



MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

SEP 24 2009

MCPB No. 09-109
Forest Conservation Plan No. PP2009001
Rock Creek Maintenance Yard Upgrade
Date of Hearing: July 9, 2009

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Chapter 22A, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review forest conservation plan applications; and

WHEREAS, on June 17, 2009, M-NCPPC Department of Parks ("Applicant"), filed an application for approval of a Forest Conservation Plan on 211.71 acres of land located in Rock Creek Regional Park, southeast of the intersection of Needwood Road and Beach Drive ("Property" or "Subject Property"), in the Upper Rock Creek Area master plan area ("Master Plan"); and

WHEREAS, Applicant's forest conservation plan application was designated Forest Conservation Plan No. PP2009001, Rock Creek Maintenance Yard Upgrade ("Forest Conservation Plan" or "Application"); and

WHEREAS, Staff issued a memorandum to the Planning Board, dated June 25, 2009, setting forth its analysis, and recommendation for approval, of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staff of other governmental agencies, on July 9, 2009, the Planning Board held a public hearing on the Application (the "Hearing"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

Approved as to
Legal Sufficiency:


M-NCPPC Legal Department

WHEREAS, on July 9, 2009, the Planning Board approved the Forest Conservation Plan subject to certain conditions, on motion of Commissioner John Robinson; seconded by Commissioner Jean Cryor; with a vote of 3-0; Commissioners Cryor, Hanson and Robinson voting in favor with Commissioners Alfandre and Presley being absent.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 22A, the Planning Board approved Forest Conservation Plan No. PP2009001 on 211.71 acres of land located in Rock Creek Regional Park, southeast of the intersection of Needwood Road and Beach Drive ("Property" or "Subject Property"), in the Upper Rock Creek Area master plan area ("Master Plan") subject to the following conditions:

- 1) Submission and staff approval of a final forest conservation plan consistent with Section 109.B of the Forest Conservation Regulation.
- 2) The applicant must mitigate for the proposed forest clearing on parcel 374 that was designated as forest preservation area on approved FFCP S-2596. Mitigation for the proposed forest clearing on parcel 374 will be provided with forest planting at a 4:1 replacement ratio. The applicant must secure Environmental Planning staff approval of the selected method and location for satisfying the mitigation requirements. The mitigation approval must be obtained prior to or concurrently with the approval of the Final Forest Conservation Plan for the Rock Creek Maintenance Yard.

BE IT FURTHER RESOLVED, that, having given full consideration to the recommendations and findings of its Staff as set forth in the Staff Report, the Board hereby adopts and incorporates it 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:

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

BE IT FURTHER RESOLVED, that this resolution constitutes the written opinion of the Board and incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED, that the date of this Resolution is SEP 24 2009 (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 Wells-Harley, seconded by Commissioner Presley, with Commissioners Hanson, Alfandre, Presley, and Wells-Harley voting in favor of the motion, and with Commissioner Cryor absent, at its regular meeting held on Thursday, September 10, 2009, in Silver Spring, Maryland.



Royce Hanson, Chairman
Montgomery County Planning Board