

OFFICIAL MINUTES
Carroll County Planning and Zoning Commission

October 20, 2009

Location: Carroll County Office Building

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

The meeting opened at 9:00 a.m. Present with the Commission were the following persons: Steve Horn and Kelly Martin, Department of Planning; Terri Jones, Department of the County Attorney; Clay Black, Jeanne Joiner, Kim Brandt, Pat Varga, Ashley Wantz, and Kathryn Filemyr, Bureau of Development Review; Brenda Dinne, Barb Lilly, and Andrea Gerhard, Bureau of Comprehensive Planning; Bryan Van Fossen, Office of Public Safety; Ted Zaleski, Department of Management and Budget; Albert Eilbacher, Carroll County Public Schools; Jeff Degitz, Department of Recreation and Parks; Robert Allen; John Lemmerman; Douglas Ilioff; Ron Thompson; Dale McCracken; Linda Donoff; and members of the press.

APPROVAL OF MINUTES

- a. September 2, 2009
- b. September 10, 2009
- c. September 14, 2009
- d. September 15, 2009
- e. September 17, 2009
- f. September 28, 2009
- g. September 30, 2009

The minutes of September 2, 10, 14, 15, 17, 28, and 30 were approved as distributed on motion of Mr. Baile, seconded by Mr. Chadwick, and carried.

REPORT OF AGENCY REPRESENTATIVES:

Office of Public Safety- Mr. Bryan Van Fossen reported: that the Office of Public Safety has recently made upgrades to the 800 mhz system that included a \$1.8 million purchase to upgrade infrastructure. This equipment is state of the art and will be able to interface with the new digital system that will eventually replace the current analog system.

The Commission briefly discussed the issue of fire departments serving rural areas and inadequate response times. Mr. Van Fossen noted that the “clock stops” when the first unit arrives on the scene.

Board of Education – Mr. Albert Eilbacher reported: the Freedom Elementary School full day kindergarten addition was completed in time for the first day of school; mechanical systems are being tested. Manchester Valley High School was completed in time for the first day of school, including use of the auditorium for the back to school orientation night; the concession stand and bleachers were completed in time for the start of the sports season; in receipt of comments from MDE on the pumping station/treatment plant; the temporary use and occupancy permit for the school building remains in effect until final inspection requirements are satisfied. The Mount Airy Elementary School roof replacement project consists of low sloped roof and steep sloped roof; the low sloped roof has been completed; fabrication of trusses for the steep sloped roof continues. Working on phase one, sixth grade area, for the Northwest Middle School open space enclosures project; late delivery of light fixtures and casework will push the completion to the end of October. Completed renovations on the G wing for the beginning of the school year; focusing on the fine arts addition for South Carroll High School; structural steel is erected; working on brick veneer.

Mr. Yeo questioned the anticipated completion date for this project.

Mr. Eilbacher indicated the project should be completed in the summer of 2010. He reported that the geothermal field well and piping installations are almost complete for the Westminster High School HVAC replacement project; the additions are in various stages of completion; relocation of students to the relocatable classrooms occurred at the start of the school year. The contractor is grading and preparing the area for the full-day kindergarten addition at William Winchester Elementary School; temporary emergency access from the building through the construction zone has been established. The Winfield Elementary School full day kindergarten addition consists of two additions; one to the rear and one to the east of the building; exterior masonry is complete; working on steel and getting roof structure installed; temporary partitions have been installed to separate construction from the instructional area. The following CIP projects are complete with only warranty work occurring: Mt. Airy Middle School roof replacement, Francis Scott Key High School roof replacement, Robert Moton Elementary HVAC replacement, and Carrolltowne Elementary School. Planning activities have ceased for the Career and Technology Center Replacement Building until planning funds are received. Planning approval was received from the State for the Robert Moton Elementary School full day kindergarten addition; met with planning committee representatives to develop design development documents. The Construction Planning Committee will meet with the architect and start the process of developing the educational specifications for Westminster Elementary School open space enclosures. The architect has begun work on the feasibility study for the Mt. Airy Middle School modernization and addition; development of the educational specifications has begun. Mr. Eilbacher provided an update on the FY09 Aging School Projects. He noted that the stairwell door for the North Carroll High School stairwell door replacement was destroyed during transport, so that project has not been completed. The Westminster High School fire doors asbestos abatement/replacement project is occurring after school hours. Mr. Eilbacher reviewed the FY10 Aging School Project for the Northwest Middle School switchgear and motor control center replacement.

The Commission briefly discussed the construction of sidewalks with new school projects, focusing on the Manchester Valley High School.

Public Works – No report given; no representative present.

Economic Development – No report given; no representative present.

Development Review – Mr. Clay Black indicated he had nothing to report.

Management and Budget – Mr. Ted Zaleski reported that the picture continues to get worse for the County. He noted that while there are some signs of improvement in the general economy, it will be a significant amount of time before that translates into improvements for County Government. Mr. Zaleski explained that the Commissioners recently took some actions to ensure that the County can balance the FY10 budget. He noted that during FY11 and beyond, the County will be facing a number of difficult years. Staff is working on developing plans to deal with that situation. Mr. Zaleski explained the proposed revenue decreases based on reassessments and noted that negative assessments are not phased in, they occur immediately.

Mr. Schuster noted that the Commission has been talking about tax incentives in the Pathways Plan to support green areas. He asked at what point the Commission should reach out to staff regarding the fiscal impact of that idea.

Mr. Zaleski explained that the County does not have the authority to grant tax incentives for green areas and would first need to go through the legislative process to get that authority.

Mr. Yeo acknowledged that property taxes consist of 50 percent of the County's revenue. He questioned the next greatest line item.

Mr. Zaleski indicated that 30 percent of the County's revenue is derived from income tax. He noted that the decrease in income tax revenue will likely recover faster than the property tax revenue.

Mr. Schuster questioned whether the County was aware of a second round of stimulus funds.

Mr. Zaleski noted that based on the minimal impact of the first round of stimulus funds, the County was not very concerned about a second round.

