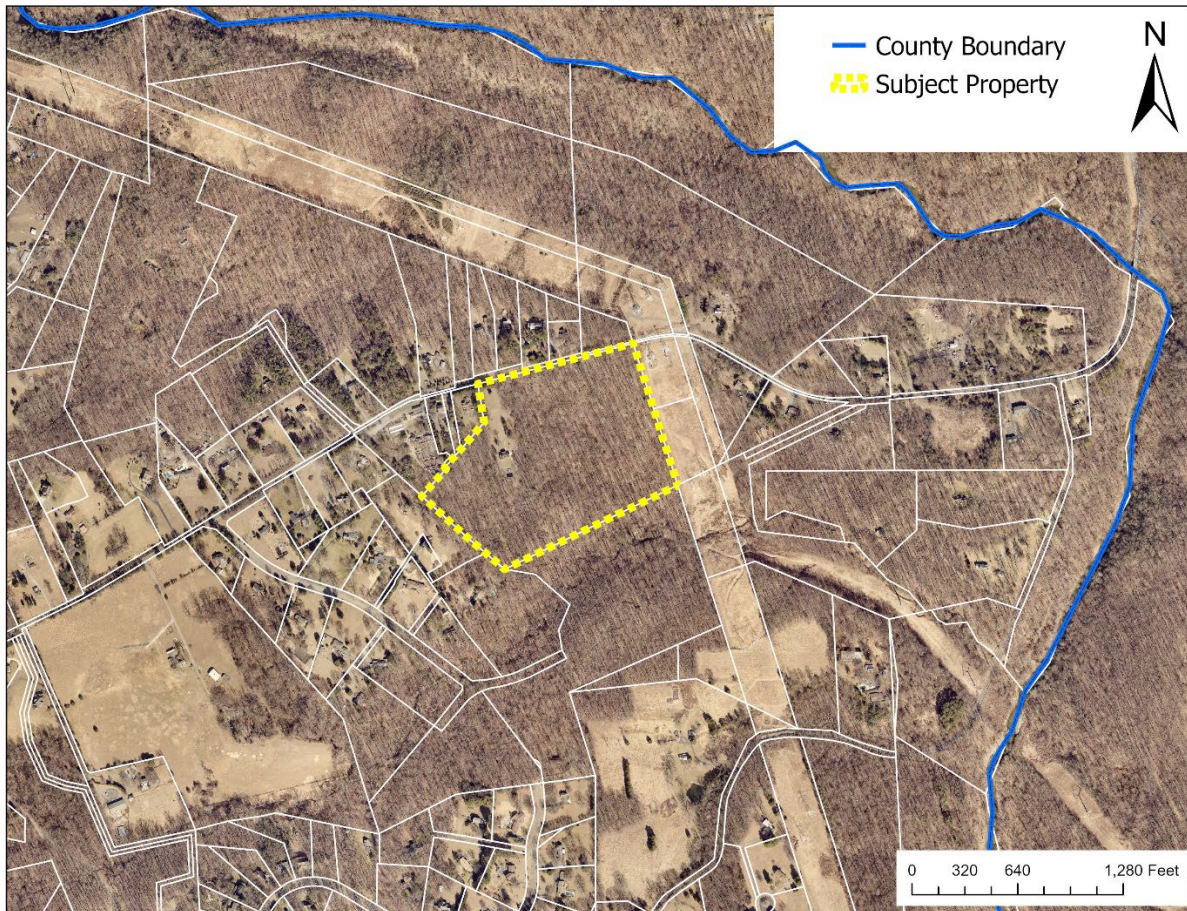


KOREAN MISSION CHURCH

PRELIMINARY PLAN NO. 120240050 AND

FINAL FOREST CONSERVATION PLAN NO. F20240360



Description

An application to create one lot for one existing single-family detached dwelling unit and one lot for a religious institution, including adult daycare.

COMPLETED: 2/20/2026

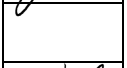
PLANNING BOARD HEARING DATE: 3/5/2026

MCPB ITEM NO. 8


Planning Staff



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LOCATION/ADDRESS

1201 Ashton Road, on the south side of Ashton Road (MD 108), approximately 3,600 feet west of the Howard County line.

MASTER PLAN

1998 *Sandy Spring/Ashton Master Plan* and 1993 *Functional Master Plan for the Patuxent River Watershed*

ZONE

Rural Cluster (RC)

PROPERTY SIZE

28.76 acres

APPLICANT

David Chung, Pastor

Korean Mission Church

ACCEPTANCE DATE

April 3, 2024

REVIEW BASIS

Chapters 50, 59, and 22A

Summary:

- Staff recommends approval of the Preliminary Plan and Forest Conservation Plan with conditions.
- The Applications are in substantial conformance with the recommendations of the 1998 *Sandy Spring/Ashton Master Plan* and 1993 *Functional Master Plan for the Patuxent River Watershed*.
- Historic Preservation staff concurs with the findings of the Applicant's archaeological report and the Preliminary Plan showing the location of known and probable unmarked graves in the Boswell Cemetery.
- Historic Preservation staff supports the proposed lot configuration, including the cemetery on Lot 2, the proposed buffer between the graves and the parking lot and the landscape and lighting plan. No additional archaeological investigations are warranted at this time.

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SECTION 1: RECOMMENDATIONS AND CONDITIONS

PRELIMINARY PLAN 120240050

Staff recommends approval of the Preliminary Plan with conditions. All site development elements shown on the latest electronic version of the Preliminary Plan No. 120240050 as of the date of this Staff Report submitted via ePlans to the M-NCPPC, are required except as modified by the following conditions.

GENERAL APPROVAL

1. This Preliminary Plan is limited to one (1) lot for a single-family detached house and one (1) lot for a religious assembly building with a 100-seat sanctuary and associated day care use.

ADEQUATE PUBLIC FACILITIES

2. The Adequate Public Facilities (“APF”) review for the Preliminary Plan will remain valid for five (5) years from the initiation date (as defined in Montgomery County Code Section 50.4.3.J.5).

PLAN VALIDITY PERIOD

3. The Preliminary Plan will remain valid for three (3) years from its initiation date (as defined in Montgomery County Code Section 50.4.2.G), and before the expiration date of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded in the Montgomery County Land Records or a request for an extension filed.

OUTSIDE AGENCIES

4. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated May 19, 2025, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by MCDOT if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
5. Before recording a plat for the Subject Property, the Applicant must satisfy MCDOT’s requirements for access and improvements.
6. The Planning Board has reviewed and accepts the recommendations of the Maryland State Highway Administration (“MDOT SHA”) in its letter dated May 15, 2025, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by MDOT SHA if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
7. Before the issuance of access permits, the Applicant must satisfy the Maryland State Highway Administration’s requirements for access and improvements.

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8. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”), Water Resources Section, in its stormwater management concept letter dated November 13, 2024, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by MCDPS – Water Resources Section if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
9. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”), Well and Septic Section, in its letter dated January 7, 2026, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by MCDPS – Well and Septic Section if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
10. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”), Fire Department Access and Water Supply Section, in its letter dated December 31, 2025, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which MCDPS may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.

OTHER APPROVALS

11. Before approval of a record plat or any demolition, clearing or grading for the Subject Property, the Applicant must receive Staff certification of this Preliminary Plan.

ENVIRONMENT

12. Impervious surfaces are limited to no more than 10.0 percent within the transition area of the Patuxent River Primary Management Area (“PMA”) of the Subject Property, as shown on the Impervious Area Plan dated January 29, 2026.
13. Before the start of any clearing, grading, or demolition on the Subject Property, the owner of the Subject Property must enter into an agreement with the Planning Board to limit impervious surfaces within the transition area of the Patuxent River Primary Management Area (“PMA”) on the Subject Property to no more than 10.0 percent, as shown on the Impervious Area Plan dated January 29, 2026. The agreement must be in a form approved by the M-NCPPC Office of the General Counsel and recorded by deed in the Montgomery County Office of Land Records.

TRANSPORTATION

Frontage Improvements on Existing Roads

14. The Applicant must provide the following dedication and show them on the record plat for the following existing road:

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- a) All land necessary to accommodate forty (40) feet from the existing pavement centerline along the Subject Property frontage for Ashton Road.
15. Before the recordation of the plat, the Applicant must satisfy all necessary requirements of MDOT SHA to ensure construction of a twelve-foot-wide (12 ft) deceleration lane along the east portion of the Property frontage on Ashton Road, as shown on the Certified Preliminary Plan.
16. Before the recordation of the plat, the Applicant must satisfy all necessary requirements of MDOT SHA to ensure the construction of a ten-foot-wide (10 ft) grass shoulder along the Property frontage on Ashton Road, as shown on the Certified Preliminary Plan.
17. Before the issuance of a building permit, the Applicant must grade the Property frontage on Ashton Road for the future installation of a six-foot-wide (6 ft) concrete sidewalk, to be built by others in the future, as shown on the Certified Preliminary Plan.
18. Before the issuance of the right-of-way permit or any building permit for the religious assembly building, the Applicant must pay to MCDOT the full cost of constructing a six-foot-wide (6 ft) concrete sidewalk on the Ashton Road frontage of the Property, in accordance with the Complete Streets Design Guide, and in the amount of \$179,983.10, as calculated using the LATR Cost Estimation Tool for the engineer's cost estimate, and approved by Planning Staff and MCDOT.

Pedestrian and Bicycle Circulation

19. The Applicant is required to provide a minimum of three (3) long-term and one (1) short-term bicycle parking spaces.
 - a) The long-term spaces must be in a secure and well-lit bicycle room in the religious assembly building. The exact location and details of the bicycle room must be provided on the Certified Preliminary Plan and approved by Planning Staff.
20. The short-term spaces must be provided by installing inverted-U racks (or approved equivalent) adjacent to the religious assembly building, as shown on Preliminary Plan (weather-protected preferred).
21. At the time of Certified Preliminary Plan, the Applicant must enter into a Traffic Mitigation Agreement (TMAg) with the Planning Director¹, on behalf of the Planning Board. The TMAg is necessary to ensure transportation facilities are adequate to serve the property and must include, at a minimum, the hours of operation of the adult daycare, arrival times for staff members, number of shuttles being used, the schedule for shuttles, and ongoing monitoring requirements, all in order to assure the trip caps as follows:
22. In the weekday morning peak hour, no more than 39 trips.

