

**BROOKSTONE SENIOR LIVING
CONDITIONAL USE NO. CU202312 AND
PRELIMINARY FOREST CONSERVATION PLAN NO.
F20230060**



Exhibit 36
OZAH Case No: CU 23-12

Description

Request for Conditional Use approval to construct a Residential Care Facility (over 16 persons) consisting of 88 dwelling units and 91 beds.

No. CU202312

Completed: 1-9-2024

MCPB

Item No. [X]
1-25-2024

2425 Reedie Drive
Floor 14
Wheaton, MD 20902

Planning Staff

MAB

Mark Beall, Zoning Planner IV, Mark.Beall@montgomeryplanning.org , (301)495-1330

PB

Patrick Butler, Chief, Patrick.Butler@montgomeryplanning.org , (301)495-4561

LOCATION/ADDRESS

Southwest corner of Dino Drive and Valley Stream Avenue (Outlot A, Block B)

MASTER PLAN

1997 Fairland Master Plan

ZONE

R-200

PROPERTY SIZE

5.68 Acres

APPLICANT

ElderHome Land, LLC

ACCEPTANCE DATE

March 2, 2023

REVIEW BASIS

Chapter 22A & 59

HEARING EXAMINER PUBLIC HEARING

February 16, 2024

Summary:

- Staff recommends approval of the Conditional Use with conditions and transmittal of comments to the Hearing Examiner.
- Staff recommends approval of the associated Preliminary Forest Conservation Plan with conditions.
- The Subject Site is currently a vacant Outlot. The Proposal would allow for a Residential Care Facility (Over 16 persons) consisting of 88 dwelling units and 91 beds.
- Staff has not received any public correspondence as of the date of this Staff Report.

TABLE OF CONTENTS

SECTION 1: RECOMMENDATIONS AND CONDITIONS	3
CONDITIONAL USE No. CU202312	3
FOREST CONSERVATION PLAN	3
SECTION 2: NEIGHBORHOOD & SITE DESCRIPTION	4
VICINITY/NEIGHBORHOOD	4
PROPERTY DESCRIPTION.....	5
SECTION 3: PROJECT DESCRIPTION.....	6
PROPOSAL.....	6
SECTION 4: COMMUNITY CORRESPONDENCE	7
SECTION 5: ANALYSIS AND FINDINGS.....	7
CONDITIONAL USE No. CU202312	7
PRELIMINARY FOREST CONSERVATION PLAN.....	18
SECTION 6: CONCLUSION	19
ATTACHMENTS	19

SECTION 1: RECOMMENDATIONS AND CONDITIONS

CONDITIONAL USE NO. CU202312

Staff recommends approval of Project Name, Conditional Use No. CU202312, for a Residential Care Facility (Over 16 persons), subject to the following conditions:

1. The use is limited to a Residential Care Facility (over 16 persons) use.
2. The proposed facility must have no more than 88 dwelling units.
3. The proposed facility must have no more than 91 total beds in the assisted living and memory care areas.
4. A Preliminary Plan of subdivision is required.
5. At the time of Preliminary Plan, the Applicant must enter into a surety and maintenance agreement that includes any landscape and lighting approved by the Hearing Examiner.

FOREST CONSERVATION PLAN F20230060

FOREST CONSERVATION

The Application is subject to the Montgomery County Forest Conservation Law (Chapter 22A of the County Code) under Section 22A-4(b) a person required by law to obtain approval of a special exception or a conditional use, or a sediment control permit on a tract of land 40,000 square feet or larger, and who is not otherwise required to obtain an approval under subsection (a). The Applicant submitted a Preliminary Forest Conservation Plan in compliance with Chapter 22A.

1. Before recordation of the plat and the start of any demolition, clearing, grading, or construction, whichever comes first, for this development Application, the Applicant must 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.
2. Applicant must submit a Final Forest Conservation Plan (“FFCP”) for review and approval Before obtaining a Sediment and Erosion Control Permit from the Montgomery County Department of Permitting Services for this Subject Property.
3. The FFCP must be consistent with the approved Preliminary Forest Conservation Plan.

SECTION 2: NEIGHBORHOOD & SITE DESCRIPTION

VICINITY/NEIGHBORHOOD

The Subject Property outlined in the dashed red line in Figure 1 below is located at the intersection of Dino Drive and Valley Stream Avenue in Burtonsville 20866. The Property is in the 1997 *Fairland Master Plan* area.

