

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

DATE MAILED:

MARCH 27, 2026

MCPB No. 26-17
Forest Conservation Plan Amendment No. F20260090
Montgomery County Humane Society Campus
Date of Hearing: March 12, 2026

RESOLUTION

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

WHEREAS, on November 4, 2020, the Planning Board, by Resolution MCPB No. 20-113, approved Forest Conservation Plan 120190100 for a Final Forest Conservation Plan and associated Tree Variance to allow for the construction of improvements shown on Preliminary Plan No. 120290100, on approximately 7.79 acres of land located at 13730 Georgia Avenue (“Subject Property”) in the Aspen Hill Master Plan (“Master Plan”) area; and

WHEREAS, on October 21, 2025, Montgomery County Humane Society, Inc. (“Applicant”) filed an application for approval of an amended forest conservation plan for concurrent review and approval with Preliminary Plan Amendment No. 12019010A (“Accompanying Plan”); and

WHEREAS, Applicant’s forest conservation plan amendment application was designated Forest Conservation Plan Amendment No. F20260090, Montgomery County Humane Society (“MCHS”) Campus (“Forest Conservation Plan” or “Application”); 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 March 2, 2026, providing its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on March 12, 2026, 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 Pedoeem, with a vote of 5-0; Chair Harris, Vice Chair Linden, Commissioners Bartley, Hedrick and Pedoeem voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Forest Conservation Plan Amendment No. F20260090 on the Subject Property, subject to the following conditions. The following conditions incorporate, update, and renumber the previously approved conditions that were originally part of the resolution for Preliminary Plan No. 120190100. Conditions No. 1–4 modify previously approved conditions by replacing them with updated language, and Conditions 5 through 7 are new conditions ¹

1. Prior to the start of any demolition, clearing, grading, or construction occurring on the Property, the Applicant must record an M-NCPPC approved Certificate of Compliance in an M-NCPPC approved off-site forest bank within either the Rock Creek watershed or Priority area to satisfy the afforestation requirement for a total of 1.25 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 Rock Creek watershed or Priority Area. Credits may only be debited from forest mitigation banks that protect all or part of an existing forest to meet up to 50 percent of the afforestation requirement. If mitigation credits are not available at any bank, the Applicant may meet the afforestation requirement by making a fee-in-lieu payment to M-NCPPC.
2. 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 Protected Tree mitigation plantings on the Subject Property as shown on the approved FCP. The Protected Tree mitigation plantings must be a minimum size of 3 caliper inches totaling 388.5 caliper inches. The quantity of mitigation plantings can be reduced if the M-NCPPC Forest Conservation Inspection Staff determine that Protected Trees shown as removed can be retained. Adjustments to the planting locations of these trees are permitted with the approval of the M-NCPPC Forest Conservation Inspection Staff.
3. 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.
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.

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.

5. Prior to the start of any demolition, clearing, grading, or construction occurring on the Property, the Applicant must submit a cost estimate for the Protected Tree mitigation plantings, five years of maintenance, including invasive species management controls, mulching, staking, and tree protection, credited toward meeting the requirements as shown on the FCP. This cost estimate must be reviewed and approved by the M-NCPPC Planning Department Inspection Staff prior to the submission of financial surety in order to determine the amount of the financial surety.
6. Prior to the start of any demolition, clearing, grading, or construction occurring on the Property, the Applicant must submit financial surety, in a form approved by the M-NCPPC Office of the General Counsel, to the M-NCPPC Planning Department Inspection Supervisor for the mitigation trees and maintenance credited toward meeting the requirements of the FCP.
7. 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.

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 Board finds that, as conditioned, the Forest Conservation Plan complies with the requirements of the Forest Conservation Law (“FCL”) and the Montgomery County Planning Department’s Guidelines for Environmental Management of Development in Montgomery County (“Environmental Guidelines”). As required by Chapter 22A, a Final Forest Conservation Plan Amendment was submitted with Preliminary Plan No. 12019010A (“Accompanying Plan”).

On November 4, 2020, the Planning Board approved Final Forest Conservation Plan No. 120190100 (MCPB No. 20-113) to allow for the construction of 16,000 square feet of development associated with the corporate headquarters and activity center of MCHS. The Subject

Property has no forest on-site and FFCP No. 120190100 showed the forest conservation requirements being met off-site in a forest conservation bank. The Property has a net tract area of 8.32 acres and is zoned R-60, which is classified as High Density Residential as defined in Section 22A-3 of the FCL and specified in the Trees Technical Manual. This results in an afforestation requirement of 1.25 acres, which the Applicant will meet in an M-NCPPC approved off-site forest bank. FFCP No. F20260090 includes an updated Limits of Disturbance (“LOD”) in response to the modified building footprints and placement and does not change this requirement.

