

# Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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**DATE MAILED:**

**May 26, 2026**

MCPB No. 26-32  
Forest Conservation Plan No. F20240890  
Primrose at 16650 Georgia Avenue  
Date of Hearing: May 7, 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 December 24, 2024, Little Steps, LLC (“Applicant”) filed an application for approval of a forest conservation plan for concurrent review and approval with Preliminary Plan No. 120250090 and Little Steps Daycare, Conditional Use No. CU202504 (“Accompanying Plans”) on approximately 2.11 acres of land located at 16650 Georgia Avenue (“Subject Property”) in the Olney Policy Area and 2005 *Olney Master Plan* (“Master Plan”) area; and

WHEREAS, Applicant’s forest conservation plan application was designated Forest Conservation Plan No. F20240890, Primrose at 16650 Georgia Avenue (“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 April 27, 2026, providing its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on May 7, 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 Commissioner Bartley, with a vote of 4-0; Chair Harris, Vice Chair Linden, and Commissioners Bartley and Pedoeem voting in favor; Commissioner Hedrick being necessarily absent.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Forest Conservation Plan No. F20240890 on the Subject Property, subject to the following conditions:<sup>1</sup>

1. Before recordation of the plat and the start of any demolition, clearing, grading, or construction, whichever comes first, for the Accompanying Plans, 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 it 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) 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 and control measures as deemed necessary by the M-NCPPC Forest Conservation Inspection Staff.
  - c) 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 before the submission of financial surety to determine the amount of the financial surety.
  - d) 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 0.147 acres of new forest planting, mitigation trees and maintenance, including invasive species management controls, credited toward meeting the FCP requirements.
  - e) Record an M-NCPPC approved Certificate of Compliance in an M-NCPPC approved off-site forest bank within the Upper Rock Creek watershed or Priority Area to satisfy the reforestation requirement of 0.48 acres of

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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.

- mitigation credit. If no off-site forest banks exist within the Upper Rock Creek watershed or Priority Area, then the off-site forest requirement may be met by purchasing 0.34 acres of mitigation credits from a mitigation bank within Montgomery County outside of the Upper Rock Creek watershed or Priority Area, subject to Staff approval. Credits may only be debited from forest mitigation banks that protect all or part of an existing forest to meet up to 50 percent of the afforestation requirement. 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.
2. Within the first planting season following the stabilization of the applicable disturbed area within the Limits of Disturbance (“LOD”), or as directed by the M-NCPPC Forest Conservation Inspection Staff, the Applicant must install the plantings, permanent fencing, and permanent forest conservation area signage as shown on the approved FCP.
  3. 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 25.5 caliper inches, as shown on the approved FCP. The quantity of mitigation plantings can be reduced, if the M-NCPPC Forest Conservation Inspection Staff determines that Protected Trees shown as removed can be retained. Adjustments to the planting locations of these trees are permitted with the approval of the M-NCPPC Forest Conservation Inspection Staff.
  4. 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.
  5. The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. The M-NCPPC Forest Conservation Inspection Staff may require tree save measures not specified on the Final Forest Conservation Plan.
  6. The 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 R-200 and is assigned a Land Use Category of Institutional Development Area (“IDA”) 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 category results in afforestation and conservation thresholds of 20% and 25% of the Net Tract Area, respectively.

The Net Tract Area for forest conservation purposes is 2.35-acres (2.11 net tract area plus 0.24 acres of offsite improvements). There are 0.08 acres of existing forest on the Subject Property, and the Applicant is proposing to remove 0.04 acres. This results in a total afforestation/reforestation requirement of 0.46 acres within the same watershed or Priority Area or 0.48 acres outside the same watershed or Priority Area. As conditioned, the Applicant will meet this requirement through 0.14 acres of onsite planting, which will be given landscape credit, and 0.34 acres offsite via forest mitigation bank credits. Landscaping credit was applied to meet the afforestation requirements and is permitted under the Trees Technical Manual.

#### A. Priority Forest Removal

The Subject Property includes .08 acres of forest designated as a high priority for retention, as the Property is located within a Priority Urban Forest area, as mapped by the Maryland Department of Natural Resources. The Application proposes clearing .04 acres of forest. Per Section 22A-12(b) of Forest Conservation Law, the forest conservation plan must retain certain vegetation and specific areas in an undisturbed condition unless specific findings are made.

The Board makes the following findings 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.*

The Property is currently developed with an antique mall/shop at the front (eastern) edge. The proposed development locates all the proposed development to the rear (western) side. The Applicant is balancing site requirements for stormwater management, transportation, and fire access, with the needs of the new day care center use, including parking and outdoor play areas. There are no other planning and zoning options available to minimize additional forest loss.

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

The active forest clearing within the limits of disturbance has been minimized to only 0.04 acres of forest clearing. Although the disturbance has been minimized, the forest setting and location made it impossible to achieve the project's goals and protect the entire forest.

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

The utilities, stormwater management and storm drains are designed and proposed in the locations they are shown based on where they are needed by existing structures, tie ins, and existing grades of the site and cannot be avoided.

## 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 remain undisturbed.

This Application will require the removal of three (3) 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 a day care without the Variance.

The site is atypically L-shaped, with the front portion developed as a rural antique shop. The majority of the specimens and/or significant trees are

located along the perimeter of the site, with a couple of trees located more internally. While every effort has been made to reduce the footprint of the development, specifically access points, parking requirements, stormwater management requirements, and an outdoor play area, which needs to be level (less than 5%) and shaped in a way to accommodate play equipment for the children enrolled in the day care center, all contribute to the need to impact the Variance trees. It is not feasible to retain all of the Protected Trees nor avoid impacts while reasonably developing the site with the proposed day care center use.

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 as allowed by the Master Plan and Zoning Ordinance. The Property contains numerous large trees; therefore, granting a variance request to allow land disturbance within the developable portion of the site is not unique to this Applicant.

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 actions by the Applicant. The requested variance is based upon the existing site conditions, development standards of the zone, 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 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 to be removed are not located within a stream valley buffer or an otherwise

environmentally sensitive area.

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 one inch caliper for every four inches removed. This results in a total of 25.5 inches of mitigation plantings 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 outside of any utility easements. 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

**May 26, 2026**

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

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

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**CERTIFICATION**

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Pedoeem, seconded by Commissioner Bartley, with a vote of 4-0-1; Chair Harris, Vice Chair Linden, and Commissioners Bartley and Pedoeem, voting in favor of the motion, Commissioner Hedrick abstaining at its regular meeting held on Thursday, May 21, 2026, in Wheaton, Maryland and via video conference.



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Artie L. Harris, Chair  
Montgomery County Planning Board

Approved as to  
Legal Sufficiency: /s/ Allison Myers  
M-NCPPC Legal Department