RESOLUTION

WHEREAS, under Montgomery County Code Chapter 19, Article V, the Montgomery County Planning Board is vested with the authority to review Special Protection Area ("SPA") water quality plan applications; and

WHEREAS, on February 10, 2011, Montgomery County Department of General Services ("Applicant") filed for approval of a Final Water Quality Plan on 7.0 acres of the 48.17 acres of land known as parcel 162 and parcel 966, located in the Upper Rock Creek Special Protection Area at the northeast corner of Muncaster Mill Road and Airpark Road, Derwood, Maryland; bounded by Airpark Road on the east, Muncaster Mill Road on the south, Pope Farm to the north, and land belonging to the Seventh Day Adventist Church on the west; and

WHEREAS, Applicant's water quality plan was designated Water Quality Plan No. MR2010711, Montgomery County Animal Shelter; and

WHEREAS, Staff issued a memorandum to the Planning Board, dated April 29, 2011, setting forth its analysis, and recommendation for approval of the Application, with conditions ("Staff Report"), and on May 12, 2011, the Planning Board held a public hearing on the Application; and

WHEREAS, following review and analysis of the Application by Planning Board staff and the staff of other governmental agencies, at the public hearing on May 12, 2011, the Planning Board approved the Final Water Quality Plan, on motion of Commissioner Dreyfuss and seconded by Commissioner Presley; with a vote of 5-0, with Commissioners Alfandre, Carrier, Dreyfuss, Presley, and Wells-Harley voting in favor.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 19, Article V, the Planning Board approved SPA Final Water Quality Plan No. MR2010711 subject to the following conditions:

Approved as to Legal Sufficiency:

8787 Georgia Ave., Silver Spring, MD 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320 www.MCParkandPlanning.org E-Mail: mcp-chairman@mnppc.org

100% recycled paper
a. Applicant is bound by the conditions as stated in Montgomery County Department of Permitting Services final water quality plan approval letter dated October 8, 2010.

b. Total impervious surfaces for the entire site must not exceed 9.08 acres (18.9% of the 48.17 acres).

c. Total impervious surfaces for the Animal Shelter portion must not exceed 2.63 acres (114,713 square feet).

BE IT FURTHER RESOLVED that, having given full consideration to the recommendations and findings of its Staff, 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 of the applicable requirements of the SPA Law, Montgomery County Code, Chapter 19, Article V.

In reviewing a Final Water Quality Plan in an SPA, the Planning Board must consider the application's compliance with the Environmental Guidelines and any applicable impervious surface limits. In this case, the Application complies with the environmental guidelines because it does not impact any environmentally sensitive areas. Although the Application does not comply with the eight percent impervious surface limit applicable to developments within the Upper Rock Creek SPA, public projects such as this one are not required to meet the impervious surface limits. Nonetheless, the Board finds that the Applicant has endeavored to design its project so as to minimize the amount of impervious surface, consistent with the needs of the animal shelter.

Moreover, the stormwater management plan, sediment and erosion control plan, and water quality monitoring component have been reviewed and conditionally approved by the Montgomery County Department of Permitting Services, in coordination with the Montgomery County Department of Environmental Protection, which are the lead agencies for these components of the SPA Water Quality Plan.

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is 27 July 2011 (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 Carrier, Vice Chair Wells-Harley, and Commissioner Dreyfuss voting in favor of the motion, and with Commissioner Anderson abstaining and Commissioner Presley absent, at its regular meeting held on Thursday, July 7, 2011, in Silver Spring, Maryland.

Françoise M. Carrier, Chair
Montgomery County Planning Board
Ray Soderberg  
Mill Creek Forest Community Assn.  
P.O. Box 211  
Washington Grove, MD 20880

Michael Potter  
Montgomery Manor Homeowners Assn.  
P.O. Box 506  
 Damascus, MD 20872

Paul Reavis  
Shady Grove Station Townhouse  
7532 Weatherby Drive  
Rockville, MD 20855

Jeff Kiwitz  
Mill Creek Towne East HOA  
9 Park Avenue  
Gaithersburg, MD 20877

Ron James  
Shady Grove Estates TH Assn., Sec. II  
17022 Catalpa CT  
Derwood, MD 20855

Robert Deeley  
Cameron Mill Homeowners Assn. Inc.  
6707 Applewood Place  
Rockville, MD 20855

Ms. Daryl Steinbraker  
SG5 Homeowners Assn.  
7750 Epsilon Dr.  
Derwood, MD 20855

Bonnie Sudham  
Lavonia Homeowners Assn.  
7693 Lavonia Drive  
Gaithersburg, MD 20877

Bonnie Dean  
Lavonia Homeowner's Assn.  
7539 Lavonia Dr.  
Gaithersburg, MD 20877

