

JUL 27 2011



## MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**MCPB No. 11-41**  
**SPA Final Water Quality Plan No. MR2010711**  
**Montgomery County Animal Shelter**  
**Date of Hearing: May 12, 2011**

### RESOLUTION

WHEREAS, under Montgomery County Code Chapter 19, Article V, the Montgomery County Planning Board is vested with the authority to review Special Protection Area ("SPA") water quality plan applications; and

WHEREAS, on February 10, 2011, Montgomery County Department of General Services ("Applicant") filed for approval of a Final Water Quality Plan on 7.0 acres of the 48.17 acres of land known as parcel 162 and parcel 966, located in the Upper Rock Creek Special Protection Area at 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 ; and

WHEREAS, Applicant's water quality plan was designated Water Quality Plan No. MR2010711, Montgomery County Animal Shelter; and

WHEREAS, Staff issued a memorandum to the Planning Board, dated April 29, 2011, setting forth its analysis, and recommendation for approval of the Application, with conditions ("Staff Report"), and on May 12, 2011, the Planning Board held a public hearing on the Application; and

WHEREAS, following review and analysis of the Application by Planning Board staff and the staff of other governmental agencies, at the public hearing on May 12, 2011, the Planning Board approved the Final Water Quality Plan, on motion of Commissioner Dreyfuss and seconded by Commissioner Presley; 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 19, Article V, the Planning Board approved SPA Final Water Quality Plan No. MR2010711 subject to the following conditions:

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Approved as to  
Legal Sufficiency:

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

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



- a. Applicant is bound by the conditions as stated in Montgomery County Department of Permitting Services final water quality plan approval letter dated October 8, 2010.
- b. Total impervious surfaces for the entire site must not exceed 9.08 acres (18.9% of the 48.17 acres).
- c. Total impervious surfaces for the Animal Shelter portion must not exceed 2.63 acres (114,713 square feet).

BE IT FURTHER RESOLVED that, having given full consideration to the recommendations and findings of its Staff, 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 of the applicable requirements of the SPA Law, Montgomery County Code, Chapter 19, Article V.

In reviewing a Final Water Quality Plan in an SPA, the Planning Board must consider the application's compliance with the Environmental Guidelines and any applicable impervious surface limits. In this case, the Application complies with the environmental guidelines because it does not impact any environmentally sensitive areas. Although the Application does not comply with the eight percent impervious surface limit applicable to developments within the Upper Rock Creek SPA, public projects such as this one are not required to meet the impervious surface limits. Nonetheless, the Board finds that the Applicant has endeavored to design its project so as to minimize the amount of impervious surface, consistent with the needs of the animal shelter.

Moreover, the stormwater management plan, sediment and erosion control plan, and 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, which 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 Jul 27 2011 (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 Vice Chair Wells-Harley, seconded by Commissioner Dreyfuss, with Chair Carrier, Vice Chair Wells-Harley, and Commissioner Dreyfuss voting in favor of the motion, and with Commissioner Anderson abstaining and Commissioner Presley absent, at its regular meeting held on Thursday, July 7, 2011, in Silver Spring, Maryland.

  
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Françoise M. Carrier, Chair  
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Central Baptist Church  
7271 Muncaster Mill Road  
Rockville, MD 20855

Current Resident  
7336 Muncaster Mill Road  
Rockville, MD 20855

Current Resident  
7332 Muncaster Mill Road  
Rockville, MD 20855

Current Resident  
7328 Muncaster Mill Road  
Rockville, MD 20855

Current Resident  
7324 Muncaster Mill Road  
Rockville, MD 20855

Current Resident  
7320 Muncaster Mill Road  
Rockville, MD 20855

Current Resident  
7316 Muncaster Mill Road  
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Current Resident  
7312 Muncaster Mill Road  
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Current Resident  
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Current Resident  
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Current Resident  
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Current Resident  
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Current Resident  
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