



MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 16-063

AUG 23 2016

Forest Conservation Plan No. 11996071A

21611 Ripplemead Drive, Laytonsville (a.k.a Fairhill Subdivision)

Date of Hearing: July 28, 2016

RESOLUTION

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

WHEREAS, by Opinion dated July 17, 1996, the Planning Board, approved Forest Conservation Plan No. 119960710 covering the 128 acres encompassed by Preliminary Plan No. 11974019R, which created 27 lots and 19 outlots in the RDT (AR) Zone, located at the intersection of Ripplemead Drive and Riggs Road, in the Olney Master Plan ("Master Plan") area; and

WHEREAS, on May 17, 2016, Marquis McClure ("Applicant"), filed an application for approval of an amendment to the previously approved forest conservation plan to remove a total of 2.484 acres of onsite Category I conservation easement from Lot 7, Block A, Fairhill known as 21611 Ripplemead Drive ("Subject Property"), one of the lots included in Forest Conservation Plan No. 119960710 and mitigate for such removal; and

WHEREAS, the application to amend the forest conservation plan was designated Forest Conservation Plan No. 11996071A, 21611 Ripplemead Drive (a.k.a Fairhill) ("Forest Conservation Plan", "Amendment" or "Application"); and

WHEREAS, following review and analysis of the Application, the Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated July 15, 2016, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on July 28, 2016, the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

Approved as to
Legal Sufficiency

 7/20/16

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WHEREAS, at the hearing, the Planning Board voted to approve the Application subject to certain conditions, by the vote as certified below.

NOW, THEREFORE, BE IT RESOLVED THAT, the Planning Board approves Forest Conservation Plan No. 11997071A to remove a total of 2.484 acres of Category I Conservation Easement from the Subject Property and mitigate by providing 4.97 acres for forest conservation mitigation bank credit at an M-NCPPC approved forest mitigation bank, subject to the following conditions:¹

1. The property owner must submit an executed Certificate of Compliance, approved by the M-NCPPC Office of General Counsel, to use an offsite forest mitigation bank within 30 days of the mailing date of the Planning Board's Resolution. The Certificate of Compliance must provide 4.97 acres of mitigation credit for the removal of 2.484 acres of Category I Conservation Easement.
2. The property owner must record in the Montgomery County Land Records a new Category I Conservation Easement that has been approved by the Planning Department to show the remaining Conservation Easement areas on the Property within 30 days of the mailing date of the Planning Board's Resolution.
3. The property owner must record in the Montgomery County Land Records an easement abandonment that has been approved by the Planning Department within 45 days of the mailing date of the Planning Board's Resolution. The Deed of Abandonment must be recorded after the new Conservation Easement is recorded in the Montgomery County Land Records.
4. The Property Owner must sign and post the remaining Category I Conservation Easement on the Subject Property within 45 days of the mailing date of the Planning Boards' Resolution.
5. The Applicant must maintain the existing screening, and prior to December 15, 2016, extend the current screening by planting a row of evergreen trees along the property line between the Subject Property and Lot 6. The intention is to retain a vegetative screen between the two properties.

BE IT FURTHER RESOLVED, that having considered the recommendations and findings for its Staff as presented at the hearing and 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 For the purposes of these conditions, the term "Applicant" shall also mean the developer, the owner or any successors in interest to the terms of this approval.

1. Except as specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved forest conservation plan, and all findings not specifically addressed remain in effect.
2. The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County, Chapter 22A.

The Applicant is removing 2.484 acres of conservation easement area from the Subject Property and will mitigate for the removal offsite in a forest mitigation bank. As a result, the property owner will need to acquire 4.97 acres of forest mitigation bank credits to mitigate for the off-site removal of conservation easement. The proposal is consistent with the Planning Board's policy of requiring 2 square feet of offsite forest planting for every 1 square foot of conservation easement released. This mitigation satisfies the Forest Conservation Law requirements.

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is AUG 23 2016 (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 within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

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 Cichy, seconded by Commissioner Fani-González, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Fani-González and Cichy voting in favor, and Commissioner Dreyfuss absent at its regular meeting held on Thursday, July 28, 2016, in Silver Spring, Maryland.



Casey Anderson, Chair
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