



MCPB No. 17-014
Water Quality Plan No. 220061410
Islamic Society of the Washington Area
Date of Hearing: March 2, 2017

MAR 23 2017

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 for reviewing 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 over which DPS has authority, the Planning Board is authorized to take final action on the water quality plan; and

WHEREAS, on August 31, 2016, the Islamic Society of the Washington Area (“Applicant”) filed an application for approval of an amendment to a water quality plan on approximately 5.28 acres of R-200 zoned property located at 2701 Briggs Chaney Road (“Subject Property”) in the Upper Paint Branch Special Protection Area (“SPA”) within the Fairland/Colesville Policy Area and Fairland Master Plan (“Master Plan”) area; and

WHEREAS, Applicant’s water quality plan application was designated Water Quality Plan No. 220061410, Islamic Society of the Washington Area (“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 February 23, 2017, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

Approved as to
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WHEREAS, the Staff Report included a copy of a letter dated August 8, 2016 from DPS conditionally approving the elements of the Preliminary/Final Water Quality Plan under its purview; and

WHEREAS, on March 2, 2017, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on March 2, 2017, the Planning Board voted to approve the Preliminary/Final Water Quality Plan, subject to certain conditions with the vote as certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary/Final Water Quality Plan No. 220061410, Islamic Society of the Washington Area on the Subject Property, subject to the following conditions:¹

1. Impervious surfaces are limited to no more than 24 percent of the Subject Property within the SPA as shown on the Impervious Surface Plan Portion of the Preliminary/Final Water Quality Plan.
2. Prior to any demolition, clearing, or grading, the Applicant must enter into a revised agreement with the Planning Board to limit impervious surfaces to no more than 24 percent of the Subject Property within the SPA and demonstrate conformance to the impervious surface limits.
3. The Applicant must conform to the conditions as stated in DPS' Preliminary/Final Water Quality Plan for the Islamic Society of the Washington Area letter dated August 8, 2016, unless otherwise amended by DPS provided the amendments do not conflict with other conditions of the approval.

BE IT FURTHER RESOLVED that having given full consideration to 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 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.

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.

The Application is subject to a settlement agreement for a water quality plan violation. This regulatory action brings the subject property into compliance with the water quality law.

Impervious surface restrictions for development projects in the Upper Paint Branch Special Protection Area (SPA) are set forth in the Overlay Zone for the Upper Paint Branch SPA. As per Chapter 59, Section 4.9.18, the imperviousness for the Application may not exceed 8.0 percent. The Subject Property originally obtained approval of a Preliminary/Final Water Quality Plan in 2006 when the impervious surface limit was 10.0 percent. At that time, the Applicant entered into an Impervious Surface Agreement with the Planning Board limiting their impervious surfaces to 10.0 percent. The parking provided under that original approval has proved to be inadequate to meet the needs of the congregation and parking was occurring outside of the previously approved impervious areas. The Application amends the Preliminary/Final Water Quality Plan to allow the construction of an additional parking lot, requiring 31,193 square feet of additional impervious surfaces on the Subject Property to alleviate the existing parking shortage. The Application resulted in a total of 54,193 square feet of impervious surface, or 23.6 percent of the 5.28-acre Subject Property. The Applicant will enter into a new Impervious Surface Agreement with the Planning Board limiting their impervious surfaces to 24.0 percent. The Applicant will mitigate for the additional onsite impervious surfaces by removing an equal amount of impervious surface from another property located within the Upper Paint Branch SPA and Overlay Zone.

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

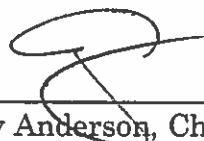
BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is MAR 23 2017 (which is the date that this Resolution is mailed to all parties of record); and

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 Commissioner Dreyfuss, seconded by Commissioner Fani-González, with Chair Anderson and Commissioners Dreyfuss, Fani-González, and Cichy voting in favor, and Vice Chair Wells-Harley absent at its regular meeting held on Thursday, March 9, 2017, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board