



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

Item #  
 MCPB 9-14-09

**MEMORANDUM**

**DATE:** ~~September 4, 2009~~ Revised September 8, 2009  
**TO:** Montgomery County Planning Board  
**VIA:** Catherine Conlon, Supervisor, Development Review Division *CC*  
 Mark Pfefferle, Acting Chief, Environmental Planning *MP*  
**FROM:** Josh Penn, Senior Planner, Environmental Planning *JP*  
**REVIEW TYPE:** Limited Amendment to the Preliminary Plan, including associated Final Forest Conservation Plan (FCP)  
**APPLYING FOR:** Amendment to a Preliminary Plan and Final Forest Conservation Plan (FFCP)  
**PLAN NAME:** Woodfield Road (MD 124) Extended Improvements at Evangelical Lutheran Church of the Redeemer Property  
**PLAN NUMBER:** 11996007A  
**PLAN TYPE:** Preliminary Plan and Final Forest Conservation Plan  
**REVIEW BASIS:** Forest Conservation Regulations, Section 113.A.(2), Regulation No. 1-01AM (COMCOR) 18-01AM  
**ZONE:** RE-2  
**LOCATION:** Located on southwest corner of Ridge Road (MD 27) and Faith Lane in Damascus.  
**APPLICANT:** Montgomery County Department of Transportation (MCDOT)  
**HEARING DATE:** September 14, 2009

**STAFF RECOMMENDATION:** Staff recommends approval of the Limited Amendment to the Preliminary Plan and associated Final Forest Conservation Plan with the following conditions:

1. Montgomery County Department of Transportation must plant a total 3.58 acres of forest offsite **within the same watershed** to compensate for the 1.79 acres of easement removed and record a conservation easement over the planting area to fully satisfy forest requirements for this amendment.
2. All other conditions of Preliminary Plan and Forest Conservation Plan No. 19960070 that were not modified herein, as contained in the Planning Board's Resolution dated September 29, 1995, as revised, remain in full force and effect.

**BACKGROUND**

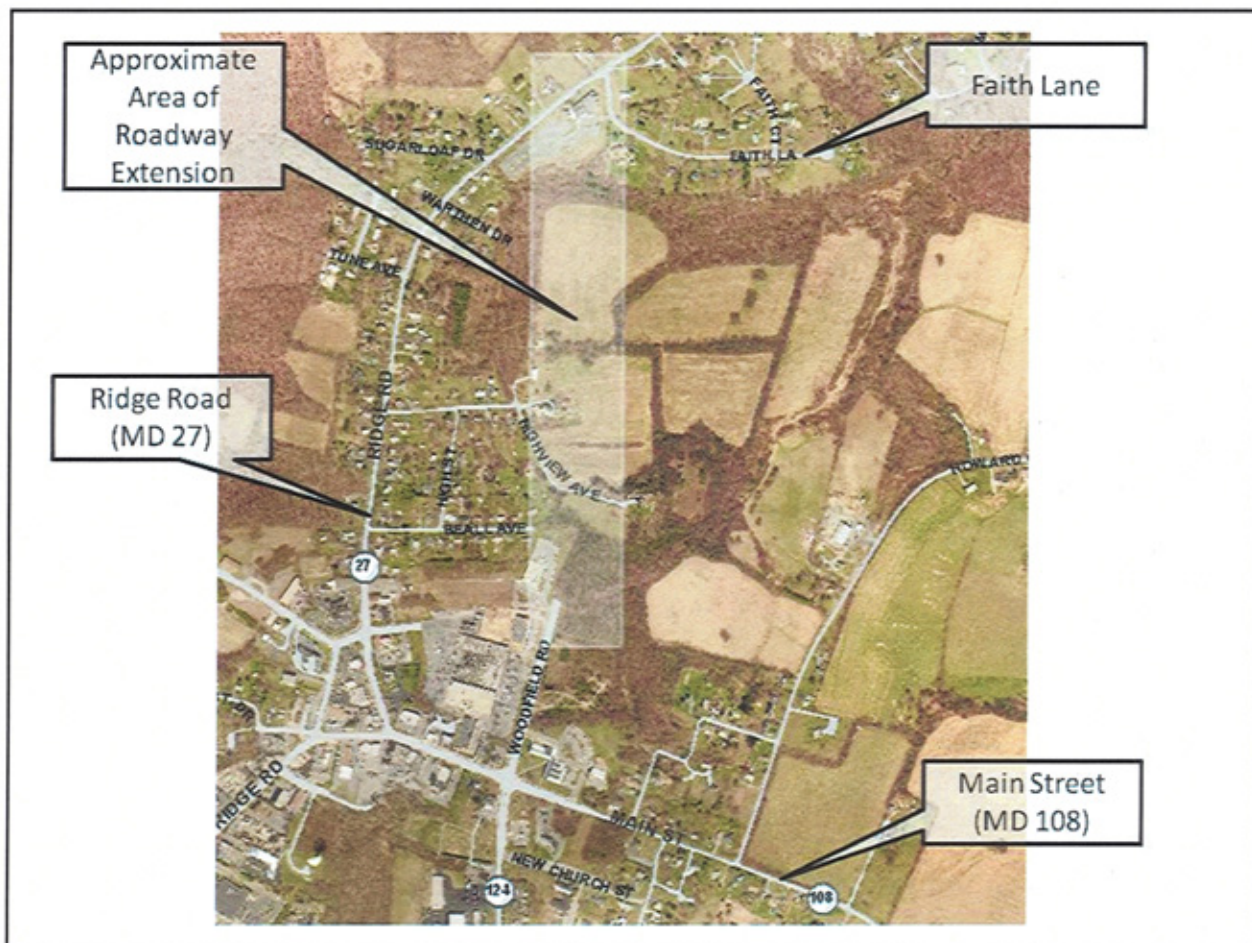
The subject property at 27015 Ridge Road, Damascus, MD covers 9.0 acres, all of which is covered by Preliminary Plan No. 119960070 and the associated Final Forest Conservation Plan (FFCP). The property is home to the Evangelical Lutheran Church of the Redeemer, and includes

