

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Forest Conservation Plan Amendment No. F20250850 on the Subject Property, subject to the following conditions,¹ which were originally approved in Site Plan Resolution No. 21-052 as part of Forest Conservation Plan No. 820210080 and are restated below:²

1. Except for the demolition and clearing of the existing gas station on Parcel Q, prior to any demolition, clearing, grading or construction for this development Application, the Applicant must record a Certificate of Compliance in a form approved by the M-NCPPC Office of General Counsel for an off-site forest bank within the Cabin John watershed to satisfy the reforestation requirement for a total of 8.15 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 within the Cabin John watershed or by making a fee-in-lieu payment if mitigation credits are not available.
2. 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.
3. 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.
4. 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.

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 Condition 1 has 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.

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 Amendment complies with the requirements of the Forest Conservation Law. The Forest Conservation Plan Amendment also complies with the Montgomery County Planning Department's Guidelines for Environmental Management of Development in Montgomery County ("Environmental Guidelines").

Forest Conservation Plan Amendment No. F20250850 (the "Amendment") amends and replaces Final Forest Conservation Plan No. 820210080 (the "Original FFCP"). The Amendment was submitted concurrently with Preliminary Plan Amendment No. 12020014A and Site Plan No. 820250100 (the "Accompanying Plans") to reflect the revised site development replacing the previously approved multifamily apartment units with townhouses. The development approved by the Accompanying Plans includes 2.79 acres of forest clearing that was previously approved under the Original FFCP.

The total net tract area for forest conservation purposes is 15.21 acres, which includes the Subject Property of 16.64 acres, plus off-site work of 2.33 acres for water line and sewer line installations and stormwater conveyance, and a right-of-way deduction of 3.76 acres. The Subject Property is zoned CR-2.0 and is classified as Mixed-Use Development as defined in Section 22A-3 of the FCL and specified in the Trees Technical Manual. The Original FFCP approved clearing all 11.30 acres of forest, resulting in a total reforestation requirement of 8.15 acres, as calculated in the Forest Conservation Worksheet. The Applicant satisfied this requirement through the purchase of 7.59 acres of off-site forest mitigation credit from Poplar Run Private bank and through fee-in-lieu payment. The Amendment does not change the amount of clearing approved or the reforestation requirements of the Original FFCP but updates the building locations and footprints, as well as the layout of roads, parking, open space, sidewalks and pathways as requirements by the Code of Montgomery County Regulations 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.

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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 Pedoeem, seconded by Commissioner Bartley, with a vote of 4-0-1; Chair Harris, Vice Chair Linden, and Commissioners Bartley and Pedoeem, voting in favor of the motion, Commissioner Hedrick abstaining, at its regular meeting held on Thursday, January 22, 2026, in Wheaton, Maryland and via video conference.



Artie L. Harris, Chair
Montgomery County Planning Board