



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

**MCPB No. 19-082**  
**Forest Conservation Plan No. 11996071C**  
**21627 Ripplemead Drive, Laytonsville (a.k.a Fairhill Subdivision)**  
**Date of Hearing: July 18, 2019**

JUL 24 2019

**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 March 26, 2019, Dany and Karen Smith ("Applicant"), filed an application for approval of an amendment to the previously approved forest conservation plan to remove at total of 0.36 acres of onsite Category I conservation easement from Lot 9, Block A, Fairhill known as 21627 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 11996071C, 21627 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 25, 2019, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on July 18, 2019, 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

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 M-NCPPC Legal Department  
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NOW, THEREFORE, BE IT RESOLVED THAT, the Planning Board approves Forest Conservation Plan No. 11997071C to remove a total of 0.36 acres of Category I Conservation Easement from the Subject Property and mitigate by providing 0.72 acres of forest conservation mitigation bank credit at an M-NCPPC approved forest mitigation bank, subject to the following conditions:<sup>1</sup>

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 0.72 acres of mitigation credit for the removal of 0.36 acres of Category I Conservation Easement.
2. Within 7 days of the Planning Department's approval of the Certificate of Compliance, the Certificate of Compliance must be recorded in the Montgomery County Land Records.
3. Within 60 days of the mailing date of the Planning Board's Resolution approving the amendment, the property owners must submit 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 in the Montgomery County Land Records after all necessary signatures are obtained for the easement to be extinguished.

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 purchase of 0.72 acres of credit in a forest mitigation bank is consistent with the Planning Board policy and Forest Conservation Law. This mitigation meets the 2 to 1 requirement for removal of 0.36 acres of Category I

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<sup>1</sup> For the purposes of these conditions, the term "Applicant" shall also mean the developer, property owner, the owner or any successors in interest to the terms of this approval.

Conservation Easement on the Subject Property. With this mitigation, the Amendment continues to meet the requirements of the Forest Conservation Law.

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 24 2019 (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).

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**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 Patterson, with Chair Anderson and Commissioners Cichy and Paterson voting in favor of the motion, and Vice Chair Dreyfuss and Commissioner Fani-González absent, at its regular meeting held on Thursday, July 18, 2019, in Silver Spring, Maryland.

  
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Casey Anderson, Chairman  
Montgomery County Planning Board