

PRELIMINARY / FINAL SUBDIVISION PLAN REPORT
to the
Carroll County Planning and Zoning Commission
December 14, 2021

Prepared by
David Becraft, Bureau of Development Review

SUBJECT: FX-21-0004, Bachman Overlook, Section 2

LOCATION: East side of Traceys Mill Road, south of Meadowview Drive, E.D. 6

OWNER: Bachman, LLC, 5025 Harmony Drive, Manchester, MD 21102

DEVELOPER: same as owner

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

ZONING: Agriculture

ACREAGE: 15.28 acres

WATERSHED: Prettyboy Reservoir

NO. OF LOTS: 2 + 1 Remaining Portion

MASTER PLAN: Agriculture – 2014 Carroll County Comprehensive Plan, Amended 2019

PRIORITY FUNDING AREA: Outside

DESIGNATED GROWTH AREA: Outside

PUBLIC FACILITIES IMPACTED

SCHOOLS: Ebb Valley Elementary
North Carroll Middle
Manchester Valley High

ROADS: Traceys Mill Road

FIRE & EMS: Lineboro

POLICE: Carroll County Sheriff's Office/Maryland State Police

❖ **Action Requested:**

Two actions are required:

1. Approval of the Preliminary and Final Plan of Subdivision pursuant to Chapter 155, *Development and Subdivision of Land*, of the Code of Public Local Laws and Ordinances of Carroll County.
2. Approval of the Preliminary and Final Plan of Subdivision pursuant to Chapter 156, *Adequate Public Facilities and Concurrency Management*, of the Code of Public Local Laws and Ordinances of Carroll County.

❖ **Existing Conditions:**

The subject property is a 15.26-acre parcel shown as the Remaining Portion on the Amended Plat of Bachman Overlook, which was recorded on May 14, 2020 within Plat Book 55, page 322. The property is not developed and slopes upwards from Traceys Mill Road towards the southern property line, with approximately 130 vertical feet of elevation change. The southern property boundary is comprised of a wooded area which is encompassed by a Forest Conservation Easement. There are no streams or FEMA 100 Year Floodplain designations on site.

The subject property lies within the Agricultural zoning district as do the adjoining properties surrounding the property. All adjoining properties are undeveloped or are developed with single residential dwellings. These properties are outside of water and sewer service areas, Priority Funding Areas, and Designated Growth Areas.

Section one of Bachman Overlook proposed the creation of Lots 1-3 and was reviewed as a minor subdivision. Section one was approved by the Planning and Zoning Commission in 2006.

Plan Review:

The owner/developer currently proposes to create two new lots from the existing 15.26-acre Remaining Portion. Lot 4 and Lot 5 are both proposed at 2.0 acres and will reside along Traceys Mill Road. The Remaining Portion will then be 10.74 acres and will still be entitled to subdivision potential. A 0.5331-acre parcel labeled “Parcel ‘A’” on the plans will be deeded to the adjoining property owner as a deed of add-on. Both new lots are proposing the development of a single-family dwelling with individual access to Traceys Mill Road proposed, each with private well and septic systems.

The concept subdivision plan was initially submitted June 30, 2020. The plan was subject to citizen involvement at the August 24, 2020 Technical Review Committee meeting. One citizen, an owner of an adjoining property, raised concern with an existing culvert placement within the first section of Bachman Overlook that was causing rainwater to wash out his property. The owner/developer stated he would try to remedy the problem after the meeting. No calls or letters have been received since the meeting.

On May 18, 2021, the Planning and Zoning Commission reviewed the concept plan of subdivision (minutes attached). No citizens signed in or spoke during the meeting and no calls or letters having been received since the meeting.

The plan is exempt from the Floodplain code. As currently designed, the Landscaping ordinance does not apply to this project. Grading and Sediment Control has granted approval of the final plan, as well as Engineering Review and State Highway Administration. The Carroll County Health Department has granted approval of the final plan with private well and septic systems. Forest Conservation will be addressed by way of purchase of a forest bank.