As delineated in the solid yellow line in Figure 1 below, Staff defined a neighborhood for purposes of analyzing this Conditional Use and its possible impacts on the character of the surrounding area. Staff determined the neighborhood based on properties that would be most impacted by the Conditional Use. The neighborhood as defined is comprised of moderate-density residential development and commercial uses such as offices, retail, self-storage, and warehousing uses. Staff did not find any active Conditional Uses/Special Exceptions in the defined neighborhood. The properties to the northeast, east and south are all zoned R-200 and are comprised of moderate-residential density uses. The property to the southwest of the Subject Property is Fairland Recreational Park. The properties to the west are zoned EOF and are comprised of office and warehousing uses. The properties to the north are zoned IM and are comprised of a self-storage use and a vacant, unimproved parcel.



Figure 1: Vicinity Map with Staff-defined neighborhood highlighted in solid yellow.

Conditional Use/Special Exceptions:
Staff identified no approved conditional use/special exceptions within the defined neighborhood.

PROPERTY DESCRIPTION

The Subject Property (outlined in red, dashed line in Figure 2 below) is located at the intersection of Dino Drive and Valley Stream Avenue in Burtonsville and consists of 5.86 acres identified as Outlot A, Block B on record plat 23347, on Tax Map 05-03552453.

The Property is currently unimproved and mostly forested. The Property slopes from the higher point closer to Dino Drive and Valley Stream Avenue, downhill towards the rear or south end of the Property. The Property contains a stream, small wetland, and a stream valley buffer in the southwest corner along the rear lot line. The Property is zoned R-200.



Figure 2 – Subject Property

SECTION 3: PROJECT DESCRIPTION

PROPOSAL

The Applicant proposes to construct a Residential Care Facility (over 16 persons). The proposed building will contain 88 dwelling units for senior living and 91 total beds for assisted living and memory care. The Applicant is also proposing associated parking lot, landscaping and lighting. The Applicant is proposing amenities and service for the residents including courtyards, a fitness pool, gym, beauty salon, spa, music room, pub, a car and driver service, and a restaurant-style dining room. The resident and visitor entrance is centrally located in the middle of the building while the loading dock and dumpsters are located towards the rear of the building.



