

**Minor Subdivision Declaration of Intent**  
**Affirming Exemption from Article II of the**  
**Montgomery County Forest Conservation Law**

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, stated as follows:

WHEREAS \_\_\_\_\_ (“Owner”) seeks approval of a minor subdivision application (hereinafter referred to as “Development Application”); and

WHEREAS Owner seeks approval of its Development Application for property located at \_\_\_\_\_ (“Property”); and

WHEREAS the Development Application can be approved only if it complies with or is exempt from Article II of the Montgomery County Forest Conservation Law (Montgomery County Code Chapter 22A, 22A-1 *et seq.*, and any amendments thereto) (“FCL”); and

WHEREAS the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission (“Planning Board”) and designated Planning Board staff members are responsible for administering the FCL; and

WHEREAS Owner wishes to demonstrate that its Development Application is exempt from the provisions contained within Article II of the Forest Conservation Law; and

WHEREAS to obtain the exemption Owner must verify the following:

- (a) Owner’s Development Application does not propose any land disturbing activities and the lot will not be the subject of additional regulated activities for 5 years after the approval of the minor subdivision.

THEREFORE, in consideration of the forgoing promises, the mutual covenants contained herein, and the following terms and conditions, the parties agree as follows:

1. The recitals set forth above are incorporated in full herein.
2. Owner guarantees that the Property and Development Application will adhere to statement (a) above.
3. Owner further guarantees that the Property will adhere to statement (a) above for five years after the minor subdivision is approved by the Planning Board.
4. For purposes of ensuring compliance with statement (a) above, the

Planning Board or its designees may, after reasonable notice to the Owner, enter upon the Property at any time from the date of Owner's signature of this document until the five-year restriction has expired.

5. If the Owner violates the Conditions, the exemption will become void and the Property will be subject to an enforcement action under Section 22-19 of the Forest Conservation Law which may require: the preparation, submission and implementation of a forest conservation plan; an administrative civil penalty under Section 22A-16(d) for the area of forest cut or cleared under the exemption; or both.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of this paper are true and I agree to the promises set forth above:

Signature of owner: \_\_\_\_\_

Printed name of owner: \_\_\_\_\_

NOTARY STATEMENT

State of \_\_\_\_\_

County of \_\_\_\_\_

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned individual, personally appeared \_\_\_\_\_, who acknowledged to be the \_\_\_\_\_ and that as such being authorized to do so, executed the foregoing instrument for the purposes therein contained.

SEAL

\_\_\_\_\_  
Signature of notary public

My commission expires \_\_\_\_\_