

Forest Conservation Plan Amendment CBA-1206E-3 - in Response to a Violation – Congressional Country Club

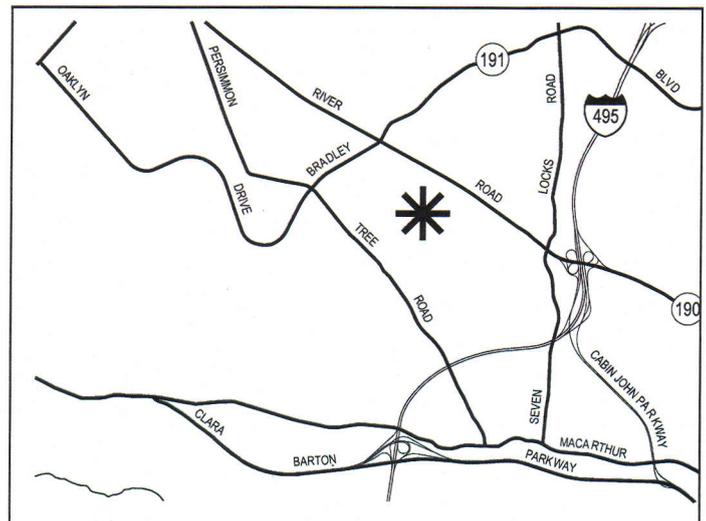
 Stephen Peck, Senior Planner, DARC, Stephen.Peck@montgomeryplanning.org, 301-495-4564
 Mark Pfefferle, Chief, DARC, Mark.Pfefferle@montgomeryplanning.org, 301-495-4730

Completed: 04/15/13

Description

Forest Conservation Plan Amendment CBA-1206E-3

- Request to relocate and remove Category I and Category II conservation easements
- Located at 8500 River Road; south of Bradley Boulevard and southwest of River Road in Bethesda, MD
- RE-2 / R200 Zone; 357.80 acres; Parcel A and B
- Potomac Subregion 2002 Master Plan
- Application received November 15, 2012



Summary

- Staff Recommendation: **Approval with Conditions.**
- Proposed redesign of conservation easements to resolve incompatibility with PGA (Professional Golf Association) Tour golf tournaments. The redesign removes a total of 1.41 acres of conservation easement. Conservation easement removal to be met offsite by acquiring 2.82 acres of credit in an M-NCPPC approved forest mitigation bank.

STAFF RECOMMENDATION

Approval of Final Forest Conservation Plan Amendment CBA1206E-3, subject to the following conditions:

1. Applicant must submit abandonment and establishment Category I conservation easement agreements and Category II conservation easement agreements for the easements that are changing within 90 days of the mailing date of the Planning Board Resolution approving Forest Conservation Plan Amendment # CBA1206E-3. These agreements must be approved by the Planning Department Office of General Counsel and then be recorded in Montgomery County Land Records by the Applicant.
2. Applicant must submit a certificate of compliance to use an M-NCPPC approved offsite forest mitigation bank within 90 days of the mailing date of the Planning Board Resolution approving Forest Conservation Plan Amendment # CBA 1206E-3. The certificate of compliance must provide mitigation credits for 2.82 acres of forest replacement. The certificate of compliance must be approved by the Planning Department Office of General Counsel and then be recorded in Montgomery County Land Records by the Applicant.
3. All other conditions of approved Final Forest Conservation Plan CBA-1206 E-2 not modified herein remain in full force and effect.

BACKGROUND

Congressional Country Club is a private country club and golf course in Bethesda. Currently, the Club hosts the AT&T National, an annual golf tournament on the PGA Tour. The Club periodically hosts other golf tournaments including the US Open. These tournaments are contested on the Blue Course, located on Congressional Country Club Parcel A (Figure 1).

On June 21, 2007, the Montgomery County Board of Appeals approved a modification to the special exception to the Club (CBA-1206G). Part of the 2007 plan approvals included a final forest conservation plan amendment (CBA-1206E-2) approved by the Montgomery County Planning Board. These plan approvals were required for a new clubhouse addition and various improvements. Pursuant to the approved final forest conservation plan (FCP) amendment, the Club recorded all Category I conservation easement and Category II conservation easement in the Montgomery County Land Records. The Category I conservation easement agreement is recorded at liber 35772 folio 664. The Category II conservation easement agreement is recorded at liber 35772 and folio 576. The conservation easements on Parcel A at the Club are shown on Figure 1.

Table 1 lists the total acreage of forest retained and forest planted as part of the approved 2007 FCP amendment. The amendment's supplemental planting occurred within Category I conservation easements on Parcel A. Parcel B conservation easements are all forest retention Category I conservation easements.

Figure 1: Congressional Country Club Parcel A

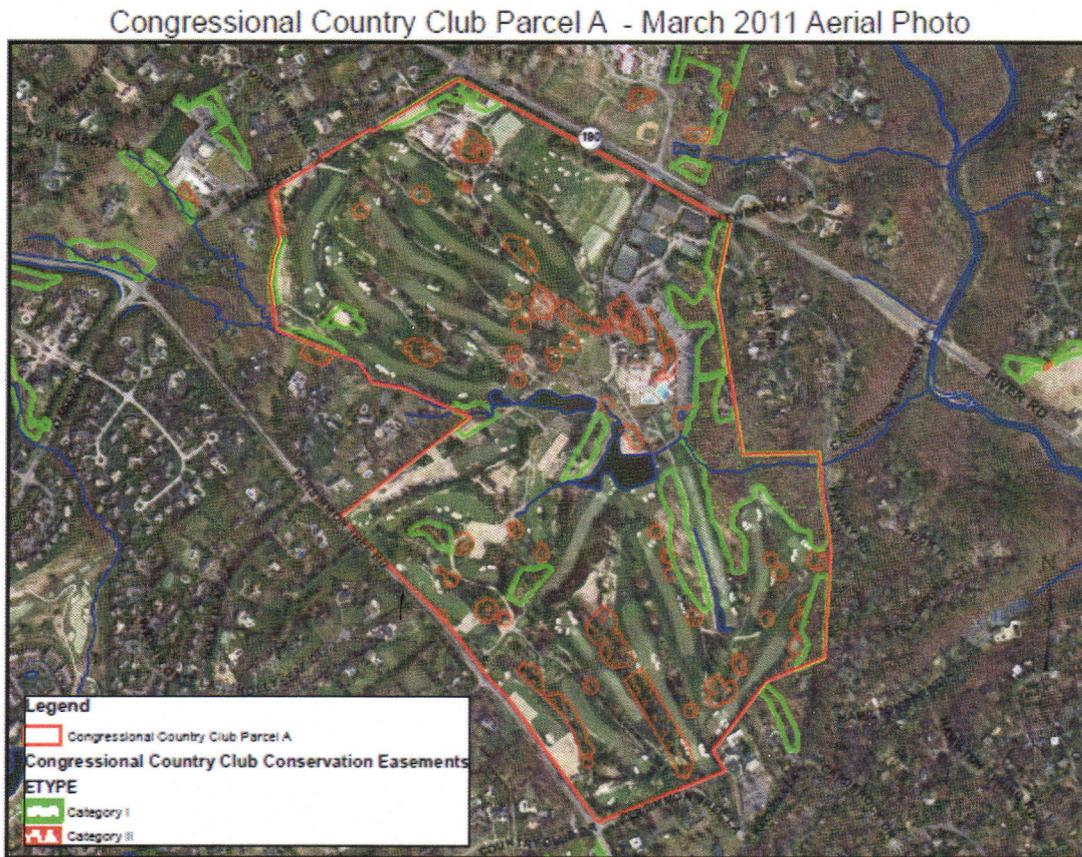


Table 1: 2007 FCP Amendment (CBA1206E-2) Totals

2007 Approved FCP Amendment:	Total
Onsite Category I Conservation Easement	58.52 acres
Onsite Category II Conservation Easement	19.83 acres
Onsite Forest Planting Requirement	7.98 acres
Offsite planting met at an M-NCPPC Approved Forest Conservation Bank	1.67 acres

In anticipation of the annual PGA tour event, Club grounds staff identified issues in providing for the appropriate public and telecast viewing needs and in protecting the existing conservation easements. A Planning Department-approved forest management plan for Congressional Country Club approved tournament operations within conservation easements provided the Club minimizes compaction damage to tree roots. Tournament infrastructure, tents and spectator viewing platforms needed to be placed within the Category I conservation easements to facilitate the viewing and production of the event for television. These structures, although temporarily installed, prevent the Club from planting certain reforestation areas as required by the 2007 FCP amendment. The 2007 FCP amendment required supplemental forest planting within some of the best viewing areas. Based on their analysis, the Club decided not to plant the designated planting areas that were in conflict with the tournament viewing.