¹ Planning Staff is authorized to make amendments to the TMAg so long as long as the amendments does not conflict with other conditions of Preliminary Plan approval.

23. In the weekday evening peak hour, no more than 15 trips.

HISTORIC PRESERVATION

24. Before issuance of any sediment control or building permit for Lot 2, the cemetery boundaries must be staked in the field as required by County Code Section 50.4, and the area must be clearly marked with signage stating that the area is a cemetery and that heavy equipment must not enter. The area must be cordoned off with snow fencing.
25. Trees planted within 50 feet of known graves must be shown on the Landscape and Lighting Plan and not have root systems likely to extend into the area of graves.
26. Before approval of the record plat, the Applicant must develop a maintenance plan for the cemetery consistent with the Planning Board Guidelines for Burial Sites, Appendix B, and receive the approval of Historic Preservation staff.

RECORD PLATS

27. There shall be no clearing or grading of the site before the recordation of the plat(s).
28. The record plat must show necessary easements.
29. The record plat must reflect common ingress/egress and utility easements over all shared driveways.
30. The record plat must reflect the following building restriction lines (BRL) as shown on the Preliminary Plan:
 - a) A 25-foot building and pavement restriction line parallel to the western and southern cemetery boundary.

LANDSCAPE AND LIGHTING PLANS

31. The on-site landscaping and lighting must substantially match what is shown on the Certified Landscape and Lighting Plan.

SURETY

32. Before issuance of any building permit or sediment control permit, whichever comes first, the Applicant must enter into a Surety and Maintenance Agreement with the Planning Board, in a form approved by the M-NCPPC Office of General Counsel, that outlines the responsibilities of the Applicant. The Agreement must include a performance bond or other form of surety, with the following provisions:
 - a) A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
 - b) The cost estimate must include all plant materials, on-site lighting, pavement, and any materials identified in the cemetery maintenance agreement, such as fencing and signage.

- c) Completion of all improvements covered by the surety will be followed by inspection and potential reduction of the surety.
- d) The bond or surety for each item shall be clearly described within the Surety & Maintenance Agreement, including all relevant conditions.

CERTIFIED PRELIMINARY PLAN

33. The certified Preliminary Plan must contain the following notes:

- a) *Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of issuance of building permit(s). Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.*
- b) *The Applicant must schedule an on-site preconstruction meeting with M-NCPPC inspection staff before any demolition, clearing, or grading occurs on-site. The Applicant, along with their representatives, must attend the pre-construction meeting with the M-NCPPC inspector. A copy of the approved Certified Preliminary Plan is required to be on-site at all times.*

34. Before submittal of the Certified Preliminary Plan, the Applicant must make the following changes:

- a) Show resolutions and approval letters on the certified set.
- b) Include the approved Fire Department Access Plan.
- c) Update the gross tract area to 28.76 acres to reflect the surveyed area.
- d) Update the landscape and lighting plan to include canopy trees in the parking lot islands and every 30 feet on center between the parking lot and the eastern property line, starting at least 50 feet south of the cemetery boundary.

FOREST CONSERVATION PLAN F20240360

- 1. Before recordation of the plat and the start of any demolition, clearing, grading, or construction, whichever comes first, for Preliminary Plan No. 120240050, the Applicant must:
 - a) Record a Category I Conservation Easement over all areas of forest retention, forest planting and environmental buffers as specified on the approved Final Forest Conservation Plan. The Category I Conservation Easement must be in a form approved by the M-NCPPC Office of the General Counsel and must be recorded in the Montgomery

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- County Land Records by deed. The Book/Page for the easement must be referenced on the record plat.
- b) Install permanent conservation easement signage along the perimeter of the conservation easements as shown on the FCP, or as directed by the M-NCPPC Forest Conservation Inspection Staff.
 - c) 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.
 - d) 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.
 - e) Submit financial surety, in a form approved by the M-NCPPC Office of the General Counsel, to the M-NCPPC Planning Department Inspection Supervisor for the mitigation of trees and maintenance.
2. 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 9.25 caliper inches. Adjustments to the planting locations of these trees are permitted with the approval of the M-NCPPC Forest Conservation Inspection Staff.
 3. The Applicant must schedule the required site inspections with the M-NCPPC Forest Conservation Inspection Staff, per Section 22A.00.01.10 of the Code of Montgomery County Regulations (“COMCOR”), Forest Conservation Regulations.
 4. 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.
 5. 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.
 6. Before submittal of the Certified Final Forest Conservation Plan, the Applicant must make the following changes:

- a) Update the Net Tract Area and the applicable worksheets to reflect the correct surveyed property size and update all applicable worksheets.

SECTION 2: SITE DESCRIPTION

PROPERTY DESCRIPTION AND VICINITY

The Subject Property is located at 1201 Ashton Road, on the south side of Ashton Road (MD 108) and consists of a 28.76 acre unplatted parcel (P437 on Tax Map KT13) of Rural Cluster (RC) zoned land (the “Property” or “Subject Property”). The Property is approximately 1.5 miles east of Ashton and 3,600 feet west of the Howard County line. The Subject Property is within the “Rural Open Space” element of the 1998 *Sandy Spring/Ashton Master Plan* (“Master Plan”) area, the 1993 *Functional Master Plan for the Patuxent River Watershed* plan area and the Rural East Policy Area of the current Growth and Infrastructure Plan (GIP).

The Subject Property and all of the land surrounding the Property is zoned Rural Cluster (RC). The properties north of MD 108 and to the west range in size from one to five acres and are developed with single family detached houses. To the south, the Property abuts a larger vacant property, and directly to the east is a 340-foot-wide PEPCO right-of-way with existing high voltage transmission lines (Figure 1).

