

**TELECOM CAPITAL GROUP 22900 OLD HUNDRED ROAD-
BARNESVILLE SITE
CONDITIONAL USE NO. CU202417**

Exhibit 21
OZAH Case No: CU 24-17

Description

Request for Conditional Use approval to construct and operate a Telecommunications Tower in the AR Zone.

No. CU202417

Completed: 8-9-2024

MCPB
Item No. N/A
N/A

2425 Reddie Drive
Floor 14
Wheaton, MD 20902

Planning Staff



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LOCATION/ADDRESS

22900 Old Hundred Road, Barnesville

MASTER PLAN

1980 Preservation of Agriculture & Rural Open Space Master Plan

ZONE

Agricultural Reserve- AR

PROPERTY SIZE

40.98 Acres

APPLICANT

Telecom Capital Group & Juanita Wheatley Breland

ACCEPTANCE DATE

June 21, 2024

REVIEW BASIS

Chapter 59

HEARING EXAMINER PUBLIC HEARING

August 19, 2024

Summary:

- Staff recommends approval of the Conditional Use with conditions by transmitting the enclosed comments to the Hearing Examiner for an August 19, 2024 hearing.
- The Subject Site is an active farm, and the proposed use would allow for a Telecommunications Tower.
- Staff has not received any public correspondence as of the date of this Staff Report.
- Forest Conservation Plan F20240500 was approved prior to the Conditional Use acceptance.

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SECTION 1: RECOMMENDATIONS AND CONDITIONS

CONDITIONAL USE NO. CU202417

Staff recommends approval of Telecom Capital Group, Conditional Use No. CU202417, for a Telecommunications Tower, subject to the following conditions:

The use is limited to Telecommunications Tower per Section 59.3.5.2.C.

The Applicant must remove the tower and associated improvements if it is out of service for more than 12 months.

1. The support structure must be constructed to hold a minimum of three (3) wireless communications carries.
- 2.
3. The Applicant must comply with the approved Forest Conservation Plan.
- 4.

SECTION 2: NEIGHBORHOOD & SITE DESCRIPTION

VICINITY

The Subject Property outlined in Figure 1 in dashed yellow is located at 22900 Old Hundred Road, in Barnesville. The Property is subject to the 1980 *Functional Master Plan for the Preservation of Agriculture and Rural Open Space* (“AROS Plan”).

As shown in Figure 1 below, Staff defined a neighborhood for purposes of analyzing this Conditional Use and its possible impacts on the character of the surrounding area. The neighborhood as defined is comprised of low-density residential development and agricultural uses. The surrounding properties in the neighborhood are all zoned AR. Staff has identified one potential Special Exception in the neighborhood in GIS but cannot find any information in Department of Permitting Services system. This Special Exception may not have been approved or may have been abandoned.

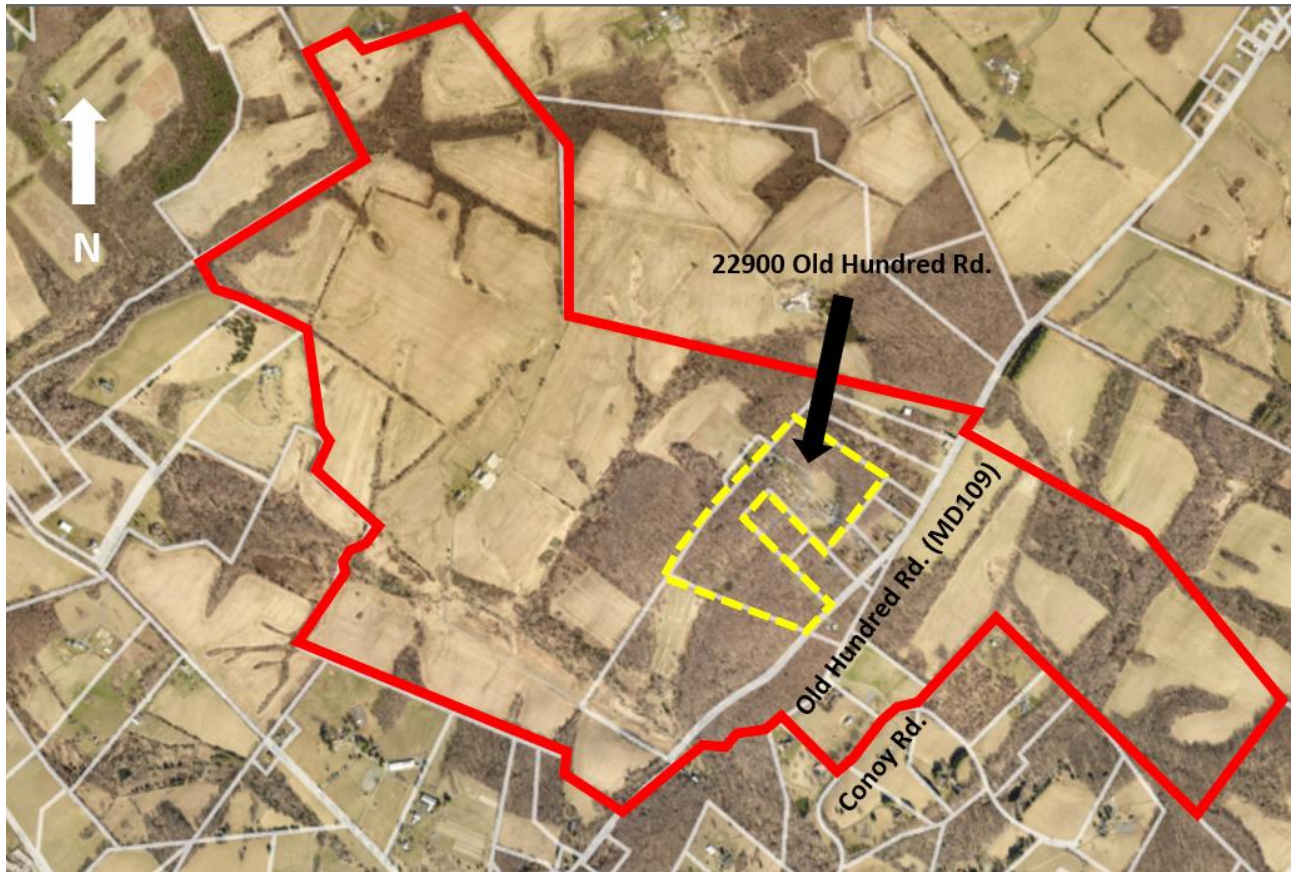


Figure 1: Vicinity Map with Staff-defined neighborhood highlighted in bold red.

PROPERTY DESCRIPTION

The Subject Property (outlined in dashed yellow in figure 1) consists of 40.98 acres identified as Parcel P653 on tax map 11-00916938. The Property has direct access to Old Hundred Road with an existing driveway. The Property is on the northwest side of Old Hundred Road (MD109) approximately 0.5 miles northeast of the Town of Barnesville.

The Property consists of an existing house, out buildings and paddocks for the existing horse farm. The Property is accessed from an existing gravel driveway off Old Hundred Road. The Property is predominantly forested with some cleared areas around the house, horse barns, and paddocks. The Property contains a pond and stream running through the middle of the property running from northeast to southwest.