The Club worked with Planning Department staff and identified new planting areas onsite to replace some of the forest planting areas that had been used as spectator viewing during tournaments. These new forest planting areas are adjacent to existing Category I conservation easements. Some of the new planting areas protect additional stream buffer. Others extend forest with tree planting around existing specimen trees. These new planting areas are not in the golf play area and are away from spectator viewing areas. In 2009, after Planning Department staff approval, the Club planted the new planting areas. This amendment proposes to protect these planting areas with Category I conservation easements and will be used to partially mitigate for the easement removals that are requested by the applicant.

In 2010 and 2011, Club staff and Planning Department staff met many times to inspect the completed planting and discuss deer protection measures and the outstanding planting requirements of the 2007 FCP amendment. During these meetings, Planning Department staff described to the Club the concept of submitting a FCP amendment for Planning Board review and decision.

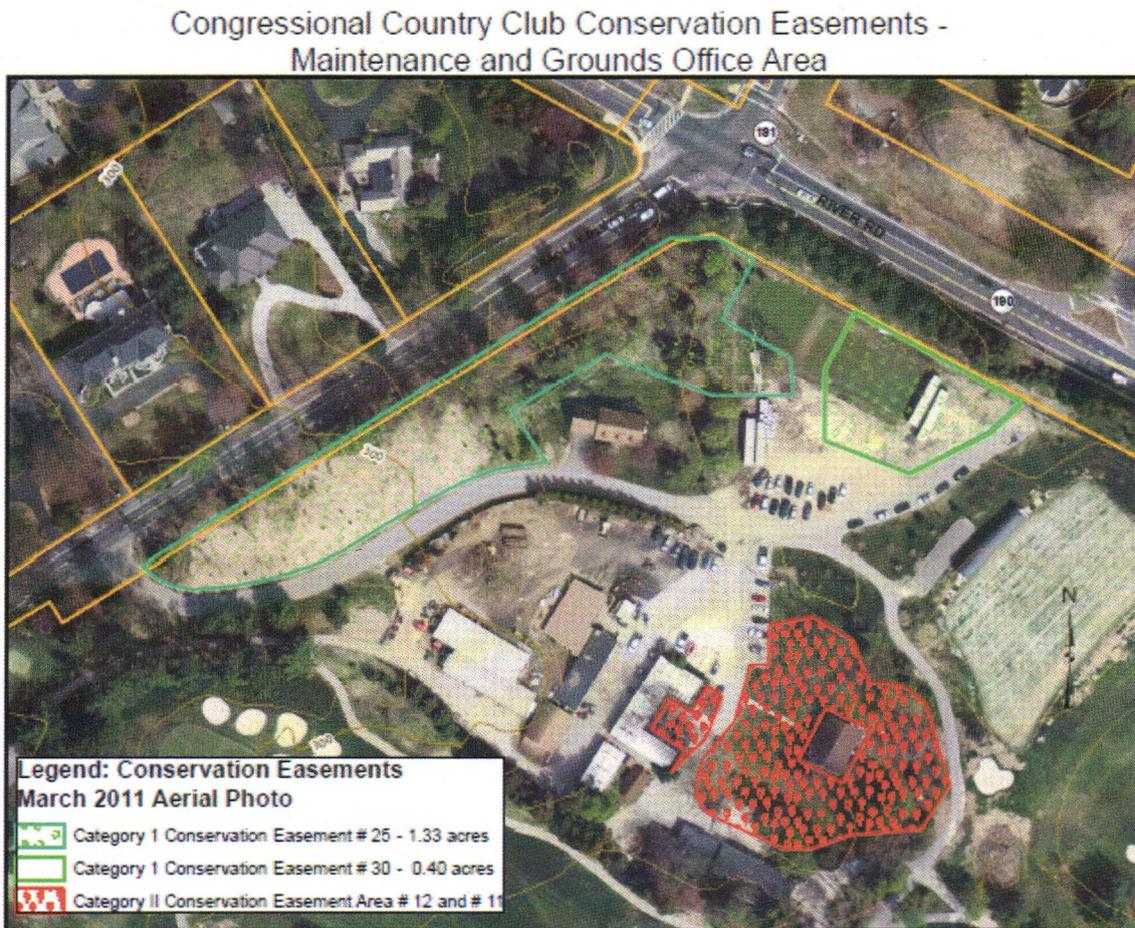
On May 25, 2012, Planning Department staff completed the 2 year warranty inspection for all trees and shrubs planted in late fall 2009 and spring 2010. However, not all areas identified on the 2007 FCP amendment were planted. Chapter 22A-12(e)(5) of the County code requires planting to be completed within one year or 2 growing seasons after completion of a development project. The clubhouse construction and course renovation projects were completed before the 2011 US Open. The sediment control permit for these projects were all finalized in 2011. By October 2012 the planting deadline had passed and some reforestation areas were not planted. A total of 3.12 acres of Category I conservation easement were not planted within the regulatory time limit.

In addition, during a routine inspection of the property in 2012, Planning Department staff noticed two other easement areas where activities were not consistent with the terms of the easement agreement. Category I Conservation Easement Area # 30 is being used for storage and a turf nursery. Easement area # 30 is adjacent to the grounds maintenance area, trapezoidal in shape, 0.40 acre in size and is not in an environmentally sensitive area. It was also found that a portion of Category I Conservation Easement Area # 25 is used as a storage area. The activities occurring within Easement Area # 30 and # 25 are not permitted within Category I conservation easements as they are not related to tournament operations.

During tournament operations these Category I conservation easements are filled with trailers and cranes. Figure 2 below shows the location and shape of Easement Area # 30 and # 25.

On October 17, 2012, Planning staff issued a notice of violation to the Club for violation of Chapter 22A-12(e)(5) for: 1) failure to plant the reforestation areas within the regulatory deadline, and 2) for maintaining Easement area # 30 as a turf nursery, parking and storage area (Attachment # 3).

Figure 2: Grounds Office and Staging Area – Conditions of Existing Category I Conservation Easements Showing Mowing and Storage in Easement Area # 30 and Failure to Plant Easement Area # 25 and # 30



PLANNING BOARD REVIEW AUTHORITY

The Forest Conservation Regulations require Planning Board action on certain types of modifications to an approved FCP. COMCOR 22A.00.01.13 A (2), the Forest Conservation Regulations, state:

Major amendments which entail more than a total of 5000 square feet of additional forest clearing must be approved by the Planning Board or the Planning Director (depending on who approved the original plan).

Implementing the 2007 FCP amendment, approved by the Planning Board, the Club established over 58 acres of Category I conservation easement and 19 acres of Category II conservation easement on the property. Establishment of these conservation easements satisfied onsite forest retention and planting requirements. With the submitted amendment, the Club proposes to modify Category I conservation easements and Category II conservation easements on the subject site. The net result is the removal of 0.92 acres of Category I conservation easement and the net removal of 0.49 acres of Category II conservation easement. Since the submitted amendment proposes clearing more than 5,000 square of forest and the Planning Board approved the 2007 FCP amendment (CBA-1206E-2), the submitted FCP amendment (CBA1206E-3) must be reviewed by the Planning Board.