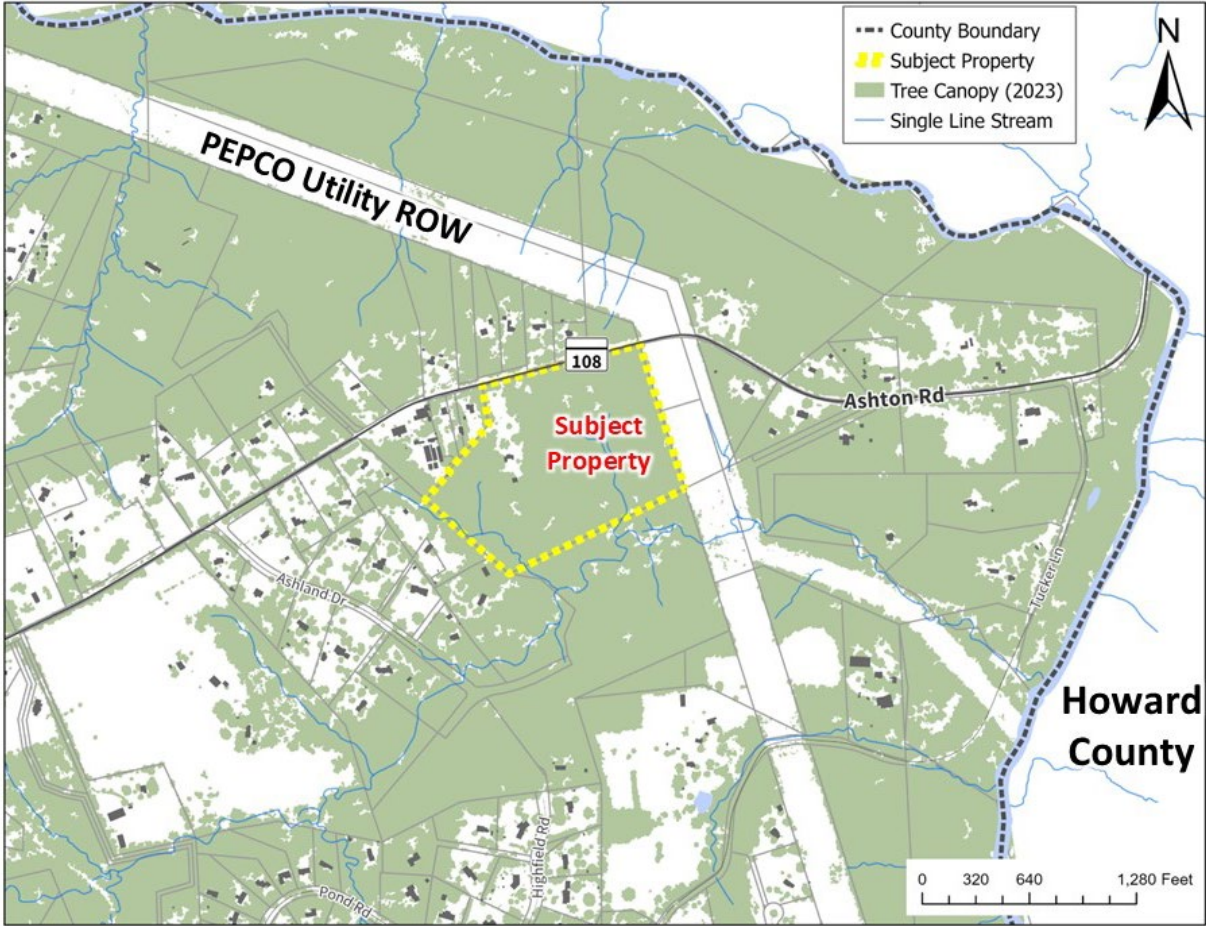


Figure 1 - Vicinity Map

Korean Mission Church,
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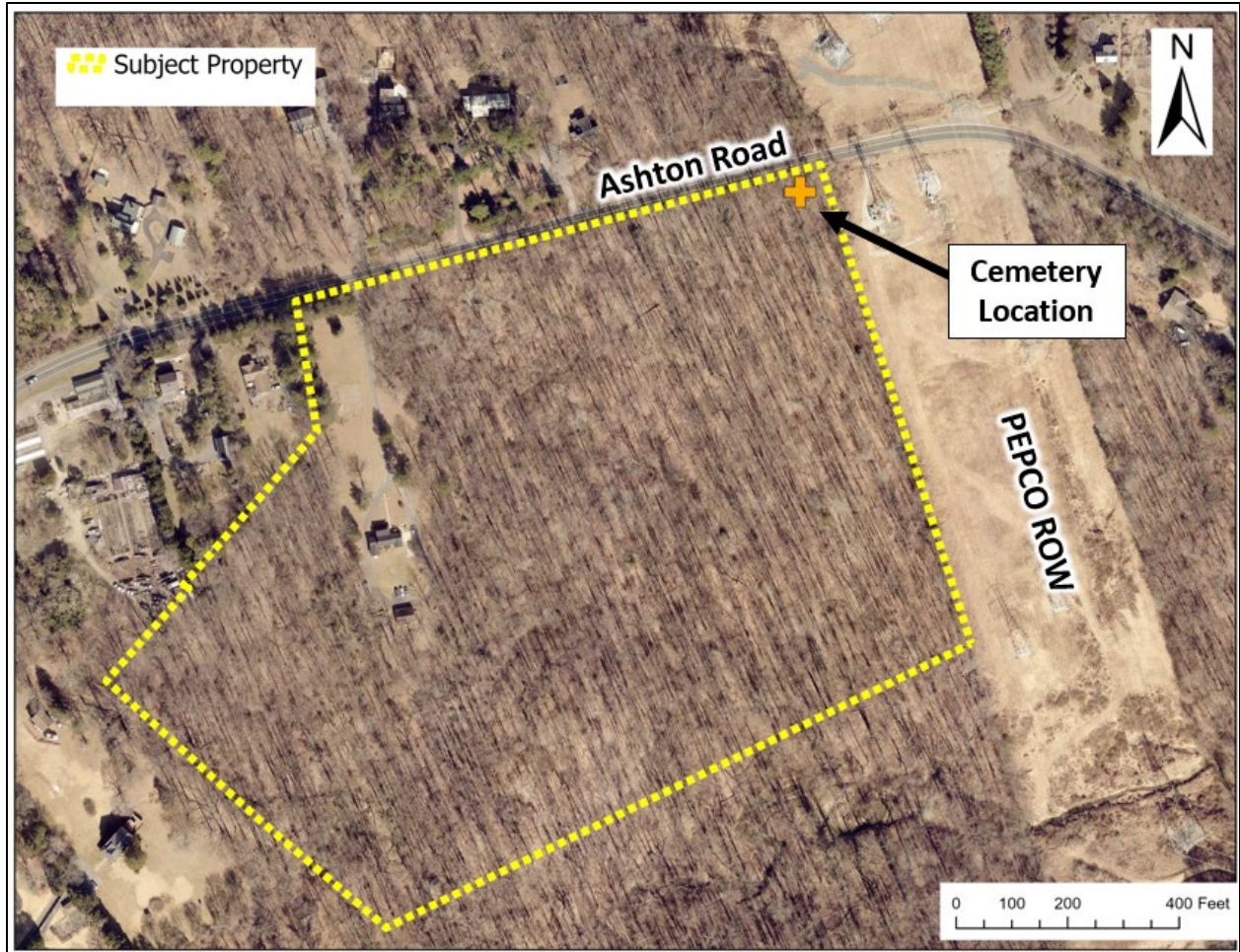


Figure 2 – Aerial Map

The Property is improved with a single-family detached house and outbuildings that sit on a ridge along the west side of the Property. The house is accessed from Ashton Road via a gravel driveway. The remainder of the Property is undeveloped.

There is a known burial ground associated with the family and descendants of John R. Boswell in the northeast corner of the Subject Property, abutting Ashton Road. According to available records, Boswell purchased the land in 1872, and a cemetery appears on a 1879 real estate atlas in this location. The Property remained in the Boswell family until the Applicant purchased it. The burial site, which included 15 probable grave markers, was brought to the attention of Historic Preservation staff by the property owner and family descendants in 2019 (Figure 3). The cemetery was added to the Montgomery County Burial Sites inventory in 2020.

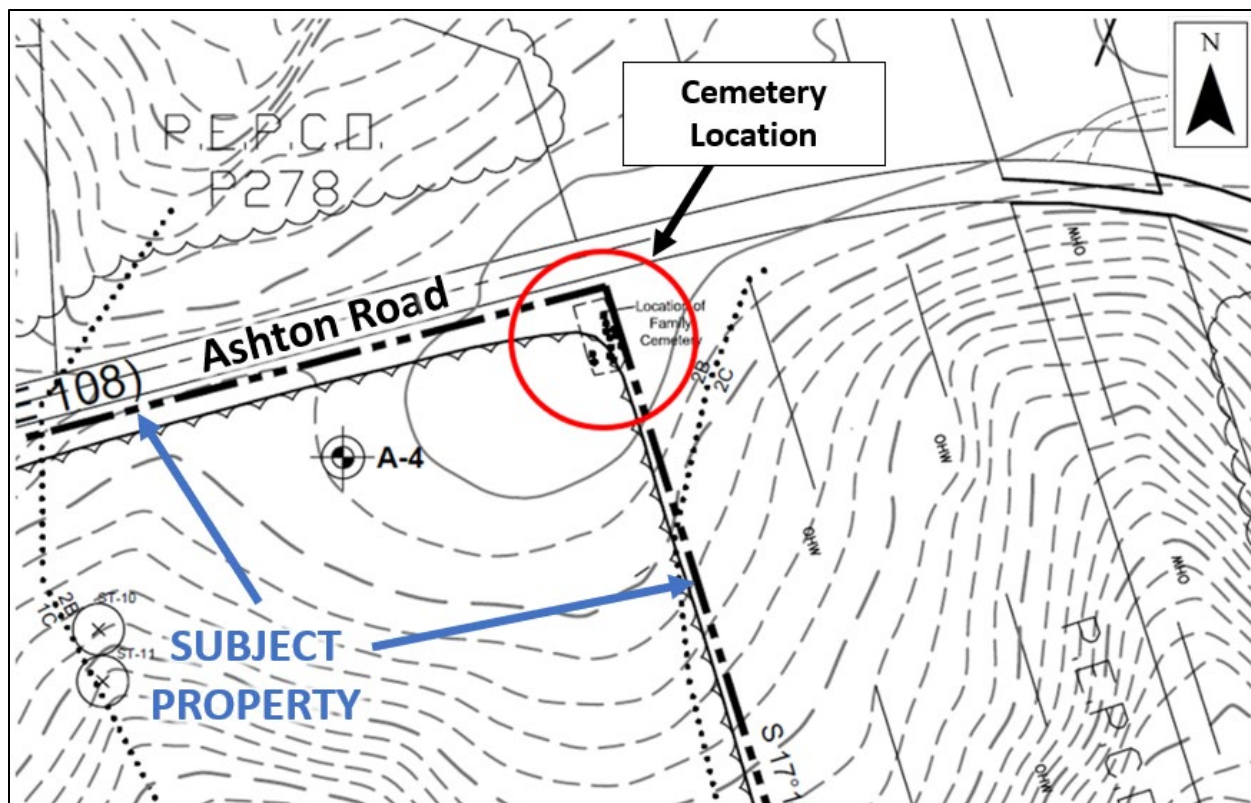


Figure 3 – Location of known burial ground markers 2015 NRI/FSD submitted by previous owner and Boswell descendant to Historic Preservation

The Property is within the Lower Patuxent watershed and is classified by the State of Maryland as Use Class IV-P waters. There is a stream off-site to the south, which parallels the southern Property line and is immediately adjacent to the Subject Property. A small portion of the adjacent stream extends onto the southwest corner of the Property. The southern portion of the Property is located within the Patuxent River Primary Management Area (PMA), which includes the land within 660 feet of the aforementioned off-site stream. Approximately 25.85 acres of the Property are forest.

The Property generally slopes to the south, with approximately 40 feet of fall between the northern and southern Property lines. Intermittent pockets of moderate slopes (15-25%) exist, but most steep slopes are directly adjacent to the stream, within the stream valley buffer. There are no known wetlands, seeps, or springs on the Subject Property. No known rare, threatened, or endangered species or habitats exist on the Subject Property.

SECTION 3: PROJECT DESCRIPTION

PROPOSAL

Preliminary Plan Application No. 120240050, Korean Mission Church (“Application” or “Preliminary Plan”) proposes to create two lots on 28.76 acres of land in the Rural Cluster (RC) zone (Attachment A).

The existing single-family detached house and accessory buildings on the west side of the Property will remain on proposed Lot 1 (14.52 acres) and a new religious assembly/church building with a 100-seat sanctuary and adult day care center, along with a multi-use sports court, and pavilion will be constructed on Lot 2 (13.81 acres) (Figure 4).

The existing driveway from Ashton Road serving the existing house on Lot 1 will remain, along with the existing utilities. A separate driveway will be installed on Ashton Road to provide access to Lot 2. The Applicant is proposing a covered drop off area at the entrance to the church building for the proposed shuttle service. On the east side of the building, a parking lot with 52 spaces will provide adequate parking.

