



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

MAY 28 2020

MCPB No. 20-048

Forest Conservation Plan No. MR2020025

**Project Name: Clarksburg Fire Station #35 Forest Conservation Plan
Amendment (Amending FCP MR2012001)**

Date of Hearing: May 21, 2020

RESOLUTION

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

WHEREAS, on July 11, 2012, the Planning Board, by Resolution MCPB No. 11-86 approved Final Forest Conservation Plan No. MR2012001 on approximately 4.07 acres of land in the R-200 zone, located at 23420 Frederick Road (MD355) just north of the intersection of Frederick Road (MD 355) and Clarksburg Road (MD 121), in the Clarksburg Master Plan area; and

WHEREAS, on June 24, 2016, the Planning Board, by Resolution MCPB No. 16-073 approved an amendment to the previously approved forest conservation plan on approximately 3.99 acres of CRN zoned property located at 23420 Frederick Road (MD 355) in the Clarksburg Policy Area, Clarksburg Master Plan & Hyattstown Special Study Area and 10 Mile Creek Area Limited Amendment Master Plan area to incorporate changes to the design of the proposed fire station to conform to the 10 Mile Creek Area Limited Amendment Master Plan and the Clarksburg East Environmental Overlay Zone; and

WHEREAS, on April 7, 2020, the Montgomery County Department of General Services ("Applicant"), filed an application for approval of an amendment to the previously approved forest conservation plan on approximately 3.99 acres of CRN zoned property located at 23420 Frederick Road (MD 355) ("Subject Property") in the Ten Mile Creek Special Protection Area, Clarksburg East Environmental Overlay Zone, and within the *Clarksburg Master Plan & Hyattstown Special Study Area* and *10 Mile Creek Area Limited Amendment Master Plan* ("Master Plan") area; and

WHEREAS, Applicant's forest conservation plan application was designated Forest Conservation Plan No. MR2020025, Clarksburg Fire Station #35 ("Forest Conservation Plan," "Amendment," or "Application"); and

Approved as to
Legal Sufficiency.

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M-NCPPC Legal Department

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 8, 2020 setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on May 21, 2020, Staff presented the Amendment to the Planning Board as a consent item for its review and action, at which time the Planning Board voted to approve the Amendment subject to certain conditions, by the vote certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board adopts the Staff's recommendation and analysis set forth in the Staff Report and hereby approves Forest Conservation Plan No. MR2020025 on the Subject Property, subject to the modification of Condition 2 of Final Forest Conservation Plan No. MR2012001 to adjust the amount of off-site forest mitigation planting requirement from 0.15 acres to 0.22 and to read as follows:

2. Prior to the start of any clearing, grading, or demolition on the Subject Property, the Applicant must satisfy the 0.22-acre offsite planting requirement.

BE IT FURTHER RESOLVED that all other conditions of approval of MR2012001 and MCPB Resolution 16-073 remain valid, unchanged, and in full force and effect.

BE IT FURTHER RESOLVED, that having given full consideration to the recommendations 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 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.*

Forest Conservation

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

The Amendment proposed to extend a storm drain off-site, expanding the limits of disturbance and increasing the net tract area from 4.07 acres to 4.22 acres. The additional disturbance does not impact any forest or trees subject to Section 22A12(b)(3) of the Forest Conservation Law so a variance under Section 22A-12(b)(3) was not required. The Subject Property contains

approximately 3.64 acres of forest. The Amendment includes adjustments to the on-site grading resulting in an increase of forest retention from 1.06 acres to 1.19 acres, and a corresponding decrease in the reforestation requirement from 0.40 acres to 0.27 acres. The Application proposes to remove approximately 2.45 acres of forest and retain 1.19 acres, which results in a forest planting requirement of 0.27 acres, which will be met via 0.05 acres of on-site landscape credit and 0.22 acres met as conditioned.

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 Planning Board in this matter, and the date of this Resolution is MAY 28 2020 (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 Fani-González, seconded by Commissioner Cichy, with Chair Anderson, Vice Chair Fani-González, and Commissioners Cichy, Patterson, and Verma voting in favor at its regular meeting held on Thursday, May 21, 2020, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board