

ITEM #4

RECORD PLAT REVIEW SHEET

Plan Name: Sunkered Farm Plan Number: 1-06007
 Plat Name: Sunkered Farm Plat Number: 2-06121
 Plat Submission Date: 12/5/05
 DRD Plat Reviewer: P Weers
 DRD Prelim Plan Reviewer: Rich Weers

Initial DRD Review:

Signed Preliminary Plan - Date 11/18/05 Checked: Initial PW Date 1/11/06
 Planning Board Opinion - Date Nov 15 2005 Checked: Initial PW Date 1/11/06
 Site Plan Req'd for Development? Yes No Verified By: PW (initial)
 Site Plan Name: n/a Site Plan Number: n/a
 Planning Board Opinion - Date --- Checked: Initial --- Date ---
 Site Plan Signature Set - Date --- Checked: Initial --- Date ---
 Site Plan Reviewer Plat Approval: Checked: Initial --- Date ---

Review Items: Lot # & Layout Lot Area Zoning Bearings & Distances
 Coordinates Plan # Road/Alley Widths Easements Open Space
 Non-standard BRLs N/A Adjoining Land Vicinity Map Septic/Wells
 TDR note N/A Child Lot note --- Surveyor Cert Owner Cert Tax Map

Agency Reviews Req'd	Reviewer	Date Sent	Due Date	Date Rec'd	Comments
Environment	Josh Penney	12/20/05	1/6/06	1/4/06	None
Research	Bobby Fleury			12/20/05	None
SHA	Doug Mills				
PEPCO	Jose Washington			1/10/06	10' PUE Egress/Egress
Parks	Doug Powell				
DRD	Steve Smith			12/29/05	see plat

Final DRD Review:

DRD Review Complete:
 (All comments rec'd and incorporated into mark-up)
 Engineer Notified (Pick up Mark-up):
 Final Mylar w/Mark-up & PDF Rec'd:

Initial TA Date 1/20/06
TA 1/11/06

Board Approval of Plat:

Plat Agenda:
 Planning Board Approval:
 Chairman's Signature:

TA 1/24/05

DPS Approval of Plat:

Engineer Pick-up for DPS Signature:
 Final Mylar for Reproduction Rec'd:

Plat Reproduction:

Addressing:
 File Card Update:
 Final Zoning Book Check:
 Update Address Books with Plat #:
 Update Green Books for Resubdivision:
 Notify Engineer to Seal Plats:
 Engineer Seal Complete:
 Complete Reproduction:
 Sent to Courthouse for Recordation:

No. _____

SURVEYORS CERTIFICATION

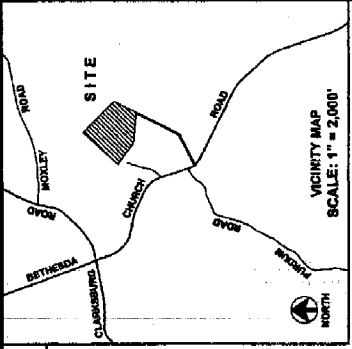
I hereby certify to the best of my knowledge and belief that the plat shown hereon is correct, that it is a subdivision of the land described in a deed from Warren D. Pascal to Warren D. Pascal and Jennifer Pascal dated April 19, 2002 and recorded in Liber 21067 of Folio 082, Lot 2, "Sun Kissed Farm" as per plat recorded in Plat Book 178, Plat 19755, all among the land records of Montgomery County, Maryland. I further certify that, once engaged as described in the owner's certification hereon, all monuments and all property markers and other boundary markers will be set as delineated hereon in accordance with the provisions of Section 50-24(e) of Montgomery County Code. The total area included on this plat is 24,992 acres of land, there is no new dedication to the public use.

Thomas A. Maddox
 Registered Professional Land Surveyor
 MD #10850
 Date: Jan 13, 2006

