Montgomery County Planning Board
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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DATE MAILED:

September 18, 2026

MCPB No. 26-41
Forest Conservation Plan No. F20260510
14522 Jones Lane
Date of Hearing: June 25, 2026

CORRECTED RESOLUTION

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

WHEREAS, on March 26, 2026, Eric Sebold ("Applicant") filed an application for approval of a forest conservation plan for concurrent review and approval with Administrative Subdivision Plan No. 620260130 Plan ("Accompanying Plan") on approximately 2.13 acres of land located at 14522 Jones Lane ("Subject Property") in the Rural West Policy Area and the 2002 *Potomac Subregion Master Plan* ("Master Plan") area; and

WHEREAS, Applicant's forest conservation plan application was designated Forest Conservation Plan No. F20260510, 14522 Jones Lane ("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 June 15, 2026, providing its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on June 25, 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 and Commissioners Bartley, Hedrick and Pedoeem voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Forest Conservation Plan No. F20260510 on the Subject Property, subject to the following conditions:[1]

1. Before recordation of the plat and the start of any demolition, clearing, grading, or construction, whichever comes first, for this Administrative Subdivision, the Applicant must:
    a. Remove the debris within the Category I Conservation Easement in coordination with the Forest Conservation Inspector.
    b. Record a Category I Conservation Easement over all areas of forest retention, forest planting, and environmental buffers as specified on the certified Final Forest Conservation Plan. The Category I Conservation Easement must be in a form approved by the M-NCPPC Office of the General Counsel and must be recorded in the Montgomery County Land Records by deed. The Book/Page for the easement must be referenced on the record plat.
    c. 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 forest planting areas, mitigation tree plantings, including but not limited to variance tree mitigation plantings, and landscape plantings credited toward meeting the requirements of the forest conservation plan. The MMA includes invasive species management measures as deemed necessary by the M-NCPPC Forest Conservation Inspection Staff. All measures should be chosen with consideration of the proximity to the on-site stream and wetlands and the sensitive nature of this watershed. The use of herbicides should be avoided where possible.
    d. Submit a cost estimate for the reforestation/afforestation and other forest conservation plan requirements, which includes but is not limited to trees and shrubs, five years of maintenance including invasive species management controls, debris removal, permanent easement posts and signage, mulching, staking, tree protection, and tree protection removal credited toward meeting the requirements as shown on the forest conservation plan. This cost estimate must be reviewed and approved by the M-NCPPC Planning Department Inspection Staff prior to the submission of financial surety to determine the amount of the financial surety.
    e. Submit financial surety, in a form approved by the M-NCPPC Office of the General Counsel, to the M-NCPPC Planning Department Inspection Supervisor which includes but is not limited to trees and shrubs, five years of maintenance including invasive species management controls, debris removal, permanent easement posts and signage, mulching, staking, tree

[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.

protection, and tree protection credited toward meeting the requirements of the forest conservation plan.

2. Before demolition, clearing or grading, the Applicant must install permanent conservation easement signage along the perimeter of the conservation easements as shown on the certified forest conservation plan, or as directed by the M-NCPPC Forest Conservation Inspection Staff.

3. 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 afforestation/reforestation plantings within the Category I Conservation Easement as shown on the approved forest conservation plan.

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.

7. Before Staff certification of the FFCP, the Applicant must coordinate with staff to rectify the easement boundary and perform minor corrections, clarifications, and updates.

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. The Property is zoned R-200 and is assigned a Land Use Category of High-Density Residential Areas ("HDR") as defined in Section 22A-3 of the Montgomery County Forest Conservation Law ("FCL") and in the Land Use Table of the Trees Technical Manual, with an afforestation threshold of 15% and a conservation threshold of 20% of the net tract area. The Forest Conservation Plan includes the clearing of 0.09 acres and the retention of 0.30 acres and meets all forest conservation requirements onsite. The retained forest, including stream valley buffer and most of the steep slopes, will be protected by a Category I Conservation Easement, while the minor portions of steep slopes beyond the stream valley buffer will be protected by a modified building restriction line.

The entire Property is located within a Priority Urban Forest area, as mapped by the Maryland Department of Natural Resources. Furthermore, most of the onsite forest area is also designated as Priority Forest per the County's Trees Technical Manual due to its association with stream buffers, steep slopes, contiguous forests, and/or areas designated as priority save areas in a master plan.

