3	A	A

Where A = Allowed and x = Not Allowed *Allowed per Master Plan

Open Space requirements for the Project are based on the combination of regulations found in the RNC, Master Plan and CWE. Certain aspects of the Master Plan recommendations seemingly modify the underlying intent for the Rural Open Space requirements of the RNC.

Within the RNC Zone, the term "open space" is inclusive of two separate areas; rural open space and common open space. The allowed features in each type of open space is shown in Table 6.3.3(A) of the Zoning Ordinance (Right). The types of uses are restrictive; especially for the Rural Open Space portion of the requirement. Rural Open Space requirements are set forth in §6.3.4. By nature of the RNC, Rural Open Space requirement is applicable and the Master Plan (in conjunction with the CWE) sets the requirement to 80% of the Usable Area (or 320 acres). Per both the Ordinance and the Master Plan, the Rural Open Space must include all areas located within and environmental buffer and the Master Plan goes further to also include all "…forest protection". The Project exceeds the minimum 80% Rural Open Space requirement established by the Master Plan while meeting all allocation and configuration requirements of the RNC.

Open Space - per governing document

Governing Document	Division/Page Reference	Rural Open Space Amount	Common Open Space Amount
Master Plan	Page 42	80%, including buffers and sensitive areas	
Zoning Ordinance	RNC Zone 4.3	Determined at Master Plan	5% of usable area
CWE (Zoning Ordinance)	CWE Overlay 4.9.6.D.7.	80% of the total area	

Rural Open Space Design Requirements

Rural open space means land that is managed as farmland or in a natural state as allowed under Section 6.3.4.B.1.d.

- *The Planning Board may approve a minor variation in the master plan recommended rural open space if it finds that the variation would retain or enhance both the quality and character of the rural open space, but the Planning Board must not approve less rural open space than the zone requires.*

  Response: Approximately 81% of the site area is delineated as Rural Open Space. Some of these open space recommendations include forest preservation and afforestation, stream restoration area, neighborhood park, and conservation management plan area(s).

- *In addition to any other requirements of Division 6.3 and Chapter 50 (Section 50-39), rural open space must:*
  - *Limit the disturbance of the area to become rural open space to the maximum extent possible during construction of residential lots and associated infrastructure; and*

    Response: Disturbances along the edge of the development footprint will be minimized and limited to ancillary development activities which are allowed within the Rural Open Space area. Such ancillary uses could include non-structural and ESD related stormwater management facilities and associated utilities. Additionally, certain recreation facilities such the neighborhood park, trail heads, and natural surface trail will also be placed within the Rural Open Space area per specific Master Plan recommendations.

  - *Be recorded within a separate lot or parcel with a protective easement or covenant recorded in the land records.*

    Response: The limits of subdivision and protective covenants within the Rural Open Space area shall be established via the Preliminary Plan.

- *In the RNC zone, all publicly or privately held land in the rural open space area must be preserved in perpetuity, either by dedication as parkland or by application of an easement or covenant in a recordable form approved by the Planning Board. The easement or covenant must:*
  - *restrict uses in the rural open space under Article 59-3 and Section 6.3.4.A.4;*
  - *provide for the management of any natural or agricultural features under the approved site plan; and*
  - *prohibit any development or subdivision within the rural open space area not expressly allowed.*

Response: Per the Master Plan and discussions above, limits of Parkland Conveyance and Conservation Management Plan application will provide preservation of the Rural Open Space areas of the Project.

- *Rural open space may be managed by:*
  - *reforestation;*
  - *woodland, meadow, wetland, or agricultural management;*
  - *streambank or floodplain protection; or*
  - *non-structural stormwater management; however, in the RNC zone, the Planning Board may allow a structural stormwater management facility in the rural open space if the location and appearance of the facility is consistent with the general intent of the RNC zone, and substantially conforms with the recommendations of the applicable master plan for use of the open space.*

Response: Refer to the Rural Open Space Exhibit for further proposed details.

