Jennifer Freeman-Equestrian facility: CU-16-15

Request for a Conditional Use approval to allow an equestrian facility in a residential zone to board horses for personal use. Located at 14957 Sugarland Road, Poolesville, 7.65 acres, identified as Parcel 914, tax Map CS61. Approximately 1160 feet East of Sugarland Lane and 1,800 feet west of Partnership Road, R-200 Zone, 1980 Agriculture and Rural Open Space Functional Master Plan Area.

Staff Recommendation: Approval with conditions

Application Filed: June 6, 2016
OZAH Public Hearing: September 12, 2016
Planning Board Hearing: No Planning Board Hearing required

Applicant: Jennifer Freeman

Summary

- The Application proposes a Conditional Use to allow an equestrian facility in a residential zone to board no more than two horses for personal use. There is evidence of farm animals being kept on the property in the past. A new barn will be placed in the back yard. No expansion or addition to the existing residence is proposed.
- The Property is located in a subdivision that has evolved into an equestrian community. Several homes within the community have horses and the neighborhood consists of unofficial equestrian trails connected to private lands and Seneca Creek State Park.
- With the recommended conditions, the subject use conforms to all applicable requirements and regulations for approval of an “equestrian facility in a residential zone” Conditional use (Section 59.3-2.4) of Montgomery County Zoning Ordinance and the Development Standards under the R-200 Zone.
- There will be no notable traffic, circulation, noise or environmental issues associated with the Application, provided that the recommended conditions are satisfied.
- Sugarland Road at this location is classified as “Exceptional Rustic Road”. The Rustic Road Advisory Committee (RRAC) supports the Application (Attachment B).
SECTION I: STAFF RECOMMENDATION AND CONDITIONS OF APPROVALS

Staff Recommends Approval of CU-16-15 subject to the following conditions:

1. No more than four horses may be kept on the property.
2. All uses on the site must conform to the Conditional Use Site Plan that is approved by the Hearing Examiner.
3. All horses on site must belong to the owner(s) of the property.
4. The Applicant must not rent out any of the horses in the equestrian facility;
5. No equestrian events will be held on the property.
6. No identification sign may be placed on the property.
7. This Equestrian Facility Conditional Use approval must be renewed every five years.
8. The Applicant must obtain and satisfy the requirements of all licenses and permits, including but not limited to building permits and use and occupancy permits necessary to occupy the Conditional Use premises and operate the Conditional Use as granted by the Hearing Examiner.
SECTION II: PROJECT DESCRIPTION

A. Background
The Applicant, Jennifer Freeman (“Applicant”,) requests a Conditional Use to allow an equestrian facility in a residential zone to board horses for personal use. The Applicant proposes an equestrian facility to keep no more than two horses in a proposed 720 square-foot barn on her property. The Applicant bought the property in February of 2016 and has lived there since. The existing two pastures and paddock fence indicate that animals have been pastured on the property in the past.

B. Site Description

Figure-1: The Subject Property

The property is located at 14957 Sugarland Road, Poolesville, approximately 1160 feet east of Sugarland Lane and 1,800 feet west of Partnership Road (Property or Subject Property). The Property is trapezoidal in shape and consists of 7.65 acres (333,234 square feet) of land (See Figure 1 above). It is improved with a one-story 1,080 square-foot, single-family home with a basement, a detached garage, a small chicken coop and a shed. The front yard is lightly landscaped with grass, shrubs and a few shade trees. The front yard also contains a gravel driveway and parking. The rest of the Property is defined by five acres of pasture and 2.6 acres of woods. (See Figure 2)

There are no streams, wetlands, steep slopes, 100-year floodplains or highly erodible soils on or adjacent to the Property.
Figure 2 – Property Description
C. Neighborhood Description

For purposes of this Application, staff defines the surrounding neighborhood as farmland and residential uses located within a 1,500 feet radius of the Subject Property.

