



MCPB No. 16-143
Preliminary Plan No. 12008003B
The Bullis School (a.k.a Blenheim) Parcel A, Block E
Date of Hearing: January 12, 2017

JAN 19 2017

RESOLUTION

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review preliminary plan applications; and

WHEREAS, on April 1, 2009, the Planning Board, approved Preliminary Plan No. 120080030, establishing one lot on 77.63 acres of land in the RE1 and RE2 Zones, located at the Northeast quadrant of the intersection of Falls Road (MD189) and Democracy Boulevard, in the Potomac Subregion Master Plan ("Master Plan") area; and

WHEREAS, on August 12, 2016, the Bullis School Inc. ("Applicant", "Applicants"), filed an application for approval of an amendment to the previously approved Preliminary Plan to amend the Forest Conservation Plan to expand the limits of disturbance to allow expansion of a courtyard, which was designated Preliminary Plan No. 12008003A; and

WHEREAS, on September 28, 2016, prior to any decision on Preliminary Plan No. 12008003A, the Applicant, filed another application for approval of an amendment to the previously approved Preliminary Plan to remove a total of 11,875 square feet of Category I Conservation Easement from Blenheim Parcel A, Block E ("Subject Property") which is in violation of the Category I Conservation Easement Agreement and provide mitigation offsite by acquiring 23,750 square feet of mitigation credit at an M-NCPPC approved forest mitigation bank, which was designated Preliminary Plan No. 12008003B, The Bullis School (a.k.a Blenheim) Parcel A, Block E ("Preliminary Plan", "Amendment" or "Application"); and

WHEREAS, the Amendment is also a Final Forest Conservation Plan Amendment ("Forest Conservation Plan") for the Subject Property; and

WHEREAS, because Preliminary Plan No. 12008003B is to correct a violation of the existing Category I Conservation Easement as required by the Final Forest Conservation Plan, the Planning Board has acted on Preliminary Plan No. 12008003B prior to acting on Preliminary Plan No. 12008003A; and

Approved as to
Legal Sufficiency: *Carol S. Rubin*

WHEREAS, following review and analysis of the Application, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated December 30, 2016, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on January 12, 2017, 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 voted to approve the Application subject to certain conditions, by the vote as certified below.

NOW, THEREFORE, BE IT RESOLVED THAT, the Planning Board approves Preliminary Plan No. 12008003B to remove a total of 11,875 square feet of Category I Conservation Easement from the Subject Property. The Applicants will provide offsite mitigation by acquiring 23,750 square feet of credit at an approved Montgomery County Forest Conservation Bank, subject to the following conditions:

1. Within thirty (30) days of the mailing date of the Planning Board Resolution approving Preliminary Plan 12008003B, the Applicant must submit a Certificate of Compliance to use an M-NCPPC approved forest mitigation bank to provide 23,750 square feet of mitigation credit consisting of either 23,750 square feet of forest planting or the retention of 47,500 square feet of existing forest. After M-NCPPC approval, the Certificate of Compliance must be recorded in the Land Records of Montgomery County, Maryland.
2. Within sixty (60) days of the mailing date of the Planning Board Resolution, the Applicant must record a Category I Conservation Easement by deed, in a form approved by the M-NCPPC Office of the General Counsel, in the Land Records of Montgomery County, Maryland for all retained conservation easement areas on the Subject Property.
3. Within ninety (90) days of the mailing date of the Planning Board Resolution, the Applicant must install split rail fencing and permanent conservation easement signs at the perimeter of the new Category I Conservation Easement as shown on the Final Forest Conservation Plan Amendment submitted on December 5, 2016.
4. After recordation of the Certificate of Compliance and the Category I Conservation Easement, the Applicant must record a Release of the existing Category I Conservation Easement, in a form approved by the M-NCPPC Office of the General Counsel, in the Land Records of Montgomery County, Maryland. All existing conservation easements remain in full force and effect until this Release is recorded.

5. Within one hundred and fifty (150) days of the mailing date of the Planning Board Resolution, the Applicant must submit a complete Record Plat application that delineates and references the new Category I Conservation Easement.

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. Except as specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved Preliminary Plan, and all findings not specifically addressed remain in effect.
2. The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County, Chapter 22A.

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JAN 19 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 (30) 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).

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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 Cichy, seconded by Commissioner Fani-González, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Dreyfuss, Fani-González, and Cichy voting in favor at its regular meeting held on Thursday, January 12, 2017, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board