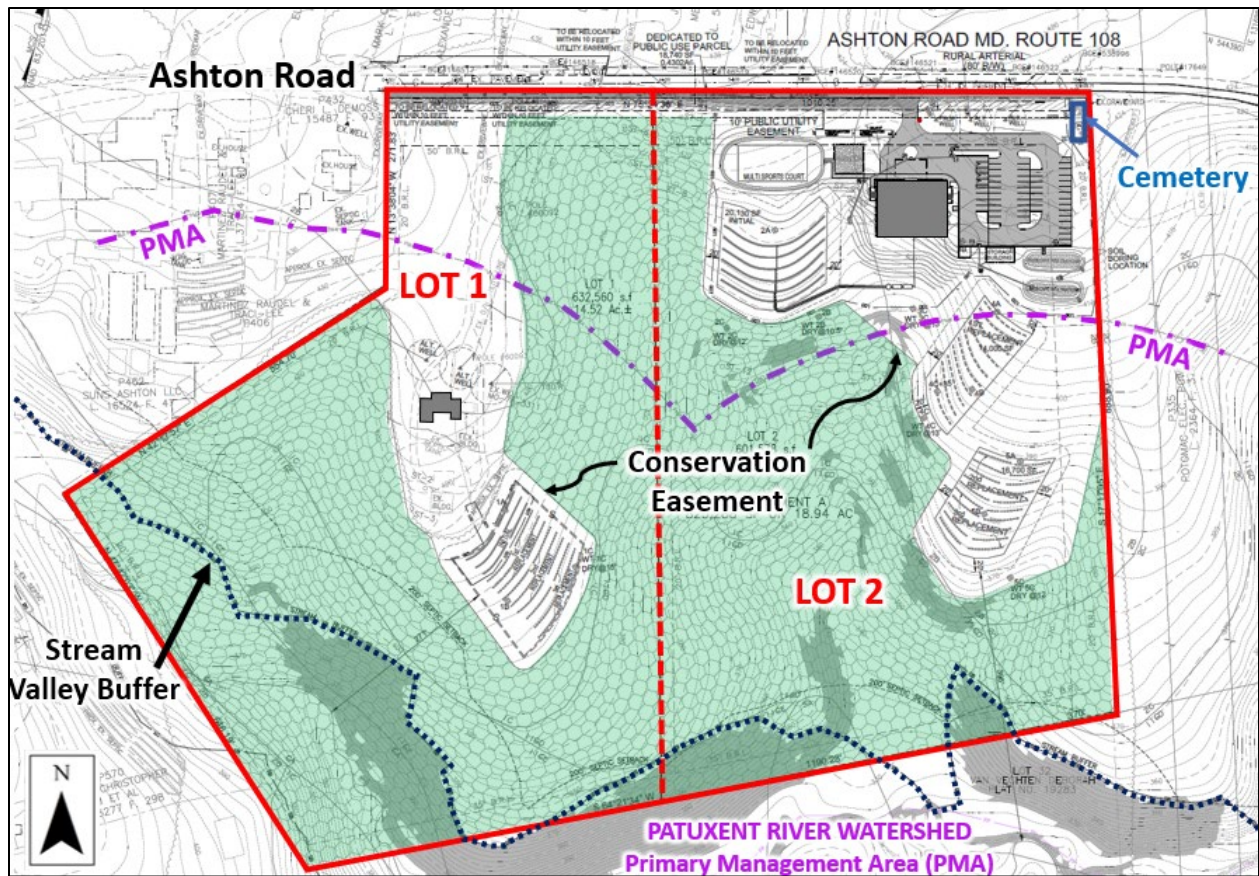


Figure 4 – Preliminary Plan

The lots will be served by on-site private well and septic systems, which are consistent with the Property’s W-6 and S-6 categories. A new well and septic system will be installed to serve the new religious assembly building. The well serving the existing house will remain; alternative well and septic locations have been identified in accordance with MCDPS requirements in case one of the existing systems fails. Stormwater quantity and quality will be managed on each lot via dry wells and non-rooftop disconnect.

TRANSPORTATION

The proposed religious assembly building will have vehicular access through a new curb cut on Ashton Road, a State-owned and maintained public road, classified as a County Connector. The Applicant is dedicating approximately 0.43 acres (18,740 SF) of right-of-way along the Ashton Road

frontage, as recommended by the Master Plan. As part of this Application, the Applicant is required to provide a 12-foot-wide deceleration lane along the east portion of the Property's frontage on Ashton Road to comply with the MDOT-SHA requirements. Additionally, the Applicant is responsible for providing a ten-foot-wide (10 ft) grass shoulder and a graded area of six (6) feet for the future installation of a concrete sidewalk to be built by others (Figure 5). Internal vehicular circulation is proposed to be two-way.

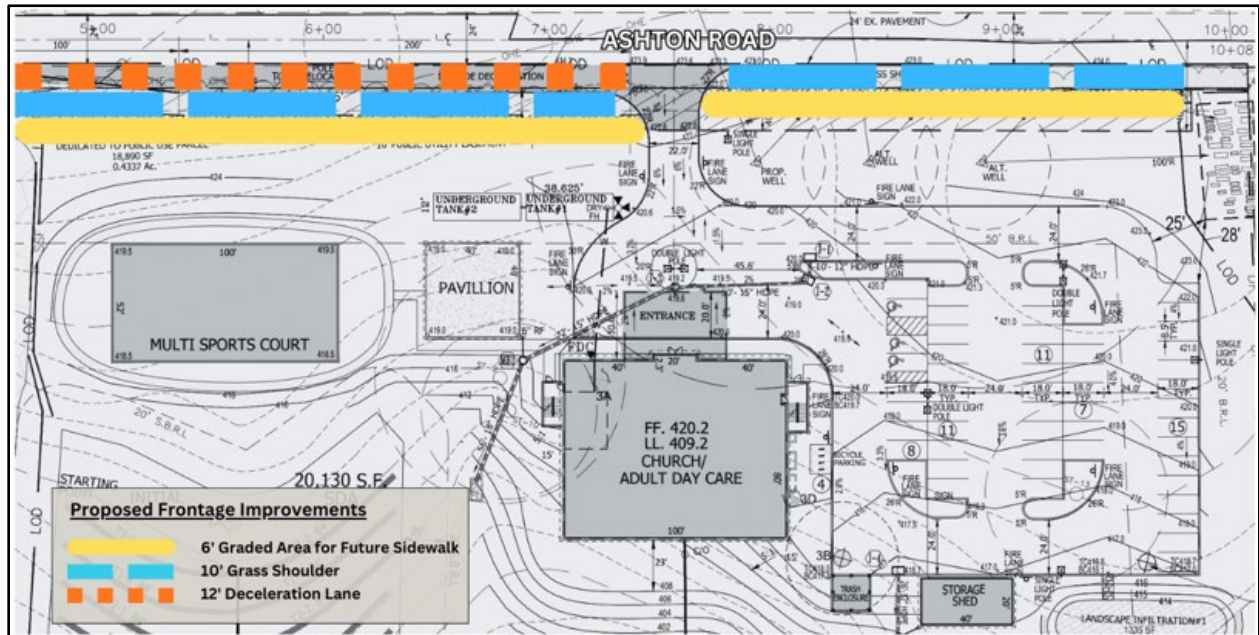


Figure 5 – Proposed Frontage Improvements

HISTORIC PRESERVATION/ARCHEOLOGY

As part of the Preliminary Plan process, the Applicant worked with staff to delineate the boundary of the Boswell Cemetery. The Preliminary Plan provides a 25-foot buffer between the cemetery boundary and the parking lot. As conditioned, a long-term maintenance plan for the burial site will be reviewed by Historic Preservation staff, before approval of the record plat, and the cemetery will be clearly delineated and protected prior to any construction activity on the Property. Because the cemetery is directly adjacent to the existing Ashton Road right-of-way, the proposed dedication, grading and ten-foot-wide public utility easement will not extend the full length of the Property's frontage. Modifying these standard subdivision requirements is necessary to protect the cemetery during construction and eliminate potential future ownership and maintenance conflicts.

ENVIRONMENT AND CLIMATE

Final Forest Conservation Plan, No. F20240360 was submitted with the Preliminary Plan for concurrent review (Attachment B). Forest conservation requirements will be met on-site. Of the 25.85 acres of existing forest on the Subject Property, and the Applicant is proposing to remove 6.35 acres of forest and protect 19.5 acres of forest in a Category I Conservation Easement. The on-site stream buffer will also be protected within the proposed Conservation Easement. The Application also includes a tree variance to impact two (2) trees and remove one (1) tree 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.

SECTION 4: COMMUNITY OUTREACH

The Applicant has complied with all submittal and noticing requirements, and a pre-submittal public meeting was held on August 3, 2023.

Concerns raised at the Pre-application meeting included the following:

1. Well water usage and proximity of the proposed well and septic systems
2. High number of vehicles speeding and sight-distance at the proposed church entrance
3. Increased traffic from the proposed church
4. Removal of trees and loss of viewshed
5. Potential downstream drainage issues
6. Placement of the building, parking lot, multi-use court and the height of the three-story building adjacent to Ashton Road
7. Overall compatibility with the rural character of the area
8. Light spillage onto Ashton Road causes dangerous conditions for drivers

As evident in the meeting minutes, the Applicant sufficiently answered the community members' questions and addressed their concerns as much as possible (Attachment C).

The Applicant has reduced the size of the proposed building since the community meeting. Architectural elevations are not required as part of Preliminary Plan applications; however, the Applicant has provided conceptual elevations throughout the review of the Application. The Applicant originally planned to build a three-story building that took advantage of the natural slope of the Property to accommodate a walkout basement opening to the rear (south) of the building. Subsequently, the Applicant revised their elevations, eliminating one of the above ground floors.

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Staff received several letters of correspondence from community members throughout the review of the Application (Attachment C).

Site Visit

In May of 2024, Staff met with three community members near the Property to discuss the residents' concerns, primarily regarding the building mass, existing well water issues, and traffic concerns. Staff and the residents also walked to the frontage of the Subject Property to understand the residents' difficulty with traffic and speeding vehicles while trying to access their mailbox on the southside of MD108. Staff acknowledged that there appeared to be significant traffic volume on the road and that vehicles may have been speeding, which is generally outside the scope of the Preliminary Plan review. It was noted that the Applicant has an approved site distance analysis for the proposed church entrance and that a partial acceleration/ deceleration lane is being installed to reduce the potential for vehicular incidents.

SECTION 5: PRELIMINARY PLAN 120240050 FINDINGS AND ANALYSIS

The Preliminary Plan would create two (2) lots totaling approximately 14.52 acres and 13.81 acres, for an existing single-family detached house and a new religious assembly building with adult daycare, and accessory structures. This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, Subdivision Regulations. The Application has been reviewed by other applicable State and County agencies, which recommend approval of the Preliminary Plan.

- 1. The layout of the subdivision, including size, width, shape, orientation and density of lots, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59.***

The lots were reviewed for compliance with the dimensional requirements of the Rural Cluster (RC) zone as specified in the Zoning Ordinance. The size, width, shape, and orientation of the 14.52-acre lot for the existing house and the 13.81-acre lot for religious assembly use (in a general building type) are appropriate for the subdivision's location, taking into account the applicable technical review criteria in Section 50-4.3. The density of the lots is consistent with the low-density envisioned by the Master Plan and RC zone. The Applicant is dedicating 0.43 acres (18,740 sq. ft.) along the Property frontage, leaving 28.33 acres of Site Area.