The neighborhood (See Figure 3) is predominantly agricultural with single-family detached residential homes on large estate lots, farm houses and farms, and unimproved parcels, all in the AR and R-200 Zones. The Subject Property is within a small enclave of R-200 zoned area (Rural Communities-7 properties with a total area of approximately 28 acres). This enclave is surrounded by AR Zoned farm properties. The Property abuts residential properties to the east and west that are zoned R-200. To the south (rear) the Property abuts a 361-acre property that contains a vast areas of forest land, a number of streams and tributaries, and patches of farm areas, extending to further south to River Road. To the north, across Sugarland Road, and confronting the Subject Property, is a 57-acre farm in the AR zone. In addition to the seven R-200 zoned properties that the subject site is a part of, the neighborhood consists of portions of seven AR zoned farm properties of various sizes.

D. Zoning and Land Use History

The 1973 Rural Zone Sectional Map Amendment placed the Property in the RR (renamed R-200 in 1973) Zone. 1980 Agriculture and Rural Open Space Functional Master Plan Area and the subsequent Sectional Map Amendment confirmed the R-200 Zone.

E. Proposed Use (See Figure 4)

The Applicant, Jennifer Freeman, seeks approval of a Conditional Use to keep two horses on her 7.5 acres Property. The Applicant plans to install a 720-square foot barn (See Figure 5) which will be used to house the horses. The new barn will have three stalls and one tack room and will be located at the rear of the existing detached garage approximately 152 feet from the closest property (west). The Property also contains two existing fenced pastures: a small pasture in the west side yard and a large pasture in the central part of the Property behind the existing improvements.

The Property will be accessed from Sugarland Road by a gravel driveway. A site inspection by staff reveals that the gravel areas in the front yard could accommodate four to five parking spaces. The garage parks two cars. There is an open-wall shed attached to the garage leading to the smaller pasture. The shed is used for storing farm equipment. The Property is surrounded by forest on three sides.
The existing pastures are well buffered from the closest residential properties to the east and west by the existing forest on the Property and they are enclosed by oak-board fencing. Manure will be composted in a small area west of the proposed barn between the two pastures and will be located well over 100 feet from any house on the adjoining properties. The Applicant will be using the compost as fertilizer for her 1,000 square foot garden and will also spread it in the pastures.

Figure 4: Conditional Use Plan
Figure 5 – Proposed Barn
SECTION III: ANALYSIS AND FINDINGS

A. Master Plan

Figure 6: Preservation of Agriculture and Rural Open Space (1980)

The Property is within the 1980 Functional Master Plan for the Preservation of Agriculture and Rural Open Space Area it is specifically located in the area that the Master Plan identifies as the Poolesville & Vicinity (P.A. 17) area, which is located in the southwestern portion of the Master Plan area (Page 5). (See Figure 6)

The main focus of the Functional Master Plan for the Preservation of Agriculture and Rural Open Space is to preserve and prevent excessive fragmentation of farmland. However, the Master Plan also acknowledges the existence, as well as the need, to provide a wide range of housing with the goal of providing development alternatives without the need to extend public utilities (Page 30). Under the Preservation Land Use Policies Section (Page 38), the Master Plan also recognizes the existence of Rural Communities and Villages scattered through the Agricultural Preservation Study Area with a residential zoning of R-200. The Master Plan reconfirms the residential zoning for these communities and recognizes them as an organic part of every rural area in the County, each possessing unique social and physical characteristics (page 71).

The Subject Property is part of the Rural Community known as Sugarland. The proposal to keep two horses for personal use and maintain approximately 5 acres of open area for pasture is consistent with the predominant agricultural and rural nature of the surrounding neighborhood and the unique nature of Sugarland as a Rural Community. The Subject Property is consistent with the Master Plan’s guideline for Rural Communities that encourages maintaining the existing scale of development and for new development to be consistent with the historical character and community lifestyles in rural settlements.

The Master Plan makes no recommendations concerning Conditional Uses (special exceptions) in the Master Plan area.
The 1996 Rustic Roads Functional Master Plan recognized Sugarland Road as a road with a historic value, outstanding rural views of farm land, and natural features. The Rustic Roads Functional Master Plan recommends that the part of the Sugarland Road between Sugarland Lane and Whites Ferry Road (MD 107) be an Exceptional Rustic Road. (See Figure 7 above)

The proposed use will not affect the nature of the Exceptional Rustic Road since it does not propose any changes to the access point and will not add any new traffic to the road.

The Application was submitted to the Rustic Road Advisory Committee (RRAC) in July of 2016 (Attachment C-1).

