



# MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**MCPB No. 10-115**

**Forest Conservation Plan No. MR2010711**

**Montgomery County Animal Shelter and Laytonia Park**

**Date of Hearing: July 22, 2010**

## 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 May 14, 2010, Montgomery County Department of General Services and M-NCPPC Parks ("Applicant"), filed an application for approval of a Forest Conservation Plan on 48.17 acres of land known as parcel 162 and parcel 966 located on the northeast corner of Muncaster Mill Road and Airpark Road, Derwood, Maryland; bounded by Airpark Road on the east, Muncaster Mill Road on the south, Pope Farm to the north, and land belonging to the Seventh Day Adventist Church on the west ("Property" or "Subject Property"), in the Upper Rock Creek area ("Master Plan"); and

WHEREAS, Applicant's forest conservation plan application was designated Forest Conservation Plan No. MR2010711, Montgomery County Animal Shelter and Laytonia Park ("Forest Conservation Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staff of other governmental agencies, Staff issued a memorandum to the Planning Board, dated July 9, 2010, setting forth its analysis, and recommendation for approval with conditions of the Application ("Staff Report"), and on July 22, 2010, 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

WHEREAS, on July 22, 2010, the Planning Board approved the Preliminary Forest Conservation Plan, on motion of Commissioner Dreyfuss and seconded by

Approved as to  
Legal Sufficiency:

8787 Georgia Avenue, N.C. 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320

[www.MCParkandPlanning.org](http://www.MCParkandPlanning.org) E-Mail: [mcp-chairman@mncppc.org](mailto:mcp-chairman@mncppc.org)

Commissioner Wells-Harley; with a vote of 5-0, with Commissioners Alfandre, Carrier, Dreyfuss, Presley, and Wells-Harley voting in favor.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the relevant provisions of Montgomery County Code Chapter 22A, the Planning Board APPROVES Preliminary Forest Conservation Plan No. MR2010711 on 48.17 acres of land known as parcel 162 and parcel 966 located on the northeast corner of Muncaster Mill Road and Airpark Road, Derwood, Maryland; bounded by Airpark Road on the east, Muncaster Mill Road on the south, Pope Farm to the north, and land belonging to the Seventh Day Adventist Church on the west ("Property" or "Subject Property"), in the Upper Rock Creek area ("Master Plan"); subject to the following conditions:

- 1- Applicants to plant in the first planting season after issuance of the first sediment control permit for the subject site.

BE IT FURTHER RESOLVED, that having given full consideration to the recommendations and findings 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 Montgomery County Planning Board FINDS, with the conditions of approval, that:

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

BE IT FURTHER RESOLVED, that this constitutes the written opinion of the Planning Board in this matter, and the date of this Resolution is OCT 7 7 2010 (which is the date that this Resolution is mailed to all parties of record); and

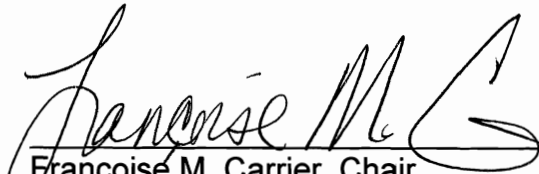
BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this

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 Alfandre, seconded by Vice Chair Wells-Harley, with Chairman Carrier, Vice Chair Wells-Harley, and Commissioners Alfandre and Dreyfuss present and voting in favor of the motion, and Commissioner Presley absent at its regular meeting held on Thursday, September 16, 2010, in Silver Spring, Maryland.

  
Françoise M. Carrier, Chair  
Montgomery County Planning Board