

ZION ROAD BRIDGE OVER THE HAWLINGS RIVER MANDATORY REFERRAL NO. MR2025026 AND FOREST CONSERVATION PLAN F20240870



Description

Replacement of the one-lane Zion Road bridge (Bridge No. M-0121) over the Hawlins River with a two-lane bridge.

Planning Staff

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LOCATION

Zion Road between Gregg Road and Sundown Road

MASTER PLAN

Olney Master Plan (2005)
Rustic Roads Functional Master Plan Update (2023)

COMPLETE STREETS AREA TYPE

Country Area

APPLICANT

Montgomery County Department of Transportation

ACCEPTANCE DATE

06/25/25, extension of 60-day review period approved by Applicant

REVIEW BASIS

Md. Land Use Article, Section 20-301, et seq
Chapter 22A

Summary:

- Planning Staff recommends approval of the Forest Conservation Plan with conditions.
- Planning Staff recommends approval of the Mandatory Referral with comments and transmittal of comments to Montgomery County Department of Transportation.
- The Planning Board review of a Mandatory Referral is pursuant to the Land Use Article of the Maryland Annotated Code, Sections 20-301 et seq.
- The Applicant agreed to a 60-day extension of the review period, until 10/24/25.

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SECTION 1 – CONDITIONS

Planning Staff recommends the Planning Board approve the Forest Conservation Plan and variance, subject to the following conditions:

1. The Applicant must schedule the required site inspections by M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Code of Montgomery County Regulations (“COMCOR”), 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 (FCP).
4. Execute a five-year Maintenance and Management Agreement (“MMA”) in a form approved by the M-NCPPC Office of the General Counsel. The MMA is required for all forest planting areas, mitigation tree plantings, including variance tree mitigation plantings, and landscape plantings credited toward meeting the requirements of the FCP. The MMA includes invasive species management control measures as deemed necessary by the M-NCPPC Forest Conservation Inspection Staff. All proposed measures should be chosen with consideration of the proximity to the on-site stream and wetlands and the sensitive nature of this watershed. The use of herbicides should be avoided where possible.
5. Submit a cost estimate for the reforestation/afforestation and other FCP requirements, which includes but is not limited to trees and shrubs, variance mitigation trees, five years of maintenance including invasive species management controls, permanent easement posts and signage, natural surface trails, split rail fencing, mulching, staking, tree protection, and tree protection removal credited toward meeting the requirements as shown on the FCP. This cost estimate must be reviewed and approved by the M-NCPPC Planning Department Inspection Staff prior to the submission of financial surety to determine the amount of the financial surety.
6. Record an M-NCPPC approved Certificate of Compliance in an M-NCPPC approved off-site forest bank purchasing 0.17 acres of mitigation credits from a mitigation bank within Montgomery County, subject to Staff approval. If forest mitigation bank credits are not available for purchase, a fee-in-lieu payment must be made to M-NCPPC for the appropriate mitigation credits outside of the same watershed or Priority Area.
7. 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 afforestation/reforestation plantings as shown on the approved FCP.
8. 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 3 caliper inches totaling 8.75 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.

SECTION 2 – COMMENTS

Staff recommends approval of the Mandatory Referral MR2025026 and the transmittal of the following comments to the Montgomery County Department of Transportation:

1. Construction plans must be submitted to the Maryland-National Capital Park and Planning Commission (M-NCPPC) Montgomery County Department of Parks (Montgomery Parks) for review as part of the Park Construction Permit process to ensure that all work is performed in accordance with M-NCPPC standard details, specifications, and policies. No work on parkland may occur until an approved Park Construction Permit is issued for the project.
2. MCDOT must compensate the M-NCPPC at fair market value for all land that will transfer from M-NCPPC to MCDOT's road right-of-way (ROW), estimated at approximately 264 square feet. Payment for the transferred land must occur before issuance of the Park Construction Permit. The new ROW will be transferred to MCDOT by M-NCPPC via a Release Agreement and via perpetual easement, recorded in the County Land Records.
3. MCDOT must provide an appropriate parcel of new parkland as a replacement for the State Program Open Space (POS)-funded parkland this project will convert to ROW, approximately 115 square feet, prior to the issuance of a Park Construction Permit.
4. MCDOT must continue to coordinate with M-NCPPC Montgomery Parks on the design of the required in-stream structures in the Hawlings River to ensure that a stable stream setting is provided.
5. Mitigation for impacts to M-NCPPC Montgomery Parks trees (with a 6" diameter at breast height (DBH) or greater) damaged or removed, shall either be (1) replacement planting on parkland at a rate of one-inch to one-inch diameter, and/or (2) a monetary per-inch caliper basis at the rate of \$200/diameter inch, to be paid to M-NCPPC Montgomery Parks prior to construction completion. Continued coordination of project design is required to further reduce tree impacts on parkland and protect the forest habitat.

SECTION 3 – INTRODUCTION

This project provides for the replacement of the existing Zion Road Bridge over the Hawlings River. The existing bridge, built in 1930, is a 22-foot 11-inch-long single span structure carrying an approximate 11.6-foot-wide clear roadway (one lane) with no sidewalks. The existing superstructure consists of a concrete arch with asphalt roadway, including concrete abutments and wing-walls. The proposed replacement bridge includes a 35-foot-long single span concrete arch. The new bridge structure will provide a 20-foot-wide roadway and two 2-foot-wide shoulders on the bridge. The project includes the installation of stream stabilization measures, riparian enhancement within the Rachel Carson Conservation Park, and approach roadway work at each end of the bridge as necessary to tie-in to the existing roadway. The bridge and road will be closed to traffic for construction during the school summer break during construction. Accelerated bridge construction techniques will be utilized to minimize the disruption to the community. Figure 1 shows the location of the project.

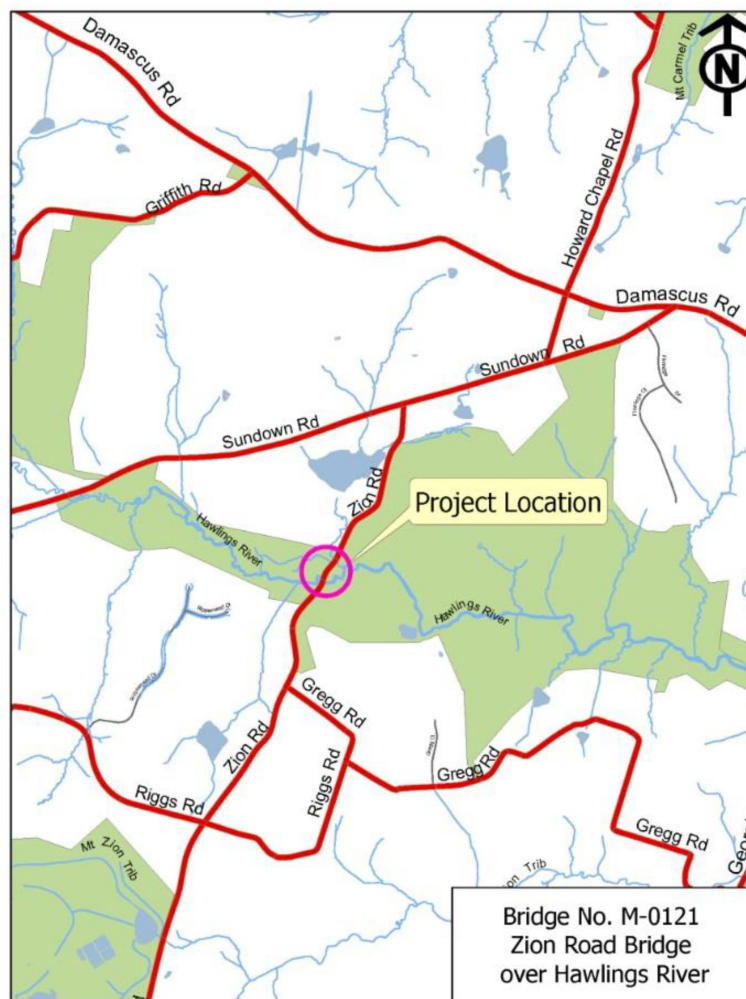


Figure 1: Project Location

SECTION 4 – PROJECT DESCRIPTION

Project Description

The Montgomery County Department of Transportation (MCDOT), in cooperation with the Maryland Department of Transportation State Highway Administration (MDOT SHA), is proposing to use federal funding to remove and replace Bridge No. M-0121. The bridge is located on Zion Road over the Hawlings River in Montgomery County, Maryland. The Zion Road Bridge is located within Rachel Carson Conservation Park, which is a natural resource under the jurisdiction of Maryland-National Park and Planning Commission (M-NCPPC), although the park property to the west of the bridge is owned by Montgomery County (Parcel P438), and the park property to the east of the bridge is owned by M-NCPPC (Parcel P656).