NOTES

1. PROPERTY ZONED R07 AT DATE OF RECORDATION. ALL EXISTING AND PROPOSED DEVELOPMENT ON THIS PROPERTY IS SUBJECT TO THE STANDARDS UNDER MONTGOMERY COUNTY ZONING.
2. LOT IS TO BE SERVED BY INDIVIDUAL WELL AND PRIVATE SEPTIC SYSTEM. EXISTING SEWER AND WATER CATEGORIES: S4, W4.
3. THIS PLAT LIMITED TO THE USES AND CONDITIONS AS REQUIRED BY PRELIMINARY PLAN NO. 120600D, ENTITLED "SUN KISSED FARM", DATED 08/11/05, AND ANY SUBSEQUENT AMENDMENTS THEREON. PLANNING BOARD REVIEW AND APPROVAL.
4. THE PROPERTY SHOWN HEREON IS SUBJECT TO THE REQUIREMENTS OF THE MONTGOMERY COUNTY FOREST CONSERVATION LAW OF 1982, INCLUDING APPROVAL OF A FINAL FOREST CONSERVATION PLAN AND APPROPRIATE AGREEMENTS PRIOR TO ISSUANCE OF A SEWAGE CONTROL PERMIT.
5. ALL TERMS, CONDITIONS, AGREEMENTS, LIMITATIONS, AND REQUIREMENTS ASSOCIATED WITH ANY PRELIMINARY PLAN, SITE PLAN, PROJECT PLAN, OR OTHER PLAN, ALLOWING DEVELOPMENT OF THE PROPERTY, APPROVED BY THE MONTGOMERY COUNTY PLANNING BOARD AND THE MONTGOMERY COUNTY DEPARTMENT OF PERMITTING SERVICES, ARE HEREBY INCORPORATED INTO THIS PLAT. THE SPECIAL PUBLIC RULES FOR ANY SUCH PLAN ARE MAINTAINED BY THE PLANNING BOARD AND ARE AVAILABLE FOR PUBLIC VIEWING DURING NORMAL BUSINESS HOURS.
6. THIS PLAT IS NOT INTENDED TO SHOW EVERY MATTER AFFECTING OR RESTRICTING THE OWNERSHIP AND USE OF THE PROPERTY. THE PLAT IS NOT A COMPLETE TITLE REPORT. THE TITLE REPORT FOR THE SUBJECT PROPERTY WAS FURNISHED FOR THE PREPARATION OF THIS PLAT. PROPERTY MAY BE SUBJECT TO ENCUMBRANCES NOT SHOWN OR LISTED HERE. SEE PLAT 19758 FOR MORE DETAILS.
7. PROPERTY FOUND ON MONTGOMERY COUNTY TAX MAP FY11 W.S.C. (2010).
8. SEPTIC FIELD BUILDING RESTRICTION LINE SUBJECT TO CHANGE UPON REAPPROVAL BY THE MONTGOMERY COUNTY DEPARTMENT OF PERMITTING SERVICES WELL AND SEPTIC SECTION.
9. LOT 3 APPROVED FOR 6 BEDROOM HOUSE.
10. THE OUTLOT SHOWN IS FOR AGRICULTURAL OR OPEN SPACES ONLY. THE AREA OF THE OUTLOT SHALL NOT BE USED ELSEWHERE FOR FOR DENSITY PURPOSES TO ACHIEVE ADDITIONAL BUILDABLE LOTS. THE PROPERTY IS TO BE USED FOR THE PURPOSES AND CHARACTERISTICS THEREIN AND NO FURTHER REMBURY ASSOCIATED WITH THE PROPERTIES DEPICTED ON THIS PLAT.
11. LOT 3 SHOWN ON THIS PLAT BENEFITS FROM PROGRESSORS AND UTILITY EASEMENTS TO SERVE FOREST LOT 7 AS SHOWN ON PLAT 19758.

PLAT NO.



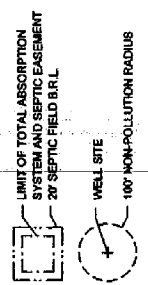
OWNERS CERTIFICATION

The undersigned, owners of the property shown, hereby adopt this plan of subdivision. We further grant a Conservation Easement, Category 1, as described in Liber 21067 of Folio 082, Lot 2, "Sun Kissed Farm" as per plat recorded in Plat Book 178, Plat 19755, all among the land records of Montgomery County, Maryland, subject to the terms set forth therein. The owners will ensure all property owner markers and any other required monumentation to be set by a registered Maryland Land Surveyor, in accordance with Section 50-24(e) of the Montgomery County Code.

There are no suits, liens, mortgages, or trusts, affecting the property including in this plat of subdivision except for a certain deed of trust and the party in interest thereto has hereon indicated their assent to this plan.

