

NOW, THEREFORE, BE IT RESOLVED, that, pursuant to the relevant provisions of Montgomery County Code Chapter 50, the Planning Board approved Preliminary Plan No. 120070040 to create 1 lot on 0.96 acres of land in the I-1 zone, located at 18101 Sellman Road, 500 feet southeast of Beallsville Road ("Property" or "Subject Property"), in the Preservation of Agriculture and Rural Open Space master plan area ("Master Plan"), subject to the following conditions:

- 1) Approval under this preliminary plan is limited to 1 lot for up to 2,700 square feet of permitted uses in the I-1 zone. Current proposal includes a fence contractor, associated storage yard, and a caretaker residence.
- 2) The Applicant must dedicate and the record plat must show right-of-way dedication of 35 feet from the centerline of Sellman Road along the property frontage.
- 3) The Applicant must comply with the conditions of the Montgomery County Department of Permitting Services (MCDPS), Well and Septic Section approval dated April 4, 2010. These conditions may be amended by MCDPS, provided the amendments do not conflict with other conditions of the preliminary plan approval.
- 4) The Applicant must comply with the conditions of the Montgomery County Department of Transportation (MCDOT) letters dated August 30, 2006 and April 20, 2010. These conditions may be amended by MCDOT, provided the amendments do not conflict with other conditions of the preliminary plan approval.
- 5) The Applicant must satisfy provisions for access and improvements as required by MCDOT prior to recordation of plat(s).
- 6) The certified preliminary plan must show a 10-foot wide public utility easement parallel and adjacent to the right-of-way line for Sellman Road.
- 7) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for eighty-five (85) months from the date of mailing of this Planning Board resolution.
- 8) Other necessary easements must be shown on the record plat.

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:

1. *The Preliminary Plan substantially conforms to the Master Plan.*

Development of the Subject Property is guided by the Functional Master Plan for the Preservation of Agriculture and Rural Open Space. The Plan recommendation for

this area is to “[c]onfirm existing commercial and industrial zoning in the Agricultural Reserve and Rural Open Space Areas, as shown on the fold out map included in this Plan” (p. 57). This recommendation is consistent with one of the overarching assumptions of the plan:

PROGRAM ASSUMPTION 8: Agricultural support services are important aspects to the continuance of farming. (p. 36).

The Planning Board finds continuing the operation of this fencing company is consistent with the above recommendations and is compatible with adjacent uses. The existing house is used as an office building for this use. The apartment is used by a caretaker and this is a permitted use in the I-1 zone. The Planning Board finds the proposed Preliminary Plan for Calco Fence is consistent with the recommendations of the Functional Master Plan for the Preservation of Agriculture and Rural Open Space.

2. Public facilities will be adequate to support and service the area of the proposed subdivision.

Roads and Transportation Facilities

The proposed lot does not generate 30 or more vehicle trips during the morning or evening peak-hours. Therefore, the Application is not subject to Local Area Transportation Review. The Application was submitted for review prior to Policy Area Mobility Review requirements, which are, therefore, not applicable. Sellman Road is an unclassified, rural road. The Preliminary Plan includes right-of-way dedication to the full width required for rural roads (35 feet from centerline), and no improvements other than an expanded driveway apron proposed within the public right-of-way. Sidewalks are not supported nor required in this area; development densities in the Preservation of Agriculture and Rural Open Space Master Plan area generate little pedestrian traffic. Local roads may be used in these instances to safely accommodate pedestrians. The Planning Board finds that proposed vehicle and pedestrian access for the subdivision will be safe and adequate with the proposed improvements.

Other Public Facilities and Services

The Planning Board finds other public facilities and services are adequate and available to serve the proposed subdivision. The Application has been reviewed by the Montgomery County Fire and Rescue Service who have determined that the Property will have adequate access for fire and rescue vehicles once the required improvements are implemented. Other public facilities such as police stations, firehouses and health services are operating within the standards set by the Growth Policy Resolution currently in effect. Electric and telecommunication facilities (Allegheny and Verizon) adequately serve the Subject Property and will continue to

serve the existing uses on the site. The lot created by this Application will have adequate emergency vehicle access, as well as public and private utilities and services.

3. *The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.*

This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The Planning Board finds the Application meets all applicable sections. The proposed lot size, width, shape and orientation are appropriate for the location of the subdivision.

4. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.*

Environmental Guidelines

The simplified NRI/FSD identifies the environmental constraints on the Subject Property and any areas of forest. There are no environmentally sensitive features on the site, therefore, the Planning Board finds the environmental guidelines are not applicable.

Forest Conservation

Per the County Forest Conservation Law, this Property is exempt from Article II under section 22A-5(s)(2), small property exemption. A forest conservation exemption was approved by Environmental Planning Staff on October 17, 2005.

5. *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.*

The MCDPS Stormwater Management Section approved an exemption from stormwater management requirements for the Subject Property on December 15, 2005.

BE IT FURTHER RESOLVED, that this Preliminary Plan will remain valid for 60 months from its Initiation Date (as defined in Montgomery County Code Section 50-35(h), as amended) and that 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 Land Records of Montgomery County, Maryland or a request for an extension must be filed; and

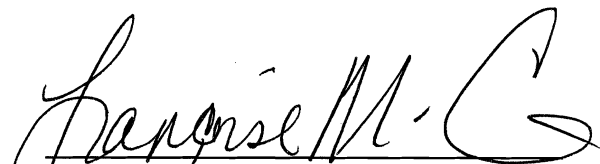
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is _____ ~~SEP 29 2010~~ (which is the date that this Resolution is mailed to all parties of record); and

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