



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

MCPB No. 17-076
Site Plan No. 82013025D
Black Hill
Date of Hearing: July 27, 2017

AUG 01 2017

RESOLUTION

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

WHEREAS, on July 12, 2017, Palomino Capital, LLC (“Applicant”) filed an application for approval to amend a Site Plan for Forest Conservation Plan purposes that would remove 25,193 square feet (0.58 acres) of a Category I Conservation Easement and relocate this same acreage to an equally appropriate area on the property located 1.5 miles north of Germantown Town Center, 0.6 miles north of the interchange at Ridge Road/Father Hurley Boulevard (MD 27) and I-270, and southeast of Crystal Rock Drive (“Subject Property”), in the Germantown West Policy Area and the 2009 Germantown Employment Area Sector (“Sector Plan”) area; and

WHEREAS, Applicant’s preliminary plan amendment application was designated Site Plan No. 82013025D, Black Hill Infrastructure (“Site 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 July 14, 2017 setting forth its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on July 27, 2017, Staff presented the Amendment to the Planning Board as a consent item for its review and action, at which time the Planning Board voted to approve the Amendment subject to certain conditions, by the vote as certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES the Site Plan Amendment for Forest Conservation Plan purposes, Plan No. 82013025D to remove 25,193 square feet (0.58 acres) of a Category I Conservation Easement and to relocate this acreage to other equally appropriate areas on the Subject Property, subject

Approved as to
Legal Sufficiency:

Christina Sowa 7/20/17

to the following conditions:¹

1. Within ninety (90) days of the mailing date of the Planning Board Resolution, the Applicant must record a new Category I Conservation Easement replacing the previously recorded easement and reflecting the relocation of the 25,193 square feet of easement as specified on the approved Final Forest Conservation Plan (FFCP). The Category I Conservation Easement approved by the M-NCPPC Office of the General Counsel must be recorded prior to the abandonment of the existing easement in the Montgomery County Land Records by deed and the Liber Folio for the easement must be referenced on the record plat.
2. Within ninety (90) days of the mailing date of the Planning Board Resolution, the Applicant must abandon the existing Category I Conservation Easement that was previously recorded at Liber47964/Folio 231. The deed of abandonment must be approved by the M-NCPPC Office of the General Counsel and must be recorded after the new Category I Conservation Easement is recorded in the Montgomery County Land Records by deed.
3. Within ninety (90) days of the mailing date of the Planning Board Resolution, the Applicant must submit a complete record plat application that delineates the revised conservation easements and references the Liber/Folio of the recorded deed. The existing easement remains in full force and effect until the new Category I Conservation Easement is recorded.
4. Applicant must have all required site inspections performed by M-NCPPC Staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
5. The Applicant must comply with all tree protection and tree save measures shown on the approved FFCP. Tree save measures not specified on the FFCP may be required by the M-NCPPC Forest Conservation Inspector.
6. The limits of disturbance ("LOD") on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved Amended Final Forest Conservation Plan.

BE IT FURTHER RESOLVED that having considered 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 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.*

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

A. Forest Conservation

The Application meets the requirements of Chapter 22A of the Montgomery County Forest Conservation Law. As required by the County Forest Conservation Law (Chapter 22A of the County Code), an amended FFCP for the project was submitted as part of the Application. The 25,193 square feet (0.58 acres) of Category I Conservation Easement removal is being mitigated by relocating this acreage to an equally appropriate on-site location at a 1:1 rate. This is consistent with the Forest Conservation Law and Planning Board policy. The Board finds that as conditioned, the FFCP complies with the requirements of the Forest Conservation Law.

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is ~~AUG 01 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, Fani-González, and Cichy voting in favor of the motion at its regular meeting held on Thursday, July 27, 2017, in Silver Spring, Maryland.



Casey Anderson, Chairman
Montgomery County Planning Board