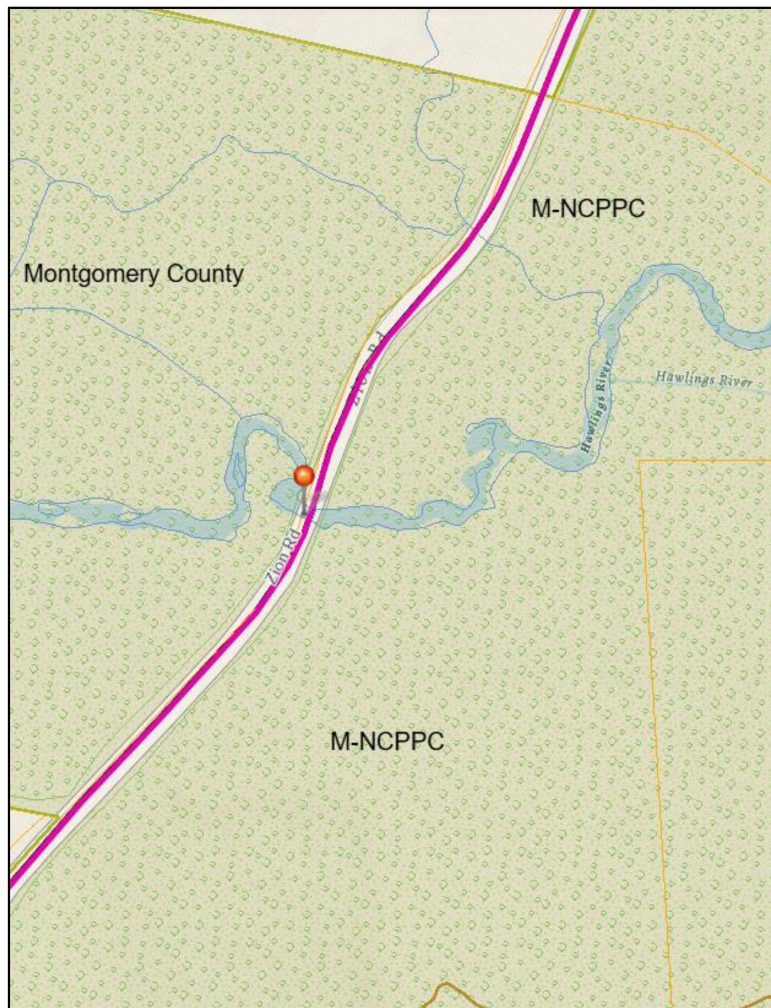


Figure 2: Property Map Along Zion Road

The 2021 Annual Bridge Inspection Report indicates that the bridge is in poor condition with a Bridge Sufficiency Rating of 13.6 out of 100. Structures that are rated in poor condition are eligible for rehabilitation or replacement using Federal Funding under the Highway Bridge Program.

Zion Road is designated as a Rustic Road in the approved and adopted 2023 *Rustic Roads Functional Master Plan*.

The existing one-lane bridge, built in 1930, is a 22-foot 11-inch-long single span structure carrying an approximate 11.6-foot clear roadway with no sidewalks. The existing superstructure consists of a concrete arch and asphalt roadway with concrete abutments and wingwalls. Zion Road in the vicinity of the bridge carries approximately 2,050 vehicles per day (2018), with a projected future year 2037 daily traffic volume of 3,100 vehicles.

The posted speed limit along Zion Road is 30 mph and there are currently no plans to change this existing posted speed limit. The bridge currently has posted load limits of 10,000 GVW (gross vehicle weight) and 10,000 GCW (gross combination weight). The project is needed to replace a structurally deficient bridge with a bridge capable of handling the local traffic and anticipated traffic levels.

MCDOT is proposing to replace the Zion Road Bridge No. M-0121 with a new bridge structure in approximately the same location. The proposed replacement structure will be a 35-foot-long single span concrete arch. The new bridge structure will provide two 10-foot vehicle lanes with two 4-foot grassed shoulders on the approach and two 2-foot paved shoulders on the bridge. Minor enhancements to the approach roadwork would occur approximately 440 feet north of the bridge and 195 feet south of the bridge. The roadway work includes full-depth pavement for approximately 260 feet, wedge, and level for approximately 130 feet, and mill and overlay for approximately 245 feet. Project design plans are provided as Attachment A.

The plan view of the proposed design is shown in Figure 3, Figure 4, and Figure 5.

Cross sections of the proposed design are shown in Figure 6, Figure 7, and Figure 8.