Figure 3: Existing Site Conditions

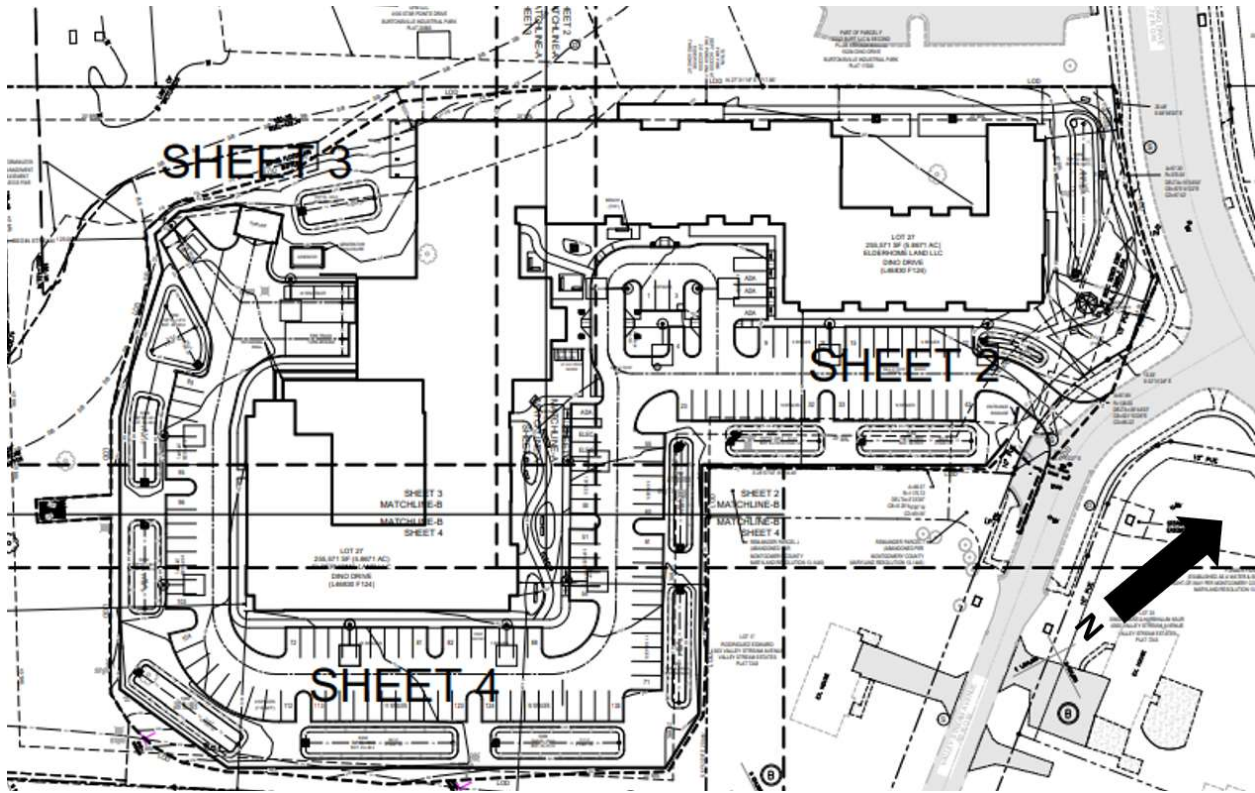


Figure 4: Proposed Conditional Use

SECTION 4: COMMUNITY CORRESPONDENCE

The Applicant reached out to the surrounding community and Planning Staff in 2019 prior to the COVID-19 shut-down. The Applicant held a pre-filing community meeting on May 26, 2022 which is not required for a Conditional Use application. As of the date of this Staff Report, Staff has not received any letters of correspondence from the community.

SECTION 5: ANALYSIS AND FINDINGS

CONDITIONAL USE NO. CU202312

1. **Per Section 59.3.3.2.e.2.c, where a Residential Care Facility (over 16 persons) is allowed as a Conditional Use, it may be permitted by the Hearing Examiner under Section 7.3.1, Conditional Use, and the following standards:**
 - ii. **Where a Residential Care Facility (Over 16 Persons) is allowed as a conditional use, it may be permitted by the Hearing Examiner under Section 7.3.1, Conditional Use, and the following standards:**

(a) The facility may provide ancillary services such as transportation, common dining room and kitchen, meeting or activity rooms, convenience commercial area or other services or facilities for the enjoyment, service or care of the residents. Any such service may be restricted by the Hearing Examiner.

The proposed Residential Care Facility will have a variety of amenities and services for its residents, including interior and exterior courtyards, a fitness pool, gym, beauty salon, spa, music room, pub, a car and driver service, and a restaurant-style dining room.

(b) A group home for children must provide ample outdoor play space, free from hazard and appropriately equipped for the age and number of children who will use the facility.

This Section is not applicable to this application. No children will be residing at this facility.

(c) Where residential dwelling units are provided

(1) the maximum residential density per lot area is 15 units per acre or the maximum density allowed in the zone, whichever is greater; and

The Property is 5.8671 acres which would allow up to 88 dwelling units. The Applicant is proposing 88 dwelling unit with this application.

(2) the minimum green area is 50%.

The Property would require 127,786 sq. ft. of green area and the Applicant is proposing 141,250 sq. ft. which is equal to 55.3% green area.

(d) Where facility size is based on the number of beds, not dwelling units, the following lot area is required:

(1) In the R, RC, and RNC zones, 2,000 square feet per bed or 5 acres, whichever is greater.

The Property is zoned R-200 so this Section is not applicable.

(2) In all other zones, the minimum lot area is 2 acres or the following, whichever is greater:

(A) in RE-2, RE-2C, RE-1, and R-200 zone: 1,200 square feet per bed;

Based on the Property's square footage, the Applicant may have as many as 213 beds, however the Applicant is proposing a total of 91 beds for the assisted living and memory care combined.

(B) in R-60, R-90, and R-40 zone: 800 square feet per bed;

The Property is zoned R-200 so this Section is not applicable.

(C) in TLD, TMD, THD, R-30, and R-20 zone: 600 square feet per bed; and

The Property is zoned R-200 so this Section is not applicable.

(D) in R-10: 300 square feet per bed.

The Property is zoned R-200 so this Section is not applicable.

(e) Principal building setbacks for all building types must meet the minimum setbacks required under the standard method of development for the subject building type in the R-30 zone (see Section 4.4.14.B.3, Placement).