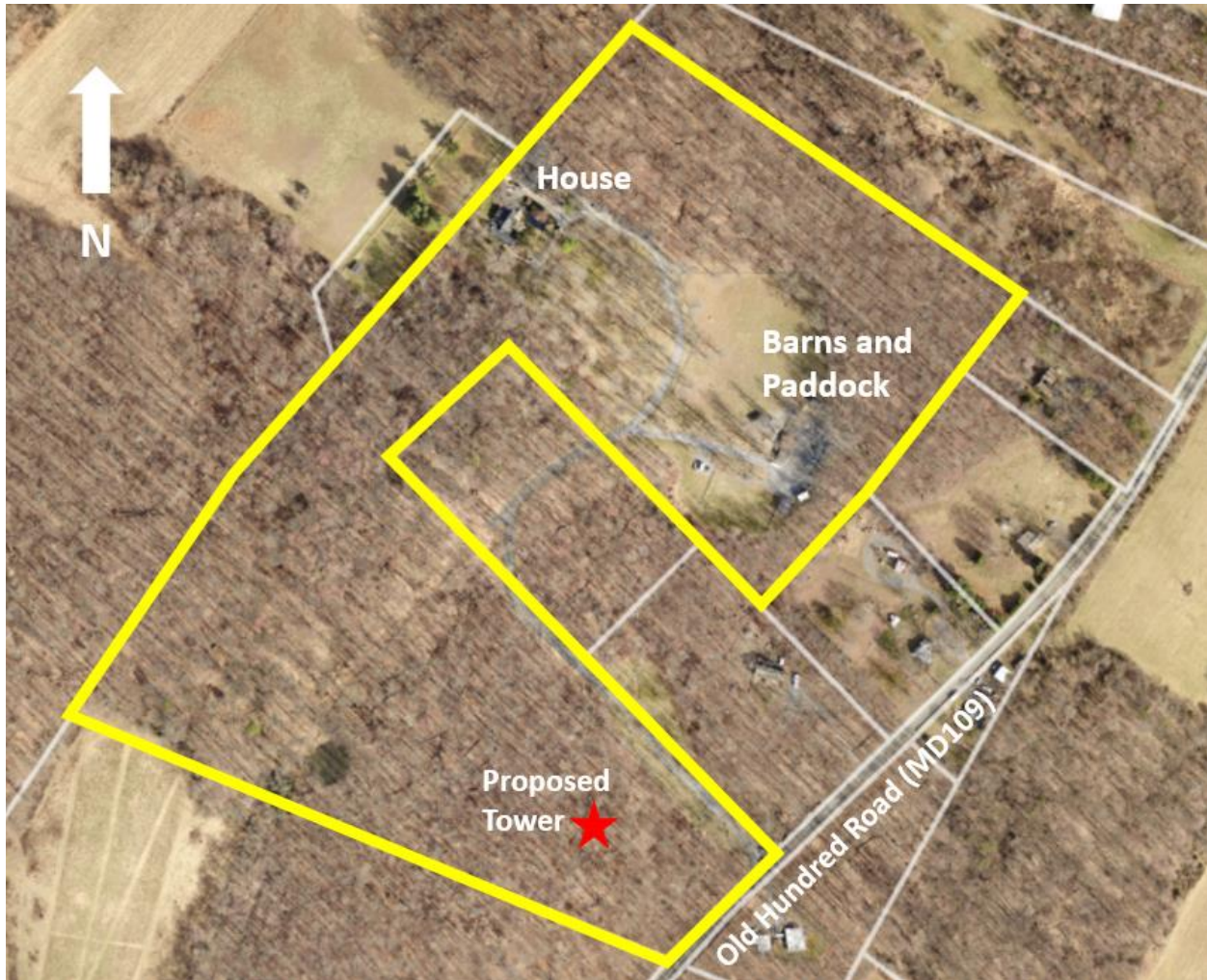


Figure 2 – Subject Property

SECTION 3: PROJECT DESCRIPTION

PROPOSAL

The Applicant proposes to construct a new Telecommunications Tower on parcel P653 in the approximate location identified with a red star on Figure 3 below. This will consist of a new monopole, a compound encompassing all of the support equipment and structures utilizing an existing entrance off Old Hundred Road. The Applicant will construct a new driveway spur off the existing onsite driveway approximately 200 feet from the existing entrance on Old Hundred Road. The monopole is proposed to be 160 feet in height and setback 259 feet from the front property line along Old Hundred Road. The equipment compound will be a chain link fenced in area measuring 60 feet in length and 60 feet in width. There will be no on-site personnel and once the telecommunications facility is

constructed, the only traffic to the facility would be for routine maintenance or emergency repair, which is expected to be only one or two visits per month.

The Conditional Use Area shown in Figure 4 below.

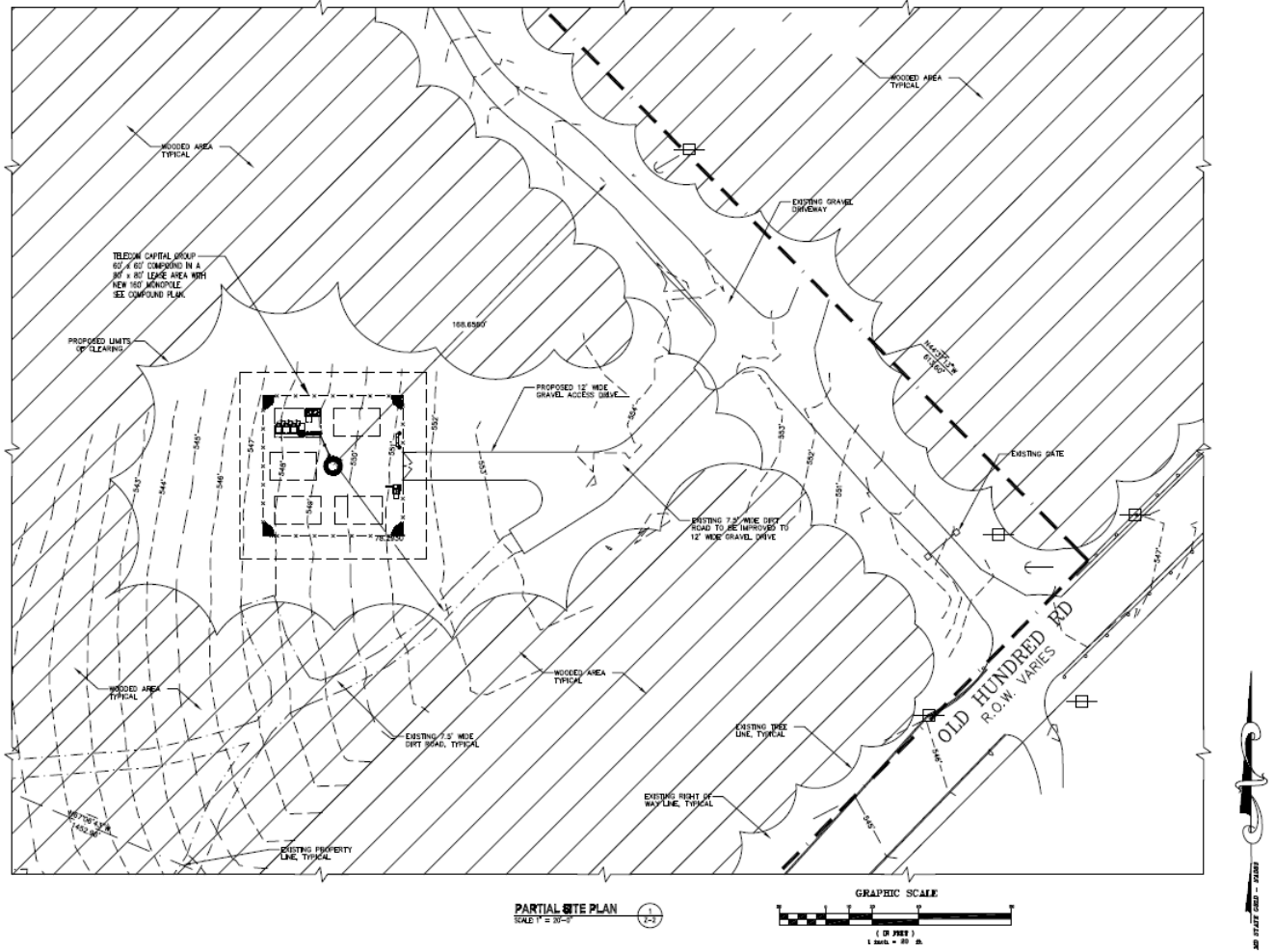
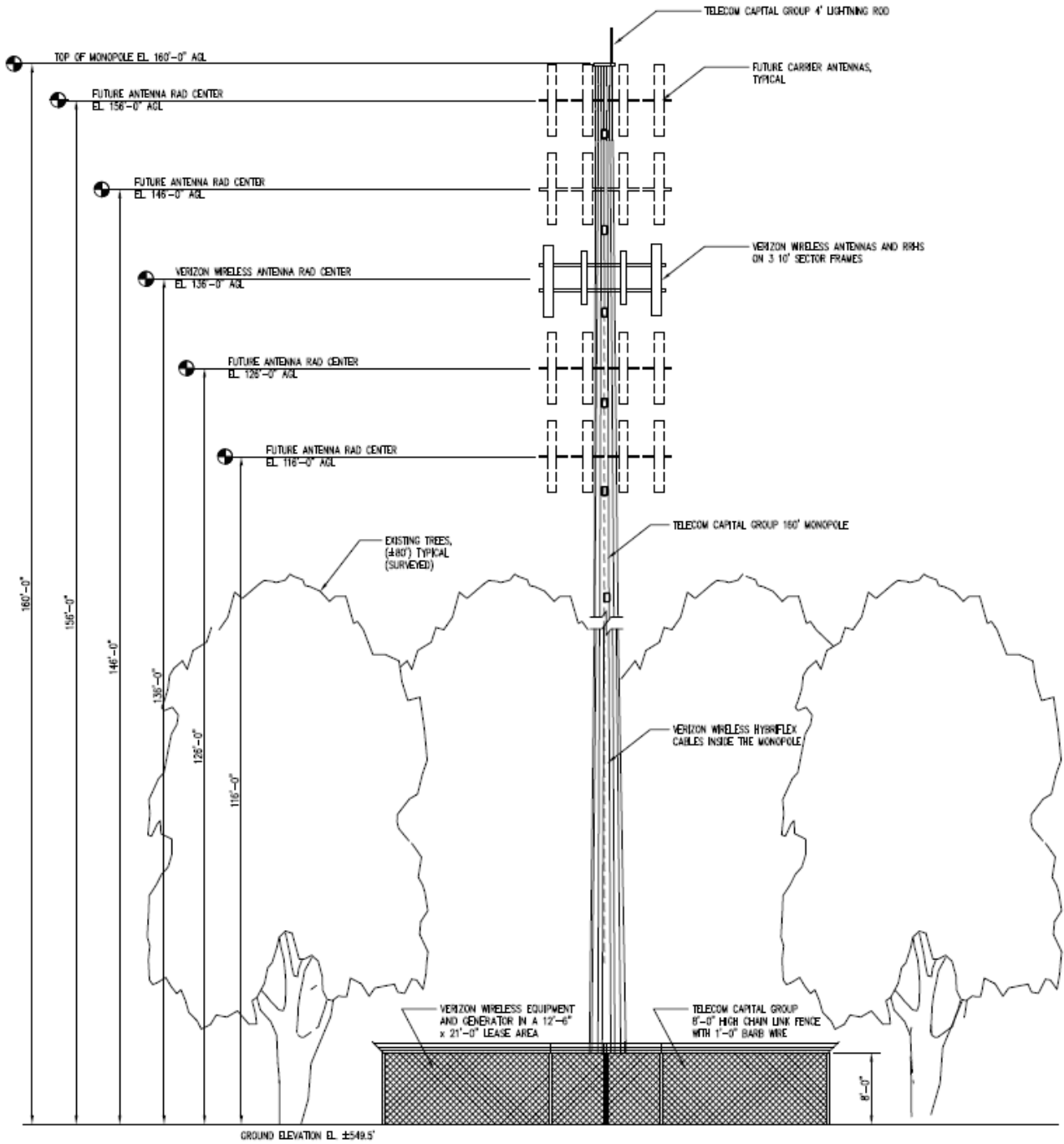


