

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Date Mailed

February 21, 2025

MCPB No. 25-001
Forest Conservation Plan No. F20250260
Northwest Branch Disc Golf Course
Date of Hearing: January 23, 2025

RESOLUTION

WHEREAS, under Montgomery County Code Chapter 22A, the Montgomery County Planning Board is authorized to review forest conservation plan applications; and

WHEREAS, on November 12, 2024, Montgomery County Parks Department (“Applicant”) filed an application for approval of a forest conservation plan on approximately 200.25 acres of land located at 1313 Bonifant Road (“Subject Property”) in the Aspen Hill Policy Area and 1994 *Aspen Hill Master Plan* (“Master Plan”) area; and

WHEREAS, Applicant’s forest conservation plan application was designated Forest Conservation Plan No. F20250260, Northwest Branch Disc Golf Course (“Forest Conservation Plan” or “Application”); and

WHEREAS, following review and analysis of the Application by Planning Board Staff (“Staff”) and other governmental agencies, Staff issued a memorandum to the Planning Board dated January 13, 2025, providing its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on January 23, 2025, the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the motion of Commissioner Hedrick, seconded by Vice Chair Pedoeem, with a vote of 5-0; Chair Harris, Vice Chair Pedoeem, Commissioners Bartley, Hedrick, and Linden voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Forest Conservation Plan No. F20250260 on the Subject Property, subject to the following conditions, which supersede and replace all existing conditions of approval:¹

¹ For the purpose of these conditions, the term “Applicant” shall also mean the developer, the owner, or any successor in interest to the terms of this approval.

1. The Applicant must schedule the required site inspections by M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
2. 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 Final Forest Conservation Plan may be required by the M-NCPPC Forest Conservation Inspection Staff.
3. 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.
4. Within the first planting season following the release of the first Sediment and Erosion Control Permit from the Montgomery County Department of Permitting Services for the Subject Property, or as directed by the M-NCPPC Forest Conservation Inspection Staff, the Applicant must install the variance tree mitigation plantings on the Subject Property as shown on the approved FCP. The variance tree mitigation plantings must be a minimum size of three (3) caliper inches totaling nine (9) caliper inches, as shown on the approved FCP. Adjustments to the planting locations of these trees is permitted with the approval of the M-NCPPC Forest Conservation Inspection Staff.

BE IT FURTHER RESOLVED that having given full consideration to the recommendations of its Staff as presented at the hearing and/or as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

- 1. The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code Chapter 22A, and ensures the protection of environmentally sensitive features.*

A. Forest Conservation

The Board finds that as conditioned, the Forest Conservation Plan complies with the requirements of the Forest Conservation Law.

FCP No. F20250260 replaces FCP No. SC2008004 and FCP No. SC2022013.

There are 114.96 acres of existing forest on the Property. FCP No. F20250260 shows the removal of 8.88 acres of forest and the retention of 106.08 acres of forest. The Northwest Branch Disc Golf Course generates no forest planting requirements. While most of the trees within the forest clearing will not be removed, the forest is counted as cleared due to the proposed mowing and maintenance associated with the disc golf course. Areas that

will be mowed or maintained are shown as being within Limits of Work but not within Limits of Disturbance, as the areas will not be disturbed and require sediment control measures.

Section 22A-12(e)(1)(B) requires all unforested stream valley buffers to be planted with forest, regardless of forest conservation planting requirements; however, the Planning Board found that the Applicant demonstrated that the stream valley buffer is located on park property stewarded by the Department of Parks, and the afforestation or reforestation would conflict with the mission and established stewardship practices of the Department of Parks, which allows a waiver of this planting requirement pursuant to Section 22A-12(e)(1)(B)(ii). In this case, there are areas of stream valley buffer on the Northwest Branch Recreational Park and Layhill Park that are being used for active recreation purposes. FCP No. F20250260 does not include the removal of athletic fields and planting of forest in the stream valley buffer because doing so would conflict with the established mission and use of this Property by Montgomery Parks. No new facilities or forest clearing are within stream valley buffers, wetlands, or floodplains.

B. Forest Conservation Variance

Section 22A-12(b)(3) of the Forest Conservation Law identifies certain individual trees as a high priority for retention and protection (“Protected Trees”). Any impact to these Protected Trees, including removal or any disturbance within a Protected Tree’s critical root zone (“CRZ”), requires a variance under Section 22A-12(b)(3) (“Variance”). Otherwise, such resources must be left in an undisturbed condition.

