

APR 30 2012



MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 11-129
SPA Final Water Quality Plan No. MR2010711
Montgomery County Animal Shelter
Date of Hearing: December 1, 2011

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Chapter 19, Article V, Water Quality Review in Special Protection Areas, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review Special Protection Area (SPA) water quality plan applications; and

WHEREAS, on September 7, 2011, Montgomery County Department of General Services ("Applicant"), filed for approval of a Final Water Quality Plan on 7.0 acres of the overall 50.14 acres of land known as parcel 162 and parcel 966 located on the northeast corner of Muncaster Mill Road and Airpark Road, Derwood, Maryland; bounded by Airpark Road on the east, Muncaster Mill Road on the south, Pope Farm to the north, and land belonging to the Seventh Day Adventist Church on the west ("Property" or "Subject Property"), in the Upper Rock Creek area ("Master Plan"); and

WHEREAS, Applicant's SPA water quality plan was designated Water Quality Plan No. MR2010711, Montgomery County Animal Shelter ("Water Quality Plan" or "Application"); and

WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated November 18, 2011, setting forth its analysis, and recommendation for approval with conditions of the Application ("Staff Report"), and on December 1, 2011, the Planning Board held a public hearing on the Application (the "Hearing"); and

WHEREAS, following review and analysis of the Application by Staff and the staff of other governmental agencies, the Planning Board held a public hearing on the Application (the "Hearing") on December 1, 2011; and

WHEREAS, on December 1, 2011, the Planning Board approved the Final Water Quality Plan, on motion of Commissioner Anderson and seconded by Commissioner

Approved as to
Legal Sufficiency:

Christina Sorrento 4/11/12
MNCPPC Legal Department

8787 Georgia Avenue, Suite 200, Silver Spring, MD 20910 Chairman's Office: 301.495.4600 Fax: 301.495.1320

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Presley; with a vote of 5-0, with Commissioners Anderson, Carrier, Dreyfuss, Presley, and Wells-Harley voting in favor.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 19, Article V, the Planning Board approved SPA Final Water Quality Plan No. MR2010711 on 7.0 acres of the overall 50.14 acres of land known as parcel 162 and parcel 966 located on the northeast corner of Muncaster Mill Road and Airpark Road, Derwood, Maryland; bounded by Airpark Road on the east, Muncaster Mill Road on the south, Pope Farm to the north, and land belonging to the Seventh Day Adventist Church on the west ("Property" or "Subject Property"), in the Upper Rock Creek area ("Master Plan"); and subject to the following conditions:

Approval of the Final Water Quality Plan with the following conditions:

1. Applicant will conform to the conditions as stated in Montgomery County Department of Permitting Services (DPS) final water quality plan approval letter dated October 8, 2010.
2. Total impervious surfaces for the entire site must not exceed 9.72 acres (19.4% of the 50.14 acres).
3. Total impervious surfaces for the Animal Shelter portion must not exceed 2.95 acres (128,502 square feet)

BE IT FURTHER RESOLVED that, having given full consideration to the recommendations and findings of its Staff, which the Board hereby adopts and incorporates by reference (except as modified herein) and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

The Application satisfies all the applicable requirements of the SPA Law, Montgomery County Code, Chapter 19, Article V.

The stormwater management plan, sediment and erosion control plan, and the water quality monitoring component have been reviewed and conditionally approved by the Montgomery County Department of Permitting Services, in coordination with the Montgomery County Department of Environmental Protection, who are the lead agencies for these components of the SPA Water Quality Plan. The Planning Board finds that the site imperviousness limits and environmental buffer protection have been satisfied. The Applicant minimized the impervious surfaces to an amount needed to achieve the public purpose of the site. In addition, the Applicant is planting the unforested stream buffers per the Environmental Guidelines.

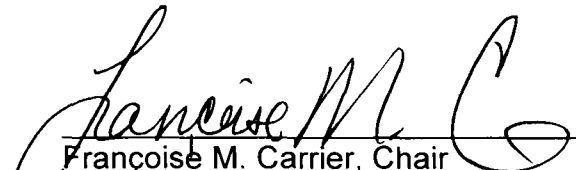
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is APR 30 2012 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

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 Presley, seconded by Vice Chair Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley voting in favor of the motion at its regular meeting held on Thursday, April 19, 2012, in Silver Spring, Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board