



Congressional Country Club, Final Forest Conservation Plan Amendment No. CBA-1206

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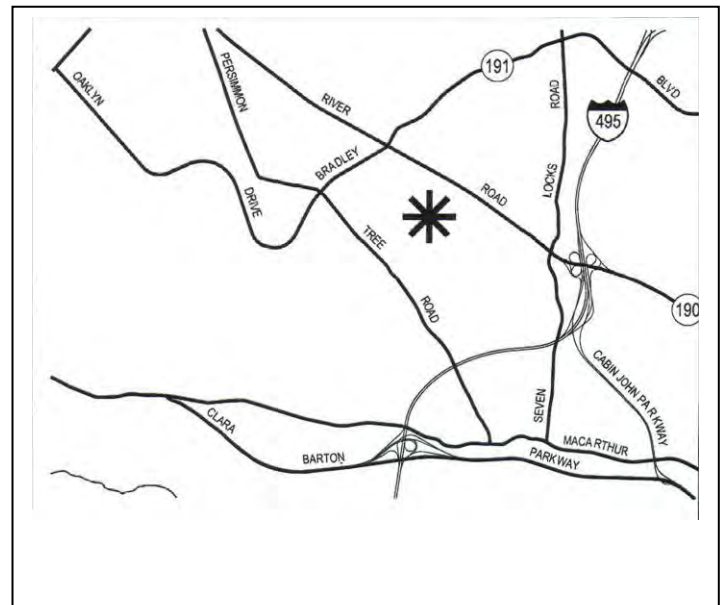
Description

Congressional Country Club Final Forest Conservation Plan Amendment No. CBA-1206

A request to amend the Final Forest Conservation Plan to allow for a redesign of the Blue Course to improve playability and to bring the course up to Professional Golf Association standards for hosting tournaments; located at 8500 River Road, in the southeast quadrant of the intersection of River Road (MD 190) and Bradley Blvd. (MD 191); RE-2/R-200 Zones; 357.80 acres within the 2002 Potomac Subregion Master Plan.

Staff Recommendation: *Approval with conditions*

Applicant: Congressional Country Club
Accepted Date: March 12, 2019
Review Basis: Chapter 22A



Summary

- Staff recommends **Approval with conditions**.
- Application to amend the approved Final Forest Conservation Plan to allow for the removal of on-site Category I and Category II conservation easements, removal and impacts to trees subject to the Tree Variance provision of the Forest Conservation Law and impacts within the on-site stream buffers to allow for a redesign of the Blue Course to improve playability by alleviating conflicts between the course and existing conditions related to drainage issues, air flow, and shade, and to bring the course up to Professional Golf Association standards to allow for hosting of events.
- The Application corrects the forest conservation worksheet to comply with Chapter 22A, Forest Conservation Law.
- The Application includes removal of 3.70 acres of on-site Category I and 13.18 acres of Category II conservation easements.
- The Application includes on-site and off-site mitigation to comply with Chapter 22A, Forest Conservation Law.
- The Application does not change the existing approval under Special Exception CBA-1206-G.
- The Application meets the requirements of Chapter 22A, Forest Conservation Law.

SECTION 1 - RECOMMENDATION AND CONDITIONS

Staff recommends approval of Final Forest Conservation Plan Amendment CBA-1206, Amendment #5, subject to the following conditions:

1. Prior to the start of any clearing, grading, or demolition on the Property, the Applicant must record Category I conservation easements as shown on the approved Final Forest Conservation Plan in a form approved by the M-NCPPC Office of the General Counsel among the Montgomery County Land Records. The Category I Conservation Easements approved by the M-NCPPC Office of the General Counsel must be recorded in the Montgomery County Land Records by deed prior to the abandonment of the existing easements.
2. Prior to the start of any clearing, grading, or demolition on the Property, the Applicant must record, in the Montgomery County Land Records, an M-NCPPC approved Certificate of Compliance in an M-NCPPC approved off-site forest bank to satisfy the reforestation requirement for a total of 7.16 acres of mitigation bank credit. Prior to recordation, the Certificate of Compliance must be approved by the M-NCPPC Montgomery County Planning Department Office of General Counsel.
3. Prior to the start of any clearing, grading, or demolition on the Property, the Applicant must submit abandonment agreements to remove the Category I and Category II conservation easements that are being extinguished. These Agreements must be in a form approved by the M-NCPPC Office of the General Counsel. Within thirty (30) days of receiving approval of the Abandonment Agreements from M-NCPPC, the Applicant must record the Abandonment Agreements in the Montgomery County Land Records.
4. The Applicant must plant mitigation trees on the Subject Property with a minimum size of 3 caliper inches totaling 867 caliper inches as shown on the approved Final Forest Conservation Plan. Adjustments to the planting locations of these trees is permitted with the approval of the M-NCPPC forest conservation inspector.
5. Within the first planting season following the release of the Sediment and Erosion Control Permit from the Montgomery County Department of Permitting Services for this Property or at the discretion of the M-NCPPC forest conservation inspector, the Applicant must install the plantings shown on the approved Final Forest Conservation Plan.
6. Prior to the start of any clearing, grading, or demolition on the Property, the Applicant must provide financial surety to guarantee the proposed forest and tree planting on the Property, as specified on the approved Final Forest Conservation Plan, in a form acceptable to the M-NCPPC Office of the General Counsel.
7. Prior to the start of any clearing, grading or demolition on the Property, the Applicant must submit for review and approval a two-year Maintenance and Management Agreement to the M-NCPPC Planning Department for the required forest and tree planting on the Property as shown on the approved Final Forest Conservation Plan. The Agreement must be approved by the M-NCPPC Office of the General Counsel.
8. Prior to the start of any disturbance associated with the realignment of the stream channel located between the two ponds and adjacent to golf course hole #10, the Applicant must provide M-NCPPC Staff with detailed plans of the proposed work.
9. Prior to the start of any disturbance associated with the restoration and stabilization of the stream located adjacent to golf course hole #11, the Applicant must provide M-NCPPC Staff with detailed plans of the proposed work.
10. The recommendations specified by Proper Tree Care in a letter dated June 19, 2019 for the protection and preservation of Trees #528 and #532 must be implemented under the direction of the M-NCPPC forest conservation inspector.

11. At the direction of the M-NCPPC forest conservation inspector, areas where non-native, invasive species controls and management should be addressed will be identified and appropriate controls will be implemented by the Applicant. Supplemental planting by the Applicant may be required to reestablish these areas with native vegetation.
12. Prior to the start of any clearing, grading, or demolition on the Property, the Applicant must identify and provide funding for the costs associated with a watershed enhancement project within the Cabin John Creek Watershed. The project location and scope must be coordinated with M-NCPPC Parks Department Staff. The amount of funding by the Applicant for the watershed enhancement project must not exceed \$800,000.
13. The Limits of Disturbance ("LOD") shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved Final Forest Conservation Plan.
14. The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Tree save measures not specified on the approved Final Forest Conservation Plan may be required by the M-NCPPC forest conservation inspector.
15. The Applicant must install permanent conservation easement signage along the perimeter of the Category I and Category II Conservation Easements or as determined by the M-NCPPC forest conservation inspector. Signs must be installed at maximum of 100 feet apart with additional signs installed where the easement changes direction. The M-NCPPC forest conservation inspector is authorized to determine the timing and location of sign installation.

SECTION 2 - SITE LOCATION AND EXISTING CONDITIONS

Site Location and Vicinity

Congressional Country Club ("Club") is a 357.80-acre private country club and golf course identified as Parcels A and B and zoned RE-2/R-200 ("Property" or "Subject Property"). It is located at 8500 River Road, in the southeast quadrant of the intersection of River Road (MD 190) and Bradley Boulevard (MD 191), in Bethesda (Figure 1). The Property is comprised of Parcel A and Parcel B, with Persimmon Tree Road dividing the two parcels. The Property fronts onto River Road, Bradley Boulevard, and Persimmon Tree Road, with residential lots zoned RE-2 and RE-2C located to the north and west, and lots zoned R-200 to the south and east (Figure 2). The Property is located within the 2002 *Potomac Subregion Master Plan* area and within the Cabin John Creek Watershed, which is classified by the State of Maryland as Use I-P waters.



Figure 1 - The Property (Parcel A and Parcel B)

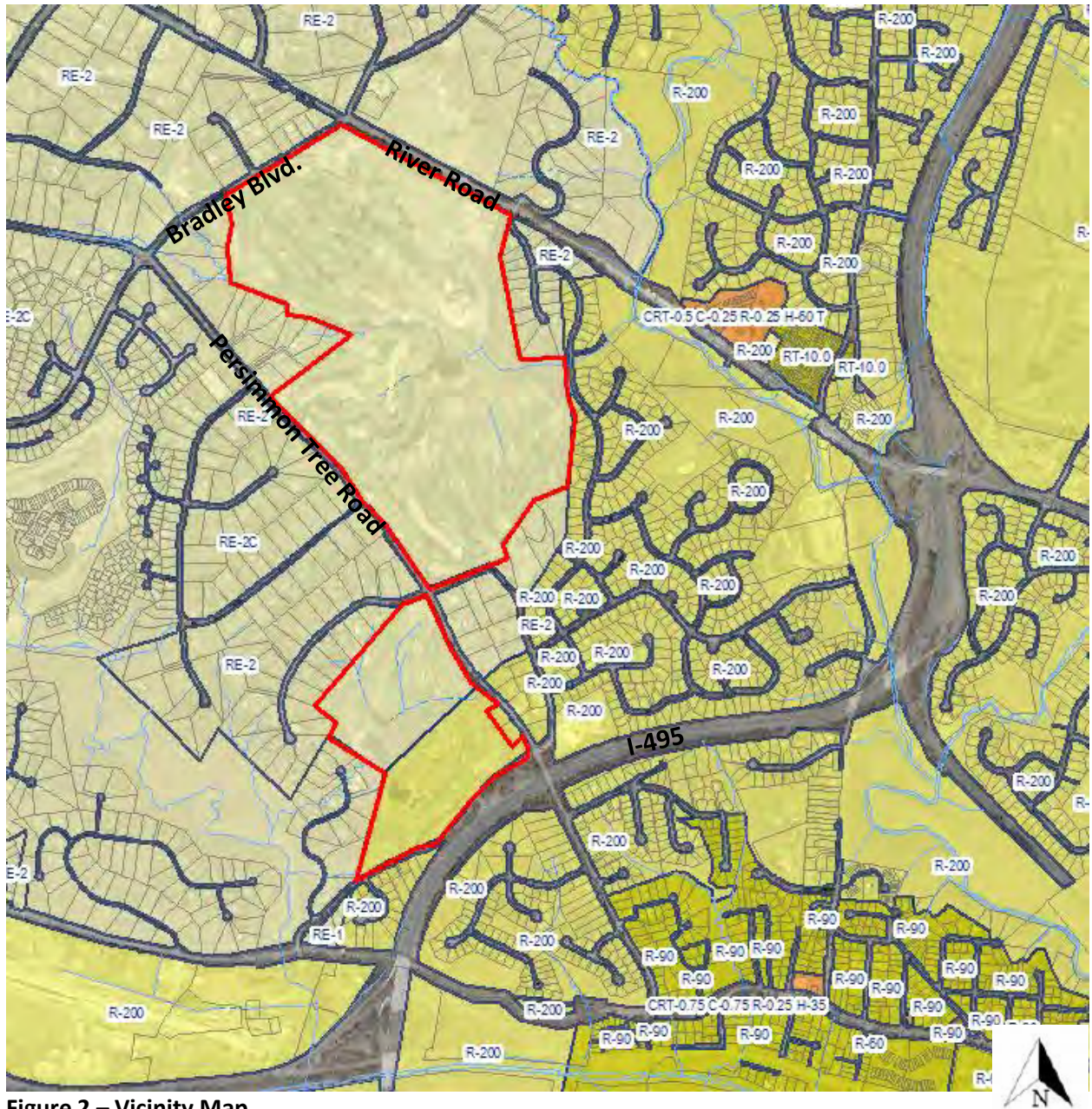


Figure 2 – Vicinity Map

Existing Conditions

The Property is currently developed with two 18-hole golf courses, tennis courts, pools, a club house, and other recreational amenities for the Country Club's members, as well as structures associated with the maintenance of the facilities. The two golf courses are known as the Blue Course and the Gold Course. A tributary stream to Cabin John Creek enters the Property near the northwestern corner and flows in a southeasterly direction along the property boundary before entering a series of ponds that are centrally located on the site. After exiting the ponds, the stream flows in a westerly direction before leaving the Property and ultimately joining the mainstem of Cabin John Creek within the nearby Cabin John Stream Valley Park. The Property includes approximately 57.61 acres of Category I conservation easements, and 19.4 acres of Category II conservation easements.