PROPOSAL

On November 15, 2012, the Planning Department received a FCP amendment in response to a violation. The submitted FCP amendment proposes to remedy the October 17, 2012 notice of violation and adjust other onsite conservation easements to eliminate easement impacts during golf tournaments. The FCP amendment also describes the supplemental planting area to be done to mitigate storm damage tree removals. Currently, there are 31 individual Category I conservation easements, 52 critical root zone Category II conservation easements and 5 landscaping credit Category II conservation easements at the Club. The changes requested by the Club rectify the violation and comply with forest conservation planting requirements without compromising the Club’s ability to host golf tournaments.

The applicant proposes to impact 11 Category I conservation easements by relocating 8 forest plant areas onsite and permanently displacing 3 Category I conservation easements. The following chart (Table 2) describes the changes to each affected Category I conservation easement at the Club. Note the proposed changes result in the request to abandon existing conservation easement area and record a new conservation easement over the new area.

Table 2: Proposed Redesign of Category I Conservation Easement

Congressional Country Club Forest Conservation Plan Amendment : Proposed Redesign of Category I Conservation Easements										
Existing Area No.	Existing Area Acres	Description	Proposed Action	Proposed Area No.	Planting Addition Acres	Proposed Removal Acres	Net Change Acres	Subtotal Acres	Proposed Total Acres	
1	2.77	Forest Retention	No Change						2.77	
2	12.39	Forest Retention	No Change						12.39	
3	1.87	Forest Retention	Change	32	0.55	0	0.55		2.42	
4	2.98	Forest Plant	Change	33	0.13	0.45	-0.32		2.66	
5	1.14	Forest Plant	Change	n/a	0	1.14	-1.14		0	
6	0.94	Forest Plant	Change	34	0.32	0.27	0.05		0.99	
7	0.73	Forest Plant	No Change						0.73	
Parcel B Easements	30.39	Forest Retention	No Change						30.39	
25	1.33	Forest Plant	Change	35	0.16	0.10	0.06		1.39	
26	0.39	Forest Plant	Change	36	0.49	0	0.49	0.88		
27	0.62	Forest Plant	Change	36	0.05	0.05	0.00	0.62	1.5	
28	0.67	Forest Plant	Change	n/a	0	0.67	-0.67		0	
29	1	Forest Plant	Change	37	0.24	0.03	0.21		1.21	
30	0.4	Forest Plant	Change	n/a	0	0.4	-0.40		0.00	
31	0.91	Forest Plant	Change	38	0.27	0.01	0.26		1.17	
58.52				Total Category I Conservation Easement Area					57.61	
				Net Category I Conservation Easement Removal					0.92	
Notes:										
1. Where a change is proposed to an existing conservation easement, the existing easement area would be extinguished and a new easement area would be recorded over the new area.										
2. No Changes Proposed to Category I Conservation Easements Areas on Parcel B.										

The following chart (Table 3) describes the proposed changes to Category II conservation easements at Congressional Country Club.

Table 3: Redesign of Category II Conservation Easements

Congressional Country Club Forest Conservation Plan Amendment Proposed Absorption of Category II Conservation Easement into Category I Conservation Easement										
Existing Category II	Existing Area Acres	Easement Description	Specimen Tree #	Tree ID	Proposed Action	Proposed Cat II Area No.	Proposed Removal	Proposed Addition	Net Removal of Category II	Net Addition to Category I
35	0.23	critical root zone	79	Red Maple 48" dbh	Convert and Retain	cat II # 60	-0.23	0.19	-0.04	0.04
36	0.26	critical root zone	81	White Pine 40" dbh	Convert		-0.26	0.00	-0.26	0.26
37	0.15	critical root zone	82	Tulip Poplar 30" dbh	Convert		-0.15	0.00	-0.15	0.15
22	0.42	landscape credit	n/a	landscape trees	Convert and Retain	cat II # 62	-0.42	0.37	-0.05	0.05
Category II Conservation Easement Area to be Removed :									0.49	
Category II Conservation Easement Area to be Converted to Category I Conservation Easement:										0.49
Notes:										
1. All changes proposed to Category II conservation easements are conversions to Category I conservation easement and retention of new smaller sized Category II conservation easements.										
2. No Changes Proposed to Congressional Country Club Parcel B.										

Congressional Country Club proposes to change the Category II conservation easement around the critical root zones of specimen tree # 79 - a 48" dbh (diameter at breast height) red maple, specimen tree #81 – a 41" dbh white pine and specimen tree # 82 – a 30" dbh tulip poplar tree. All of these trees are adjacent to the 14th fairway on the Blue Course and are not impacted by tournament operations. Club grounds staff identified this location next to a 1.87 acre forested Category I conservation easement as an area where the forest could be enlarged. In 2009, an additional 0.55 acres of native 1.5 inch caliper hardwood trees were planted within this area. Inspection by Planning Staff in 2012 confirmed that the forest has been enlarged as shown on the submitted FCP amendment. In this expanded forest area, the applicant will convert a 0.44 acre Category II conservation easement area into a 0.55 acre Category I planting area.

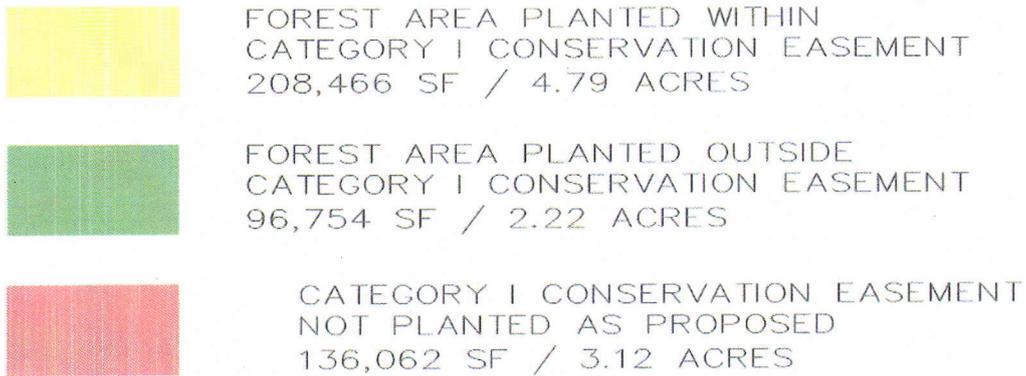
On the other side of the property, adjacent to the 6th hole on the Blue Course, the applicant proposes converting a section of Category II conservation easement landscape area into Category I conservation easement. This new section of Category II conservation easement was planted in 2009 and mowing has stopped within this area. A 0.05 acre area is proposed as conversion into Category I conservation easement. This Category I conservation easement is being expanded to project additional stream buffer.

In total, the applicant proposes to permanently remove and not relocate onsite 0.92 acres of Category I conservation easement and 0.49 acres of Category II conservation easement. The total proposed easement removal is 1.41 acres of conservation easement. To satisfy the onsite easement removal, the applicant proposes to acquire 2.82 acres of credit in an MNCPPC-approved forest mitigation bank.

Discussion of Proposed Conservation Easement Changes

Below is a discussion on the impact to each conservation easement area. The FCP amendment includes a Planting Exhibit (Attachment # 1) illustrating the proposed conservation easement changes at Congressional Country Club. Figure 3 is the key to figures 4, 5, 6, 8, 9 and 11 in the discussion of the proposed easement changes. "Forest Planted within Category I Conservation Easement" represented by yellow shading are areas where planting occurred according to the 2007 FCP amendment. "Planted Outside Category I Conservation Easement" noted by green shading are areas of proposed new category I conservation easement. "Not Planted as Proposed" represented by red shading denote areas of conservation easement proposed for removal. The proposed FCP amendment (Attachment # 2) shows proposed conservation easement areas as the combination of the yellow and green without the red areas.

