



MCPB No. 15-110
Forest Conservation Plan No. MR2015028
Wheaton Public Improvements
Date of Hearing: July 30, 2015

AUG 23 2016

RESOLUTION

WHEREAS, under Montgomery County Code Chapter 22A, the Montgomery County Planning Board is authorized to review forest conservation plan applications; and

WHEREAS, on June 5, 2015, SC Wheaton Office, LLC, on behalf of the Montgomery County Department of Transportation ("Applicant") together with its June 3, 2015 mandatory referral submission for the construction of a public office building, underground parking, and a public town square, filed an application for approval of a forest conservation plan on approximately 2.93 acres of land located at the NE corner of Grandview Avenue and Reddie Drive ("Subject Property") in the Wheaton CBD and Vicinity Sector Plan ("Master Plan") area; and

WHEREAS, Applicant's forest conservation plan application was designated Forest Conservation Plan No. MR2015028, Wheaton Public Improvements ("Forest Conservation Plan" or "Application")¹; 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 July 20, 2015, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on July 30, 2015, the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, at the hearing, the Planning Board approved the Forest Conservation Plan, on motion of Commissioner Wells-Harley; seconded by Commissioner

¹ Unless specifically indicated otherwise, the Board has reviewed the preliminary Forest Conservation Plan and set forth conditions under which the Staff can approve the final Forest Conservation Plan without further Board action. Therefore, for purposes of the Resolution, whether or not indicated, the Board's action is with regard to the preliminary Forest Conservation Plan.

Approved as to
Legal Sufficiency:

M-NCPPC Legal Department

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVED Forest Conservation Plan No. MR2015028 on the Subject Property, subject to the following conditions:²

1. Prior to issuance of a Sediment Control Permit from the Department of Permitting Services or Site Plan approval from the Planning Board, the Applicant must obtain approval of a Final Forest Conservation Plan from the Planning Department. The Final Forest Conservation Plan must be consistent with the approved Preliminary Forest Conservation Plan.
2. Prior to issuance of a Sediment Control Permit from the Department of Permitting Services, the Applicant must record a certificate of compliance for 0.54 acres of forest planting.

BE IT FURTHER RESOLVED, that having given full consideration to the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference, 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 the protection of environmentally sensitive features.*

A. Forest Conservation

The Board finds that as conditioned, the Forest Conservation Plan complies with the requirements of the Forest Conservation Law.

There is no forest on site, and Applicant must meet a 0.54 acre planting requirement. The Applicant will meet this requirement by planting off-site in a forest mitigation bank. There are no priority reforestation areas or adjoining forest on-site.

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

² 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.

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_____ (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 Fani-González, seconded by Vice Chair Wells-Harley, with Chair Anderson, Vice Chair Wells-Harley, and Commissioner Fani-González voting in favor, and Commissioners Dreyfuss and Presley absent, at its regular meeting held on Thursday, October 1, 2015, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board

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