



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

MCPB No. 19-079

Forest Conservation Plan No. MR2009743

Project Name: Montgomery Knolls Elementary School

AUG 26 2019

Date of Hearing: July 11, 2019

RESOLUTION

WHEREAS, under Montgomery County Code Chapter 22A, the Montgomery County Planning Board is authorized to review forest conservation plan applications; and

WHEREAS, on November 19, 2009, the Montgomery County Public Schools ("Applicant"), filed an application for administrative approval of a forest conservation plan for Montgomery Knolls Elementary School located at 807 Daleview Drive, Silver Spring, Maryland ("Subject Property") within the 2000 East Silver Spring Master Plan ("Master Plan") area.

WHEREAS, the Applicant's original forest conservation plan application was designated Forest Conservation Plan No. MR2009743, Montgomery Knolls Elementary School ("Forest Conservation Plan" or "Application"), and was approved on February 12, 2010; and

WHEREAS, on March 27, 2019, the Applicant filed an application for a revised forest conservation plan No. MR2009743 (for expanding the school, parking lot, and constructing stormwater management facilities) on the Subject Property. The Applicant's revised forest conservation plan application was designated Montgomery Knolls Elementary School ("Revised Forest Conservation 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 June 27, 2019 setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on July 11, 2019, Staff presented the Application to the Planning Board, at which time the Planning Board voted to approve the Application subject to conditions, on the motion of Commissioner Cichy, seconded by Commissioner Fani-Gonzalez, with a vote of 4-0; Commissioners Anderson, Cichy, Fani-Gonzalez and Patterson voting in favor, with Commissioner Dreyfuss being absent.

Approved as to
Legal Sufficiency:

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES the Amended Forest Conservation Plan No. MR2009743 on the Subject Property, subject to the following conditions:¹

1. Within 60 days of the mailing date of the Planning Board Resolution approving the Amendment, the property owners must submit an executed Certificate of Compliance to the Planning Department that provides 0.16 acres of mitigation credit for the removal of 0.08 acres of Category I Conservation Easement
2. Within 7 days of the Planning Department's approval of the Certificate of Compliance, the Certificate of Compliance must be recorded in the Montgomery County Land Records.
3. Within 100 days of the mailing date of the Planning Board's Resolution approving the amendment, the property owners must submit a Deed of Release, in a form approved by the MNCPPC Office of the General Counsel, for the release of 0.08 acres of conservation easement.
4. The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Tree save measures not specified on the approved Final Forest Conservation Plan may be required by the M-NCPPC forest conservation inspector.
5. The Final Sediment Control Plan must depict the limits of disturbance (LOD) identical to the LOD on the approved Final Forest Conservation Plan.

BE IT FURTHER RESOLVED, that having given full consideration to the recommendations and findings of its Staff as provided for 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 Planning Board FINDS, with the conditions of approval, that:

1. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and the protection of environmentally sensitive features.*

A. Forest Conservation

The Board finds that as conditioned, the Forest Conservation Plan complies with the requirements of the Forest Conservation Law.

¹ For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner, or any successor in interest to the terms of this approval.

On March 27, 2019 Montgomery County Public Schools (MCPS) submitted a mandatory referral for renovations to the existing bus loop, a new student drop off, additional parking, new playgrounds, and necessary stormwater management facilities. The renovations will impact the critical root zones of 10-specimen trees along the southwestern property line and requires the removal of 0.08 acres of the existing 2.53-acre Category I Conservation Easement for the construction of an outfall associated with the stormwater management systems. The total easement reductions will be 0.08 acres. The remaining Category I Conservation Easement will be 2.45 acres.

The Board finds that as conditioned, the Forest Conservation Plan complies with the requirements of the Forest Conservation Law.

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Planning Board in this matter, and the date of this Resolution is AUG 26 2019 (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).

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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 Dreyfuss, with Chair Anderson, Vice Chair Dreyfuss, and Commissioners Fani-González, Cichy, and Patterson voting in favor at its regular meeting held on Thursday, July 25, 2019, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board