

OFFICIAL MINUTES
Carroll County Planning and Zoning Commission
Pathways to Carroll's Future Landscape
Work Session

September 2, 2009

Location: County Office Building, Room 003

Members Present: David L. Brauning, Chairman
Dennis Wertz, Vice Chair
Melvin E. Baile, Jr.
Wayne Schuster
Charles M. Chadwick
Alec Yeo
Robert B. Slade, Alternate

Members Absent: Julia Walsh Gouge, Ex-Officio

Mr. Brauning opened the meeting at 6:30 p.m. and reviewed the agenda.

Mr. Clay Black, Bureau of Development Review, distributed copies of his presentation and copies of Section 103-30 relating to lot yield in the Agricultural District. He reviewed the definition of off-conveyances and the background of off-conveyances. Mr. Black provided several lot yield calculation scenarios:

- A. 115 acre single parcel description – calculating lot yield based on the current yield calculations; proposed changes; lot yield calculations not beginning until 20 acres but with multi-parcel deed; not recognizing multi-parcels but maintain yield starting at 6 acres.
- B. 115 acre multi-parcel description – Parcel 1- 57 acres; Parcel 2- 58 acres - same calculations

Mr. Chadwick questioned whether the proposals would present administrative difficulties for the Planning Department.

Mr. Black indicated it is easy to calculate yield on single parcel descriptions, but it becomes more difficult when it is necessary to read the deed histories and make the calculations. Most landowners must seek assistance from a local attorney or surveyor to make these lot yield determinations.

Mr. Ralph Robertson, Agricultural Land Preservation Program, explained that many of these deeds go back to the 1800's and it requires a lot of research to make accurate lot yield determinations.

Mr. Black reviewed the third scenario:

- C. 115 acre multi-parcel description – Parcel 1- 39 acres; Parcel 2- 38 acres; Parcel 3 – 38 acres

Mr. Baile suggested that the Commission remove the “Joy amendment” and start the yield calculation at 20 acres.

Mr. Chadwick noted that off-conveyances began to allow quick and easy subdivision for family members or to come up with cash.

Dr. Slade suggested limiting the size of off-conveyances to eliminate further subdivision.

Mr. Chadwick suggested that, rather than restricting the size of the off-conveyance, we restrict any further subdivision of the off-conveyance. He also suggested that if a person was subdividing the entire property for residential purposes, then no off-conveyances would be allowed.

With regard to multi-parcel deeds, Ms. Terri Jones, Department of the County Attorney, explained that the County allows each individual parcel to be conveyed separately without going through the subdivision process. If you continue to allow them to separate the property by the parcel/deed, then yield stays with them. If you want to derive subdivision yield from the entire acreage, not by the parcel, then you would eliminate the ability to convey individual parcels without going through the subdivision process.

Mr. Black suggested the Commission attack some of the mechanisms that are permitted. He noted that publicly maintained road frontage is not required for off-conveyances. Mr. Black noted that without utilization of adjoining tracts, we hurt design and environmental issues. He explained that the Pathways Plan proposes that off-conveyances be prohibited in business/commercial districts and that they be created for residential purposes only.

Mr. Yeo questioned the difference time-wise to go through the off-conveyance process versus the subdivision process.

Mr. Black explained that creation of an off-conveyance would take one or two months; a minor subdivision of 1-2 lots would take seven to nine months. He noted that it is not just a matter of time, more plans and more reviews are required with a minor subdivision.

Ms. Jones explained that off-conveyances are subject to environmental site delineations (ESD).

Mr. Tom Devilbiss, Department of Planning, further explained that the State does not recognize off-conveyances. The State recognizes development, and all development is subject to environmental regulations.

Mr. Robertson noted that for the County to get a 1:20 ratio, multiple issues must be dealt with, including: off-conveyances, multi-parcel deeds, and parts thereof.

The Commission discussed what factors are used to determine the value of a farm.

Mr. Chadwick suggested that, rather than talking about a mechanism to control residential development in the Agricultural District, we agree on a yield factor. Once you have a yield factor, staff can tell us what we would have to do to achieve that yield.

Dr. Slade made a motion to adopt the staff proposal from Pathways with regard to agricultural zone lot yield calculations, multi-parcel deeds, and parts thereof.

Mr. Chadwick seconded the motion.

The motion failed with Mr. Wertz, Mr. Chadwick, and Dr. Slade voting "Aye"; Mr. Baile, Mr. Yeo, and Mr. Brauning voting "No"; and Mr. Schuster abstaining.

It was the consensus of the Commission to adjourn the meeting at 9:00 p.m.

Secretary

Approved