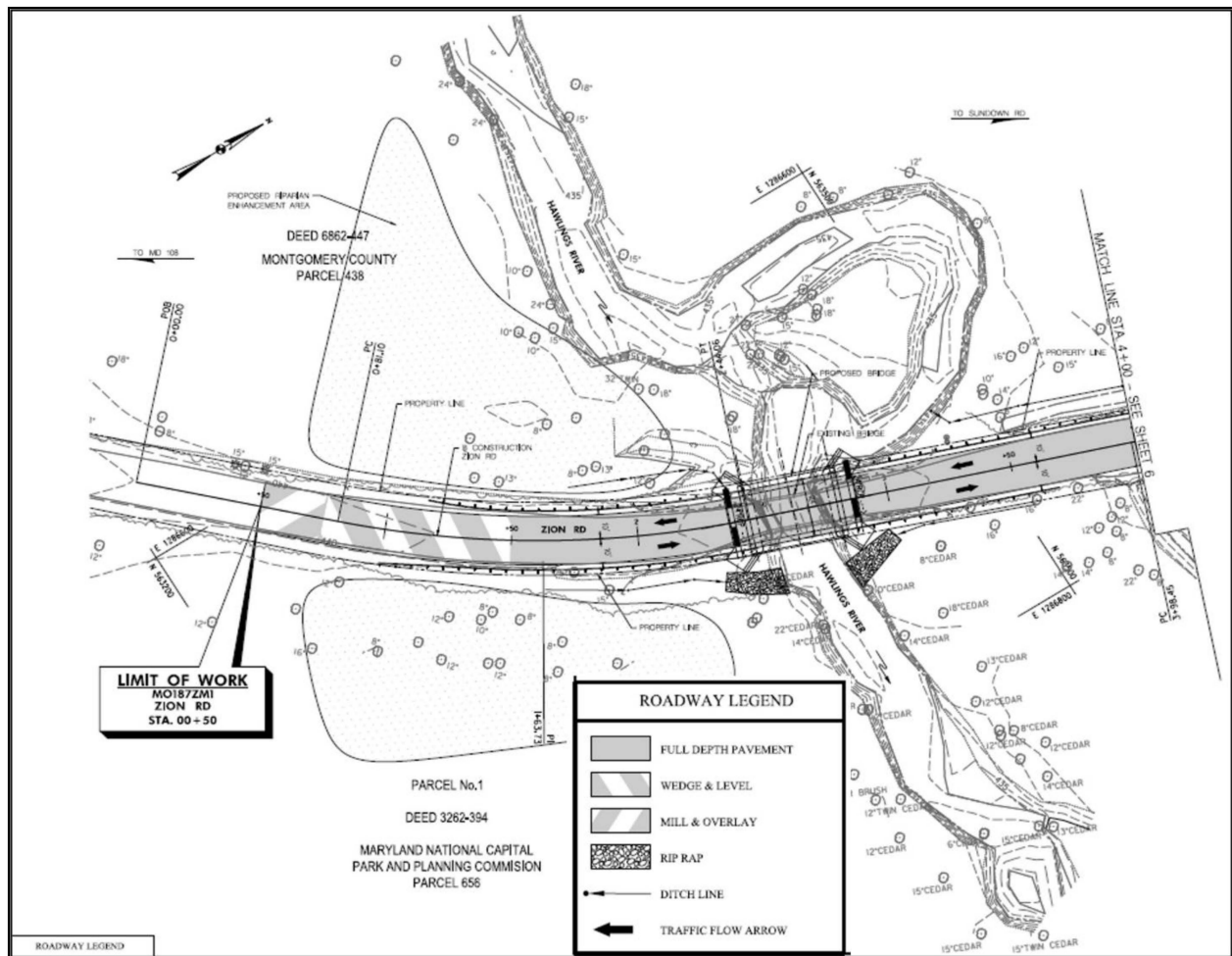
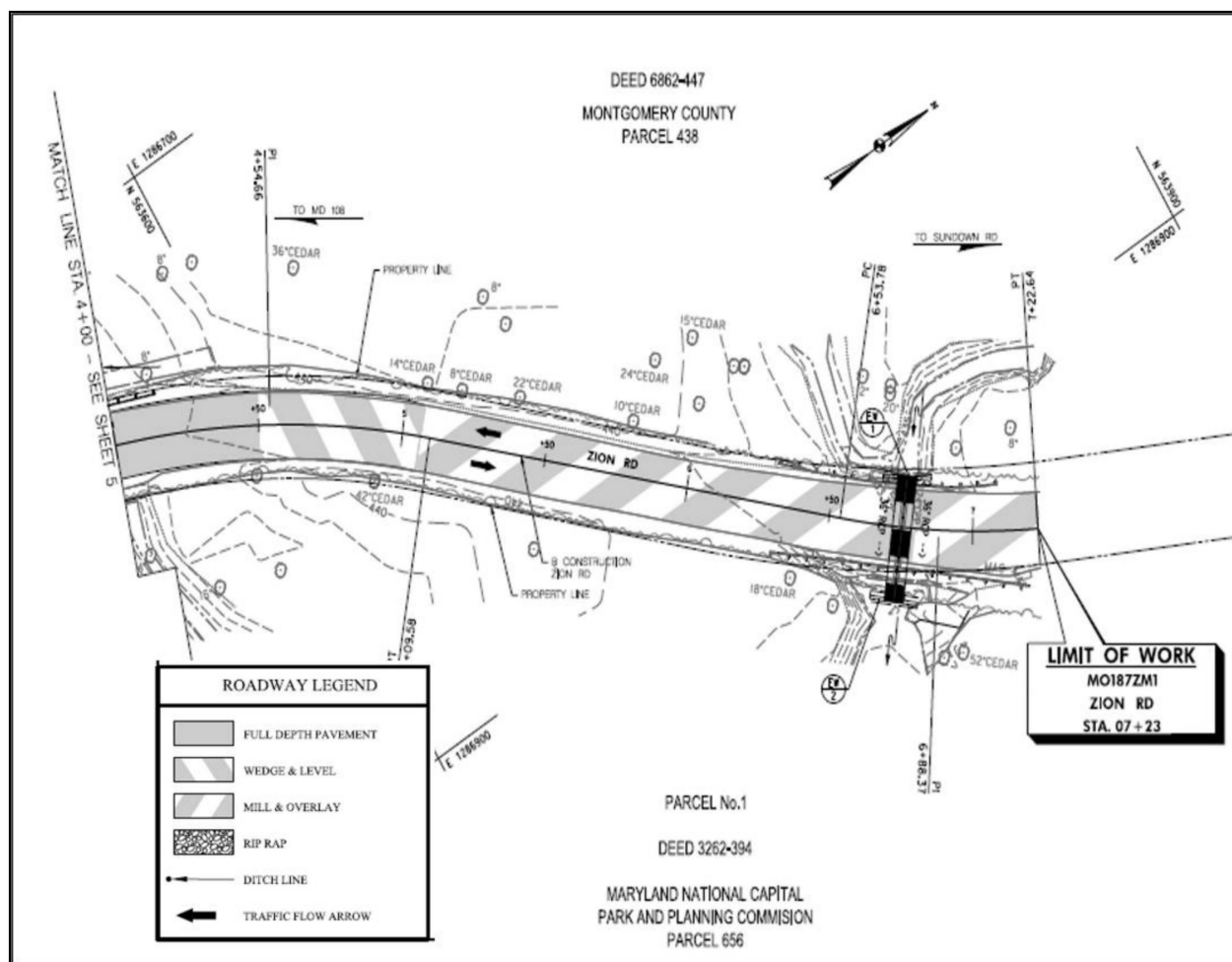


Figure 3: Plan View - Proposed Design (West Side)