Recreation and Parks – Mr. Jeff Degitz reported that work at Bark Hill Park has been completed; Peace and Plenty Lane is completed and the fields will open in the spring. He noted that a multi-purpose field is being added to Deer Park; work is 95 percent complete, and the field should be ready for use next fall. Mr. Degitz explained that most of the projects submitted in the upcoming CIP are for renovations to existing facilities, e.g., pavilion replacements, etc. He stated that his department is in the process of completing their annual report and noted statistics related to the number of hours of usage for the fields, activity rooms, gymnasiums, etc.

COMMISSION MEMBER REPORTS:

Commission Chairman – Mr. Brauning indicated he signed a couple minor subdivisions since the last meeting. He expressed his appreciation to the Commission members for their attendance at the Pathways work sessions.

Other Commission Members – Mr. Schuster suggested that agendas and e-mails only be sent to the Commission via e-mail without hard copies being mailed to save money and paper. Several members indicated they would still like to receive hard copies.

DEPARTMENT OF PLANNING STAFF REPORT:

Director – Mr. Horn indicated he had an appointment upstairs and Mr. Black would be serving as Acting Secretary until his return.

FALL 2009 AMENDMENT TO THE CARROLL COUNTY MASTER PLAN FOR WATER AND SEWERAGE

Ms. Andrea Gerhard, Bureau of Comprehensive Planning, indicated that last month she had reviewed a request to add a 52.49 acre parcel known as the Robert Allen Property to the Priority Planning (S-3) category on the Freedom Area Sewer Service Area which is currently in the No Planned Service Area (S-7). The parcel is located in the 14th Election District at the intersection of Bennett Road and Oklahoma Road. Ms. Gerhard noted that the engineer had provided concept plans for the Commission's review, but they were not actual submittals.

Mr. Schuster mentioned conversations that are occurring as part of the Pathways process which may change the way the County deals with parcels that cannot achieve their density. He noted that the sewer treatment plant is already over committed based on its capacity.

Ms. Jones explained that since the Pathways Plan is only a draft under review, the Commission is considering this request based on the Freedom Community Comprehensive Plan. Discussions regarding Pathways are not relevant to today's decision.

Ms. Brenda Dinne, Bureau of Comprehensive Planning, noted staff support for the request. She explained that the County is trying to reduce nonpoint source loads and pollutants by eliminating septic systems. This amendment would allow the development to occur on a public sewer system where the pollutants can be treated versus private septic systems.

Mr. Wertz questioned whether the sewer capacity would be available if the project came in today.

Mr. Reed Muse, Bureau of Engineering, indicated there is capacity at the Wastewater Treatment Plant (WWTP) for this subdivision and these lots. He noted that the current capacity is 3.5 million gpd and the current flows are 2 million gpd.

Mr. Schuster indicated the report states the WWTP is over allocated.

Mr. Muse explained that actual numbers versus planning numbers are sometimes different.

Ms. Jones further explained that if each property went to maximum build out, then the WWTP would be over allocated at 3.7 million gpd. She noted that there is a process in place to make sure the WWTP does not get over allocated.

Mr. Yeo asked for staff's opinion of the comments submitted by the RTG.

Ms. Dinne indicated the RTG is in favor of public water and sewer. She noted that the other issues mentioned in their comments would be addressed during the actual subdivision review process.

Mr. Devilbiss, a member of the RTG, further explained that the RTG is made up of representatives from the Baltimore Metropolitan area, and there are a broad spectrum of views. He noted that the things to focus on are the actual agreements and strategies. The agreement says that we will not intensify development in those areas where it is not planned. Mr. Devilbiss explained that this is not an intensification; what is changing is that lots will be on public water and sewer. The effluent will be bypassing the Liberty Reservoir, so the issue of water quality in Liberty Reservoir is addressed. He explained that this project will be meeting the new stormwater management requirements that go into effect in May 2010.

Mr. Wertz questioned whether there was any possibility that the plan could be approved before the May requirements take effect.

Ms. Dinne noted that the Commissioners must hold a public hearing on the proposed amendment and then forward it to MDE. MDE has 90 days to act on the proposal.

Mr. Robert Allen, applicant, indicated he was the owner of the family farm which was bought in 1946. He noted that he has lived there his entire life and plans to continue to live there. Mr. Allen indicated his goal is to preserve as much of the woodland as possible.

The Commission, on motion of Mr. Chadwick, seconded by Mr. Baile, and carried (Mr. Baile, Mr. Wertz, Mr. Chadwick, and Mr. Yeo voted "Aye"; Mr. Schuster voted "No"), recommended to the Board of County Commissioners approval of the amendment to the Sykesville/Freedom Priority Service Area to add the Allen Property, and further, certify that the amendment is consistent with the Freedom Area Comprehensive Plan.

PROPOSED AMENDMENT TO THE 2008 UNION BRIDGE COMMUNITY COMPREHENSIVE PLAN

Ms. Barb Lilly, Bureau of Comprehensive Planning, reviewed a proposed amendment to the Union Bridge Community Comprehensive Plan which would delete from the transportation element the proposed future extension of Shepherd's Mill Road from its existing terminus at Quaker Hill Road westward on MD Route 75, Green Valley Road. She noted that the Union Bridge Planning Commission is reviewing this amendment and has requested comments from interested parties before the public hearing scheduled for November 19.

The Commission on motion of Mr. Baile, seconded by Mr. Chadwick, and unanimously carried, directed staff to write a letter to the Town of Union Bridge, supporting the deletion of the future extension of Shepherd's Mill Road from its existing terminus at Quaker Hill Road westward to MD Route 75, Green Valley Road. The Commission suggested the Town of Union Bridge explore a bypass for truck traffic.

PRELIMINARY AND FINAL SUBDIVISION PLAN REVIEW:

- a. M-06-036, McCracken Property
- b. M-08-010, Old Farm, Section 4

A. M-06-036, MCCRACKEN ESTATES

LOCATION: North side of Jefferson Avenue and east side of Jim Bowers Road, 14th Election District

OWNER: Dale & Christine McCracken, 4141 Jim Bowers Road, Sykesville, Maryland 21784-9723

DEVELOPER: Same as Owner

ENGINEER: RTF Associates, Inc., 142 East Main Street, Westminster, MD 21157

ZONING: Conservation

ACREAGE: 14.503 acres

WATERSHED: Liberty Reservoir

NO. OF LOTS: 2 lots (1 existing)

MASTER PLAN: Residential

Ms. Kimberly Brandt presented the background.

