

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

DATE MAILED:

February 2, 2026

MCPB No. 25-153
Forest Conservation Plan Amendment No. F20250730
Waters Village
Date of Hearing: December 18, 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 May 18, 2023, the Planning Board, by Resolution MCPB No. 23-040 approved Forest Conservation Plan No. 820220260 on approximately 3.52 acres of land located at 19621 Waters Road, Germantown (“Subject Property”) in the Germantown Policy Area and 2019 *Marc Rail Communities Plan* (“Sector Plan”) area; and

WHEREAS, on May 22, 2025, KHR Waters INV., LLC (“Applicant”) filed an application for approval of an amendment to the previously approved forest conservation plan to allow replacing a drive-thru restaurant with retail, and to increase the total commercial development by 2,980 square feet; and

WHEREAS, the Applicant’s forest conservation plan amendment application was designated Forest Conservation Plan Amendment No. F20250730 (“Forest Conservation Plan,” “Application,” or “Amendment”); and

WHEREAS, the Application was submitted for concurrent review and approval with Preliminary Plan Amendment No. 12022020A and Site Plan Amendment No. 82022026A (“Accompanying Plans”); 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 December 8, 2025, providing its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

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Approved as to
Legal Sufficiency: /s/ Allison Myers
M-NCPPC Legal Department

WHEREAS, on December 18, 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 Pedoeem, seconded by Commissioner Hedrick, with a vote of 4-0; Chair Harris, Vice Chair Linden, Commissioners Hedrick and Pedoeem voting in favor, and Commissioner Bartley necessarily absent.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Final Forest Conservation Plan No. F20250730 (“Amended Final Forest Conservation Plan”) on the Subject Property for construction of a Goodwill retail building, two semi-detached retail buildings, replacing a drive-thru restaurant use with retail, and increasing the total commercial development by 2,980 square feet by restating Condition Nos. 1 through 5 from the prior approval¹ and adding new Condition No. 6 as follows:²

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. Before recordation of the plat and the start of any demolition, clearing, grading, or construction or issuance of any sediment control permit for improvements shown on the Site Plan, whichever comes first, for this development Application, the Applicant must:
 - a) Execute a five-year Maintenance and Management Agreement (“MMA”) in a form approved by the M-NCPPC Office of the General Counsel. The MMA is required for all mitigation tree plantings, including variance tree mitigation plantings credited towards meeting the requirements of the Final Forest Conservation Plan. The MMA includes invasive species management control measures as deemed necessary by the M-NCPPC Forest Conservation Inspection Staff.
 - b) Submit financial surety, in a form approved by the M-NCPPC Office of the General Counsel, to the M-NCPPC Planning Department for the mitigation trees

¹ Conditions No. 1 through 5 were approved in Site Plan Resolution No. 23-040 as part of FCP No. 820220260 and have been satisfied.

² For the purpose of these conditions, the term “Applicant” shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

- and maintenance, including invasive species management controls, credited towards meeting the requirements of the Final Forest Conservation Plan.
- c) Record an M-NCPPC approved Certificate of Compliance in an M-NCPPC approved off-site forest bank within the Seneca Creek watershed to satisfy the afforestation requirement for a total of 0.63 acres of mitigation credit. The off-site requirement may be met by purchasing credits from a mitigation bank located elsewhere in the County, subject to Staff approval, if forest mitigation bank credits are not available for purchase within the Seneca Creek watershed or by making a fee-in-lieu payment to M-NCPPC if mitigation credits are not available at any bank.
5. Within the first planting season following the release of the first Sediment and Erosion Control Permit from the Montgomery County Department of Permitting Services for the Subject Property, or as directed by the M-NCPPC Forest Conservation Inspection Staff, the Applicant must install the variance tree mitigation plantings on the Subject Property as shown on the approved FCP. The variance mitigation plantings must be a minimum of 3 caliper inches, totaling twenty (20) caliper inches, as shown on the approved Final Forest Conservation Plan. Adjustments to the planting locations of these trees are permitted with the approval of the M-NCPPC Forest Conservation Inspection Staff.
 6. Prior to certification of the Amended Final Forest Conservation Plan, the Applicant must revise the mitigation planting note under the Tree Variance Table to reflect the correct mitigation specifications.

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.*

A. Forest Conservation

The Applicant has submitted Forest Conservation Plan Amendment No. F20250730 (“Amendment”), which amends and replaces Final Forest Conservation Plan No. 820220260 (“FFCP”). The Amendment satisfies the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and complies with the Montgomery County Planning Department’s approved Environmental Guidelines.

As approved with the FFCP, the Applicant met the planting requirement offsite by purchasing 0.63 acres of credits from an M-NCPPC approved forest mitigation bank. A variance was approved with the FFCP for the removal of two (2) Protected Trees and the planting of 20 caliper inches of mitigation trees.

The Amendment changes one building from drive-thru restaurant use to retail use to facilitate tenant acquisition, increases the square footage of two buildings, and makes minor site improvements to the surrounding infrastructure. Forest Conservation Plan Amendment No. F20250730 is consistent with the general requirements of the FFCP, but updates the final building locations and footprints, as required by the Code of Montgomery County Regulations (COMCOR) Section 22A.00.01.09.B.2.a.

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

February 2, 2026

(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 Commissioner Hedrick, seconded by Commissioner Pedoeem, with a vote of 4-0-1; Chair Harris, Vice Chair Linden, and Commissioners Hedrick and Pedoeem voting in favor of the motion, Commissioner Bartley abstaining, at its regular meeting held on Thursday, January 29, 2026, in Wheaton, Maryland and via video conference.



Artie L. Harris, Chair
Montgomery County Planning Board