

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

PETITION OF: :

Concerned Citizens of Cloverly, et al. :

FOR JUDICIAL REVIEW OF THE :
MONTGOMERY COUNTY :
PLANNING BOARD : Case No. 433722-V
IN PRELIMINARY PLAN :
NO. 120160040 FOR :
RESOLUTION MCPB No. 17-019 :

ORDER ON REMAND

This matter came before the Court on December 12, 2017, on the Petition for Judicial Review filed by Concerned Citizens of Cloverly, et al. (D.E. 1). On January 29, 2019, this Court entered a Memorandum Opinion (D.E. 27) and accompanying Order (D.E. 28-30) affirming Montgomery County Planning Board Resolution No. 17-019, granting Jesus House, DC’s Motion to Strike (D.E. 20), denying Jesus House, DC’s Motion for Partial Dismissal of Petition as moot (D.E 21), and granting Jesus House, DC’s Motion to Strike (D.E. 22). Petitioners filed a timely appeal in the Court of Special Appeals (Case No. 02568, September Term, 2017) as to this Court’s affirmance of Montgomery County Planning Board Resolution No. 17-019 and grant of Jesus House, DC’s Motion to Strike (D.E. 20). Following oral argument, the Court of Special Appeals filed an unreported Opinion dated March 14, 2019, reversing this Court’s judgment with instructions to remand the matter to the Planning Board for further proceedings consistent with the Opinion, denying Appellees’ (here, Respondents) Joint Motion to Strike as moot, and directing that costs be paid by Appellees (here, Respondents).

THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

RECEIVED
JUN 24 2019

OFFICE OF THE GENERAL COUNSEL
MONTGOMERY REGIONAL OFFICE

ENTERED

JUN 19 2019

Clerk of the Circuit Court
Montgomery County, Md.

The Court of Special Appeals Mandate having been issued on April 16, 2019, the time for filing a petition for writ of certiorari has expired. Accordingly, pursuant to the Opinion and Mandate of the Court of Special Appeals, it is this 14th day of JUNE, 2019, by the Circuit Court for Montgomery County, Maryland, hereby

ORDERED that the Court's Order, entered January 29, 2018 (D.E. #30), be and hereby is **REVERSED**; and it is further

ORDERED that Montgomery County Planning Board Resolution No. 17-019 be and hereby is **VACATED** and **REMANDED** for the limited purpose of conducting further proceedings to make an independent assessment of the validity of the septic set aside calculations to ensure that Preliminary Plan No. 120160040 conforms with the conditions required by Montgomery County Council Resolution 14-334; and it is further

ORDERED, that Respondents shall equitably share responsibility to pay Petitioners' costs of \$1,468.10 pursuant to the Mandate.



SHARON V. BURRELL, Judge
Circuit Court for Montgomery County, Maryland

ENTERED

JUN 19 2019

Clerk of the Circuit Court
Montgomery County, Md.