By a letter dated August 30, 2016, the RRAC has expressed its support of the proposed application. The RRAC found that the proposed barn will be compatible with the existing character of the road and the neighborhood which is agricultural with traditional farm buildings similar to the ones on the Subject Property (see RRAC letter, Exhibit B).

B. Development Standards

a. Development Standards-59-4.4.7.A: The intent of the R-200 zone is to provide designated areas of the county for residential uses with a minimum lot size of 20,000 square feet. The predominant use on the Property is residential.

   The following table summarizes the relevant R-200 Zone Standard Method Development Standards 59-4.4.7.B.
**Table 1: R-200 Zone Standard Method Development**

<table>
<thead>
<tr>
<th>Current Development Standard: R-200</th>
<th>Standard</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Area</td>
<td>20,000 sf</td>
<td>333,234 sf (7.65 ac)</td>
</tr>
<tr>
<td>Minimum Lot width:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• @ Front building line</td>
<td>100 ft</td>
<td>555 ft</td>
</tr>
<tr>
<td>• @ Street line</td>
<td>25 ft</td>
<td>572 ft</td>
</tr>
<tr>
<td>Minimum Building Setback -Principal Building Front Side</td>
<td>40 ft</td>
<td>55 ft</td>
</tr>
<tr>
<td>• One side</td>
<td>12 ft</td>
<td>+277 ft</td>
</tr>
<tr>
<td>• Sum of both sides</td>
<td>25 ft</td>
<td>+534 ft</td>
</tr>
<tr>
<td>• Rear</td>
<td>30 ft</td>
<td>+545 ft</td>
</tr>
<tr>
<td>Minimum Setback- Accessory Building (barn)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• From street line</td>
<td>65 ft</td>
<td>+120 ft</td>
</tr>
<tr>
<td>• From Rear Lot line</td>
<td>7</td>
<td>+480 ft</td>
</tr>
<tr>
<td>• From a side Lot line</td>
<td>12</td>
<td>+115 ft</td>
</tr>
<tr>
<td>Maximum Building Height</td>
<td>50 ft</td>
<td>&lt;30 (1story +basement)</td>
</tr>
<tr>
<td>Maximum Building Coverage</td>
<td>30%</td>
<td>+0.9% (approximately 3,000 sf)</td>
</tr>
<tr>
<td>Including accessory building</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum Parking</td>
<td>2</td>
<td>6</td>
</tr>
</tbody>
</table>

C. **Transportation**

The proposed use will have no transportation/traffic impact since it does not generate new traffic to or from the Property other than the vehicular use associated with the existing residential dwelling. The proposed equestrian use is for the personal use of the owner who resides on the Property. No equestrian events will be held on the Property.

D. **Parking**

There is no parking requirement for the proposed use separate from the required parking for the residential use on the Property. In addition to the two-car garage, the gravel driveway in the front yard can accommodate up to five additional parking spaces.

E. **Landscaping**

Division 6.5.3.C.7 (page 6-32) requires that landscape screening be provided when a Conditional Use abuts property in a Residential Zone that is vacant or improved with an agricultural or residential use.

Existing forest (See Figure 8) that surrounds the Property on three sides provides safe, and efficient screening of the proposed use from the adjacent residentially zoned properties as required in Division 6.5 of the Montgomery County Zoning Ordinance. The intent of the perimeter landscaping requirement is also satisfied by the existing forest which provides
substantial screening and buffering with a limited view shed onto the Property along the adjoining Rustic Road.

**Figure 8: Existing forest as screening**

F. Lighting

Pursuant to Division 6.4.4.E, outdoor lighting for a Conditional Use must be directed, shielded or screened to ensure that the illumination is 0.1 foot-candles or less at any lot line that abuts a lot with a detached house building type, not located in a Commercial/Residential or employment zone.

Existing lighting includes two sets of residential style motion lights mounted on the rear (east) wall of the existing residence, switch activated lights on the exterior wall of the south side of the house on either side of the main entrance to the residence, and two sets of LED motion activated lights on either side of the garage entrance.

The lights are facing downwards and will not intrude into the adjoining residential properties. No new exterior lighting will be added, although lighting will be provided to the interior of the proposed barn.

G. Signage

There will be no free standing sign identifying the proposed use on the Property.