Steven Edgar  
Shady Grove Station Townhouse  
7518 Weatherby Dr.  
Rockville, MD 20855

Raymond Caricaburu  
Winter's Run Civic Assn.  
16936 Glen Oak Run  
Derwood, MD 20855

John Bradfield  
Shady Grove West Civic Assn.  
8225 Cambourne Court  
Gaithersburg, MD 20877

Dennis Shirley  
Cashell Estates Community Assn.  
17105 Overhill Road  
Derwood, MD 20855

Mary Ann Kenno  
Shady Grove Station Civic Assn.  
7541 Tarpley Drive  
Rockville, MD 20855

Pat Labuda  
Greater Shady Grove Civic Alliance  
16929 Briardale Road  
Derwood, MD 20855

Louis Iaquinta  
Olney Transportation Coalition  
3416 Olandwood Ct, Ste. 210  
Olney, MD 20832

Dave Troutner  
Muncaster Area Civic Assn  
19101 Artesian Court  
Derwood, MD 20855

Congresswoman Donna Edwards  
U.S. House of Representatives  
434 Cannon House Office Building  
Washington, D.C. 20515-2004

Julius Cinque  
Northern Montgomery County Alliance  
22300 Slidell Road  
Boystons, MD 20841

Pedro Porro  
Spanish Speaking People of Montgomery  
5729 Bradley Boulevard  
Bethesda, MD 20814

Judith Christensen  
Montgomery Preservation. Inc.  
6 Walker Avenue  
Gaithersburg, MD 20877

Jim Fary  
Sierra Club - Montgomery County Group  
2836 Blue Spruce Lane  
Silver Spring, MD 20906-3166

John Luke  
Montgomery County Air Park  
7940 Air Park Road  
Gaithersburg, MD 20879

Jim Humphrey  
Montgomery County Civic Federation  
5104 Elm Street  
Bethesda, MD 20814

Ilona Blanchard  
City of Takoma Park  
7500 Maple Avenue  
Takoma Park, MD 20912
New Life Adventist Church
7401 Muncaster Mill Road
Gaithersburg, MD 20877

Current Resident
7332 Muncaster Mill Road
Rockville, MD 20855

Current Resident
7320 Muncaster Mill Road
Rockville, MD 20855

Current Resident
7308 Muncaster Mill Road
Rockville, MD 20855

Current Resident
17804 Teri Drive
Derwood, MD 20855

Current Resident
17904 Teri Drive
Derwood, MD 20855

Current Resident
17922 Teri Drive
Derwood, MD 20855

Current Resident
17929 Teri Drive
Derwood, MD 20855

Current Resident
7105 Sonnett Court
Derwood, MD 20855

Kimberly Paniati
9500 Burnette Avenue
Silver Spring, MD 20901

Nikki Radke
10245 Columbia Road
Columbia, MD 21046
Mr. Richard Brush, Manager
MCDPS-Water Res. Plan Review
255 Rockville Pike, 2nd Fl
Rockville, MD 20850

Mr. Hadi Masouri
MCDP-Building Construction
255 Rockville Pike, 2nd Fl
Rockville, MD 20850

Ms. Gail Lucas, Manager
MCDPS-Building Construction
255 Rockville Pike, 2nd Fl
Rockville, MD 20850

Mr. Greg Leck
100 Edison Park Dr, 4th Fl
Gaithersburg, MD 20878

Mr. Joseph Y. Cheung, Manager
MCDPS-Right of Way Permitting and Plan Review
255 Rockville Pike, 2nd Fl
Rockville, MD 20850

Mr. Greg Nichols, Manager
MCDPS-Land Development
255 Rockville Pike, 2nd Fl
Rockville, MD 20850

Mr. Michael Reahl, Manager
MCDPS-Sediment/Stormwater Inspection and Enforcement
255 Rockville Pike, 2nd Fl
Rockville, MD 20850

Mr. Ehsan Motazedi
MCDPS-Site Plan Enforcement Mgr.
255 Rockville Pike, 2nd Fl
Rockville, MD 20850

Mr. Jay Beatty, Manager
MCDPS-Well and Septic
255 Rockville Pike, 2nd Fl
Rockville, MD 20850

Mr. Leroy Anderson, Manager
MCDPS-Right of Way Development Inspection and Enforcement
255 Rockville Pike, MD 20850

Ms. Susan Scaly-Demby, Manager
MCDPS-Zoning
255 Rockville Pike, 2nd Fl
Rockville, MD 20850

Mr. Christopher Anderson, MPDU Mgr.
DHCA County Office Bldg.
255 Rockville Pike
Rockville, MD 20850