

# **Montgomery County Planning Board**

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

DATE MAILED:

**July 16, 2025**

MCPB No. 25-079

Forest Conservation Plan No. F20250530

**Mountain Vale Solar**

Date of Hearing: June 26, 2025

## 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 25, 2025, Davis Hill Development, LLC (“Applicant”) filed an application for approval of a forest conservation plan for concurrent review and approval with Conditional Use (CU202507) Plan (“Accompanying Plan”) on approximately 109.52 acres of land located at 17700 Barnesville Road, Barnesville (“Subject Property”) in the Rural West Policy Area and 1980 *Preservation of Agriculture and Rural Open Space Master Plan* (“Master Plan”) area; and

WHEREAS, Applicant’s forest conservation plan application was designated Forest Conservation Plan No. #F20250530, *Mountain Vale Solar* (“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 16, 2025, providing its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on June 26, 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 Hedrick, seconded by Commissioner Linden, with a vote of 3-1; Chair Harris, Commissioner Hedrick and Linden voting in favor, Commissioner Bartley voting against, and Vice Chair Pedoeem necessarily absent.

**Exhibit 24**

**OZAH Case No: CU 25-07**

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Approved as to

Legal Sufficiency: /s/ Emily Vaias

M-NCPPC Legal Department

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Forest Conservation Plan No. F2025053 on the Subject Property, subject to the following conditions:<sup>1</sup>

1. The Applicant must schedule the required site inspections by the M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
2. 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.
3. 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.
4. Before the start of any demolition, clearing, grading, or construction for this development Application, whichever comes first, the Applicant must:
  - a) Record a Category I Conservation Easement over all areas of forest retention and environmental buffers, as specified on the approved Final Forest Conservation Plan. The Category I Conservation Easement must be in a form approved by the M-NCPPC Office of the General Counsel. It must be recorded in the Montgomery County Land Records by deed.
  - b) Install permanent conservation easement signage along the perimeter of the conservation easements as shown on the FCP, or as directed 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.*

The net tract area for the project is equal to the Property size of 109.51 acres minus the amount of land to remain in commercial agricultural production, 98.28 acres, for a net tract area of 11.23 acres subject to Chapter 22A. There are 2.25 acres of forest within the 11.23-acre net tract area.

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<sup>1</sup> 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.

The Project proposes to retain all existing forest within the net tract area. Based on the land use category, Agricultural Resource Area (ARA), and the forest conservation worksheet's afforestation and reforestation thresholds (20% and 55% respectively), the Application does not generate a planting requirement.

The 2.25 acres of forest within the net tract area will be placed into a Category I conservation easement.

The Final Forest Conservation Plan meets all applicable requirements of Chapter 22A of the County Code.

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

July 16, 2025

(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 Bartley, with a vote of 3-0-1; Chair Harris, and Commissioners Bartley, and Hedrick, voting in favor of the motion, Vice Chair Pedoeem abstaining, and Commissioner Linden necessarily absent at its regular meeting held on Thursday, July 10, 2025, in Wheaton, Maryland and via video conference.



Artie L. Harris, Chair  
Montgomery County Planning Board