

**Memorandum****TO:** Artie Harris, Chair, Montgomery County Planning Board**FROM:** Jason K. Sartori, Planning Director**VIA:** Patrick Butler, Chief, Upcounty Planning *PB*
Nkosi Yearwood, Supervisor, Upcounty Planning
Joshua Penn, Planner III, Upcounty Planning *JP***DATE:** April 9, 2025**RE:** Correction of Resolution MCPB No. 25-009
Forest Conservation Plan No. F20250220, Chaberton Sugarloaf Solar

Please find attached redlined versions of the resolution for Forest Conservation Plan No. F20250220, Chaberton Sugarloaf Solar. The Planning Board hearing was held on January 9, 2025 and the resolution was mailed out to all parties of record on February 21, 2025.

The corrected resolution herein resolves clerical errors related to a redline condition added during the hearing. No changes are proposed to the plan. The Certified Site Plan will include the corrected Planning Board Resolution. The corrected resolution will be mailed to all parties of record.

An outline of corrections is as follows:

MCPB No. 25-009 – Forest Conservation Plan #f20250220

- Page 2: Adds additional Language to Condition #5(a) to match redline added at the Planning Board.

Attachments:

- A. MCPB Resolution No. 25-009 (Redline), Forest Conservation Plan No. F20250220, Chaberton Sugarloaf Solar

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

CORRECTED DRAFT NOT YET ADOPTED

MCPB No. 25-009

Forest Conservation Plan No. F20250220

Chaberton Sugarloaf Solar Mandatory Referral

Date of Hearing: January 9, 2025

CORRECTED RESOLUTION

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

WHEREAS, on October 30, 2024, Chaberton Energy Holdings, Inc. (“Applicant”) filed an application for approval of a forest conservation plan for concurrent review and approval with Mandatory Referral MR2024016 (“Accompanying Plan”) on approximately 52.46 acres of land located at 20597 Darnestown Road, Dickerson (“Subject Property”) in the Dickerson Policy Area and 1980 *Preservation of Agriculture & Rural Open Space Functional Master Plan* (AROS) (“*Master Plan*”) area; and

WHEREAS, Applicant’s forest conservation plan application was designated Forest Conservation Plan No. F20250220, Chaberton Sugarloaf Solar (“Forest Conservation Plan” or “Application”); and

WHEREAS, following review and analysis of the Application by Planning Staff (“Staff”) and other governmental agencies, Staff issued a memorandum to the Planning Board dated December 30, 2024, providing its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on January 9, 2025, the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the motion of Commissioner Hedrick, seconded by Commissioner Linden, with a vote of 4-1; Chair Harris, Vice Chair Pedoeem, and Commissioners Hedrick, and Linden, voting in favor and Commissioner Bartley in opposition.

2425 Reedie Drive, Floor 14, Wheaton, MD 20902 | Phone: 301-495-4605

www.montgomeryplanningboard.org | mcp-chair@mncppc.org

Approved as to
Legal Sufficiency:

/s/ Allison Myers
M-NCPPC Legal Department

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Forest Conservation Plan No. F20250220 on the Subject Property, subject to the following conditions:¹

1. The Applicant must schedule the required site inspections by M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
2. The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC Forest Conservation Inspection Staff.
3. The Limits of Disturbance (“LOD”) shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved Final Forest Conservation Plan.
4. The Applicant must relabel all sheets of the plan as Final Forest Conservation Plan and clearly show all areas of environmental buffers and forest retention in Category I conservation easement.
5. Before the start of any demolition, clearing, grading, or construction for the Accompanying Plan, the Applicant must:
 - a. Record a Category I Conservation Easement over all areas of forest retention and environmental buffers as specified on the approved Final Forest Conservation Plan. The Category I Conservation Easement must be in a form approved by the M-NCPPC Office of the General Counsel and must be recorded in the Montgomery County Land Records by deed. The Book/Page for the easement must be referenced on the record plat. Any forest placed into Category I Conservation Easement outside of the Stream Valley Buffer and above the conservation threshold is eligible for Forest Banking Credit. The final amount of credits will be determined by Montgomery Planning as part of a Forest Bank Plan.
 - b. Install permanent conservation easement signage along the perimeter of the conservation easements as shown on the FCP, or as directed by the M-NCPPC Forest Conservation Inspection Staff.

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

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.*

A. Forest Conservation

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

The Subject Property is zoned AR. However, based on the land use of Commercial/Industrial it is assigned a Land Use Category of Commercial and Industrial use area ("CIA") as defined in Section 22A-3 of the Montgomery County Forest Conservation Law ("FCL") and in the Land Use Table of the *Trees Technical Manual*. This results in a conservation threshold of 15% of the Net Tract Area. Under the Maryland State Forest Conservation Law (Maryland Code Annotated, Natural Resources Article, Section 5-1606) solar photovoltaic facilities are not subject to afforestation requirements.

The Net Tract Area for forest conservation purposes includes the 52.74-acre Total Tract minus 6.31 acres (land to remain agricultural) for a total Net Tract Area of 46.43 acres.

The plan shows 16.06 acres of existing forest and no forest clearing. The amount of forest retained exceeds the 15% conservation threshold provided in the FCL. As conditioned, the 16.06 acres to be retained will be permanently protected by a Category I conservation easement.

As the conservation threshold is met and no forest clearing is proposed, the Application results in no reforestation requirement.

BE IT FURTHER RESOLVED that this Corrected Resolution constitutes the written opinion of the Board in this matter, and the date of this Corrected Resolution ~~is~~ remains

February 21, 2025

(which is the date that ~~this~~ the original Resolution ~~is~~ was 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 consistent with the Maryland Rules for the judicial review of administrative agency decisions.

* * * * *

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 [____], seconded by Commissioner [____], with a vote of [XX-XX-XX]; Chair [____], Vice Chair [____], and Commissioners [____], [____], and [____], voting in favor of the motion, [if any abstaining - Commissioner _____ abstaining] at its regular meeting held on Thursday, [____], in Wheaton, Maryland and via video conference.

Artie L. Harris, Chair
Montgomery County Planning Board