As illustrated on the Preliminary Plan (Figure 4) and Tables 1 and 2, the lots are adequately sized to meet the RC development standards and accommodate the proposed uses, on-site

Conservation Easement, parking, drive aisles, well and septic systems, landscape screening, stormwater management facilities, utility easement and other necessary infrastructure, while also providing a buffer between the development and cemetery.

Table 1: Preliminary Plan Data Table for RC Zone, Standard Method, Section 59.4.3.4

Development Standard	Permitted/ Required	Proposed Lot 1 (Residential)	Proposed Lot 2 (Religious Use)
Tract Area	28.76 acres	-	-
Proposed Dedication	0.43 acres	-	-
Site Area	28.33 acres		
Density (1 DU/5 acres)	5 DUs	1 DU	1 Religious Use
Minimum Lot Area	5 acres	14.52 acres	13.81 acres
Minimum Lot Frontage	300 ft.	383 ft.	610 ft.
Minimum Lot width at Front B.R.L.	300 ft.	383 ft.	610 ft.
Maximum Lot Coverage	10%	0.51% (0.07 ac)	1.74% (0.24 ac)
Principle Building Setbacks*			
Front	50 ft.	50 ft.	50 ft.
Side	20 ft	20 ft.	20 ft.
Rear	35 ft.	35 ft.	35 ft.
Accessory Building Setbacks² (minimum)			
Front	80 ft.	80 ft. or less	80 ft. or less
Side	15 ft.	15 ft. or less	15 ft. or less
Rear	15 ft.	15 ft. or less	15 ft. or less
Site Plan Required	No	NA	NA

**Final setbacks determined by MCDPS at building permit.*

² The religious assembly building and pavilion are considered primary structures because they are associated with the religious use.

Table 2: Parking Requirements

Standard	Permitted/ Required (Lot 1)	Proposed Lot 1	Permitted/ Required (Lot 2)	Proposed Lot 2
Vehicle Parking Spaces	2 spaces <i>2 per Dwelling Unit (2/Dwelling Unit x 1 Dwelling Unit)</i>	2 spaces	48 Spaces ³ Total <i>3 per 1,000 GFA (3/1,000 GFA x 16,000 GFA)</i>	52 spaces
Non-ADA Spaces	2 spaces	2 spaces	46 spaces	49 spaces
ADA Auto Spaces	NA	NA	1 spaces	2 spaces
ADA Van Spaces	NA	NA	1 space	1 space
Bicycle Parking Spaces	NA	NA	4 spaces	4 spaces
Long-term Spaces	NA	NA	3 spaces	4 spaces
Short-term Spaces	NA	NA	1 space	4 spaces

2. The Preliminary Plan substantially conforms to the Master Plan.

1998 SANDY SPRING/ASHTON MASTER PLAN

The Subject Property is within the area covered by the 1998 *Sandy Spring/Ashton Master Plan* (“Master Plan”). The primary concern of the Master Plan is “to maintain and preserve the aesthetic qualities and rural character of Sandy Spring/Ashton” (pg. xii). Equally important is the preservation of the environment, especially since the area is upstream from one of the region’s main drinking water supply reservoirs along the Patuxent River (pg. xvi).

The Master Plan provides descriptions of five elements of rural character. The Subject Property is within the “Rural Open Space” element, which is characterized by large areas of cropland, pastures, meadows, and/or woodlands. The Master Plan maintained the Rural Cluster (RC) zone for the property to help preserve rural open space in the area. The Master Plan envisioned the Rural Open Space as remaining predominantly rural (pg. 39).

The Master Plan describes Ashton Road (MD 108) as “an important east-west arterial road” that also serves as the main street for both Sandy Spring and Ashton (pg. x). To help preserve

³ These calculations are based on the adult daycare use, which has the higher parking requirement than the Religious Assembly use. The provided number of vehicle parking spaces are sufficient for both the adult daycare and religious assembly as discussed in the applicant’s Shared Parking Analysis dated February 16, 2026. The Applicant has demonstrated that the two (2) proposed uses will not operate concurrently and therefore, shared parking can be achieved.

the character of the road, the Master Plan supported construction of the Intercounty Connector (ICC/MD 200) to divert traffic away from MD 108. The Master Plan recommends a cross section for open sections of MD 108 (p. 50), but the specific recommendations appear to apply only to MD 108 west of New Hampshire Avenue (MD 650). An 80-foot right-of-way is recommended for MD 108 throughout the Master Plan area. East of MD 650, the Master Plan recommends an on-road bikeway (pp. 60-61). This recommendation was updated to bikeable shoulders in the *Bicycle Master Plan*. The Applicant proposes to grade the shoulder for future bike lanes and provide a fee-in-lieu payment towards the future construction of the lanes by others.

To protect and enhance water quality within the Patuxent River watershed, the Plan maintained the low-density zoning already in place on the Property (p. 65); much of the Subject Property is within the Patuxent Primary Management Area (PMA). The Master Plan also recommends preserving forested areas as open space (pg. 67). It includes the Subject Property as an important “stream buffer” area on its “stream valley and forest protection” map (pg.69). The Applicant is preserving a significant amount of forest (19 acres proposed) and the stream valley buffer to protect water quality and provide wildlife habitat.

The Master Plan does not have any specific recommendations for the Subject Property. The proposed development is generally near MD 108 and away from the stream valleys and steep slopes, although the existing house and its proposed septic areas are all within the PMA. The septic reserve areas for the church/adult daycare are also within the PMA. Forest cover should be maintained within these areas until they are needed for septic system purposes, and abandoned septic areas should be reforested when possible.

The Application maintains Ashton Road as a two-lane road, with a 12-foot-wide deceleration lane. The Master Plan supports acceleration, deceleration, and turning lanes only where necessary; the Applicant proposes the minimum necessary road widening to maintain the road’s character, in keeping with the Master Plan.

The Applicant is proposing naturalistic landscaping to screen the church/daycare building and parking lot from the road. The parking lot is located to the side of the building instead of between the building and the road. These site design elements help preserve the Property’s rural character. Along with the other items discussed above, the Preliminary Plan substantially conforms to the Master Plan.

1993 FUNCTIONAL MASTER PLAN FOR THE PATUXENT RIVER WATERSHED

The Property is within the Patuxent River Primary Management Area (“PMA”), which was limited by the 1993 *Functional Master Plan for the Patuxent River Watershed* to 10% imperviousness.

Impervious Areas:

Due to proximity to tributary streams of the Patuxent River, the Property is located within the PMA. The PMA on the Property is the land area within 1/8 mile (660 feet) of the streams on and near the Property. The 660-foot-wide PMA consists of the stream valley buffer and the transition area. *The Environmental Guidelines* outline specific requirements for properties located within the PMA. The stream valley buffer is delineated based on the stream buffer calculations outlined in the *Environmental Guidelines* for a Use IV watershed. The remaining area within the 660-foot-wide PMA is the transition area. To protect the water quality within the Patuxent watershed, the *Environmental Guidelines* establish impervious limits and state the following:

“Patuxent River Primary Management Area (PMA): Overall imperviousness within the PMA transition area of a development site should not exceed 10 percent. If a higher imperviousness is desirable in the transition area to maintain community character, achieve compatibility, and/or accomplish master plan goals, imperviousness may be averaged over the entire site (i.e., not to exceed 10% on the entire site, pg. 25).”

There is an existing house and outbuildings (10,349 SF of imperviousness) on the western portion of the Property within the PMA transition area. The new construction on proposed Lot 2 proposes no additional imperviousness within the transition area. The total imperviousness onsite (on both Lots 1 and 2) within the PMA is 1.14 percent.

The Application is below the 10% threshold recommended by the Environmental Guidelines. Impervious surfaces are limited to no more than 10% of the Subject Property as shown on the Impervious Area Plan dated, January 29, 2026 (Attachment D). Before the start of any clearing, grading, or demolition on the Subject Property, the owner of the Subject Property must enter into an agreement with the Planning Board to limit impervious surfaces within the transition area of the PMA on the Subject Property to no more than 10%, as shown on the Impervious Area Plan dated, January 29, 2026. The agreement must be in a form approved by the M-NCPPC Office of the General Counsel and recorded by deed in the Montgomery County Office of Land Records.

Accordingly, the proposed development substantially conforms to the recommendations of the 1993 *Functional Master Plan for the Patuxent River Watershed*.

Korean Mission Church,
120240050 and F20240360

3. Public facilities will be adequate to support and service the area of the subdivision.

a) Roads and other Transportation Facilities

i. Existing Facilities

The Subject Property has frontage on Ashton Road, a State-owned and maintained public street classified as a Country Connector, with a master planned minimum right-of-way of 80 feet under the *Master Plan of Highways and Transitways*. Ashton Road is a two (2) lane road without any pedestrian or bicyclist facilities. There is also no immediate or adjacent access to public transit.

ii. Proposed public transportation infrastructure

As part of this Application, the Applicant will dedicate 40 feet of right-of-way from the Property line to the centerline of the pavement to meet the master planned 80 feet of right-of-way for Ashton Road. The Applicant will also be constructing a 12-foot-wide deceleration lane, as required by MDOT-SHA.

As mentioned, Ashton Road is classified as a Country Connector. The 2025 *Complete Streets Design Guide* calls for a six-foot-wide (6 ft) concrete sidewalk with a street buffer. Similarly, the 2018 *Bicycle Master Plan* calls for the construction of a ten-foot-wide (10 ft) asphalt bikeable shoulder along Ashton Road. MDOT-SHA has determined that the Applicant is not required to construct these facilities.

Instead, the Applicant will provide a ten-foot-wide (10 ft) grass shoulder and a fee-in-lieu-of-construction for the six-foot-wide (6 ft) concrete sidewalk. The Applicant will make a financial contribution of \$179,983.10 to MCDOT, as referenced in MCDOT's letter dated May 19, 2025. Additionally, the Applicant will grade the Site's frontage , allowing others to install a concrete six-foot-wide (6 ft) sidewalk in the future.

b) Local Area Transportation Review (LATR)

The Application was accepted before January 2025; therefore, it falls under the review of the 2020-2024 *Growth and Infrastructure Policy* (GIP) within the Rural East Policy Area, a Green Policy Area. As demonstrated in its Transportation Exemption Statement (TES) dated October 23, 2023, the Application is expected to generate 45 net new person-trips during the morning peak hours and 26 net new person-trips during the evening peak hours. Therefore, the Applicant is exempt from providing a transportation study that

addresses Local Area Transportation Review (LATR) Guidelines, as it falls below the 50 net new person-trips threshold of the 2020-2025 GIP (Table 3 below).