SECTION 3 - PRIOR APPROVALS AND PROPOSED AMENDMENT

Prior Approvals for Special Exception CBA-1206

Special Exception CBA-1206 was originally approved in February 1962 and has since been amended eight times by the Board of Appeals, the most recent amendment CBA-1206-G was granted on June 13, 2007. 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 amendment, the Club recorded over 58 acres of Category I and 19 acres of Category II conservation easements in the Montgomery County Land Records. The most recent comprehensive FCP amendment, Final FCP CBA-1206E-3, was granted on May 7, 2013. The 2013 amendment included a net removal of 0.92 acres of Category I and 0.49 acres of Category II conservation easements to eliminate the potential for easement encroachments during golf tournaments. Two subsequent FCP approvals were granted; on December 17, 2015, an approval for the construction of new tennis courts and a small parking area located within non-forested areas and outside of any conservation easements was approved. This approval included the removal of one specimen tree under the Tree Variance provision, and mitigation in the form of tree replacement was provided on-site. On January 17, 2019, a Forest Conservation Plan of Compliance FCP No. CBA 1206 was approved in response to a sediment control violation on the Property. The violation included the removal of tree canopy but did not affect any trees protected by the approved Forest Conservation Plan, including trees located within Category I or Category II conservation easements or any significant or specimen trees.

The current FCP approval includes a Forest & Tree Management Plan that was approved in 2013. The purpose and goal of this Management Plan was to “establish conservation and best management practices to be followed by Congressional Country Club (“Club”) relative to the maintenance, removal and/or replacement of individual and specified specimen trees located on the Club’s property, some of which are within conservation easement areas...”. This Management Plan allows for measures to be taken under the direction of the M-NCPPC forest conservation inspector that allow for additional maintenance of the easement areas as well as special provisions for temporary easement encroachment during golf tournaments. Despite the allowances this Management Plan affords, the Club continues to experience conflicts with the numerous existing conservation easements located throughout the Property.

Current Application for Final Forest Conservation Amendment CBA 1206

Congressional Country Club (“Applicant”), filed an application to amend the approved Final Forest Conservation Plan to allow for the removal of existing Category I and Category II conservation easements, removal and impacts to the critical root zones of trees subject to the Tree Variance provision of the Forest Conservation Law, and disturbance within the stream buffer (“Application”) (Figure 3 and Attachment A). This amendment includes updates to the existing Blue Course where golf tournaments on the Professional Golf Association (PGA) tour are held. The Blue Course is located on Parcel A (Figure 4). This Application does not include any changes to the Gold Course, which is located on Parcel B. Currently, there are 27 individual Category I conservation easements totaling 57.61 acres, 51 critical root zone Category II conservation easements totaling 16.5 acres, and 5 landscaping credit Category II conservation easements totaling 2.90 acres on the Property. The proposed changes to the plan requested in this Application are outlined and discussed in more detail below.



Figure 3 – Final FCP Amendment



Figure 4 – Parcel A – Blue Course

The Applicant's request to amend the Final FCP is based on their need to rectify existing drainage issues on the course that are caused by the current design of the course, as well as the maturation of many of the trees located along the course that shade and block the flow of air to the playable areas. The Blue Course was renovated in the past to a stadium design which allowed for spectators to be on higher ground above the course to provide better visibility for spectators, camera crews, etc. The design resulted in runoff from precipitation events being directed down to the course. This, combined with the maturation of the trees along the course over the years, has created a situation where portions of the course are too wet to play, grass cannot grow properly and large fans have been installed to expedite the drying of the course so that play may resume. The conditions on the course have changed over time due to the growth of trees that block sunlight and air flow to the course. That combined with changing weather patterns and the topography of the current course have resulted in drainage issues that leave the course unplayable by members for days at a time and prohibit the ability to host events. In addition to the inconveniences to members when the course is not playable, the Club has been advised to redesign the course to meet current standards expected of courses that host PGA and other high-level professional golf tournaments. To address these issues and concerns, the Applicant proposes to remove 3.70 acres of on-site Category I and 13.18 acres of Category II conservation easements.

SECTION 4 – ANALYSIS AND FINDINGS

Forest Conservation

The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code Chapter 22A.

Since this Application proposes a major redesign to the Blue Course, it provided an opportunity to take a comprehensive look at the existing approval and how best to amend the plans to meet the current and future objectives of the Club as well as meet the goals and requirements of the Forest Conservation Law. In reviewing the Application, Staff noted that the previous FCP approvals were not in conformance with the Forest Conservation Law in terms of how credit was assigned to existing forest and forest retention calculations. The original approval included an existing forest calculation of 70.14 acres that was comprised of 53.26 acres of forest identified on the approved NRI/FSD as part of 14 forest stands plus 16.88 acres of critical root zone area for specimen trees. It also identified 59.56 acres of forest retention comprised of 43.12 acres from the 14 forest stands plus 16.44 acres of preserved critical root zones. The Forest Conservation Law does not allow for critical root zones of specimen trees to count as existing forest and forest retention. This was an error in the original approval that was carried forward with subsequent amendments. The originally calculated forest planting requirement was previously met via supplemental reforestation within Category I conservation easements, supplemental planting adjacent to tree stands so they would meet the definition of “forest” with protection in Category I conservation easements, and 1.67 acres of off-site credit in a forest bank. Given the scope of this amendment and the unusual review of the original FCP, Staff took the opportunity to completely re-evaluate the FCP and how it is meeting the Forest Conservation Law.

Typically, after an FCP is approved, any further amendments include an evaluation of existing conservation easements and the effect of the amendment on those easements. If the amendment proposes easement removal, mitigation for the loss of the easement area is provided either on or off-site. The forest conservation worksheet calculations are not normally revisited. In this case, since the original forest conservation calculations were incorrect, the forest conservation worksheet was redone to include the corrected existing forest calculation based on the 14 forest stands totaling 53.26 acres shown on the approved NRI/FSD. The notes on the approved Final FCP indicate 43.12 acres of forest from the 14 forest stands was originally retained and protected in Category I conservation easements, resulting in a forest clearing calculation of 10.14 acres. Based on these corrected numbers, the total planting requirement would have been 20.69 acres.

This Application, FCP Amendment #5, proposes the removal of 3.7 acres of Category I conservation easement. Approximately 2.12 acres of which is part of Category I conservation easement #2, which was part of the original existing forest. The remaining 1.58 acres of Category I conservation easement proposed for removal is forest planting that was previously completed, and which is now being subtracted from the forest planting credits rather than the forest retention calculations. The revised total forest clearing calculation of 12.26 is comprised of the original 10.14 acres plus the proposed 2.12 acres. The result is a total planting requirement of 24.93 acres, which includes a reforestation requirement of 24.52 acres and an afforestation requirement of 0.41 acres. Next, Staff evaluated the credits provided to meet the forest planting requirement. The Forest Conservation Regulations (22A.00.01.08(G)) allow for some landscape credits as described below.

Afforestation Credit - may be established as tree cover in institutional uses, such as a golf course. Full credit is given for landscape areas and retained tree stands of any size and full credit is also given for protected critical root zones of individual trees.

Reforestation Credit – full credit for landscaping and retained tree stands $\geq 2,500$ square feet and 35 feet wide; $\frac{1}{4}$ credit for areas $< 2,500$ square feet or 35 feet wide; and $\frac{1}{4}$ credit for protected critical root zones when $\frac{2}{3}$ is protected. The total credit from these areas must not exceed 20% of the overall reforestation requirement.

This Application proposes to retain 1.34 acres of Category II conservation easements established via tree save areas and 4.88 acres of Category II conservation easements established via critical root zone protection. The total 24.93-acre planting requirement (0.41 acres of afforestation and 24.52 acres of reforestation) for this FCP will be satisfied as follows:

- 0.41-acre afforestation requirement to be met via landscape credit through retention of existing Category II conservation easements protecting critical root zones (full credit).
- 24.52-acre reforestation requirement to be met via landscape credit (maximum of 20% = 4.90 acres) and reforestation options.
 - 1.34 acres of existing tree save areas in Category II conservation easements (full credit)
 - 1.12 acres of existing Category II conservation easements protecting critical root zones (4.88 acres CRZ protected – 0.41 acres utilized for afforestation requirement = 4.47 acres remaining. Reforestation requirement allows $\frac{1}{4}$ credit for these areas: $4.47 \text{ acres} / 4 = 1.12$ acres of credit).
 - 1.67 acres credit in an off-site forest bank from a previous amendment.
 - 5.09 acres credit for previous forest planting in tree stands to meet forest definition and protection in Category I conservation easements (Tree Stand #1: no credit because easement #33 is proposed to be removed, Tree Stand #2 never received credit, Tree Stand #3: 0.54-acre credit in easement #34. Part of this easement will be removed by this amendment and is counted in the loss of credit for supplemental reforestation (see below)*, Tree Stand #4: 0.41-acre credit in easement #24, Tree Stand #5: 1.07-acre credit in easement #23, Tree Stand #6: 0.73-acre credit in easement #23, Tree Stand #7: 0.57-acre credit in easements #16 & 17, Tree Stand #8: 0.26-acre credit in easement #18, Tree Stand #9: 0.81-acre credit in easement #19, Tree Stand #10: 0.70-acre credit in easement #20.
 - Previous Reforestation Area #1 (easement #33) – no credit as this easement is proposed to be removed as part of this Application
 - Previous Reforestation Area #2 (easement #7) – 0.73 acres
 - 5.54 acres supplemental reforestation areas within easements 32-38. Easement #32 – no credit because planting was 0.55 acres and amendment removed 0.63 acres, Easement #33 – no credit because entire easement is proposed to be removed as part of this Application, Easement #34 – 0.27 acre credit because 0.45 acres was planted and 0.18 acres is proposed to be removed as part of this Application*, Easement #35 – 1.39 acres, Easement #36 – 1.50 acres, Easement #37 – 1.21 acres, Easement #38 – 1.17 acres.
 - 1.87 acres proposed forest planting and creation of Category I conservation easements #39 and #40 as part of this Application.
 - 7.16 acres (311,890) square feet proposed to be satisfied at an M-NCPPC approved forest bank.

*Tree stand #3 = 0.64 acres (of that, 0.54 acres was planted and protected in Category I conservation easement #34 and later 0.45 acres of supplemental planting was done in this easement resulting in Category I conservation easement #34 = 0.99 acres. This Application proposes to remove 0.18 acres of this easement so 0.81 acres remains (0.54 acres + 0.27 acres).

The 24.93 acres total planting requirement is being satisfied by:

1.53 acres existing CRZ protection in Category II conservation easements

1.34 acres existing tree save areas in Category II conservation easements

13.23 acres of Category I conservation easements (11.36 acres existing + 1.87 proposed)

8.83 acres in an off-site forest bank (1.67 acres existing + 7.16 acres proposed)

Forest Conservation Tree Variance

Section 22A-12(b)(3) of the Montgomery County Forest Conservation Law provides criteria that identify certain individual trees and other vegetation as high priority for retention and protection. The law requires that there be no impact to: trees that measure 30 inches or greater DBH; are part of an historic site or designated with an historic structure; are designated as national, State, or County champion trees; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species. Any impact to high priority vegetation, including disturbance to the critical root zone (CRZ) requires a variance. An applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. This Application to amend the Final FCP requires impacts to trees identified as high priority for retention and protection (Protected Trees), therefore, the Applicant has submitted a variance request for these impacts. Staff recommends that a variance be granted, and mitigation be required.

Variance Request – The Applicant submitted a variance request in a letter received by the Montgomery County Planning Department on May 13, 2019, for the impacts/removal of trees (Attachment B). The Applicant wishes to obtain a variance to remove 110 Protected Trees that are 30 inches or greater, DBH, and considered a high priority for retention under Section 22A-12(b)(3) of the County Forest Conservation Law (Attachment C). These trees are described in detail in the Applicant’s letter and shown graphically on the Forest Conservation Plan. The Applicant also proposes to impact, but not remove, 24 Protected Trees that are considered high priority for retention under Section 22A-12(b)(3) of the County Forest Conservation Law (Attachment D). Details of the Protected Trees to be affected but retained are described in detail in the Applicant’s letter and shown graphically on the Forest Conservation Plan. The Protected Trees included in the Tree Variance Request are graphically shown in Attachment E.

Unwarranted Hardship Basis – Per Section 22A-21, a variance may only be considered if the Planning Board finds that leaving the Protected Trees in an undisturbed state would result in an unwarranted hardship, denying an applicant reasonable and significant use of the Property. The Applicant contends that an unwarranted hardship would be created due to existing conditions on the Property that have evolved over time since the Property was originally developed, and the needs and expectations of the current use of the Property.

The Protected Trees are located throughout and immediately adjacent to the Property. The Property is currently developed for use as a country club and golf course having received the Special Exception approval in 1962. This Application to amend the approved Final FCP includes a redesign of the Blue Course, which is the course that is used by members of the Club as well as where major golf tournaments

take place and are planned in the future. There is an expectation that the current use of the Property may be maintained. Over the years, the conditions on the Property have evolved due to the growth of trees, which are now impeding the amount of sunlight and air movement that reaches the course, along with changing weather patterns and course topography. Combined, these conditions have resulted in surface and subsurface drainage issues on the course that are requiring fans to be temporarily installed to expedite drying out the course after precipitation events. The drainage issues have left portions of the course unavailable for members to play and are a limitation to scheduling major golf events in the future. The conditions are such that the Applicant is not able to fully utilize the Property for the use that has been approved and taken place for decades. To alleviate these conditions, the Applicant has proposed to redesign the course which will also require extensive grading to modify the topography. In addition, existing conservation easements will be removed and mitigated, and Protected Trees will be impacted, resulting in the need for a tree variance. Staff worked with the Applicant to revise the limits of disturbance to minimize the impacts to the Protected Trees as much as possible. The number and location of the Protected Trees within the developed portions of the Property, and the changing conditions create an unwarranted hardship. If the variance were not considered, the development approved on this Property would be limited. This Application does not cause an unwarranted hardship if a variance were not considered.