The Bureau of Resource Management has granted final Stormwater Management approval. Stormwater Management will be addressed via micro-bio facilities that will drain to a proposed culvert which will run under Traceys Mill Road. As the proposed culvert will drain onto private property, a Stormwater Discharge and Declaration Agreement will be required.

In accordance with a site development plan memorandum from the Department of Planning, the proposed land use is consistent with the 2014 Carroll County Master Plan’s land use designation of Agriculture.

❖ **Recommendations:**

Pursuant to Chapter 155, staff recommends approval of the preliminary and final plan subject to the following conditions:

1. That the Owner/Developer enters into a Public Works Agreement with Carroll County that guarantees completion of any required improvements.
2. That the parcel shown on the plans as "Parcel A", with a total acreage of 0.5331 acres, shall be deeded to the adjoining property owner as a deed of add-on simultaneously with the Public Works Agreement.
3. That a Stormwater Management Easement and Maintenance Agreement be granted to the County Commissioners of Carroll County as an easement of access to the County Commissioners or authorized representatives by a deed to be recorded simultaneously with the Public Works Agreement.
4. That a Drainage and Utility Easement shall be granted to the County Commissioners of Carroll County by a deed to be recorded simultaneously with the Public Works Agreement.
5. That Stormwater Discharge and Declaration Agreement shall be recorded within Maryland Land Records simultaneously with the Public Works Agreement.
6. That any changes to the Preliminary Plan and plat as submitted and approved by the Commission herein shall be resubmitted to the Commission for further review and approval.

CONCURRENCY MANAGEMENT REPORT

❖ **Background:**

Pursuant to Chapter 156 of the Code of Public Local Laws and Ordinances, once the Department has determined that the residential development plan may be presented to the Commission, the plan is reviewed for Available Threshold Capacity.

❖ **Agency Responses:**

Police Services:

The ratio shall be calculated by counting all sworn officers with law enforcement responsibility in an incorporated municipality or within the county and by counting the total population within the incorporated municipalities and within the unincorporated county.

The estimated Carroll County population as of October 2021 was 174,675. There are currently 245 sworn law officers with 10 sworn personnel currently in training; an additional 16 positions are funded. Based on a total of 271 funded positions, the ratio of law enforcement positions to Carroll County population as of the end of October 2021 was 1.55. Based on a total of 255 positions, the ratio of sworn law enforcement positions to Carroll County population as of the end of October 2021 was 1.46. Including the development projects in the pipeline along with the funded positions, the ratio will be over 1.3. Services are adequate if the projected ratio of sworn law enforcement officers to population is 1.3:1,000.

Schools:

The proposed subdivision is located in the Ebb Valley Elementary, North Carroll Middle, and Manchester Valley High attendance areas. In accordance with the criteria established in Chapter 156, all schools are rated adequate for Fiscal Years 2022-2027.

The December 2020 enrollment projections, prepared by Carroll County Public Schools, indicate that Ebb Valley Elementary had an actual enrollment of 95.4% of state-rated capacity. The projections indicate that enrollment will be at 107.7% in FY 2026 at the end of the 6-year CIP cycle. There are approximately 21 subdivision lots in the Ebb Valley attendance area that have been recorded since the adoption of Concurrency Management (3/5/98) that have not been issued

a building permit. In this attendance area there are two additional residential developments, comprised of nine lots, currently in the review process. An elementary school serving a proposed project is adequate, for the purposes of Chapter 156, when current or projected enrollment equals or is less than 109% of the state-rated capacity.

The December 2020 enrollment projections indicate that North Carroll Middle had an actual enrollment of 82.2% of functional capacity. The projections indicate that enrollment will be at 85.7% in FY 2026 at the end of the 6-year CIP cycle. There are approximately 68 subdivision lots in the North Carroll attendance area that have been recorded since the adoption of Concurrency Management (3/5/98) that have not been issued a building permit. In this attendance area there are four additional residential developments, comprised of twenty-six lots, currently in the review process. A middle school serving a proposed project is adequate, for the purposes of Chapter 156, when current or projected enrollment equals or is less than 109% of the functional capacity.