Action Required:

Four actions are required:

1. Approval of the Preliminary Plan of Subdivision pursuant to Chapter 103, Development and Subdivision of Land, of the Code of Public Local Laws and Ordinances of Carroll County.
2. Approval of the Preliminary Plan of Subdivision pursuant to Chapter 71, Adequate Public Facilities and Concurrency Management, of the Code of Public Local Laws and Ordinances of Carroll County.
3. Approval of the Final Plan of Subdivision pursuant to Chapter 103, Development and Subdivision of Land, of the Code of Public Local Laws and Ordinances of Carroll County.
4. Approval of the Final Plan of Subdivision pursuant to Chapter 71, Adequate Public Facilities and Concurrency Management, of the Code of Public Local Laws and Ordinances of Carroll County.

Existing Conditions:

The subject property is improved with a single-family residence that was constructed in 2000. The residence is accessed from a driveway on Jim Bowers Road. An in-fee strip connects the

property to Jefferson Avenue, which was constructed when Presidential Park was developed. The northernmost area of the property is wooded.

Plan Review:

The developer proposes to create two lots. The existing house is located on Lot 1, which is 10.600-acres in size. Lot 2 is 3.762 acres in size. Lot 2 will be accessed from the existing use-in-common driveway extending from Jefferson Avenue. A declaration of maintenance obligations for the use-in-common driveway was recorded in 1990. The driveway is also used by the adjoining lot to the east, Lot 56 in Section 2 of Presidential Park. The proposed subdivision is consistent with the Master Plan designation of Residential.

The end of County maintenance for Jim Bowers Road is near the northwest corner of the property. At the request of the Department of Public Works, the owner/developer has agreed to grant an easement to the County for the construction and maintenance of a turnaround on their property. Right-of-way for Jim Bowers Road will also be granted to the County.

The project is exempt from the requirements of the landscaping ordinance. To address the requirements of forest conservation, 1.266 acres of reforestation and 5.556 acres of forest retention will be placed under easement. Lot 2 will satisfy the requirements of stormwater management through grading.

The property is not located in a water or sewer service area. Lot 2 will have a private well and a septic system. The Health Department has approved the subdivision.

The Bureau of Development Review has not received any correspondence concerning this project.

Chapter 103 Recommendations:

The staff recommends approval of the preliminary plan and final plan subject to the following conditions:

1. That the Owner/Developer enter into a Public Works Agreement with Carroll County to guarantee completion of any required improvements.
2. That a forest conservation easement be granted to the Carroll County Commissioners by a deed to be recorded simultaneously with the plat.
3. That the area shown as Parcel A be conveyed to the Carroll County Commissioners by a deed to be recorded simultaneously with the plat.
4. That a 20' easement be granted to the Carroll County Commissioners for the construction and maintenance of a permanent turnaround by a deed to be recorded simultaneously with the plat.

CONCURRENCY MANAGEMENT REPORT

Ms. Kimberly Brandt presented the background.

Subdivision Plan: M-06-036, McCracken Estates

Number of Lots: 2 lots (1 existing)

Schools: Linton Springs Elementary
Sykesville Middle
Century High

Roads: Jim Bowers Road, Jefferson Avenue

Fire and EMS: Winfield

Police Services: Maryland State Police/Carroll County Sheriff's Department

Background:

Pursuant to Section 71-6D of the Code of Public Local Laws and Ordinances, once the Department of Planning has determined that the preliminary plan may be presented to the Commission, Available Threshold Capacity forms are distributed for comment. The forms were distributed to the appropriate agencies.

Agency Responses:

Police Services:

The estimated Carroll County population as of July 31, 2009 was 174,951. As of that date, among the police forces in the County with staffing levels established by an annual budget, including the Carroll County Sheriff's Office and the municipal police departments, there were 151 funded officer positions. The average staffing level at the Maryland State Police Barracks for the period August 2008 through July 2009 was 84 officers. Based on a total of 235 positions, the ratio of sworn law enforcement positions to the current Carroll County population as of the end of July was 1.35.

Including the projected population growth that would result from residential developments in the pipelines of the county and the municipalities brings the estimated ratio to 1.34 - adequate. Based on the funding for new positions and the projected growth rate, the ratio is projected to remain above 1.3 for the next 6 years.

Schools:

The Carroll County Public Schools responded that Linton Springs Elementary and Century High are adequate for years FY10 through FY15. Sykesville Middle is adequate for years FY12-14 and approaching inadequate for years FY10-11 and FY15.

The enrollment projections indicate that Linton Springs Elementary will range between 93 and 97% of capacity during the current 6-year CIP cycle. In the Linton Springs attendance area 8 additional residential developments, comprised of 108 lots, are in the review process. There are

28 lots in the Linton Springs attendance area that have been recorded since the adoption of Concurrency Management (3/5/98) that have not been issued a building permit.

The enrollment projections indicate that Sykesville Middle will range between 105% and 113% of functional rated capacity during the current 6-year CIP cycle. In the Sykesville attendance area 11 additional residential developments, comprised of approximately 140 lots, are in the review process. There are approximately 158 lots in the Sykesville Middle attendance area that have been recorded since the adoption of Concurrency Management (3/5/98) that have not been issued a building permit.

The enrollment projections indicate that Century High will range between 90 and 100% of capacity of during the current 6-year CIP cycle. In the Century attendance area 11 additional residential developments, comprised of approximately 140 residential lots, are currently in the review process. There are approximately 158 lots in the Century attendance area that have been recorded since the adoption of Concurrency Management (3/5/98) that have not been issued a building permit.

Fire and Emergency Medical Services:

The proposed subdivision is located in the Winfield emergency services district. The 2009 2nd quarter late and no response statistical data indicates that of the first due total fire calls in the Winfield district, 0.0% were categorized as no responses and 11.43% as late and no responses. Of the first due emergency medical service calls in the Winfield district, 0.0% were categorized as no responses and 0.0% as late and no responses. Winfield meets adequate late and no response criteria.

With regard to fire call response time, for the two-year period of 8/1/07 to 7/31/09 Winfield had an average response time of 7 minutes and 50 seconds – adequate.

With regard to emergency medical call response time, for the two-year period of 8/1/07 to 7/31/09 Winfield had an average response time of 7 minutes and 37 seconds – adequate.