Variance Findings – Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made by the Planning Board or Planning Director, as appropriate, for a variance to be granted. Staff has made the following determination based on the required findings in the review of the variance request and the forest conservation plan:

Granting of the requested variance:

1. *Will not confer on the applicant a special privilege that would be denied to other applicants.*

Granting the variance will not confer a special privilege on the Applicant as the disturbance to the Protected Trees is due to the need to maintain the existing approved use on the Property. Protected Trees are located throughout the developed areas of the Property and with the Applicant's proposed redesign the golf course will remain almost entirely within the same developed footprint. The Applicant's proposal to redesign the golf course which requires re-grading to alleviate topographic and drainage issues and to allow sunlight and airflow to the turf to maintain playability has resulted in unavoidable impacts to Protected Trees. The requested removal of and impacts to Protected Trees are due to required improvements necessary to maintain the existing use of the Property within the already developed areas of the site. Granting a variance to allow land disturbance within the developed portion of the Property is not unique to this Applicant. The granting of this variance is not a special privilege that would be denied to other applicants.

2. *Is not based on conditions or circumstances which are the result of the actions by the applicant.*

The need for the variance is not based on conditions or circumstances which are the result of actions by the Applicant. The requested variance is based upon existing and evolving conditions on the Property, including the location of the Protected Trees within the developable area.

3. *Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.*

The need for a variance is a result of the existing conditions and the proposed design and layout of the Property, and not a result of land or building use on a neighboring property.

4. *Will not violate State water quality standards or cause measurable degradation in water quality.*

The variance will not violate State water quality standards or cause measurable degradation in water quality. Onsite mitigation for the removal of the Protected Trees will ultimately replace the functions currently provided by the Protected Trees to be removed.

Mitigation for Protected Trees – Twenty (20) trees subject to the variance provision and proposed to be removed are located within the existing Category I conservation easements. The removal of these trees is incorporated in the “forest clearing” calculations of the Forest Conservation Plan. Staff does not recommend additional mitigation for the loss of these trees as they are accounted for in the forest conservation worksheet as “forest clearing”. Ninety (90) trees subject to the variance provision and proposed to be removed are either located within the existing Category II conservation easements or are individual trees located outside of any conservation easements. Mitigation for the removal of these trees is recommended at a rate that approximates the form and function of the trees removed. Therefore, Staff is recommending that replacement occur at a ratio of approximately 1-inch caliper for every 4 inches removed, using trees that are a minimum of 3 caliper inches in size. This Application proposed to remove approximately 3,467 inches in DBH, resulting in a mitigation requirement of 867 caliper inches of planted, native, canopy trees with a minimum size of 3-inch caliper. The FCP includes the planting of a combination of 37 trees totaling 228 caliper inches that will be transplanted from portions of the Property located within the LOD and 160 4-inch caliper, native, canopy trees as mitigation for the removal of the 90 variance trees. Although these trees will not be as large as the trees lost, they will provide some immediate benefit and ultimately replace the canopy lost by the removal of these trees. Staff does not recommend mitigation for trees affected, but not removed. The affected root systems of these trees will receive adequate tree protection measures allowing the roots to regenerate and the functions provided restored.

County Arborist’s Recommendation on the Variance – In accordance with Montgomery County Code Section 22A-21(c), the Planning Department is required to refer a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection for a recommendation prior to acting on the request. In a letter dated June 13, 2019, the County Arborist has recommended approval of the variance request with mitigation (Attachment F).

Stream Buffer Encroachments

The Application is subject to the *Guidelines for Environmental Management of Development in Montgomery County* (January 2000) (Environmental Guidelines), which includes guidance for the protection of streams and their buffers. Section IV-A1 of the Environmental Guidelines allows for some encroachments within the stream buffer under certain circumstances, and when determined by staff that there are no reasonable alternatives and the impacts have been minimized as much as possible.

The Property is an existing developed country club and golf course. The existing conditions include numerous encroachments, including fairways, tees, cart paths and other features associated with the golf

course within the stream buffers on the Property. The Application identifies the following areas of proposed encroachments within the stream buffers on the Property (Attachment G):

Areas A, B, and C – This portion of the stream buffer contains existing encroachments for a cart path and related golf course features and is not protected in a conservation easement. The Application proposes to create a “lazy river” in the area between and parallel to the stream and golf course hole #6, near the northwestern property boundary. This will serve as a water feature for the course but will also collect runoff from the golf course prior to it reaching the stream. The “lazy river” is designed to be a self-contained feature that recycles water via pumps within itself. This feature is not designed to discharge to the stream. The Application also proposes to reforest portions of this stream buffer that are currently void of vegetation and extend the existing Category I conservation easement to include these plantings for a total of 1.40 acres of new Category I conservation easement within the stream buffer.

Area D - This portion of the stream buffer contains existing encroachments for cart paths and features, including the tees related to golf hole #10. The Application proposes to relocate the tees to the west, still within the stream buffer, and to realign the short section of stream between the two existing ponds on the Property. The stream will be realigned further west, away from the proposed disturbance, including an existing manmade fill slope, to be in closer proximity and connection to an existing wetland. This area between the two ponds is highly disturbed but there is a functioning wetland in this area that will likely benefit from the closer association with the section of stream that flows between the two ponds. Supplemental planting will occur in this area within the stream buffer.

Area E – This portion of the stream buffer is located near the eastern property boundary, just south of the outdoor pools, and is currently impacted by the tees for golf hole #11. As part of the golf course redesign, there will be some minimal grading in this area and the tee for this hole will remain in this area.

Area F – This portion of the stream buffer contains an existing storm drain outfall that runs under the fairway of golf hole #11. The pipe and outfall are in a degraded condition and will be replaced, with the outfall located in the same location along the stream channel as it is today. This area will also include some additional riparian plantings.

Area G – This portion of the stream buffer is located near the eastern property boundary and is currently impacted by the tees for golf hole #13. As part of the golf course redesign, there will be some minimal grading in this area and the tee for this hole will remain in this area.

Area H – This portion of the stream buffer is located adjacent to the large pond, near the green for golf hole #18 and will be minimally impacted by proposed grading. Existing encroachments related to cart paths and golf course features currently exist in this area.

Mitigation for stream impacts – The Application proposes to disturb portions of the stream buffer that are located outside of existing conservation easements and are currently impacted by the existing golf course. The golf course was originally constructed prior to the adoption of the laws and regulations that protect streams and other environmental features that are in place today. While the Club proposes a redesign and extensive re-grading of the site, the overall footprint of the Blue Course will essentially remain the same. Based on the extent of this redesign and

associated grading operation required to rectify the issues the course currently experiences, the impacts to the stream buffer have been avoided and minimized. The Application includes enhancements to the stream and associated buffers that include additional riparian plantings of native vegetation, and inclusion of an additional 1.40 acres of Category I conservation easement (Easement #40) located within the stream buffer. As additional mitigation for the proposed land disturbance, the Applicant has agreed to make a financial contribution not to exceed \$800,000 to an off-site watershed enhancement project within the Cabin John Creek watershed. This project was identified in coordination with and will be implemented by the M-NCPPC Department of Parks. As conditioned, the Department of Parks will develop a scope for this watershed enhancement project in conjunction with their Capital Improvement Plan.

SECTION 5 - CONCLUSION

The amended Final Forest Conservation Plan No. CBA1206 with conditions meets all applicable section of Chapter 22A of the Montgomery County Code, therefore, Staff recommends approval of the Final Forest Conservation Plan Amendment, subject to the conditions cited above.

ATTACHMENTS

Attachment A – Final Forest Conservation Plan Amendment
Attachment B – Applicant’s Request for a Tree Variance
Attachment C – Trees subject to the Variance Request to be removed
Attachment D – Trees subject to the Variance Request to be impacted but retained
Attachment E – Tree Variance Exhibit
Attachment F - County Arborist’s Recommendation for the Tree Variance
Attachment G – Stream buffer impacts

**CONGRESSIONAL COUNTRY CLUB
STATEMENT OF JUSTIFICATION
FOR A VARIANCE IN ACCORDANCE WITH SECTION 22A-21
OF THE MONTGOMERY COUNTY CODE
June, 2019**

I. BACKGROUND INFORMATION

The applicant, Congressional Country Club (CCC) is requesting tree variances pursuant to the provisions of Section 22A-21 of the Montgomery County Code for removal or significant impacts to specimen trees. The applicant is proposing to renovate the existing Blue Course and associated facilities, as well as provide stream buffer improvement in select locations along existing streams. The site is located at 8500 River Road in Bethesda, Maryland.

II. APPLICANT'S PROPOSAL

The applicant's proposed changes to the approved Forest Conservation Plan are for renovations to Congressional Country Club's Blue Course. The modifications are needed to provide course playability and conditioning. The renovations include removing tree conflicts with turf grass adjacent to the fairways and tee areas, improving sight lines for play, engineered grading to help restore the natural landforms of the property and to allow for the course to be maintained in modern conditions. The proposal includes removal of existing conservation easements and trees which are subject to the variance provision of the Forest Conservation Law. The course will remain almost entirely in the same footprint with minor variations as it exists today.

Attached is a copy of amended Final Forest Conservation Plan showing the area of the proposed work and limit of disturbance.

III. EXPLANATION FOR NEED TO REMOVE THE TREES THAT IS IDENTIFIED IN STATE LAW FOR PROTECTION

Included in this variance justification is a copy of amended Final Forest Conservation Plan CBA-1206 which amends CBA-1206-E3. The forest conservation plan (FCP) has been updated to locate significant trees over 24-inches in diameter at breast height (DBH) in the area that is proposed for renovation. The specimen trees which will be impacted by the renovation and are the subject of this variance request are shown on the FCP. A list of the specimen trees for which a variance is requested is incorporated below and on the attached spreadsheet.

Each of the variance trees were thoroughly evaluated based on five different criteria. These criteria identify impacts to specimen trees that are within the area of work and the subject of this variance justification. The criteria were used to determine whether the overall condition of the specimen tree, in conjunction with the level of impact to the tree from the proposed site improvements, justifies removal of the tree. The criteria which are described below in more detail are in five general categories: grading and construction impacts; human and user's safety; tree health and its survivability; facility conflicts such as proposed cart path conflicts; and Course Function including playability and sight lines.

1. **Grading and Construction** – Existing course topography has caused drainage issues on the course, resulting in portion of the course not being available for members or/and inability to hold events. During the implementation of the proposed plan, grading and construction activities within the critical root zone will severely impact specimen trees. Impacts to greater than thirty percent of the critical root zone or the inner ring of the roots was considered significant to the long term viability of specimen trees.
2. **Human (user's) Safety**- Trees that are already in decline, either in their health or physical conditions and are proposing a threat to Human Safety are requested to be removed, especially since construction activity is imposing another level of stress on these plants. These trees can become a potential safety hazards to golfers and spectators, specifically if their location coincides with a play area, path or temporary media and spectator facilities.
3. **Survivability** – Numerous national experts have identified various issues impacting the golf course including poor agronomics, not enough energy for plants sustainability during summer (insufficient sunlight) and major compaction issues which have happened through time. Construction activities such as grading and heavy truck movements around a tree's CRZ in combination with poor nutrition can jeopardize the tree's survivability and long term viability. Certain species of trees, especially when grown outside of their native range or in stressful environments are susceptible to pest and disease damage. Eastern White Pine is one of the more susceptible trees and is no longer recommended for planting in this region due to sensitivity to pollution and heat stress. Trees such as Tulip Poplar at the edge of the woodlands, are sensitive to construction activities and wind throw, and these factors were also taken into consideration at certain locations.
4. **Facilities** – New cart and maintenance paths are being proposed to improve circulation around the golf course for players and spectators. The existing paths conflict with the layout of the renovated course are inefficient, and create maneuverability safety concerns. An outdated irrigation system contributes to inability of turf survival and hence comprehensive renovation of the irrigation system is required. This in turn results in major disturbances to Easements and tree CRZs throughout the site. Also temporary spectator and media facilities are required for major championship spectator events, these temporary and future facilities are also being considered while requesting easement or tree removal.
5. **Course Function** – Includes course playability and sightlines for players and spectators. Trees that are located too close to fairways, greens and tees impedes the growth of turf grass which is necessary for the function of the golf course. Heavy tree canopy shades the turf grass making it less vigorous and more prone to disease, and creates micro-climate conditions that hinder air circulation and create moist environments favorable to the growth of turf fungal diseases. Additionally, tree roots compete with turf for water and nutrients. In some instances, trees are requested for removal to avoid blind shots and interference with playability, since their growth, shape or location is beyond what can be addressed by the existing Forest and Management Plan.