Figure 3: Key to Planting Exhibit and Proposed Conservation Easement Changes



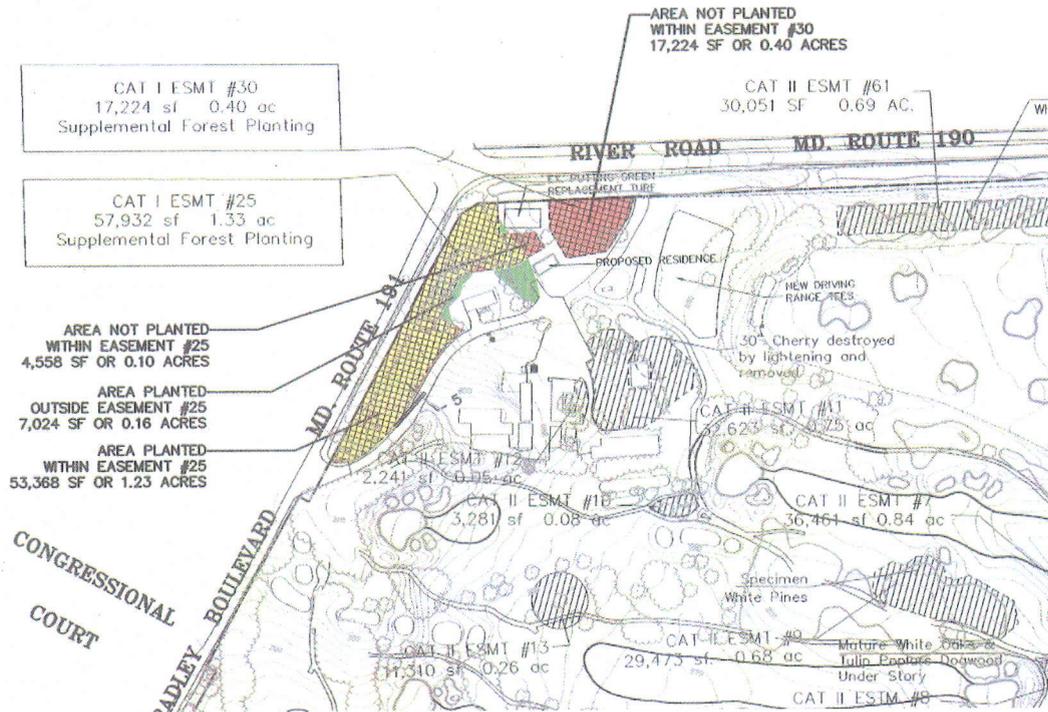
Category I Conservation Easements #30 and #25 (Adjacent to Grounds Office and Residence)

Easement area #30: Category I Conservation Easement Area # 30 is 0.40 acres and identified as a planting area. During annual tournaments this area is used as a trailer storage, parking and staging. The Club could not find a suitable new location for the turf nursery. The area is shown in red on Figure 6 and is proposed to be abandoned. This area is not in compliance with the Category I conservation easement agreement. The area was not planted as required by the 2007 FCP amendment.

Easement area #25: Category I Conservation Easement Area # 25 is 1.33 acres. Approximately 1.23 acres of the conservation easement has been planted and is becoming a forest. The remaining 0.10 acres of this conservation easement could not be planted because of parking and storage encroachments during tournament operations and throughout the year. This non-planted area is not in compliance with the Category I conservation easement agreement and is shown in red on Figure 4. However, the Club extended forest planting approximately 0.16 acres beyond the existing easement boundary. These additional areas are being maintained as forest. The Club's proposal reconfigures the easement to remove the area of noncompliance and to include the area that has been planted outside of the existing easement.

Figure 4 below shows the Easement Area #30 and #25. The proposed Category I conservation easement, Easement Area # 39, is the combination of the yellow and green areas and is 1.39 acres in size. Please see the proposed FCP amendment (Attachment # 2) for the layout of the proposed conservation easement areas.

Figure 4: Category I Conservation easements #30 and #25



Conservation Easements # 22, #26, #27, and #28 (Adjacent to Hole 5 on the Blue Course)

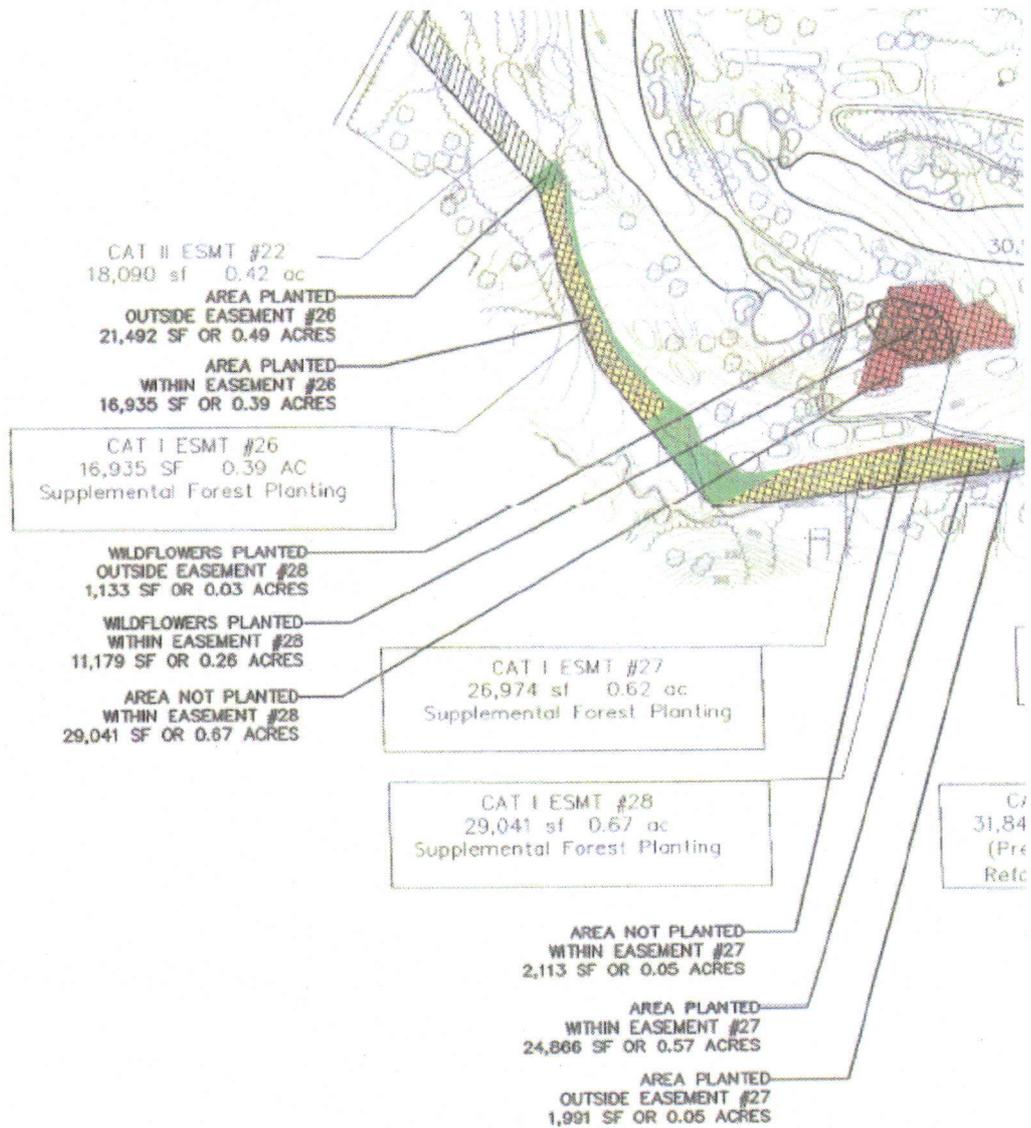
Easement Area #22: The submitted FCP amendment proposes to reduce Category II Conservation Easement # 22 by 0.05 acres and includes a supplemental planting of (12) two inch caliper trees to replace trees cut and removed after June 29, 2012 storms. The conservation easement is in compliance with the 2007 FCP amendment and the Category II conservation easement agreement.

Easement Areas #26 and #27: Category I Conservation Easements #26 and # 27 are 0.39 acres and 0.62 acres in size respectively. Between and next to these conservation easements, the Club planted 0.49 acres of trees. Planted in 2009, this stream buffer planting connected these conservation easements. All planting is within a stream buffer of a small stream meandering along the property line. The proposed conservation easement would be less than 50 feet wide, but would protect an environmentally-sensitive stream buffer of a tributary of Cabin John Creek. These conservation easements are in compliance with the easement agreement and the 2007 FCP amendment.

