

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

DATE MAILED:

February 20, 2026

MCPB No. 26-08
Forest Conservation Plan Amendment No. F20260080
Shady Grove Station Phase I West
Date of Hearing: January 29, 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 January 13, 2014, the Planning Board, by Resolution MCPB No. 13-190, approved Forest Conservation Plan No. 820130220 for a Final Forest Conservation Plan and associated Tree Variance to allow for the construction of improvements shown on Site Plan No. 820130220, on 53.15 acres of land, located at the southeast quadrant of Shady Grove Road and Crabbs Branch Way (“Subject Property”), in the 2006 *Shady Grove Minor Master Plan Amendment* (“Master Plan”) area; and

WHEREAS, on February 9, 2017, the Planning Board, by Resolution MCPB No. 17-006, approved Amended Final Forest Conservation Plan No. 82013022B; and

WHEREAS, on May 4, 2023, the Planning Board, by Resolution MCPB No. 23-053, approved Amended Final Forest Conservation Plan No. 82013022H; and

WHEREAS, on October 1, 2025, EYA/CSP Associates (“Applicant”) filed an application for approval of an amended forest conservation plan for concurrent review and approval with Preliminary Plan Amendment No. 12012008H and Site Plan No. 820260010 (“Accompanying Plans”); and

WHEREAS, Applicant’s forest conservation plan application was designated Forest Conservation Plan Amendment No. F20260080, Shady Grove Station Phase I West (“Forest Conservation Plan,” “Amendment,” 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

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

dated January 16, 2026, providing its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on January 29, 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 Pedoem, with a vote of 5-0; Chair Harris, Vice Chair Linden, Commissioners Bartley, Hedrick and Pedoem voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Forest Conservation Plan Amendment No. F20260080 on the Subject Property by adding new Conditions 3 through 6 to the previously approved and satisfied conditions as follows: ¹

1. The Final Forest Conservation Plan, associated variance, and the Shady Grove Station Public Infrastructure Improvements are approved subject to the following conditions:
 - a) Prior to any land disturbing activities, other than demolition of the existing buildings by Montgomery County or related site work, the Applicant must provide a Certificate of Compliance for 8.94 acres of off-site forest banking to satisfy planting requirements for Shady Grove Station-Westside.
 - b) Prior to the release of the first building permit for Phase I, the Applicant must provide a Certificate of Compliance for 1.55 acres of off-site forest banking to satisfy a portion of the planting requirements for the public infrastructure improvements. This may be combined with the 8.94 acres listed in the above condition for a total off-site banking requirement of 10.49 acres.
 - c) Prior to the release of the first use and occupancy permit for Phase I, the Applicant must provide nine *Acer rubrum* (red maple) trees along the Metro Access Road as shown on Sheet FCP-11 to fulfill the remainder of the planting requirement for the Public Infrastructure Improvements.
 - d) Prior to the release of the first use and occupancy permit for Phase I, the Applicant must provide three *Quercus phellos* (willow oak) trees as shown on Sheet FCP-12 to mitigate for the removal of Variance tree #T-51. The three replacement trees must be a minimum of 3" caliper each.
2. The Applicant must secure additional required forest banking credits to mitigate for 0.26 acres prior to issuance of the first use and occupancy permit for the Site Plan.
3. Before recordation of the plat and the start of any demolition, clearing, grading, or construction, whichever comes first, for Preliminary Plan No. 12012008H and Site Plan 820260010, the Applicant must record an M-NCPPC approved Certificate of Compliance in an M-NCPPC approved off-site forest bank within the Rock Creek watershed or Priority

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.

Area to satisfy the reforestation requirement of 0.03 acres of mitigation credit. If no off-site forest banks exist within the Rock Creek watershed or Priority Area, then the off-site requirement may be met by purchasing 0.04 acres of mitigation credits from a mitigation bank within Montgomery County outside of the Rock Creek watershed or Priority Area, 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 outside of the same watershed or Priority Area.

4. 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.
5. 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.
6. 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. *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 Final Forest Conservation Plan Amendment No. F20260080, which amends and replaces FFCP No. 82013022H. 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.

The Amendment includes an additional 0.04 acres of disturbance outside of the previously approved limits of disturbance, located within an existing Washington Suburban Sanitary Commission (WSSC) right of way (ROW). The acreage of the ROW was deducted from the net tract area because it is existing and was not proposed for use or disturbance. The additional area of disturbance includes the clearing of 0.02 acres of forest and generates a reforestation requirement of 0.03 acres of mitigation within an off-site forest bank within the Rock Creek watershed or Priority Area. If no off-site forest banks exist within the Rock Creek watershed

or Priority Area, then the off-site requirement may be met by purchasing 0.04 acres of mitigation credits from a mitigation bank within Montgomery County outside of the Rock Creek watershed or Priority Area. If forest mitigation bank credits are not available for purchase, the Applicant may meet the requirement by payment of a fee-in-lieu to the Forest Conservation Fund for the appropriate mitigation credits outside of the same watershed or Priority Area.

Priority Forest Removal

The additional disturbance includes the clearing of 0.02 acres of Priority Urban Forest area, as mapped by the Maryland Department of Natural Resources. Per Sec. 22A-12(b) of Forest Conservation Law, the FCP must retain certain vegetation and specific areas in an undisturbed condition unless specific findings are made.

The Board makes the following findings necessary to approve removal of priority forest:

- 1. The development would make maximum use of any available planning and zoning options that would result in the greatest possible forest retention.*

The Accompanying Plans amend the proposed development for Block U, which is a 3.34-acre portion of the 90.09-acre property (“Overall Property”) that is covered by the Final Forest Conservation Plan. The Accompanying Plans and Forest Conservation Plan Amendment include the development of forty (40) additional townhouses while only causing a small additional area of disturbance, which includes 0.02 acres of forest. Given the large scale of development proposed on the Overall Property, the development has made maximum use of any available planning and zoning options to minimize the impacts to forest.

- 2. Reasonable efforts have been made to protect the specific areas and vegetation listed in the plan.*

The Applicant has restrained development from the forested WSSC ROW and is proposing to remove 0.02 acres of priority forest to allow for grading associated with the community gardens. The Accompanying Plans demonstrate that the Applicant has made reasonable efforts to design and located the townhouses in a way that avoids impacts to priority forest where possible.

3. *The development proposal cannot be reasonably altered.*

The proposed development in the Accompanying Plans responds to the requirements associated with the forty (40) additional townhouses, while providing adequate recreation facilities and amenities for the residents. There are no opportunities to save the existing forest by reasonably altering the development proposal by increasing building heights or rearranging circulation or buildings.

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 20, 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 Pedeem, with a vote of 5-0; Chair Harris, Vice Chair Linden, and Commissioners Bartley, Hedrick, and Linden, voting in favor of the motion, at its regular meeting held on Thursday, February 19, 2026, in Wheaton, Maryland and via video conference.



Artie L. Harris, Chair
Montgomery County Planning Board