H. Environment

**Consistency with Environmental Guidelines**

There are no environmental issues or concerns associated with the proposed use. The Application does not propose any development, clearing or grading activities that generate the need for a sediment control permit on the Conditional Use site. Therefore, the Property is not subject to the Forest Conservation Law as defined in Chapter 22A of the Montgomery County Code.
I. Community Concerns
At the time of the Technical Staff report publication, no communication has been received from the community either in support or in opposition of the proposed use. The Applicant has indicated that she has informal conversations with some of her closest neighbors and none voiced objection to the Application. As noted, there are several other properties that keep horses for similar purposes (personal use) for which the Applicant is seeking a Conditional Use approval.

SECTION IV COMPLIANCE WITH THE NECESSARY FINDINGS IN SECTION 59.7.3.1.E AND SPECIFIC CONDITIONAL USE REQUIREMENTS IN SECTION 59-3

Section 59.7.1.E. Necessary Findings

1. Section 59.7.3.1.E.1 states that, to approve a Conditional Use application, the Hearing Examiner must find that the proposed development satisfies the following requirements of Sections 59.7.1.E.a through g.

   a. Satisfies any applicable previous approval on the subject site or, if not, that the previous approval must be amended;

   There is no previous Conditional Use approval associated with the Subject Property.

   b. Satisfies the requirements of the zone under Division 59-3, the use standards (Division 4), and applicable general requirements under Article 59-6.

   With Technical Staff’s recommended conditions of approval, the proposal satisfies the specific Conditional Use standards and requirements of Section 59.3.2.4 Equestrian Facility. As shown on the development standards Table-1 in Section III of this report, the Application meets the requirements of the R-200 Zone per Section 59-4.4.7.B. and the applicable parking requirements of Article 6.

Section 59-3.2.4. Equestrian Facility

A. Defined

   Equestrian Facility means any structure or land that is used primarily for the care, breeding, boarding, rental, riding, or training of horses or the teaching of equestrian skills. Equestrian Facility includes events such as competitions, exhibitions, or other displays of equestrian skills.

   The Applicant requests approval of a Conditional Use to allow an equestrian facility in a residential zone to board two horses for personal use.

B. Use Standards

1. Where an Equestrian Facility is allowed as a limited use, it must satisfy the following standards:

   a. The minimum gross acreage per horse is as follows:
      i. for 1-2 horses, 2 acres;
      ii. for 3-10 horses, one acre per horse; and
iii. for more than 10 horses, 10 acres plus an additional one-half acre for each horse over 10.

The Subject Property comprises 7.65 acres of land, and therefore could accommodate up to seven horses. However, the Applicant is requesting to keep only two horses.

b. In the RNC zone, a maximum of 5 horses is allowed.

Not Applicable

c. Any Equestrian Facility that keeps or boards more than 10 horses must meet all nutrient management, water quality, and soil conservation standards of the County and State. A nutrient management plan prepared by a qualified professional and a soil conservation and water quality plan prepared by the Montgomery Soil Conservation District Board must be submitted through a letter of certification by the landowner to DPS, or other relevant agency. Enforcement of the nutrient management, water quality, and soil conservation plans is the responsibility of the State of Maryland. The landowner must obtain all plans within one year after starting operations.

As noted, the requested use is to keep two horses for a personal and recreational use of the Applicant who is residing on the Property with a young child. Staff is recommending a condition that allows no more than four horses. Therefore, this requirement does not apply to the subject Application. There are two pastures with approximately five acres of total area. The horses graze rotating between the two pastures. The Applicant intends to maintain the pasture with proper soil fertility and good stands of desirable grass, supplemented with hay, legume species, and vitamins.

d. Each building, show ring, paddock, outdoor arena, and manure storage area must be located at least 100 feet from any existing dwelling on an abutting property.

The barn, pastures, and the manure compost area are located at distances well over 100 feet from houses on adjoining properties as well as the home on the Subject Property.

e. Amplified sound must satisfy Chapter 31B.