Easement Area # 28: Category I Conservation Easement # 28 is 0.67 acres. During tournaments this easement is filled with tents, spectator viewing areas and concessions. This easement area has not been planted as required by the 2007 FCP amendment. This area is proposed to be abandoned and is shown on Figure 5 in red.

The proposed easement changes adjacent to the 5th hole on the Blue Course would result in a loss of 0.05 acres of Category II conservation easement and a gain of 0.54 acres of stream buffer Category I conservation easement. The proposed Category I conservation easement would be identified as Easement Area # 36 as shown on Attachment 2.

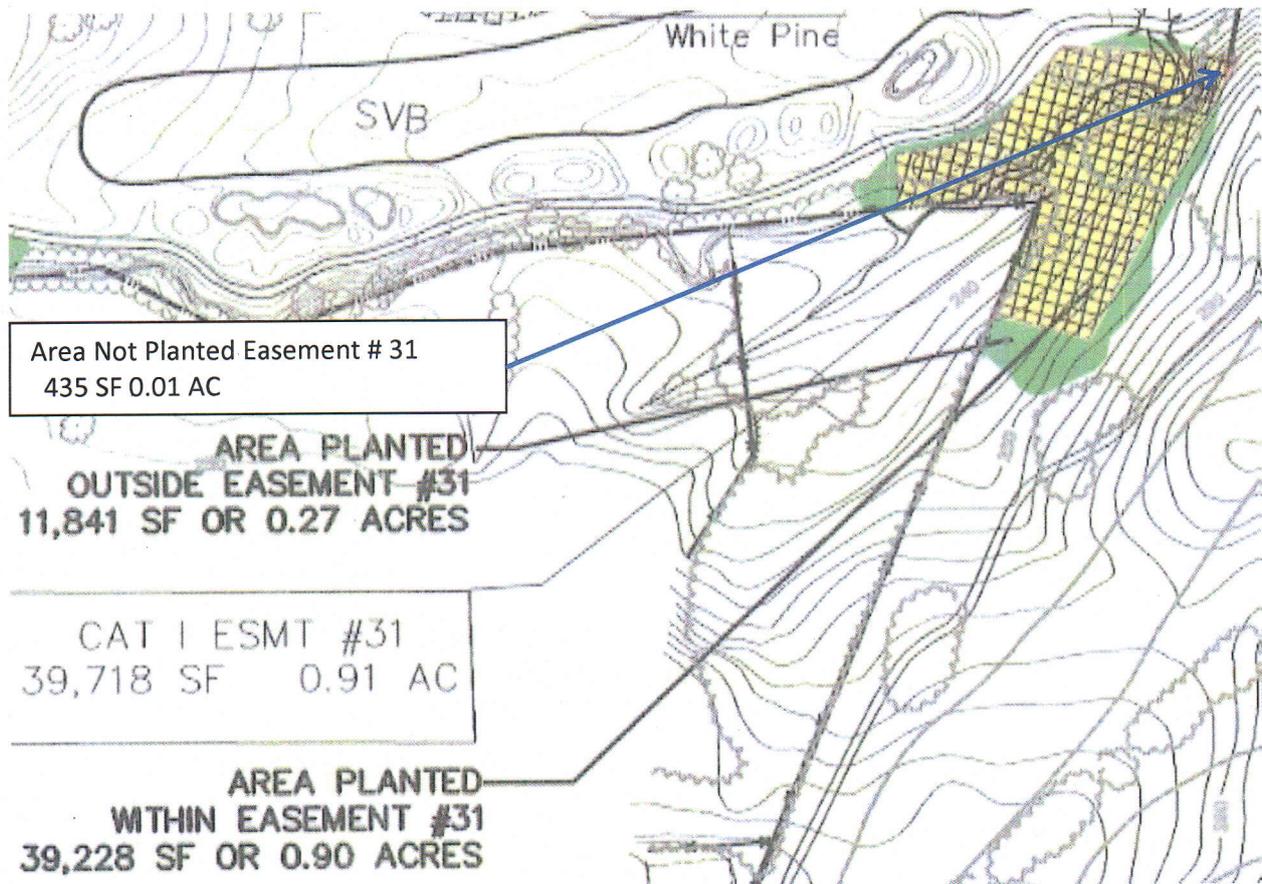
Figure 5: Conservation Easement # 22,# 26,# 27 and # 28



Category I Conservation Easements # 31 (Adjacent to Hole 6 Blue Course)

Existing Category I Conservation Easement Area # 31 is 0.91 acres. A small area of 0.01 acre has been identified as an area of golf play encroachment and is proposed for removal. A 0.27 acre area of additional planting occurred in 2009 and is proposed as Category I conservation easement. The proposed addition to the conservation easement is shown in green on Figure 6 and would protect more stream buffer. The proposed modified Category I conservation easement would be 1.17 acres in size.

Figure 6: Category I Conservation Easement #31



Category I Conservation Easement #5 (Area above 18th Green on Blue Course)

Category I Conservation Easement Area # 5 is 1.14 acres. The entire area was to be planted with understory trees and shrubs as part of the 2007 FCP amendment. During the 2008, 2009 and 2012 AT&T National Tournament and the 2011 US Open tournament a massive bleacher platform was erected

within the conservation easement for the spectators. The conservation easement area is in violation of the 2007 approved FCP plan for failure to plant and for being completely mowed. The FCP amendment (CBA1206E-3) proposes abandoning the entire Category I conservation easement area and is shown in red in Figure 7. The attached pre-tournament photo of Category I Conservation Easement # 5 shows the massive bleacher platform (See Attachment # 4).