The proposed building meets or exceeds all the setback requirements of the R-30 zone for an apartment building type. Setback information is provide in Table 1 below.

(f) The minimum side setback is 20 feet to abutting lots not included in the application.

The proposed building will be 20 feet from the west lot line and 95 feet from the east property line.

(g) Independent dwelling units must satisfy the MPDU provisions of Chapter 25 (Section 25.A-5).

(h) In a Continuing Care Retirement Community and a Senior Care Community, occupancy of any independent dwelling unit is restricted to persons 62 years of age or older, with the following exceptions:

(1) the spouse of a resident, regardless of age;

(2) another relative of a resident, 50 years of age and older;

(3) the resident widow, widower, or other surviving relative of a resident who dies while residing at the Continuing Care Retirement Community or the Senior Care Community is allowed to remain, even though the resident widow, widower, or other surviving relative has not reached the age of 62.

A minimum of 80% of the dwelling units must be occupied by at least one person per unit who is 55 years of age or older.

According to the Applicant's Statement of Justification, the Applicant is not proposing a Continuing Care Retirement Community or a Senior Care Community.

(i) Height, density, coverage, and parking standards must be compatible with surrounding uses; the Hearing Examiner may modify any standards to maximize the compatibility of the building with the residential character of the surrounding neighborhood.

The proposed building meets all the development standards of the R-200 zone including the compatibility requirements in Section 59.4.1.8. The Property also sits 8 to 12 feet lower at the face of the proposed building than the surrounding detached residential houses to help make the height more compatible with the abutting houses.

(j) In the AR zone, this use may be prohibited under Section 3.1.5, Transferable Development Rights.

This section does not apply. The property is zoned R-200.

2. Per Section 59.7.3.1.E., to approve a conditional use application, the Hearing Examiner must find that the proposed development:

a) satisfies any applicable previous approval on the subject site or, if not, that the previous approval must be amended.

There was a previous Special Exception application that was never approved or implemented and is no longer valid and therefore this Section is not applicable.

b) satisfies the requirements of the zone, use standards under Article 59-3, and to the extent the Hearing Examiner finds necessary to ensure compatibility, meets applicable general requirements under Article 59-6;

i. **Use Standards for a Residential Care Facility (over 16 persons)- Section 59.3.3.2.E.2.c.ii.**

Residential Care Facilities are permitted as a Conditional Use in the R-200 zone. The conditional use standards for a Residential Care Facility allow for setbacks per the R-30 zone subject to the building type proposed.

ii. **Development Standards**

Table 1: Development and Parking Standards (R-200)

Development Standard Section 59.4.4.7.B	Permitted/ Required (R-200)	Permitted/ Required (R-30)- Section 59.4.4.14.B	Proposed*
Minimum Lot Area	20,000 sq. ft.	n/a	255, 571 sq. ft.
Minimum Lot Width at Front Building Line	100 ft.	n/a	180 ft.
Minimum Lot Width at Front Lot Line	25 ft.	n/a	180 ft.
Maximum Density	2.18 units/acre (15 units/acre per the use standards)	n/a	15 units/acre
Maximum Lot Coverage	25%	n/a	8.70%
Green Area	n/a	50%	55.3%
Minimum Front Setback	40 ft.	30 ft.	40 ft.
Minimum Side Setback	12 ft.	18 ft. & 10 ft.	95 ft. & 20 ft.
Minimum Sum of Side Setbacks	25 ft.	n/a	n/a
Minimum Rear Setback	30 ft.	45 ft.	184 ft.
Maximum Height	50 ft.	n/a	50 ft.
Vehicle Parking Requirement (Section 59.6.2.4.B)	1 space/dwelling unit= 88 spaces 0.25 space/bed= 23 spaces 0.50 space/employee= 22 spaces Total= 133 space		133 spaces

iii. **General Requirements:**

(1) Access

The Subject Property proposes one new entry point to Valley Stream Avenue. In addition to vehicular access, internal pedestrian access is provided via sidewalks from Valley Stream Avenue to the main entrance of the building. Access will be adequate to serve the use.

(2) Parking, Queuing and Loading

Parking, queuing and loading will be adequate to support the use. All vehicular access will occur from the proposed access point on Valley Stream Avenue. A drive aisle runs along the south and west side perimeter of the proposed building, serving all proposed parking and a loading dock in the rear of the building. As shown in Table 2 below, proposed parking is adequate to serve the use.

