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

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DATE MAILED:

October 20, 2026

MCPB No. 26-88
Forest Conservation Plan Amendment No. F20260590
Olney Golf Park
Date of Hearing: September 24, 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 March 13, 1997, by written opinion dated August 27, 1997, the Planning Board approved Preliminary Forest Conservation Plan No. 119960950 on approximately 22.23 acres of land located at 3414 Emory Church Road ("Subject Property") in the Olney Policy Area and 2005 *Olney Master Plan* ("Master Plan") area; and

WHEREAS, on March 4, 2026, Pulte Home Company, LLC ("Applicant") filed an application for approval of an amendment to the forest conservation plan for concurrent review and approval with Local Map Amendment No. H164 ("Accompanying Plan")

WHEREAS, Applicant's forest conservation plan application was designated Forest Conservation Plan No. F20260590, Olney Golf Park, ("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 September 14, 2026, providing its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on September 24, 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 Linden, with a vote of 4-1; Chair Harris and Commissioners Hedrick, Linden and Pedoeem voting in favor, Commissioner Bartley voting nay.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Forest Conservation Plan No. F20260590 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 development pursuant to the Accompanying Plan, the Applicant must;
    a. Record an M-NCPPC approved Certificate of Compliance in an M-NCPPC approved off-site forest bank within the Rock Creek or Anacostia River watershed or Priority Area to satisfy the reforestation requirement of 5.76 acres of mitigation credit. If no off-site forest banks exist within the Rock Creek or Anacostia River watershed or Priority Area, then the off-site requirement may be met by purchasing 5.76 acres of mitigation credits from a mitigation bank within Montgomery County outside of the Rock Creek or Anacostia River watershed or Priority Area, subject to Staff approval. 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 reforestation requirement. 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.

    b. Record a new Category I Conservation Easement Agreement over 2.98 acres of existing and planted forest, reflecting all easement areas as specified on the approved Final Forest Conservation Plan. The new Category I Easement must be in a form approved by the Maryland-National Capital Park and Planning Commission (M-NCPPC) Office of the General Counsel and must be recorded in the Montgomery County Land Records prior to recordation of the Deed of Release of Conservation Easement for the existing conservation easement. The existing Category I Conservation Easement remains in full force and effect until the new Conservation Easement Agreements are recorded.

    c. Submit a Deed of Release of Conservation Easement for the existing Category I and Category II Conservation Easements. The Deed of Release must be in a form approved by the M-NCPPC Office of General Counsel and recorded in the Montgomery County Land Records. The entirety of the existing easement remains in full force and effect until the Deed of Release has been approved and recorded in the Montgomery County Land Records. The Deed of Release cannot be approved by M-NCPPC until the offsite forest planting mitigation is satisfied.

[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.

d. 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 variance tree mitigation plantings, and landscape plantings credited toward meeting the requirements of the FCP. The MMA includes invasive species management control measures as deemed necessary by the M-NCPPC Forest Conservation Inspection Staff.

e. Submit a cost estimate for the reforestation/afforestation and other FCP requirements, which includes but is not limited to trees and shrubs, variance mitigation trees, five years of maintenance including invasive species management controls, permanent easement posts and signage, natural surface trails, split rail fencing, mulching, staking, tree protection, and tree protection removal 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 to determine the amount of the financial surety.

f. 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 0.68 acres of new forest planting, 54 inches of mitigation tree plantings and maintenance, including invasive species management controls, credited toward meeting the requirements of the FCP.

2. 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.

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.

5. At the time of Site Plan review, the Applicant must amend FCP No. F20260590 to show planting areas and species.

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 Subject Property is currently developed with a golf driving range and has 5.7 acres of Category I Conservation Easement and 0.16 acres of Category II Conservation Easement as recorded on Plat No. 20845. The Amendment abandons 0.16 acres of Category II Conservation Easement and 2.72 acres of Category I Conservation easement from the borders of the Property along Georgia Avenue and Emory Church Road. 2.29 acres of existing easement are being retained and 0.68 acres of new forest are being planted on the Property for a total of 2.98 acres of forest that will be protected by a new Category I Easement on site. The Applicant will release the 0.16 acres of Category II Easement on the Property. The 0.16 acres of Category II Easement and 2.72 acres of Category I Easement to be released will be mitigated off-site at a 2:1 ratio, for a total of 5.76 acres of mitigation. Partial removal of the existing conservation easements on the Property is appropriate in this case because it is necessary to permit the Applicant's request to redevelop the Property from a golf course to townhomes. The areas of Category I Easement being released are narrow and isolated from other forest. The approved areas of Category I Conservation Easement maintains existing forest and will expand forest in an area that abuts existing easement on a neighboring property.