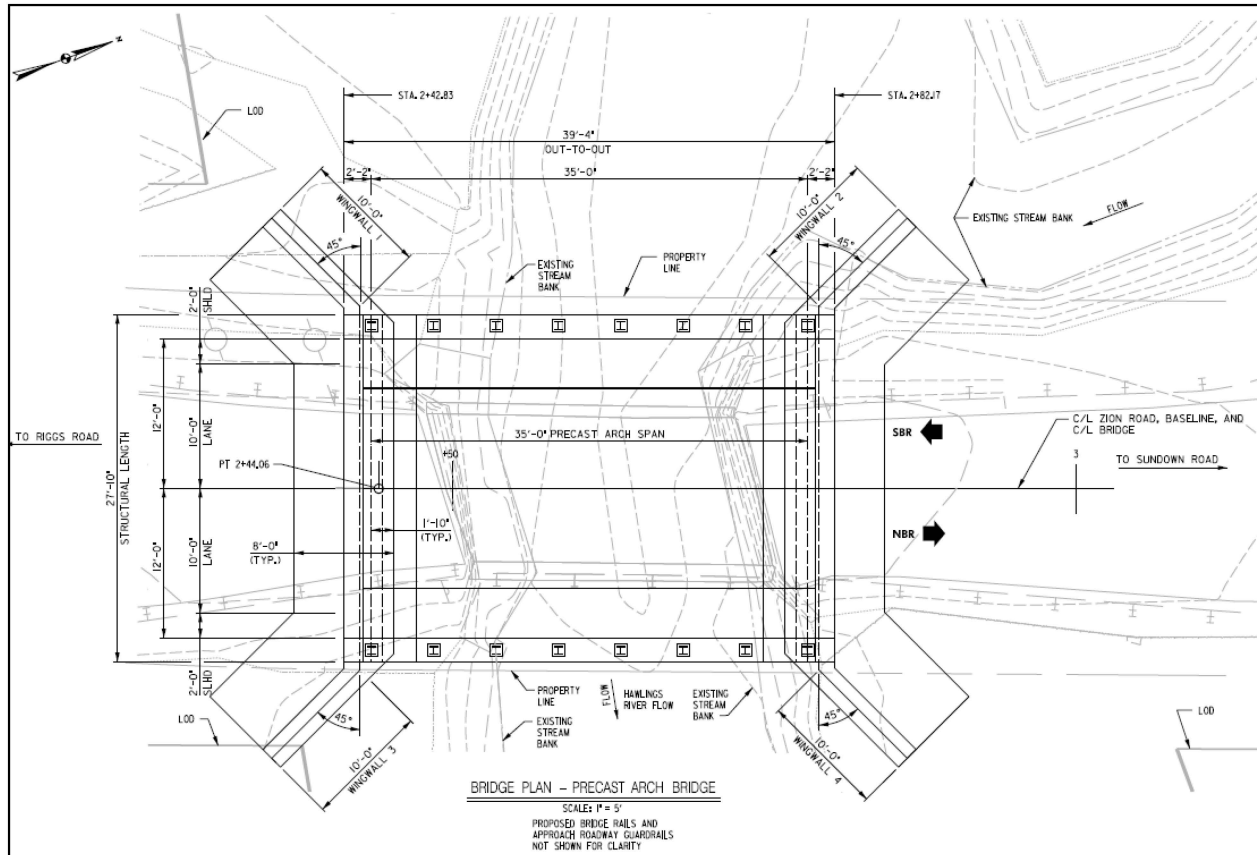


Figure 5: Proposed Bridge Deck Plan View

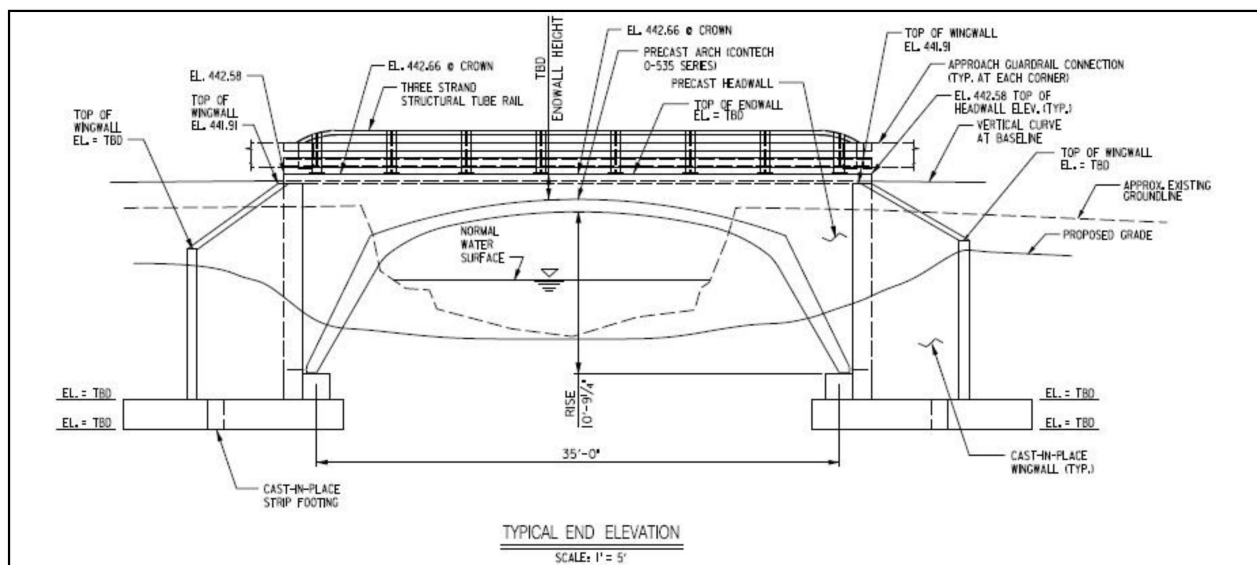


Figure 6: Proposed Lateral Bridge Cross Section

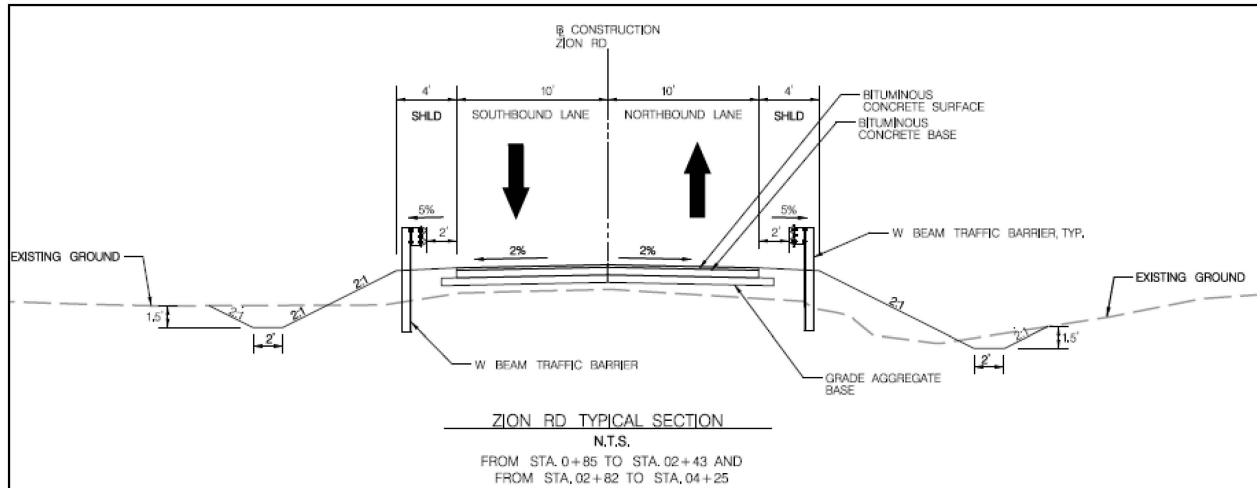


Figure 7: Cross Section for Bridge Approach (Traffic Barrier with Steep Slopes)

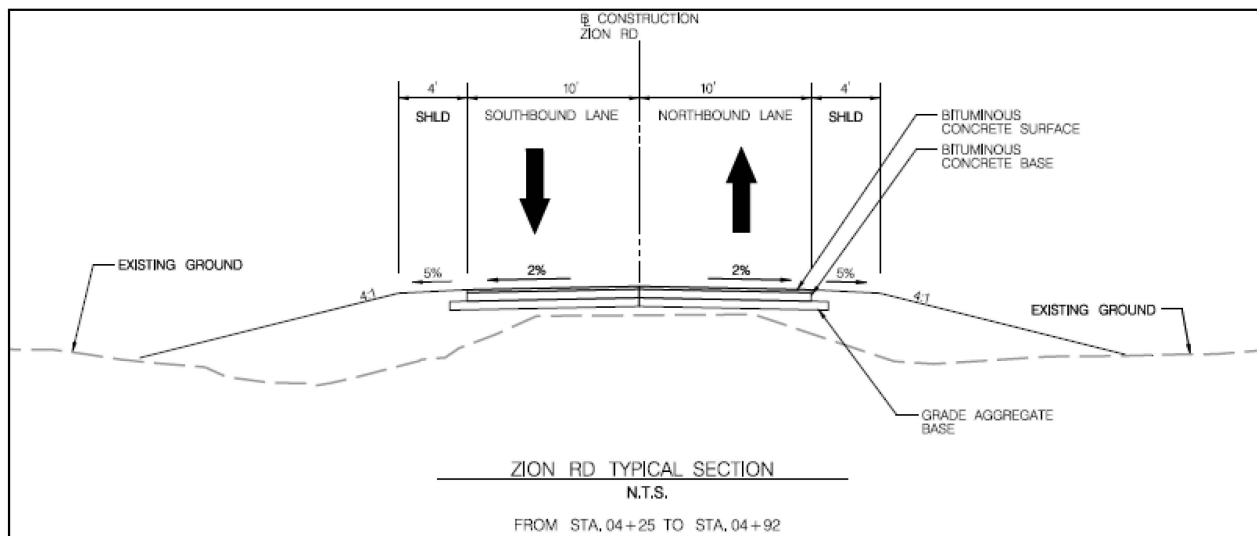


Figure 8: Cross Section for Bridge Approach (Shoulder with Gradual Slopes)

The bridge and a portion of Zion Road will be closed during construction, with traffic detoured through Brookeville Road to Olney-Laytonsville Road (MD 108), Sundown Road, and Zion Road, as shown in Figure 9.

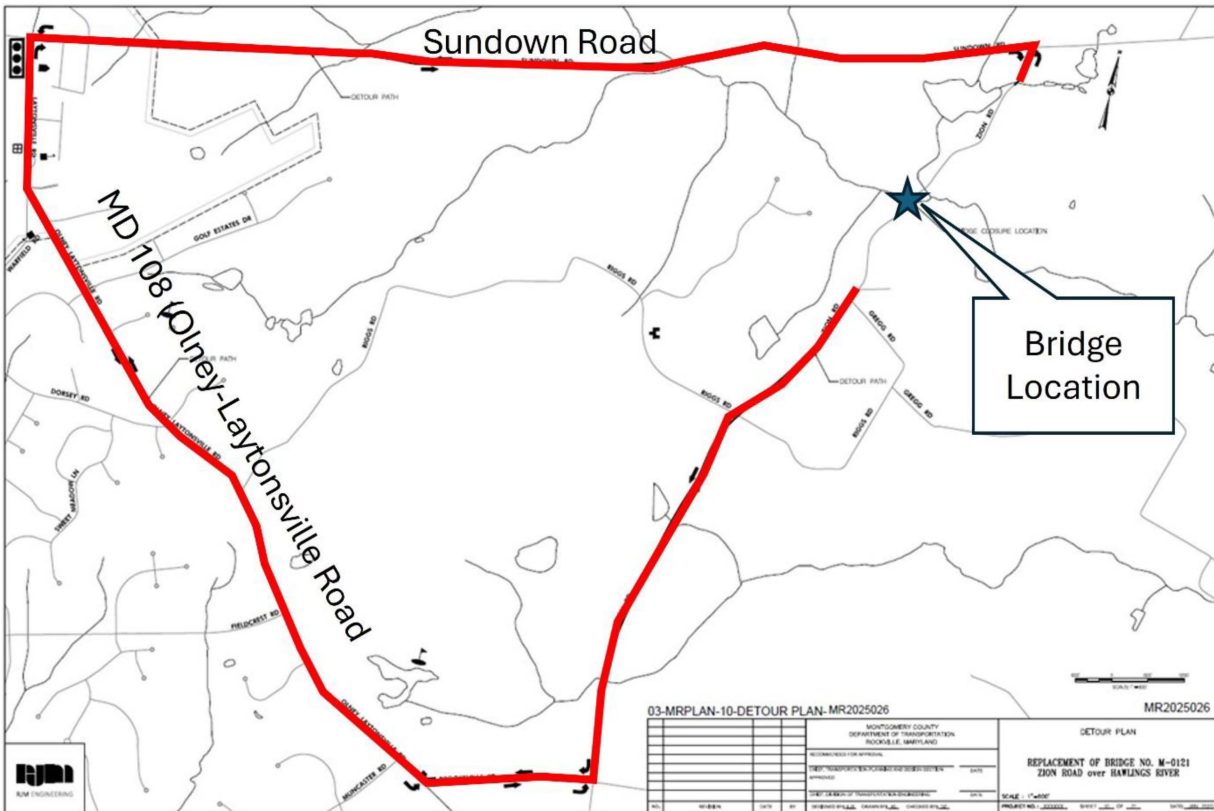


Figure 9: Proposed Detour Routing During Bridge Construction

The project is currently at the preliminary design phase. The scope of work includes removal of the existing bridge, construction of the new bridge, and minor approach roadway improvements, riparian enhancement within Rachel Carson Conservation Park along the Hawlings River on both sides of Zion Road, and stream restoration activities along the Hawlings River. All riparian enhancements and stream improvements are being coordinated with Montgomery Parks. In conformance with M-NCPPC requirements, the project must obtain a park construction permit from Montgomery Parks prior to commencement of any construction activities on parkland.

