



MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 10-117

SPA Water Quality Plan 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 19, Article V, Water Quality Review in Special Protection Areas, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review Special Protection Area (SPA) water quality 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 Preliminary Water Quality 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 SPA water quality plan application was designated Water Quality Plan No. MR2010711, Montgomery County Animal Shelter and Laytonia Park ("Water Quality Plan" or "Application"); and

WHEREAS, 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, following review and analysis of the Application by Planning Board staff ("Staff") and the staff of other governmental agencies, the Planning Board held a public hearing on the Application (the "Hearing") on July 22, 2010; and

WHEREAS, on July 22, 2010, the Planning Board approved the Preliminary Water Quality Plan, on motion of Commissioner Dreyfuss and seconded by Commissioner Wells-Harley; with a vote of 5-0, with Commissioners Alfandre, Carrier, Dreyfuss, Presley, and Wells-Harley voting in favor.

Approved as to
Legal Sufficiency:

8787 Georgia Avenue, N-NCPPC Legal Department 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320

www.MCParkandPlanning.org E-Mail: mcp-chairman@mncppc.org

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the relevant provisions of Montgomery County Code Chapter 19, Article V, the Planning Board approved SPA Water Quality 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"); and subject to the following conditions:

1. Approval of the Preliminary Water Quality Plan with the following conditions:
 - a. Total impervious surfaces for the entire site must not exceed 8.55 acres (17.7% of the 48.17 acres) as shown on the proposed Preliminary Water Quality Plan.
 - b. Ten percent of the total parking for the entire site (Animal Shelter and Recreation Park) shall utilize small-car-only parking stalls to minimize imperviousness.
 - c. Applicant will conform to the conditions as stated in Montgomery County Department of Permitting Services (DPS) preliminary water quality plan approval letter.

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 SPA Law, Montgomery County Code, Chapter 19, Article V.

The stormwater management plan, sediment and erosion control plan, and the water quality monitoring component have been reviewed and conditionally approved by the Montgomery County Department of Permitting Services, in coordination with the Montgomery County Department of Environmental Protection, who are the lead agencies for these components of the SPA Water Quality Plan.

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is 10/11/2010 (which is the date that this Resolution is mailed to all parties of record); and

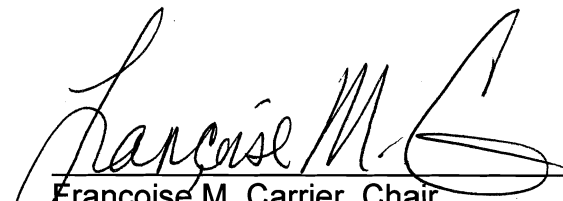
BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this

Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

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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 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