Figure 7: Category I Conservation Easement # 5

Existing Category I Conservation Easement #5 (1.14 acres)
Proposed for Removal

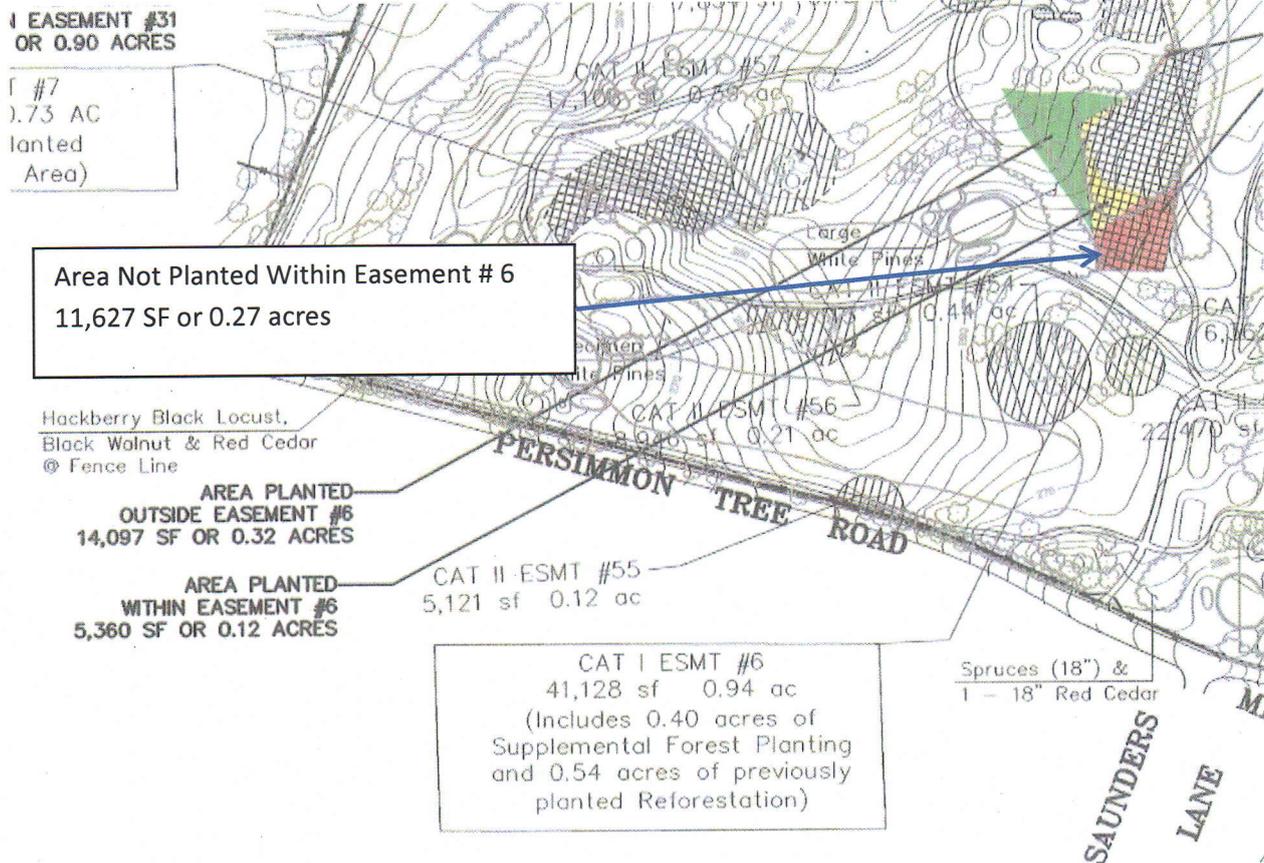


Conservation Easements #6 (East of 18th Hole Tee on the Blue Course)

Category I Conservation Easement Area # 6 is 0.94 acres. It is east of the 18th hole tee on the Blue Course. During golf tournaments a tent and viewing deck occupy a 0.27 acre area of this conservation easement. This area is in violation of the Category I conservation easement agreement and the approved FCP amendment as the area is being mowed and has not been planted. Attachment # 5 shows a tournament photo of a raised tent platform and deck within Category I Conservation Easement

Area # 6. This mowed and not-planted area of Easement Area # 6 is proposed for abandonment. The remaining 0.67 acres of Easement Area # 6 is existing forest, created as a result of repeated forest plantings since 2000. An additional 0.32 acre area has been planted and is proposed Category I conservation easement area. Figure 8 illustrates the proposed changes to Conservation Easement Area # 6. The proposed modified Category I conservation easement would be 0.99 acres in size.

Figure 8: Conservation Easement # 6

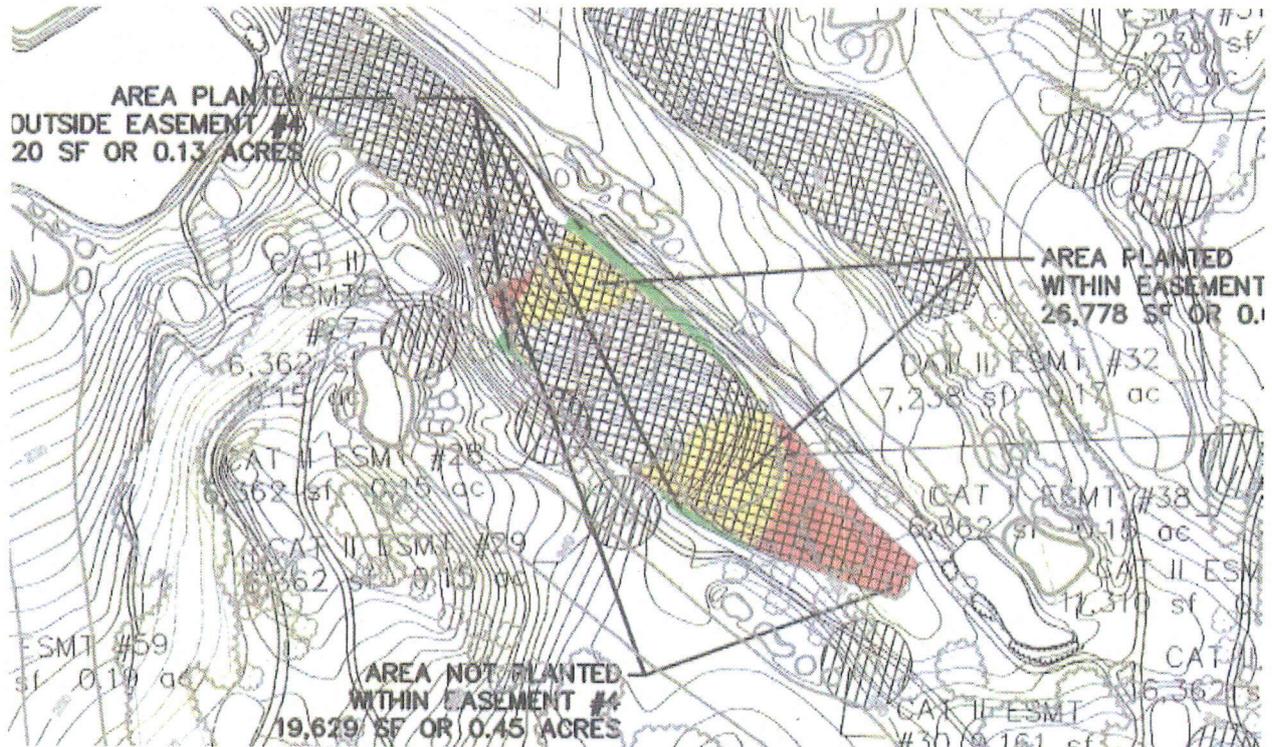


Conservation Easements #4 (East of 11th Hole on the Blue Course)

Existing Category I Conservation Easement # 4 is a 2.98 acre forest stand adjacent to the 11th hole of the Blue Course. This conservation easement area originated as a 1.39 acre tree stand in 2000. Subsequent plantings expanded the tree stand into a forest stand. Approximately 2.53 acres of the forest stand is in compliance with the Category I conservation easement agreement with a thriving supplemental planting. The remaining 0.45 acres of the conservation easement area has not been planted. During tournaments, the southeastern 0.40 acre section the conservation easement area becomes a tent house village with raised covered tents, a large deck and staircase (See Attachment # 6). This area has not been planted and is being mowed. These activities are violations of the approved 2007 FCP amendment. An approximate 0.05 area next to 15th hole is impacted by tournament operations and is proposed for abandonment as well. Where possible, the Club installed additional trees beyond the

existing easement boundary which amounts to 0.13 acres of new forest planting. Figure 9 shows the area of tournament encroachment in red and additional proposed Category I conservation easement in green. The net result would be a 2.65 acre Category I conservation easement, labeled as Easement # 33 on the amended FCP (CBA1206E-3).

Figure 9: Category I Conservation Easement No. 4



Conservation Easement Area # 3: (adjacent to 14th hole on Blue Course)

Category I Conservation Easement # 3 is a 1.87 acre tulip poplar forest stand. In 2009, Congressional Country Club staff planted an additional 0.55 acres of forest between the 14th fairway and the edge of Category I Conservation Easement # 3. Within the 0.55 acre planting area are three specimen trees: a 48" dbh red maple (specimen tree # 79 and category II conservation easement #35), a 40" dbh white pine (specimen tree # 81 and category II conservation easement # 36), an a 30" dbh tulip poplar (specimen tree #82 and category II conservation easement # 37) . The additional tree planting around these specimen trees expands the existing forest to 2.42 acres. The Category II conservation easement within the forest plant area is proposed to be switched to a Category I conservation easement. The removal of these three trees results in a deduction of 0.44 acres from the critical root zone forest retention credit. Figure 10 shows the proposed conservation easement changes adjacent to the 14th hole on the Blue Course. The proposed Category I conservation easement (Easement Area #32) would be 2.42 acres in size.

