

Table of Contents

Attachment I(4)(f): Excerpt from Subregion 5 digest of testimony dated March 31, 2009 (associated with Attachment I(4)(e))

PART 1: Digest of Testimony

- A. Introduction
- B. Master Plan
 - 1. Land Use
 - 2. Environment
 - 3. Transportation
 - 4. Public Facilities
 - 5. Economic Development
 - 6. Sectional Map Amendment

PART 2: Testimony

- A. List of Speakers
- B. List of Exhibits
 - i. Exhibits 1-4 (provided by M-NCPPC)
 - ii. Exhibits 5-37
 - iii. Exhibits 38-50
 - iv. Exhibits 51-60
 - v. Exhibits 61-70
 - vi. Exhibits 71-80
 - vii. Exhibits 81-101
 - viii. Exhibits 102-120
 - ix. Exhibits 121-147
 - x. Exhibits 148-182
 - xi. Exhibits 183-193
 - xii. Exhibits 194-205
 - xiii. Exhibits 206-221 (received after the close of the record)

Sectional Map Amendment – Accokeek

ITEM #	TESTIMONY	SPEAKER / EXHIBIT	DISCUSSION / RECOMMENDATION
12	<p>Location: West of Livingston Road at its intersection with Bernice Lane</p> <p>Tiers: Rural (122 acres) and Developing (10.7 acres)</p> <p>Request: Rezone from R-A to R-E and remove Parcel 77 from the Rural Tier and designate it 'Residential low-transition area' (discussed in Land Use section)</p> <p>Proposed SMA: R-A to O-S (A-6)</p> <p>Property size: 133.7 acres</p> <p>Existing Use: Woodland</p> <p>The applicant owns 133.7 acres across 3 parcels (Parcel 75, 76, 77) located west of Livingston Road's terminus with Bernice Lane. Parcel 77 comprises 122 acres of the 133.7 acres and is located in the Rural Tier. The SMA proposes to rezone that part of Parcel 77 in the Rural Tier from the R-A to O-S Zone. The applicant is requesting that the largest parcel, Parcel 77 be removed from the Rural Tier, zoned R-E (1 acre lots) and placed in the Developing Tier with the other two parcels within the 'Residential low transition area.' The applicant also requests that all three parcels be given R-E zoning, and eliminated from the Priority Preservation Area.</p>	<p>Speaker 4 Elizabeth Hewlett, Attorney representing Karen Thomas and Gary Rubino</p> <p>Speaker 9 Gary Rubino</p> <p>Exhibit 51 Elizabeth Hewlett, Attorney representing Karen Thomas</p>	<p>Future Land Use/SMA: Rural and Residential low transition area/O-S and R-A</p> <p>Discussion: This property (122 acres) is subject to the Master Plan and SMA strategy for implementing the county's Rural Tier policy by zoning the land in the Rural Tier in Subregion 5 in the O-S Zone. Land in the Rural Tier is distinguished from land in the Developing Tier in that it is precluded from access to public water and sewer. The subject property is in this category. There do not appear to be any circumstances that distinguish this property from other similarly situated Rural Tier properties. The impact (on public facilities and community character) of the additional lots that could be subdivided under this request (approximately 100 additional residential lots, clustered, on public water and sewer) cannot be easily offset.</p> <p>This site is entirely wooded and has a natural border along the northern property line created by a stream, slopes, and Marlboro clay outcroppings. The position that the site is suited for development using the Conservation Subdivision technique in the requested R-E Zone is also true for development in the O-S or R-A zones. The Conservation Subdivision technique is mandatory in the Rural Tier. With the lower densities, more land remains undisturbed. Land use policies and strategies for the Rural Tier in this master plan (guided by the General Plan) are aimed at achieving the preservation of natural undisturbed areas. In Subregion 5, approximately 4,800 remaining acres need to be preserved to reach this preservation goal. If the same amount of land could be preserved should this property be retained in the R-A Zone, as opposed to the O-S Zone, then that would be an alternative.</p> <p>Staff does not support removing this land from the Rural Tier. Generally, properties should not be re-designated from the Rural Tier to the Developing Tier on a case-by-case basis. If this action is determined to be warranted, then it should be accomplished comprehensively, based on new land use policies or criteria. (See Land Use section of this Digest for additional discussion of the Rural Tier and Priority Preservation Areas.)</p>

Sectional Map Amendment – Accokeek

			<p>Staff Recommendation: Retain SMA recommendation for A6 to be rezoned to O-S and retain existing R-A zoning for the request that is shown as #12 on the attached map.</p> <p>Planning Board Action:</p>
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