Rural Open Space Allocation

- *Before adding other types of land areas in rural open space, rural open space must include:*
  a. *floodplain;*
  b. *stream buffer area;*
  c. *jurisdictional wetland under federal law (Section 404) as defined by the Army Corps of Engineers;*
  d. *habitat for state- or federally-listed endangered or threatened species;*
  e. *historic, archaeological and cultural site, cemetery and burial ground;*
  f. *agricultural land containing prime farmland soil or other soil of statewide importance;*
  g. *an area containing existing healthy trees greater than 12 inches DBH;*
  h. *an area that connects the site to neighboring rural open space, trails, or greenways;*
  i. *areas containing highly erodible soils or soils with severe limitations for development due to drainage problems;*
  j. *forest areas not included in the environmental buffer; and*
  k. *viewsheds recommended for preservation by the applicable master plan.*

Response: The Project does comply with all Master Plan recommendations which are consistent with this excerpt of the Zoning Ordinance.

Configuration of Rural Open Space

- *The minimum width for any rural open space is 75 feet unless the Planning Board grants an exception for items such as a trail easement or linear park when their purpose meets the intent of Section 6.3.4.*

Response: The Project does comply with the minimum width for Rural Open Space.

- *A minimum of 60% of the rural open space must be contiguous or separated only by a residential street.*

Response: The Project does comply. Subject to determination of Park Conveyance, the Project allows for all Rural Open Space to be contiguous.

Building Height and associated Fire Access Requirements

The Project does comply with the height requirement of 35' as established in the RNC. Additionally, many of the proposed Townhome variants will be "height-restricted" from a Fire Access standpoint. The Fire Access exhibit demonstrates proposed locations of Fire Lanes and compliance with the maximum 150' separation from a Fire Lane to a primary door on each Unit.

Parking Requirements

The RNC, see *Table 6.2.4B* below, establishes a minimum baseline of 2.0 parking spaces for each townhouse unit, as well as each single-family detached unit. The Project meets or exceeds the minimum base line on the individual lot of each unit type. Additionally, the Project accommodates visitor parking at a ratio of approximately 0.5 spaces per unit. Ultimately, the Project exceeds the minimum parking requirements by providing 4.0 spaces on-lot for each market rate unit and sufficient off-lot visitor parking areas. The existing Cephas house requires (3) parking spaces, which has been met as existing. Also, multiple bike parking areas have been provided at seating areas, pocket parks and the clubhouse, to include approximately (12) spaces. See development table for reference.

The Project includes a community swimming pool for the exclusive use of residents of the Project. The Project will not provide a separate parking lot for the swimming pool with the recognition that it is centrally located within the community, only a short walk from all of the homes, and the Project is designed to minimize impervious area. Applicant expects that residents will walk or ride bicycles to the pool and will not require parking. Additionally, there is street parking available should that ever be necessary. A community swimming pool generally requires one space for every seven persons legally permitted to occupy the pool. The legal occupancy of this swimming pool is 110, required (16) parking spaces. Based on the reasoning above, applicant requests a waiver under Section 6.2.10 of the minimum parking requirement in order to better accommodate environmental goals in the Clarksburg West Overlay Zone regarding minimizing impervious cover.

B. Vehicle Parking Spaces

		Agricultural, Rural Residential, Residential, and Industrial Zones	Commercial/Residential and Employment Zones		
			Within a Parking Lot District or Reduced Parking Area		Outside a Parking Lot District or Reduced Parking Area
USE or USE GROUP	**Metric**	**Baseline Minimum**	**Baseline Minimum**	**Baseline Maximum**	**Baseline Minimum**
AGRICULTURAL					
Agricultural Auction Facility	1,000 SF of GFA	5.00	--	--	--
Agricultural Processing	1,000 SF of GFA	1.50	--	--	--
Farm Supply, Machinery Sales, Storage, and Service	1,000 SF of GFA, excluding storage area	5.00	1.00	2.00	2.00
Nursery					
Nursery (Retail)	1,000 SF of Sales Area	6.00	3.00	6.00	6.00
Nursery (Wholesale)	1,000 SF of Total Floor Area	1.50	--	--	--
Slaughterhouse	1,000 SF of GFA	1.50	--	--	--
Winery	1,000 SF of GFA, and	1.50	--	--	--
	If the winery conducts public tours	10.00			
Accessory Agricultural Uses					
Farm Market, On-site	Market	3.00	0.00	0.00	3.00
RESIDENTIAL					
Household Living					
Single-Unit Living Two-Unit Living Townhouse Living	Dwelling Unit	2.00	1.00	2.00	2.00
Multi-Unit Living	Efficiency Dwelling Unit	1.00	1.00	1.00	1.00
	1 Bedroom Dwelling Unit	1.25	1.00	1.25	1.25
	2 Bedroom Dwelling Unit	1.50	1.00	1.50	1.50
	3+ Bedroom Dwelling Unit	2.00	1.00	2.00	2.00