Figure 10: 2011 Aerial Photo showing proposed Conservation Easement Changes adjacent to the 14th hole on the Blue Course

Category 1 Conservation Easement Area # 3 :
Proposed Conservation Easement Changes -
 Establish 0.55 acres of new Category I Conservation Easement
 Removal of 0.44 acres of Category II Conservation Easement

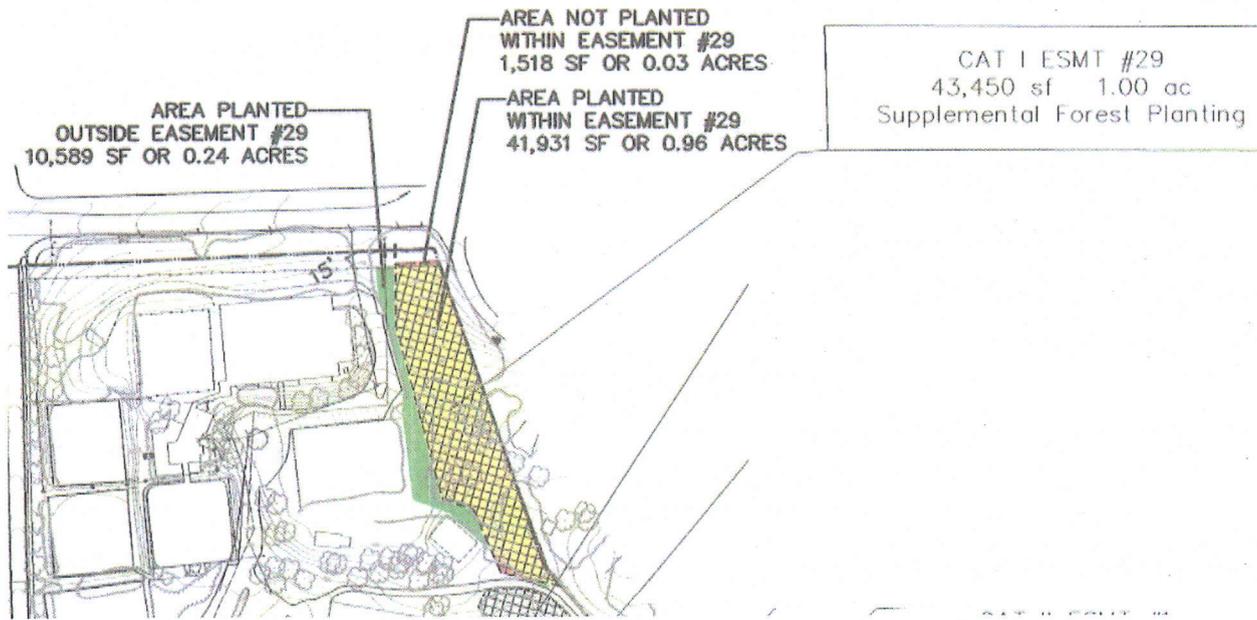


Category I Conservation Easement # 29 : (Bordering Northeast Property Corner)

Existing Category I Conservation Easement # 29 is one acre in size. In 2009 the Club completed a one acre supplemental planting of oak, maple, tulip poplar and holly trees in this conservation easement. The conservation easement area is in compliance with the Category I conservation easement agreement. The Club and their consultants identified two areas of encroachment totaling 0.03 acres. One area is a sliver of land which is actually a public utility easement of River Road and the other is an area identified as too close to a staff residence driveway. These two small areas are proposed for removal and are shown in red on Figure 11. The Club expanded the planting area and an additional 0.24

acres are proposed as an addition to the forest plant category I conservation easement. The proposed addition is shown in green on the Planting Exhibit (Figure 11) and the proposed Category I conservation easement (Easement Area # 37) would be 1.21 acres in size.

Figure 11: Proposed Conservation Easement Changes next to the Northeast Property Corner



CONCLUSION

This forest conservation plan amendment is in response to a Forest Conservation Law violation. However, the Applicant has been planning for this amendment since the 2008 AT&T National Tournament. Tournament setup and spectator viewing has created incompatible, unplatable areas within existing conservation easements.

For many years, the Club has been working with Planning Department staff to identify solutions to the unplatable conservation easements. Staff supports the proposed changes to the existing Category I and Category II conservation easements. The changes will reduce conflicts between conservation easement areas and tournament infrastructure and spectator viewing. The Club is implementing a Planning Department approved forest management plan to maintain all of the conservation easements. The forest management plan was required by the conservation easement agreement.

Staff believes the Club has now identified all locations within the subject property where Category I conservation easements can be added and that the mitigation for removing the 1.41 acres of conservation easement should be met at an MNCPPC-approved offsite forest mitigation bank. The applicant would meet the requirements by acquiring 2.82 acres of credit in a forest mitigation bank.

Staff believes the proposed FCP amendment together with the unchanged elements of previous approved plan amendments and plans and the agreed to forest management plan represent a sustainable, long-term forest conservation plan for Congressional Country Club. Table 3 describes the existing recorded conservation easements at the Club as recorded per CBA1206E-2 and the proposed conservation easements at Club.

Table 3: Summary Table of Easement Redesign at Congressional Country Club

Congressional Country Club	2007 Approved FCP Amendment: CBA1206E-2	2013 Proposed FCP Amendment: CBA1206E-3
Retained Forest : Category I Conservation Easement	47.42 acres	47.97 acres
Planted Forest: Category I Conservation Easement	11.10 acres	9.60 acres
Tree Cover: Category II Conservation Easement	19.83 acres	19.34 acres
Offsite Mitigation for Conservation Easement Removal	n/a	2.82 acres

NOTIFICATION AND OUTREACH

All adjoining and confronting property owners, civic associations, and other registered interested parties were notified of the upcoming public hearing on the proposed amendment. As of the date of this report, Staff has received no inquiries. Any comments received hereafter will be forwarded to the Board.

RECOMMENDATION

Staff recommends that the Planning Board approve this Forest Conservation Plan Amendment with the conditions specified above.

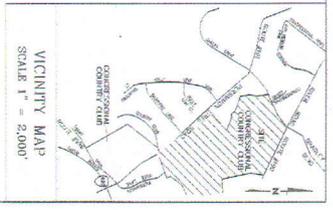
ATTACHMENTS

1. Forest Conservation Planting Exhibit
2. Proposed Final Forest Conservation Plan Amendment
3. Notice of Forest Conservation Law Violation
4. Tournament Preparation Photo – Original Category I Conservation Easement # 5
5. Tournament Preparation Photo – Original Category I Conservation Easement # 6
6. Tournament Preparation Photo – Original Category I Conservation Easement # 4

- FOREST AREA PLANTED WITHIN FOREST CATEGORY I CONSERVATION EASEMENT
208,466 SF / 4.79 ACRES
- FOREST AREA PLANTED OUTSIDE FOREST CATEGORY I CONSERVATION EASEMENT
96,754 SF / 2.22 ACRES
- FOREST CATEGORY I CONSERVATION EASEMENT NOT PLANTED AS PROPOSED
136,062 SF / 3.12 ACRES

- EXISTING FOREST CATEGORY II
17,672 SF / 0.44 ACRES
- WILDLIFE OWNERS PLANTED
12,312 SF / 0.28 ACRES

TOTAL FOREST PLANTED = 305,220 SF / 7.01 ACRES
 REQUIRED REORGANIZATION PLANNINGS PER APPROVED FC PLAN (GMA 1206-E2, DATED 07/12/07)
 FOREST CREDIT FROM APPROVED PLAN TO BE REMOVED: 0.44 ACRES
 FOREST CREDIT FROM APPROVED PLAN TO BE REMOVED: 0.06 ACRES
 TOTAL FOREST CREDITS TO BE REMOVED: 0.50 ACRES
 TOTAL CREDITS REQUIRED IN FOREST CONSERVATION EASEMENT: 8.51 ACRES
 FOREST PLANNING CREDITS PROPOSED: 7.01 ACRES
 ADDITIONAL FOREST PLANTINGS TO BE MET OFFSITE: 1.50 ACRES