an existing church, parking area, and 3.19 acres of Category I easement over the stream buffer area<sup>1</sup>.

The property is in the Upper Patuxent River Watershed (Class III/IIIP). The Countywide Stream Protection Strategy (CSPS) list the stream quality as “good” for this watershed area. A 2<sup>nd</sup> order stream runs along the south side of the property.

The FFCP for the property was approved on March 24, 1999 and showed 2.29 acres of forest retention and 0.88 acres of forest clearing with no planting requirement. The approved FFCP required placement of a Category I conservation easement over the stream buffer. The subject preliminary plan amendment covers a portion of the Category I conservation easement that was purchased by Montgomery County as part of the right-of-way for the extension of Woodfield Road (MD 124).

Exhibit 1: Vicinity Map

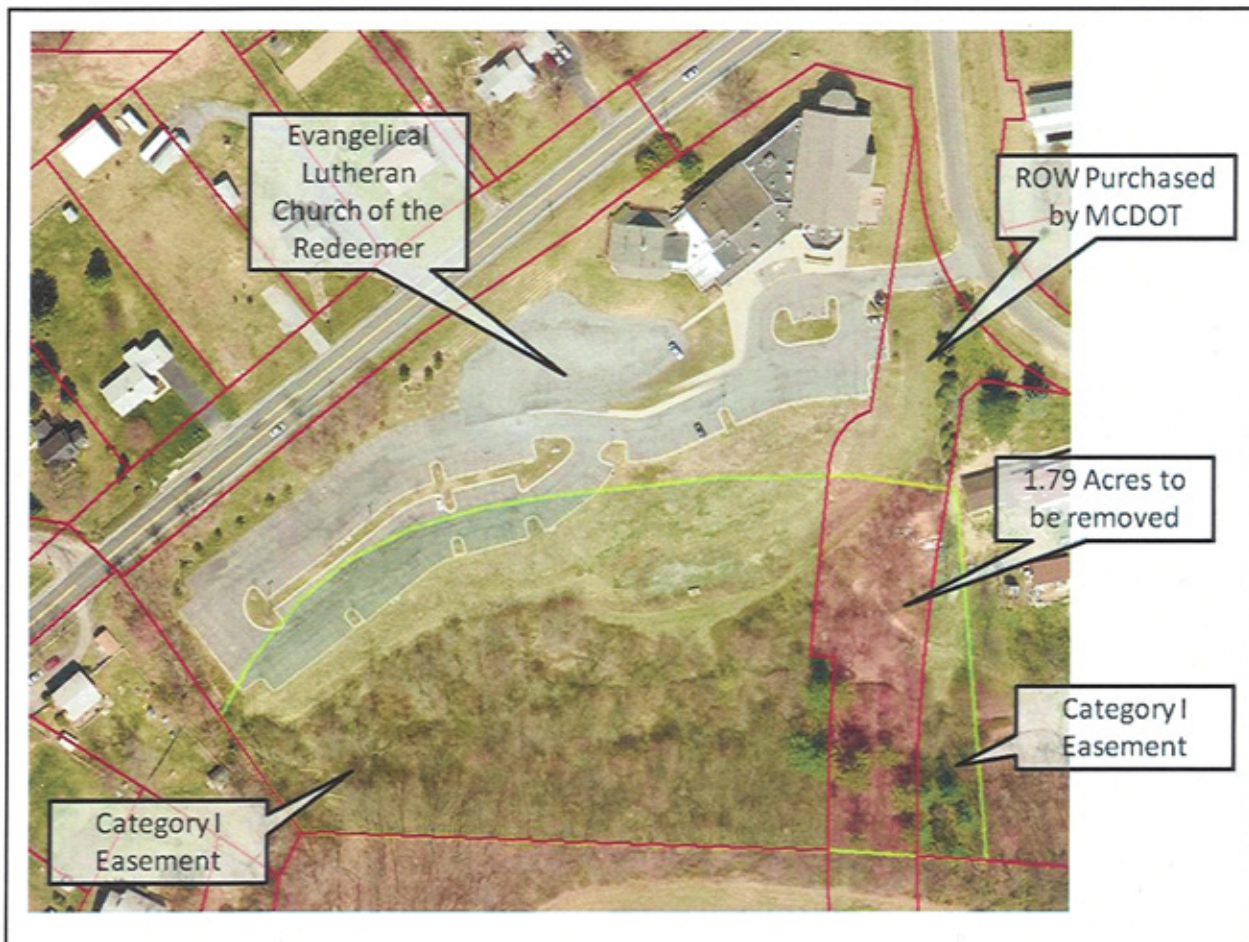


<sup>1</sup> A portion of the parking lot and the stormwater management facility on the subject site were approved to be located within the Stream Valley Buffer.

LIMITED AMENDMENT TO THE PRELIMINARY PLAN

Montgomery County Department of Transportation (MCDOT) submitted a Limited Amendment to the Preliminary Plan for the purpose of modifying the approved forest conservation plan. MCDOT requests a revision to the FFCP and the conservation easements to allow construction of Woodfield Road Extended, with provision of in-kind compensation for lost forest/easement area at an offsite location. Woodfield Road Extended was recommended for approval as Mandatory Referral #MR2001805-DPWT-1 on November 8, 2001, and the FFCP for Woodfield Road Extended was approved with conditions on August 11, 2008. One of the conditions of approval was to amend the approved FFCP for the Evangelical Lutheran Church of the Redeemer.

Exhibit 2: Evangelical Lutheran Church of the Redeemer Property



**PLANNING BOARD REVIEW AUTHORITY**

The Forest Conservation Regulations requires Planning Board action for certain types of modifications to an approved FCP. Section 113.A.(1) of the Forest Conservation Regulation states:

*Minor amendments which do not result in more than a total of 5000 square feet of additional forest clearing may be approved by the planning director on a case by case basis...*

The proposed amendment would remove 1.79 acres of recorded Category I conservation easement of which 1.71 acres is forested. However, compensation for forest removed was already reviewed and approved by the Planning Board with MR2001805-DPWT-1, so there is less than 5,000 square feet of *additional* forest clearing.

However, as the easement constitutes a property interest held by M-NCPPC, staff believes removal of a property interest should be addressed in a public forum with a final decision from the Planning Board.

