

March 28, 2024

Revised August 5, 2024

Mayor and City Council of Laurel
Department of Economic Development
8103 Sandy Spring Road
Laurel, Md 20707

**Re: Corridor Center
Soltesz Project No.: 0008-82-01**

The following is provided as justification as to why existing forest cannot be retained on-site and how the planting requirement is being satisfied.

Section 20-41.7 Afforestation and Retention

- (a)(1) Conduct afforestation on the lot or parcel in accordance with the following:
- (a)(1)(b) A tract with less than fifteen (15) percent of its net tract area in forest cover shall be afforested up to at least fifteen (15) percent of the net tract area for the following land use categories:
 - iii. Mixed use and planned unit development areas; and

Response: Afforestation is not applicable since existing forest is greater than 15%.

Retention Techniques

The site is zoned M-X-T (Mixed Use, Transportation) generally due to its proximity to major infrastructure, in this case, I-95 and the ICC. The M-X-T zone is designed to utilize the expenditure of public funds for infrastructure so that the governmental body receives a return on the investment by allowing for the highest and best use on the developing property. Generally, this translates into an expectation for a high-density site which is considered desirable in planning policy, and most specifically in the City's 2016 Master Plan, which designates the subject property as one of the City's few "strategically-selected" growth areas, and which would make significant contributions to mitigating the affordable housing shortage, which the Master Plan discusses at some length. In the subject case, the application proposes 293 units, as per the Conceptual Site Plan previously approved under Ordinance No. 2004. This unit count falls at the lower end of the allowable density regulations for the M-X-T zone. Along with this unit count comes the need for new on-site infrastructure such as entrance roads, stormwater management ponds, recreational facilities and amenities, utilities, and the grading to support the infrastructure and residential dwelling units.

During the planning and engineering, the site was carefully thought out to ensure that the minimal amount of tree clearing was done to support the mandated infrastructure. Grading was done so that maximum slopes were maintained to reduce the horizontal distance necessary to grade. Retaining walls were introduced where prudent so that additional forest cover could be retained. Stormwater Management facilities were sized to hold only what was necessary to meet the regulations. Roads were designed to reduce the amount of necessary

pavement to the minimal required thus saving the site from additional asphalt and grading to support.

On-site forest protection devices will be provided to prevent construction from moving beyond the approved limits of disturbance. Site superintendents will be educated and will control haphazard storage of materials beyond the limit of disturbance and thus help protect remaining on-site forest cover.

The applicant has designed and engineered the site with retention techniques in mind and has exhausted them to reduce the forest removal and still met the intent of the code and to maintain the approval provided by the CSP approval (Ordinance No. 2004)

Section 20-41.6(a)(2) of the City's Unified Land Development Code does not require the preservation of all existing forest, but it does require that, "if existing forest on the site, subject to a Forest Conservation Plan, cannot be retained, the applicant shall demonstrate to the satisfaction of the Planning Commission...Why the priority forests and priority areas specified in Subsection [20-41.7\(b\)](#), cannot be left in an undisturbed condition."

Section 20-41.7(b) of the City's Unified Land Development Code defines priority forest and priority areas as:

Section 20-41.7(b). Retention. The following trees, shrubs, plants, and specific areas are considered priority for retention and protection and shall be left in an undisturbed condition unless the applicant has demonstrated, to the satisfaction of the Planning Commission that reasonable efforts have been made to protect them and the plan cannot be reasonably altered:

Trees, shrubs and plants located in sensitive areas, including the one-hundred-year floodplain, intermittent and perennial streams and their buffers, steep slopes, nontidal wetlands and critical habitats.

Response: First, essentially all of the existing forest was proposed to be retained in all of these Master Plan-designated Sensitive Areas when the initial planning was completed. It was considered most essential to protect this category of priority forest as much as practicable. Except for an area smaller than 500sf for a storm drain outfall, no forest is being cleared in areas within 100-year floodplain, streams, and or their buffers or wetlands and their buffers.

(1) Contiguous forest that connects the largest undeveloped or most vegetated tracts of land within and adjacent to the site.

Response: Because the site is almost predominantly wooded, this component of the defined priority forest areas is the most relevant to the evaluation of the site's Forest Conservation Plan. As discussed above, however, implementing the City's planning for growth and for affordable housing

at this site is in direct opposition to a requirement to preserve expansive areas of the site's contiguous forest. Accordingly, forest areas were preserved at the eastern, northern and western peripheries of the site where they are contiguous with other forested areas adjacent to the site. Significant areas of contiguous existing open land abutting the preserved priority forest areas will also be reforested to ameliorate the effects of the necessary clearing.

(2) Trees, shrubs or plants determined to be rare, threatened, or endangered under:

- a. The Federal Endangered Species Act of 1973 in 16 U.S.C., Sections 1531 through 1544, inclusive, and in 50 CFR Part 17;
- b. The Maryland Nongame and Endangered Species Conservation Act, Annotated Code of Maryland, Natural Resources Article, Sections 10-2A-01 through 10-2A-09, inclusive; and
- c. COMAR 08.03.08, which contains regulations relating to the threatened and endangered species.

Response: No trees, shrubs or plants on-site have been found to be rare, threatened, or endangered.

- (4) Trees that:
- a. Are part of an historic site;
 - b. Are associated with an historic structure; or
 - c. Have been designated by the state or the Department of Economic and Community Development as a national, state or county champion tree; and

Response: No historic sites or structures, or designated champion trees exist on the site.

- (5) Any tree having a diameter measured at four and one-half (4½) feet above the ground of:
- a. Thirty (30) inches or more; or
 - b. Seventy-five (75) percent or more of the diameter, measured at four and one-half (4½) feet above the ground, of the current state champion tree of that species as designated by the Maryland Department of Natural Resources.

Response: Colloquially known as “specimen trees,” there are a number of these larger-diameter trees scattered throughout the site. As with the contiguous forest areas, specimen trees have been preserved in the eastern and western peripheries of the site, and during the City staff’s review of this application, additional efforts have been made to refine the design to save more specimen trees.

Conclusion: This TCP1 proposes meeting the woodland conservation requirements with a combination of on-site woodland preservation (2.7 ac.) and on-site Reforestation (2.02 acres), 0.19 ac of Landscape Credits, 1 ac street tree and off-site woodland conservation credits in an approved woodland conservation bank (5.47 acres). Much consideration has been taken to preserve and plant forests on-site to the maximum extent possible. The applicant has provided an efficient layout that creates a balance of preserving the environmental features on-site and fulfilling the goals and densities of the M-X-T zone. The existing development does not allow for any additional areas for woodland conservation planting. Adding more on-site conservation would result in a greatly reduced project scope and make it economically unviable for development.

Should you have any further comments or questions, please do not hesitate to contact our office.

Sincerely,

SOLTESZ, INC.

David Bickel, RLA
Director of Planning