The Forest Conservation Plan includes clearing 0.09 acres of forest and meeting the Forest Conservation requirements on-site through a combination of forest retention and planting. Per Section 22A-12(b) of Forest Conservation Law, the forest conservation plan must retain certain vegetation and specific areas in an undisturbed condition unless specific findings are made.

The following determinations are based on the required findings for the 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.*

   Approved clearing within the limit of disturbance is minimal (approximately 1,700 square feet) and is limited to clearing a forest setting which is not suitable for permanent protection even if the impacts could be avoided. Some forested spaces on this Property are not suitable for protection within a Category I Forest Conservation Easement due to their narrow width (less than 50 feet). Onsite forest to be placed within a Category I Easement is

generally contiguous with forested area conserved by a separate Category I Easement on the abutting property to the south. As conditioned, the Applicant has made maximum use of zoning and planning options to result in the greatest amount of forest retention.

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

   The Applicant has made reasonable efforts to protect as much of the priority forest as possible through a variety of means. The Project fully addresses (and exceeds) the forest conservation worksheet requirements onsite, primarily through avoiding any forest clearing within the stream valley buffer and areas of steep slope and providing a wide rear development setback. The forest in the new Category I Easement will be enhanced through the removal of existing man-made debris, management of invasive plant species, installation of supplemental native tree species, and the installation of signage to physically delineate the Easement areas.

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

   The Application preserves and enhances most of the existing priority forest on the Property. The remaining forest setting on this property is not suitable for protection within a Category I Forest Conservation Easement due to existing constraints such as narrow onsite width and lack of connection to protected offsite forest. The development is purposefully sited outside of forested areas and away from other environmental resources on the Property to the maximum extent possible and cannot be reasonably altered.

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.

This Application will require CRZ impact to two (2) 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 residential use without the Variance. In this case, the unwarranted hardship is caused by the location of the offsite protected trees adjacent to the narrow panhandle of the Property where access is provided to Jones Lane. The Applicant does not have any other means of access to their Property and denial of the right to use the panhandle for access, utility connections, etc. would render the Property undevelopable. Although the Application minimizes impacts to the critical root zones of these trees, those impacts cannot be avoided entirely. The Applicant would suffer unwarranted hardship by being denied reasonable and significant use of the Subject Property in accordance with the recommendations of the master plan and Zoning Ordinance without the Variance.

The Board made 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 variance does not confer a special privilege on the Applicant as the disturbance to the specified trees is limited and necessary to allow reasonable access and utility connections to the Property to support its development. Granting the variance to allow for such is not unique to this Applicant and is not a special privilege that would be denied to other applicants.

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

   The approved variance is not based on conditions or circumstances which are the result of actions by the Applicant. The variance is based upon the existing site conditions, development standards of the zone, and Master Plan recommendations.

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 approved variance is a result of the existing conditions and flag lot configuration of the Subject Property and not a result of land or building use on a neighboring property.

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

The variance does not violate State water quality standards or cause measurable degradation in water quality. The Protected Trees being impacted are not located within a stream buffer, wetland or Special Protection Area. Additionally, the Department of Permitting Services found the stormwater management concept acceptable in their approval letter dated February 17, 2026. Therefore, the Application will not violate State water quality standards or cause measurable degradation in water quality. Furthermore, the overall plans will enhance the stream valley buffer by supplementing the existing forest cover, which provides water quality benefits.

None of the Protected Trees will be removed. Tree protection measures are included for the two Protected Trees to be impacted. It is anticipated that these trees will continue to function as they do today; therefore, no additional mitigation is recommended.

BE IT FURTHER RESOLVED that this Corrected Resolution constitutes the written opinion of the Planning Board in this matter, and the date of this Corrected Resolution remains

July 20, 2026

(which is the date that the Original Resolution was 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 corrected resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Hedrick, seconded by Commissioner Pedoeem, with a vote of 5-0; Chair Harris, Vice Chair Bartley, and Commissioners Hedrick, Linden and Pedoeem voting in favor of the motion, at its regular meeting held on Thursday, September 10, 2026, in Wheaton, Maryland and via video conference.

Artie L. Harris, Chair
Montgomery County Planning Board

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