IV. GENERAL DESCRIPTION AND JUSTIFICATION FOR TREES FOR WHICH A VARIANCE IS REQUESTED

Category I Easement Trees

Easement #2 contains 12.39 acres of forest conservation area. A 2.12 acre portion of this conservation easement is requested to be removed and 10.27 acres will remain. Part of this easement is requested to be removed in order to provide proper drainage, grading and construction activities, as well as Course Function and providing required facilities for tournaments and golfers. Riparian planted infiltration buffer is suggested along the stream banks as well as understory planting within the easement and along the riparian planting to provide filtration and enhance water quality. Mitigation is provided for this easement.

The tree removal impacts to this easement include three (3) variance trees and nine (9) significant trees to be removed. **Tree # 43** (32.2" Tulip Poplar) is to be removed due to declining health and very poor condition with its hollow trunk (Survivability). It also interferes with the course with shade, airflow and playability of Hole #12 (Course Function). In addition, grading and construction activities are impacting the CRZ of this tree. **Tree # 40** (Tulip Poplar 30.1") is being removed due to airflow and interference with the playability of the golf course (Course Function) and **Tree # 400** (Tulip Poplar 37.2"), requested to be removed due to conflict with temporary spectator structures required in major events (Course Function).

Easement #32 – Contains 2.42 acres of forest conservation area. The 0.63 acres of this conservation easement requested to be removed is due to necessary proposed Grading/Construction activities, in order to provide proper drainage as well as provide a better functioning golf course. 1.79 acres of this easement will remain. Mitigation is provided for this easement.

The tree removal impacts to the easement include four (4) variance trees to be removed. **Trees # 906, 907, 908, 909** are located next to the tee boxes for Hole #14, competing with survival of the turf and creating sightline obstruction for players (Course Function). All the trees are Tulip Poplars ranging from 35" to 39.2".

Easement #33 – Contains 2.65 acres of forest conservation area. All 2.65 acres are requested to be removed due to grading and construction activities associated with providing Facilities, including proposed realignment of the cart path. Mitigation is provided for this easement.

This includes thirteen (13) specimen variance, and thirteen (13) significant trees to be removed. **Tree #207** (38.2" White Oak) is requested to be removed due to the alignment of the proposed cart path (Facilities) and its weak crotch/poor condition (Survivability), **Tree # 215** (30.8" Southern Red Oak) is requested to be removed due to the alignment of the proposed cart path (Facilities). This tree is severely leaning toward the proposed pathway and presents a major Safety hazard for the users (Human Safety). **Tree # 225** (42" Red Maple) is requested to be removed due to very poor condition with weak crotch, die-back and decay, and its Survivability is in question (Survivability). With this poor condition and because of its location, and the alignment of the proposed cart path (Facilities), it is also considered hazardous to Human Safety., **Tree # 230** (36.2" Tulip Poplar) is requested to be removed due to its proximity to the temporary spectator structure (Facilities) and playability of the Course (Course Function), **Tree # 279** (34" Tulip Poplar) is requested to be removed due to grading impacts (Grading/Construction), declining health with trunk split at 3 feet (Survivability) , 30 degree lean over the

fairway (Human Safety), and alignment of the proposed cart path (Facilities). **Tree # 283** (30" Tulip Poplar) is requested to be removed due to grading and construction impact, proposed pathway realignment (Facilities), trunk split at 3 feet over the fairway (Human Safety) and Course Function, **Trees # 134, 251, 257, 285, 328, 335** are Tulip Poplars ranging from 30" to 46.4" and are being removed due the alignment of the proposed cart path (Facilities). **Trees # 106** (36.2" Tulip Poplar) is requested to be removed due to its location along the path (Facilities), Severe basal decay and vines (Survivability) and obstructing the playability of the course (Course Function). All of these trees are imposing problems or conflicts on Course Functionality.

Easement #34 – Contains 1 acre of forest conservation area. 0.18 acres of this conservation easement is requested to be removed and 0.82 acres will remain. For major golf events the 18th Hole will have the most spectator build-out, among temporary watch areas and media tents. The easement is requested to be removed to provide the required Facilities (Course Function). Mitigation is provided for this easement.

Two (2) significant but no specimen trees are going to be impacted or removed.

Category II Easement Trees

Cat II easements throughout the Blue Course are requested to be removed, since they no longer serve their intended purpose, either due to no tree presence currently or a request for removal of their associated tree in this justification.

Easement #7 – Contains 0.84 acres of forest conservation area. The entire easement area is requested to be removed due to partial Grading/Construction, consequential disturbances because of irrigation requirements (Facilities) and Course Function. Mitigation is provided for this easement.

This includes nine (9) variance trees that are requested to be removed. **Tree # 965** (38" Tulip Poplar) is requested to be removed due to declining health due to trunk decay at 20 feet (Survivability). **Tree # 968** (30.5" Tulip Poplar) is requested to be removed due to interfering with course playability and sight lines (Course Function), and severe impact to CRZ by Grading/Construction. **Tree # 969** (37.5" Black Oak) is requested to be removed due to declining health with severe trunk decay and lean, a potential safety hazard being close to the tees (Human Safety). It is also impacted by grading and construction. **Tree # 970** (44.5" Southern Red Oak) is requested to be removed due to interfering with course playability and sight lines (Course Function) and Grading/Construction. **Tree # 971** (33.2" White Oak) is requested to be removed due to interfering with course playability and sight lines (Course Function) as well as severe CRZ impact due to grading and construction activities. **Tree # 972** (36" Southern Red Oak) is being remove due to alignment of the proposed cart path (Facilities). **Trees #964, 966, 967** are respectively Willow Oak at 32.2", Tulip Poplars at 42", and 38". These trees are being removed due the conflict they have with the drainage and irrigation, and they fit in the Facilities category.

Easement #8 – Provides 0.72 acres of forest conservation area. The entire easement area is requested to be removed due to grading, construction activities and unavoidable disturbance within the limits of the easement. Mitigation is provided for this easement.

This includes two (2) variance trees and one (1) significant tree to be removed. **Tree # 959** (31" Black Oak) and **Tree # 963** (35" Tulip Poplar), are both being removed for declining health with respectively large branch die back and server trunk decay (Survivability). The CRZ of both of these trees are impacted by grading and construction activities. Proximity of #959 to the existing path creates a safety hazard as well (Human Safety).

Easement #9 – Provides 0.68 acres of forest conservation area. The entire easement area is requested to be removed due to grading and construction activities associated with better drainage. The proximity of this easement to the Fairway also interferes with the playability of Hole #1. Mitigation is provided for this easement.

This easement includes two (2) variance and three (3) significant trees to be removed. **Tree # 948 and #950** are Eastern White Pines that are 35.7" and 49.1", respectively, and both are being removed due to major impact on their CRZs by Grading/Construction, and the questionable survival of these trees in fair condition (Survivability).

Easement #10 – Provides 0.08 acres of forest conservation area. The entire easement area is requested to be removed. Mitigation is provided for this easement.

Easement #13 – Provides 0.26 acres of forest conservation area. The entire easement area is requested to be removed. No specimen trees are present in this easement. Mitigation is provided for this easement.

Easement #14 – Provides 0.17 acres of forest conservation area. The entire easement area is requested to be removed to Grading/Construction and Course Function. Mitigation is provided for this easement.

This includes one (1) variance tree to be removed. **Tree # 520** (48" Willow Oak) and is being removed due to interfering with course playability and realignment (Course Function) as well as Grading/Construction impact on tree's CRZ. There are no other trees remaining in this area.

Easement #15 – Provides 0.71 acres of forest conservation area. The entire easement area is requested to be removed due to grading/construction, Course Function, alignment of the path and drainage issues to be addressed. Mitigation is provided for this easement.

This includes six (6) variance and two (2) significant trees requested to be removed. **Tree # 995** (32" Dawn Redwood) is requested to be removed due to alignment of the proposed cart path (Facilities) and Grading/Construction. **Trees # 997, 998, 999, 1000, and 1001** are Eastern White Pines ranging from 32" to 42" and are being remove due to Survivability issues of white pines in this area. The first two are also impacted by Grading/Construction and the path/accessibility (Facilities). They all interfere with Course Function by being close to the Tees or the fairways, impacting sunlight and airflow.

Easement #16 – Provides 0.17 acres of forest conservation area. The entire easement area is requested to be removed due to Course Function, grading and construction associated with Hole #3. Mitigation is provided for this easement.

Tree #956 (50" Willow Oak) is requested to be removed due to proximity to the Greens and Fairway #3 and its interference with sunlight and airflow (Course Function). Mitigation is provided for this easement. There are no other trees remaining in this area.

Easement #17 – Provides 0.26 acres of forest conservation area. The entire easement area is requested to be removed due to grading/construction, and interfering with course playability of the golf course. Mitigation is provided for this easement.

This includes one (1) variance tree requested to be removed. **Tree # 985** (45" Southern Red Oak) and is being removed due to major impact to its CRZ (Grading/Construction), and interfering with playability of the golf course for both Tees of Hole #4 and Fairway of Hole # 9 (Course Function). There are no other trees remaining in this area.

Easement #18 – Provides 0.23 acres of forest conservation area. The entire easement area is requested to be removed due to inevitable grading and construction activities associated with grading the area. Mitigation is provided for this easement.

This includes two (2) variance and one (1) significant tree to be removed. **Tree # 973** (34.2" White Oak) is requested to be removed to accommodate grading and construction as well as Course Function. **Tree # 975** (47.5" Black Oak) is requested to be removed due to grading and the interference with course playability and sight lines. There are no other trees remaining in this area.

Easement #19 – Provides 0.25 acres of forest conservation area. The entire easement area is requested to be removed due to Course Function. Mitigation is provided for this easement.

This includes two (2) variance trees to be removed. **Tree # 521** (43" Tulip Poplar) is requested to be removed due for declining health and severe basal decay (Survivability) as well as Course Function. **Tree # 522** (45" Willow Oak) is requested to be removed to accommodate grading and construction. There are no other trees remaining in this area.

Easement #20 – Provides 0.17 acres of forest conservation area. The entire easement area is requested to be removed to accommodate the new proposed path and the Grading/Construction activities associated with it. Mitigation is provided for this easement.

This includes two (2) variance trees and one (1) tree significant tree to be removed. **Tree # 513** (41" White Oak) with some trunk wounds and **Tree # 514** (30.3" Tulip Poplar) are being removed due to alignment of the proposed cart path. Both are also impacted by Grading and Construction. There are no other trees remaining in this area.

Easement #21 – Provides 0.17 acres of forest conservation area. The entire easement area is requested to be removed for Grading/Construction, Facilities, and Course Function. Mitigation is provided for this easement.

This includes one (1) variance tree to be removed. **Tree # 511** (39" Tulip Poplar) is requested to be removed for declining health since it is a hollow tree (Survivability), Human Safety because of its proximity to play areas, alignment of the proposed cart path (Facilities), grading and constructions that associated with it, and interfering with course playability and sight lines (Course Function). There are no other trees in the area.

Easement #23 – Provides 0.17 acres of forest conservation area. The entire easement area is requested to be removed for grading, construction activities and the fact that the tree associated with this easement is being removed due to safety reasons. Mitigation is provided for this easement.

This includes one (1) variance tree to be removed. **Tree # 525** (42" Tulip Poplar) is requested to be removed for declining health and hazardous condition it is creating, by leaning over the cart path (Human Safety). It is also suggested for removal to accommodate grading and construction associated with redirecting and restoring the existing stream. There are no other trees in this area.

Easement #27 – Provides 0.15 acres of forest conservation area. The easement is requested to be removed due to Course Function because of its proximity to the proposed Green and grading and construction activities in this easement. The entire easement area is requested to be removed and mitigation provided.

This includes one (1) variance trees to be removed. **Tree # 925** (54" Tulip Poplar) is requested to be removed due to interference with shade, airflow and sightline, hence Course Function. There are no other trees in this area.

Easement #28 – Provides 0.15 acres of forest conservation area. The entire easement area is requested to be removed due to realignment of the path and Grading/Construction activities; and mitigation is provided.

This includes two (2) variance trees at the edge of the easement to be removed. **Tree # 923** (54" Tulip Poplar) is requested to be removed due trunk decay (Survivability), proximity to human activity area (Human Safety) and alignment of the proposed cart path (Facilities). **Tree # 924** (37.3" Tulip Poplar) is requested to be removed due to alignment of the proposed cart path (Facilities). There are no other trees in this area.

Easement #29 – Provides 0.15 acres of forest conservation area. The entire easement area is requested to be removed and mitigation provided. Removal is requested due to the conflict with the proposed cart path and the construction activities associated with it.

This includes three (3) variance trees to be removed. **Tree # 920** (33.1" Red Maple) is requested to be removed due to alignment of the proposed cart path (Facilities). **Tree # 921 and 922** are both Tulip Poplars being 39.5" and 36.9" respectively. Both trees are being removed due to health with basal decay (Survivability) and alignment of the proposed cart path (Facilities). With their proximity to the cart path and human activity, they are also considered hazardous (Human Safety). There are no other trees in this area.

Easement #30 – Provides 0.21 acres of forest conservation area. The entire easement area is requested to be removed and mitigation provided. Removal is requested to accommodate the realignment of existing and proposed path, as well as grading and construction activities associated with it.