The primary route from the firehouse to the proposed development does not include travel over any bridges.

Roads:

The Carroll County Department of Public Works responded that Jim Bowers Road, a local rural road, is rated a Level of Service “A” – adequate. Jefferson Avenue, a local rural road, is rated Level of Service “B” – adequate.

Recommendation:

With regard to a preliminary plan, Chapter 71-6D(4)(b) states “If... a public facility or service is approaching inadequate during the current CIP, the Commission may conditionally approve the plan to proceed to the final plan stage and issue a tentative recordation schedule and tentative building permit reservations, subject to modification at the final plan stage.”

Pursuant to Chapter 71, staff recommends that the Planning Commission conditionally approve the preliminary plan with conditions as follows:

1. Police, fire and EMS, and roads are considered adequate; schools are considered approaching inadequate.
2. Tentative building permit reservation is for 1 lot in FY10, provided the plat is recorded prior to any permit being issued.
3. The tentative recordation schedule requires the plan to be recorded within 24 months of preliminary approval.
4. The building permit reservation is allowed to roll over year after year until the sunset provision takes effect and the preliminary plan becomes void.

With regard to a final plan, Chapter 71-6E(4)(b) states “If ... a public facility or service is approaching inadequate, the Commission may approve the plan subject to a phasing plan for recordation or may defer the project and place the plan in a queue to be re-tested on an annual basis.”

Chapter 71-6E(4)(d) states “For projects that received a conditional approval and tentative recordation schedule at the preliminary plan stage, the Commission shall review the facility or service which was inadequate or approaching inadequate at the preliminary plan stage and may modify the recordation schedule and building permit reservations or place the project in a queue, at the discretion of the Commission.”

Pursuant to Chapter 71, staff recommends that the Planning Commission conditionally approve the final plan with conditions as follows:

1. Police, fire and EMS, and roads are considered adequate; schools are considered approaching inadequate.
2. Building permit reservation is for 1 lot in FY10, provided that the plat is recorded prior to any permit being issued.
3. The recordation schedule requires the plan to be recorded within 24 months of preliminary approval.
4. The building permit reservation is allowed to roll over year after year until the sunset provision takes effect and the preliminary plan becomes void.

Discussion:

Mr. Chadwick questioned whether there could be further subdivision.

Ms. Brandt noted that one of the lots is 10 acres in size and could be further subdivided.

Mr. Schuster questioned the location of the lot.

Mr. Dale McCracken, owner, indicated the location of the lot was dictated by where the access would be. He noted that he had no interest in subdividing the property any further.

Decision:

In accordance with Chapter 103, the Commission, on motion of Mr. Chadwick, seconded by Mr. Yeo, and unanimously carried, approved the preliminary plan and final plan subject to the four conditions stated in the staff report.

In accordance with Chapter 71, the Commission, on motion of Mr. Chadwick, seconded by Mr. Yeo, and unanimously carried, conditionally approved the preliminary plan to proceed to final plan stage and conditionally approved the final plan with the four conditions stated in the staff report.

B. M-08-010, OLD FARM, SECTION 4

LOCATION: South side of Buckhorn Road, east of Freter Road, 14th Election District

OWNER: Maurice Perdomo and Christina Erickson-Perdomo, 1091 Buckhorn Road, Sykesville, MD 21784-9000; James N. Dorsey III, 5403 Sykesville Road, Sykesville, MD 21784

DEVELOPER: Maurice Perdomo and Christina Erickson-Perdomo, 1091 Buckhorn Road, Sykesville, MD 21784-9000

SURVEYOR: CLSI, 439 East Main Street, Westminster, MD 21157

ZONING: Conservation (7.088 acres), Agricultural (11.179 acres)

ACREAGE: 17.972 acres

WATERSHED: South Branch Patapsco River

NO. OF LOTS: 2 lots (1 existing)

MASTER PLAN: Agricultural

Ms. Jeanne Joiner presented the background.

Action Required:

Four actions are required:

1. Approval of the Preliminary Plan of Subdivision pursuant to Chapter 103, Development and Subdivision of Land, of the Code of Public Local Laws and Ordinances of Carroll County.

2. Approval of the Final Plan of Subdivision pursuant to Chapter 103, Development and Subdivision of Land, of the Code of Public Local Laws and Ordinances of Carroll County.
3. Conditional approval of the of the Preliminary Plan of Subdivision pursuant to Chapter 71, Adequate Public Facilities and Concurrency Management, of the Code of Public Local Laws and Ordinances of Carroll County.
4. Conditional approval of the of the Final Plan of Subdivision pursuant to Chapter 71, Adequate Public Facilities and Concurrency Management, of the Code of Public Local Laws and Ordinances of Carroll County and placement of the subdivision in the queue for Mount Airy Middle School to be retested annually.

Existing Conditions:

The subject property is comprised of two parcels. Parcel 430 is an off-conveyance that was created in 1977 and is improved with a single family home and outbuildings. Parcel 524 is unimproved. Together, the parcels meet the County's minimum road frontage requirement of 30 feet for subdivisions. Access to the property is provided via an existing use-in-common driveway, Caribou Drive. A stream flows along the southernmost property boundary.

Plan Review:

The developer proposes to create two conventional Conservation lots and an 11.19-acre agricultural remaining portion, Parcel C. Lot 7 is 3.45 acres in size and includes the existing improvements. Lot 8 is 3.32 acres in size. The lots and the remaining portion cannot be further subdivided for residential purposes.

A well and a septic system will be installed on Lot 8. The Health Department has conditionally approved the subdivision. In their comments, they have noted that unless permit information on the existing septic system can be provided to them, a new septic system will be required for the existing house on Lot 7.

The buildable area of Lot 7 is more than 1,500 feet from the center line of Buckhorn Road. At the February 19, 2008 Planning Commission meeting, the Commission granted a waiver allowing this. The meeting minutes are attached to this report.

Parcel C and Lots 7 and 8 each include a 10-foot in-fee strip within the Caribou Drive easement area to Buckhorn Road. A declaration of maintenance obligations for Caribou Drive was recorded in 2004. An amended declaration of maintenance obligations will be recorded with this subdivision. Including this subdivision, the use-in-common driveway will have 6 users. A total of 7 users are permitted in the Agricultural and Conservation zoning districts.