Background

There are no previous Planning Board actions on this project.

Surrounding Area

The surrounding neighborhood is rural and zoned as Agricultural Reserve (AR). The project is near the Rachel Carson Conservation Park.

Zion Road is a two-lane Rustic Road with a posted speed limit of 30 mph. Photos of Zion Road and the Hawlings River are shown in Figure 10, Figure 11, and Figure 12.



Figure 10: Zion Road at Bridge over the Hawlings River



Figure 11: View of Hawlings River from Bridge



Figure 12: Zion Road North of Bridge at Culvert Crossing

SECTION 5 – MANDATORY REFERRAL CONSIDERATIONS

Mandatory Referral review is guided by Montgomery Planning's Uniform Standards for Mandatory Referral Review (December 2022), and the authority granted to the Planning Board in Section 20-301 of the Land Use Article of the Maryland Code. In order to ensure the comprehensive review of public projects, the Planning Board has jurisdiction over applications filed by the State, Federal, and County governments, including MCPS, as well as municipalities located within the Montgomery County portion of the Regional District. This includes the following activities: (i) acquiring or selling land; (ii) locating, constructing or authorizing a road, park, public way or ground, public building or structure, or publicly owned or privately owned public utility; or (iii) changing the use of or widening, narrowing, extending, relocating, vacating or abandoning any of the previously mentioned facilities. The Planning Board, or its Staff, must review such projects pursuant to the Uniform Standards and transmit comments to the applicant within the prescribed timeframe.

As described in the Uniform Standards, the Planning Board, or its Staff, considers all relevant land use and planning aspects of the proposal, including, but not limited to, the following:

- 1. whether the proposal is consistent with the County's General Plan, functional plans such as the master plan of highways, environmental guidelines, the approved and adopted area master plan or sector plan, and other public plans, guidance documents, or programs for the area;***
- 2. whether the proposal is consistent with the intent and the requirements of the zone in which it is located;***
- 3. whether the nature of the proposed site and development, including but not limited to its size, shape, scale, height, arrangement, design of structure(s), massing, setback(s), site layout, and location(s) of parking is compatible with the surrounding neighborhood and properties;***
- 4. whether the locations of buildings and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient;***
- 5. whether the proposal has an approved NRI/FSD and a preliminary SWM Concept Plan, and meets the requirements of the Forest Conservation Law (Chapter 22A of the County Code). Forest Conservation Plan, if applicable, must be approved by the Planning Board, either before or at the time of the Board's mandatory referral review and action on the project. Unlike the mandatory referral review by the Board, the conditions of the Forest Conservation Plan are binding on all county projects and require a Resolution of Approval.***

As conditioned, the Application meets all applicable requirements of Chapter 22A of the Montgomery County Forest Conservation Law.

This Application is for the public project to replace the Zion Road Bridge No. M-0121 and associated construction, the Applicant has submitted FFCP No. F20240870, the full details can be found below.

The proposal includes a stormwater management concept plan, which has been reviewed and approved by the Montgomery County Department of Permitting Services (MCDPS). The approval letter for the stormwater management concept plan was dated February 22, 2022 (Attachment D).

- 6. *whether a Preliminary or a Final Water Quality Plan has been reviewed by the Planning Board if the project is located in a Special Protection Area. In addition, for a Water Quality Plan for a project on public property, the Board must determine if the plan meets any additional applicable standards for Special Protection areas, including the standards of Article V. WATER QUALITY REVIEW IN SPECIAL PROTECTION AREAS, of the County Code (pursuant to Section 19-65(d)(4));***

The Subject Property is not located in a Special Protection Area and a water quality plan is not required.

- 7. *whether or not the site would be needed for park use if the proposal is for disposition of a surplus school or other publicly-owned property.***
- 8. *whether alternatives or mitigation measures have been considered for the project if the proposal is inconsistent with the General Plan or other plans and policies for the area, or has discernible negative impacts on the surrounding neighborhood, the transportation network, the environment, historic resources (including burial sites) or other resources.***

SECTION 6 – MANDATORY REFERRAL ANALYSIS

Master Plan Consistency

As described in the Uniform Standards outlined in Section 5 of this staff report, the Planning Board considers whether the proposal is consistent with the County's General Plan, functional plans, area master plans, and any associated design guidelines.

Olney Master Plan (2005)

The project is located within the 2005 *Olney Master Plan* area. One of the goals of the plan, the Two-Lane Road Policy, is to preserve and enhance the rural and agricultural character of the area. All roadways in the rural area should be limited to a maximum of two through travel lanes, as indicated in the tabulation of street and highway classifications. The limitation on through travel lanes is not intended to preclude the implementation of spot safety and operational improvements such as turning lanes or acceleration/deceleration lanes. The proposed widening of the Zion Road Bridge from one bi-directional travel lane to two lanes is consistent with this goal and policy.

Rustic Roads Functional Master Plan Update (2023)

Zion Road is identified as a Rustic Road and is therefore also subject to the 2023 *Rustic Roads Functional Master Plan* (RRFMP). Montgomery County's Rustic Roads Program preserves historic and scenic roads that reflect the County's agricultural character. Rustic Roads generally carry local traffic and are designated based on surrounding land uses and natural features, historical value, and road characteristics. Zion Road is master-planned as a two-lane rustic road with a 70-foot-wide right-of-way. There are no bicycle facilities planned.

Zion Road is a Rustic Road from Riggs Road to Sundown Road. The road was designated rustic in the original 1996 *Rustic Roads Functional Master Plan*, where the existing one-lane bridge is mentioned within the road's driving experience. The road description was updated in the 2023 RRFMP, acknowledging that the one-lane bridge was to be replaced by a two-lane bridge. The bridge was not designated as a significant feature of the road in either plan, but it contributes to the significant feature of a "pleasant road blending into adjacent land." MCDOT proposes the narrowest cross-section possible in order to provide safety improvements. The revised design, with two lanes, will affect the way the "road blends into the adjacent land" as it crosses the Hawlings River, but the impact on the driving experience should be minimal.

The proposed project is generally consistent with the 2023 *Rustic Roads Functional Master Plan*.

Historic Preservation

In 2001, it was determined that Bridge No. M-0121 is not eligible for the National Register of Historic Places. On March 5, 2021, the Maryland Historical Trust determined that there are no historic

properties affected by the Replacement of Bridge No. M-0121. Historic Preservation Staff agree with these assessments that no historic properties will be adversely affected by the proposed bridge replacement. The Project will not have impacts on any County-designated historic properties, and a Historic Area Work Permit will not be required.

Zion Road is classified as a Rustic Road in the Rustic Roads Functional Master Plan, which identifies the key features of the road as having a pleasant nature that blends into adjacent land and for its forest canopy. The project description goes on to note that "in accordance with ... Rustic Roads, Regulation Number 21-96, 'Bridge replacement...must be of a design and material that is visually compatible with the rustic appearance of the road. Bridges must be replaced at a scale and with materials similar to those of the previously existing structure.' This will be done by maintaining the concrete arch design in the replacement bridge." The 2005 *Olney Master Plan* notes Zion Road as a Rustic Road but does not include information on the bridge itself.

