



MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 10-72

JUN 21 2010

Forest Conservation Plan No. MR2010709

Equipment Maintenance and Operations Center (EMOC)

Date of Hearing: May 27, 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 February 22, 2010, Montgomery County Department of General Services ("Applicant"), filed an application for approval of a Forest Conservation Plan on 42.44 acres of land known as Casey 6 and 7 located on the northwest corner of Shady Grove Road and Crabbs Branch Way, Gaithersburg, Maryland; bounded by Shady Grove Road on the south, CSX railroad tracks on the west, Robert's Oxygen and the Town of Washington Grove on the north, the Inter County Connector (ICC) along with commercial development on the east and bisected by I-370 ("Property" or "Subject Property"), in the Shady Grove Sector Plan area ("Master Plan"); and

WHEREAS, Applicant's forest conservation plan application was designated Forest Conservation Plan No. MR2010709, Equipment Maintenance and Operations Center (EMOC) ("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 May 21, 2010, setting forth its analysis, and recommendation for approval with conditions of the Application ("Staff Report"), and on May 27, 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 May 27, 2010, the Planning Board approved the Preliminary Forest Conservation Plan, on motion of Commissioner Alfandre and seconded by

Approved as to
Legal Sufficiency:

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Commissioner Wells-Harley; with a vote of 3-0, with Commissioners Alfandre, Hanson, and Wells-Harley voting in favor; Commissioners Dreyfuss and Presley being absent.

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. MR2010709 on 42.12 acres of land known as Casey 6 and 7 located on the northwest corner of Shady Grove Road and Crabbs Branch Way, Gaithersburg, Maryland; bounded by Shady Grove Road on the south, CSX railroad tracks on the west, Robert's Oxygen and the Town of Washington Grove on the north, the Inter County Connector (ICC) along with commercial development on the east and bisected by I-370, in the Shady Grove Sector Plan area, subject to the following conditions:

1. Compliance with the preliminary forest conservation plan received on May 11, 2010.
2. Submission of a final forest conservation plan consistent with 22A.00.01.09(B) of the Forest Conservation Regulations
3. Before issuance of building permit for the EMOC project (MR2010709), 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 requirements to be granted using parkland, which shall be at a 1:1 ratio.
4. Applicant to provide for planting on parkland identified by MNCPPC staff as in critical need of afforestation, or in another non-parkland location approved by Environmental Planning staff, in either case, preferably within the same watershed, in an amount equal to the acreage of encroachment into the stream buffers for unacceptable uses (approximately 5.4 acres) as determined by the final forest conservation plan. Such planting shall be in accordance with Parks Department standards, and shall be in addition to the forest conservation plan planting requirements as determined by the final forest conservation plan worksheet.
5. Applicant to maximize onsite forest planting and consider creating slopes of less than 3:1 so more forest can be successfully planted along the drive aisle to Roberts Oxygen.
6. Applicant to record a category I conservation easement over all retained and planted forests, wetlands, and stream buffers not permanently impacted by the facility prior to any land disturbing activities occurring onsite.
7. The offsite planting area must be planted prior to the completion and occupancy of the EMOC facility.
8. If the offsite planting is not on parkland owned by and titled in MNCPPC, the applicant must record a category I conservation easement to protect the planted forests.

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 JUN 21 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 Presley, with Commissioners Wells-Harley, Alfandre, Dreyfuss, and Presley voting in favor of the motion, with a four-member Board, at its regular meeting held on Thursday, June 17, 2010, in Silver Spring, Maryland.


Marye Wells-Harley, Vice Chair
Montgomery County Planning Board