



MAR 23 2012

MCPB No. 11-64
Forest Conservation Plan No. MR2010709 (Amendment No. 1)
Equipment Maintenance and Operations Center Shady Grove (EMOC)
Date of Hearing: July 7, 2011

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 21, 2010, the Planning Board, by Resolution MCPB No. 10-72 approved a final forest conservation plan ("Final Forest Conservation Plan") associated with the mandatory referral review of the EMOC on approximately 42.73 acres of land located at the intersection of Crabbs Branch Way near Shady Grove Road and I-370 ("Property" or "Subject Property") in the Shady Grove Sector Plan ("Master Plan") area; and

WHEREAS, on June 16, 2011, the Montgomery County Department of General Services ("Applicant") filed an application for an approval of an amendment to the Final Forest Conservation Plan to enable the Applicant to move forward with the construction of this facility used to provide public services to County residents while providing alternatives to meeting the off-site forest planting requirements; and

WHEREAS, Applicant's final forest conservation plan amendment application was designated Forest Conservation Plan No. MR 2010709 (Amendment No. 1), EMOC ("Final Forest Conservation Plan Amendment" or "Application"); and

WHEREAS, following review and analysis of the Application by the Planning Board staff ("Staff"), Staff issued a memorandum to the Planning Board, dated June 23, 2011, setting forth its analysis, and recommendation for approval, of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, the Planning Board held a public hearing on the Application (the "Hearing") on July 7, 2011; 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 7, 2011, the Planning Board approved the Final Forest Conservation Plan Amendment subject to certain conditions, on motion by Vice-Chair Wells-Harley, seconded by Commissioner Anderson, with a vote of 3-0; with Commissioners Anderson, Carrier, and Wells-Harley voting in favor; with Commissioners Dreyfuss and Presley being absent.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of the Montgomery County Code Chapter 22A, the Planning Board approves Final Forest Conservation Plan No. MR2010709 (Amendment No. 1) subject to the following conditions, which Applicant shall satisfy:

1. Before January 1, 2012, a Memorandum of Understanding ("MOU") shall be entered into between M-NCPPC and Montgomery County that establishes the process for and the amount of credits for both stream buffer encroachments and forest conservation mitigation for using parkland, which shall be satisfied at a 1:1 ratio. If an MOU cannot be agreed upon by January 1, 2012, the Applicant must revise the Final Forest Conservation Plan by March 1, 2012 indicating how and where the planting will be met. The offsite forest conservation planting requirements shall be satisfied at a 1:1 ratio and the stream buffer encroachment compensation planting requirement shall be satisfied at a 2:1 ratio.
 - a. If the Applicant chooses to meet the requirements from acquiring credits in a forest mitigation bank, the certificate of compliance for use of the offsite bank must be recorded in the land records by July 1, 2012. The certificate of compliance for the forest mitigation bank must be for 17.14 acres of planting credits.
 - b. If the Applicant chooses to plant new forest, 17.14 acres of forest must be planted and accepted by a forest conservation inspector by December 15, 2012.
 - c. If the Applicant chooses to use a combination of the forest mitigation bank and planting, the credits must be equivalent to 17.14 acres of forest planting. The deadlines for this option shall be consistent with "a" and "b" above.
2. Applicant must record a Category I conservation easement for the on-site planting and retention areas before January 1, 2012.
3. All previous conditions of the Planning Board's approval for Final Forest Conservation Plan MR2010709 remain in full force and effect.

BE IT FURTHER RESOLVED, that, having given full consideration to the recommendations and findings of its Staff as presented at the Hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference, and upon consideration of the entire record, the Montgomery County

Planning Board FINDS, with the conditions of approval, that:

The applicant satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and Forest Conservation Regulations Section 1.09(B) (COMCOR 22a.00.01.09B).

The Applicant is removing 2.76 acres of forest and retaining 3.75 acres in order to construct a new Department of Transportation Vehicle Maintenance and Operations Center. In addition, 0.93 acres of forest will be planted on-site, 0.51 acres of landscape credit will be provided on-site, and 4.08 acres will be planted offsite to meet the Forest Conservation Law requirements. The Forest Conservation Plan protects 4.68 acres of forest on-site within a Category I easement. The Planning Board finds that the Application satisfies the applicable requirements of the Forest Conservation Law.


BE IT FURTHER RESOLVED that 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.

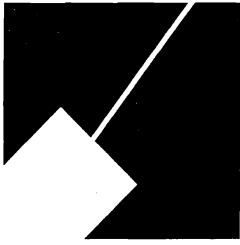
BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Planning Board in this matter, and the date of this Resolution is MAR 23 2012 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED that any party authorized by law to take 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 decision 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 Anderson, seconded by Commissioner Dreyfuss, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson and Dreyfuss voting in favor of the motion, and with Commissioner Presley absent, at its regular meeting held on Thursday, March 22, 2012, in Silver Spring, Maryland.



Françoise M. Carrier, Chair
Montgomery County Planning Board



March 14, 2012

MEMORANDUM

TO: Montgomery County Planning Board

FROM: Carol S. Rubin, Associate General Counsel 

RE: MCPB No. 11-64
Forest Conservation Plan No. MR2010709 (Amendment No. 1)
Equipment Maintenance and Operations Center Shady Grove
(EMOC)
Date of Hearing: July 7, 2011

The attached Resolution is based on a decision of the Planning Board from July 2011. It was not considered a priority for processing since the County was already authorized to move forward before issuance of the Resolutions. You will note that certain dates included in the conditions have passed. Specifically:

1. Condition #1 requires the County to revise the Final Forest Conservation Plan (FFCP) if it cannot reach agreement on an MOU with the Parks Department before January 1, 2012. The County has already notified Mark Pfefferle that it cannot agree on terms of an MOU, and they have agreed revisions to the FFCP.
2. Condition #2 requires a Category I Easement be recorded by January 1, 2012. The Easement has already been recorded.

Therefore, I recommend that the Resolution be adopted without revision to the dates in order to avoid another hearing. The County has met the dates as required without the Resolution having been issued.

cc: Mark Pfefferle, Chief, Development Application and Regulatory Coordination Division ("DARC")



MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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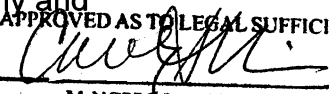
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WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

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M-NCPPC Legal Department

8787 Georgia Avenue, Silver Spring, Maryland 20910 Chairman's Office: 301.495.4605 Date: 301.495.1320 3/12/12

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

WHEREAS, on July 7, 2011, the Planning Board approved the Final Forest Conservation Plan Amendment subject to certain conditions, on motion by Vice-Chair Wells-Harley, seconded by Commissioner Anderson, with a vote of 3-0; with Commissioners Anderson, Carrier, and Wells-Harley voting in favor; with Commissioners Dreyfuss and Presley being absent.

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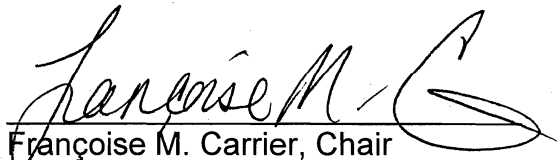
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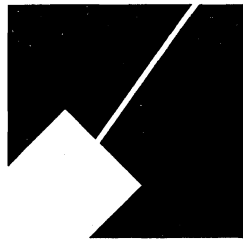
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