The December 2020 enrollment projections indicate that Manchester Valley High had an actual enrollment of 95.7% of state-rated capacity. The projections indicate that enrollment will be at 96.8% in FY 2026 at the end of the 6-year CIP cycle. There are approximately 43 subdivision lots in the Manchester Valley attendance area that have been recorded since the adoption of Concurrency Management (3/5/98) that have not been issued a building permit. In this attendance area there are ten additional residential developments, comprised of 330 lots, currently in the review process. A high school serving a proposed project is adequate, for the purposes of Chapter 156, when current or projected enrollment equals or is less than 109% of the state-rated capacity.

Fire and Emergency Medical Services:

The proposed subdivision is located in the Lineboro fire and emergency medical services district. The most recent data from the Office of Public Safety reports that for the two-year period of May 2019- April 2021, late and no response statistical data indicates that of the first due total fire calls in the Lineboro district, 0% were categorized as no responses, and 22.22% as late and no responses. Of the first due emergency medical service calls, 1.04% were categorized as no responses and 1.74% as late and no responses. Lineboro is rated adequate for late and no response criteria for fire and emergency medical services.

With regard to fire call average response time, for the same two-year period, Lineboro had an average response time of 9 minutes and 32 seconds –approaching inadequate. With regard to emergency medical call average response time, Taneytown had an average response time of 8 minutes and 14 seconds – approaching inadequate. Services are rated adequate if when utilizing an average over the previous 24 months, response time is 8 minutes or less from time of dispatch to on-scene arrival with adequate apparatus and personnel. Services are rated approaching inadequate if when utilizing an average over the previous 24 months, response time is between 8 and 10 minutes from time of dispatch to on-scene arrival with adequate apparatus and personnel.

The primary route from the firehouse to the proposed development does not include travel over bridges that cannot adequately support fire and emergency response apparatus, which is considered adequate.

Roads:

Traceys Mill Road is rated adequate.

❖ **Chapter 156 Recommendation:**

As this is a two-lot subdivision with no County road improvements, the preliminary plan and final plan were simultaneously processed and reviewed.

With regard to a preliminary plan, Chapter 156.06D(4)(b) states “If a public facility or service is inadequate and a relief facility is planned in the six-year CIP to address the inadequacy or mitigation is accepted by the county pursuant to § 156.06(B), or a public facility or service is approaching inadequate during the current CIP, the Planning 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. “

Currently, police, schools, and roads are considered adequate; fire and emergency medical services are considered approaching inadequate. Per the above referenced code, the Planning Commission may conditionally approve the plan to proceed to the final stage and issue a tentative recordation schedule and tentative building permit reservations, subject to modification at the final plan stage.

Pursuant to Chapter 156, staff recommends that the Planning Commission conditionally approve the preliminary plan with conditions as follows:

1. Police, schools, and roads are considered adequate; fire and emergency medical services are considered approaching inadequate;
2. the building permit reservation is for 2 lot in FY22, subject to modification at the final plat stage;
3. the recordation schedule requires the plat 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 the final plan, Chapter 156.06-E(4)(d) states “For projects that received a conditional approval and tentative recordation schedule at the preliminary plan stage, the Planning 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 Planning Commission.” As fire and emergency medical services are considered approaching inadequate, the Planning Commission may approve the plan, modify the recordation schedule and building permit reservation, or place the project within a queue.

Chapter 156.06-E(4)(e) states “For projects that received a recordation schedule and building permit reservations at the preliminary plan stage, the Planning Commission’s Secretary shall inform the developer whether any existing or proposed building permit cap would be applicable to the project.” There is no existing or proposed building permit cap that would be applicable to this project.

Pursuant to Chapter 156, staff recommends that the Planning Commission approve the final plan with the following conditions:

1. The building permit reservation is for 2 lot in FY22; provided the plat is recorded prior to any permits being issued;
2. The recordation schedule requires the plat to be recorded within 24 months of preliminary plan approval;
3. The building permit reservations are allowed to roll over year after year until the sunset provision takes effect and the preliminary plan becomes void.