Figure 3: Conditional Use Plan Area



MONOPOLE ELEVATION 1
SCALE 1/8" = 1'-0" 2-4

Figure 5: Monopole Elevation

SECTION 4: COMMUNITY CORRESPONDENCE

As of the date of this Staff Report, Staff has not received any letters of correspondence from the community.

SECTION 5: ANALYSIS AND FINDINGS

CONDITIONAL USE NO. CU202417

Use Standards:

Section 59.3.5.2.C.2.c: Where a Telecommunications Tower is allowed as a conditional use, it may be permitted by the Hearing Examiner under either Section 3.5.2.C.2.d or Section 3.5.2.C.2.a, limited use standards. In addition, Section 7.3.1 and the following procedures and standards must be satisfied:

a. Where a Telecommunications Tower is allowed as a limited use in the Agricultural zone, Rural zone, Rural Cluster zone, Employment zones, and Industrial zones, and the tower is not a replacement tower that complies with 59.3.5.2C.2.b, it must satisfy the following standards:

i. Antennas are limited to the following:

(a) an antenna that satisfies one of the Antenna Dimensions standards in Section 59.3.5.2.C.1.b (Table below);

(b) satellite or microwave dish antennas with a maximum diameter of 8 feet.

Standard	Maximum Length on Any Side (in feet)	Maximum Volume (in cubic feet, excluding any equipment cabinet)
A	4 feet 2 inches	6 cubic feet
B	4 feet 2 inches	46 cubic feet
C	6 feet	30 cubic feet
D	9 feet	13 cubic feet
E	15 feet	1 cubic foot

This standard has been satisfied. This Subject Application is for six antennas that are 95.9 inches in height x 15.4 inches in height x 10.7 inches in depth Each proposed

antenna is 9.10 cubic feet. These antennas meet the standards for D in the above table.

iv. Signs or illumination on the antennas or support structure are prohibited unless required by the Federal Communications Commission, the Federal Aviation Administration, or the County.

There are no signs or illumination proposed with this application other than the identification signs required by Section 59.3.5.2.C.2.c.x for owner and emergency contact information.

iii. In the AR, R, and RC zones, the tower must be located within an overhead transmission line right-of-way and is a maximum height of 179 feet. The tower must be a minimum of 300 feet from any dwelling. A Telecommunications Tower conditional use application may be filed with the Hearing Examiner to deviate from this standard.

This tower is not going to be located in an overhead transmission line right-of-way. This Conditional Use application is asking the Hearing Examiner to deviate from this standard since the support structure will not be located in a transmission line right-of-way. Staff supports this deviation due to the fact there is not a transmission line right-of-way in close proximity to the Property. The closest transmission right-of-way appears to be about two miles away from the Subject Property. The Applicant is proposing a tower 160 feet in height which will be less than the 179 feet maximum. The closest dwelling is 408 feet away from the proposed tower, which exceeds the 300 feet minimum.

i.

In the LSC, IL, IM, and IH zones, the tower is a maximum height of 179 feet with a setback of one foot for every foot of height from the property lines of all properties zoned Agricultural, Rural Residential, or Residential.

ii.

This finding is not applicable because the Property is located in the AR zone.

In the GR and EOF zones, the tower is a maximum height of 130 feet with a setback of one foot for every foot of height from the property lines of all properties zoned Agricultural, Rural Residential, or Residential. A Telecommunications Tower conditional use application may be filed with the Hearing Examiner to deviate from this standard.

This finding is not applicable because the Property is located in the AR zone.

Section 59.3.5.2.C.2.c Conditional Use Standards:

- i. Before the Hearing Examiner approves any conditional use for a Telecommunications Tower, the proposed facility must be reviewed by the Transmission Facility Coordinating Group. The applicant for a conditional use must file a recommendation from the Transmission Facility Coordinating Group with the Hearing Examiner at least 5 days before the date set for the public hearing. The recommendation must be no more than 90 days old when the conditional use application is accepted.***

The Applicant received their initial recommendation from the Tower Facility Coordination Group (TFCG) on April 6, 2022. The Applicant updated the recommendations on March 6, 2024 (Attachment B). The TFCG recommended approval pending the Conditional Use approval.

- ii. A Telecommunications Tower must be set back, as measured from the base of the support structure, as follows:***

- (a) A Telecommunications Tower is prohibited in any scenic setback indicated in a master plan.***

The Property is not located in any scenic setback indicated in the Master Plan.