Parking Standards	Required/Allowed	Proposed
Vehicle Parking Spaces		
<u>Age-Restricted Housing</u> <u>Minimum Required Spaces</u>	1 space per unit 0.25 spaces per bed 0.5 spaces per employee 133 spaces	133 spaces
Parking Breakdown (spaces)		
Standard Spaces	126	126
Accessible Spaces	5	5
Electric Vehicle	2	2
Bicycle Parking	22 Long Term, 1 short term	22 Long Term, 1 short term

Table 2: Parking Analysis

(3) Open Space and Recreation

This Application is exempt from the Recreation Guidelines however the proposed community will have a variety of amenities and services for its residents, including interior and exterior courtyards, a fitness pool, gym, beauty salon, spa, music room, pub, a car and driver service, and a restaurant-style dining room.

(4) Lighting

The parking lot and site lighting have photocell shutoff. As required by Section 59-6.4.4.E, the photometric plans indicate that illumination will not exceed 0.1 footcandles at any lot line that abuts a lot with a detached house.

(5) Screening

The Applicant is providing screening per Section 6.5.3.C.7 along the property lines abutting the R-200 zoned neighboring properties.

(6) Signage

The Applicant is proposing an entrance sign. The Applicant must coordinate the size and location of the sign with the Department of Permitting Services per Section 59.6.7.

c) *substantially conforms with the recommendations of the applicable master plan;*

The Site is located within the 1997 *Fairland Master Plan* area, which has recommendations for elderly care on the Property. The *Master Plan* specifically identifies the Property for elderly housing on page 70- Figure 30, page 83- Figure 35 and page 84- Figure 36. The *Master Plan* encourages housing for elderly in appropriate locations. The Property conforms to the recommendations of the *Master Plan*.

d) *is harmonious with and will not alter the character of the surrounding neighborhood in a manner inconsistent with the plan; The proposal is harmonious with, and will not alter the character of, the surrounding neighborhood.*

The Applicant has proposed the building closer to the industrial and employment properties to give more buffer to the residential detached houses in the R-200 zone. The Applicant is proposing contemporary residential materials and elements for the façade of the building to fit in more with the residential character of the neighborhood.

e) *will not, when evaluated in conjunction with existing and approved conditional uses in any neighboring Residential Detached zone, increase the number, intensity or scope of conditional uses sufficiently to affect the area adversely or alter the predominantly residential nature of the area; a conditional use application that substantially conforms with the recommendations of a master plan does not alter the nature of an area;*

There are no other Conditional Uses or Special Exceptions in the neighborhood. The intent of the Conditional Use for the property will not alter the residential nature of the area and will adhere to the recommendations of the Master Plan.

f) *will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities. If an approved adequate public facilities test is currently valid and the impact*

of the conditional use is equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required and:

- i. if a preliminary subdivision plan is not filed concurrently or required subsequently, the Hearing Examiner must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage, or***
- ii. if a preliminary subdivision plan is filed concurrently or required subsequently, the Planning Board must find that the proposed development will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage, and***

The Project will require submittal of a subsequent Preliminary Plan application and the Planning Board will determine the adequacy of the public facilities.

(1) Transportation

The Subject Property fronts Dino Drive, identified as an Industrial Road in the 2021 Complete Streets Design Guide with a 70-foot wide right of way as determined by the 2018 Master Plan of Highways and Transitways, and Valley Stream Avenue, a Neighborhood Street with a 60-foot wide right of way. There are no identified master planned bike facilities on either road. The Applicant will be required to improve the frontage of Dino Drive to include a 10-foot wide shared use path in line with master plan vision for an industrial street as per the Complete Streets Design Guide.

Local Area Transportation Review

The Application was reviewed under the 2020-2024 Growth and Infrastructure Policy and associated 2022 Local Area Transportation Review (LATR) Guidelines. Per the GIP, projects that generate more than 50 weekday peak-hour person trips are required to complete a Transportation Impact Study (“TIS”). The proposed Site will consist of a 64-bed assisted living facility and a 115 unit congregate care facility. As demonstrated on the Applicant’s exemption statement, dated November 22, 2023, the proposed Conditional Use will generate 27 AM net-new person trips during the morning weekday peak hour, and 47 net new person trips during the evening weekday peak hour. These calculations are based on the ITE Trip Generation Manual, 11th Edition, adjusted for the Derwood policy area (Table 3).