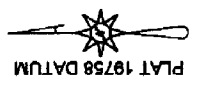
Warren D. Pascal 1-17-06 Date
 Witness
Warren D. Pascal 1-17-06 Date
 Witness
Stanley Merson, Sr. 1-18-06 Date
 Witness

LEGEND



SUBDIVISION RECORD PLAT
 LOT 3 & OUTLOT A
SUN KISSED FARM
 A RESUBDIVISION OF LOT 2
 ELECTION DISTRICT 2
 MONTGOMERY COUNTY, MARYLAND
 SCALE 1" = 200' NOVEMBER, 2005

THOMAS A. MADDOX
 PROFESSIONAL LAND SURVEYOR
 6933 SHADY GROVE COURT
 GAITHERSBURG, MARYLAND 20877
 (301) 964-6804



D.O. FUSTER
 PARCEL "F"
 L. 12973 F. 428

CONSERVATION EASEMENT

LINE	BEARING	W. DIST.
L1	N. 89° 42' 33" W.	48.41'
L2	S. 89° 42' 33" W.	48.41'
L3	N. 89° 42' 33" W.	48.41'
L4	S. 89° 42' 33" W.	48.41'
L5	N. 89° 42' 33" W.	48.41'
L6	S. 89° 42' 33" W.	48.41'
L7	N. 89° 42' 33" W.	48.41'
L8	S. 89° 42' 33" W.	48.41'
L9	N. 89° 42' 33" W.	48.41'
L10	S. 89° 42' 33" W.	48.41'
L11	N. 89° 42' 33" W.	48.41'
L12	S. 89° 42' 33" W.	48.41'

PLAT TOTALS	NUMBER OF LOTS	NUMBER OF OUTLOTS	AREA OF LOT	AREA OF OUTLOT	AREA OF DEDICATION	TOTAL AREA SHOWN ON PLAT
1	1	1	10,214 ACES	14,778 ACES	0,000 ACES	24,992 ACES

CURVE TABLE

CURVE RADIUS	ARC CHORD	BEARING	DELTA
C1	660.36'	25.46°	152° 21' 17" W
			2° 34' 41"

PLAT NUMBER:

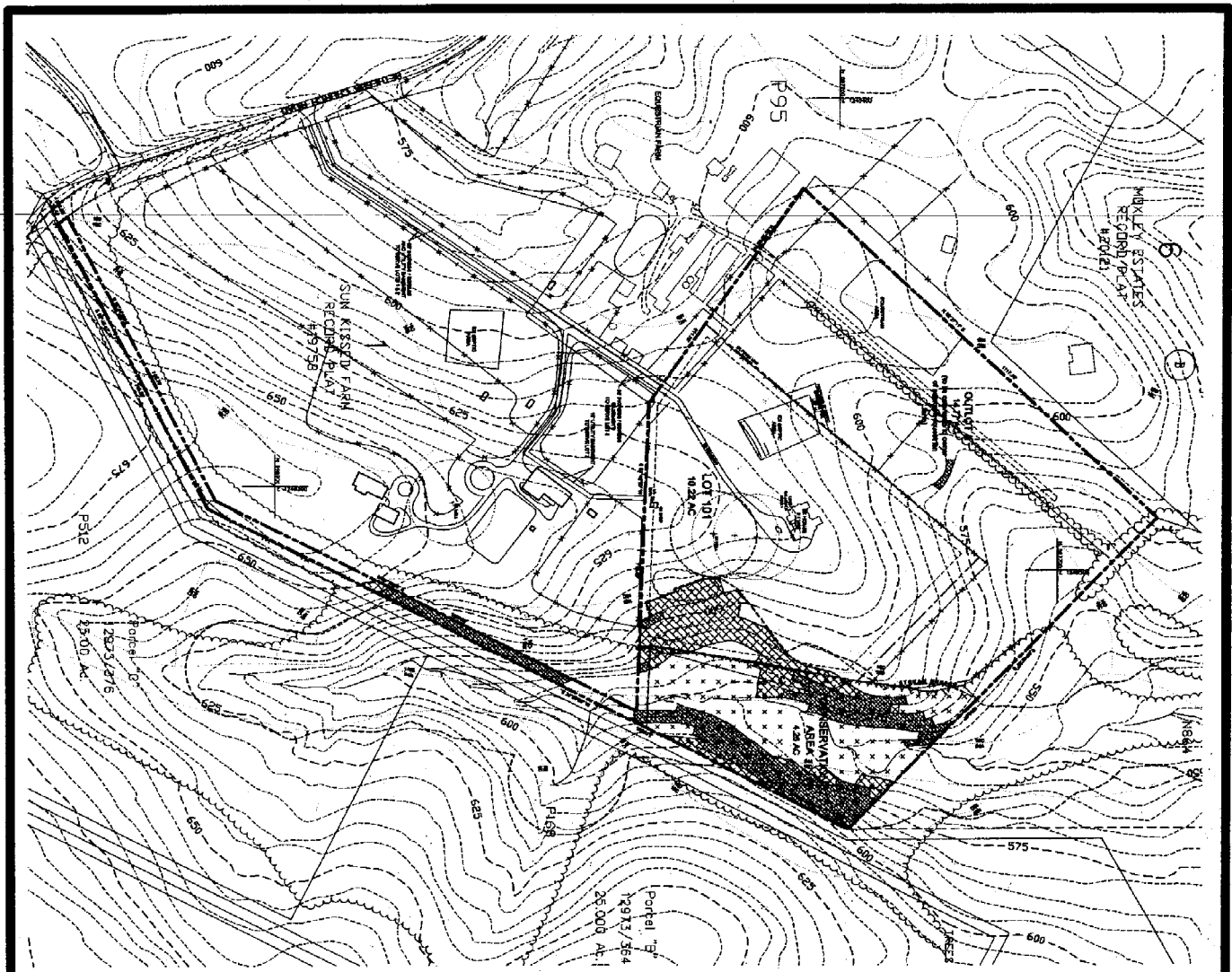
RECORDING DATE:

MONTGOMERY COUNTY DEPARTMENT OF PERMITTING SERVICES

APPROVED: _____ DATE: _____
 DIRECTOR

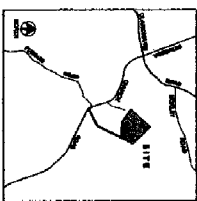
M.A.C.P. & F.C. RECORD FILE NO.

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
 MONTGOMERY COUNTY PLANNING BOARD
 APPROVED: _____ DATE: _____
 ASST. - SECRETARY - TREASURER



Legend

- 1. 200' Easement
- 2. 50' Easement
- 3. 10' Easement
- 4. 5' Easement
- 5. 10' Easement
- 6. 5' Easement
- 7. 10' Easement
- 8. 5' Easement
- 9. 10' Easement
- 10. 5' Easement
- 11. 10' Easement
- 12. 5' Easement
- 13. 10' Easement
- 14. 5' Easement
- 15. 10' Easement
- 16. 5' Easement
- 17. 10' Easement
- 18. 5' Easement
- 19. 10' Easement
- 20. 5' Easement
- 21. 10' Easement
- 22. 5' Easement
- 23. 10' Easement
- 24. 5' Easement
- 25. 10' Easement
- 26. 5' Easement
- 27. 10' Easement
- 28. 5' Easement
- 29. 10' Easement
- 30. 5' Easement
- 31. 10' Easement
- 32. 5' Easement
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- 34. 5' Easement
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- 36. 5' Easement
- 37. 10' Easement
- 38. 5' Easement
- 39. 10' Easement
- 40. 5' Easement
- 41. 10' Easement
- 42. 5' Easement
- 43. 10' Easement
- 44. 5' Easement
- 45. 10' Easement
- 46. 5' Easement
- 47. 10' Easement
- 48. 5' Easement
- 49. 10' Easement
- 50. 5' Easement



VICINITY MAP
 1:1000
 PREPARED FOR:
 DANIEL PASCALE
 11000 WOODBURN ROAD
 DUNDALK, MARYLAND 21222
 301-555-4533

NOTES:

1. AREA OF PROPERTY - 34.89 ACRES
2. EXISTING ZONING - R-1
3. NUMBER OF LOTS SHOWN - 1
4. SITE TO BE SERVED BY WELL & ON-SITE SEPTIC SYSTEM
5. LOTS TO BE SERVED BY WELL & ON-SITE SEPTIC SYSTEM
6. UTILITIES TO BE PROVIDED BY: Washington Gas, Verizon, Annapolis Power
7. DEVELOPMENT ESTIMATIONS:
 Proximate - 20'
 Minimum - 25'
 Maximum - 30'
 Minimum Lot Area - 40,000 sq. ft.
8. PROPERTY LOCATED ON TAX MAP: 1980C GRID SHEET
9. UTILITIES TO BE PROVIDED BY: Washington Gas, Verizon, Annapolis Power