## **PROPOSAL**

### Applicant's Position

The Woodfield Road Extended project is a 3,000 foot extension of Woodfield Road from its current terminus at a point 1,200 feet north of Main Street, MD 108, to Ridge Road, MD 27. Woodfield Road will be a 28-foot wide closed section roadway with an 8-foot wide bike path along the eastern side.

Condition #1 of the Final Forest Conservation Plan approval memo for MR2001805-DPWT-1 Woodfield Road extended states: *"Amend the Forest Conservation Plan for the Lutheran Church of the Redeemer where the County project encroaches into the conservation easement"*.

MCDOT believes the proposed changes to the Evangelical Lutheran Church of the Redeemer Preliminary Plan, and Final Forest Conservation Plan, are in accordance with the Mandatory Referral approval and the conditions of the approved FFCP.

### Notification and Community Comment

Written notice of the public hearing on the proposed amendment was sent to all adjoining and confronting property owners, local civic and homeowners associations on August 28, 2009 and August 31, 2009. Any comments received will be forwarded to the Board.

## **REVIEW**

### Staff Analysis/Position

Staff supports the proposed Limited Amendment to the Preliminary Plan and the Revised Final Forest Conservation Plan.

The overall area of easement removal would be 1.79 acres, which includes 1.71 acres of forest loss and .08 acres of unforested easement. MCDOT has an approved FCP for Woodfield Road Extended which provides compensation at a 2:1 ratio for 1.71 acres (3.42 acres) in the form of off-site planting. The 1.71 acres includes both forest cleared (1.16 acres) and remnant areas of

forest not cleared but of a configuration and size which no longer meets the minimum size requirements of forest (0.55 acres).

As part of this Limited Amendment to the preliminary plan, MCDOT will be providing an additional 0.16 acres (0.08 acres at 2:1) of off-site planting. The newly generated mitigation requirement will be for the removal of unforested category I conservation easement not covered by the original FFCP for the Mandatory Referral. The newly generated off-site planting will occur within the same watershed and adjacent to the roadway project at the same location as the previous off-site requirements. The total amount of off-site planting to occur in the stream buffer adjacent to the project will be 3.58 acres.

The proposed amendment meets all of the forest conservation requirements, the Planning Board's minimum 2:1 easement mitigation/compensation policy, and brings the Mandatory Referral into compliance with requirements for approval of the FFCP amendment.

### **RECOMMENDATION**

Staff recommends that the Planning Board approve this limited preliminary plan of subdivision to revise the forest conservation plan with the conditions specified above.