



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

MCPB
Item #
February 4, 2010

MEMORANDUM

TO: Montgomery County Planning Board
VIA: Mark Pfefferle, Acting Chief, Environmental Planning *MP*
FROM: Doug Johnsen, Planner Coordinator, Environmental Planning *dj*
DATE: December 31, 2009
REVIEW TYPE: Preliminary Forest Conservation Plan for Special Exception S-2749 Lufsey Property
LOCATION: 23320 and 23330 Ridge Road, Germantown, MD
APPLICANT: Vincent E. Lufsey

RECOMMENDATION

Staff recommends approval of the Preliminary Forest Conservation Plan (PFCP) for the above referenced special exception, subject to the following conditions:

1. Applicant to record a Category I conservation easement over all environmental/stream valley buffer areas and all planted and retained forests within six (6) months after Hearing Examiner's approval of the special exception.
2. Applicant to obtain approval of the Final Forest Conservation plan prior to recordation of the Category I Forest Conservation Easements.
3. Applicant to begin afforestation within two growing seasons after approval of the Final Forest Conservation Plan.
4. Applicant to install permanent Category I Forest Conservation Easement signage along the perimeter of the forest conservation easements.
5. Applicant is to re-grade all man-made steep slopes within the proposed Category I Forest Conservation Easement to no steeper than a 3:1 gradient, remove unconsolidated fill material, and provide top soil prior to installing afforestation planting material.
6. Applicant must provide Environmental Planning staff a soil analysis report for the afforestation areas prior to scheduling the pre-planting meeting and must amend the soils if they are unsuitable for tree planting before the trees are planted.

BACKGROUND

The 8.02-acre property consists of two unplatted parcels P 95 and P 71 located at 23320 Ridge Road and 23330 Ridge Road respectively, on the west side of Ridge Road at the intersection of Ridge Road and Davis Mill Road. The property is zoned Rural Cluster (RC). The subject property is bounded on the east by Ridge Road with a horticultural/farm supply store located across Ridge Road; on the south by two single-family detached residential dwellings; on the west by Ovid Hazen Wells Recreational Park; and on the north by an access drive to Ovid Hazen Wells Park with commercial uses further north. It is located within the area covered by the Agricultural Resource and Open Space (AROS) Functional Master Plan.



Exhibit 1: Vicinity Map

Since 1995 the property has been used as a registered home occupation that maintains and leases portable toilet facilities and mobile restroom trailers. The applicant is seeking a special exception to convert what is currently a home occupation into an outdoor storage facility authorized by Section 59-G-2.54.3 of the Montgomery County Zoning Ordinance. The applicant

is also proposing to construct an additional building to store mobile restroom trailers.

Environmental Inventory

A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) for the 8.02-acre site was approved by Environmental Planning staff on October 22, 2008. There is a second order stream that crosses the subject property along the far northwest corner, and the associated stream valley buffer occupies a small segment of that corner of the property. Steep slopes are found in the northwest corner and along a portion of the northern property line. There are no forests, wetlands or streams on-site. However, there is a stream located in the Ovid Hazen Wells Park directly off-site in the northwest corner of the property and a portion of the associated stream buffer extends onto the applicant's property. This property is not located within a Special Protection Area.

The topography of the property is for the most part relatively shallow, with the high point located at the western edge of the property where the current barn structure is located. The site gently falls off to the north, east and south. However, to the west and northwest of the high point the topography falls off approximately 50 feet to the stream channel. There are steep slopes on the northwest portion of the site and immediately adjacent to the western property line on the Ovid Hazen Wells Park.

The subject site drains to a second order stream within the Little Seneca Creek watershed designated as Use IV-P waters. The upper Little Seneca Creek within the Ovid Hazen Wells Park is classified as being in excellent condition in the 1998 version of the Department of Environmental Protection's County Stream Protection Strategy (CSPS).

Forest Conservation

The project site has no existing forest but the proposed special exception requires the submission and approval of a forest conservation plan. The underlying zone for this property is rural cluster (RC) and identified as being within the Agricultural and Resource Area land use category for forest conservation purposes.

Properties within the Agricultural and Resource land use category are required to meet their forest planting requirements on the subject property. More specifically under section 22A-12(f):

"Any site developed in an agricultural and resource area....must include a minimum amount of forest on-site as part of meeting its total forest conservation requirement.....if the existing forest is less than the minimum required retention, all existing forest must be retained and on-site afforestation up to the minimum standard must be provided.

Under Chapter 22A-12(f)(2)(D) of the County code the minimum amount of forest to be provided onsite equals the afforestation threshold as determined in the Forest Conservation worksheet:

"If a site covered by this subsection is unforested, on-site afforestation must equal the applicable afforestation threshold."

In this particular case 20 percent of the subject submit must be afforested for a total planting requirement of 1.6 acres. The applicant has proposed to meet the afforestation requirement on-site by planting two separate areas, (one 0.78 acres and the other 0.82 acres) and placing both into Category I Forest Conservation Easements (FCE).



Exhibit 2: Location of Proposed Forest Conservation Easements

Afforestation Area 1, 0.78 acres, is located at the southwest corner of the project site. It borders and abuts portions of a residential lot to the south and Ovid Hazen Wells Park to the west. This area is outside of any stream buffers and contains no steep slopes.

Afforestation Area 2, 0.82 acres, is located in the northwest portion of the site where the majority of the steep slopes, the stream and the entire stream valley buffer are found. This is the highest

priority area for planting. The steep slopes range from approximately 46% to 50% slopes or 1:2 gradient. This area is currently in very poor condition being comprised of primarily unconsolidated rubble fill with large boulders. The vegetative material currently is comprised of Thistle, Japanese Honeysuckle, Virginia Creeper, Sumac, Black Cherry and some Eastern Red Cedar. In its current condition this area is unacceptable for planting because of the unconsolidated nature of the area, lack of soil and steep slopes. The applicant has proposed to rehabilitate this area by removing the rubble fill, feathering the slopes to an acceptable 3:1 gradient, installing top soil to replace the rubble fill and then afforesting with native plant material.

Staff is requesting a Planning Board conditions that will require the applicant to re-grade the steep slope, remove the unconsolidated fill, and provide conditioned soils to make the area acceptable for planting a trees that will result in a vigorous forest.

Staff is also requesting time frames for the recordation of the Category I forest conservation easements, for the approval of the final forest conservation plan and for the planting of the afforestation requirement. The project exists as two unplatted parcels. The owner currently intends to construct a large trailer storage building on this property at some point in the future. At that time the property will then come under subdivision review and will be platted. However, there is no guarantee, or timeframe, that the applicant will submit a subdivision plan. If no time frames are established then there is no guarantee that the final forest conservation plan, the recording of the Category I forest conservation easements or the planting of the afforestation requirement will be performed anytime within the foreseeable future.

CONCLUSION

Staff recommends approval of the Preliminary Forest Conservation Plan (PFCP) for the above referenced special exception, subject to the above conditions.