Parks Department

Parkland and Resource Description

The proposed bridge construction occurs in MCDOT ROW and on parkland. It will result in both temporary and permanent impacts to Rachel Carson Conservation Park. This park consists of approximately 650 acres and is one of the County's premier conservation areas. This park is in the Hawlings River watershed and includes more than six miles of natural surface trails designed for both hiking and equestrian use. The impacted parkland within Rachel Carson Conservation Park is designated as a Best Natural Area, which indicates that this area has a high natural resource value. This Best Natural Area consists of high-quality mixed oak and mixed deciduous forests, with high-quality seeps and uncommon plant species. There are no active recreation amenities located in the vicinity of the project.

The existing and proposed bridges span the Hawlings River, which is confluent with the Patuxent River. Data was collected downstream of the project area in 2025 to measure and better understand the aquatic health of the stream and fish community. The resulting data identified the aquatic ecology as being in "excellent" condition, on a scale of poor, fair, good, or excellent.

The Hawlings River is designated as a Use Class IV-P stream, which means the stream is classified as both a recreational trout water and a public water supply stream. The Maryland Department of the Environment (MDE) enforces Time of Year Restrictions (TOYRs) for Use Class IV streams, which begins March 1 and extends until May 31; no instream work can occur during that TOYR.



Figure 13: Hawlings River Flowing Under Zion Road Bridge – View 1



Figure 14: Hawlings River Flowing Under Zion Road - View 2

Parkland Impacts

The proposed bridge will be approximately 12 feet wider than the existing bridge in order to accommodate two lanes of traffic instead of the currently existing single-span bridge roadway. The proposed bridge will also be approximately 12 feet longer and will allow for a greater flow capacity under the bridge. This project will require a permanent impact of 0.006 acres on parkland for construction of the bridge abutments, and temporary impacts of 1.76 acres on parkland for the construction access. This access is required for the stream stabilization and riparian enhancement efforts on parkland upstream and downstream of Zion Road. The permanent impact will result in the creation of additional MCDOT right-of-way consisting of approximately 264 square feet in Rachel Carson Conservation Park.

Tree impacts will consist of the removal of no more than 53 trees required for construction and access. As design progresses, continued adjustments will be made to bank grading, site access, restoration extent, etc. to further reduce tree impacts and preserve the forest canopy to the greatest extent practicable. Any tree removals necessary for this project will be fully mitigated by the planting of a diverse mix of native trees, shrubs, and herbaceous plugs within the limit of disturbance (LOD). These plantings will be done per Parks Specifications, and are intended to fulfill Montgomery Parks tree mitigation requirements; any other regulatory tree requirements are separate from these requirements.

MCDOT included Natural Channel Design instream stabilization and riparian enhancement features (per Parks Standard Details) upstream (approximately 250') and downstream (approximately 200') of the new bridge (see Figure 15 below). The upstream extent of the streamwork is especially vital for the function and protection of the road and bridge infrastructure. The current strong meandering of the stream continues to erode and threaten the structural integrity of the bridge, and must be significantly realigned and stabilized as part of this project.

Traditional bridge construction techniques generally reduce the stream width and harden the banks, which accelerates stream flows and increases the erosive force of the water. Montgomery Parks appreciates MCDOT's commitment to improving the stream condition of the Hawlings River by building a new bridge with more capacity for the stream and by restoring eroded banks upstream and downstream of the bridge. The wider stream cross-section under the bridge will result in less erosive flows and improved aquatic passage through the bridge. In addition, stream habitat will be improved by the construction of stable riffles and pools that provide varied aquatic habitat, including submerged woody material and fast flowing riffle habitat. The inclusion of the crossvane downstream of the bridge will center the flow of the stream away from the banks and provide grade control to prevent any further incision of the stream channel. A culvert that crosses under Zion Road, north of the Hawlings River, will also be replaced, along with minor stabilization upstream of that structure.

Additional design features within the floodplain of the Hawlings River will also be incorporated as part of this project in order to enhance riparian and wetland habitat as well as mitigate instances of flooding.

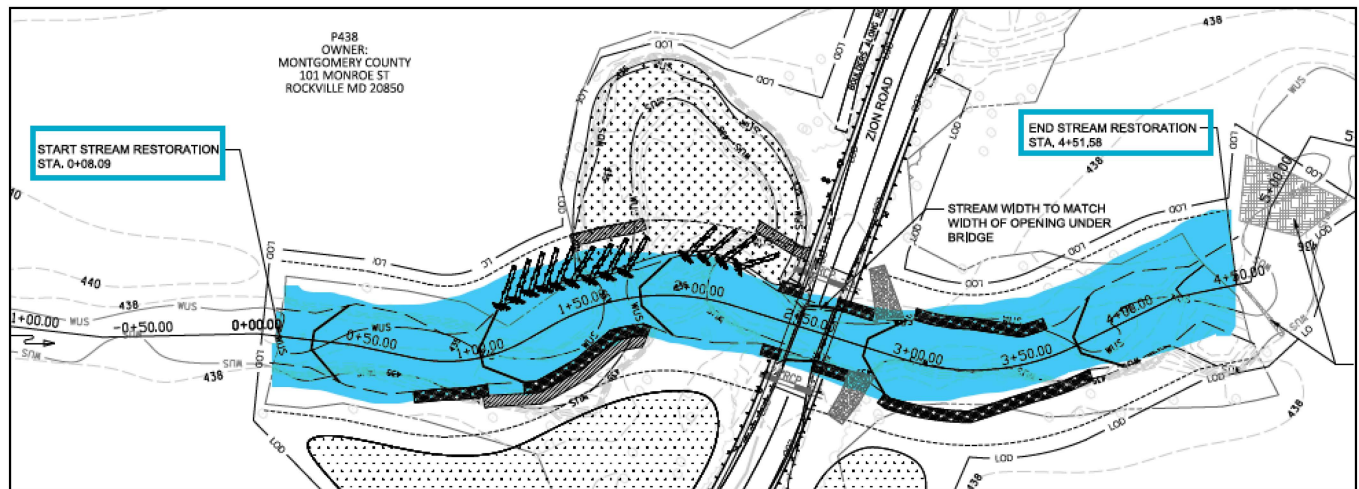


Figure 15: Extent of Stream Work

Park Construction Permit

MCDOT will be required to obtain a Park Construction Permit from Montgomery Parks prior to commencement of any construction activities on parkland. Plans submitted for Park Construction Permit review must include existing topography, utilities, and identify and locate all trees (with size and species) larger than 6" DBH and greater within 100 feet of the proposed LOD on park property. During Park Construction Permit review, Montgomery Parks staff will work with MCDOT to minimize impacts to parkland to the greatest extent possible and avoid all critical resources identified. MCDOT will continue to coordinate with Montgomery Parks on a further reduction in tree impacts, as well as on the design of the required in-stream structures within the Hawlings River to ensure that a stable stream setting is provided. Montgomery Parks tree mitigation will be fulfilled through the on-site planting of a diverse tree, shrub, and herbaceous palette approved by Montgomery Parks, and supplemented as needed on a monetary per-inch caliper basis at the rate of \$200/diameter inch.

Right-of-Way

The current project design requires approximately 264 square feet (0.006 acre) of Rachel Carson Conservation Park to be added to the MCDOT Zion Road ROW to accommodate the new bridge structure, creating a permanent impact to the park. MCDOT must compensate the Commission for any land or property rights transferred to County road ROW to keep the Commission whole.

One of the impacted parcels (parcel ID 02541124) is County-titled parkland under control and management of the Commission via the 1972 County-Commission Agreement. For this parcel, property rights will be transferred to County ROW via a Release Agreement that the Commission will execute and record in the County Land Records.

The other impacted parcel is Commission-titled parkland (parcel ID 00713520), and as such that area to be added to the MCDOT ROW will be transferred to the County, as appropriate, via perpetual easement in the County Land Records.

Since the funds used to acquire these parcels were appropriated to the Commission for parks and open space purposes, M-NCPPC must be compensated at fair market value for the land area that will no longer be serving park purposes. Payment for the new ROW area must be made to Montgomery Parks prior to issuance of the Park Construction Permit. Commission-controlled parkland proposed to be transferred to MCDOT is highlighted orange in the figure below.