The subdivision is exempt from the requirements of forest conservation and landscaping. The requirements of stormwater management will be addressed with the installation of a drywell on Lot 8. For water resources, a 2.1206-acre forested water resource protection easement and a 2.7638-acre non-forested water resource protection easement will be granted to the County. A floodplain easement will also be granted to the County.

The subdivision was subject to citizen involvement at the September 29, 2008 Technical Review Committee meeting. The Bureau of Development Review has received no correspondence concerning this project.

Recommendation:

Pursuant to Chapter 103, staff recommends approval of the preliminary plan and final plan subject to the following conditions:

1. That the owner/developer enter into a Public Works Agreement with Carroll County to guarantee completion of any required improvements prior to recordation of the plat.
2. That a forested water resource protection easement be granted to the Carroll County Commissioners by deed to be recorded simultaneously with the plat.
3. That a non-forested water resource protection easement be granted to the Carroll County Commissioners by deed to be recorded simultaneously with the plat.
4. That an amended declaration of maintenance obligations setting forth the responsibilities for maintenance of Caribou Drive be recorded simultaneously with the plat.
5. That a stormwater management easement and maintenance agreement shall be granted to the Carroll County Commissioners as an easement of access to the County Commissioners or authorized representatives by deed to be recorded simultaneously with the plat.
6. That a floodplain easement shall be granted to the Carroll County Commissioners by deed to be recorded simultaneously with the plat.

CONCURRENCY MANAGEMENT REPORT

Ms. Kimberly Brandt presented the background.

Subdivision Plan: M-08-010, Old Farm, Section 4

Number of Lots: 2 lots (1 existing)

Schools: Winfield Elementary
Mount Airy Middle
South Carroll High

Roads: Buckhorn Road

Fire and EMS: Winfield

Police Services: Maryland State Police/Carroll County Sheriff's Department

Background:

Pursuant to Section 71-6D of the Code of Public Local Laws and Ordinances, once the Department of Planning has determined that the preliminary plan may be presented to the Commission, Available Threshold Capacity forms are distributed for review and comment. The forms were distributed to the appropriate agencies.

Agency Responses:

Police Services:

The estimated Carroll County population as of July 31, 2009 was 174,951. As of that date, among the police forces in the County with staffing levels established by an annual budget, including the Carroll County Sheriff's Office and the municipal police departments, there were 151 funded officer positions. The average staffing level at the Maryland State Police Barracks for the period August 2008 through July 2009 was 84 officers. Based on a total of 235 positions, the ratio of sworn law enforcement positions to the current Carroll County population as of the end of July was 1.35.

Including the projected population growth that would result from residential developments in the pipelines of the county and the municipalities brings the estimated ratio to 1.34 - adequate. Based on the funding for new positions and the projected growth rate, the ratio is projected to remain above 1.3 for the next 6 years.

Schools:

The Carroll County Public Schools responded that Winfield Elementary and South Carroll High School are adequate for FY10 through FY15. Mount Airy Middle is projected to be approaching inadequate for FY10-11 and inadequate for FY12-15. A project to address the capacity issues at Mount Airy Middle School is included in the 6-year CIP.

The enrollment projections indicate that Winfield Elementary will range between 95 and 97% of capacity during the current 6-year CIP cycle. In the Winfield attendance area 8 additional residential developments, comprised of 35 lots, are currently in the review process. There are approximately 52 lots in the Winfield attendance area that have been recorded since the adoption of Concurrency Management (3/5/98) that have not been issued a building permit.

The enrollment projections indicate that Mount Airy Middle will range from 114 to 131% of functional rated capacity during the current CIP cycle. In the Mount Airy Middle attendance area 8 additional residential developments, comprised of approximately 18 lots, are currently in the review process. There are approximately 199 lots in the Mount Airy Middle school area that have been recorded since the adoption of Concurrency Management (3/5/98) that have not been issued a building permit.

The enrollment projections indicate that South Carroll High will range between 87 and 90% of capacity during the current CIP cycle. In the South Carroll attendance area 12 additional residential developments, comprised of approximately 42 residential lots, are currently in the review process. There are approximately 226 lots in the South Carroll area that have been

recorded since the adoption of Concurrency Management (3/5/98) that have not been issued a building permit.

Fire and Emergency Medical Services:

The proposed subdivision is located in the Winfield emergency services district. The 2009 2nd quarter late and no response statistical data indicates that of the first due total fire calls in the Winfield district, 0.0% were categorized as no responses, and 11.43% as late and no responses. Of the first due emergency medical service calls in the Winfield district, 0.0% were categorized as no responses and 0.0% as late and no responses. Winfield meets adequate late and no response criteria.

With regard to fire call response time, for the two-year period of 7/1/07 to 6/30/09 Winfield had an average response time of 7 minutes and 52 seconds – adequate.

With regard to emergency medical call response time, for the two-year period of 7/1/07 to 6/30/09 Winfield had an average response time of 7 minutes and 39 seconds – adequate.

The primary route from the firehouse to the proposed development does not include travel over any bridges.

Roads:

The Carroll County Department of Public Works responded that Buckhorn Road, an local rural road, is rated Level of Service “B” – adequate.

Staff Recommendation:

With regard to the preliminary plan, Chapter 71-6D(4)(b) states “If a public facility or service is inadequate and a relief facility is planned in the 6-year CIP to address the inadequacy..., the Commission may conditionally approve the plan to proceed to the final plan stage and issue a tentative recordation schedule and tentative building permit reservations, subject to modification at the final plan stage.”

A building permit cap of zero housing allocations in the Mount Airy Middle School attendance area for fiscal years 2009-2014 is in effect.

Pursuant to Chapter 71, staff recommends that the Planning Commission conditionally approve the preliminary plan with conditions as follows:

1. Police, fire and EMS, and roads are considered adequate; schools are considered inadequate.
2. The tentative recordation schedule requires the plan to be recorded within 24 months of preliminary approval.

With regard to the final plan, Chapter 71-6E(4)(b) states “If a public facility or service is inadequate and a relief facility is planned in the 6-year CIP to address the inadequacy..., the

Commission may approve the plan subject to a phasing plan for recordation or may defer the project and place the plan in a queue to be re-tested on an annual basis.”