Table 3: Trip Generation Analysis

Proposed Uses		ITE Trip Generation Vehicle Rates		Adjusted Rates Rural East Policy Area		Person Trips	
		AM	PM	AM	PM	AM	PM
Church – 100 seats (ITE-560)		7	10	7	10	39	15
Adult Day Care	Staff	3	0	3	0	4	0
	Shuttles	17	0	17	0	23	0
Single Family Detached		1	1	1	1	2	2
Net New Person Trips						39	15

Source: *Transportation Exemption Statement from Lenhart Traffic Consulting, Inc., October 27, 2023, as modified by Staff*⁴.

As conditioned, the Applicant is subject to the following to ensure that the proposed trip generation is not exceeded, and the 50 net new person-trips threshold is not triggered. The assumptions were included in developing the trip generation analysis:

- a. The attendees of the adult day care will arrive at the Site using the shuttle service provided by the adult day care staff members.
- b. During the morning peak hours, three (3) staff members will arrive at the Site, for a total of four (4) net new-person trips.
- c. During the morning peak hours, 17 shuttles will occur for a total of 23 morning net new person-trips.
- d. The adult day care will close before 4:00 P.M., generating zero (0) net new person-trips during the evening peak hours.

⁴ The proposed trip generation for the adult day care was provided by the Applicant based on the number of shuttles, since ITE does not provide traffic counts for this use.

c) *Parking, Queuing, and Loading 59-6.2*

The Proposed Development will have a shared parking facility for both proposed uses, the religious assembly and the adult day care. As stated in the Applicant's Shared Parking Analysis dated February 16, 2026, the two (2) proposed uses will not operate concurrently and, therefore, shared parking can be achieved. The calculations above in Table 2 show the number of vehicle parking spaces based on the adult day care use, which has the highest parking requirement. Under Section 6.2.4. of the Montgomery County Zoning Ordinance, the requirement for the aforementioned use is 48, and the Applicant is providing a total of 52 spaces. This fulfills the required number of vehicle parking spaces, and no additional spaces are needed.

Under Section 6.2. of the Montgomery County Zoning Ordinance, there are no loading and queuing requirements. Therefore, no queuing and loading spaces are being provided.

d) *Schools*

A school adequacy analysis is not required for this Application because no additional residential development is proposed, and the religious assembly portion of the Application will not produce any school aged children.

e) *Other Public Facilities and Services*

Other public facilities and services are available and adequate to serve the proposed lots. The use of on-site wells and septic systems are consistent with the existing W-6 and S-6 services categories designated for the Property. An initial well and two back up well locations have been approved to serve each lot. The existing house on Lot 1 will initially use an existing well and a new well will be drilled on Lot 2 to serve as the initial well for the religious assembly building. Percolation and water table testing were performed on each lot to determine the location of the proposed septic fields and septic reserve area. The Application has been reviewed by the MCDPS – Well and Septic Section, which determined that the proposed well and septic locations are acceptable, as shown on the approved well and septic plan dated January 7, 2026 (Attachment E).

The Application was reviewed by the MCDPS, Fire Department Access and Water Supply Section, and a Fire Access Plan was approved on December 31, 2025 (Attachment E). The Fire Department Access Plan provides fire code compliant access from MD 108 to the new church building. West of the new church driveway, the Applicant will install two 30,000-gallon underground water supply cisterns within a public safety water supply easement,

allowing the fire department to provide fire protection services to the proposed new buildings and the nearby community at-large.

Dry utilities, including electricity, gas, and telephone are also available to the Property. Other utilities, public facilities and services, such as electric, telecommunications, police stations, firehouses, and health services, are currently operating within the standards set by the applicable Growth and Infrastructure Policy (GIP).

4. All Forest Conservation Law, Chapter 22A requirements are satisfied.

The Application satisfies all of the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A, and complies with the Montgomery County Planning Department's Environmental Guidelines as further discussed in the findings for Forest Conservation Plan No. F20240360 (Attachment B).

5. All stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied.

The Preliminary Plan Application meets the stormwater management requirements of Chapter 19 of the County Code. MCDPS Water Resources Section approved a Combined Stormwater Management Concept/ Site Development Stormwater Management Plan on November 13, 2024 (Attachment E). The plan proposes to meet the required stormwater management goals by installing two landscape infiltration basins.

6. Any burial site of which the applicant has actual notice or constructive notice or that is included in the Montgomery County Cemetery Inventory and located within the subdivision boundary is approved under Subsection 50-4.3.M.

The Subject Property contains a known burial site, the Boswell Family cemetery. Historic Preservation Staff and the Applicant have coordinated to provide a full memo detailing the history and analysis of the archeological work done to date (Attachment F). When a known cemetery is identified on a Property, the Applicant must satisfy four requirements as specified in Section 50.4.3.M.1, which have been satisfied as follows:

- a) *The Applicant must use the Montgomery County Planning Board Guidelines for Burial Sites to establish the location of the burial site. Unless Planning Department Staff believes that vandalism concerns dictate otherwise, the corners of the burial site must be staked in the field before preliminary plan submittal. If required, the stakes must be maintained by the applicant until Preliminary Plan approval.*

- b) *An inventory, that may include photographs, of existing burial site elements (such as walls, fences, gates, landscape features, fieldstones, grave locations, and tombstones) and their condition must be submitted as part of the Preliminary Plan application.*
- c) *The placement of lot lines must promote long-term maintenance of the burial site and protection of existing elements.*
- d) *The burial site must be protected by arrangements sufficient to assure the Planning Board of its future maintenance and preservation, as specified in the Montgomery County Planning Board's guidelines for burial sites.*

Consistent with Montgomery County Code and the Planning Board Guidelines for Burial Sites, and in consultation with Historic Preservation Division staff, the Applicant conducted archaeological investigations by a qualified consultant (Attachment F). The purpose of these investigations was to establish the boundaries of the family cemetery and record surviving associated features. Nineteenth-century family graveyards often have unmarked graves associated with them, and in cases where the family occupied the land for multiple generations or held people in slavery, there is the possibility that the extent of graves could be well beyond what is visible on the surface.

Methods employed by the Applicant's consultant included historical research, walking over the ground to find small markers and grave depressions, ground penetrating radar (GPR), and very shallow test excavations. The point of the historical research was to find any evidence for the number of people interned. No burial records are known for the family. Historical research does show that the Boswells held people in slavery. In addition to the vicinity of the Boswell Family Cemetery, locations where the Boswells' enslaved may have been buried include Ashton ME Church Cemetery, approximately 1.25 miles to the west along Ashton Road, with or near the family graves, or on the portion of the Boswell Farm immediately to the east of the family graveyard, outside the Subject Property in PEPCO right-of-way.

A pedestrian survey recorded extant markers and associated grave depressions. The ground above historical graves often subsides as coffins decay and collapse. These depressions can be visible on the surface. This portion of the work identified 15 head and foot markers and three grave depressions associated with ten graves (Figure 6).

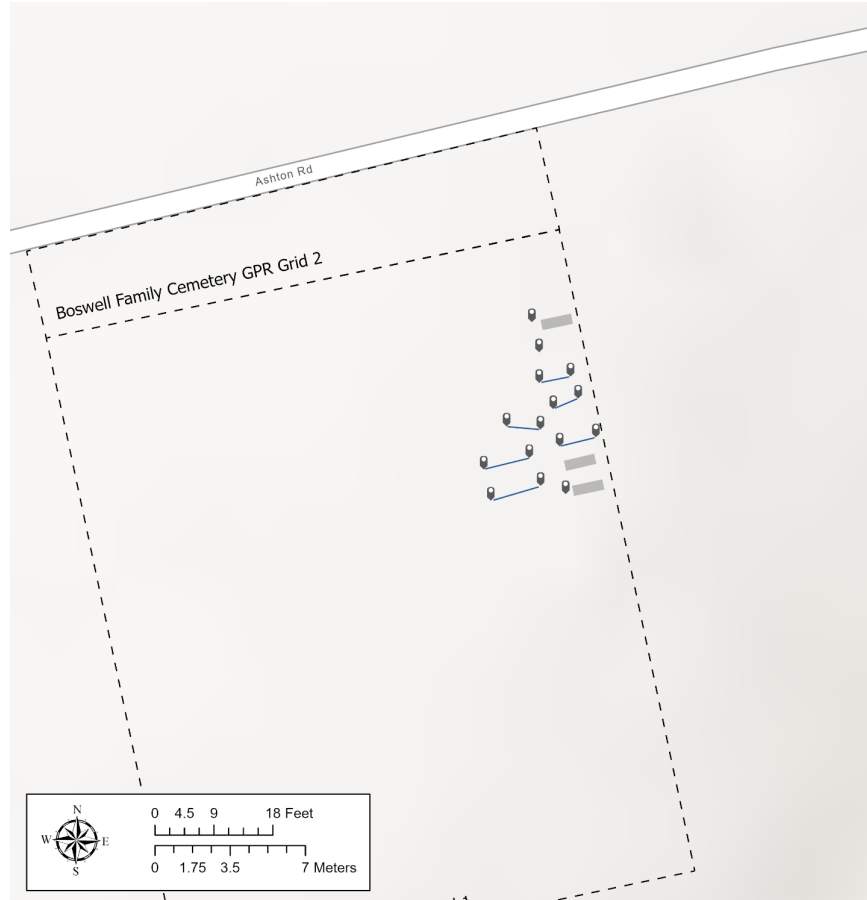


Figure 6 – Extant head and foot markers and associated grave depressions.

Ground penetrating radar (GPR) is used to help find unmarked graves. GPR broadcasts radio waves into the ground and records the reflections that return. Reflections associated with graves often contrast with the surrounding results, allowing archaeologists to identify burials. A GPR survey was conducted in December 2024 over an area measuring approximately 122 by 80 feet. This included all the known graves (an area approximately 20 by 40 feet) plus the surrounding ground within the Applicant’s project area. The GPR study identified 35 additional probable or possible graves in the vicinity of the marked graves, for a total of 45 graves in three closely spaced rows in an area measuring approximately 23 by 52 feet (Figure 7).

