



MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 17-044

Water Quality Plan No. PP2017001

JUN 08 2017

14911 Good Hope Road

Date of Hearing: June 1, 2017

RESOLUTION

WHEREAS, under Montgomery County Code Chapter 19, Article V, water quality review in Special Protection Areas must be done in conjunction with the review of a development plan, diagrammatic plan, schematic development plan, project plan, preliminary plan of subdivision, site plan, mandatory referral, or conditional use; and

WHEREAS, to avoid duplication of effort, the Montgomery County Department of Permitting Services (“DPS”) and the Montgomery County Planning Board each have responsibility for review and approval of different elements of water quality plan applications; and

WHEREAS, the Planning Board is responsible for reviewing water quality plan applications to determine if environmental buffer protection, forest conservation and planting requirements, and site impervious limits have been satisfied; and

WHEREAS, in cooperation with DPS’ review and approval of those elements of the water quality plan over which DPS has authority, the Planning Board is authorized to take final action on the water quality plan; and

WHEREAS, on December 21, 2016, the M-NCPPC Montgomery County Department of Parks (“Applicant”) filed an application for approval of water quality plan on approximately 6.03 acres of RE-2C zoned property located at 14911 Good Hope Road (“Subject Property”) in the Upper Paint Branch Special Protection Area (“SPA”) within the Cloverly Policy Area and Cloverly Master Plan (“Master Plan”) area; and

WHEREAS, Applicant’s water quality plan application was designated Water Quality Plan No. PP2017001, 14911 Good Hope Road (“Preliminary/Final Water Quality Plan” or “Application”); 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 May 18, 2017, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

Approved as to
Legal Sufficiency:

8787 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320
M-NCPPC Legal Department
www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc-mc.org

WHEREAS, the Staff Report included a copy of a letter dated May 15, 2017 from DPS conditionally approving the elements of the Preliminary/Final Water Quality Plan under its purview; and

WHEREAS, on June 1, 2017, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on June 1, 2017, the Planning Board voted to approve the Preliminary/Final Water Quality Plan, subject to certain conditions, by the vote certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary/Final Water Quality Plan No. PP2017001, 14911 Good Hope Road on the Subject Property, subject to the following conditions:¹

1. Prior to December 31, 2017, the Applicant must remove 31,193 square feet of impervious surfaces in Phase One of the project as shown on the approved Preliminary/Final Water Quality Plan Impervious Surface Exhibit.
2. Prior to the start of any clearing, grading or demolition on the Property, the Applicant must install signs along the property line adjacent to Good Hope Road indicating no vehicles are permitted on the Property.
3. The Applicant must include a Planning Department Staff inspector at the pre-work meeting.
4. The Applicant must contact a Planning Department Staff inspector to conduct a post-work inspection to verify the removal of all impervious surfaces and completion of land reclamation in accordance with the guidelines outlined on the approved Final Forest Conservation Plan PP2017001.
5. The Applicant must conform to the conditions as stated in DPS' Preliminary/Final Water Quality Plan for the 14911 Good Hope Road letter dated May 15, 2017, unless otherwise amended by DPS provided the amendments do not conflict with other conditions of the approval.
6. The Applicant may submit an application to amend the Water Quality Plan in the future to add impervious surfaces within the area identified as Phase Two on the approved Existing Impervious Area Exhibit. The impervious surfaces must not exceed 8 percent of the area in Phase Two. No new impervious surfaces may be added within the area identified as Phase One on the approved Existing Impervious Area Exhibit.

¹ For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner, or any successor(s) in interest to the terms of this approval.

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 (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 Montgomery County Code, Chapter 19, Article V – Water Quality Review in Special Protection Areas.

Impervious surface restrictions for development projects in the Upper Paint Branch Special Protection Area (SPA) are set forth in the Overlay Zone for the Upper Paint Branch SPA. As per Chapter 59, Section 4.9.18, the imperviousness for the Application may not exceed 8.0 percent. The Applicant proposes to remove all existing impervious surfaces on the Property, deconsolidate the disturbed soils, and restore the entire Property to a previous condition. The Applicant will manage the Property as a conservation park, as such the Applicant will not construct any new features or impervious surfaces on the Property, and it will be preserved as a natural area. The removal of approximately 94,621 square feet of impervious surfaces on the Property will be accomplished in two phases. Phase I includes approximately 31,193 square feet of impervious surface removal that is a mitigation requirement for another project, Islamic Society of the Washington Area (SC2017003) located in the Upper Paint Branch Special Protection Area and Overlay Zone. Phase II includes the removal of all the existing structures and other remaining impervious surfaces. Phase II is not part of any impervious surface mitigation or credit obligation.

The Application met applicable requirements for environmental buffer protection, forest conservation, and planting requirements under an approved forest conservation plan. As conditioned by this approval, site impervious limits have been satisfied. Therefore, the Application satisfies all the elements of the Preliminary/Final Water Quality Plan under the Board's purview.

The sediment and erosion control plan and the water quality monitoring component have been reviewed and conditionally approved by DPS, in coordination with the Montgomery County Department of Environmental Protection, as the lead agencies for these components of the Water Quality Plan review. A stormwater management plan is not required since there are no new impervious areas. Therefore, the Application satisfies all the elements of the Preliminary/Final Water Quality Plan under DPS' purview.

BE IT FURTHER RESOLVED that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JUN 08 2017 (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 Vice Chair Wells-Harley, seconded by Commissioner Dreyfuss, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Dreyfuss and Fani-González voting in favor, and Commissioner Cichy absent at its regular meeting held on Thursday, June 1, 2017, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board