- (b) In the Agricultural, Rural Residential, and Residential Detached zones, a distance of one foot for every foot of height or 300 feet from an existing dwelling, whichever provides the greater setback.***

The proposed tower is 160 feet high and therefore will be required to have the minimum setback of 300 feet from a dwelling. The tower will be located more than 300 feet from any dwelling. The closest dwelling is 408 feet away from the proposed tower (Figure 6).

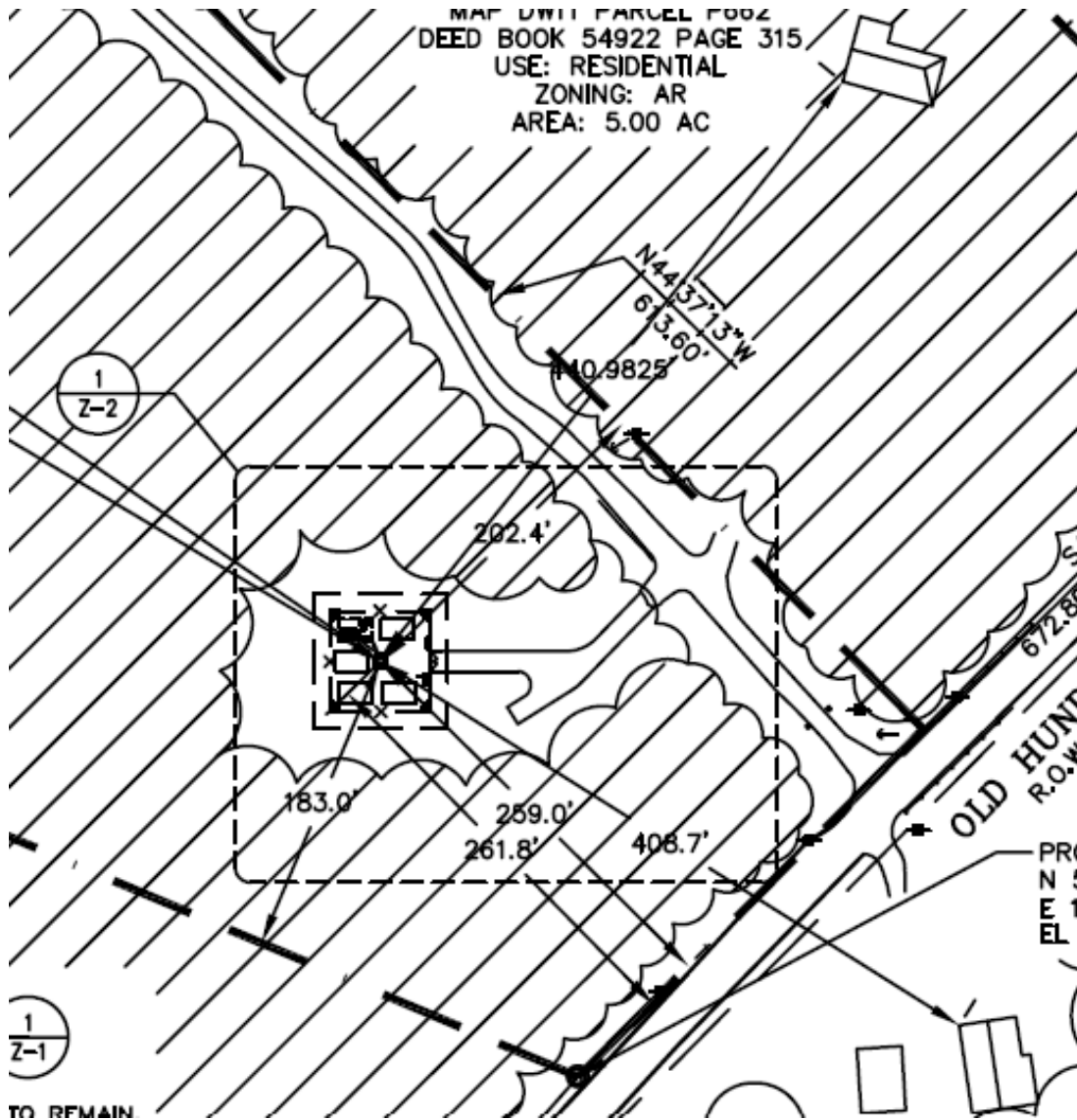


Figure 6: Distance from closest dwelling.

(c) In the Employment zones, a distance of one-half foot for every foot of height from the property lines of abutting Commercial/Residential, Employment, or Industrial zoned properties, and one foot for every foot of height from the property lines of abutting Agricultural, Rural Residential, or Residential zoned properties.

This finding is not applicable because the Property is zoned AR.

(d) The Hearing Examiner may reduce the setback requirement to not less than the building setback for a detached house building type in the

applicable zone or to a distance of one foot from an off-site dwelling for every foot of height of the support structure, whichever is greater, if evidence indicates that a reduced setback will allow the support structure to be located on the property in a less visually obtrusive location than locations on-site where all setback requirements can be met after considering the height of the structure, topography, existing vegetation, nearby residential properties, and visibility from the street. A reduced setback may be approved only if there is a location on the property where the setback requirements can be met.

No reduction in setbacks are needed as the minimum front, rear and side setbacks are 160 feet. The proposed tower will be 259 feet from the front lot line, 1186 feet from the rear lot line, 183 feet from the left lot line and 202 feet from the left lot line.

