



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

MCPB No. 17-058
Site Plan No. 82005015G
Cabin Branch Infrastructure Site Plan
Date of Hearing: July 20, 2017

JUL 25 2017

RESOLUTION

WHEREAS, under Section 59-7.1.2 of the Montgomery County Zoning Ordinance, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, under Section 59-7.7.1.B.3, the Planning Board reviewed this site plan under the procedures and standards of the Zoning Ordinance in effect on October 29, 2014; and

WHEREAS, on September 19, 2007, the Planning Board, by Resolution MCPB No. 07-131, approved Site Plan No. 820050150, for the Infrastructure and Roads Only Site Plan to accommodate 1,886 residential dwelling units, 500 senior units, and 2,436,000 square feet of retail and employment, including 635 Transfer Development Rights (TDRs), and 236 Moderately Priced Dwelling Units (MPDUs), on 535.04 acres of RMX-1/MXPD zoned-land, located west of I-270, north of West Old Baltimore Road and southeast of Clarksburg Road (MD 121) ("Subject Property"), in the Clarksburg Policy Area, Clarksburg Master Plan ("Master Plan") area; and

WHEREAS, on June 9, 2008, the Planning Board approved an amendment to the Site Plan No. 82005015A (MCPB No. 08-68) to amend the Infrastructure and Roads Only Site Plan for the design and cross section of West Old Baltimore Road on the Subject Property; and

WHEREAS, on March 7, 2012, the Planning Board approved an amendment to the Site Plan No. 82005015B (MCPB No. 11-124) to revise Conditions of Approval for Water Quality, Forest Conservation, and clearing and grading on the Subject Property; and

WHEREAS, on November 27, 2012, the Planning Director approved an administrative amendment to the Site Plan No. 82005015C to amend the Infrastructure and Roads Only Site Plan to make minor changes to the Forest

Approved as to
Legal Sufficiency:

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Conservation Plan associated with the Infrastructure Plan to reflect the final engineering for a water line on the Subject Property; and

WHEREAS, on May 2, 2013, the Planning Director approved an administrative amendment to the Site Plan No. 82005015D to amend the Infrastructure and Roads Only Site Plan for minor modifications to MD 121 on the Subject Property; and

WHEREAS, on June 2, 2014, the Planning Board approved an amendment to the Site Plan No. 82005015E to amend the Infrastructure and Roads Only Site Plan to revise the Final Forest Conservation Plan to adjust the Limits of Disturbance and Category I conservation easements for new culvert design and mitigation projects on the Subject Property; and

WHEREAS, on September 23, 2014, the Planning Board approved an amendment to the Site Plan No. 82005015F to amend the Infrastructure and Roads Only Site Plan to adjust the limits of disturbance to accommodate the I-270/MD121 interchange improvements; and

WHEREAS, on February 23, 2017, Cabin Branch Management, LLC (“Applicant”) filed an application for approval of an amendment to the previously approved site plans to adjust the Limits of Disturbance and Category I conservation easements for new culvert design and mitigation projects; and

WHEREAS, Applicant’s application to amend the site plan was designated Site Plan No. 82005015G Cabin Branch Infrastructure Site Plan (“Site Plan,” “Amendment,” 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 7, 2017, setting forth its analysis of, and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on July 20, 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 Site Plan No. 82005015G to adjust the Limits of Disturbance and Category I

conservation easements for new culvert design and mitigation projects subject to the following conditions:¹

1. Within thirty (45) days of the mailing date of the Planning Board Resolution, the Applicant must submit to Staff a deed of release for the existing Category I Conservation Easement near pond 12. The deed of release must be approved by the M-NCPPC Office of the General Counsel and must be recorded in the Montgomery County Land Records prior to record plat
2. Within thirty (45) days of the mailing date of the Planning Board Resolution, the Applicant must submit to Staff a new Category I Conservation Easement near pond 12 as specified on the approved FFCP. The Category I Conservation Easement approved by the M-NCPPC Office of the General Counsel must be recorded in the Montgomery County Land Records by deed and the Liber Folio for the easement and must be referenced on the record plat.
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 all other site plan conditions of approval for this project remain valid, unchanged and in full force and effect

BE IT FURTHER RESOLVED, that all site development elements shown on the Cabin Branch Infrastructure Application plans submitted via ePlans to the M-NCPPC as of the date of the Staff Report shall be required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED, that having given full consideration to the recommendations and findings of its Staff as presented at the hearing and set forth in the Staff Report, which the Planning Board hereby adopts and incorporates by

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.

reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

- 1. Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved site 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 Code, Chapter 22A and the protection of environmentally sensitive features:*

Environmental Guidelines

The NRI/FSDs for the various properties included the area in which this Application is located identified areas of Stream Valley Buffers (SVB). SVBs include wetlands and wetland buffers, floodplains, and streams and stream buffers. As part of the Environmental Guidelines, the SVB must be reforested. Where trees do not currently exist in the stream buffers, the Applicant will plant new forest. The Applicant will place Forest Conservation Easements on the environmental buffers, excluding necessary stormwater management easements and facilities, and all forest retention areas.

Stream Valley Buffer Encroachments

This Application contains minor SVB encroachments for the construction of wetlands mitigation area and the outfall of Pond 9. However, the SVB impacts in the buffer are only slightly larger than what was previously approved and the larger disturbance area stemmed from a change in regulations for the type of outfall required. This could not have been anticipated when the initial site plan was approved. The SVB impacts related to the new outfall are the minimum necessary and should not have any long-term negative effects above what was previously approved.

Overall the SVB impacts are minor in nature and required to implement the overall Cabin Branch development. The Applicant has worked with MNCPPC Planning staff and the Maryland Department of the Environment to minimize and mitigate the impacts in the SVB related to these projects.

Forest Conservation

With this Amendment, the FFCP Worksheet numbers change slightly to accommodate the areas needed for the culverts and the required mitigation areas. In total, the development of the Cabin Branch Neighborhood proposes to

remove 63.79 acres of forest, retain 66.59 acres of forest, and to plant 60.32 acres of forest, of which 11.06 acres will be met via on-site landscaping credit. The Applicant will plant all unforested buffers on-site, not including required stormwater management easements. As a development using the optional method, Cabin Branch is subject to Section 22A-12(f) of the Forest Conservation Law and is required to meet certain forest retention requirements on site. The overall FFCP approval requires all subsequent applicants to meet the conservation threshold onsite and to meet all planting requirements through a combination of onsite forest retention, onsite planting of unforested stream buffers, and landscape credit. The Applicant complies with this requirement.

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 Site Plan shall remain valid as provided in Montgomery County Code § 59-D-3.8; 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 JUL 25 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 Cichy, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Fani-González and Cichy voting in favor, and Commissioner Dreyfuss absent at its regular meeting held on Thursday, July 20, 2017, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board