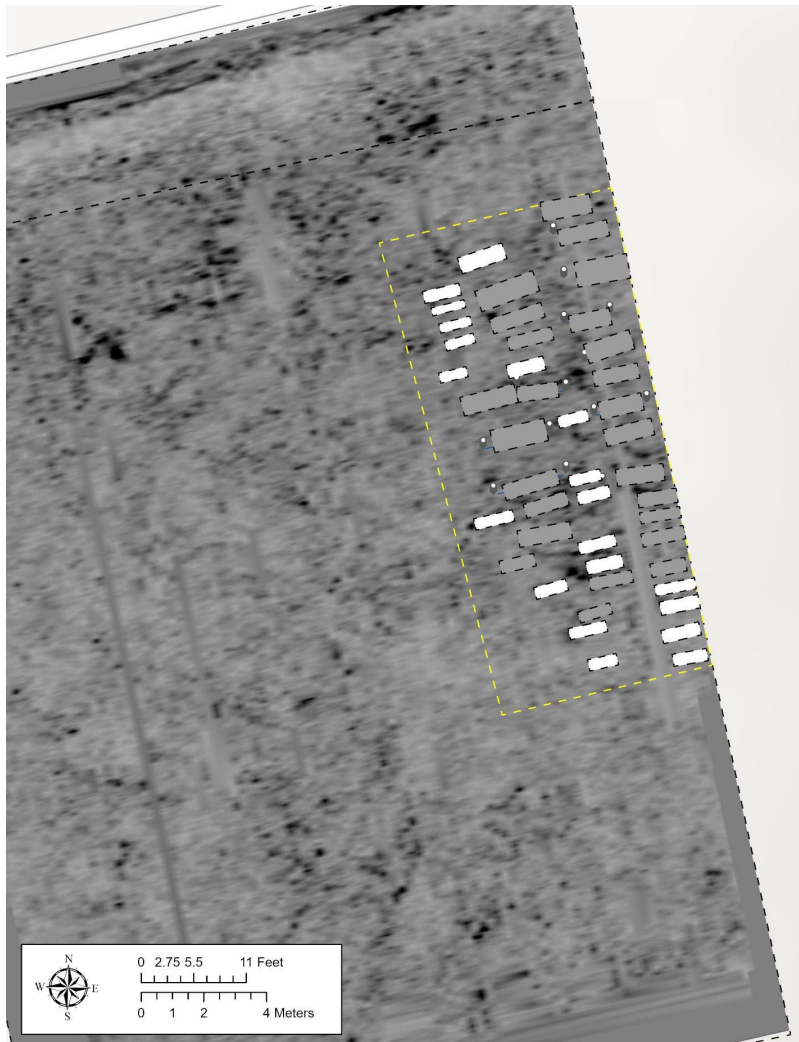


Figure 7 – Ground penetrating radar reflections with probable and possible grave locations noted

Staff received a copy of the draft GPR report in April 2025 and reviewed it. While concurring with most of the findings, staff raised concerns that some of the GPR results were ambiguous. Roots, rocks, and moisture-retained areas in different soils also produce radar reflections that can make GPR results difficult to interpret. In such cases, archaeologists sometimes strip away the relatively thin layer of dark-colored topsoil to reveal the lighter colored subsoil beneath. The shafts where historical graves were dug and then back filled, in contrast in color and texture with the surrounding undisturbed subsoil, allowing unmarked graves to be identified. Staff recommended corrections to the historical background and additional ground testing to verify that GPR reflections found in the vicinity of the proposed parking were not unmarked graves.

The Applicant's archaeological consultant conducted the recommended additional testing in May 2025 in an area within the portion of proposed parking nearest to the cemetery and between the proposed parking and the cemetery. Methods consisted of shallow excavations intended to remove the dark topsoil and expose the underlying lighter subsoil, exposing any shafts associated with unmarked graves (Figure 7). No additional graves were found in the vicinity of the proposed parking. Staff reviewed the revised report and concurred with the findings in June 2025.

Historic Preservation staff reviewed the Applicant's Preliminary Plan, including proposed lot lines, buffer between proposed hardscape parking and the cemetery, and the landscape plan in the vicinity of the graveyard. Staff determined that the proposed lot lines are consistent with the long-term preservation of the cemetery, that the proposed 25-foot buffer between the parking and cemetery is adequate, and the proposed landscape plan will not harm the cemetery.

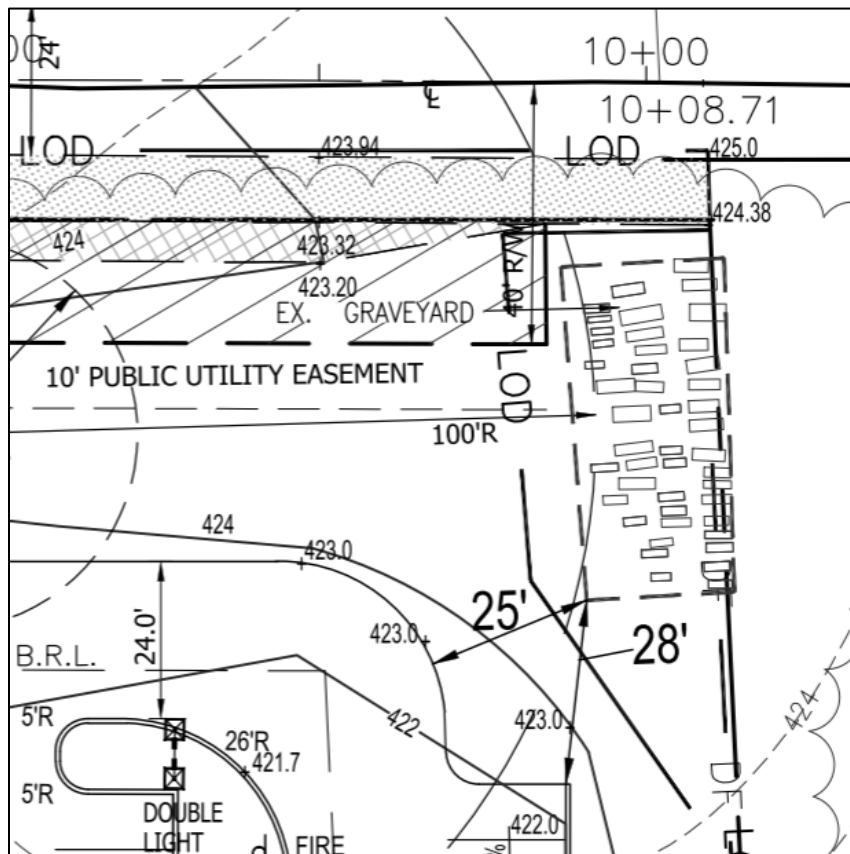


Figure 8 – 25 foot separation between the parking lot and the cemetery boundary

County Code, Section 50.4, and the Planning Board Guidelines for Burial Sites require that the boundaries of the cemetery be staked in the field and that the Applicant submit a long-term

maintenance plan for the cemetery. The maintenance plan should include groundskeeping measures to prevent the cemetery from becoming overgrown and to ensure that efforts to control plant growth do not harm the extant grave markers. As conditioned, a maintenance plan must be reviewed and approved by Historic Preservation Staff before approval of the record plat, and the cemetery boundaries must be staked before approval of the record plat. The markings must be maintained throughout construction to ensure that grave markers are not damaged by construction equipment.

7. Any other applicable provisions specific to the property and necessary for approval of the subdivision is satisfied.

Subsection 50.4.3.N of the Subdivision Regulations requires a landscape and lighting plan to be submitted with Preliminary Plans for places of worship and institutional uses. The landscape and lighting plan submitted by the Applicant shows that the parking lot landscaping and outdoor lighting standards in Section 59-6.2.9 can be met.

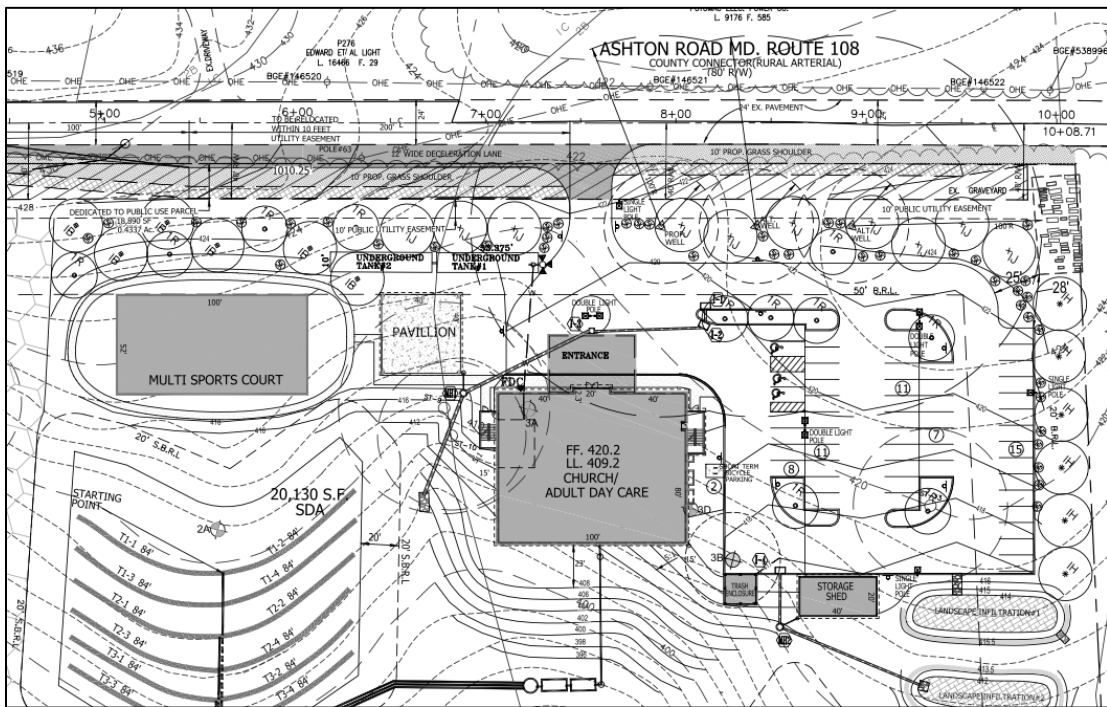


Figure 9 – Simplified Landscape Plan

As conditioned, the Applicant will be adding canopy trees every 30 feet on center and additional shrubs along the eastern edge of the parking lot to supplement the proposed understory trees shown in Figure 9. As conditioned, the understory trees in the parking lot

planting islands will also be replaced with canopy trees to meet the minimum 25% parking lot shading requirement. No canopy trees will be planted within 50 feet of the cemetery boundary.