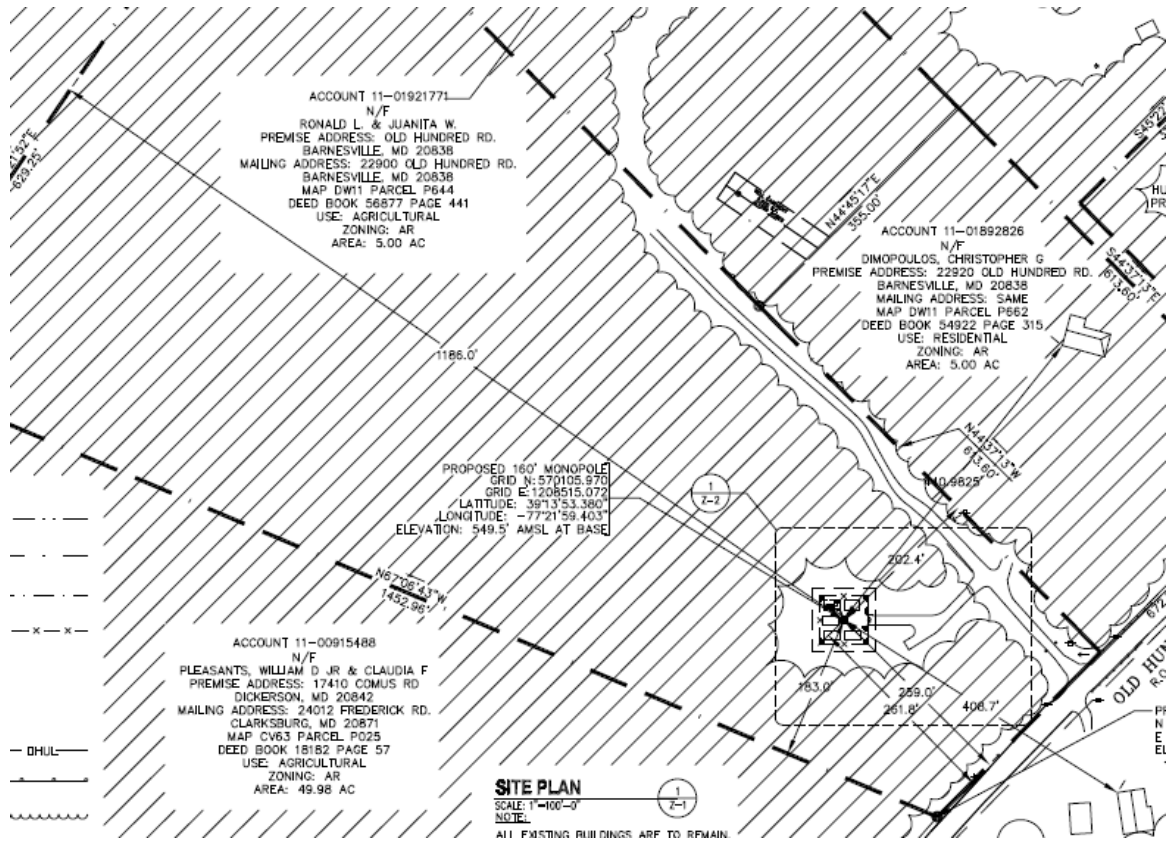


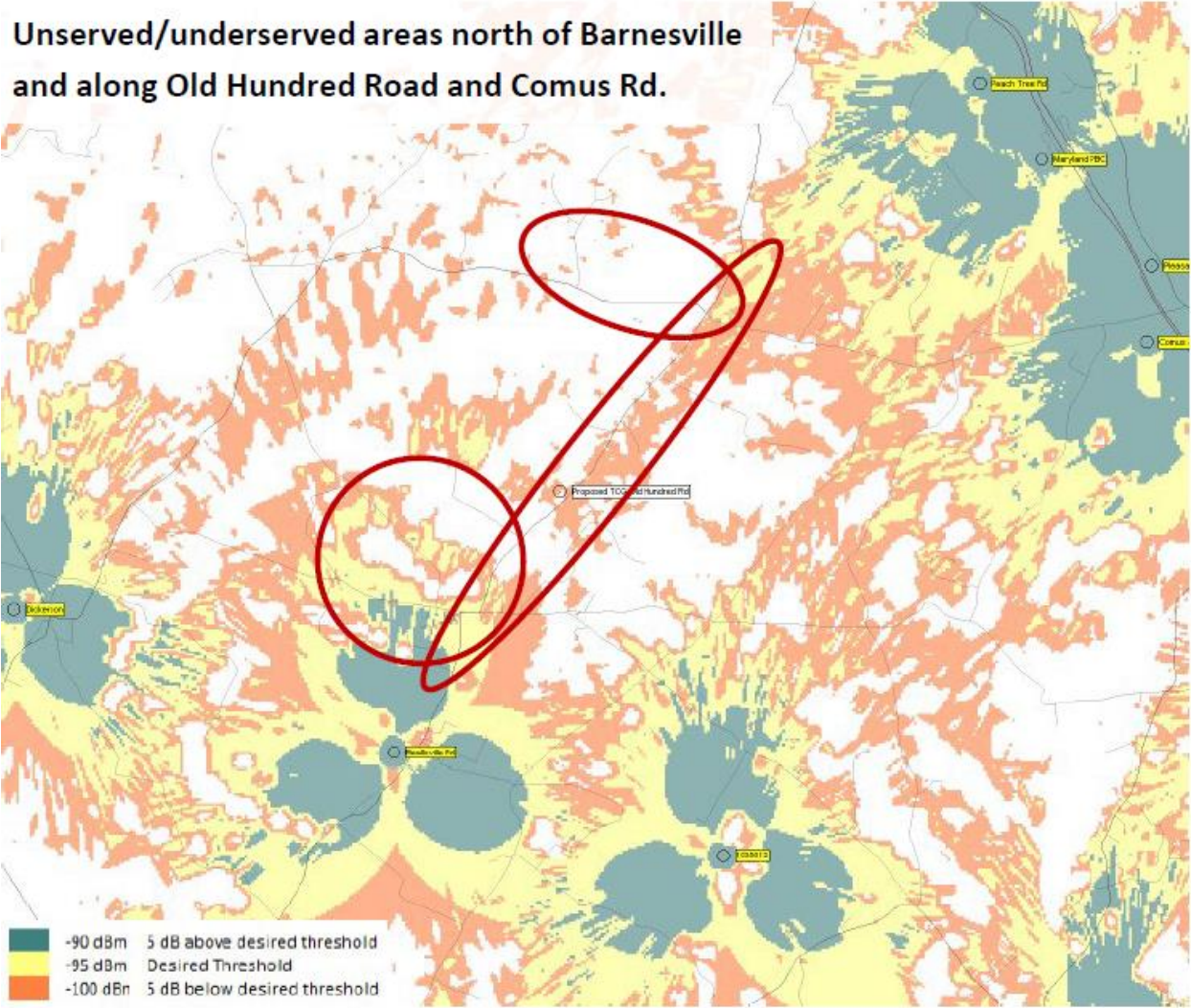
Figure 7: Distances from property lines.

iii.

The maximum height of a support structure and antenna is 135 feet, unless it can be demonstrated that additional height up to 179 feet is needed for service, collocation, or public safety communication purposes. At the completion of construction, before the support structure may be used to transmit any signal, and before the final inspection required by the building permit, the applicant must certify to DPS that the height and location of the support structure conforms with the height and location of the support structure on the building permit.

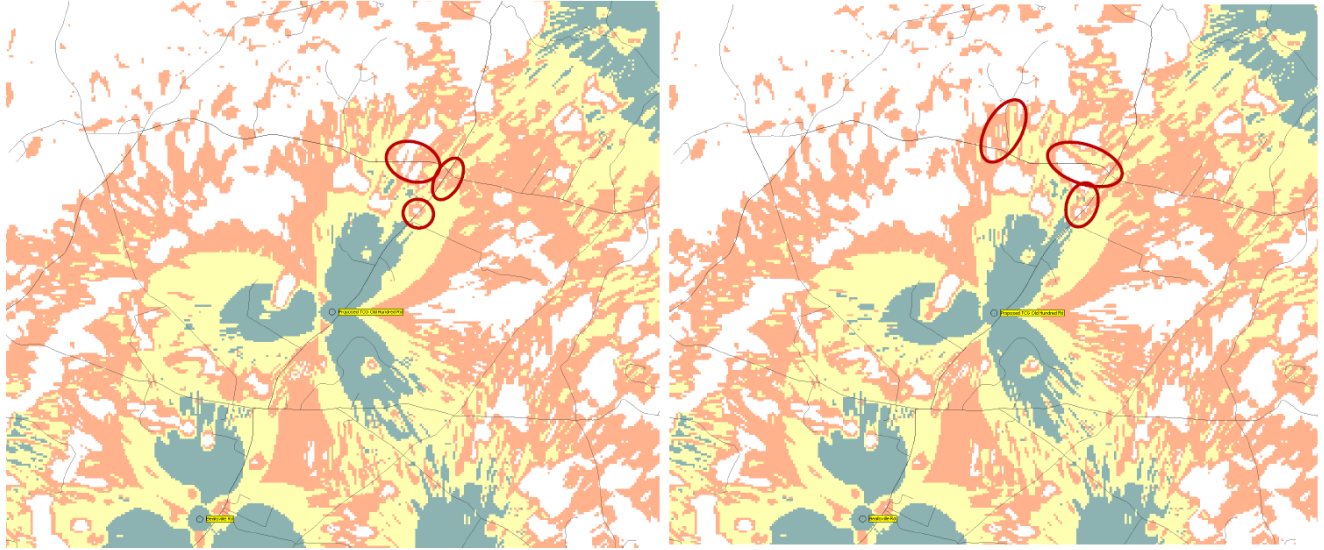
The Applicant is asking for additional height to allow the support structure over 135 feet. The monopole is proposed to be 160 feet in height in order to provide Verizon Wireless (VZW) the minimum height necessary to accomplish the signal improvement required to serve the target area. The Site is designed to serve Barnesville, Old Hundred Road, Comus Road, Barnesville Road and Beallsville Road. Figure 7 shows how these areas are underserved or even unserved by the current cellular coverage in this area. This is especially important for citizens who may not have landlines and rely totally on cellular service for all their communication needs including needing to contact the Emergency Communications Center (911) when an emergency arises and therefore provides an important public purpose. Propagation demonstrating the need for the minimum height of 160 feet for VZW are included with this Application. The proposed height will also allow for the collocation of additional carriers and reduce and/ or eliminate the need for additional sites in the area. See figures 7, 8, & 9 below (Attachment C).