USE or USE GROUP	Metric	Agricultural, Rural Residential, Residential, and Industrial Zones: Baseline Minimum	Commercial/Residential and Employment Zones: Within a Parking Lot District or Reduced Parking Area: Baseline Minimum	Within a Parking Lot District or Reduced Parking Area: Baseline Maximum	Outside a Parking Lot District or Reduced Parking Area: Baseline Minimum
Home Health Practitioner (Low Impact) Home Health Practitioner (Major Impact)	Home Health Practitioner	1.00	1.00	1.00	1.00
	Non-Resident Employee	1.00	1.00	1.00	1.00
	plus, Each Client Allowed per Hour	1.00	1.00	1.00	1.00
	(in addition to residential spaces)				
Live/Work Units	Accessory Dwelling Unit	--	1.00	1.00	1.00
CIVIC AND INSTITUTIONAL					
Ambulance, Rescue Squad (Private)	Employee	1.00	0.50	1.00	1.00
	plus, Each Vehicle Operated in Connection with the Use (adequately sized space)	1.00	1.00	1.00	1.00
Charitable, Philanthropic Institution	Resident and Employee	1.00	0.50	1.00	1.00
	OR: 1,000 SF of Recreational GFA	5.00	1.00	3.50	3.50
	OR: 1,000 SF of Office GFA	4.00	2.00	4.00	4.00
Cultural Institution	1,000 SF of GFA	1.25	0.50	2.00	1.25
Day Care Facility					
Family Day Care Group Day Care	Non-Resident Employee (in addition to residential spaces) Required spaces may be allowed on the street abutting the site	1.00	0.50	1.50	1.00
Day Care Center	1,000 SF of GFA	3.00	3.00	4.00	3.00
Educational Institution (Private)	Student (Grades 9 - 12 or age 16+)	0.25	0.15	0.25	0.25
	Employee	1.00	0.25	0.50	0.50
Hospital	1,000 SF of GFA	1.75	1.75	5.00	1.75
Private Club, Service Organization	1,000 SF of GFA	2.50	1.50	2.25	2.25
Religious Assembly	Fixed Seat	0.25	0.15	0.25	0.25
	OR: 1,000 SF of Assembly Area	20.00	10.00	14.00	14.00
Swimming Pool (Community)	Every 7 Persons Legally Permitted to Occupy Pool	1.00	0.50	1.00	1.00

VI. PROJECT'S CONFORMANCE WITH THE CLARKSBURG WEST ENVIRONMENTAL (CWE) OVERLAY ZONE

Per Zoning Ordinance §4.9.6, the purpose of the CWE Overlay zone is to: protect the water quantity, water quality, habitat, and biological diversity of the Ten Mile Creek watershed and its tributaries; regulate the amount and location of impervious surfaces to maintain levels of groundwater, control erosion and water temperature, and retain as many of the functions provided by natural land as possible; regulate development that could adversely affect this high quality stream system; and implement the recommendations of the 2014 Ten Mile Creek Area Limited Amendment to the Clarksburg Master Plan and Hyattstown Special Study Area. The land uses and use standards of the underlying zoning apply, which is RNC. Set forth below in italics are the CWE requirements for the Property followed by an explanation of how the proposed development conforms with each recommendation.

Development Standards

- *Except for County owned land or land under a conservation easement granted to the benefit of the County and development exempted under Section 4.9.6.B, the maximum total impervious surface area for any development after August 4, 2014 is 6% of the total area under application for development.*

Response: The Project does comply with the impervious surface limitations found in the CWE.