**PRELIMINARY PLAN
 SUN KISSED FARM
 (RESUBDIVISION OF LOT 2)
 Montgomery County, Maryland**

B&A
 Boaming & Associates, Inc.
 Real Property Consultants
 800 South Lakes Drive
 Columbia, MD 21047
 410-730-0000

date: June 2005
 scale: 1" = 100'



Sheet 1 of 1
DATE
SCALE
PROJECT
DATE
SCALE
PROJECT

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M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760
301-495-4500, www.mncppc.org

Date Mailed: NOV 15 2005

Board Approval Date: Sept. 29, 2005

Action: Approved Staff
Recommendation

Motion of Commissioner Wellington,
seconded by Commissioner Robinson,
with a vote of 3-0;
Chairman Berlage and Commissioners
Wellington and Robinson voting in
favor. Commissioners Perdue and
Bryant were necessarily absent.

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 120060070 (formerly 1-06007)
NAME OF PLAN: Sun Kissed Farm

The date of this written opinion is NOV 15 2005 (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this written opinion, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules of Court – State).

On 7/18/05, Danny Pascal ("Applicant") submitted an application for the approval of a preliminary plan of subdivision of property in the RDT zone. The application proposed to create 1 lot and 1 outlot on 24.99 acres of land located on Bethesda Church Road, approximately 650 feet north of Purdum Road, in the Damascus master plan area. The application was designated Preliminary Plan 12006007 (formerly 1-06007) ("Application" or "Preliminary Plan"). On 9/29/05, Preliminary Plan 1206007(formerly 1-06007) was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application.

The record for this application ("Record") closed at the conclusion of the public hearing, upon the taking of an action by the Planning Board. The Record includes: the information on the Preliminary Plan Application Form; the Planning Board staff-generated minutes of the Subdivision Review Committee meeting(s) on the application;

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all correspondence and any other written or graphic information concerning the application received by the Planning Board or its staff following submission of the application and prior to the Board's action at the conclusion of the public hearing, from the applicant, public agencies, and private individuals or entities; all correspondence and any other written or graphic information issued by Planning Board staff concerning the application, prior to the Board's action following the public hearing; all evidence, including written and oral testimony and any graphic exhibits, presented to the Planning Board at the public hearing.

SITE DESCRIPTION:

The subject property consists of a single recorded lot totaling 24.99 acres and zoned RDT (the "Property"). The Property and adjacent Lot 1, Sun Kissed Farm, were originally platted in 1995 as a subdivision of a 50.87 acre parcel. A single family home exists on the Property which is accessed by a shared driveway through the adjacent Lot 1 to Bethesda Church Road. The Property is within the Bennett Creek Watershed, a Use I-P stream. A tributary stream traverses the eastern border of the Property. Slopes on the Property are gentle to moderate. There are approximately 4.26 acres of existing forest located for the most part in the near-stream area.

PROJECT DESCRIPTION:

The Application proposed to resubdivide an existing 24.99 acre Property into a 10.22 acre lot ("Proposed Lot") and an outlot ("Proposed Outlot A"). The purpose of this resubdivision request is to create Proposed Outlot A so that it can be conveyed to the adjacent property owner of Parcel 95, identified as "equestrian farm" on the preliminary plan. The owner of Parcel 95 uses the area of Proposed Outlot A in its operation of an equestrian facility under an existing easement agreement with the Applicant. Rather than continue to operate under the existing easement agreement, the Applicant seeks to resubdivide the Property to create Proposed Outlot A to allow for transfer of ownership of Proposed Outlot A and the equestrian amenities located on it. Since the Application alters the configuration of an existing lot recorded by plat, it is a resubdivision and must be reviewed under Montgomery County Code Section 50-29 (b) (2).

The Property and the adjacent Lot 1, Sun Kissed Farm, were originally platted in 1995 as a subdivision of a 50.87 acre parcel. Under the provisions of the RDT zone (1 unit per 25 acres), these two lots constituted the maximum number of lots that could be created from the original parcel. Since the entire area of the Proposed Outlot A was required to be used in the density calculations to create Lots 1 and 2, Sun Kissed Farm, Proposed Outlot A may not be used elsewhere to create additional lots. A note on the record plat referenced in condition No.3 will address this concern.

