

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

DATE MAILED:

May 23, 2025

MCPB No. 25- 056
Forest Conservation Plan Amendment No. F20250420
Olney-Sandy Spring Veterinary Hospital
Date of Hearing: May 1, 2025

RESOLUTION

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

WHEREAS, on February 8, 2025, Montgomery County Department of Transportation (“Applicant”) filed an application for approval of a forest conservation plan amendment for concurrent review and approval with Mandatory Referral No. MR2025012, Norwood Road Shared Use Path Between MD 108 and Ashton Forest Way (“Accompanying Plan”) on approximately 1.72 acres of land located at 1300 Olney-Sandy Spring Road (“Subject Property”) in the Cloverly Policy Area and 1998 Sandy Spring – Ashton Master Plan (“Master Plan”) area; and

WHEREAS, Applicant’s forest conservation plan amendment application was designated Forest Conservation Plan Amendment No. F20250420 Olney-Sandy Spring Veterinary Hospital (“Forest Conservation Plan,” “Application,” or “Amendment”); 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 April 18, 2025, providing its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on May 1, 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 Vice Chair Pedoeem, with a vote of 5-0; Chair Harris, Vice Chair Pedoeem, Commissioners Barley, Hedrick and Linden voting in favor.

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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 Amendment No. F20250420 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 Code of Montgomery County Regulations (“COMCOR”), 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. Before the start of any demolition, clearing, grading, or construction for the Accompanying Plan, whichever comes first, the Applicant must:
 - a. 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.
 - b. Install the permanent conservation easement fencing along the perimeter of the conservation easements as shown on the FCP, or as directed by the M-NCPPC Forest Conservation Inspection Staff.
 - c. Record an M-NCPPC approved Certificate of Compliance in an M-NCPPC approved off-site forest bank within Northwest Branch Watershed to satisfy the reforestation requirement for a total of 0.06 acres of mitigation credit. The off-site requirement may be met by purchasing credits from a mitigation bank elsewhere in the County, subject to Staff approval. If forest mitigation bank credits are not available for purchase, a fee-in-lieu payment must be made to M-NCPPC for the appropriate mitigation credits.
5. Before the start of any demolition, clearing, grading or construction for the Accompanying Plan, whichever comes first, or within 60 days of the mailing date of the Planning Board Resolution approving the amendment to the Final Forest Conservation Plan, the Applicant must record a new Category I Conservation Easement reflecting the entire easement area excluding the area that is authorized to be removed. The new

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.

easement agreement must be approved by the M-NCPPC Office of the General Counsel and must be recorded in the Montgomery County Land Records by deed before recordation of the Deed of Release of Conservation Easement for the existing conservation easement.

6. Before the start of any demolition, clearing, grading or construction for the Accompanying, whichever comes first, or within 60 days of the mailing date of the Planning Board Resolution approving the amendment to the Final Forest Conservation Plan, the Applicant must submit a Deed of Release of Conservation Easement for the entirety of the existing Category I Conservation Easement recorded among the County Land Records in Book 58933, Page 364 in a form approved by the M-NCPPC Office of General Counsel. The Deed of Release must be recorded in the Montgomery County Land Records. The entirety of the existing easement remains in full force and effect until the Deed of Release has been approved and recorded in the Montgomery County Land Records. The Deed of Release cannot be approved by M-NCPPC until the Certificate of Compliance is recorded or, if applicable, the fee-in-lieu payment is made.

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. *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.*

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

The Final Forest Conservation Plan for the Property was originally approved as FCP No. SC2019021 (FFCP). The FFCP protected the on-site forest adjacent to Norwood Road and Olney Sandy Spring Road in a Modified Category I Conservation Easement, which contains a special provision that allows for the release of easement area to be mitigated at a 1:1 planting ratio, rather than the standard 2:1 ratio for easement removal. The FFCP noted that future clearing may be required in the Modified Category I Conservation Easement area due to master-planned transportation projects.

The Amendment was reviewed concurrently with Mandatory Referral No. MR2025012, in which the Montgomery County Department of Transportation proposes a shared use path on Norwood Road between Olney-Sandy Spring Road

(MD 108) and Ashton Forest Way. The Amendment removes 0.06 acres of the Modified Category I Conservation Easement and updates the FFCP with the final grading and building footprints as required in section 22A.00.01.09 of the Forest Conservation Regulations.

As provided by the Modified Category I Conservation Easement and as conditioned, the removal of 0.06 acres will be mitigated at a 1:1 planting ratio off-site (0.06 acres of planted forest bank mitigation credits or 0.12 acres of existing forest bank mitigation credits). If no forest mitigation bank credits are available, the requirement may be satisfied by the payment of a fee-in-lieu.

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

May 23, 2025

(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 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 Vice Chair Pedoeem, seconded by Commissioner Linden, with a vote of 5-0; Chair Harris, Vice Chair Pedoeem, and Commissioners Bartley, Hedrick, and Linden, voting in favor of the motion, at its regular meeting held on Thursday, May 15, 2025, in Wheaton, Maryland and via video conference.



Artie L. Harris, Chair
Montgomery County Planning Board