The proposed use will not generate amplified sound.

f. Any outdoor arena lighting must direct light downward using full cutoff fixtures; producing any glare or direct light onto nearby properties is prohibited. Illumination is prohibited after 10:00 p.m. on Friday or Saturday, and after 9:00 p.m. on Sunday through Thursday.
Although there are no proposed arena lights, existing lighting includes two sets of motion lights mounted on the rear (east) wall of the residence, a switch activated lights on the exterior wall of the south side of the house on either side of the main entrance to the residence, and two sets of LED motion activated lights. The Applicant indicated that there is no plan to install additional lights on the exterior of the new barn but that it would be fitted with interior lighting.

The lights are facing downwards and do not produce glare onto the adjoining residential properties.

g. Equestrian events are restricted as follows:

*****

Not Applicable

h. A permit must be obtained from DPS for each event involving between 151 and 300 participants and spectators, per day. The applicant must specify the nature of the event, the anticipated attendance of spectators and participants, the number of days the event will take place, the hours during which the event will take place, the area to be used for parking, any traffic control measures intended to be put in place, and any other information determined by DPS to be relevant to the issuance of the permit. A fee for issuance of the permit may be set by DPS.

Not Applicable

i. An Equestrian Facility conditional use application may be filed with the Hearing Examiner to deviate from any limited use standard regarding: number of participants and spectators; number of events each year; event acreage; or hours of operation. An Equestrian Facility conditional use approval must be renewed every five years. Before the conditional use is renewed the Hearing Examiner must evaluate the effectiveness of the terms and conditions of the original approval.

Not applicable. However, if the subject Equestrian Facility Conditional Use Application is approved, the approval must be renewed every five years.

2. Where an Equestrian Facility is allowed as a conditional use, it may be permitted by the Hearing Examiner under all applicable limited use standards, Section 7.3.1, Conditional Use, and the following standards:

a. If the subject lot abuts property in the AR zone, screening under Division 6.5 is not required.

The Subject Property abuts residentially zoned properties on two sides (north and south). The confronting property to the west and the adjacent property across the road to the east (rear) are zoned Agricultural Reserve (AR). The 7.65-acre Property is surrounded with forest on three sides, and therefore, all adjoining properties are well screened from activities on the Subject Property.
b. In the AR, R, RC, and RNC zones:
   
   i. The Equestrian Facility must not adversely affect abutting land uses or the surrounding road network.
      
      *Not Applicable.*

   ii. In evaluating the compatibility of an Equestrian Facility on the surrounding land uses, the Hearing Examiner must consider that the impact of an agricultural use on surrounding land uses in an Agricultural or Rural Residential zone does not necessarily need to be controlled as stringently as the impact in a Residential zone.
      
      *Not Applicable.*

   c. In the RE-2, RE-2C, RE-1, and R-200 zones:

   i. Any Equestrian Facility on less than 5 acres must establish through a pasture maintenance plan, feeding plan, and any other documentation the Hearing Examiner requires, that the site contains sufficient open pasture to ensure proper care of the horses and proper maintenance of the site.

   The proposed riding stable is located on approximately seven-acres of property. Staff believes that the Property contains sufficient open pasture to ensure proper care of the horses and proper maintenance of the site.

   ii. The Hearing Examiner may limit or regulate more stringently than limited use standards the following:

      (a) the number of horses that may be kept or boarded;

      As noted, the Applicant requests a riding stable for the boarding of two horses. The 7.65-acre Property can accommodate up to seven horses. Therefore, given the size of the Property and the nature of the request which is for boarding of horses for personal use, staff recommends a condition of approval for no more than four horses.

      (b) the number of horses that may be rented out for recreational riding or instruction;

      There will be no renting out of horses. The Conditional Use will only be used for personal use of horses by the Applicant and her family. Staff recommends that approval of this Application be conditioned to prohibit the rental of horses on the Property.

      (c) the number and type of equestrian event or activity.
There will be no equestrian events. Staff recommends that approval of this Application be conditioned to prohibit equestrian events on the Property.

iii. The facility operator must satisfy the state requirements for nutrient management concerning animal waste.

The Applicant will comply with this requirement.

c. Substantially conforms to the recommendations of the applicable Master Plan.

The Property is located within the 1980 Agriculture and Rural Open Space Functional Master Plan Area. There are no major master plan concerns that are associated with this Application (see Master plan discussion under Section III.A).

d. Is harmonious with and will not alter the character of the surrounding neighborhood in a manner inconsistent with the plan.