DISCUSSION OF ISSUES

Master Plan Compliance

Staff advised the Board that the Agricultural and Rural Open Space (AROS) Master Plan does not specifically identify the Property for discussion but does give general guidance and recommendations regarding zoning and land use. The Master Plan recommends that this area maintain the existing zoning as adopted and promote the continuation of agricultural practices. Staff found that the proposed resubdivision complies with the recommendations adopted in the AROS Master Plan.

Conformance with Section 50-29(b)(2)

A. Statutory Review Criteria

In order to approve an application for resubdivision, the Planning Board must find that the proposed lots comply with all seven of the resubdivision criteria, set forth in Section 50-29(b)(2) of the Subdivision Regulations, which states:

Resubdivision. Lots on a plat for the Resubdivision of any lot, tract or other parcel of land that is part of an existing subdivision previously recorded in a plat book shall be of the same character as to street frontage, alignment, size, shape, width, area and suitability for residential use as other lots within the existing block, neighborhood or subdivision.

In administering the Resubdivision section, the Planning Board must determine the appropriate "neighborhood" for evaluating the application. In this instance, the neighborhood selected by the Applicant and agreed to by Staff consisted of eleven lots, including one lot contiguous to the Property and other lots that are in relatively close proximity to the Property ("Neighborhood"). Given the scarcity of recorded lots in the area, the Neighborhood was expanded for some distance east and west on Bethesda Church Road to draw in a sample of lots for comparison with Proposed Lot. Staff advised the Board that, in its view, the Neighborhood provided an adequate sample of the lot and development pattern of the area. The Board concurs with Staff's analysis and expressly adopts the Neighborhood delineated by Staff for analysis purposes.

In performing its analysis, Staff applied the above-noted resubdivision criteria to the Neighborhood. Staff concluded that Proposed Lot is of the same character with respect to the resubdivision criteria as other lots within the defined neighborhood. Therefore, Staff concluded that the proposed resubdivision complies with the criteria of Section 50-

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29(b)(2). As set forth in detail below, the Board finds that the tabular summary and graphical documentation support Staff's conclusion.

Forest Conservation

The Property is subject to the Montgomery County Forest Conservation Law. The Applicant has submitted and received approval of a final forest conservation plan. Under the Law, the Applicant must protect the existing 4.26 acres of forest and plant an additional 0.74 acres of forest in an off-site forest bank. The forested area, including the stream valley buffer, will be protected with a Category I forest conservation easement.

SUMMARY OF TESTIMONY AND EVIDENCE IN RECORD

Development Review Staff ("Staff") recommended approval of the Application in its memorandum dated September 23, 2005 ("Staff Report"). Staff presented its findings consistent with the Staff Report at the public hearing. The Applicant appeared at the public hearing represented by his engineer, who testified that the Applicant supported the Staff recommendation. No other party testified in support of or in opposition to the Application. Additionally, the record includes no correspondence either in support of, or in opposition to, the Application.

FINDINGS

Having given full consideration to the recommendations and findings of its Staff, which the Board hereby adopts and incorporates by reference; the recommendations of the applicable public agencies¹; the Applicant's position; and other evidence contained in the Record, which is hereby incorporated in its entirety into this Opinion, the Montgomery County Planning Board:

- a) Finds, pursuant to MONTGOMERY COUNTY CODE § 50-35(l), and for the reasons set forth above, that Preliminary Plan No. 12006007 (formerly 1-06007) substantially conforms to the Damascus master plan.
- b) Finds, pursuant to MONTGOMERY COUNTY CODE § 50-35(k), that public facilities will be adequate to support and service the area of the proposed subdivision.
- c) Finds, pursuant to MONTGOMERY COUNTY CODE § 50-29(a)(1), that the size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.

¹ The application was referred to outside agencies for comment and review, including the Washington Suburban Sanitary Commission, the Department of Public Works and Transportation, the Department of Permitting Services and the various public utilities. All of these agencies recommended approval of the application.

- d) Finds that the application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A. This finding is subject to the applicable condition(s) of approval.
- e) Finds that the application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the Montgomery County Department of Permitting Services ("MCDPS") that the Stormwater Management Concept Plan meets MCDPS' standards.
- f) Finds, pursuant to MONTGOMERY COUNTY CODE § 50-29(b)(2), that the proposed lots are of the same character as to street frontage, alignment, size, shape, width, area and suitability for residential use as other lots within the existing neighborhood (delineated in the Staff Report), as analyzed below.