As there is a building permit cap of zero housing allocations in effect in the Mount Airy Middle School attendance area, staff recommends that the Planning Commission conditionally approve the final plan with conditions as follows:

1. Find that police, fire and EMS, and roads are considered adequate; schools are considered inadequate.
2. Place the plan in the queue for Mount Airy Middle School to be retested annually.

Discussion:

Mr. Schuster made note of a typographical error in the word “Streaker” on the vicinity map.

Decision:

In accordance with Chapter 103, the Commission, on motion of Mr. Wertz, seconded by Mr. Schuster, and unanimously carried, approved the preliminary plan and final plan subject to the six conditions stated in the staff report.

In accordance with Chapter 71, the Commission, on motion of Mr. Chadwick, seconded by Mr. Schuster, and unanimously carried, conditionally approved the preliminary plan to proceed to final plan stage with the two conditions in the staff report, and further, conditionally approved the final plan subject to the two conditions in the staff report, placing the plan in the queue for Mount Airy Middle School to be retested annually.

CONCEPT SUBDIVISION PLAN REVIEW:

- a. P-09-011, Walnut Grove Acres, Section 2 (Lot 5)
- b. P-09-012, Farver Property
- c. P-09-013, Carroll Wood Estates, Resubdivision of Lot 59

A. P-09-011, WALNUT GROVE ACRES, SECTION 2 – LOT 5

LOCATION: North side of Walnut Grove Road, 1st Election District

OWNER: Jo Annette Williamson & Grace E. Marine, 5040 Walnut Grove Road, Taneytown, Maryland 21787

DEVELOPER: Same as Owner

SURVEYOR: Vanmar Associates, 310 South Main Street, Mount Airy, Maryland 21771

ZONING: Agricultural

ACREAGE: 43.3114 acres

NO. OF LOTS: 1
WATERSHED: Upper Monocacy River
MASTER PLAN: Agricultural

PUBLIC FACILITIES IMPACTED

SCHOOLS: Taneytown Elementary
Northwest Middle
Francis Scott Key High
ROADS: Walnut Grove Road
FIRE AND EMS: Harney
POLICE: Maryland State Police/Carroll County Sheriff's Dept.

Ms. Kimberly Brandt presented the background.

Action Required:

The plan is before the Planning and Zoning Commission per Chapter 103 of the Code of Public Local Laws and Ordinances of Carroll County for consideration of a concept major subdivision plan. No action is required.

Existing Conditions:

The subject property is improved with a house and several outbuildings. A stream flows through the property. The northwest corner of the property and segments of the stream corridor are wooded. The balance of the property is field.

The property was subdivided in 2001 by a previous owner. Lots 1-4 were created at that time and a portion of the wooded area was placed under a forest conservation easement. A copy of the subdivision plat is attached to this report.

Plan Review:

The developer proposes to subdivide the property to create a 1.1719-acre lot, Lot 5, and a 42.1395-acre remaining portion. Under the current Agricultural Zoning District standards, the remaining portion could be further subdivided for residential purposes. The lot yield is based on a multi-parcel deed that describes a 94.1465-acre parcel and a 12.2811-acre parcel. Thus, the property is entitled to 6 lots and 2 remaining portions.

Access to the lot is proposed via a private driveway. Right-of-way for Walnut Grove Road was dedicated to the County with the previous subdivision of the property.

The proposed lot will achieve stormwater management through grading. It has not been determined how the requirements of forest conservation will be addressed.

The subdivision plan was subject to citizen involvement at the September 28, 2009 Technical Review Committee meeting. The owner of a property on Frock Road that is approximately 1150 feet north of the proposed lot expressed concern with the availability of well water. He also identified an existing problem with flooding on his property that he is concerned will be exacerbated by the proposed development.

This subdivision is subject to Concurrency Management and will be tested for adequacy of facilities and services prior to presentation of the preliminary plan to the Planning Commission. The developer has been advised that the subject property is within the Harney Fire District, which is currently rated inadequate. The 24-month average response time for fire exceeds 10 minutes.

Discussion:

Ms. Brandt explained that there have only been two calls in a 24-month period that are considered as part of the statistics for Harney, making it inadequate.

Mr. Bryan Van Fossen, Office of Public Safety, noted that part of the problem is that one of the incidents occurred during a snowstorm. He indicated EMS calls are covered by the Taneytown Fire Department.

Mr. Chadwick questioned whether staff had the ability to call this an anomaly and disregard the stat from the snowstorm.

Ms. Brandt indicated Chapter 71 does not give staff or the Commission that flexibility.

Mr. Clay Black, Bureau of Development Review, stated staff would be presenting the Concurrency Management Report in the coming months, and changes may be proposed.

Ms. Terri Jones, Department of the County Attorney, explained that if the inadequacy remains, the developer could offer mitigation. If the Board accepts, then the project can move forward. She noted that the Board accepted mitigation previously for a similar situation with a house in Pleasant Valley. The Board required that the house be sprinklered before the Sprinkler Ordinance was in affect. That would not be an option in this situation.

Mr. Yeo questioned whether the applicant was aware that they are trying to build a home in a location that does not meet County standards.

Mr. Ron Thompson, VanMar Associates, indicated the applicant realizes the situation exists and recognizes the situation as an anomaly.

Mr. Yeo questioned how many areas are like this in the County.

Ms. Brandt indicated that Harney is the only area that is inadequate for fire at this time.

It was the consensus of the Commission to request that Development Review staff work together with the Office of Public Safety staff to develop recommendations for changes to the Code to address this type of situation.

B. P-09-012, FARVER PROPERTY

LOCATION: East side of Roop Road, north of Leeann Drive, 9th Election District
OWNER: Roger G. Arnold, 5108 Ridge Road, Mount Airy, Maryland 21771
DEVELOPER: Same as Owner
SURVEYOR: Vanmar Associates, 310 South Main Street, Mount Airy, Maryland 21771
ZONING: R-40,000
ACREAGE: 8.7748 acres
NO. OF LOTS: 6
WATERSHED: South Branch Patapsco
MASTERPLAN: Residential

PUBLIC FACILITIES IMPACTED

SCHOOLS: Winfield Elementary
Mount Airy Middle
South Carroll High
ROADS: Roop Road
FIRE AND EMS: Mount Airy
POLICE: Maryland State Police/Carroll County Sheriff's Dept.