This includes one (1) variance tree to be removed. **Tree # 919** (46.6" Tulip Poplar) is requested to be removed due to alignment of the proposed cart path (Facilities) as well as grading to facilitate the cart path realignment (Grading/Construction). There are no other trees in this area.

Easement #31 – Provides 0.17 acres of forest conservation area. The entire easement area is requested to be removed and mitigation provided. Removal is requested due to its close proximity to Fairway #12 and tree shade conflicts, proposed cart path and the grading disturbance.

This includes one (1) variance tree and one (2) significant tree to be removed. **Tree # 904** (31.5" Red Maple) is requested to be removed due declining health with root and trunk decay (Survivability) and to

alignment of the proposed cart path (Facilities) and proposed Grading/Construction. With this trees declining health and the proposed cart path being in proximity, keeping this tree creates a hazardous situation for the users (Human Safety). There are no other trees in this area.

Easement #32 – Provides 0.17 acres of forest conservation area. The entire easement area is requested to be removed and mitigation provided. Removal is requested due to the realignment of the cart path and the grading and construction activities associated with it.

This includes two (2) variance trees and one (1) significant tree to be removed. **Tree # 2676** (30.2" Tulip Poplar) and **Tree # 2677** (38.4" Red Maple), Both trees are being removed due to the alignment of the proposed cart path (Facilities) and Grading/Construction. There is one (1) remaining tree in the area.

Easement #33 – Provides 0.31 acres of forest conservation area. The entire easement area is requested to be removed and mitigation provided. Removal is requested to accommodate the championship Tee location for Fairway #14 and the conflict its associated tree has with playability of this Hole.

This includes one (1) variance tree to be removed. **Tree # 902** (43.5" Tulip Poplar) is requested to be removed due to interfering with course playability (Course Function) conflict with the Tee (Facilities) and Grading/Construction. There are no other trees in this area.

Easement #34 – Provides 0.17 acres of forest conservation area. The entire easement area is requested to be removed and mitigation provided. Removal is requested to grading and construction activity impacts and playability of the Hole #14.

This includes one (1) variance tree to be removed. **Tree # 2627** (50.4" Tulip Poplar) is requested to be removed due to interfering with course playability and sightline (Course Function) and Grading/Construction impacting the CRZ of this tree. There are no other trees in this area.

Easement #38 – Provides 0.15 acres of forest conservation area. The entire easement area is requested to be removed due to no tree presence and mitigation provided.

Easement #39 – Provides 0.15 acres of forest conservation area. The entire easement area is requested to be removed. Mitigation is provided for this easement.

This includes one (1) variance tree and one (1) significant tree to be removed. **Tree # 916** (38.4" Tulip Poplar) is requested to be removed due to health (Survivability) since has been struck by lightning and the trunk is in decay, and it is in close proximity to human activities and to the Tees (Human Safety). It is also in conflict with the alignment of the proposed cart path (Facilities), and interfering with the course playability (Course Function).

Easement #40 – Provides 0.09 acres of forest conservation area. The entire easement area is requested to be removed due to no tree presence and mitigation provided.

Easement #41 – Provides 0.15 acres of forest conservation area. The entire easement area is requested to be removed due to no tree presence and mitigation provided.

Easement #42 – Provides 0.27 acres of forest conservation area. The entire easement area is requested to be removed due to no tree presence and mitigation provided.

Easement #43 – Provides 0.28 acres of forest conservation area. The entire easement area is requested to be removed due to no tree presence and mitigation provided.

Easement #44 – Provides 0.21 acres of forest conservation area. The entire easement area is requested to be removed and mitigation provided.

This includes one (1) variance tree to be removed, **Tree # 917** (44.1" Eastern White Pine) is being removed due to health issues with white pines in this area (Survivability), realignment of the proposed cart path (Facilities), the grading and construction activities severely impacting the CRZ (Grading/Construction), and interference with course playability by the tree being so close to the Hole #12's Tee.

Easement #45 – Provides 0.31 acres of forest conservation area. The entire easement area is requested to be removed. Mitigation will be provided.

This includes one (1) variance tree to be removed. **Tree # 918** (53.1" Southern Red Oak) is being removed due to interfering with course playability with proximity to the Tees and sightline issues (Course Function) and the grading impacts on its CRZ with construction activities around that area (Grading/Construction).

Easement #46 – Provides 0.15 acres of forest conservation area. The entire easement area is requested to be removed due to no tree presence and mitigation provided.

Easement #47 – Provides 2.7 acres of forest conservation area. The entire easement area is requested to be removed and mitigation provided. Removal is requested due to the construction impact for resurfacing and realignment of the proposed cart path, as well as renovation of the Tees and fairways of both Hole #16 and Hole #17. Grading and construction activities are also impacting this easement.

This includes four (4) variance trees to be removed. **Tree # 941** (32.5" Eastern White Pine) is being removed due to interfering with course playability being so close to the fairway (Course Function), and the health issues these trees have in the area (Survivability). **Tree # 943, 946, and 947** are Eastern White Pines that range from 38.6" to 47.5" that are being removed due to alignment of the proposed cart path (Facilities), and interfering with course playability and sight lines (Course Function), as well as the health issues with Eastern white pines (Survivability).

Easement #48 – Provides 1.81 acres of forest conservation area, the entire easement area is requested to be removed and mitigation provided. Removal is requested due to staging and corporate viewshed proposed on the higher side of the easement, realignment of the cart path and construction activity disturbances within the easement. This easement is so close to Hole #18 and Hole #17 with the most spectator buildout, media tents and activities.

This includes four (4) variance trees and two (2) significant trees to be removed. **Tree # 931** (39.2" Eastern White Pine) is requested to be removed due to white pine health issues in this area (Survivability) and additional construction stress because of grading disturbance and impacts on its CRZ. **Tree # 935** (33.7" Tulip Popular), **Tree # 936** (34.5" American Beech) and **Tree # 938** (Eastern Red Cedar) are all being removed due to a proposed path realignment (Facilities) and disturbance impacting their CRZs.

Easement #49 – Provides 0.17 acres of forest conservation area. The entire easement area is requested to be removed due to interference with the proposed realignment of the path and the associated grading; mitigation is provided.

This includes one (1) variance tree to be removed. **Tree # 533** (33.5" Scarlet Oak) is being removed due to alignment of the proposed cart path (Facilities) and Grading/Construction impacting the CRZ of this tree.

Easement #59 – Provides 0.19 acres of forest conservation area. The entire easement area is requested to be removed due to temporary event structure, spectator buildout for Hole #18, media tents and all the spectator activity disturbances associated with Hole #18. No Specimen trees are requested to be removed. Mitigation for this easement is provided.

Three (3) trees will remain but will no longer be contained within a forest conservation easement.

Easement #60 – Provides 0.19 acres of forest conservation area. The entire easement area is requested to be removed due to grading, construction activities, interfering with sightline and playability of the course being in close proximity of the Tees. Mitigation for this easement is provided.

This includes one (1) variance tree to be removed. **Tree # 1** (56.2" Red Maple) is requested to be removed due to weak codominant crotches (Survivability) and due to proximity of this unhealthy tree to tees (Human Safety). It also interferes with the playability of the course being close to the Tees and blind shot issues (Course Function).

Specimen Trees not within a Forest Conservation Easement

Tree #501 (40" Norway Spruce) being removed due to Grading/Construction and constant construction activities impact the CRZ of this tree since the construction staging area is going to be located in proximity of this tree.

Tree #502 (30" Norway Spruce) being removed due to Grading/Construction and constant construction activities impact the CRZ of this tree since the construction staging area is going to be located in proximity of this tree.

Tree #503 (34" Norway Spruce) being removed due weak crotch (Survivability) and Grading/Construction and constant construction activities impact the CRZ of this tree since the construction staging area is going to be located in proximity of this tree.

Tree #504 (35" Norway Spruce) being removed due weak crotch and pitch (Survivability) and Grading/Construction and constant construction activities impact the CRZ of this tree since the construction staging area is going to be located in proximity of this tree.

Tree # 506, (32" Eastern White Pines) is requested to be removed due to Survivability especially since it is located very close to the proposed path (Facilities).

Tree # 507 (34" Tulip Poplar) and is requested to be removed due to Survivability especially since it is located very close to the proposed path (Facilities).

Tree # 510 (37.5" Willow Oak) being removed due to alignment of proposed cart path and accessibility (Facilities) as well as grading associated with it.

Tree # 516 (32" Red Maple) being removed due to alignment of proposed cart path and accessibility (Facilities), grading impact on the CRZ (Grading/Construction), as well as declining health due to weak crotch (Survivability).

Tree # 517 (34" Red Maple) being removed due to alignment of proposed cart path and accessibility (Facilities), grading impact on the CRZ (Grading/Construction), as well as declining health due to weak crotch (Survivability)

Tree # 529 (41.2" Scarlet Oak) being removed due to alignment of proposed cart path as well as temporary event structures (Facilities) and grading impact on the CRZ (Grading/Construction),

Tree # 530 (44.5" Scarlet Oak) being removed due to alignment of proposed cart path and accessibility as well as temporary event structure (Facilities).

Tree # 531 (41" Willow Oak) being removed due to alignment of proposed cart path and accessibility as well as temporary event structure (Facilities).

Tree # 534 (33.5" American Beech) being removed due to alignment of proposed cart path and accessibility as well as temporary event structure (Facilities).

Tree # 535 (42" Tulip Poplar), being removed due to alignment of proposed cart path and accessibility (Facilities).

Tree # 537 (39.7" Red Maple) being removed due to alignment of proposed cart path and construction access (Facilities). In order to eliminate the old disposal area, new grading is proposed which impacts the CRZ of this tree (Grading/Construction), as well as declining health with weak crotch impacting the survivability of this tree.

Tree # 538 (31.7 Red Maple) being removed due to alignment of proposed cart path and construction access (Facilities). In order to eliminate the old disposal area, new grading is proposed which impacts the CRZ of this tree (Grading/Construction), as well as declining health with weak crotch impacting the survivability of this tree.

Tree # 565 (33.2" Norway Spruce) being removed due to alignment of proposed cart path and accessibility (Facilities) and the grading and construction activities to accommodate the driving range changes (Grading/Construction).

Tree # 567 (33.3 Norway Spruce) being removed due to alignment of proposed cart path and accessibility (Facilities) and the grading and construction activities to accommodate the driving range changes (Grading/Construction).

Tree # 901 (35.4" London Plane tree) being removed due to alignment of proposed cart path and accessibility (Facilities) and severe grading impact on the CRZ (Grading/Construction).

Tree # 905 (36.1" Red Maple) being removed due to alignment of proposed cart path and accessibility (Facilities) and severe grading impact on the CRZ (Grading/Construction) as well as declining health with root and trunk decay (survivability).

Tree # 911 (37.2" Black Oak) being removed due to alignment of proposed cart path and accessibility (Facilities).

Tree # 912 (34.2" Tulip Poplar) being removed due to alignment of proposed cart path and accessibility (Facilities).

Tree # 913 (33.1" Tulip Tree) being removed due to alignment of proposed cart path and accessibility (Facilities) and for declining health with severe basal decay (Survivability).

Tree # 926 (37" American Elm) being removed for poor health condition with root damage and decay (Survivability) and its proximity to the fairway and the grading associated with it (Grading/Construction).

Tree # 927 (33" Red Maple) being removed due to interfering with course playability and sight lines of fairway #16 (Course Function).

Tree # 928 (41.3" Red Maple) is being grading and construction activities to accommodate drainage for the fairways (Grading/Construction)

Tree # 957, 958 are Eastern White Pines that are 37.5", and 44" respectively, are being removed due to declining health of the white pines in the area (Survivability) and alignment of proposed cart path (Facilities).

Tree # 984 (31" Sugar Maple) being removed due to interference with course playability and sight lines (Course Function) and grading associated to remove the cart path and accommodating drainage for the fairways and Tees of Hole #2 and #3 (Facilities).

Tree # 986 (34" American Beech) is requested to be removed to accommodate grading and construction.

Tree # 987 (38" Little Leaf Linden) being removed due to alignment of proposed cart path (Facilities) and interfering with course playability and sight lines (Course Function).

Tree # 988 (41.5" Willow Oak) is requested to be removed to accommodate grading and construction.

Tree # 989 (32" Red Maple) being removed for poor health with root damage and weak crotch (Survivability) and the grading impact on the CRZ (grading /Construction).

Tree # 990 is a White Ash it is requested to be removed due to health and survivability of the Ashes in the area.

Tree # nt is located at the edge of the Blue course boundary, a 42" Silver Maple is requested to be removed due to path/accessibility (Facilities).

Critical Root Zone (CRZ) impacts

There are twenty four (24) trees impacted by the limit of disturbance within the limits of the Blue Course. The trees below show potential impact to their Critical Root Zone, ranging from 1% to 30%. The impacts associated with these trees are the result of the grading and construction activities, realignment and resurfacing of the cart path. Tree protection measures will be adopted to protect them from being damaged during and after construction.