Frontage: The existing lots in the Neighborhood range in frontage from 25 feet to 1646 feet. The Proposed Lot will be a pipestem with a 25 foot frontage. The Board finds that the Proposed Lot will be consistent and of the same character as existing lots in the Neighborhood with respect to lot frontage.

Alignment: Lot alignments in the Neighborhood are defined as "regular," denoting that the lots allow a house location that fronts to the street. This will remain true for the Proposed Lot. No changes to the existing house on the lot are proposed. Therefore, the Planning Board finds that the Proposed Lot is of the same character with respect to alignment as other lots within the Neighborhood.

Size: The existing Neighborhood lots range in size from 3.2 acres to 27.1 acres. The Proposed Lot will consist of 10.2 acres, thereby falling well within the range of the existing lots' sizes. Therefore, the Board finds that the Proposed Lot will be of the same character with the existing lots in the neighborhood with respect to size.

Shape: The resubdivision proposes a pipestem (flag) shape for the Proposed Lot, similar to the shape of existing Lot. Of the eleven lots in the Neighborhood, two are pipestem or flag lots. The Board, therefore, finds the shape of the Proposed Lot to be of the same character with shapes of existing lots in the Neighborhood.

Width: The existing lot widths in the Neighborhood, as measured at the building frontage line, range from 149 feet to 900 feet. The Proposed Lot will be 788 feet wide at the building frontage line and within the range for existing lots in the Neighborhood. The Board, therefore, finds that the Proposed Lot

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will be of the same character as existing lots in the Neighborhood with respect to width.

Area: Lot areas in the Neighborhood range from 2.2 to 22.8 acres. The area of the Proposed Lot consists of 7.3 acres, and therefore the Proposed Lot is within the range of existing lot areas for the Neighborhood. Therefore, the Board finds the Proposed Lot to be of the same character as other lots in the Neighborhood with respect to area.

Suitability for residential use: No new development is proposed. Suitability for residential use was determined when building permits were issued.

- g) The Record of this application does not contain any contested issues; and, therefore, the Planning Board finds that any future objection, which may be raised concerning a substantive issue in this application, is waived.

CONDITIONS OF APPROVAL

Finding Preliminary Plan No. 120060070 (formerly 1-06007) in accordance with the purposes and all applicable regulations of Montgomery County Code Chapter 50, the Planning Board approves Preliminary Plan No. 120060070 (formerly 1-06007), subject to the following conditions:

- 1) Compliance with the conditions of approval of the final forest conservation plan approved September 9, 2005. The applicant must satisfy all conditions prior to recording of plat or MCDPS issuance of sediment and erosion control permits.
- 2) Record plat to reflect a Category I easement over all areas of stream valley buffers and forest conservation areas.
- 3) Record plat to contain a note as follows: "The outlot shown hereon is for agricultural or open space purposes only. The area of the outlot shall not be used elsewhere for density purposes to achieve additional buildable lots. The outlot may not be consolidated into an adjacent recorded lot."
- 4) Other necessary easements.

This Preliminary Plan will remain valid for 36 months from its Initiation Date (as defined in Montgomery County Code Section 50-35(h), as amended). Prior to the expiration of this validity period, a final record plat for all property delineated on the approved preliminary plan must be recorded among the Montgomery County Land Records or a request for an extension must be filed.

[CERTIFICATION OF BOARD VOTE ADOPTING OPINION ON FOLLOWING PAGE]

APPROVED AS TO LEGAL SUFFICIENCY
M-NCPPC LEGAL DEPARTMENT
DATE 11/7/05

ITEM #4

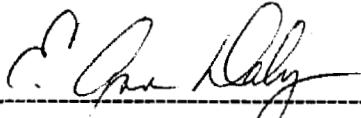
Preliminary Plan No. 120060070- (formerly 1-06007)

Sun Kissed Farm

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CERTIFICATION OF BOARD ADOPTION OF OPINION

At its regular meeting, held on **Thursday, November 10, 2005**, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission by unanimous consent **ADOPTED** the above Opinion which constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law for **Preliminary Plan No. 120060070 (formerly 1-06007), Sun Kissed Farm**. Vice Chair Perdue and Commissioner Bryant abstained.



Certification As To Vote of Adoption
E, Ann Daly, Technical Writer