



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

JUN 21 2016

MCPB No. 16-067

Water Quality Plan No. MR2016023

Rainbow Drive/Thompson Road, Briggs Chaney Middle School Bus Lot

Date of Hearing (Consent Agenda): June 9, 2016

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 special exception; 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 to review 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 for which DPS is authorized, the Planning Board is authorized to take final action on the water quality plan; and

WHEREAS, on April 15, 2016, Montgomery County Department of Transportation ("Applicant") filed an application for approval of a water quality plan on approximately 29.37 acres of RE-1 zoned property located at 1901 Rainbow Dr., Silver Spring ("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. MR2016023, Rainbow Drive/Thompson Road, Briggs Chaney Middle School Bus Lot ("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 27, 2016, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

Approved as to
 Legal Sufficiency:

[Handwritten Signature] 5/31/16

8787 Georgia Avenue, Silver Spring, Maryland 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320

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WHEREAS, the Staff Report included a copy of a letter dated April 21, 2016 from DPS conditionally approving the elements of the Preliminary/Final Water Quality Plan under its purview; and

WHEREAS, on June 9, 2016, as part of its Consent Agenda the Planning Board voted to approve the Application subject to certain conditions, by the vote certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Water Quality Plan No. MR2016023 Rainbow Drive/Thompson Road, Briggs Chaney Middle School Bus Lot on the Subject Property, subject to the following conditions:¹

1. The impervious surfaces are limited to the area as shown on the Impervious Surface Plan portion of the Preliminary/Final Water Quality Plan.
2. The Applicant must conform to the conditions as stated in DPS' Preliminary/Final Water Quality Plan for the Rainbow Drive-Thompson Road Bus Lot Reconstruction letter dated April 21, 2016.

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:

The Application satisfies all the applicable requirements of Montgomery County Code, Chapter 19, Article V – Water Quality Review in Special Protection Areas.

Section 4.9.18(B) provides that property in the Upper Paint Branch Overlay Zone is exempt from the 8 percent limit if the improvements lawfully existed pursuant to a building permit issued before July 31, 2007, and such improvements may be reconstructed under the building standards in effect when it was constructed, including retaining the same impervious surface limit then allowed. The Board finds that Section 4.9.18(B) applies to the reconstruction and expansion of the existing bus loop.

In order for the project to minimize the net increase of impervious surfaces over the existing level, MCDOT will remove excess imperviousness from the old bus loop configuration. Further, since the final project design will create 1,219 square feet of new impervious surfaces, in order to meet the standard of no net increase of impervious surfaces over the existing level, MCDOT will utilize impervious credits in the Montgomery County Public Schools ("MCPS") impervious surface bank (Parcel P712

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.

part of MR2009707) created by that Memorandum of Understanding dated April 15, 2010, between Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission and the Board of Education of Montgomery County. Since the project is for the benefit of MCPS, MCPS has written a letter authorizing MCDOT to utilize the credits needed to accomplish the Rainbow Drive/Thompson Road, Briggs Chaney Middle School Bus Lot project. Therefore, the Rainbow Drive/Thompson Road, Briggs Chaney Middle School Bus Lot will have no effective net gain of imperviousness and is in compliance with the Upper Paint Branch Environmental Overlay Zone.

The Application meets 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 stormwater management plan, 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. 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 21 2016 (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 Fani-González, seconded by Vice Chair Wells-Harley, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Dreyfuss, Presley, and Fani-González voting in favor at its regular meeting held on Thursday, June 9, 2016, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board