SECTION 6: FOREST CONSERVATION PLAN F20240360 FINDINGS AND ANALYSIS

All Forest Conservation Law, Chapter 22A requirements are satisfied.

The Application meets the requirements of Chapter 22A, the Montgomery County Forest Conservation Law (“FCL”) and the Montgomery County Planning Department’s *Guidelines for Environmental Management of Development in Montgomery County* (“Environmental Guidelines”). As required by Chapter 22A, a Final Forest Conservation Plan was submitted with Preliminary Plan No. 120240050 (“Accompanying Plan”).

NATURAL RESOURCE INVENTORY/FOREST STAND DELINEATION PLAN

Natural Resource Inventory/Forest Stand Delineation (“NRI/FSD”) No. 42022240 for this Property was approved on June 20, 2023. The Subject Property is located within the Lower Patuxent watershed, classified as a Use Class IV-P by the State of Maryland. The NRI/FSD identified 25.85 acres of forest, wetlands, streams, 3.01 acres of floodplain, and 4.58 acres of Stream Valley Buffers on the Subject Property. The site contains eight (8) specimen trees and five (5) significant trees.

FOREST CONSERVATION PLAN

The Applicant has submitted the Final Forest Conservation Plan No. F20240360 (“FFCP”) (Attachment B) for concurrent review with Preliminary Plan No. 120240050. 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 RC and is assigned a Land Use Category of Medium Density Residential (“MDR”) as defined in Section 22A-3 of the Montgomery County Forest Conservation Law and in the Land Use Table of the Trees Technical Manual. This results in an afforestation threshold of 20% and a conservation threshold of 35% of the Net Tract Area.

The Net Tract Area for forest conservation purposes is 28.04-acres (28.33 acres net tract area minus 0.43 acres deductions for unimproved ROW and the addition of 0.14 acres of offsite improvements). There are 25.85 acres of existing forest on the Subject Property, and the Applicant is proposing to

remove 6.91 acres of forest and protect 18.94 acres of forest in a Category I Conservation Easement. All forest conservation requirements will be satisfied on-site.

Priority Forest Removal

The Subject Property includes 25.85 acres of forest designated as a high priority for retention, as the Property is located within a Tier II watershed², as mapped by the Maryland Department of Natural Resources. FCP No. F20240360 proposes clearing 6.91 acres of forest and meeting Forest Conservation requirements. Per Sec. 22A-12(b) of Forest Conservation Law, the FCP must retain certain vegetation and specific areas in an undisturbed condition unless specific findings are made.

Priority Forest Removal Findings

The following determinations are based on the required findings for the removal of priority forest:

- 1. The development would make maximum use of any available planning and zoning options that would result in the greatest possible forest retention.***

There are no planning and zoning options available that meet the requirements of the Zoning Ordinance and Sector Plan and allow for increased forest retention given the forest's location and the proposed development.

- 2. Reasonable efforts have been made to protect the specific areas and vegetation listed in the plan.***

Impacts to forest and trees can be minimized through site design techniques that include locating buildings and circulation in open areas and minimizing grading by working with the site's topography. Disturbance has been minimized, but the location of the forest and the grading required for the topography have created a scenario in which the existing forest cannot be reasonably protected.

- 3. The development proposal cannot be reasonably altered.***

There are no opportunities to save the existing forest by altering the development proposal by increasing building heights, rearranging circulation, or buildings.

Recommendation on Removal of Priority Forest

Staff recommends approval of the request to remove 6.91 acres of priority forest as the Applicant cannot avoid or minimize the forest loss while still meeting the goals of the Sector Plan and the requirements of the zone.

Variance Request

Section 22A-12(b)(3) of the Montgomery County Forest Conservation Law provides criteria for identifying 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 undisturbed. 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% 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.

The Applicant submitted a variance request in a letter dated December 22, 2025 (Attachment B). In the request, the Applicant proposes to impact two (2) Protected Trees and remove one (1) Protected Tree (Table 4 and Table 5).

Table 4: Protected Trees to be Removed

Tree ID	Common Name	Scientific Name	DBH inches	CRZ Impact
ST-9	Scarlet Oak	<i>Quercus coccinea</i>	37	100%

Table 5: Protected Trees to be Impacted

Tree ID	Common Name	Scientific Name	DBH inches	CRZ Impact
ST-6	Sycamore	<i>Platanus occidentalis</i>	31	7%
ST-7	Tulip Poplar	<i>Liriodendron tulipifera</i>	30	15%

Unwarranted Hardship Basis

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

An unwarranted hardship is due to required frontage improvements, available building location outside the PMA, and septic fields. If these activities were not allowed, the project could not be developed.

The Applicant has demonstrated that the denial of the Variance request would cause an unwarranted hardship by preventing the reasonable and significant development of this property for the existing single family house and a new church building, with accessory structures. 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.

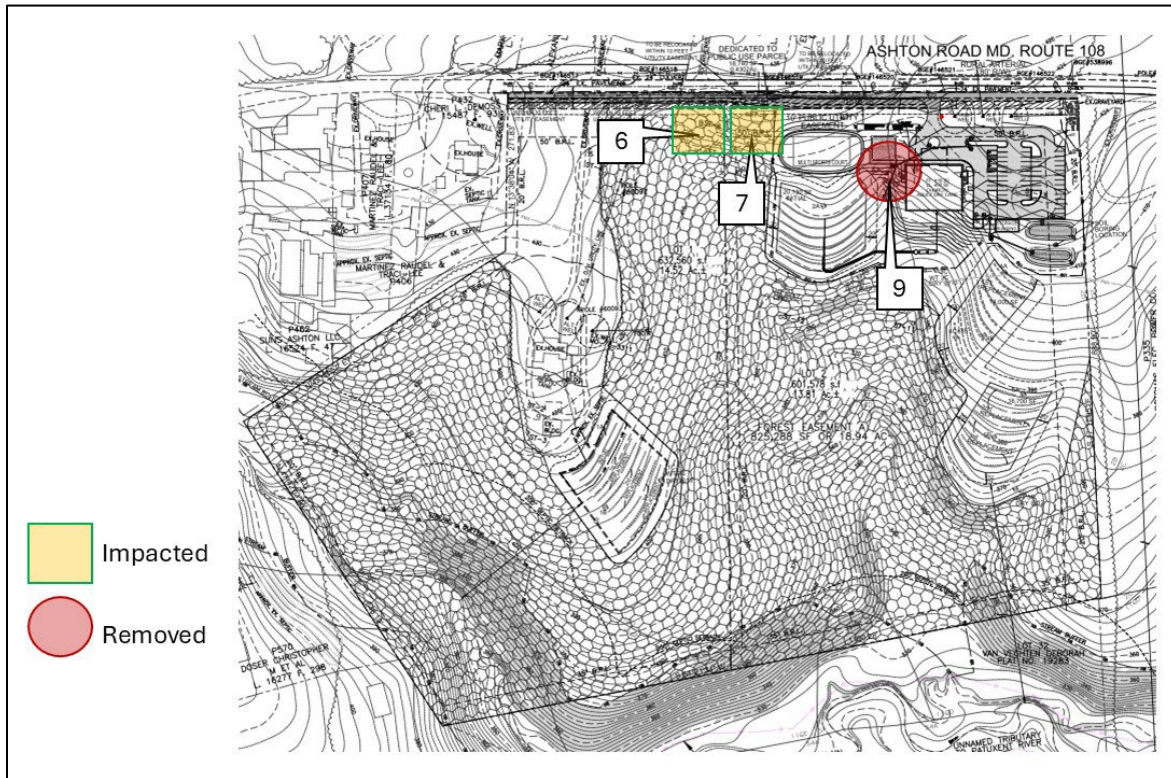


Figure 10 - Variance Trees

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.*

Granting the variance will not confer a special privilege on the Applicant, as the removal and disturbance to the specified trees are due to the development of the Property in accordance with the property constraints and required frontage improvements. Granting a variance request to allow land disturbance within the developable portion of the site and still meet the development requirements is not unique to this Applicant. The granting of this variance is not a special privilege that would be 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 resulting from Applicant's actions. The requested variance is based on the existing site conditions, the zone's development standards, 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-conforming, on a neighboring property.*

The requested variance results from the existing conditions and the proposed site design and layout of the Subject Property, and not from 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. Therefore, the Application will not violate State water quality standards or cause measurable degradation in water quality.

Mitigation for Protected Trees

There is one Protected Tree proposed for removal in this variance request, resulting in a total of 37 inches of DBH being removed.

The Applicant has not proposed any mitigation on the plans or in the Variance Request.

A condition of approval has been added that the Applicant include 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 9.25 inches of trees, using a minimum 3-inch caliper, overstory trees native to the Piedmont Region of Maryland on the Property, outside of any rights-of-way and 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 its removal. There is some disturbance within the CRZ of two of the 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.

Recommendation on the Variance

Staff recommends approval of the variance request with the condition of planting the mitigation trees.

SECTION 7: CONCLUSION

As conditioned, the Preliminary Plan and Forest Conservation Plan applications each satisfy the findings under Section 50-4.3 and Chapter 22A and the applicable standards of the Zoning Ordinance, substantially conform to the recommendations of the 1998 *Sandy Spring/Ashton Master Plan* and satisfy the findings of the Subdivision Regulations. Therefore, Staff recommends approval of the Preliminary Plan and Forest Conservation Plan with the conditions specified at the beginning of this report.

ATTACHMENTS

Attachment A: Preliminary Plan

Attachment B: Forest Conservation Plan and Variance Request

Attachment C: Community Correspondence, Affidavit Regarding Community Meeting and Meeting Minutes

Attachment D: Impervious Plan

Attachment E: Agency Letters

Attachment F: Cemetery Report

Attachment G: Shared Parking Analysis