



August 26, 2022

Ms. Mary Jo Kishter
Maryland-National Capital Park and Planning Commission
Area 3 Planning Division
2425 Reedie Drive, 2nd Floor
Wheaton, MD 20902

Re: Sandy Spring Missing Middle Pilot Project
Request for Modified Afforestation Requirements
Preliminary Plan No. 1-20220050
Site Plan No. 8-20220090
S-NRI No. 4-20220510

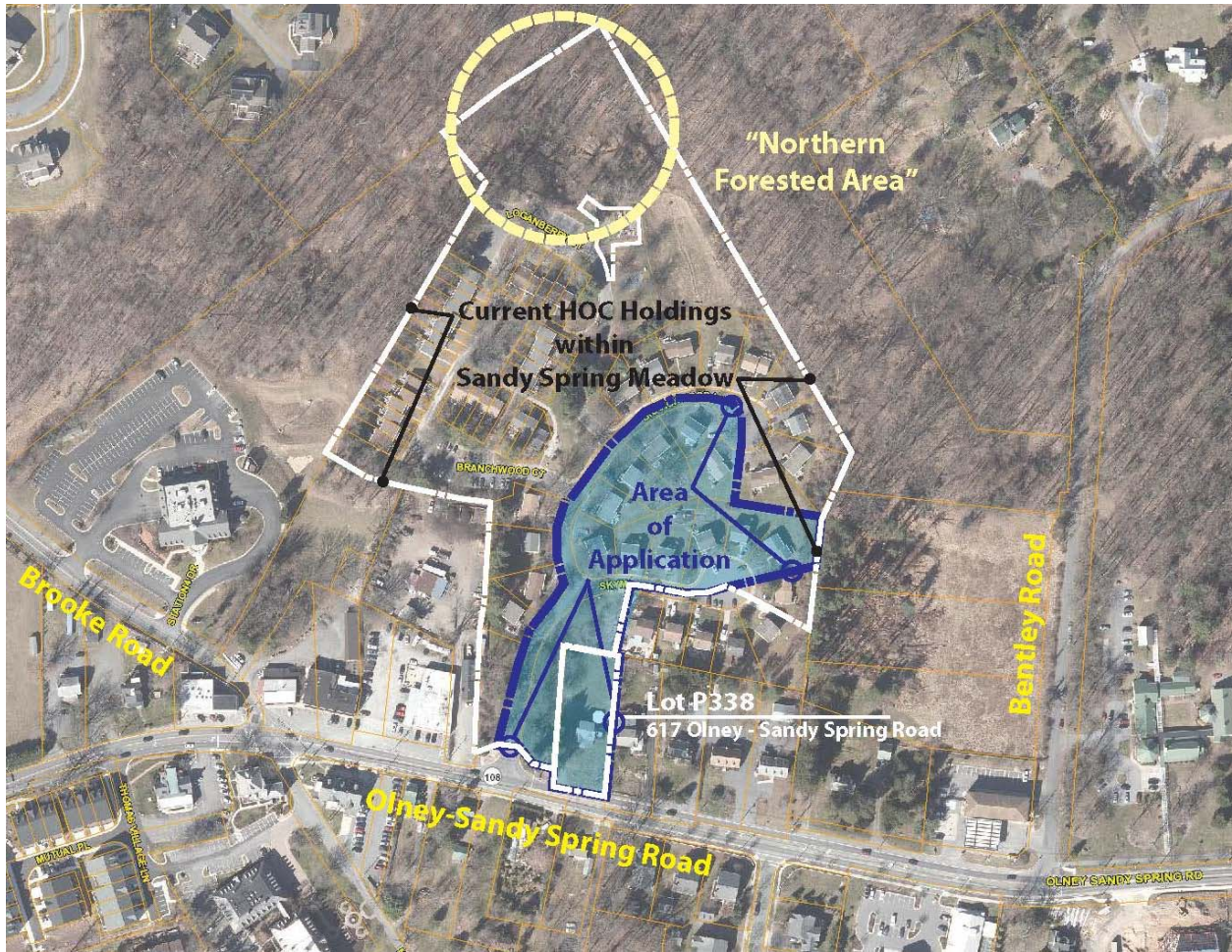
Dear Ms. Kishter,

On behalf of our clients, RAD6 Corporation and the Housing Opportunities Commission (Applicant), Townscape Design LLC is writing to request a modification to the sequence of afforestation planting pursuant to the provisions under Section 22A-12F of the Montgomery County Forest Conservation Law.

