

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

September 17, 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.

Mr. Steve Horn, Department of Planning, discussed future meeting dates. It was the consensus of the Commission to meet on September 28 and 30. October work session dates will be scheduled in the near future.

Ms. Brenda Dinne, Bureau of Comprehensive Planning, showed a map detailing all the residential zoning outside the Growth Area Boundaries (GAB's). She noted that there are approximately 10,000 acres zoned R-40,000 outside the GAB's, including improved and unimproved land. Under current zoning, the County has approximately 3,000 lots available in R-40,000 zoning. Under Pathways, these lots are reduced to approximately 245. There are 451 parcels that are improved with one house while the rest of the property remains developable; totaling approximately 1,700 lots.

Mr. Horn indicated that the motion the Commission made at their last meeting covered the R-40,000 land where the lot yield has been completely exhausted. Staff needs to know how the Commission wants to handle the middle category – land that has been partially improved with additional lot yield – the 1,700 lots.

Mr. Baile suggested that the zoning is unrealistic based on percolation requirements of today. Some of this land will never be developed at its current density.

The Commission discussed residential zoning outside the GAB's and whether there should be any densities lower than R-40,000. They also discussed calling the zoning something other than agriculture resource protection because they are not agricultural lots. Members discussed establishing a new zoning district, establishing densities and allowable uses. They noted that if a property is not capable of agriculture, it should be considered a future residential use. The Commission discussed rezoning properties taxed with an agricultural assessment to Agriculture Resource Protection (ARP).

Ms. Dinne noted that there are 704 parcels under 20 acres that are zoned R-40,000.

The Commission discussed Mr. Schuster's proposal to remove environmentally sensitive areas from lot yield calculations and applying this to residential and conservation zoned land.

Mr. Tom Devilbiss, Department of Planning, noted that environmental site delineations are site specific evaluations that need to occur for each individual property.

Commission members questioned the legal implications of this proposal.

Ms. Terri Jones, Department of the County Attorney, indicated she would have to do research on this proposal. She reminded the Commission that property owners are able to clear forested parcels with off-site reforestation and afforestation and to mitigate wetlands.

Mr. Schuster suggested this proposal would be more simple than creating new zoning districts with similar results. He noted that property owners are still permitted uses by right, but the environmental conditions on the site would be the equalizer.

The Commission, on motion of Dr. Slade, seconded by Mr. Chadwick, and unanimously carried, directed that residentially zoned land outside the GAB's currently being assessed as agriculture be rezoned to ARP.

The Commission, on motion of Mr. Schuster, seconded by Dr. Slade, and unanimously carried, directed staff, if legally possible and viable, to prepare the necessary ordinance changes with respect to how lot yield is calculated in all residential and conservation zoning districts in the County to allow the environmentally sensitive areas as to be defined to be removed from density calculations for development purposes.

Ms. Dinne reported on the results of the Commission's previous action to eliminate lot yield between 6 and 20 acres. She noted that this action accounted for a reduction of 577 lots.

Mr. Yeo asked for a summary of the motions that have been taken by the Commission to date.

Ms. Dinne showed a map of the conservation zoned land, noting that approximately 50,000 acres in the County are zoned conservation.

The Commission discussed whether the conservation zone was where it needed to be, whether some areas need to be removed, and whether some areas need to be added.

Mr. Devilbiss stated that the Commission needs to define the conservation zone and determine its purpose before that question can be answered. He suggested there is a lot of other land that should be zoned conservation if the goal is to protect all the stream corridors, etc. Mr. Devilbiss noted that zoning a property conservation may not be necessary if the County enforces buffers, easements, etc., to protect the environmentally sensitive areas.

The Commission discussed recent conservation zone development plans that have come before them for review, what the lot yield calculations on those plans would have been if the environmentally sensitive areas had been removed prior to lot yield calculations, etc.

Ms. Jones suggested that in order to do the necessary research with regard to removing environmentally sensitive areas from parcels before making lot yield determinations, she would need to know the density the Commission was considering for the conservation zone.

Mr. Schuster suggested that the remainder of the land that is available after sensitive areas have been removed should have lot yield determinations based on 1:3.

Mr. Devilbiss questioned whether forest conservation easements and forested lands are to be considered environmentally sensitive areas and excluded from lot yield calculations. He noted that the current practice is to allow these areas to be mitigated.

It was the consensus of the Commission to remove those areas before lot yield calculations are done. Members acknowledged that some properties may only be given one buildable lot that is allowed by right.

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

Secretary

Approved