Unserved/underserved areas north of Barnesville and along Old Hundred Road and Comus Rd.



Existing service area

Figure 8: Existing Service Area

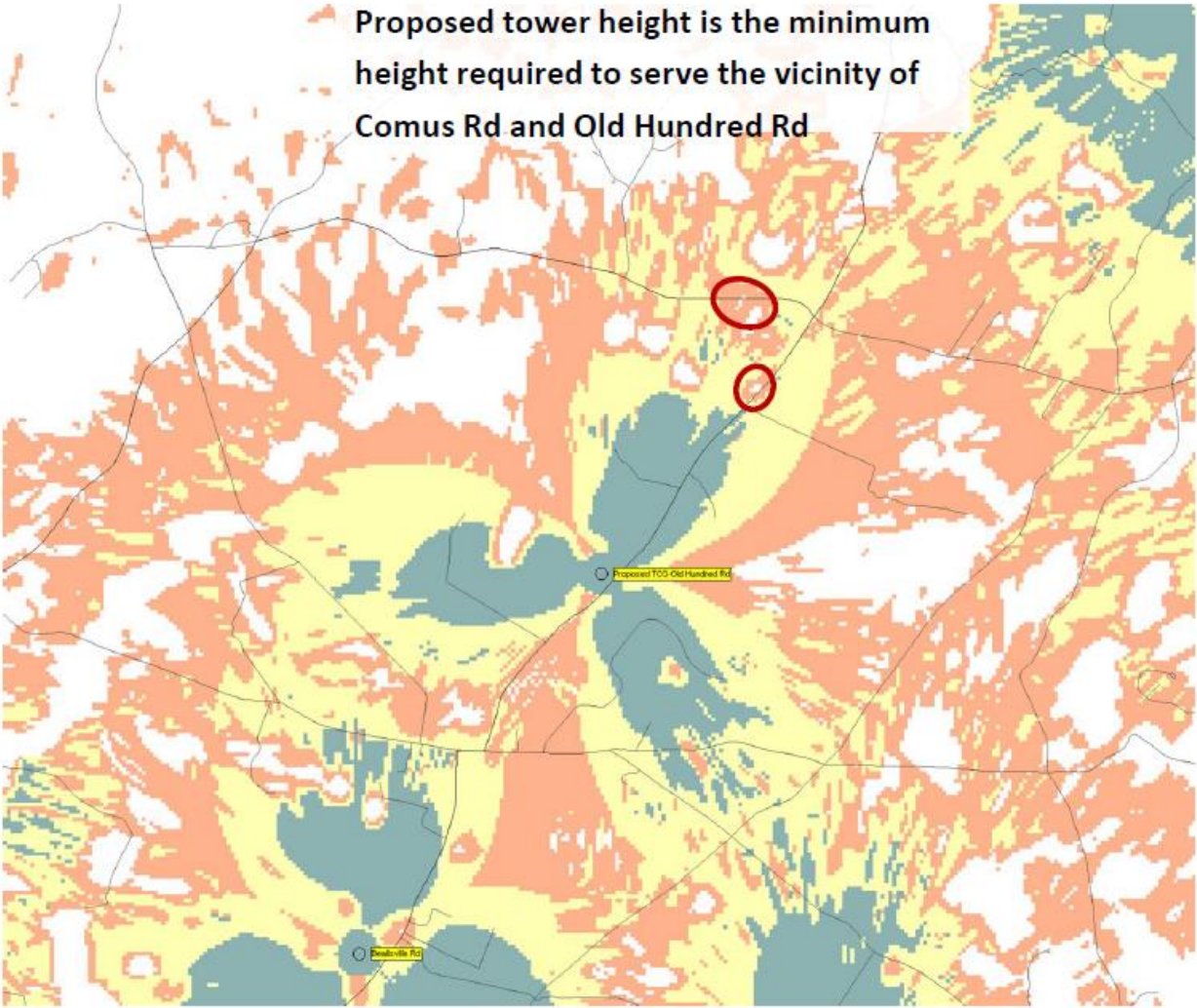


116 ft

Degraded service along Comus Road at lower heights.
Foliage effects, e.g., trees, are also more noticeable at lower antenna heights.

96 ft

Figure 9: Propagation at 116 feet and 96 feet



Proposed TCG Site at 136 ft – Minimum Height

Figure 10: Propagation at 136 feet

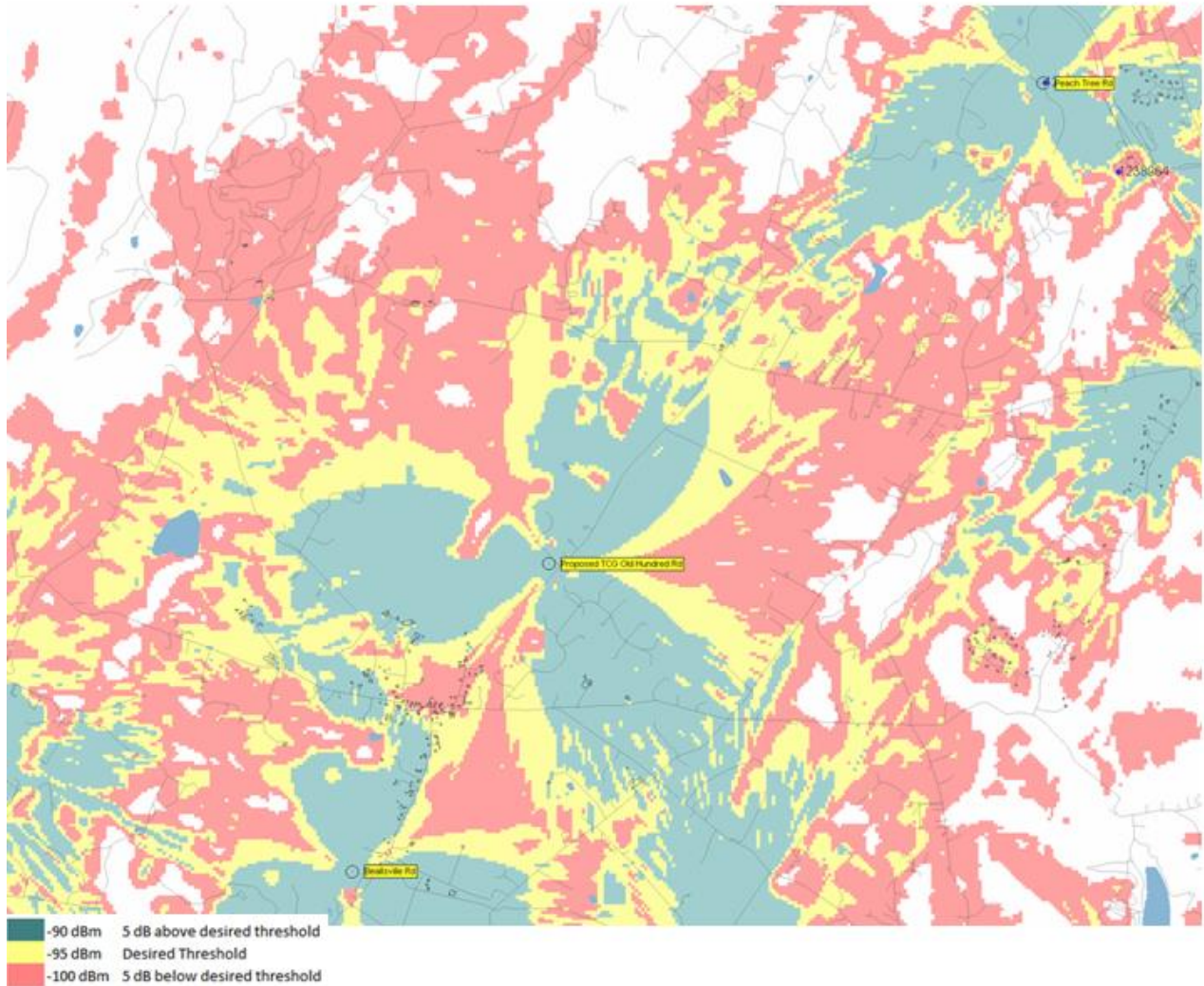


Figure 11: Propagation at 156 feet

iv.