FOREST CONSERVATION PLANTING EXHIBIT

CONGRESSIONAL COUNTRY CLUB

PARCELS 410, 600 & 709

MONTGOMERY COUNTY - MARYLAND

MHC Montgomery Heritage Conservancy, P.A. Landscaping, Planning & Construction, P.A.	Prep. Date: 02/10/10 15th Edition: 02/10/10 6/27/17 1" = 200'	Project: 100-000000 Drawing No.: 100-000000-01 Scale: 1" = 200'
---------------------------------------------------------------------------------------------------	------------------------------------------------------------------------	-----------------------------------------------------------------------

Attachments #3



MONTGOMERY COUNTY PLANNING DEPARTMENT

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue, Silver Spring, Maryland 20910

Environmental Planning Division 301.495.4540 Fax: 301.495.1303

www.MontgomeryPlanning.Org

NOTICE OF VIOLATION

EDPNOV 0001

FOR MONTGOMERY COUNTY, MARYLAND, the undersigned issuer, being duly authorized, states that:

On, October 17, 2012 the recipient of this NOTICE, Michael Giuffre

Date

Recipient's Name

who represents the property owner, Congressional Country Club

Property Owner's Name

is notified that a violation of the Montgomery County Forest Conservation Law (Chapter 22-A) exists at the following location: Congressional Country Club 8500 River Road

Plan No. <u>CBA1206E2</u>	Explanation: <u>maintaining category I easement # 30 in violation of recorded category I conservation easement agreement. Failure to plant within</u>
VIOLATION: <u>the planting deadlines set by</u>	
<input type="checkbox"/>	Failure to hold a required pre-construction meeting.
<input type="checkbox"/>	Failure to have tree protection measures inspected prior to starting work.
<input type="checkbox"/>	Failure to install or maintain tree protection measures per the approved Forest Conservation or Tree Save plan.
<input type="checkbox"/>	Failure to comply with terms, conditions and/or specifications of an approved Forest Conservation plan or Tree Save plan, or as directed by Forest Conservation Inspector
<input type="checkbox"/>	Failure to obtain an approved Forest Conservation plan or Tree Save plan prior to cutting, clearing, or grading 5,000 square feet on a property of 40,000 square feet or greater.
<input checked="" type="checkbox"/>	Failure to comply with reforestation or afforestation requirements of a Forest Conservation Plan.
<input type="checkbox"/>	Failure to obtain written approval for a fence permit prior to installing a fence that passes through or around a conservation easement.
<input checked="" type="checkbox"/>	Other: <u>as described in the explanation above</u>
Failure to comply with this NOV by <u>11/17/12</u> may result in i) issuance of a citation, ii) issuance of a Stop Work Order, and/or iii) issuance of a Notice of Hearing to appear before the Planning Board for appropriate Administrative Action. Recipient is to call the inspector at <u>301-495-4564</u> when the corrective action is complete. The following corrective action(s) must be performed as directed and within any time frames specified below:	
<input type="checkbox"/>	Stake out limits of disturbance (LOD) and contact Forest Conservation Inspector for a pre-construction meeting:
<input type="checkbox"/>	Install tree protection measures and/or tree care as directed by Forest Conservation Inspector.
<input checked="" type="checkbox"/>	Submit required application for compliance with Chapter 22A of the County Code. Contact <u>Montgomery County Planning Environmental Planning</u> at 301-45-4540. <u>final forest conservation plan amendment is to be submitted by 11/17/12</u>
<input type="checkbox"/>	Cease all cutting, clearing, or grading and/or land distributing activity. Approval from Forest Conservation Inspector is required to resume work.
<input type="checkbox"/>	Schedule a pre-planting meeting with the Forest Conservation Inspector prior to the reforestation of afforestation planting.
<input type="checkbox"/>	Schedule and attend a meeting with staff to determine appropriate corrective action to be performed by a date certain. Failure to complete the corrective action by the date assigned may result in i) issuance of a citation, ii) issuance of a Stop Work Order, and/or iii) issuance of a Notice of Hearing to appear before the Planning Board for appropriate Administrative Action.
<input type="checkbox"/>	Other: <u>Issued with FAQs</u>

MNCPPC Inspector

Stephen Peck

Printed Name

Stephen Peck

Signature

10/17/12

Date

RECEIVED BY:

Michael V. Giuffre

Printed Name

Michael V. Giuffre

Signature

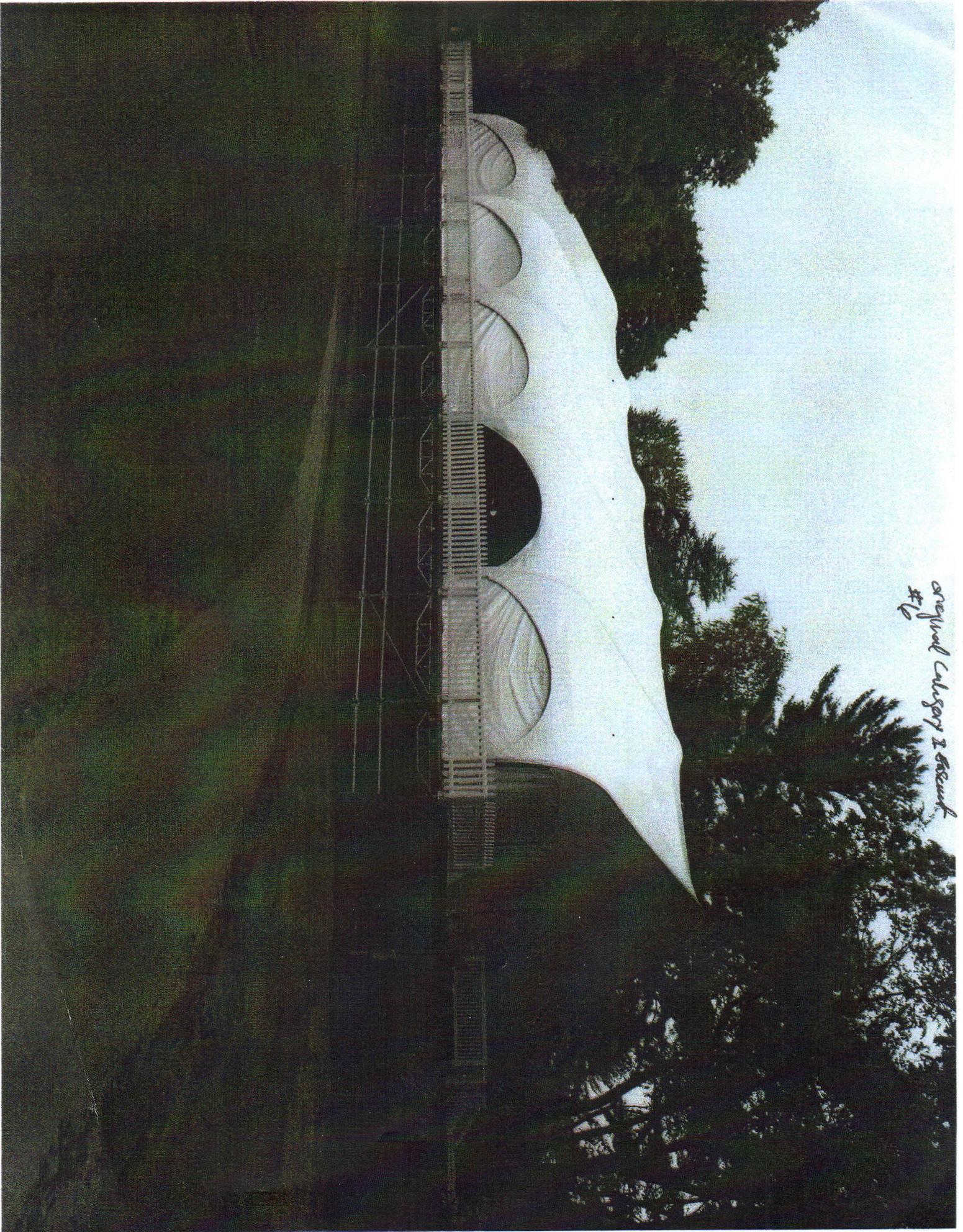
10/17/12

Date

Attachment 4

original category F easement #5





original Calisoy 2000
#10



Original Category I Easement
4