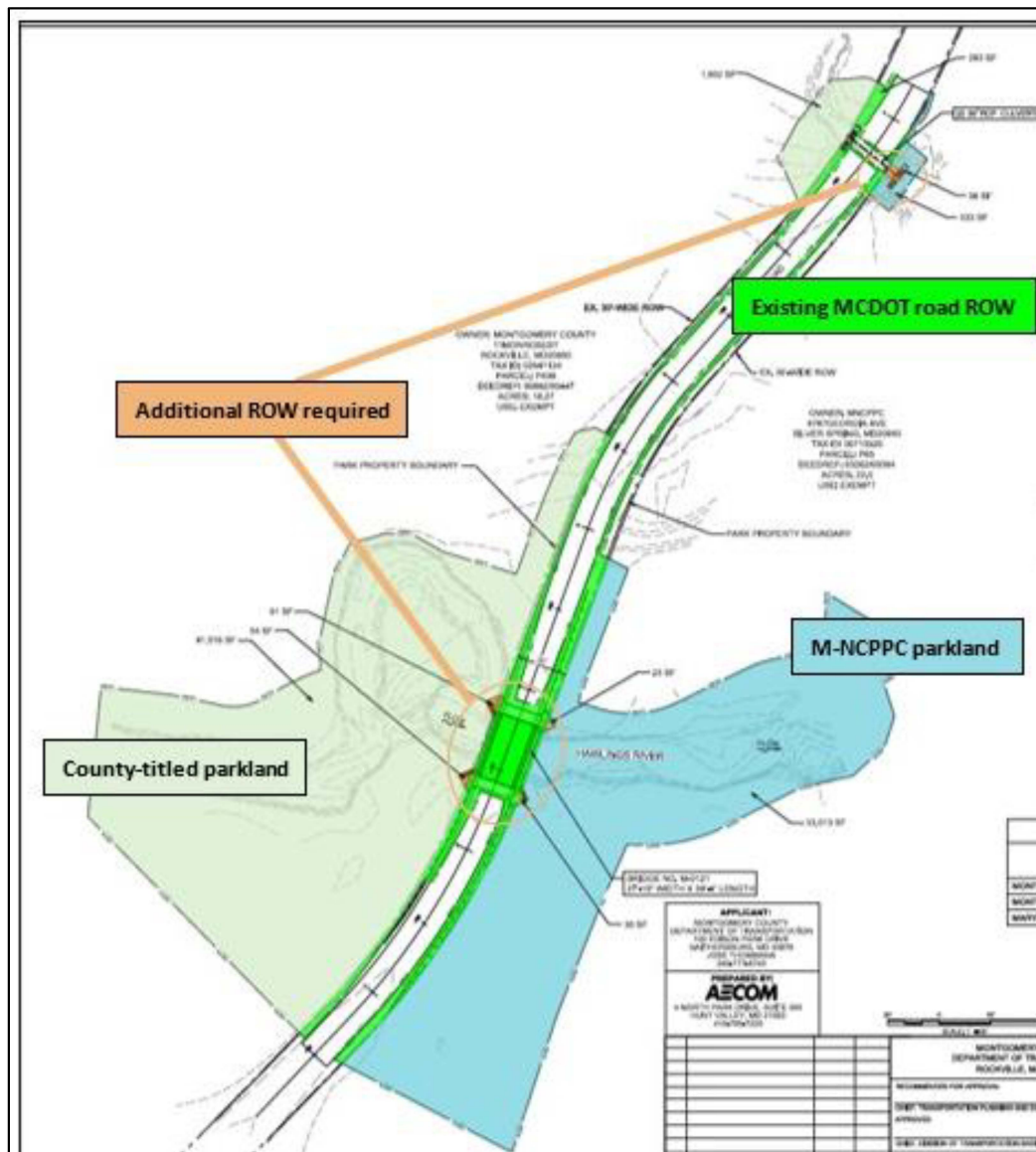


Figure 16: Additional Area Required for Right-of-Way Highlighted in Orange

Program Open Space Conversion Requirements

In instances where parkland being converted to road ROW is subject to State of Maryland Program Open Space (POS) covenants, replacement parkland must be provided to the Commission to meet the POS conversion requirements of the Maryland Department of Natural Resources (MD DNR). State law requires that any POS-purchased land “converted” away from public recreation and open space be replaced with new parkland that is of equal or greater land area, appraised land value, and recreational value. This MD DNR requirement is separate from and in addition to the obligation for an entity to compensate the Commission for any land impacted or removed from park use by a non-park project.

For this project, approximately 115 square feet of the total parkland being added to MCDOT ROW was acquired with POS funds, resulting in a “conversion” of POS-funded parkland.

MCDOT will provide an appropriate parcel of new parkland as a replacement for the impacted POS-funded parkland prior to the issuance of a Park Construction Permit. Coordination with MCDOT will continue as the project progresses, and Montgomery Parks staff will apply to MD DNR for approval of the proposed replacement parkland.

SECTION 7 – FOREST CONSERVATION

The Application is subject to the Montgomery County Forest Conservation Law (Chapter 22A of the County Code) under Section 22A-4(d) as a project by “a government entity subject to a mandatory referral on a tract of land 40,000 square feet or larger...”. The Site included in the Application is 1.90 acres in size.

Environmental Guidelines

The area is currently undeveloped except for the existing roadway and the bridge. It is within Rachel Carson Conservation Park. There are streams and other environmental features onsite which cannot be avoided. The proposed project is a necessary infrastructure project and is permitted under the environmental guidelines.

Natural Resource Inventory/Forest Stand Delineation Plan

The Natural Resource Inventory/Forest Stand Delineation (“NRI/FSD”) 420242780 for this Property was approved on July 25, 2024. The NRI/FSD identifies the environmental features and forest resources on the Subject Property. The Subject Property is comprised of right-of-way and M-NCPPC Parkland. The Subject Property is located within the Upper Hawlings River watershed and classified as a Use Class IV/IV-P watershed by the State of Maryland. The NRI/FSD identified approximately 1.1 acres of forest on

the Subject Property. The site contains 11 specimen trees and numerous significant trees. The entire project is within the stream valley buffer.

Forest Conservation Plan

The Applicant has submitted a Preliminary/Final Forest Conservation Plan No. F20240870 (“FFCP”) (Attachment B) for concurrent review with the Mandatory Referral Plan No. MR2025026. The Application satisfies the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A, and is in compliance with the Montgomery County Planning Department’s approved Environmental Guidelines.

The Subject Property is zoned AR and is assigned a Land Use Category of Agricultural Resource Area (“ARA”) as defined in Section 22A-3 of the Montgomery County Forest Conservation Law (“FCL”) and in the Land Use Table of the Trees Technical Manual. This results in an afforestation threshold of 20% and a conservation threshold of 55% of the Net Tract Area.

The Net Tract Area for forest conservation purposes is 1.9 acres. There is a total of 1.1 acres of existing forest on the Subject Property. The Applicant is proposing to remove 0.42 acres and retain 0.68 acres of forest, resulting in a total afforestation/reforestation requirement of 0.76 acres within the same watershed or Priority Area or 0.97 acres outside of the same watershed or Priority Area. The Applicant proposes to meet this planting requirement onsite by planting 0.76 acres of reforestation and 0.17 acres offsite via an offsite bank or fee-in-lieu.

Forest Conservation Variance

Section 22A-12(b)(3) of Montgomery County Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection (“Protected Trees”). Any impact to these trees, including removal of the subject tree or disturbance within the 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. 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. The law requires 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 a 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.

Variance Request

The Applicant submitted a variance request in a letter dated September 15, 2025 (Attachment C). In the request, the Applicant proposes to impact five (5) trees and remove one (1) tree 30 inches or greater DBH, that are considered high priority for retention under Section 22A-12(b)(3) of the County Forest Conservation Law (Table 1 and Table 2).