   B. Priority Forest Removal

      The Subject Property includes 5.7 acres of forest designated as a high priority for retention, as the Property is located within a Priority Urban Forest area , as mapped by the Maryland Department of Natural Resources. FCP No. F20260590 proposes clearing 2.88 acres of forest and meeting Forest Conservation requirements off-site. 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.

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

   The Property is zoned RE-2 and proposed to be zoned CRNF and located within an area designated as having Priority Urban Forest. The Property is in the 2005 *Olney Master Plan* ("Master Plan") which recommends preservation of forest and wetlands protections. The Property contains no streams, wetlands, or their buffers. Some forest will be retained and new forest will be planted on-site. The Applicant will construct 235 townhomes, including 36 MPDUs, to add to housing along Georgia Avenue which is identified in Thrive 2050 as a growth corridor. The configuration allows for the 2.98 acres of new and remaining forest to be located next to Category I Conservation Easement on the neighboring property, increasing forest size and depth. In addition, setbacks from the Easements and roads limit site configuration and areas that can be retained or added as Easement. There are no planning and zoning options available that meet the requirements of the Zoning Ordinance and the Olney Master Plan and allow for increased forest retention due to the location of the forest and the development.

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

   Impacts to forest and trees have been minimized through site design techniques that include locating buildings and circulation in open areas and minimizing grading by working with the Property's topography. Although there are large areas of conservation easement on the Property, much of the existing easement area has not been maintained as forest. As such, the proposed layout may result in removal of conservation easement area, but it prioritizes retention of the remaining stands of forest on the Property. It also retains and adds forest that adjoins existing neighboring forest that increases forest depth and density. Disturbance has been minimized but the location of the forest and the grading required for the topography, in conjunction with the Master Plan goals, have created a scenario in which the existing forest cannot be reasonably protected.

3. The development proposal cannot be reasonably altered.

The development has several competing priorities, including providing housing, preserving forest, Rustic Road requirements, fire safety access, other road alignments, and various setback recommendations. The proposed development responds to the requirements associated with the 2005 *Olney Master Plan*. The Application responds to all these with a reasonable use of the Property while preserving existing forest and adding forest to increase depth of habitat. There are no reasonable opportunities to save the existing forest proposed for removal by altering the development proposal by increasing building heights or rearranging circulation or buildings.

C. 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 requires the removal of six (6) and impacts 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 townhouses with associated vehicle circulation, stormwater management facilities, parking, internal sidewalks, and a shared use path. The development is constrained by the shape and size of the Subject Property and the necessary road alignments.

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.*

   Granting the Variance to impact and remove trees will not confer a special privilege on the Applicant, as the impacts are necessary to redevelop the existing golf course, based on the location of the trees along the Property's frontage on Georgia Avenue and Emory Church Road. Impacts to Protected Trees have been minimized but cannot be avoided. Therefore, the granting of this Variance 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 requested variance is not based on conditions or circumstances resulting from the Applicant's actions. The requested Variance is based on the existing site conditions and the locations of the Protected Trees. The six trees proposed for removal are along the frontages of the Property and any proposal for redevelopment of the existing golf course would cause impacts.

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 requested Variance is the result of existing conditions and required improvements, 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 will not violate State water quality standards or cause measurable degradation in water quality. None of the trees proposed for removal are within a stream buffer or environmentally sensitive area. Stormwater management will be addressed with the use of stormwater management facilities on site.

   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 approves the replacement of Protected Trees at a ratio of approximately 1 inch caliper for every 4 inches removed using trees that are a minimum of 3 caliper inches in size. This results in a total mitigation of 54 inches with an installation of 18 3-inch caliper trees. 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

October 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.

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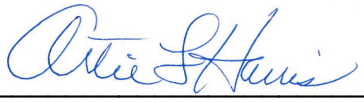
CERTIFICATION

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 the motion of Commissioner Hedrick, seconded by Commissioner Pedoeem, with a vote of 4-0; Chair Harris and Commissioners Hedrick, Linden, and Pedoeem, voting in favor of the motion, Vice Chair Bartley was necessarily absent, at its regular meeting held on Thursday, October 15, 2026, in Wheaton, Maryland and via video conference.



Artie L. Harris, Chair
Montgomery County Planning Board

Approved as to
Legal Sufficiency: /s/ Emily Vaias
M-NCPPC Legal Department