

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 23-055

Forest Conservation Plan No. F20230090

Wheaton Regional Park

Date of Hearing: May 4, 2023

JUN 09 2023

RESOLUTION

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

WHEREAS, on January 3, 2023, Montgomery County Parks Department ("Applicant") filed an application for approval of a forest conservation plan on approximately 538.66 acres of land located at 2000-2002 Shorefield Road, Silver Spring ("Subject Property") in the Kensington/Wheaton Policy Area and 1989 *Master Plan for Kensington-Wheaton* and 2001 *Kemp Mill Master Plan* ("Master Plans") area; and

WHEREAS, Applicant's forest conservation plan application was designated Forest Conservation Plan No. F20230090, Wheaton Regional Park ("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 April 21, 2023, providing its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on May 4, 2023, the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the motion of Vice Chair Piñero, seconded by Commissioner Hedrick, with a vote of 3-0; Chair Zyontz, Vice Chair Piñero and Commissioner Hedrick voting in favor, with Commissioner Bartley and Pedoeem absent.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Forest Conservation Plan No. F20230090 on the Subject Property, subject to the following conditions:¹

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.

2425 Reedie Drive, Floor 14, Wheaton, MD 20902 | Phone: 301-495-4605 | Fax: 301-495-1320

www.montgomeryplanningboard.org | nccp_chair@nccppc.org

Approved as to

Legal Sufficiency: /s/ Allison Myers

M-NCPPC Legal Department

- 1. For development that is associated with a Park Development Plan, an amendment to Forest Conservation Plan No. F20230090 must be submitted for Planning Board approval concurrently with the Park Development Plan in accordance with Section 22A-11.e.2. of the County Code.**
- 2. For development that is not associated with a Park Development Plan, an amendment to Forest Conservation Plan No. F20230090 must be submitted for approval according to the following:**
 - a. Projects in Unforested Areas**

Before any demolition, clearing, grading, or construction occurs in unforested areas, an amendment must be submitted to update the approved plans.

 - i. The Forest Conservation Plan Amendment will be reviewed as a Director-level Amendment in accordance with Section 22A-11.a.3 of the County Code.**
 - ii. All variance provisions of Chapter 22A must be followed, including the planting of mitigation trees.**
 - b. Projects in Forested Areas (Shown as Potentially Cleared)**

Before any demolition, clearing, grading, or construction occurs in forested areas shown as potentially cleared or cleared for worksheet purposes, an amendment must be submitted.

 - i. The Forest Conservation Plan Amendment will be reviewed as a Director-level Amendment in accordance with Section 22A-11.a.3 of the County Code.**
 - ii. All variance provisions of Chapter 22A must be followed, including the planting of mitigation trees.**
 - c. Projects in Forested Areas (Shown as Retained)**

Before any demolition, clearing, grading, or construction occurs in forested areas shown as retained, an amendment must be submitted for Planning Board approval in accordance with Section 22A-11.a.3 of the County Code.
- 3. The Applicant must schedule the required site inspections by M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Forest Conservation Regulations.**
- 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 Final Forest Conservation Plan may be required by the M-NCPPC Forest Conservation Inspection Staff.**

BE IT FURTHER RESOLVED that having given full consideration to the recommendations of its Staff as presented at the hearing and/or 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 ensures 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. FCP No. F20230090 meets Montgomery County Forest Conservation Law by permanently preserving approximately 329.66 acres of forest, which is above the 160.45-acre numerical break-even point. No limits of disturbance are shown on this plan but only areas of potential clearing for approved improvements, maintenance of existing facilities, and environmental improvement projects, such as stream restoration plans and stormwater management facility maintenance. All areas of potential clearing are counted as removed for forest conservation worksheet purposes but may not be removed without approval of an amendment including limits of disturbance. Areas of potential clearing are not considered retained forest and protected by the equivalent of a Category I Conservation Easement.

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 JUN 09 2023 (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 Hedrick, seconded by Commissioner Piñero, with a vote of 3-0-2; Chair Zyontz, Vice Chair Piñero, and Commissioner Hedrick, voting in favor of the motion, Commissioners Bartley and Pedoeem abstaining at its regular meeting held on Thursday, June 1, 2023, in Wheaton, Maryland and via video conference.



Jeffrey Zyontz, Chair
Montgomery County Planning Board