The proposed use will be in harmony with the character of the Sugarland Community, one of the rural neighborhoods, which the Functional Master Plan for the preservation of Agricultural & Rural Open Space identifies as Rural Communities and Villages. The proposed Conditional Use will not result in any notable negative impact on the residential neighborhood, in terms of increased traffic and noise. It has little or no impact on traffic and parking. The design, scale and bulk of the proposed barn and the intensity and character of activity associated with the proposed use are compatible with the surrounding low density rural/agricultural neighborhood. Many of the properties within the agricultural zoned farm properties and the R-200 zoned rural residential properties keep horses for personal uses.

There is a network of bridle trails with in the larger surrounding area. The proposed use will be operated in such a manner that it will not interfere with the orderly use, development, and improvement of surrounding properties. With the exception of the proposed assemblage and placement of the new barn, the proposed use does not require additional construction or modification of existing improvements. Pasturing of animals has apparently been done on the Property in the past.

e. Will not, when evaluated in conjunction with existing and approved Conditional Uses in any neighboring Residential Detached zone, increase the number, intensity or scope of Conditional Uses sufficiently to affect the area adversely or alter the predominately residential nature of the area; a Conditional Use application that conforms with the recommendations of a Master Plan does not alter the nature of the area.

There are two Conditional Use uses within the boundaries of the neighborhood that have been approved through the years:

S-156: Approved in 1972, Animal boarding Place, AR Zone located at 15000 Sugarland Road confronting the Subject Property across the road.,
S-1965: Approved in 1992, Riding Stable for 3 horses. located at 14912 Sugarland Road, approximately 670 feet south of the Subject Property in the R-200 zone.
The proposed use will not exacerbate the concentration of special exception uses (Conditional) in the area. The proposed use, although permitted by approval of a Conditional Use application, is a reasonable use within this neighborhood that is dominated by other similar agricultural activities. Given the limited nature of the proposal and the prevailing character of the neighborhood, the proposed use would not increase the number, intensity, or scope of Conditional Uses sufficiently to affect the area adversely or alter the predominantly rural residential/agricultural nature of the area.

f. Will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage and other public facilities. If an approved adequate public facilities test is currently valid and the impact of the Conditional Use is equal or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required and:

i. If a preliminary subdivision plan is not filed concurrently or required subsequently, the Hearing Examiner must find that the proposed development will be served by adequate public facilities, including schools, police and fire protection, water, sanitary sewer, public roads, or storm drainage; or

The Conditional Use is not subject to approval of a Preliminary Plan of Subdivision because no building permit is required for this Application or requested by the Applicant. A structure meeting the definition of a barn is not required to receive a building permit.

(a) Water and Sewer Service

Figure 9: New Septic Facility

The Property is shown as water category W-6 and sewer category S-6. The Applicant is in the process of replacing the existing septic system which was found not to meet current standards. She has obtained the necessary permit.
from the Montgomery County Department of Public Services, Well and Septic Section and is working with the Department on the installation of the system (See Figure 9). A water well is located in the front yard of the Property near one of the pastures.

(b) Transportation

Local Area Transportation Review (LATR)
The Application is exempt from the Local Area Transportation Review (LATR) because it generates less than 30 peak hour trips.

Transportation Policy Area Review (TPAR)
The Property is located in the Rural West Policy Area that is exempt from Transportation Policy Area Review test and, thus, need not make a TPAR payment (generates fewer than 3 new peak-hour trips).

(c) Other facilities

The Rockville Volunteer Fire Station is located at 18910 Germantown Road approximately 9.7 miles (16 minutes) northeast of the Property. The closest police station, Montgomery County Police Department is located at 100 Edison Park Drive in Gaithersburg approximately 10 miles east (18 minutes) of the Property. Due to the nature of the Conditional Use, it does not generate any school aged children and a school facilities review is not necessary. All public facilities are operating with sufficient capacity according to the most recent Subdivision Staging Policy.

ii If a preliminary plan of subdivision is filed concurrently or required subsequently, the Planning Board must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage;

Not applicable.

g. Will not cause undue harm to the neighborhood as a result of a non-inherent adverse effect alone or the combination of an inherent and a non-inherent adverse effect in any of the following categories:

Staff identified seven criteria to evaluate the physical and operational characteristics of a use. Those criteria are size, scale, scope, lighting, noise, traffic, and the environment. What must be determined is whether these effects are acceptable or would create adverse impacts sufficient to result in denial. The inherent, generic physical and operational characteristics associated with an equestrian facility in a residential zone include: (1) a barn with interior lighting only (2) a fenced paddock, (3) sight, odor, and sounds associated with horses, (4) a manure/compost area (5) a single family dwelling in which the owners of the horses live.
Many of the characteristics of the proposed Conditional Use are inherent. The scale and design of the barn and the pastures have operational characteristics typically associated with a very small private equestrian facility in a residential neighborhood and would not be unusual in any respect.

The number of horses proposed are two, much less than the seven allowed for the size of the Property according to the Zoning Ordinance. The Subject Property is within a rural community surrounded by farm properties with a network of equestrian trails. Horses are kept in several of the properties in the immediate area. The proposed Application would blend well with the prevailing character of the immediate neighborhood.

i. The use, peaceful enjoyment, economic value or development potential of abutting and confronting properties or the general neighborhood;

Staff finds that the size, scale and scope of the proposed equestrian facility will not adversely affect the farming and rural-residential character of the rural community or result in any unacceptable noise, odor, traffic disruption, or environmental impact. There are no inherent or non-inherent adverse effects associated with this Application sufficient to warrant a denial of the proposed Conditional Use.

ii. Traffic, noise, odors, dust, illumination or lack of parking; or

There are no notable traffic, circulation, parking, noise, odor or environmental issues associated with the Application, provided that the recommended conditions are satisfied.

iii. The health, safety or welfare of neighboring residents, visitors or employees.

The Property as well as the proposed use are adequately screened and buffered by existing forest from the views of neighboring properties, with minimal lighting and no glare, and no traffic impact.

2. Any structure to be constructed, reconstructed, or altered under a conditional us in a Residential Detached Zone must be compatible with the character of the residential neighborhood.

There is no plan to modify the existing dwelling on the Property. The proposed prefabricated barn that will be placed on the Property will blend with the character of the rural and farming community and enhance the Property’s esthetic appearance as a farm.

SECTION V. CONCLUSION

The Application satisfies all applicable requirements for approval of a Conditional Use as specified in the 2014 Montgomery County Zoning Ordinance adopted October 30, 2014. The proposed use is consistent with the recommendations of the 1980 Agriculture and Rural Open Space Functional Master Plan. There will be no unacceptable traffic, circulation, noise or environmental impacts associated with the Application provided that the recommended conditions are satisfied.
Based on the foregoing analysis, Staff recommends **Approval of Conditional Use CU-16-15**, subject to the conditions found on Page 2 of this report.

**ATTACHMENTS**

A. Plans and Drawings and Pictures  
B. Supplemental information and RRAC Letter
PLANS AND GRAPHICS
RUSSIC ROADS ADVISORY COMMITTEE

August 30, 2016

Ms. Jennifer Freeman
14975 Sugarland Road
Pookesville, MD 20837

RE: Conditional Use application CU 16-15
Freeman residence, 14975 Sugarland Rd – exceptional rustic

Dear Ms. Freeman:

We wish to thank you for your letter regarding your proposal. The Rustic Roads Advisory Committee (the committee) has deliberated upon your Conditional Use application to construct an equestrian facility at 14975 Sugarland Road, an exceptional rustic road. The committee supports your application as submitted.

It is our understanding from your application and the site plan dated May 11, 2016 (prepared by Benning and Associates) that the equestrian facility (barn) will house two horses for private use, and the barn will be located behind the existing the house and garage, and approximately 180 feet from Sugarland Road. We agree that the proposed barn, which we consider to be a classical and attractive small horse barn, is compatible with the existing character of the road and its environment, a neighborhood with small houses and traditional farm buildings, and which is zoned for Agricultural uses, such as you propose.

It is also the understanding of the committee that the construction and use of the barn will require no improvements to Sugarland Road and your driveway entrance. We also understand that there will be little or no change to traffic on Sugarland Road because the barn will be limited to personal use. If a change to either of these items is proposed or needed, we request the changes be submitted to us for consideration.