Table 1: Protected Trees to be Impacted

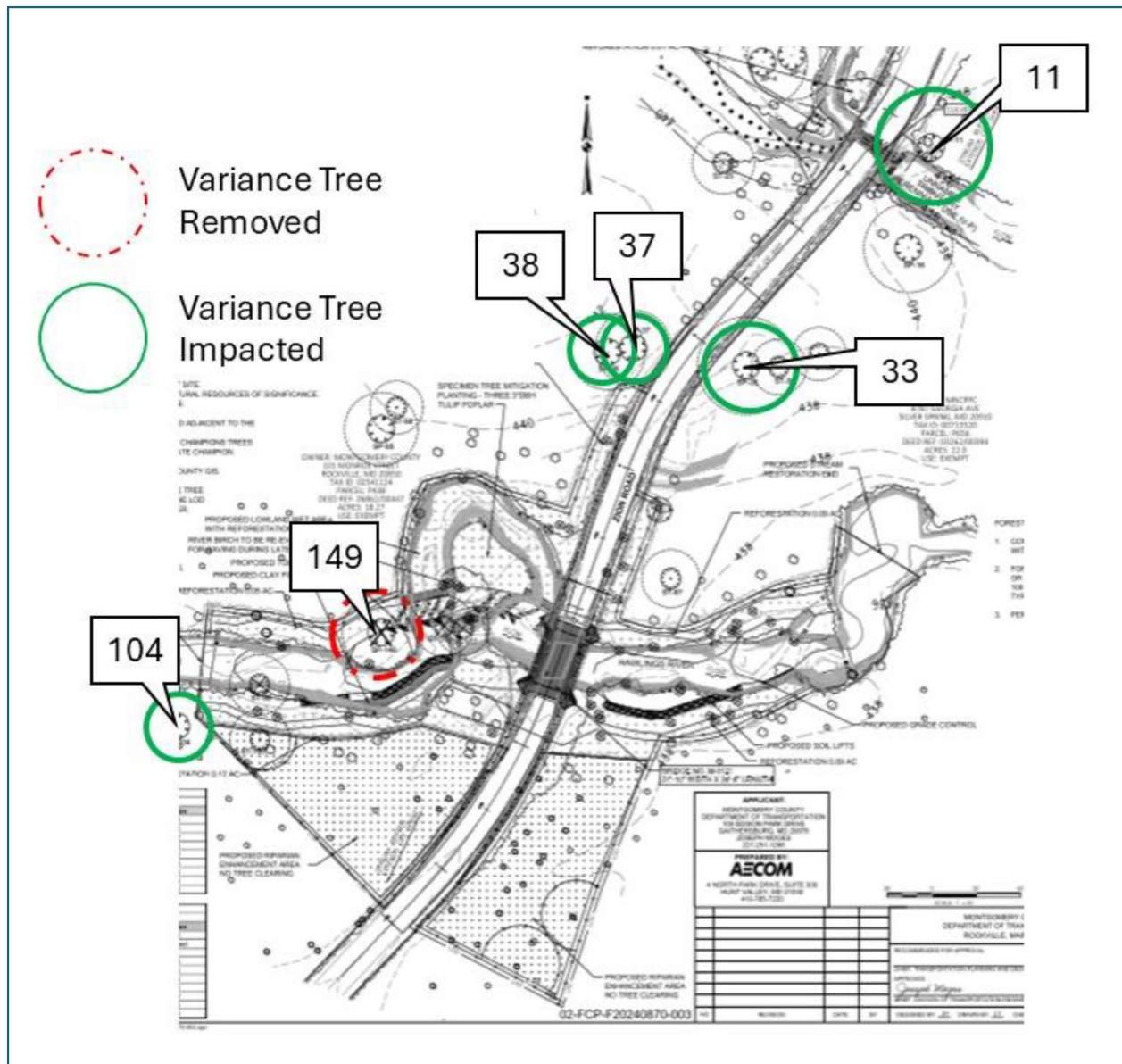
Tree ID	Scientific Name	Common Name	DBH	Condition
SP-11	Liriodendron tulipifera	Tulip poplar	52"	Poor
SP-33	Quercus alba	White oak	44"	Good
SP-37	Quercus alba	White oak	34"	Good
SP-38	Liriodendron tulipifera	Tulip poplar	34"	Good
SP-104	Liriodendron tulipifera	Tulip poplar	32"	Good

Table 2: Protected Tree to be Removed

Tree ID	Scientific Name	Common Name	DBH	Condition
SP-149	Liriodendron tulipifera	Tulip poplar	35"	Good

Unwarranted Hardship Basis

Per Section 22A-21, a variance may only be considered if the Planning Board finds that leaving the requested trees in an undisturbed state would result in unwarranted hardship.



An unwarranted hardship is created by property boundary site constraints, dynamic existing stream conditions, and additional environmental enhancements being provided beyond mitigation requirements.

The Project is entirely within an existing narrow road right-of-way and Rachel Carson Conservation Park, and therefore, a very limited area outside of forested parkland is available to feasibly complete the Project. Proposed limits of work are minimized to the extent possible to construct the bridge, roadway approaches, and stream restoration activities. The area is mostly forested, and therefore, forest impacts are unavoidable within these bounds. The Project proposes to take advantage of the

unavoidable disturbance occurring during the much-needed replacement of the existing bridge, to significantly better the surrounding natural environment.

If the stream restoration to the Hawlings River does not occur, the county risks that further erosion and instability of the channel will not only undermine the newly replaced bridge but also result in future impacts to the environment to address the problems. The addition of a stream restoration component to the bridge replacement project will provide a long-term, cost effective, and low maintenance solution to support the sustainability of the new Zion Road bridge over the Hawlings River.

Without the necessary stream improvements, the Project could be unsuccessful in protecting the bridge after installation. Denying the variance may cause the project to fail and create a safety issue.

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, in order for a variance to be granted.

Variance Findings

The following determinations are based on the required findings for granting of the requested variance:

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

The bridge replacement project by MCDOT will provide a safe vehicular crossing of the Hawlings River and provide improvement to the stream and the surrounding natural environment. The goal of the project is to minimize impacts to existing natural resources while also enhancing the environment. MCDOT will be completing necessary roadway safety improvements while also improving the natural environment within existing parkland. This is a necessary public improvement and would not be considered a special privilege. Therefore, granting of this variance is not a special privilege granted only to this Applicant and denied to other applicants.

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

The requested variance is not based on conditions or circumstances which are the result of actions by the Applicant. The requested variance is based on the existing site conditions, the development standards of the zone, and the necessary design requirements of this Application.

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

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

iv. ***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. The bridge replacement has a significant stream restoration component driving the variance request. The overall water quality will be increased as a result. Therefore, the Application will not violate State water quality standards or cause measurable degradation in water quality.

Mitigation for Trees Subject to the Variance Provisions

There is one Protected Tree proposed for removal in this variance request, resulting in a total of 35 inches of DBH being removed. The Applicant proposes mitigation at a rate that approximates the form and function of the trees removed. These trees will be replaced at a ratio of approximately 1-inch caliper for every four inches removed using trees that are a minimum of three caliper inches in size. This results in a total mitigation of 8.75 inches with the installation of three 3-inch caliper overstory trees native to the Piedmont Region of Maryland on the Property outside of any rights-of-way and outside of any utility easements.

Although these trees will not be as large as the tree lost, they will be planted on the Subject Property and provide some immediate benefit, ultimately replacing the canopy lost by the removal of these trees. There is some disturbance within the critical root zone (CRZ) of variance trees; however, they will receive adequate tree protection measures, their roots will regenerate, and the functions they currently provide will continue. Therefore, no mitigation is recommended for trees that are impacted but retained. As conditioned, the mitigation trees will be protected as part of a 5-year maintenance and management agreement.

Recommendation on the Variance

Staff recommends approval of the variance request.

Stormwater Management

The proposal includes a stormwater management concept plan, which has been reviewed and approved by the Montgomery County Department of Permitting Services (MCDPS). The approval letter for the stormwater management concept plan was dated February 22, 2022 (Attachment D).

SECTION 8 – COMMUNITY OUTREACH

The following outreach activities have been conducted by the applicant:

- Project updates and notices have been posted on the county’s website to ensure information is accessible to the public.

- Notification letters regarding detour coordination were distributed to emergency services -- Fire and rescue, the local fire station, police, and public schools -- on April 22, 2022.
- During the preliminary design phase, MCDOT coordinated with the Montgomery County Agricultural Advisory Committee, the Montgomery County Farm Bureau, and the Rustic Advisory Committee to review design considerations. Based on the feedback, the proposed bridge will provide a 24-foot-wide roadway consisting of two 10-foot-wide traffic lanes with two 2-foot-wide shoulders as requested by the Agricultural Advisory Committee and the Montgomery County Farm Bureau.
- Looking ahead, MCDOT will hold a public information meeting at the start of the final design phase to provide updates and gather additional input from the community.

After Staff accepted the Mandatory Referral for review, Montgomery Planning notified local civic and homeowners' associations and other interested parties of this proposal. As of the date of this report, no correspondence has been received on this application.

SECTION 9 – CONCLUSION

With the comments cited above, the Mandatory Referral application for reconstruction of the Zion Road Bridge over the Hawlings River, designated Mandatory Referral No. MR2025026, is consistent with the uses allowed by the Zone and does not conflict with recommendations of the 2005 *Olney Master Plan* or the 2023 *Rustic Roads Functional Master Plan Update*. Staff recommends approval of the Mandatory Referral with the comments at the beginning of the staff report.

Planning Staff recommends approval of the Forest Conservation Plan with conditions.

SECTION 10 – ATTACHMENTS

Attachment A: Project Design Plans

Attachment B: Preliminary/Final Forest Conservation Plan

Attachment C: Variance Request

Attachment D: Stormwater Concept Approval letter