TREE NUMBER	COMMON NAME	SCIENTIFIC NAME	DBH IN INCHES	CRZ SQ FT	CRZ IMPACT SQ FT	% CRZ IMPACT	CONDITION	STATUS
58	Tulip Popular	<i>Liriodendron tulipifera</i>	35.7	9004	168	2%	75	Save
195	Tulip Popular	<i>Liriodendron tulipifera</i>	39.5	11023	152	1%	80	Save
211	Tulip Popular	<i>Liriodendron tulipifera</i>	45.2	14434	373	3%	75	Save
238	Tulip Popular	<i>Liriodendron tulipifera</i>	43.5	13369	606	5%	80	Save
262	Tulip Popular	<i>Liriodendron tulipifera</i>	32.5	7462	534	7%	75	Save
267	Tulip Popular	<i>Liriodendron tulipifera</i>	38.3	10364	918	9%	75	Save
273	Tulip Popular	<i>Liriodendron tulipifera</i>	32.3	7371	820	11%	75	Save
276	Tulip Popular	<i>Liriodendron tulipifera</i>	36.5	9412	160	2%	75	Save
317	Tulip Popular	<i>Liriodendron tulipifera</i>	32.4	7417	915	12%	80	Save
508	Silver Maple	<i>Acer saccharinum</i>	62	27158	5406	20%	80	Save
509	Tulip Popular	<i>Liriodendron tulipifera</i>	48	16278	2252	14%	60	Save
528	Willow Oak	<i>Quercus phellos</i>	40	11304	2827	25%	85	Save
532	Willow Oak	<i>Quercus phellos</i>	40	11304	2412	21%	85	Save
559	Red Maple	<i>Acer rubrum</i>	39.5	11023	309	3%	70	Save
564	Tulip Popular	<i>Liriodendron tulipifera</i>	32	7235	372	5%	70	Save
574	Tulip Popular	<i>Liriodendron tulipifera</i>	31.6	7055	1813	26%	60	Save
575	Atlantic White Cedar	<i>Chamaecyparis thyoides</i>	39	10746	1243	12%	60	Save
929	Red Maple	<i>Acer rubrum</i>	30.4	6529	136	2%	80	Save
930	Red Maple	<i>Acer rubrum</i>	37	9672	623	6%	75	Save
960	Black Oak	<i>Quercus velutina</i>	34.5	8409	1685	20%	65	Save
991	Red Maple	<i>Acer rubrum</i>	41.8	12344	3682	30%	80	Save
992	Little Leaf Linden	<i>Tilia cordata</i>	31	6789	242	4%	80	Save
993	Red Maple	<i>Acer rubrum</i>	30.5	6572	440	7%	80	Save
2639	Tulip Popular	<i>Liriodendron tulipifera</i>	33.7	8024	1232	15%	80	Save

V. SATISFACTION OF THE CRITERIA LISTED IN SECTION 22A-21(b) OF THE MONTGOMERY COUNTY CODE

Section 22A-21(b) lists the criteria for the granting of the variance requested herein. The following narrative explains how the requested variance is justified under the set of circumstances described above.

“(1) describe the special conditions peculiar to the property which caused the unwarranted hardship.”

Conditions on the course have changed over time resulting in the need to modify the course. The new design proposes changes to better control the agronomic health of the course through aspects such as water, sunlight, soil type, air movement, drainage and compaction. The changing conditions include the trees located throughout the course have grown to the point that they are impacting sunlight and air flow to the course, beyond what can be addressed by the existing Forest & Tree Management Plan. In addition, changes in weather patterns coupled with the existing course topography has caused surface and subsurface drainage issues on the course, resulting in portions of the course not being available for members to play and the inability to hold signature events.

The property is an existing golf course in need of renovation to improve condition, playability and the ability to be maintained to modern tournament standards. The course will remain almost entirely in the same footprint as it currently exists. However, the course contains many forest conservation easement (FCE) areas, as well as many significant trees both in and outside of the FCEs. Many of these specimen trees are located in areas that, unless removed, will significantly impede the ability to maintain and renovate the golf course to modern standards. Golf courses have specific areas of play that require large areas of highly maintained turf grass and require access via cart paths for players, spectators and maintenance. Large treed areas with heavy canopy coverage and extensive root zones are in direct conflict with the horticultural needs of turf grass. Re-grading is necessary to better move water across the course and allow for improved maintenance operations. There is no alternative to the proposed plan for the Blue Course renovation that does not have a similar tree impact, as the majority of the trees requested to be removed are located in the center of the existing golf course. This is an existing golf course with the expectation that it will be available for members to continue to play and to hold larger events, but due to tree growth, changing weather patterns, and the existing topography, much of the course is not playable for days at a time, creating an unwarranted hardship.

Therefore, without the requested tree variances and mitigation for existing FCEs the applicant will not be able to renovate the existing course to modern golf course standards and will be at a competitive disadvantage.

“(2) Describe how enforcement of these rules will deprive the owner of rights commonly enjoyed by others in similar areas.”

Without obtaining the requested tree variances and forest conservation mitigation CCC will be at a disadvantage to other similar golf course facilities. Any alternative layout that can save the subject trees would impact other trees or prevent the golf course from being able to function the way it is intended. A study that was done on behalf of the applicant on public golf courses throughout the county found the percentage of open turf to tree coverage is comparable or less than what is proposed for the Blue

Course renovation at CCC. The study looked at Falls Road, Laytonsville, Needwood, Poolesville and Rattlewood Golf Courses for precedents. A golf course is a recreational facility that requires specific grading at prescribed slopes for most of the property. Large areas of a golf course need to be maintained turf grass unhindered by tree cover. As trees mature, they create a difficult environment for turf growth, including and not limited to root conflicts, air circulation, and shade. Therefore, it is common for this type of a facility to have the need to remove trees.

Denial of this request would deprive the owner of rights a commonly enjoyed by others with similar facilities.

“(3) Verify that State water quality standards will not be violated or that a measurable degradation in water quality will not occur as a result of the granting of the variance.”

Part of the applicant’s proposal is to introduce a vegetated buffer with native grass and shrubs suitable for infiltration, slowing down and dispersing concentrated flow, and enhancement of water quality. Water quality will be sufficiently controlled and actually improved by implementation of these Practices. A Stormwater Management (SWM) Concept was submitted to Montgomery County DPS and was approved on February 11, 2019. Maryland Department of Environment (MDE) and US Army Corps of Engineers (USACE) Joint Permit Application (JPA) was submitted for the proposed construction in waterway for stream restoration on February 7, 2019 and was transferred to MDE’s review on February 27, 2019.

“(4) Provide any other information appropriate to support the request.”

the Applicant believes the information set forth above is adequate to justify the requested variance to remove the specimen trees on the subject property. Furthermore, the Applicant’s request for a variance complies with the “minimum criteria” of Section 22A-21(d) for the following reasons:

1. This Applicant will receive no special privileges or benefits by the granting of the requested variance that would not be available to any other applicant.
2. The configuration of the existing facilities and the need for the proposed facilities drive the proposed configuration of the site elements. The location of the subject trees to be removed is not the result of actions by the applicant, but rather is a pre-existing condition of the property whereby these trees cannot be sufficiently protected and preserved, thus necessitating the tree’s removal.
3. The requested variance is not related in any way to a condition on an adjacent, neighboring property, and
4. Removal of the impacted trees will not violate State water quality standards or cause measurable degradation in water quality in fact a vegetated buffer is proposed along both of the streams on the site to further filter and enhance the water quality.

Respectfully submitted,

Soltesz, Inc.

A handwritten signature in blue ink, appearing to read "D. Park.", is positioned above the printed name and title.

Daniel Park, PLA, ASLA
Director of Planning

cc:

Jim Soltesz (Soltesz)

Dan Pino (Soltesz)

Attachment C

										Grading / Construction					Human Safety		Survivability		Facilities		Course Function	
Tree #	Easement #	Easement Acreage	Easement Removed	Common Name	Scientific Name	DBH	Cond.	Reason														
Category I																						
	2	12.39	2.12																			
40				Tulip Poplar	<i>Liriodendron tulipifera</i>	33	75												x			
43				Tulip Poplar	<i>Liriodendron tulipifera</i>	32.2	60	x					x						x			
400				Tulip Poplar	<i>Liriodendron tulipifera</i>	33.4	75												x			
	32	2.42	0.63																			
906				Tulip Poplar	<i>Liriodendron tulipifera</i>	35	80												x			
907				Tulip Poplar	<i>Liriodendron tulipifera</i>	39.2	80												x			
908				Tulip Poplar	<i>Liriodendron tulipifera</i>	37.9	70												x			
909				Tulip Poplar	<i>Liriodendron tulipifera</i>	37.4	80												x			
	33	2.65	2.65																			
106				Tulip Poplar	<i>Liriodendron tulipifera</i>	36.2	70								x	x	x					
134				Tulip Poplar	<i>Liriodendron tulipifera</i>	35.4	80										x	x				
207				White Oak	<i>Quercus alba</i>	38.2	60							x	x	x						
215				Southern Red Oak	<i>Quercus falcata</i>	30.8	75				x					x						
225				Red Maple	<i>Acer rubrum</i>	42	50				x		x		x	x	x					
230				Tulip Poplar	<i>Liriodendron tulipifera</i>	36.2	80										x	x				
251				Tulip Poplar	<i>Liriodendron tulipifera</i>	31.4	80										x	x				
257				Tulip Poplar	<i>Liriodendron tulipifera</i>	30.4	75										x	x				
279				Tulip Poplar	<i>Liriodendron tulipifera</i>	34	65	x		x		x		x		x	x	x				
283				Tulip Poplar	<i>Liriodendron tulipifera</i>	30	70	x		x							x	x				
285				Tulip Poplar	<i>Liriodendron tulipifera</i>	31.5	75											x	x			
328				Tulip Poplar	<i>Liriodendron tulipifera</i>	46.4	80											x	x			
335				Tulip Poplar	<i>Liriodendron tulipifera</i>	42.3	80											x	x			
	34	1.00	0.18																			
Category II																						
	7	0.84	0.84																			
964				White Oak	<i>Quercus alba</i>	32.2	80										x					
965				Tulip Poplar	<i>Liriodendron tulipifera</i>	38	60							x								
966				Tulip Poplar	<i>Liriodendron tulipifera</i>	42	75											x				
967				Tulip Poplar	<i>Liriodendron tulipifera</i>	38	75											x				
968				Tulip Poplar	<i>Liriodendron tulipifera</i>	30.5	75	x											x			
969				Black Oak	<i>Quercus velutina</i>	37.5	50	x						x								
970				Southern Red Oak	<i>Quercus falcata</i>	44.5	70	x											x			
971				White Oak	<i>Quercus alba</i>	33.2	70	x											x			
972				Southern Red Oak	<i>Quercus falcata</i>	36	70											x				

	8	0.72	0.72											
959				Black Oak	<i>Quercus velutina</i>	31	65	x		x				
963				Tulip Poplar	<i>Liriodendron tulipifera</i>	35	65	x		x				
	9	0.68	0.68											
948				Eastern White Pine	<i>Pinus strobus</i>	35.7	60			x				
950				Eastern White Pine	<i>Pinus strobus</i>	49.1	60			x				
	10	0.08	0.08											
	13	0.26	0.26											
	14	0.17	0.17											
520				Willow Oak	<i>Quercus phellos</i>	48	85	x						x
	15	0.71	0.71											
995				Dawn Redwood	<i>Metesequoia sempervirens</i>	32	80	x				x		
997				Eastern White Pine	<i>Pinus strobus</i>	36.3	75	x		x	x	x	x	
998				Eastern White Pine	<i>Pinus strobus</i>	34.5	75	x		x	x	x	x	
999				Eastern White Pine	<i>Pinus strobus</i>	42	75			x			x	
1000				Eastern White Pine	<i>Pinus strobus</i>	34	75			x			x	
1001				Eastern White Pine	<i>Pinus strobus</i>	32.4	75			x			x	
	16	0.17	0.17											
956				Willow Oak	<i>Quercus phellos</i>	50.1	75							x
	17	0.26	0.26											
985				Southern Red Oak	<i>Quercus falcata</i>	45	75	x						x
	18	0.26	0.26											
973				White Oak	<i>Quercus alba</i>	34.2	80	x						x
975				Black Oak	<i>Quercus velutina</i>	47.5	80	x						x
	19	0.25	0.25											
521				Tulip Poplar	<i>Liriodendron tulipifera</i>	43	60			x				x
522				Willow Oak	<i>Quercus phellos</i>	45	75	x						
	20	0.17	0.17											
513				White Oak	<i>Quercus alba</i>	41	70	x				x		
514				Tulip Poplar	<i>Liriodendron tulipifera</i>	30.3	70	x				x		
	21	0.17	0.17											
511				Tulip Poplar	<i>Liriodendron tulipifera</i>	39	65	x	x	x	x	x	x	
	23	0.17	0.17											
525				Tulip Poplar	<i>Liriodendron tulipifera</i>	42	65	x	x					
	27	0.15	0.15											
925				Tulip Poplar	<i>Liriodendron tulipifera</i>	56.1	80							x
	28	0.15	0.15											
923				Tulip Poplar	<i>Liriodendron tulipifera</i>	54	80		x	x	x	x		
924				Tulip Poplar	<i>Liriodendron tulipifera</i>	37.3	80					x		
	29	0.15	0.15											
920				Red Maple	<i>Acer rubrum</i>	33.1	80					x		
921				Tulip Poplar	<i>Liriodendron tulipifera</i>	39.5	65		x	x	x	x		
922				Tulip Poplar	<i>Liriodendron tulipifera</i>	36.9	65		x	x	x	x		
	30	0.21	0.21											
919				Tulip Poplar	<i>Liriodendron tulipifera</i>	46.6	80	x				x		
	31	0.17	0.17											
904				Red Maple	<i>Acer rubrum</i>	31.5	70	x	x	x	x	x		