Ms. Kimberly Brandt presented the background.

Action Required:

The plan is before the Planning and Zoning Commission per Chapter 103 of the Code of Public Local Laws and Ordinances of Carroll County for consideration of a concept major subdivision plan. No action is required.

Existing Conditions:

The subject property is wooded and adjoined on all sides by residential development.

Plan Review:

The developer proposes to subdivide the property to create 6 lots that are in the 1-acre size range. The property is not located in a water or sewer service area. A well and a septic system are

proposed for each lot. Percolation testing has not yet been conducted. The developer has been advised that if the lot shapes or layout changes as a result of the percolation tests, a revised concept plan submittal may be required.

Access to each lot is proposed via a private driveway. Right-of-way dedication for Roop Road is shown on the plan.

The Bureau of Engineering has commented that frontage improvements to bring Roop Road into compliance with the standards for local rural roads will be required. Specifically, a 20' paving width, 6' (minimum) grass shoulder, 3:1 foreslope, roadside ditch, and 2:1 (maximum) backslope to connect to the existing grade are required. Engineering has also commented that the existing paving on Roop Road is unsuitable for use as a base; thus, improvements must include reclamation (removal, grinding up the paving, replacing, and compacting). Drainage directed to the roadside ditch will be conveyed to an existing culvert 400' north of the property. If the culvert is in a deteriorated condition, the developer will be required to replace it.

The plan currently shows four of the proposed houses sited toward the back of the lots and two sited toward the front of the lots. Given the status of the percolation testing, staff has commented that it is not clear why the houses are sited this way.

For forest conservation, an area of each lot has been designated for retention. The quality of the forest on site is uniform. It is not clear why certain areas have been designated for retention or why the areas designated for retention are not contiguous. A concept landscaping plan has been provided. In some cases, landscaping is shown along forest retention areas, which is not recommended.

The subdivision plan was subject to citizen involvement at the September 28, 2009 Technical Review Committee meeting. One citizen inquired about the designation of the forest on the site as low priority. Staff explained that the designation is based on several factors, including species diversification and the presence of invasive species.

The Bureau of Development Review has received three emails concerning the subdivision. They are attached to this report. All three emails are from the owners of property directly across Roop Road from the subject property. The emails express concern with the condition of Roop Road and the potential for runoff from the developed property to impact their properties. The subject property is at a higher elevation than the properties across Roop Road.

This subdivision is subject to Concurrency Management and will be tested for adequacy prior to presentation of the preliminary plan to the Planning Commission. The developer has been advised that the property is within the Mount Airy Middle School enrollment district. Projected enrollment at Mount Airy Middle School exceeds 120% of the functional capacity for several years in the current 6-year CIP; thus, schools are currently rated inadequate.

Discussion:

Mr. Wertz requested an explanation for the siting of the houses.

Mr. Ron Thompson, VanMar Associates, indicated the houses are positioned based on where they believe perc's will be located. Once the perc tests have been completed, the plan will be adjusted accordingly.

Mr. Chadwick expressed concern regarding the staff's comments with regard to siting of the houses and the forest conservation and retention area.

Mr. Yeo stated that creative construction should be utilized to limit the clearing on the homesites.

C. P-09-013, CARROLL WOOD ESTATES, RESUBDIVISION OF LOT 59

LOCATION: West side of MD 27 on Pommel Drive, 9th Election District
OWNER: Roger G. and Priscilla Arnold, 5108 Ridge Road, Mount Airy, MD 21771
DEVELOPER: Same as Owner
ENGINEER: Vanmar Associates, Inc., 310 South Main Street, Mount Airy, MD 21771
ZONING: R-40,000 Residence District and Agricultural District
ACREAGE: 5.6237 acres
WATERSHED: Lower Monocacy River
NO. OF LOTS: 2 lots (1 new lot)
FIRE DISTRICT: Mount Airy
MASTER PLAN: Residential and Agriculture

Ms. Jeanne Joiner presented the background.

Action Required:

The plan is before the Planning and Zoning Commission per Chapter 103 of the Code of Public Local Laws and Ordinances of Carroll County for consideration of a concept major subdivision plan. No action is required.

Existing Conditions:

The plan is a resubdivision of Lot 59 of Carroll Wood Estates previously recorded in Plat Book 47 Page 120. The subject property is zoned R-40,000 Residence District and Agricultural District and is unimproved. The property is currently accessed from Pommel Drive, and is located in a No Planned Service Area for water and sewer.

Plan Review:

The developer proposes to create two lots. Lot 59A is 3.583 acres and is zoned Agricultural and R-40,000. Lot 76 is 2.0407 acres and is zoned R-40,000. Development Review has requested that acreage in each district be provided as well as the location of the zoning boundary on the plan.

Lot 59A is accessed directly from Pommel Drive and also includes an unimproved 16' in-fee strip to MD 27. Lot 76 is proposed to use a private single-use drive from Pommel Drive.

Engineering and Development Review have requested sight distance data for each driveway.

Resource Management commented that the proposed landscaping conflicts with the previously approved plan for Carroll Wood Estates. The only landscape requirement generated by this proposed development is the installation of street trees along the 360 foot long non-forested portion of Lot 59A that abuts Pommel Drive.

Stormwater management for both lots is proposed to be addressed with drywells.

The Health Department is requiring new percolation tests on Lot 76, and revisions to the proposed sewerage disposal area on Lot 59A that is too close to slopes exceeding 25%.

The plan was subject to citizen involvement at the September 28, 2009 Technical Review Committee meeting. One citizen attended seeking information on this project. The Bureau of Development Review has received no correspondence concerning this project.

This subdivision is subject to the Concurrency Management Ordinance and will be tested when all reviewing agency approvals of the preliminary plan have been received.

Discussion:

Mr. Yeo questioned the history of Cantee Lane.

Ms. Joiner noted that Cantee Lane is not totally built to Pommel Drive.

Mr. Wertz questioned why access could not be provided from Cantee Lane instead of Pommel Drive. He noted that there would be less disturbance of forested area.

Ms. Joiner explained that the strip is owned by someone else, but it is something staff can investigate.