Project Description

The subject property is located on the north side of Olney-Sandy Spring Road (MD 108), immediate east of Skymeadow Way and Branchwood Lane in Sandy Spring, Maryland. The application area is approximately 3.27 acres, and comprised of multiple recorded lots and a single parcel as follows:

- 617 Olney-Sandy Spring Road, part of the Bloomfield Subdivision; and
- Certain Lots within the Sandy Spring Meadows Subdivision:
 - Parcel "B" at 17901 Skymeadow Way;
 - Lot 7 at 17938 Skymeadow Way,
 - Lot 8 at 17934 Skymeadow Way,
 - Lot 9 at 17930 Skymeadow Way,
 - Lot 10 at 17926 Skymeadow Way,
 - Lot 11 at 17922 Skymeadow Way,
 - Lot 12 at 18001 Branchwood Lane,
 - Lot 13 at 18005 Branchwood Lane,
 - Lot 14 at 18009 Branchwood Lane,
 - Lot 15 at 18013 Branchwood Lane,
 - Lot 16 at 18017 Branchwood Lane, and
 - Lot 17 at 18033 Branchwood Lane (collectively, the "Property").



Vicinity Map showing the application area and the proximity of the 'off-site' northern forested area.

The property is classified in the Residential-R-60 zone (R-60). The property is bordered to the east by residential lots in the RE-1, R-60 and R-200 zones. The property has roadway frontage to the north and west of the application area within the Sandy Spring Meadow subdivision. The confronting lots are in the R-60 and CRN zones. Residential lots in the R-90 and R-200 zones are confronting the subject property to the south. The controlling master plan is the 2015 Sandy Spring Rural Village Plan (Plan). The Plan recommends infill development/redevelopment on the subject property. As indicated on the approved NRI, there are no sensitive areas or forest located on the tract.

The application area is partially located within the Patuxent Management Area (PMA) and the northern forested area is fully within the PMA, including a tributary headwater stream.

General Approach.

The application area is currently unforested and is greater than 1.5 acres. It is a redevelopment site consistent with the recommendations of the applicable master plan. The application is utilizing the R-60 optional method of development. Therefore afforestation is required.

This application proposes a portion of the afforestation requirement to be provided on-site, adjoining an existing protected forest, and the balance of the requirement to be provided off-site, by placing a protective easement over existing forest within the stream valley buffer of a tributary to the Patuxent River that is currently unprotected and adjacent to other protected forest.

By requesting an off-site protection solution, the Applicant is proposing a modification to the typical sequence of protection. However, this approach has environmental benefits and meets several public policy objectives. This requested modification is permitted under the standards of the forest conservation law as explained in the next section.

Standards for Reforestation and Afforestation

Subsection 22A-12(f)(1) states that “any site...under a[n]...optional method of development in a one-family residential zone... must include a minimum amount of forest on-site as part of meeting its total forest conservation requirement.” This application provides a portion of the afforestation requirement on-site and therefore meets this requirement.

Subsection 22A-12(f)(4) states that “retention, reforestation, and afforestation must adhere to the priorities and sequence established in subsections (b) and (e)” of section 22A-12. Subsection (b) refers to retention of existing forest, which does not apply in this case. Subsection (e) refers to the standards for reforestation and afforestation, which does apply.