This Application will require the removal of one (1) Protected Tree and CRZ impact to fifteen (15) Protected Trees as identified below:

Tree #	Species (Scientific Name)	Species (Common Name)	D.B.H (inches)	Impact (%)	Tree Condition	Status
13	<i>Salix nigra</i>	Black Willow	36”	100%	Fair	Remove
17	<i>Prunus serotina</i>	Black Cherry	35”	12%	Poor	Save
19	<i>Prunus serotina</i>	Black Cherry	35”	26%	Fair	Save
21	<i>Acer rubrum</i>	Red Maple	36.5”	59%	Good	Save
23	<i>Prunus serotina</i>	Black Cherry	34”	13%	Good	Save
36	<i>Liriodendron tulipifera</i>	Tulip Poplar	80”	14%	Good	Save
56	<i>Liriodendron tulipifera</i>	Tulip Poplar	36”	5%	Poor	Save
57	<i>Liriodendron tulipifera</i>	Tulip Poplar	75”	11%	Fair	Save
59	<i>Acer negundo</i>	Box Elder	36”	18%	Fair	Save
60	<i>Carya glabra</i>	Pignut Hickory	48”	73%	Good	Save

Tree #	Species (Scientific Name)	Species (Common Name)	D.B.H (inches)	Impact (%)	Tree Condition	Status
61	<i>Acer saccharinum</i>	Silver Maple	38"	10%	Good	Save
70	<i>Acer rubrum</i>	Red Maple	33"	41%	Good	Save
86	<i>Platanus occidentalis</i>	American Sycamore	30.5"	37%	Good	Save
89	<i>Platanus occidentalis</i>	American Sycamore	31"	7%	Good	Save
92	<i>Platanus occidentalis</i>	American Sycamore	31"	7%	Good	Save
100	<i>Platanus occidentalis</i>	American Sycamore	34"	0%	Good	Save

In accordance with Section 22A-21(a), the Applicant requested a Variance, and the Board agrees that the Applicant would suffer unwarranted hardship by being denied reasonable and significant use of the Subject Property as a disc golf course without the Variance. Disturbance and forest clearing has been minimized, with the disc golf course designed to work with the natural resources on the Property.

The Board made the following findings necessary to grant the Variance:

1. *Granting the Variance will not confer on the Applicant a special privilege that would be denied to other applicants.*

Granting the Variance does not confer a special privilege on the Applicant as the disturbance is the minimum necessary to add a disc golf course on an existing recreation park. The Property is currently in use as a recreation park and the new facility is located outside of stream valley buffers, wetlands, and floodplains. The disc golf course has been designed to minimize disturbance and tree removal. If the Applicant were not able to impact the Protected Trees, the Applicant would not be able to construct the disc golf course.

2. *The need for the Variance is not based on conditions or circumstances which are the result of the actions by the Applicant.*

The granted variance is not based on conditions or circumstances which are the result of actions by the Applicant but is based upon the existing site conditions and the locations of the Protected Trees. The disc golf course has been designed to work with the natural features on the Property and minimize disturbance.

3. *The need for the Variance is not based on a condition related to land or building use, either permitted or non-conforming, on a neighboring property.*

The variance is a result of the location of trees and the proposed construction and not a result of land or building use on a neighboring property.

4. *Granting the Variance will not violate State water quality standards or cause measurable degradation in water quality.*

The development includes no disturbance or impacts to any trees located in stream valley buffers.

Mitigation for the Variance is at a rate that approximates the form and function of the Protected Tree removed. The Board approves the replacement of Protected Tree at a ratio of approximately 1-inch caliper for every 4 inches removed using trees that are a minimum of 3-inch caliper in size. This results in a mitigation of nine (9) inches, with a minimum at installation of three (3) 3-inch caliper trees. No mitigation is required for Protected Trees impacted but retained.

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Planning Board in this matter, and the date of this Resolution is

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(which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal consistent with the Maryland Rules for the judicial review of administrative agency decisions.

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Vice Chair Pedoeem, seconded by Commissioner Hedrick, with a vote of 5-0; Chair Harris, Vice Chair Pedoeem, and Commissioners Bartley, Hedrick, and Linden, voting in favor of the motion, at its regular meeting held on Thursday, February 20, 2025, in Wheaton, Maryland and via video conference.



Artie L. Harris, Chair
Montgomery County Planning Board