Thank you for providing us with the opportunity to review your project. If you have any questions, you can reach the committee through our staff coordinator, Michael Knapp, at 240-777-6335 or Michael.Knapp@montgomerycountymd.gov.

Sincerely,

Christopher H. Marston, Chair
Rustic Roads Advisory Committee

Committee Members:  Todd Greenstone, Thomas Hartsock, Sarah Navid, Audrey Patton, Jane Thompson, Robert Tworkowski
Cc: Office of Zoning and Administrative Hearings
    Elsbett Tesfaye, M-NCPPC technical staff
    Leslie Saville, M-NCPPC representative, RRAC
June 7, 2016

Ms. Jennifer Freeman
14975 Sugarland Road
Poolesville, MD 20837

RE: FY 2016 Montgomery County Bay Restoration Fund OSDS Upgrade Program

Dear Ms. Freeman:

Thank you for your application to participate in the Montgomery County Bay Restoration Fund OSDS Upgrade Program. The Montgomery County Department of Permitting Services has verified that your existing septic system is failing and in need of repair. Based on your 2014 income tax return form, you are eligible to receive funding to cover 100% of the cost to upgrade your system to one of the MDE approved fixed cost BAT units listed below. The approved price includes the cost of the unit, installation of the unit, and 5 years of operation and maintenance. The price does not include the cost of permits.

<table>
<thead>
<tr>
<th>System</th>
<th>Vendor</th>
<th>Contact</th>
<th>Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Orenco (Advantex AX20)</td>
<td>Atlantic Solutions</td>
<td>Robert Johnson</td>
<td>877-214-9283</td>
</tr>
<tr>
<td>HOOT 600 BNR</td>
<td>Mayer Bros, Inc</td>
<td>Nancy Mayer</td>
<td>410-796-1434</td>
</tr>
<tr>
<td>Norweco Singulair TNT</td>
<td>Back River Precast LLC</td>
<td>Matthew Geckle</td>
<td>410-833-3394</td>
</tr>
<tr>
<td>SeptiTech</td>
<td>Maryland Concrete, Inc</td>
<td>Rodney Glace</td>
<td>443-491-3598</td>
</tr>
</tbody>
</table>

In order to receive your OSDS upgrade, you MUST follow these steps:

1. **Sign this letter** on the bottom of page 2 and return it in the envelope provided within 2 weeks of the date of this letter.

2. File a septic repair permit application with the Montgomery County Department of Permitting Services **within 2 weeks of the date of this letter.** The permit application fee is $393.75.

3. Please contact the Well & Septic Office of the Montgomery Co. Dept. of Permitting Services to begin the drafting process for the Agreement and Easement for Installation of Best Available Technology Systems with Bay Restoration Funds. Then take it to the Circuit Court and have it recorded in Land Records **within 2 weeks of the date of this letter.**

4. Prepare your property and schedule installation of the system. The system must be installed **within 6 weeks of the date the Agreement and Easement is recorded.**

If assistance is needed in completing any of the steps listed above, you may contact me at 304-259-4703 or tina.bonner@canaanvi.org.
The system vendor will provide a contractor to install your BAT unit. If you choose a contractor other than the ones provided by the vendor they must be willing to install the unit for the fixed price approved by MDE. The vendor may also require proof of insurance from your contractor. CVI will send payment directly to the manufacturer for the system and installation costs.

If your system is not installed within the 8 week timeframe listed in the steps on page 1, the funds may be released and used elsewhere. If you are unable to meet this deadline, please contact me to request an extension. Please note that all systems must be installed prior to June 30, 2016 to retain FY 2016 funding.

For more information on septic repair permitting and Agreements and Easements, contact:

Gene vonGunten
Montgomery County Department of Permitting Services
240-777-6319
gene.vongunten@montgomerycountymd.gov

Please sign and return this original letter and keep a copy for your records. If you have any questions, please contact me at 304-259-4703 or by email at jina.bonner@canaanvi.org.

Sincerely,

Tina Bonner, Financial Management Specialist

Accepted by:
Jennifer Freeman, Property Owner

I have read and agree to the conditions of this Agreement Letter.

Jennifer Freeman, Signature

Date

494 RiverStone Road | Davis, WV 26260
Phone: (304) 259.4739 or (800) 922.3601| Fax: (304) 259.4759
www.canaanvi.org