The preferred sequence for afforestation and reforestation for forest conservation plans utilizing the optional method of development is outlined in subsection 22A-12(e)(1)(A), which states:

“Except as provided in the technical manual or otherwise in paragraph (1) of this subsection, the preferred sequence for afforestation and reforestation is, in general: on-site afforestation or reforestation; off-site afforestation or reforestation; enhancement of existing forest through on-site selective clearing, supplemental planting, or both; acquiring credit(s) from an off-site forest mitigation bank; paying a fee in-lieu; and landscaping with an approved plan.”

Subsection 22A-12(e)(1)(B)(i) provides for modifications to the preferred sequence for governmental considerations, and where objectives of a master plan and/or sector plan, or other County policies can be implemented. Specifically, this subsection states:

“(B) Governmental considerations. The sequence provided in subparagraph (A) of this paragraph may be modified for a specific project if the applicant demonstrates to the satisfaction of the Planning Board or the Planning Director, as the case may be, that a different sequence is necessary:

- (i) to achieve the objectives of a master plan or sector plan or other County land use policies or to take advantage of opportunities to consolidate forest conservation efforts;”

In this case, the Applicant is a governmental agency which serves the affordable housing objectives of the County, and this project furthers the public interest by providing affordable housing at a location consistent with master plan and general plan recommendations. As outlined below, there are also beneficial reasons to modify the preferred sequence in order to consolidate forest conservation efforts.

Public Policy Objectives.

General Plan. This application is specifically aligned with the housing objectives of the proposed general plan, Thrive 2050. Specifically, the Applicant is using this project as a pilot in order to construct “Missing Middle Housing”. The draft general plan specifically recommends implementation of Missing Middle Housing as a way to achieve the housing goals of the plan.

Local Master Plan. The applicable master plan is the Sandy Spring Rural Village Plan (Plan), approved and adopted in March of 2015. The Plan recommends that “opportunities for additional infill housing should be permitted and encouraged...for all ages and incomes”¹ at this property. The Applicant fulfills these Plan objectives with this project.

In addition to this housing objective, the Plan also makes a specific recommendation for the northern forested area of the Sandy Spring Meadows community:

“Maintain the northern forested edge of trees.”²

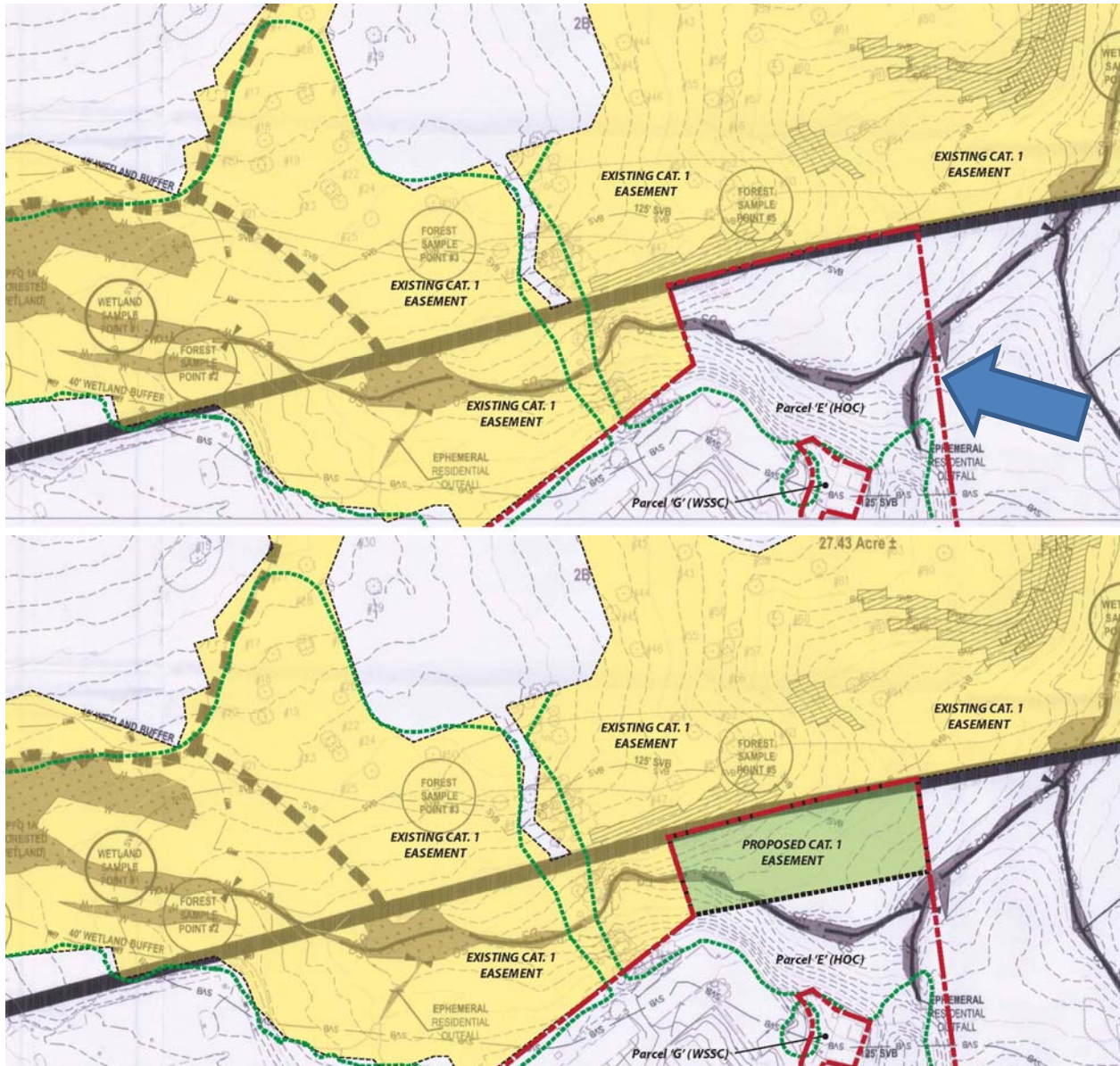
This area of forest is outside the limits of this application, and is therefore ‘off-site’. However, it is owned and controlled by the Applicant. The forest lies within Parcel E of the Sandy Spring Meadows subdivision, which was approved in 1983. At that time, there was no forest conservation law and, as a result, this forest does not include the protection of a forest conservation easement today.

The Applicant’s proposed sequence of construction will provide forest conservation protection for a portion of this forest that is adjacent to two properties with existing easement protection and fulfill the Plan recommendations. The proposed protection is also part of the stream valley buffer for a first order tributary that is within the Patuxent River Management Area, and is therefore of high priority for protection.

This area was surveyed as part of the adjoining Danches NRI (4-05140R). The image below utilizes the approved NRI as an environmental base. The tree line is highlighted in green, and existing category I easements are highlighted in yellow. The proposed easement for this application is shown in green.

¹ Approved and Adopted Sandy Spring Rural Village Master Plan, March 2015, MNCPPC, p. 29.

² Ibid, p.31.



Images of northern forested areas of Sandy Spring Meadows (part of Parcel E) and adjoining properties and easements superimposed over the environmental drawings of NRI 1-05140R.

Section 22A-12(e)(2)(B) states that it is appropriate to protect off-site forest:

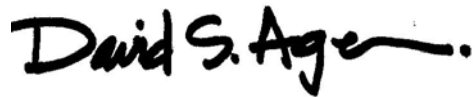
“Protection of existing off-site forest. Acquisition of an off-site protective easement for existing forested areas not currently protected in perpetuity is an acceptable mitigation technique instead of off-site afforestation or reforestation planting, but the forest cover protected must be 2 times the afforestation and reforestation requirements.”

Therefore, this approach is consistent with the standards of the forest conservation law and provides a public benefit of protecting twice the amount of forest that would otherwise be protected. The Applicant understands that this higher level of protection will be required.

Summary.

This request is consistent with the general guidance of the code and specific code requirements. As stated above, several public policy objectives are accomplished through this approach. Therefore, we respectfully request that the preferred sequence of afforestation for this project be modified as suggested.

Respectfully submitted,
Townscape Design LLC



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Principal

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