The support structure must be located to minimize its visual impact. Screening under Division 6.5 is not required, however, the Hearing Examiner may require the support structure to be less visually obtrusive by use of screening, coloring, stealth design, or other visual mitigation options, after considering the height of the structure, topography, existing vegetation and environmental features, and nearby residential properties.

The tower is located on a parcel just over 40 acres and is setback from the road 259 feet to minimize the visual impacts. The proposed tower and compound will be surrounded by an existing forested area which will minimize visual

impacts from the road. This forested area is not in an easement so Staff recommends if the forest gets removed between the tower compound and Old Hundred Road in the future, the applicant should provide screening around the tower compound.

The property owner must be an applicant for the conditional use for each support structure.

- v. Juanita Wheatley Breland is the owner of the Property and is a co-applicant with Telecom Capital Group.

A modification of a conditional use is only required for a change to any use within the conditional use area directly related to the conditional use approval.

- vi. This Section is not applicable because this is an application for a new conditional use and not a modification.

vii. A support structure must be constructed to hold a minimum of 3 wireless communication carriers unless the Hearing Examiner finds:

(a) that collocation at the proposed location is not essential to the public interest; and

(b) that construction of a lower support structure with fewer wireless communication carriers will promote community compatibility.

The support structure has been designed and will be constructed to hold up to five (5) total carriers.

viii. The equipment compound must have sufficient area to accommodate equipment sheds or cabinets associated with all the carriers. Outdoor storage of equipment or other items is prohibited.

The equipment compound will have a sufficient area to be able to accommodate the equipment sheds and cabinets for up to five (5) carriers.

ix. The support structure must be removed at the cost of the owner of the Telecommunications Tower when the Telecommunications Tower is no longer in use by any wireless communication carrier for more than 12 months.

The Applicant agrees to remove the tower and associated improvements if it is out of service for more than 12 months.

x. The support structure must be identified by a sign 2 square feet or smaller, affixed to the support structure or any equipment building. The sign must identify

the owner and the maintenance service provider of the support structure or any attached antenna and provide the telephone number of a person to contact regarding the structure. The sign must be updated and the Hearing Examiner notified within 10 days of any change in ownership.

The required signage will be posted.

xi. Each owner of the Telecommunications Tower is responsible for maintaining the wireless communications tower in a safe condition.

The Applicant will perform maintenance on a monthly basis, one to two times a month. The Applicant will maintain the function of the facility as well as the required signage and maintenance of the overall compound.

xii. The Hearing Examiner must make a separate, independent finding as to need and location of the facility. The applicant must submit evidence sufficient to demonstrate the need for the proposed facility.

The monopole is proposed to be 160 feet in height to provide Verizon Wireless (VZW) the minimum height necessary to accomplish the signal improvement required to serve the target area. The Site is designed to serve Barnesville, Old Hundred Road, Comus Road, Barnesville Road and Beallsville Road. Figure 7 shows how these areas are underserved or even unserved by the current cellular coverage in this area. This is especially important for citizens who may not have landlines and rely totally on cellular service for all their communication needs including needing to contact the Emergency Communications Center (911) when an emergency arises and therefore provides an important public purpose. Propagation demonstrating the need for the minimum height of 160 feet for VZW are included with this Application. The Applicant has provided a description of the target area as well as supporting propagation maps. See figures 7, 8, and 9 above (Attachment C).

1. Per Section 59.7.3.1.E., to approve a conditional use application, the Hearing Examiner must find that the proposed development:

a) satisfies any applicable previous approval on the subject site or, if not, that the previous approval must be amended.

There are no previous approvals for this site.

b) satisfies the requirements of the zone, use standards under Article 59-3, and to the extent the Hearing Examiner finds necessary to ensure compatibility, meets applicable

general requirements under Article 59-6; Use Standards for a Telecommunications Tower- Section 59.3.5.2.C

Telecommunication Tower is allowed as a Conditional Use in the Agricultural Reserve (AR) Zone.

iii. Development Standards

Table 1: Conditional Use Development and Parking Standards (Agricultural Reserve- AR Zone)

Development Standard Section 59.4.2.1.F	Permitted/ Required	Existing/Proposed
Minimum Lot Area	25 acres	40.98 acres
Minimum Lot Width at Front Building Line	125 ft.	672.86 ft.
Minimum Lot Width at Front Lot Line	25 ft.	1320 ft.
Maximum Density	1 unit/25 acres	1 unit/40.98 acres
Maximum Lot Coverage	10%	<1%
Minimum Front Setback	50 ft. (160 ft. for tower)	259 ft.
Minimum Side Setback	20 ft. (160 ft. for tower)	183 ft. & 202.4 ft.
Minimum Sum of Side Setbacks	n/a	n/a
Minimum Rear Setback	35 ft. (160 ft. for tower)	1186 ft.
Minimum Setback from Dwelling	300 ft.	406.7 ft.
Maximum Height	50 ft. (135 ft.-179 ft. for tower)	160 ft.
Vehicle Parking Requirement (Section 59.6.2.4.B)	2/dwelling unit= 2 space	2 spaces

* Section 50.3.3.A.10 exempts telecom towers from the subdivision and platting process, therefore this is not a requirement of this application.

ii. General Requirements

(1) Screening

Screening is not required per Section 59.3.5.2.C.2.c.iv. However, the Hearing Examiner may require screening to make the support structure less visible. The applicant is proposing a chain link fence around the compound. The proposed tower and compound are located 259 feet from the public right of way and will be located within a forested area and therefore additional screening is not recommended as long as the forest is maintained.

(2) Lighting

The Applicant is not proposing any lighting with this application so Section 59.6.4.4 does not apply.

(3) Signage

The Applicant is not proposing any new signage with this application other than the identification signs required by Section 59.3.5.2.C.2.c.x.

c) *substantially conforms with the recommendations of the applicable master plan;*

The Property is located within the 1980 *Functional Master Plan for the Preservation of Agriculture and Rural Open Space* (“AROS Plan”) area, which does not have any specific recommendations for the Property. The Property is within the “Western Sector” analysis area in the AROS Plan. The Master Plan recommended ways to address the loss of productive farmland in the county. The area of the proposed conditional use is predominately wooded and therefore the Telecommunications conditional use would not create a loss of productive farmland. Therefore, the Application substantially conforms to the Master Plan.

d) *is harmonious with and will not alter the character of the surrounding neighborhood in a manner inconsistent with the plan;*

The telecommunications tower will not in any way impair the preservation of farmland or open space and will serve those living, working, and traveling through this agricultural and rural area. The tower is setback 259 feet from the front lot line so as not to visually impact the neighborhood. The proposed tower and compound will be surrounded by an existing forest and therefore should have minimal visual impact from the public road. The proposal is harmonious with, and will not alter the character of the surrounding neighborhood.

- e) ***will not, when evaluated in conjunction with existing and approved conditional uses in any neighboring Residential Detached zone, increase the number, intensity or scope of conditional uses sufficiently to affect the area adversely or alter the predominantly residential nature of the area; a conditional use application that substantially conforms with the recommendations of a master plan does not alter the nature of an area;***

There are no other existing Conditional Uses/Special Exceptions identified in the neighborhood. The proposed Conditional Use is consistent with the general plan for the physical development of the surrounding area. The proposed Site will not adversely alter the agricultural nature of the area. The Conditional Use is in harmony with the general purpose and intent of the adopted and approved Master Plan for the area and the Zoning Ordinance, as outlined above, and by improving the quality of mobile communication systems in the County and surrounding jurisdictions it is serving the community.