The impervious area associated with the proposed sewer-line extension, located beyond the subject property, is considered exempt from impervious surface limitations per Section 4.9.6.B.1. The utility extension will require an existing roadway (Old MD 121) to be disturbed, reconstructed with the same impervious footprint, and without introducing any additional runoff within the Ten Mile Creek Watershed. Per Section 4.9.6.B.1 "Any Impervious surface lawfully existing under a building permit or sediment control permit issued before August 4, 2014 that exceeds the applicable impervious surface restriction may continue or be reconstructed with the same or less impervious surface area under the development standards in effect when the building permit or sediment control Permit was issued.

- *County owned land or land under a conservation easement granted to the benefit of the County that is not managed as parkland by the Maryland-National Capital Park and Planning Commission may not add any impervious surface.*

  Response: The Project does not contain County owned land or land under a conservation easement.

- *Lot size requirements in the underlying zone do not apply.*

  Response: The Plan notes that certain Lot Size requirements of the RNC do not apply.

- *When site plan approval is required, the minimum lot area, lot dimensions, building coverage, and building setbacks of the underlying zone do not apply. Such requirements are determined during the site plan approval process under Section 7.3.4.*

  Response: This Site Plan establishes the above-mentioned requirements.

- *All environmental buffer areas or natural resources recommended for protection in the Ten Mile Creek Area Limited Amendment to the Clarksburg Master Plan and Hyattstown Special Study Area must be regulated as environmentally sensitive areas, just as other areas identified environmentally sensitive in law, regulations, or in the Planning Board's Guidelines for the Environmental Management of Development, as amended*.

  Response: The Project does comply with all environmental protection requirements.

- *All environmentally sensitive areas must be included in the required open space area.*

  Response: The Project does comply; refer to the Rural Open Space exhibit.

- *The minimum area devoted to open space must be 80% of the total area under application for development. For the purpose of this Overlay zone, open space is defined as rural open space as described and managed under Section 6.3.4.A.2, Section 6.3.4.A.4.b, and Section 6.3.4.B.*

  Response: The Project does comply be exceeding the minimum open space requirement of 80%; refer to the Rural Open Space exhibit.

VII. PROJECT'S CONFORMANCE WITH SUBDIVISION REGULATIONS

- *The layout of the subdivision, including size, width, shape, orientation and density of lots, and the location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated in the applicable requirements of Chapter 59.*

  Response: The RNC zone provides for broad flexibility in lot design under the optional method of development. As noted above, the Project meets all of the requirements including those in section 59.4.3.5E of the Zoning Ordinance. The Project has a usable area greater than 10 acres, is within the density recommended by the Master Plan, and includes a minimum of 65% rural open space and common open space of more than 5%. The lot sizes and coverage, as well as height and setbacks, meet all applicable requirements. The location and design of roads has been reviewed with M-NCPPC Staff, MCDOT staff and Fire and Rescue Services for compliance.

- *Preliminary Plan substantially conforms to the Master Plan standards.*

Response: Compliance with the Master Plan is noted in Section IV above.

- *Public facilities will be adequate to support and service the area of the subdivision.*

Response: Included with a previous the submittal was a Transportation Impact Statement dated July 16, 2019, performed by Wells and Associates, which is conditionally accepted. The Statement documents existing conditions, background conditions and total future conditions including trip generation from the proposed Project. The operational analysis indicates that all relevant intersections will operate within applicable standards. The analysis also describes the adequacy of pedestrian, bicycle and transit services.

Based on the most recent subdivision staging policy annual schools test (FY 2020) the Clarksburg Elementary and Clarksburg High School are both "conditionally open" and the Rocky Hill Middle School is deemed adequate.

Water and sewer will be provided to the Property under the approved water and sewer category change. The on-site components will connect to existing water and sewer services in the area which are adequate to accommodate the Project.

- *All forest conservation law requirements are satisfied.*

Response: The Project satisfies all forest conservation requirements including the extensive provisions set forth in the Ten Mile Creek Limited Master Plan Amendment.

- *All storm water management, water quality plan and floodplain requirements of Chapter 19 are satisfied.*

Response: Submitted with the Application are the necessary documents demonstrating compliance with these requirements.

VIII. WAIVER REQUESTS

On behalf of the applicant for Site Plan 820200160, Shiloh Farm Investments, LLC and Pulte Home Corporation, we are requesting waivers to the subdivision regulations,

i. Modification of standard centerline radius
ii. Modification of open section road
iii. Modification of public roads which end in a cul-de-sac for road lengths greater than 500 feet
iv. Modification of community pool parking spaces requirement

The requested waivers are outline below and conform to the improvements shown on the Site Plan.