LATR Trip Generation						
	AM Peak Hour			PM Peak Hour		
	In	Out	Total	In	Out	Total
Assisted Living – 64 beds	7	5	12	6	9	15
Congregate Care Facility – 115 Units	5	4	9	10	11	21
Total Vehicle Trips Per ITE 11 th Edition	9	17	26	18	15	23
Policy Area Adjustment Factor (Derwood – 94%)						
Total LATR Adjusted Vehicle Trips Per ITE 11 th Edition (Auto Driver at 61%)	11	9	20	16	19	35
Person Trips						
Auto Driver			18			32
Auto Passenger			5			9
Transit			1			1
Non-Motorized (Bike)			1			2
Pedestrian (Transit + Bike)			2			3
Total Person Trips			27			47

Table 3: Trip Generation for the Proposed Use

*Trip generation rates are based on the ITE Trip Generation Manual, 11th Edition and adjusted as detailed in the 2022 LATR guidelines. Figures are rounded to nearest whole number. Source: Traffic Group, Inc. , as reported in Applicant Statement of Justification – November 22th, 2023

(2) Schools

The proposed use will not house children, so schools are not affected by this application. However, the affects will be confirmed at the time of Preliminary Plan.

(3) Other Public Facilities

The Property is located within water and sewer categories W-1 and S-1 and is serviced by existing water and sewer. Water and sewer needs are expected to be met by the Washington Suburban Sanitary Commission (“WSSC”) through connection to the existing water and sewer lines. 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 Growth and Infrastructure Policy in effect at the time that the Application was submitted.

g) will not cause undue harm to the neighborhood as a result of a non-inherent adverse effect alone or the combination of an inherent and a non-inherent adverse effect in any of the following categories:

- i. the use, peaceful enjoyment, economic value or development potential of abutting and confronting properties or the general neighborhood;**
- ii. traffic, noise, odors, dust, illumination, or a lack of parking; or the health, safety, or welfare of neighboring residents, residents, visitors, or employees.**

This finding requires consideration of the inherent and non-inherent adverse effects of the proposed use on nearby properties and the general neighborhood. Section 1.4.2 of the Zoning Ordinance defines inherent adverse effects as “adverse effects created by physical or operational characteristics of a conditional use necessarily associated with a particular use, regardless of its physical size or scale of operations.” Inherent adverse effects, alone, are not a sufficient basis for denial of a conditional use.

Non-inherent adverse effects are defined as “adverse effects created by physical or operational characteristics of a conditional use not necessarily associated with the particular use or created by an unusual characteristic of the site.” Non-inherent adverse effects are a sufficient basis to deny a conditional use, alone or in combination with inherent effects, if the adverse effect causes “undue” harm to the surrounding neighborhood. When analyzing whether impacts are inherent or non-inherent, Staff examines the size, scale, scope, light, noise, traffic and environmental effects of the proposed use. In this case, those effects typically and necessarily associated with a Residential Care Facility (over 16 persons) are considered inherent effects, and those not usually associated with the use or created by site characteristics are considered non-inherent effects. The physical and operational characteristics inherent with a Residential Care Facility (over 16 persons) are:

- vehicle trips
- onsite lighting
- waste management trucks

The Residential Care Facility (over 16 persons) will not be detrimental to surrounding properties and staff has not identified any non-inherent adverse effects. Therefore, the use will not be detrimental to the surrounding properties.

The Project includes new landscaping and screening to limit the visual impact of the proposed surface parking lot, and will not cause any objectionable noise, fumes or illumination or decrease the economic value of surrounding properties. Because of the proposed light shielding and screening, outdoor lighting will generate 0.0 footcandles at the lot lines except along the front at the public street.

The Proposed Use, provided all requirements and conditions of the use are satisfied, will have no adverse impacts on the health, safety, or welfare of neighboring residents, visitors, or employees. The proposed use will not cause undue harm to

the neighborhood as a result of non-inherent adverse effects alone or the combination of inherent and non-inherent adverse effects.

3. ***Any structure to be constructed, reconstructed, or altered under a conditional use in a Residential Detached zone must be compatible with the character of the residential neighborhood.***

The proposed building uses contemporary elements similar to other contemporary residential buildings. The Applicant is proposing trees and shrubs around the perimeter abutting the R-200 property lines.

