



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

JUL 03 2018

MCPB No.18-055
Forest Conservation Plan No. 11996071B
21533 Ripplemead Drive, Laytonsville (a.k.a Fairhill Subdivision)
Date of Hearing: June 28, 2018

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 119960710 covering the 128 acres encompassed by Preliminary Plan 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 June 6, 2018, Earnest and Stacey Sahady ("Applicant"), filed an application for approval of an amendment to the previously approved forest conservation plan to remove a total of 68,443 square feet of onsite Category I conservation easement from Lot 4, Block A, Fairhill known as 21533 Ripplemead Drive ("Subject Property"), one of the lots included in Forest Conservation Plan 119960710, and mitigate for such removal; and

WHEREAS, the application to amend the forest conservation plan was designated Forest Conservation Plan 11996071B, 21533 Ripplemead Drive, Laytonsville (a.k.a Fairhill) ("Forest Conservation Plan", "Amendment" or "Application"); and

WHEREAS, following review and analysis of the Application by the Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated June 15, 2018, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on June 28, 2018, 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

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

Approved as to
Legal Sufficiency:

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

NOW, THEREFORE, BE IT RESOLVED THAT, the Planning Board approves Forest Conservation Plan No. 11997071B to remove a total of 68,443 square feet of Category I Conservation Easement from the Subject Property and mitigate by providing 136,886 square feet of forest conservation mitigation bank credit at an M-NCPPC approved forest mitigation bank, subject to the following conditions:

1. Within 30 days of the mailing date of the Planning Board resolution approving the Amendment, the property owners must submit an executed Certificate of Compliance to the Planning Department that provides 136,886 square feet of mitigation credit for the removal of 68,443 square feet of Category I Conservation Easement.
2. Within 7 days of the Planning Department's approval of the Certificate of Compliance, the property owners must record the Certificate of Compliance in the Montgomery County Land Records.
3. Within 75 days of the mailing date of the Planning Board's resolution approving the Amendment, the property owners must record in the Montgomery County Land Records a deed of release of the existing conservation easement on the Property in a form approved by the M-NCPPC Office of the General Counsel. The deed of release must be recorded after the Certificate of Compliance to use an offsite forest mitigation bank is recorded.
4. Within 30 days of the mailing date of the Planning Board resolution approving the Amendment, the property owners must pay or otherwise secure, in a manner consistent with the Settlement Agreement between the Montgomery County Planning Department and Earnest A. and Stacey L. Sahady dated March 13, 2018, a \$20,532.90 obligation to the Montgomery County Planning Department, which is equivalent to a \$0.30 per square foot administrative civil penalty for 68,443 square feet of impacted easement.

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. *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 will remove the existing Category I Conservation easement on the Subject Property (approximately 68,443 square feet of easement area). The Applicant will mitigate for the removal of the conservation easement offsite in an M-NCPPC-approved forest mitigation bank. 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, the Applicant must acquire 136,886 square feet of forest mitigation bank credits. The Applicant must also comply with the terms of the settlement agreement with Staff to secure a \$20,532.90 obligation to the Montgomery County Planning Department, equivalent to a \$0.30 per square foot administrative civil penalty for 68,443 square feet of impacted easement.

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JUL 03 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 Vice Chair Dreyfuss, seconded by Commissioner Cichy, with Chair Anderson, Vice Chair Dreyfuss, and Commissioners Cichy and Patterson voting in favor, and Commissioner Fani-González absent at its regular meeting held on Thursday, June 28, 2018, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board