	32	0.17	0.17										
2676				Tulip Poplar	<i>Liriodendron tulipifera</i>	30.2	80	x				x	
2677				Red Maple	<i>Acer rubrum</i>	38.4	80	x				x	
	33	0.31	0.31										
902				Tulip Poplar	<i>Liriodendron tulipifera</i>	43.5	85	x				x	x
	34	0.17	0.17										
2627				Tulip Poplar	<i>Liriodendron tulipifera</i>	50.4	80	x					x
	38	0.15	0.15										
	39	0.15	0.15										
916				Tulip Poplar	<i>Liriodendron tulipifera</i>	38.4	55				x	x	x
	40	0.09	0.09										
	41	0.15	0.15										
	42	0.27	0.27										
	43	0.28	0.28										
	44	0.21	0.21										
917				Eastern White Pine	<i>Pinus strobus</i>	44.1	70	x			x	x	x
	45	0.31	0.31										
918				Southern Red Oak	<i>Quercus falcata</i>	53.1	70	x					x
	46	0.15	0.15										
	47	2.70	2.70										
941				Eastern White Pine	<i>Pinus strobus</i>	32.5	75				x		x
943				Eastern White Pine	<i>Pinus strobus</i>	39.5	70				x	x	x
946				Eastern White Pine	<i>Pinus strobus</i>	47.5	60				x	x	x
947				Eastern White Pine	<i>Pinus strobus</i>	38.6	65				x	x	x
	48	1.81	1.81										
931				Eastern White Pine	<i>Pinus strobus</i>	39.2	70				x		
935				Tulip Poplar	<i>Liriodendron tulipifera</i>	33.7	75					x	
936				American Beech	<i>Fagus grandifolia</i>	34.5	75					x	
938				Eastern Red Cedar	<i>Juniperus virgniana</i>	32.5	75					x	
	49	0.17	0.17										
533				Scarlet Oak	<i>Quercus coccinea</i>	33.5	85	x				x	
	59	0.19	0.19										
	60	0.19	0.19										
1				Red Maple	<i>Acer rubrum</i>	56.2	75			x		x	

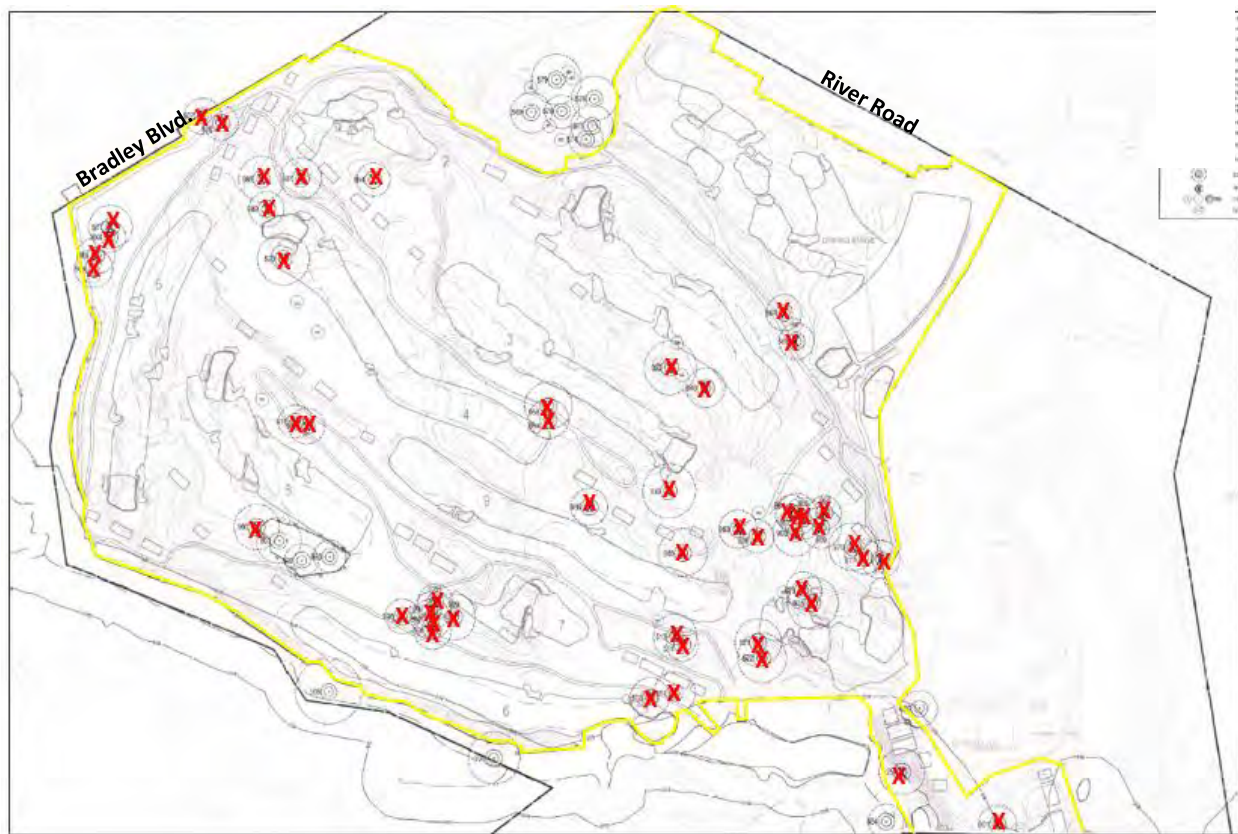
Site Trees													
501		Norway Spruce	<i>Picea abies</i>	40	65	x							
502		Norway Spruce	<i>Picea abies</i>	30	65	x							
503		Norway Spruce	<i>Picea abies</i>	34	65	x	x						
504		Norway Spruce	<i>Picea abies</i>	35	65	x	x						
506		Eastern White Pine	<i>Pinus strobus</i>	32	65				x		x		
507		Tulip Poplar	<i>Liriodendron tulipifera</i>	34	65				x		x		
510		Willow Oak	<i>Quercus phellos</i>	37.5	85						x		
516		Red Maple	<i>Acer rubrum</i>	32	85	x			x		x		
517		Red Maple	<i>Acer rubrum</i>	34	85	x			x		x		
529		Scarlet Oak	<i>Quercus coccinea</i>	41.2	85	x					x		x
530		Scarlet Oak	<i>Quercus coccinea</i>	44.5	85	x					x		

531		Willow Oak	<i>Quercus phellos</i>	41	85				x	
534		American Beech	<i>Fagus grandifolia</i>	33.5	85				x	
535		Tulip Poplar	<i>Liriodendron tulipifera</i>	42.3	80				x	
537		Red Maple	<i>Acer rubrum</i>	39.7	80	x		x	x	
538		Red Maple	<i>Acer rubrum</i>	31.7	80	x		x	x	
565		Norway Spruce	<i>Picea abies</i>	33.2	70	x			x	
567		Norway Spruce	<i>Picea abies</i>	33.3	70	x			x	
901		London Planetree	<i>Platanus x acerifolia</i>	35.4	85	x			x	
905		Red Maple	<i>Acer rubrum</i>	36.1	70	x			x	
911		Black Oak	<i>Quercus velutina</i>	37.2	80				x	
912		Tulip Poplar	<i>Liriodendron tulipifera</i>	34.2	80				x	
913		Tulip Poplar	<i>Liriodendron tulipifera</i>	33.1	60			x	x	
926		American Elm	<i>Ulmus americana</i>	37	65	x		x		
927		Red Maple	<i>Acer rubrum</i>	33	80					x
928		Red Maple	<i>Acer rubrum</i>	41.3	75	x				x
957		Eastern White Pine	<i>Pinus strobus</i>	37.5	75			x	x	
958		Eastern White Pine	<i>Pinus strobus</i>	44	70			x	x	
984		Sugar maple	<i>Acer saccharum</i>	31	75	x			x	x
986		American beech	<i>Fagus grandifolia</i>	34	70	x				
987		Little Leaf Linden	<i>Tilia cordata</i>	38	70	x			x	
988		Willow Oak	<i>Quercus phellos</i>	41.5	80	x				
989		Red Maple	<i>Acer rubrum</i>	32	65	x			x	
990		White Ash	<i>Fraxinus americana</i>	51	65			x		
nt		Silver Maple	<i>Acer saccharinum</i>	42		x		x	x	