1. <u>Existing zoning requirements</u>
   - **i. Waiver of the standard centerline radius**
     Code Reference: COMCOR 49.28.01, Standard No. 020.01, Target and Design Speed
     1. The intent of the Target and Design Speed Standard is to provide consistency among the design characteristics of the roadway, its operating speed, the speed limit, and the required safety and mobility for all roadway users. It is expected that the complete range of target speeds contained in this standard is reasonable for different locations and roadways within the county. The application guidance identifies situations in which the designer may select a target speed at the lower end of the range, in the middle of the range, and

from the higher end of the range. The target and design speed ranges identified in this standard are intended to capture a broad range of conditions and applications, but will not be suitable to every possible situation. Therefore, it is expected that variances from the standards and guidance provided will be necessary on a case-by-case basis. Per the table below, the minimum centerline radius for a secondary residential street is 150'.

	Target Speed		
Road Classification/Area Type	Urban	Suburban	Rural*
Freeway	Refer to AASHTO Interstate Design Guide		
Controlled Major Highway	40 - 50	40 - 55	45 - 55
Parkway	30 - 40	30 - 45	–
Major Highway	25 - 40	30 - 50	45-55
Road Classification/Area Type	Urban	Suburban	Rural*
Country Arterial	–	–	35 - 50
Arterial	25 - 35	30 - 40	35 - 50
Minor Arterial	25 - 30	25 - 35	30 - 50
Business District Street	25 - 30	25 - 35	25 - 35
Industrial Street	25 - 35	25 - 35	30 - 35
Arterial	25 - 35	30 - 40	35 - 50
Minor Arterial	25 - 30	25 - 35	30 - 50
Business District Street	25 - 30	25 - 35	25 - 35
Industrial Street	25 - 35	25 - 35	30 - 35
Country Road	–	25 - 40	25 - 40
Primary and Principal Secondary Residential Streets	Minimum 300-foot centerline radius (Minimum Sight distance for 30 mph)		
Secondary Residential Street	Minimum 150-foot centerline radius (Minimum Sight distance for 25 mph)		
Tertiary Residential Street	Minimum 100-foot centerline radius (Minimum Sight distance for 25 mph)		

ii. Waiver of the RNC zone open section road standard

Code Reference: Per Section 4.3.5.A.2., 2. It is also the intent of the RNC zone to implement the recommendations of the applicable 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 applicable master plan and is compatible with existing development in adjoining communities.

iii. Waiver of a public road ending in a cul-de-sac for road lengths greater than 500 feet

Code Reference: Per Chapter 50.4.d.viii. A tertiary road, when a cul-de-sac, must be less than 500 feet in length.

iv. Waiver of the vehicle parking space requirement for community swimming pool

Code Reference: Per Section 6.2.4.B. Parking required for Swimming Pool (Community) within the RNC Zone is 1.0 spaces per every 7 persons legally permitted to occupy the pool.

USE or USE GROUP	Metric	Agricultural, Rural Residential, Residential, and Industrial Zones: Baseline Minimum	Commercial/Residential and Employment Zones: Within a Parking Lot District or Reduced Parking Area: Baseline Minimum	Within a Parking Lot District or Reduced Parking Area: Baseline Maximum	Outside a Parking Lot District or Reduced Parking Area: Baseline Minimum
Home Health Practitioner (Low Impact) Home Health Practitioner (Major Impact)	Home Health Practitioner	1.00	1.00	1.00	1.00
	Non-Resident Employee	1.00	1.00	1.00	1.00
	plus, Each Client Allowed per Hour	1.00	1.00	1.00	1.00
	(in addition to residential spaces)				
Live/Work Units	Accessory Dwelling Unit	--	1.00	1.00	1.00
CIVIC AND INSTITUTIONAL					
Ambulance, Rescue Squad (Private)	Employee	1.00	0.50	1.00	1.00
	plus, Each Vehicle Operated in Connection with the Use (adequately sized space)	1.00	1.00	1.00	1.00
Charitable, Philanthropic Institution	Resident and Employee	1.00	0.50	1.00	1.00
	OR: 1,000 SF of Recreational GFA	5.00	1.00	3.50	3.50
	OR: 1,000 SF of Office GFA	4.00	2.00	4.00	4.00
Cultural Institution	1,000 SF of GFA	1.25	0.50	2.00	1.25
Day Care Facility					
Family Day Care Group Day Care	Non-Resident Employee (in addition to residential spaces)	1.00	0.50	1.50	1.00
	Required spaces may be allowed on the street abutting the site				
Day Care Center	1,000 SF of GFA	3.00	3.00	4.00	3.00
Educational Institution (Private)	Student (Grades 9 - 12 or age 16+)	0.25	0.15	0.25	0.25
	Employee	1.00	0.25	0.50	0.50
Hospital	1,000 SF of GFA	1.75	1.75	5.00	1.75
Private Club, Service Organization	1,000 SF of GFA	2.50	1.50	2.25	2.25
Religious Assembly	Fixed Seat	0.25	0.15	0.25	0.25
	OR: 1,000 SF of Assembly Area	20.00	10.00	14.00	14.00
Swimming Pool (Community)	Every 7 Persons Legally Permitted to Occupy Pool	1.00	0.50	1.00	1.00