- f) ***will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities. If an approved adequate public facilities test is currently valid and the impact of the conditional use is equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required and:***
- i. if a preliminary subdivision plan is not filed concurrently or required subsequently, the Hearing Examiner must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage, or***
 - ii. if a preliminary subdivision plan is filed concurrently or required subsequently, the Planning Board must find that the proposed development will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage, and***

The Site will not require public services other than power. The proposed road access will be for occasional access for emergency repairs, fire department access if needed and maintenance of the stormwater management facilities. The Proposed Application will not require and increase in school enrollment. The Property is approximately 4 miles from Upper Montgomery Fire house in Beallsville.

(1) Transportation

The Subject Property is located on Old Hundred Road (MD-109), approximately 5000 feet northeast of the Barnesville Road and Old Hundred Road (MD-109) intersection. Old Hundred Road is identified as a Rustic Road in the Rustic Roads Functional Plan (2023). Access to the proposed telecommunications tower facility on the Subject Property is proposed via an existing 12-foot-wide gravel driveway from Old Hundred Rd. The facility

will be unmanned and will only generate periodic maintenance trips. As such, the Subject Property will be below the 50-weekday peak-hour person trip threshold for additional LATR review and will not trigger a transportation impact study. There will be no significant impact on local transportation, and no mitigation is required.

The 2018 *Bicycle Master Plan* does not recommend any designated bike facilities on Old Hundred Road. No additional improvements are required.

g) will not cause undue harm to the neighborhood as a result of a non-inherent adverse effect alone or the combination of an inherent and a non-inherent adverse effect in any of the following categories:

- i. the use, peaceful enjoyment, economic value or development potential of abutting and confronting properties or the general neighborhood;**
- ii. traffic, noise, odors, dust, illumination, or a lack of parking; or**
- iii. the health, safety, or welfare of neighboring residents, residents, visitors, or employees.**

Inherent aspects of a Tower include the maintenance trips and the height of the Tower. The Project will not be detrimental to surrounding properties and these inherent aspects have been addressed. The proposed tower will be screened by existing trees, so it will have a limited visual impact, and will not cause any objectionable noise, fumes, or illumination or decrease in the economic value of surrounding properties. The proposed use will have no adverse effect on road congestion or safety, as no on-site personnel are required. Once the telecommunications facility is constructed, the only traffic to the facility would be for routine maintenance or emergency repair, which is expected to be only 1-2 visits per month. There will be no noise generated by this Site. The equipment is located on a secure foundation and the antennas and transmission lines are silent. There will be no offensive odors emitted by the equipment, transmission lines, or antennas. The Site will not cause any vibrations.

The Property itself does not pose any conditions which would create non-inherent effects and the proposed Tower will be setback 259 feet from the front property line and is screened by the existing, mature forest.

The Conditional Use generates almost no traffic and does not have a parking requirement Section 59.6.2.4.B. There is no noise, odors, dust, or illumination associated with the Application during post-construction operation. All requirements and conditions of the use are satisfied, and the Project will have no adverse impacts on the health, safety, or welfare of neighboring residents, visitors, or employees.

2. ***Any structure to be constructed, reconstructed, or altered under a conditional use in a Residential Detached zone must be compatible with the character of the residential neighborhood.***

The Property is in the AR zone and not within a Residential Detached zone; therefore, this Finding does not apply.

3. ***The fact that a proposed use satisfies all specific requirements to approve a conditional use does not create a presumption that the use is compatible with nearby properties and is not sufficient to require conditional use approval.***

The use is compatible with the nearby properties and the staff recommends approval with conditions.

4. ***In evaluating the compatibility of an agricultural conditional use with surrounding Agricultural or Rural Residential zoned land, the Hearing Examiner must consider that the impact does not necessarily need to be controlled as stringently as if it were abutting a Residential zone.***

This Application is not an agricultural conditional use; therefore, this Finding does not pertain to this application.

5. ***The following conditional uses may only be approved when the Hearing Examiner finds from a preponderance of the evidence of record that a need exists for the proposed use to serve the population in the general neighborhood, considering the present availability of identical or similar uses to that neighborhood:***

- a) ***Filling Station;***
- b) ***Light Vehicle Sales and Rental (Outdoor);***
- c) ***Swimming Pool (Community); and***
- d) ***the following Recreation and Entertainment Facility use: swimming pool, commercial.***

This Finding does not pertain to this application as none of the uses listed above are included in the Subject Application.

6. ***The following conditional uses may only be approved when the Hearing Examiner finds from a preponderance of the evidence of record that a need exists for the proposed use due to an insufficient number of similar uses presently serving existing population concentrations in the County, and the uses at the location proposed will not result in a multiplicity or saturation of similar uses in the same general neighborhood:***

- a) ***Funeral Home; Undertaker;***
- b) ***Hotel, Motel;***
- c) ***Shooting Range (Outdoor);***
- d) ***Drive-Thru***

- e) **Landfill, Incinerator, or Transfer Station; and**
- f) **a Public Use Helipad, Heliport or a Public Use Helistop.**

This Finding does not pertain to this application as none of the uses listed above are included in the Subject Application.

FINAL FOREST CONSERVATION PLAN NO. F20240500

All Forest Conservation Law, Chapter 22A requirements are satisfied.

The Property is subject to the Montgomery County Forest Conservation Law, Chapter 22A of the County Code, and requires a Forest Conservation Plan. The Forest Conservation Plan complies with the Montgomery County Environmental Guidelines and the Forest Conservation Law.

Natural Resource Inventory/Forest Stand Delineation Plan

Natural Resource Inventory/Forest Stand Delineation (“NRI/FSD”) 420231450 was approved on June 10, 2023. The NRI/FSD identifies the environmental features and forest resources on the Subject Property. The Subject Property is located within the Little Monocacy watershed, classified as a Use Class I-P by the State of Maryland.

The Subject Property contains 35.76 acres of forest. In addition, there are specimen trees both on-site and adjacent to the Subject Property that have a diameter breast height (“DHB”) of 30 inches or more. The Subject Property contains a stream and 6.04 acres of stream valley buffer.

Environmental Guidelines

The Subject Application does not impact any Variance Trees, Wetlands, Streams, or Environmental Buffers. The Project is in conformance with the Environmental Guidelines.

Forest Conservation Plan

The Applicant has an approved Final Forest Conservation Plan No. F20240500 (“FFCP”) (Attachment A) that has already been reviewed and approved for the development plan application for Conditional Use Plan No. CU202417.

The Application satisfies the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and it is in compliance with the Montgomery County Planning Department’s approved Environmental Guidelines.

The Subject Property is zoned AR and is assigned a Land Use Category of Agricultural Resource Area (“ARA”) as defined in Section 22A-3 of the Montgomery County Forest Conservation Law (“FCL”) and in

the Land Use Table of the Trees Technical Manual. This results in an afforestation threshold of 20% and a conservation threshold of 55% of the Net Tract Area.

The Net Tract Area for forest conservation purposes is 0.37 acres. The total tract area is 40.98 acres minus 40.61 acres to remain in agricultural production. There is a total of 0.37 acres of existing forest within the net tract area with the Applicant proposing to remove all 0.37 acres of forest. This results in a total afforestation/reforestation requirement of 0.49 acres (same watershed) or 0.67 acres (outside the same watershed).

The Applicant proposes to meet the requirement offsite via a forest conservation bank.

SECTION 6: CONCLUSION

The proposed conditional use complies with the general conditions and standards of a Telecommunications Tower, subject to the recommended conditions of approval. The proposed use is consistent with the goals and recommendations of the 1980 *Functional Master Plan for the Preservation of Agriculture and Rural Open Space* (“AROS Plan”), will not alter the agricultural or residential character of the surrounding neighborhood, and will not result in any unacceptable noise, traffic, or environmental impacts on surrounding properties. Staff recommends approval of the Conditional Use with conditions to the Hearing Examiner.

ATTACHMENTS

Attachment A: Approved Forest Conservation Plan

Attachment B: Barnesville Conditional Use Plans

Attachment C: Propagation Report