

Single Lot 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 sediment control permit (hereinafter referred to as “Development Application”) for a recorded lot that does not require approval of a preliminary plan of subdivision or site plan; 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 that the following conditions exist:

- (a) Owner’s proposed construction activity will be conducted on a existing single lot of any size, and is required to construct a dwelling house or accessory structure (such as a pool, tennis court, or shed) intended for the use of the Owner;
- (b) does not occur within an environmental buffer, except for the allowable uses stated in the environmental guidelines
- (c) the proposed construction activity is not subject to, nor does it require, special exception/conditional use approval; and
- (d) the proposed construction activity will not result in the cumulative cutting, clearing, or grading of:
 - (i) more than 20,000 square feet of forest,
 - (ii) any forest in a stream buffer,
 - (iii) any forest on property located in a special protection area which must submit a water quality plan,

- (iv) any specimen or champion tree; or
- (v) any trees or forest that are subject to the requirements of a previously approved forest conservation plan or tree save plan.

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 conform to the Conditions referenced above.
3. Owner further guarantees that the Property will conform with the Conditions for five years after the Planning Department Director, or designee, confirms the exemption from submitting a forest conservation plan.
4. For purposes of ensuring compliance with the Conditions, 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 the Section 22-19 of the Forest Conservation Law which requires: 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.
6. This agreement shall be recorded by the Owner in the Land Records of Montgomery County, Maryland and shall constitute a covenant running with the land and shall be binding on the landowner, its administrators, executors, heirs and assigns.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of this paper are true:

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 _____