4. ***The fact that a proposed use satisfies all specific requirements to approve a conditional use does not create a presumption that the use is compatible with nearby properties and is not sufficient to require conditional use approval.***

The use is compatible with the nearby properties and staff recommends approval with conditions. The Applicant understands this is not necessarily sufficient to require the Conditional Use approval.

5. ***In evaluating the compatibility of an agricultural conditional use with surrounding Agricultural or Rural Residential zoned land, the Hearing Examiner must consider that the impact does not necessarily need to be controlled as stringently as if it were abutting a Residential zone.***

This Section is not applicable to this application.

6. ***The following conditional uses may only be approved when the Hearing Examiner finds from a preponderance of the evidence of record that a need exists for the proposed use to serve the population in the general neighborhood, considering the present availability of identical or similar uses to that neighborhood:***

- a) ***Filling Station;***
- b) ***Light Vehicle Sales and Rental (Outdoor);***
- c) ***Swimming Pool (Community); and***
- d) ***the following Recreation and Entertainment Facility use: swimming pool, commercial.***

This Section is not applicable to this application.

7. ***The following conditional uses may only be approved when the Hearing Examiner finds from a preponderance of the evidence of record that a need exists for the proposed use due to an insufficient number of similar uses presently serving existing population concentrations in the County, and the uses at the location proposed will not result in a multiplicity or saturation of similar uses in the same general neighborhood:***

- a) **Funeral Home; Undertaker;**
- b) **Hotel, Motel;**
- c) **Shooting Range (Outdoor);**
- d) **Drive-Thru**
- e) **Landfill, Incinerator, or Transfer Station; and**
- f) **a Public Use Helipad, Heliport or a Public Use Helistop.**

This Section is not applicable to this application.

PRELIMINARY FOREST CONSERVATION PLAN NO. F20230060

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

The Property is subject to the Montgomery County Forest Conservation Law, Chapter 22A of the County Code, and requires a Forest Conservation Plan. The Forest Conservation Plan complies with the Montgomery County Environmental Guidelines and the Forest Conservation Law, as conditioned in the Staff Report and described below.

Natural Resource Inventory/Forest Stand Delineation Plan

Natural Resource Inventory/Forest Stand Delineation (“NRI/FSD”) 420221860 was approved on August 1, 2022. The NRI/FSD identifies the environmental features and forest resources on the Subject Property. The Subject Property is located within the Little Paint Branch watershed, classified as a Use Class I by the State of Maryland.

The Subject Property contains 4.18 acres of forest. In addition, there are specimen trees both on-site and adjacent to the Subject property that have a diameter breast height (“DHB”) of 30 inches or more. The Subject Property contains a stream, .02 acres of wetlands and 0.68 acres of stream valley buffer.

Forest Conservation Plan

The Applicant has submitted a Preliminary Forest Conservation Plan No. F20230060 (“PFCP”) (Attachment A) for concurrent review with the development plan application for Conditional Use Plan No. CU202312. 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 R-200 and is assigned a Land Use Category of High Density Residential (“HDR”) as defined in Section 22A-3 of the Montgomery County Forest Conservation Law (“FCL”) and in the Land Use Table of the Trees Technical Manual. This results in an afforestation threshold of 15% and a conservation threshold of 20% of the Net Tract Area.

The Net Tract Area for forest conservation purposes is the 5.91 acres. There is a total of 4.18 acres of existing forest on the Subject Property with the Applicant proposing to remove 3.44 acres of forest. This results in a total afforestation/reforestation requirement of 1.63 acres.

The Applicant proposes to meet the requirement with 0.52 acres of onsite reforestation and 1.11 acres offsite.

SECTION 6: CONCLUSION

The proposed conditional use complies with the findings required for approval of a Residential Care Facility (over 16 persons), subject to the recommended conditions of approval. The proposed use is consistent with the goals and recommendations of the 1997 *Fairland Master Plan*, will not alter the residential character of the surrounding neighborhood, and will not result in any unacceptable noise, traffic, or environmental impacts on surrounding properties. Staff recommends approval of the Conditional Use with conditions and transmittal of comments to the Hearing Examiner and approval of the associated Preliminary Forest Conservation Plan.

ATTACHMENTS

Attachment A: Preliminary Forest Conservation Plan

Attachment B: Conditional Use Plan

Attachment C: Agency Correspondence and Approvals