



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

OCT - 9 2009

MCPB No. 09-58
Final Forest Conservation Plan Amendment No. 820050290
The Quarry
Date of Hearing: 10/02/2008

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Chapter 22A, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review major Amendments to Forest Conservation Plans; and

WHEREAS, on April 30, 2008, W. M. Rickman Construction Co. ("Applicant"), filed an application for approval of a Final Forest Conservation Plan Amendment that would modify the existing forest conservation easement areas ("Amendment"), within a 13.30-acre property ("Property" or "Subject Property"), located on River Road, approximately 2000 feet west of Seven Locks Road in the Potomac Subregion master plan area ("Master Plan"); and

WHEREAS, Staff issued a memorandum to the Planning Board, dated September 19, 2008, setting forth its analysis, and recommendation for approval, of the Amendment subject to certain conditions ("Staff Report"); and

WHEREAS, following a review and analysis of the Application by Planning Board staff ("Staff") and the staffs of other governmental agencies, on October 2, 2008, the Planning Board held a public hearing on the Application (the "Hearing"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on October 2, 2008, the Planning Board approved the Amendment subject to certain conditions, on motion of Commissioner Cryor; seconded by Commissioner Robinson; with a vote of 5-0, Commissioners Alfandre, Cryor, Hanson, Presley and Robinson voting in favor.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 22A, the Planning Board approved Final Forest Conservation Plan Amendment No. 820050290 to modify the existing forest conservation easement areas within the Property, subject to the following conditions:

Approved as to
 Legal Sufficiency:

8787 Georgia Avenue, N.M.C.P.P.C. Legal Department 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320

www.MCParkandPlanning.org E-Mail: mcp-chairman@mncppc.org

1. Applicant to post a performance bond for the onsite reforestation areas prior to any forest removal approved by this amendment.
2. Applicant to submit a certificate of compliance to use an offsite forest conservation bank agreement prior to any forest removal approved by this amendment.
3. Applicant must re-record plats to reflect changes to the conservation easements resulting from this amendment by June 30, 2009.
4. All previously approved conditions related to The Quarry which have not been expressly amended by this Planning Board action shall remain in effect.
5. Compliance with the Final Forest Conservation Plan, subject to final staff review and approval.

BE IT FURTHER RESOLVED, that having given full consideration to the recommendations and findings of its Staff 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:

1. *The proposed removal of an additional 2.26 acres maximum, of forest from the previously approved forest conservation plan within the Property is unavoidable and necessary since the forest removal is needed to stabilize the quarry in a manner that meets both MDE and M-NCPPC requirements.*
2. *The Final Forest Conservation Plan Amendment 820050290 will continue to satisfy the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.*

The Planning Board concurs with the applicant's position to remove additional forest associated with the mining reclamation and to configure the walls to a stable condition. The additional forest removal generates a planting requirement of approximately 5.35 acres. The Applicant will meet this planting requirement through a combination of onsite reforestation in the conservation easements, landscape credit, and by purchasing credits in a forest mitigation bank.

BE IT FURTHER RESOLVED, that all other conditions contained in the adopted opinion approving Final Forest Conservation Plan 820050290 remain in full force and effect; and

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Planning Board in the matter, and the date of this Resolution is OCT - 9 2009 (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 Wells-Harley, seconded by Commissioner Presley, with Commissioners Hanson, Alfandre, Presley, and Wells-Harley voting in favor of the motion, and with Commissioner Cryor absent, at its regular meeting held on Thursday, September 10, 2009, in Silver Spring, Maryland.



Royce Hanson, Chairman
Montgomery County Planning Board