

# Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**DATE MAILED:**

**MARCH 27, 2026**

MCPB No. 26-15  
Forest Conservation Plan No. F20240360  
Korean Mission Church  
Date of Hearing: March 5, 2026

## **RESOLUTION**

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

WHEREAS, on April 3, 2024, Korean Mission Church (“Applicant”) filed an application for approval of a forest conservation plan for concurrent review and approval with Preliminary Plan No. 120240050 (“Accompanying Plan”) on approximately 28.76 acres of land located at 1201 Ashton Road (“Subject Property”) in the Rural East Policy Area and 1998 *Sandy Spring/Ashton Master Plan* (“Master Plan”) area; and

WHEREAS, Applicant’s forest conservation plan application was designated Forest Conservation Plan No. F20240360, Korean Mission Church (“Forest Conservation Plan” or “Application”); and

WHEREAS, following review and analysis of the Application by Planning Board Staff (“Staff”) and other governmental agencies, Staff issued a memorandum to the Planning Board dated February 20, 2026, providing its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on March 5, 2026, the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the motion of Commissioner Pedoeem, seconded by Vice Chair Linden, with a vote of 5-0; Chair Harris, Vice Chair Linden, and Commissioners Bartley, Hedrick, and Pedoeem voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Forest Conservation Plan No. F20240360 on the Subject Property, subject to the following conditions:<sup>1</sup>

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

1. 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 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 FCP requirements. 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 at least 9.25 caliper inches. Adjustments to the planting locations of these trees is permitted with the approval of the M-NCPPC Forest Conservation Inspection Staff.

3. 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.
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.

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

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

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

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-acre deductions for unimproved right-of-way, and an additional 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. Therefore, all forest conservation requirements will be satisfied on-site.

A. Priority Forest Removal

The Application includes removal of 6.91 acres of forest designated as a high priority for retention, as the Property is located within a Tier II watershed, as mapped by the Maryland Department of Natural Resources. 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.

The Board makes the following findings necessary to approve 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 applicable to the Subject Property that would allow for increased forest retention given the location of the forested areas on the Property.

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

The Applicant has minimized impacts to forest and trees through site design techniques that include locating buildings and circulation in open areas and minimizing grading by working with the topography of the Property. Although the Applicant has made reasonable efforts to minimize disturbance, the location of the forest and the grading required for the topography have created a scenario in which portions of the existing forest cannot be reasonably protected. In addition, new development and impacts to forest have been located to the north along Ashton Road and away from the forested stream valley buffer and the Patuxent River Primary Management Area ("PMA") located on the south side of the Property.

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

As the development has been located in a way to best preserve the stream valley buffer and PMA, there are no further opportunities to save the existing forest by altering the development proposal by increasing building heights, rearranging circulation, or buildings.

## B. Forest Conservation Variance

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

This Application will require the removal of one (1) Protected Tree and CRZ impact to two (2) Protected Trees as identified in the Staff Report. In accordance with Section 22A-21(a), the Applicant requested a Variance, and the Board agrees that the Applicant would suffer unwarranted hardship by being denied reasonable and significant use of the Subject Property for the existing single family dwelling and a new church building, with accessory structures without the Variance. For the proposed development, the unwarranted hardship is due to required frontage improvements, available building location outside the Patuxent River PMA, and septic fields. If these activities were not allowed, the Property could not be developed as otherwise allowed by the Zoning Ordinance and in conformance with the Master Plan.

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

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

Granting the variance 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. Thus, the Board finds that the granting of this variance is not a special privilege that would be denied to other applicants.

2. *The need for the Variance 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, including the topography and the location of the stream valley buffer and PMA on the southern portion of the

Property, the zone's development standards, and the necessary design requirements of this Application.

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

The 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.

4. *Granting the Variance 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, as the Protected Trees impacted and removed are located outside of the stream buffer and PMA. Further, mitigation will be provided for the Protected Tree removed.

Mitigation for the Variance is at a rate that approximates the form and function of the Protected Trees removed. The Board approves the replacement of Protected Trees at a ratio of approximately 1 inch caliper for every four inches removed. As conditioned, the removal of one (1) Protected Tree results in the requirement of mitigation planting totaling at least 9.25 caliper inches. No mitigation is required for Protected Trees impacted but retained.

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

**MARCH 27, 2026**

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