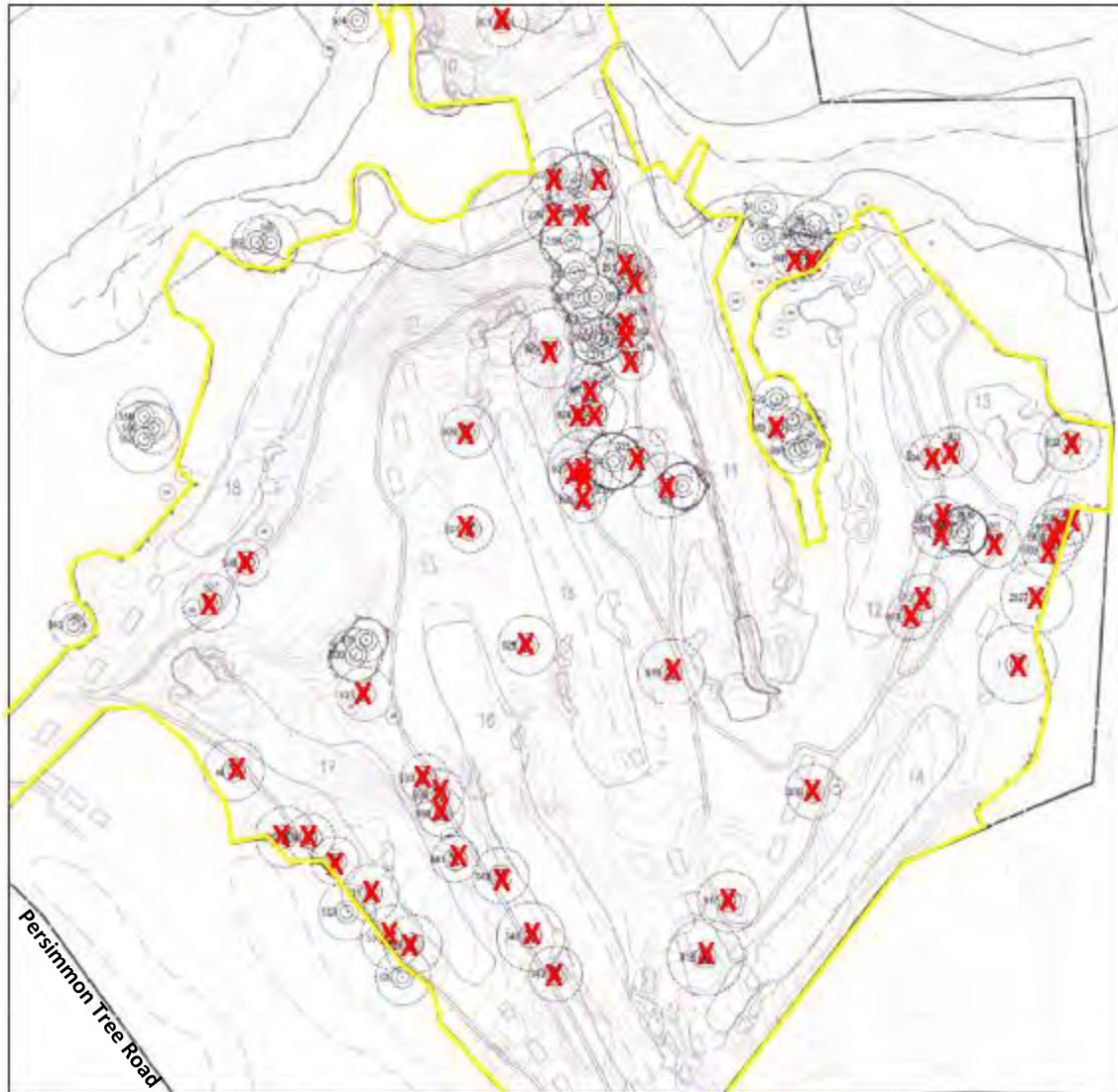
Variance Trees – Impacted but Retained

TREE NUMBER	COMMON NAME	SCIENTIFIC NAME	DBH IN INCHES	CRZ SQ FT	CRZ IMPACT SQ FT	% CRZ IMPACT	CONDITION	STATUS
58	Tulip Popular	<i>Liriodendron tulipifera</i>	35.7	9004	168	2%	75	Save
195	Tulip Popular	<i>Liriodendron tulipifera</i>	39.5	11023	152	1%	80	Save
211	Tulip Popular	<i>Liriodendron tulipifera</i>	45.2	14434	373	3%	75	Save
238	Tulip Popular	<i>Liriodendron tulipifera</i>	43.5	13369	606	5%	80	Save
262	Tulip Popular	<i>Liriodendron tulipifera</i>	32.5	7462	534	7%	75	Save
267	Tulip Popular	<i>Liriodendron tulipifera</i>	38.3	10364	918	9%	75	Save
273	Tulip Popular	<i>Liriodendron tulipifera</i>	32.3	7371	820	11%	75	Save
276	Tulip Popular	<i>Liriodendron tulipifera</i>	36.5	9412	160	2%	75	Save
317	Tulip Popular	<i>Liriodendron tulipifera</i>	32.4	7417	915	12%	80	Save
508	Silver Maple	<i>Acer saccharinum</i>	62	27158	5406	20%	80	Save
509	Tulip Popular	<i>Liriodendron tulipifera</i>	48	16278	2252	14%	60	Save
528	Willow Oak	<i>Quercus phellos</i>	40	11304	2827	25%	85	Save
532	Willow Oak	<i>Quercus phellos</i>	40	11304	2412	21%	85	Save
559	Red Maple	<i>Acer rubrum</i>	39.5	11023	309	3%	70	Save
564	Tulip Popular	<i>Liriodendron tulipifera</i>	32	7235	372	5%	70	Save
574	Tulip Popular	<i>Liriodendron tulipifera</i>	31.6	7055	1813	26%	60	Save
575	Atlantic White Cedar	<i>Chamaecyparis thyoides</i>	39	10746	1243	12%	60	Save
929	Red Maple	<i>Acer rubrum</i>	30.4	6529	136	2%	80	Save
930	Red Maple	<i>Acer rubrum</i>	37	9672	623	6%	75	Save
960	Black Oak	<i>Quercus velutina</i>	34.5	8409	1685	20%	65	Save
991	Red Maple	<i>Acer rubrum</i>	41.8	12344	3682	30%	80	Save
992	Little Leaf Linden	<i>Tilia cordata</i>	31	6789	242	4%	80	Save
993	Red Maple	<i>Acer rubrum</i>	30.5	6572	440	7%	80	Save
2639	Tulip Popular	<i>Liriodendron tulipifera</i>	33.7	8024	1232	15%	80	Save

ATTACHMENT E



Tree Variance Exhibit – Northern Portion of Property



Tree Variance Exhibit – Southern Portion of Property



DEPARTMENT OF ENVIRONMENTAL PROTECTION

Marc Elrich
County Executive

Adam Ortiz
Director

June 13, 2019

Casey Anderson, Chair
Montgomery County Planning Board
Maryland National Capital Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

RE: Congressional Country Club – FCP amendment CBA-1206

Dear Mr. Anderson:

All applications for a variance from the requirements of Chapter 22A of the County Code submitted after October 1, 2009 are subject to Section 22A-12(b)(3). Accordingly, given that the application for the above referenced request was submitted after that date and must comply with Chapter 22A, and the Montgomery County Planning Department (“Planning Department”) has completed all review required under applicable law, I am providing the following recommendation pertaining to the revised request for a variance.

Section 22A-21(d) of the Forest Conservation Law states that a variance must not be granted if granting the request:

1. Will confer on the applicant a special privilege that would be denied to other applicants;
2. Is based on conditions or circumstances which are the result of the actions by the applicant;
3. Arises from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; or
4. Will violate State water quality standards or cause measurable degradation in water quality.

Applying the above conditions to the plan submitted by the applicant, I make the following findings as the result of my review:

1. The granting of a variance in this case would not confer a special privilege on this applicant that would be denied other applicants as long as the same criteria are applied in each case. Therefore, the variance can be granted under this criterion.
2. Based on a discussion on March 19, 2010 between representatives of the County, the Planning Department, and the Maryland Department of Natural Resources Forest Service, the disturbance of trees, or other vegetation, as a result of development activity is not, in and of itself, interpreted as a condition or circumstance that is the result of the actions by the applicant. Therefore, the variance can be granted under this criterion, as long as appropriate mitigation is provided for the resources disturbed.


3. The disturbance of trees, or other vegetation, by the applicant does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property. Therefore, the variance can be granted under this criterion.
4. The disturbance of trees, or other vegetation, by the applicant will not result in a violation of State water quality standards or cause measurable degradation in water quality. Therefore, the variance can be granted under this criterion.

Therefore, I recommend a finding by the Planning Board that this applicant qualifies for a variance conditioned upon meeting all 'conditions of approval' pertaining to variance trees recommended by Planning staff, as well as the applicant mitigating for the loss of resources due to removal or disturbance to trees, and other vegetation, subject to the law based on the limits of disturbance (LOD) recommended during the review by the Planning Department. In the case of removal, the entire area of the critical root zone (CRZ) should be included in mitigation calculations regardless of the location of the CRZ (i.e., even that portion of the CRZ located on an adjacent property). When trees are disturbed, any area within the CRZ where the roots are severed, compacted, etc., such that the roots are not functioning as they were before the disturbance must be mitigated. Exceptions should not be allowed for trees in poor or hazardous condition because the loss of CRZ eliminates the future potential of the area to support a tree or provide stormwater management. Tree protection techniques implemented according to industry standards, such as trimming branches or installing temporary mulch mats to limit soil compaction during construction without permanently reducing the critical root zone, are acceptable mitigation to limit disturbance. Techniques such as root pruning should be used to improve survival rates of impacted trees but they should not be considered mitigation for the permanent loss of critical root zone. I recommend requiring mitigation based on the number of square feet of the critical root zone lost or disturbed. The mitigation can be met using any currently acceptable method under Chapter 22A of the Montgomery County Code.

In the event that minor revisions to the impacts to trees subject to variance provisions are approved by the Planning Department, the mitigation requirements outlined above should apply to the removal or disturbance to the CRZ of all trees subject to the law as a result of the revised LOD.

If you have any questions, please do not hesitate to contact me directly.

Sincerely,

A handwritten signature in black ink, appearing to read 'Laura Miller', written in a cursive style.

Laura Miller
County Arborist

cc: Mary Jo Kishter, Environmental Planner Coordinator

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PLANNING DEPARTMENT USE ONLY (E-PLANS)

Attachment G LEGEND

DEVELOPER'S CERTIFICATE
The undersigned agrees to execute all the features of the Approved Final Forest Conservation Plan No. CBA-1206 including financial bonding, forest planting, maintenance, and all other applicable agreements.

Developer's Name: Congressional Country Club
Title: Owner/Agent

Contact Person or Owner: Jeffrey Kneafle
Title: Owner

Address: 8500 River Road, Bethesda, MD 20817
Phone and Email: (301) 469-2000

Signature: _____

- BLUE COURSE BOUNDARY
- LIMIT OF DISTURBANCE
- LIMIT OF PLANTING
- STREAM
- PROPOSED CONTOUR
- STREAM VALLEY BUFFER
- PER AMENDED PFCP (DATED 07-09-07)
- 100-YEAR FLOOD PLAIN
- 100-YEAR FLOOD PLAIN BUFFER
- TREE SAVE FENCE
- PROPOSED ROOT PRUNING LINE
- EXISTING CART PATH
- PROPOSED CART PATH
- PROPOSED TREE-PLANTING AREA FOR VARIANCE TREE REMOVAL MITIGATION
- PROPOSED RIPARIAN SHRUB PLANTING AREA
- PROPOSED RIPARIAN PLANTING INFILTRATION BEAM (SEE SHEET 19)
- PROPOSED CAT I EASEMENT
- PROPOSED PLANTING FOR CAT I EASEMENT
- TEES
- FAIRWAY NUMBERS
- EXISTING SPECIMEN TREE WITH CRZ
- TREE TO BE REMOVED
- EXISTING, SIGNIFICANT & SPECIMEN TREE
- EASEMENT SIGNAGE
- POSITIVE STREAM IMPACT
- NEGATIVE STREAM IMPACT

SCALE: 1" = 100'



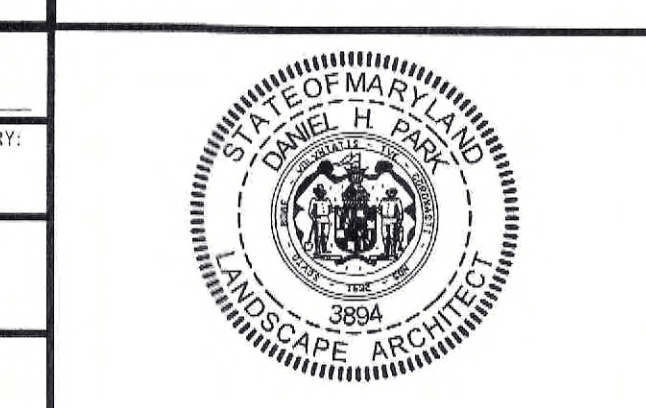
Rockville Office
2 Research Place, Suite 100
Rockville, MD 20850
P. 301.948.2750 F. 301.948.9067

NO.	DATE	REVISIONS	BY	DATE
1	FEB 2019	REVISIONS	XX	02/04/19
DESIGNED: XX	CAD STANDARDS VERSION: Y8-NCR	TECHNICAL: XX	CHECKED: DP	

MISS UTILITY NOTE
INFORMATION CONCERNING EXISTING UNDERGROUND UTILITIES WAS OBTAINED FROM AVAILABLE RECORDS. THE CONTRACTOR MUST DETERMINE THE EXACT LOCATION AND ELEVATION OF ALL EXISTING UTILITIES AND UTILITY CROSSINGS BY DIGGING TEST PITS BY HAND, WELL IN ADVANCE OF THE START OF CONSTRUCTION. CONTACT "MISS UTILITY" AT 1-800-281-7777 48 HOURS PRIOR TO THE START OF CONSTRUCTION. IF CLEARANCES ARE LESS THAN SHOWN ON THIS PLAN OR TWELVE (12) INCHES, WHOEVER IS LESS, CONTACT THE ENGINEER AND THE UTILITY COMPANY BEFORE PROCEEDING WITH CONSTRUCTION. CLEARANCES LESS THAN NOTED MAY REQUIRE REVISIONS TO THIS PLAN.

OWNER/DEVELOPER/APPLICANT
CONGRESSIONAL COUNTRY CLUB
8500 RIVER ROAD
BETHESDA, MD 20817
(301) 469-2000
JEFFREY KNEAFLE
CEO/GENERAL MANAGER

MAP: 210NW09	GRID: FN53
TAX MAP: FN53	ZONING CATEGORY: RE-2
WSS: 200' SHEET	XXXX: NW 08 & 09
209, 210 & 211	XXXX: NW 08 & 09
SITE DATUM: NAVD 83	XXXX: 1991
HORIZONTAL: NAVD 83	
VERTICAL: NAVD 83	



STREAM IMPACT PLAN

Received JUN 21 2019
M-NCPPC
Planning Department

CBA-1206
FINAL FOREST CONSERVATION PLAN- AMENDMENT
CONGRESSIONAL COUNTRY CLUB

10th ELECTION DISTRICT, MONTGOMERY COUNTY, MARYLAND

PROJECT NO. 3803-00-01

SHEET 15 OF 20

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PLANNING DEPARTMENT USE ONLY (E-PLANS)

Summary of Stream Impact				
Area	Square Ft	Acres	Remarks	
A	-2,650	-0.06	Realignment of cart path and associated grading	
B	-42,519	-0.98	Modification to the fairway	
C	60,262	1.38	Water feature to capture and treat runoff and new forest conservation easement planting	
D	-80,715	-1.85	Modification of existing trees and associated grading	
E	-14,768	-0.34	Modification of existing trees and associated grading	
F	-7,842	-0.18	Disturbance due to upgrading outfall	
G	2,902	0.07	Modification of existing tree	
H	-36,726	-0.84	Fill within existing pond (per MDE and Army Corps of Engineers)	
I	20,763	0.48	Stream Restoration and Stabilization	

Total		
	Square Ft	Acres
Negative	-122,179	-2.80
Positive	81,025	1.86
Total	-41,154	-0.94

LEGEND	
	BOUNDARY
	LIMIT OF DISTURBANCE
	LIMIT OF PLANTING
	STREAM
	EASEMENTS TO BE REMOVED
	PROPOSED CONTOUR
	STREAM VALLEY BUFFER
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Developer's Name: Congressional Country Club
Printed Company Name

Contact Person or Owner: Jeffrey Kresale
Printed Name

Address: 8500 River Road, Bethesda, MD 20817

Phone and Email: (301) 459-2000

Signature: _____

SOLTESZ, INC.

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Rockville
Lanham
Waldorf
Leonardtown
Frederick
Soltesz DC, LLC

www.solteszco.com

REVISIONS		REVISIONS	
NO.	REVISIONS	BY	DATE
1		XX	02/04/19
DATE	FEB 2019	CAD STANDARDS VERSION:	V8 - NCS
DESIGNED:	XX	TECHNICIAN:	XX
CHECKED:	DP		

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STREAM IMPACT PLAN
CBA-1206
FINAL FOREST CONSERVATION PLAN- AMENDMENT
CONGRESSIONAL COUNTRY CLUB

10th ELECTION DISTRICT, MONTGOMERY COUNTY, MARYLAND

Received
M-NCPPC
JUN 21 2019
Montgomery County
Planning Department



SHEET 16
OF 20
PROJECT NO. 3603-00-01