

**Declaration of Intent for Single Lot Affirming Exemption
from Montgomery County Forest Conservation Law**

It is this _____ day of _____, 200____, stated as follows:

WHEREAS _____ "Owner") seeks
(check one of the following):

- ____ Sediment control permit
- ____ Preliminary plan approval
- ____ Site plan approval
- ____ Mandatory referral review
- ____ Development plan approval
- ____ Project plan approval
- ____ Other (please specify):

(Checked item 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 Montgomery County's 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 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) the proposed construction activity is not subject to special exception approval;
- (c) 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.
("Conditions.")

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 conform with the Conditions standards referenced above.
3. Owner further guarantees that the Property will conform with the Conditions for five years after receiving approval of the Development Application (the five-year period to begin on the mailing date of the written opinion adopting the Development Application approval).
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. This agreement 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:

OWNER

NOTARY STATEMENT

State of Maryland, Montgomery County to wit:

I hereby certify, that on this _____ day of _____, 200____, before the subscriber, a Notary Public of the State of Maryland, in and for _____ County, personally appeared _____, and acknowledged the foregoing Declaration of Intent to be his/her act.

[Notary Seal]

Signature of notary public

Name of notary public (print or type)

My commission expires _____