Goshen Enterprises: Forest Conservation Plan No. CU2018-06

Description
Goshen Enterprises

A Forest Conservation Plan to address a request for a Conditional Use to operate a Landscape Contractor business on 30-acre property located at 21201 Zion Road, Brookeville, MD at the northeast corner of its intersection with Riggs Road, identified as Parcel P490 Tax Map HV21 (Addition to Brooke Grove), AR Zone, 2005 Olney Master Plan Area.

Staff Recommendation: Approval with conditions
(Planning Board Action)

Applicant: Kevin Bohrer
Application Filed: April 9, 2018
Review Basis: Chapter 22A, Forest Conservation Law

Summary

- The Application proposes a phased construction of a landscape contracting business utilizing one existing building and two new buildings.
- The Application does not propose any forest clearing and generates a 1.15-acre planting requirement.
- There are no outstanding issues to be addressed in this Staff Report; the application fully complies with Chapter 22A of the County Code.
STAFF RECOMMENDATION: Approval of the Forest Conservation Plan No. CU2015-04, subject to the following conditions:

1. Prior to certification of the Final Forest Conservation Plan Applicant will add a planting plan, planting notes, and planting details.
2. Within ninety days of the date of the Hearing Examiner’s Opinion approving Conditional Use Application CU2018-06, the Applicant must:
   a. Record a Category I conservation easement over all areas of forest retention and forest planting as specified on the approved Forest Conservation Plan. The Category I Conservation Easement must be approved by the M-NCPPC Office of the General Counsel and recorded by deed in the Montgomery County land records.
   b. Install permanent forest conservation easement signage along the perimeter of the conservation easement, as determined by the M-NCPPC forest conservation inspector.
3. Within seven months of the date of the Hearing Examiner’s Opinion approving the Conditional Use Application CU2018-06, the Applicant must plant 0.58 acres of forest as specified on the approved Forest Conservation Plan.
4. Submit financial surety for planting 0.58 acres of forest and obtain M-NCPPC approval of a two-year maintenance and management agreement for the forest planting area before any planting or land disturbing activities occur.

SITE DESCRIPTION

The subject property is identified as Parcel 490 on Tax Map HV 21, and is located at 21201 Zion Road, in the northeast quadrant of its intersection with Riggs Road in the Olney Master Plan area (“Subject Property” or “Property”). The Property is zoned Agricultural Reserve (AR), and it is 30.49 acres in size. The Property is developed as an active tree farm with one existing building near the center and gravel parking as well as operational parking areas that are used for the farm.

The entire Property drains to the Hawlings River Watershed, which is classified by the State of Maryland as Use Class IV waters. There are offsite streams to the west and east of the Property, however there is no stream valley buffer onsite. Approximately one-third of the Property is located within the Patuxent River Watershed Primary Management Area (PMA). There is no mapped 100-year floodplain on the Property. The Property contains approximately 1.21 acres of forest. Twenty-one large trees were identified on the Property, including nine specimen trees (≥ 30 inches Diameter at Breast Height (DBH)). The majority of these trees are located within the existing forest stand in the southeast corner of the Property. There are no steep slopes or highly erodible soils. Neighboring land uses include agriculture uses. The Property abuts agricultural activities on all sides (Figures 1 and 2).
Figure 1. 2015 Aerial Photograph of Vicinity

Figure 2. 2015 Aerial Photograph of Parcel 490
PROJECT DESCRIPTION

The Forest Conservation Plan (FCP) was prepared as part of Conditional Use Application No. CU2018-06 (“Application”), to operate a landscape contractor business (Attachment A). While the Planning Board is technically advisory on Board of Appeals applications, the Planning Board must make a finding that the pending Conditional Use Application complies with Chapter 22A, the Montgomery County Forest Conservation Law.

The Application proposes the use of the one existing building and the phased construction of two additional buildings and associated gravel driveways and gravel parking areas. The Application does not propose to impact or clear any forest or specimen trees.

ANALYSIS AND FINDINGS

Forest Conservation

The Application meets the requirements of Chapter 22A of the Montgomery County Forest Conservation Law. A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) was approved for the Property on July 14, 2017. A Forest Conservation Plan has been submitted for review. There is approximately 1.21 acres of existing forest on the Property. The forest is comprised of one stand. The stand is a mature, mixed-hardwood forest dominated by hickory, oak, and maple. The nursery stock on the Property does not constitute forest and is not included in the 1.21 acres.

The total tract area for the Property is 30.49 acres. The Applicant has deducted 24.75 acres from the net tract area, for an area to remain in agriculture (Tree Nursery). This leaves a net tract area of 5.74 acres that is subject to the forest conservation plan. The project does not propose to clear any of the existing forest, however, based on the land use category and the forest conservation worksheet there is a 1.15-acre afforestation planting requirement. The Applicant proposes to retain 1.21 acres of existing offsite forest (within the area deducted from the forest conservation worksheet as agricultural) and plant 0.58 acres of additional forest adjacent to that within the boundary of Parcel 490.
Figure 3: Illustrated Forest Conservation Plan

NOTIFICATION and OUTREACH
The Subject Property was properly signed with notification of the upcoming Conditional Use prior to submission. All adjoining and confronting property owners, civic associations, and other registered interested parties will be 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.

CONCLUSION
The Forest Conservation Plan meets all applicable requirements of Chapter 22A of the County Code. Therefore, Staff recommends that the Planning Board approve the Forest Conservation Plan with the conditions cited in this Staff Report.

Attachments
Attachment A – Forest Conservation Plan