Mr. Wertz indicated he would like to see the limit of disturbance lines at the next submittal.

SPECIAL REPORTS:

- a. P-06-022, Evergreen Plantation 3
- b. P-02-007, Pinewood

A. P-06-022, EVERGREEN PLANTATION 3

LOCATION: North side of Fannie Dorsey Road, west of Susquehanna Court, 14th Election District

OWNER: Roger & Jane Wolfe, 1150 Fannie Dorsey Road, Sykesville, Maryland 21784

DEVELOPER: Same as Owner

SURVEYOR: DRS & Associates, 52 Winters Street, Westminster, MD 21157

ZONING: Agricultural

WATERSHED: South Branch of the Patapsco River

MASTERPLAN: Agricultural

Ms. Kimberly Brandt presented the background.

Action Required:

The developer has requested reconsideration of the request to transfer residential lot yield to the area labeled on the record plat of Evergreen Plantation as a remaining portion. To be placed on a future agenda for reconsideration, Dr. Slade, Mr. Wertz, or Mr. Baile must make a motion to reconsider the request.

Project History:

A special report on the subject project was presented to the Planning Commission at the July 21, 2009 meeting. The meeting minutes are attached.

The developer had requested Planning Commission approval to transfer residential lot yield to the area labeled on the record plat of Evergreen Plantation as a remaining portion. General Note 8 on the plat states that the regulations for the Agricultural zoning district prohibit further subdivision of the area designated on the plat as the remaining portion for the purpose of creating lots for residential use.

As was noted in the previous report, Evergreen Plantation was recorded in 1995. The subdivision consists of 8 lots. The lot yield was derived from 3 parcels owned by the developer. Two of the subdivision lots represent yield from two of the three remaining portions. Accordingly, a condition of preliminary plan approval was that the remaining portions be consolidated by deed prior to or simultaneously with recordation of the final plat. The deed of consolidation creating a 69-acre remaining portion was recorded in 1995.

In 1999, the area of the remaining portion was reduced to 3.36 acres by deed. A plat was not recorded; there was no review by County Development Review staff. The balance of the remaining portion, 65.9 acres, was added to an existing 20.3138-acre off-conveyance. The deed adding the 65.9 acres to the off-conveyance includes the required language stating that the land

being added is not intended for development other than accessory structures. The 3.36-acre remaining portion contains a house.

Current Request/Findings:

Since the last special report to the Commission, the developer has revised the proposed preliminary plan of Evergreen Plantation 3. The land between Lots 7 and 8, which had previously been identified as a new lot, is now shown added to Lot 8. Three lots with frontage on a new County road are shown on the revised preliminary plan. Letters supporting the revised layout have been submitted for the Commission's consideration; signatories include the three property owners who spoke at the last meeting.

As was noted in the previous report, the lot yield is based on subdivision of the off-conveyance located to the north of the Evergreen Plantation lots. Based on 20.3138 acres, the current regulations for the Agricultural zoning district allow the creation of 2 lots and a remaining portion. The fourth lot shown on the previous plan is not shown on the revised plan. It has not been demonstrated to the staff that the 0.519-acre area in the northeast corner of the site that was not included in earlier descriptions of the property as the result of a surveying error years ago entitles the developer to another building lot.

Dr. Slade entered the meeting.

Decision:

The Commission, on motion of Mr. Wertz, seconded by Mr. Yeo, and carried (Mr. Baile, Mr. Schuster, Mr. Wertz, Mr. Chadwick, and Mr. Yeo voted "Aye"; Dr. Slade abstained), directed staff to place Evergreen Plantation 3 on a future agenda for reconsideration by the Commission.

B. P-02-007, PINWOOD

LOCATION: South side of Pine Knob Road, East of Maryland Route 32, E.D. 5

OWNER: PI Development Corporation (Jim Kohler), 94 Tira Court, Eldersburg, MD 21784

DEVELOPER: Same as Owner

ENGINEER: CLSI, 439 East Main Street, Westminster, Maryland 21157

ZONING: R-40,000

ACREAGE: 13.93 acres

WATERSHED: Liberty Reservoir

NUMBER OF RESIDENTIAL UNITS: 8 dwelling units

SPECIFIC PUBLIC FACILITIES IMPACTED

SCHOOLS:	Freedom Elementary Oklahoma Road Middle Liberty High
ROADS:	Pine Knob Road
FIRE AND EMS:	Gamber
POLICE:	Maryland State Police/Carroll County Sheriff's Dept.
WATER:	Freedom/Sykesville

Ms. Kimberly Brandt presented the background.

Action Required:

The developer has requested the following action:

Extend the recordation deadline pursuant to Chapter 71, *Adequate Public Facilities and Concurrency Management*, of the Code of Public Local Laws and Ordinances of Carroll County.

Findings:

Pinewood is an 8-lot subdivision. The preliminary plan was approved on November 20, 2007 with written notification dated November 30, 2007. The final plan has not yet been presented to the Planning Commission, as there are still staff approvals outstanding. The developer's engineer has noted in the extension request that the Health Department is requiring additional percolation testing. The recordation deadline of November 30, 2009 will not be met. The developer is, therefore, requesting a one-year extension.

The purpose of the sunset provision is to ensure that subdivisions meet all current applicable regulatory requirements. After a review, it was determined that the preliminary plan still meets all technical regulatory requirements.

Recordation deadlines are important for the Concurrency Management program because of the need to balance the number of lots being approved with the ability of the County to provide additional capacity in its public facilities and services. Lots on active subdivision plans hold allocations in the Concurrency model and are counted every time another project is tested for available capacity.

If the Planning Commission elects to extend the recordation deadline under Chapter 71 to November 30, 2010, the Director of Planning will extend the application of the Chapter 103 sunset provision to November 30, 2010 administratively.

Chapter 71 Recommendation:

Staff recommends extension of the recordation deadline that was a condition of preliminary approval under Chapter 71 to November 30, 2010.

Decision:

The Commission, on motion of Mr. Chadwick, seconded by Mr. Schuster, and unanimously carried, extended the recordation deadline that was a condition of preliminary approval under Chapter 71 to November 30, 2010.

PUBLIC COMMENTS/PETITIONS:

There were no public comments/petitions.

There being no further business, the Commission adjourned at 12:07 p.m.

Secretary

Approved