



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

MCPB No. 18-059  
Forest Conservation Plan No. CU201806  
Goshen Enterprises  
Date of Hearing: July 12, 2018

JUL 17 2018

**RESOLUTION**

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

WHEREAS, on April 9, 2018, Kevin Bohrer ("Applicant") filed an application for approval of a forest conservation plan on approximately 30.49 acres of land located at 21201 Zion Road ("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. CU201806, *Goshen Enterprises* ("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 June 29, 2018, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on July 12, 2018, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Forest Conservation Plan No. CU201806 on the Subject Property, subject to the following conditions:<sup>1</sup>

---

<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.

---

Approved as to  
Legal Sufficiency:

M-NCPPC Legal Department  
8787 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320  
www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc-mc.org

1. Prior to certification of the Final Forest Conservation Plan Applicant will add a planting plan, planting notes, and planting details, all of which must be acceptable to Staff, as designee of the Planning Board.
2. Within ninety days of the date of the Hearing Examiner's Opinion approving the Conditional Use Application CU2015-04, the Applicant must:
  - a. Record a Category I conservation easement over all areas of forest retention and forest planting as specified on the approved Forest Conservation Plan. The Category I Conservation Easement must be approved by the M-NCPPC Office of the General Counsel and recorded by deed among the Montgomery County land records.
  - b. Install permanent forest conservation easement signage along the perimeter of the conservation easement, as determined by the M-NCPPC forest conservation inspector.
3. Within seven months of the date of the Hearing Examiner's Opinion approving the Conditional Use Application CU2015-04, the Applicant must plant 0.58 acres of forest as specified on the approved Forest Conservation Plan.
4. Submit financial surety for planting 0.58 acres of forest and obtain M-NCPPC approval of a two-year maintenance and management agreement for the forest planting area before any planting or land disturbing activities occur.

BE IT FURTHER RESOLVED that having given full consideration to the recommendations and findings of its Staff as presented at the hearing and 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.*

#### Forest Conservation

The Board finds that as conditioned, the Forest Conservation Plan complies with the requirements of the Forest Conservation Law.

The Application meets the requirements of Chapter 22A of the Montgomery County Forest Conservation Law. A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) was approved for the Property on July 14, 2017. There are approximately 1.21 acres of existing forest on the Property.

The total tract area for the Property is 30.49 acres. The Applicant has deducted 24.75 acres from the net tract area, which is to remain in

agriculture. This leaves a net tract area of 5.74 acres that is subject to the forest conservation plan. The project does not propose to clear any of the existing forest. However, based on the land use category and the forest conservation worksheet there is a 1.15-acre afforestation planting requirement. The planting requirement will be met offsite adjacent to existing forest. The Applicant proposes to retain 1.21 acres of existing offsite forest (within the area deducted from the forest conservation worksheet as agricultural) and plant 0.58 acres of additional forest adjacent to that.

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 JUL 17 2018 (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 Patterson, seconded by Commissioner Cichy, with Chair Anderson and Commissioners Cichy and Patterson voting in favor, and Vice Chair Dreyfuss and Commissioner Fani-González absent at its regular meeting held on Thursday, July 12, 2018, in Silver Spring, Maryland.

  
\_\_\_\_\_  
Casey Anderson, Chair  
Montgomery County Planning Board