B. Forest Conservation Variance

Section 22A-12(b)(3) of the Forest Conservation Law identifies certain individual trees as a high priority for retention and protection (“Protected Trees”). Any impact to these Protected Trees, including removal or any disturbance within a Protected Tree’s critical root zone (“CRZ”), requires a variance under Section 22A-12(b)(3) (“Variance”). Otherwise, such resources must be left in an undisturbed condition.

A variance request was approved with FFCP No. 120190100 for the removal of 150 trees. This Application will require the removal or CRZ impact to 19 additional Protected Trees as identified in the Staff Report. In accordance with Section 22A-21(a), the Applicant requested a Variance, and the Board agrees that the Applicant would suffer unwarranted hardship by being denied reasonable and significant use of the Subject Property for the headquarters campus of the MCHS without the Variance.

The requested variance is necessary due to modifications to the LOD and building footprints to accommodate the programmatic needs of the MCHS campus, as well as further refinements to the grading plan. The Board agrees that the Applicant would suffer unwarranted hardship by being denied reasonable and significant use of the Property as the MCHS headquarters campus, while retaining the existing cemetery, in accordance with the recommendations of the Sector Plan and Zoning Ordinance, without the Variance. Given the needs of MCHS, the unique history of the Property, and the lack of reasonable alternatives, not allowing the removals and impacts would create unwarranted hardship.

Most of the Property is an existing cemetery, and development is limited to the area with the existing buildings and parking area. Since the approval of FFCP No. 120190100, MCHS has updated the building program and adjusted building footprints to meet the programmatic needs of MCHS

while preserving the historic buildings and the cemetery. Preservation of the existing historic buildings and the cemetery leave few, if any, options for alternative design of the MCHS campus. Impacts to additional variance trees are necessary to accommodate the revised building footprints, utilities, and a dog run; allow areas around the buildings to be maintained as lawn; and to accommodate grading for construction of the required frontage improvements.

The Board makes the following findings necessary to grant the Variance:

1. *Granting the Variance will not confer on the Applicant a special privilege that would be denied to other applicants.*

The impacted trees are located within the developable area of the Property, outside of the existing cemetery and away from the locations of the human remains. The inability to impact/remove the subject trees would further limit the development of the Property. Granting the variance does not confer on the applicant a special privilege that would be denied to other applicants under similar circumstances.

2. *The need for the Variance is not based on conditions or circumstances which are the result of the actions by the Applicant.*

The requested variance is based on the locations of the trees, rather than on conditions or circumstances which are the result of actions by the Applicant. The Applicant will be removing damaged trees so that the Property can be properly restored and maintained. The Applicant has minimized disturbance to the Property in order to construct a headquarters for the MCHS and continue the existing pet cemetery use.

3. *The need for the Variance is not based on a condition related to land or building use, either permitted or non-conforming, on a neighboring property.*

The need to impact variance trees is a result of existing conditions on the Subject Property and not related to any conditions on a neighboring property.

4. *Granting the Variance will not violate State water quality standards or cause measurable degradation in water quality.*

The Protected Trees requested for removal are not located in an environmental buffer or special protection area. This approval is conditioned on mitigation that approximates the form and function of the trees removed. Therefore, their removal will not violate State water quality standards or cause measurable degradation in water quality. The Protected Tree being impacted will remain to provide the same level of water quality protection as it currently provides.

Mitigation for the Variance is at a rate that approximates the form and function of the Protected Trees removed. The Board hereby approves the replacement of Protected Trees at a ratio of approximately one caliper inch per four inches diameter at breast height (DBH) removed, totaling 58 caliper inches. This is in addition to the 330.5 caliper inches of mitigation plantings required with FFCP No. 120190100, for a total Protected Tree mitigation planting requirement of 388.5 caliper inches, using a minimum tree size of 3 caliper inches. No mitigation is required for Protected Trees impacted but retained.

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

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(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 Vice Chair Linden with a vote of 4-0; Chair Harris, Vice Chair Linden, and Commissioners Bartley and Hedrick, voting in favor of the motion, Commissioner Pedoeem being necessarily absent, at its regular meeting held on Thursday, March 26, 2026, in Wheaton, Maryland and via video conference.



Artie L. Harris, Chair
Montgomery County Planning Board

Approved as to
Legal Sufficiency: /s/ Matthew Mills
M-NCPPC Legal Department