2. Proposed Modifications
   - **i. Waiver of the standard centerline radius**
     Modification of COMCOR 49.28.01, Standard No. 020.01, Target and Design Speed, for Proposed Public Street Lindsay Drive (near STA: ±6+00) allowing a minimum centerline radius of less than 150'.

   - **ii. Waiver of the RNC zone open section road standard**
     Modification to all public roads proposed as closed section.

   - **iii. Waiver of a public road ending in a cul-de-sac for road lengths greater than 500 feet**
     Connor Street and Creekside Boulevard which end in elongated cul-de-sacs for road lengths greater than 500-feet.

   - **iv. Waiver of the vehicle parking space requirement for community swimming pool**
     The parking required for the community swimming pool to be waived, and on-street parking to provide spaces for swimming pool users.
3. Justification for Modifications
   - **i. Waiver of the standard centerline radius**
     The standard centerline radius for Lindsay Drive station +/- 6+00 is decreased from 150' to 100' in order to decrease disturbance of the stream valley buffer and decrease impervious area. This area of the site will not be heavily traveled as this area of the site as Creekside Boulevard is the main thoroughfare and the majority of trips south of this portion of the community road will go south, and trips generated from the east will go east along Lindsay Drive.

   - **ii. Waiver of the RNC zone open section road standard**
     The proposed street section standards are consistent with current Montgomery County Standards for secondary roads. The closed sections roads will keep the vehicles on the roadway, and inhibit visitors and residents of the community from parking in front lawns and disturbing area unnecessarily. This will assist in maintaining fire department access as vehicles will not be parked half on grass, half on pavement in areas where no parking is allowed.

   - **iii. Waiver of a public road ending in a cul-de-sac for road lengths greater than 500 feet.**

This waiver is being made through coordination with MNCPPC, to lengthen the end of the community and transition into the parkland and forest stands intertwined within the community. The cul-de-sac is lengthened through a DOT exception to MC-222.01 which softens the edge and generates additional green space central to the terminus of Creekside Boulevard and Connor Street. The waiver is now required to implement this design exception, as the elongated cul-de-sac spans further than the allowable 500 feet.

iv. Waiver of the vehicle parking space requirement for community swimming pool

The location of the community swimming pool is centrally positioned within the Project, only a short walk from all of the homes. Applicant assumes that residents will walk or ride bicycles to the pool and will not require parking. The intent is two-fold, to provide existing on-street parking for swimming pool users, while reducing the development's impervious cover by eliminating the addition of a surface parking lot.

IX. CONCLUSION

In summary, this Site Plan seeks to transform the subject Properties – i.e., Creekside at Cabin Branch – in a manner that fulfills the vision of the Master Plan for this prominent location within the Clarksburg West Overlay Zone. The proposed Project will provide a community that blends townhomes and single-family detached homes, along with related site amenities, in a rich and enhanced environmental setting providing desirable new housing options in the RNC and Clarksburg region. At the same time, the Project will "…preserve open land, environmentally sensitive natural resources, and rural character though clustering of residential neighborhoods…", as well as, "…to implement the recommendations of the applicable master plan…"