

OFFICIAL MINUTES
Carroll County Planning and Zoning Commission

March 17, 2015

Location: Carroll County Office Building

Members Present: Alec Yeo, Chairman
Richard J. Soisson, Vice Chair
Matthew S. Helminiak
Jeffrey A. Wothers
Cynthia L. Cheatwood
Richard S. Rothschild, Ex-Officio
C. Richard Weaver, Commissioner

Members Absent: Eugene A. Canale
Daniel E. Hoff, Alternate

Present with the Commission were the following persons: Philip R. Hager, Mary Lane, and Kelly Martin, Department of Land Use, Planning, and Development; Gail Kessler, County Attorney's Office; Lynda Eisenberg, Bureau of Comprehensive Planning; Clay Black, Laura Matyas, and John Breeding, Bureau of Development Review; Jay Voight, Zoning Administrator; Bryan Van Fossen and Scott Campbell, Public Safety; Ted Zaleski, Department of Management and Budget; Ed Singer, Health Department; Robert Sandmeyer; Marc Marzullo; Clark Shaffer; Matthew Zimmerman; Mark Frizzera; Hillorie Morrison; Ed Perl; Linda Baskette; Chris Neill; John Scholz; and Pete Podolak.

CALL TO ORDER/WELCOME

Chairman Yeo called the meeting to order at approximately 9:05 a.m.

ESTABLISHMENT OF QUORUM

Kelly Martin took the attendance of the Commission, noting that six members were present, and there was a quorum.

PLEDGE OF ALLEGIANCE

OPENING REMARKS/ADMINISTRATIVE MATTERS

Philip R. Hager, Secretary, noted that there were no changes proposed to the agenda as distributed.

REVIEW AND APPROVAL OF AGENDA

The agenda was approved as distributed on motion of Mr. Helminiak, seconded by Mr. Wothers, and carried.

PUBLIC COMMENTS

There were no public comments.

REVIEW AND APPROVAL OF MINUTES

- A. January 20, 2015
- B. February 4, 2015
- C. March 4, 2015

The minutes of January 20, February 4, and March 4, 2015 were approved as written on motion of Mr. Wothers, seconded by Mr. Helminiak, and carried.

REPORT OF AGENCY REPRESENTATIVES

- A. Public Safety
- B. Board of Education
- C. Economic Development
- D. Health Department
- E. Management and Budget

A. PUBLIC SAFETY

Bryan Van Fossen introduced Scott Campbell, Public Safety.

Mr. Campbell provided the Commission with an update on efforts to review and revise, as appropriate, the varying criteria used to certify the "Available Threshold" of the County's Fire, Rescue & Emergency Medical Services. A work group comprised of County staff and representatives from the Carroll County Volunteer Emergency Services Association (CCVESA) developed recommendations that will be presented to the County's Volunteer Fire & EMS over the coming weeks. The work group anticipates presenting a final version of the recommendations at the Commission's April 21 meeting.

(Commissioner Rothschild entered the meeting.)

B. BOARD OF EDUCATION

Chairman Yeo noted that Mr. Marks had contacted staff saying he would not be in attendance at today's meeting.

C. ECONOMIC DEVELOPMENT

No report given; no representative present.

D. HEALTH DEPARTMENT

Ed Singer, Carroll County Environmental Health, reported that food service industries are struggling with the Best Available Technology (BAT) requirements adopted by the Maryland Department of the Environment (MDE). It is dragging out the site plan review process for these

commercial sites. He argued that BAT should not be required for new construction in areas outside of the Chesapeake Bay watershed area, and it should be up to each individual jurisdiction as to how to meet the requirements.

Commissioner Rothschild asked whether other health officers around the state agreed with Mr. Singer's opinion and whether a joint meeting with Ben Grumbles, newly appointed Secretary of the Environment, would be helpful.

Mr. Singer indicated the group of Environmental Health Directors voted 24-2 on a policy page outlining their position. He noted that he would send additional information to Commissioner Rothschild.

Mr. Singer explained that he had been working on a subcommittee with the State Water Quality Advisory Council to determine better ways to deal with the reuse of wastewater. The County and municipalities spend so much money to highly treat wastewater that they should be able to find something to do with it to get credit for it. The issue is being resurrected and will be presented to the Secretaries of the Environment, Natural Resources, and Agriculture.

Mr. Singer reported that the Acting Health Officer, Dr. Henry Taylor, is working on a project to track health data as an informational tool through GIS. Once that system is running, a presentation will be made to the Commission.

Mr. Singer reported that MDE has become very interested in wineries and breweries with regard to waste removal. MDE is requiring a separate permit which is holding up the site plan process and building permit approvals.

Mr. Singer noted that well drillers are required to notify municipalities if there is a well being drilled within a mile of their border. There is a bill in the Legislature to require MDE to address the requirements. MDE is trying to push that onto the local health departments.

Jeffrey Wothers, Commission member, asked how much the BAT requirements just discussed slow down the site plan process.

Mr. Singer noted that smaller projects are being delayed approximately 6-12 months, with bigger projects suffering longer delays. The cost of engineering the BAT's is making development of commercial sites on individual septic systems much more difficult.

Commissioner Rothschild suggested taking the approach of preparing legislation to provide a reasonable definition of BAT's.

Mr. Singer indicated the technology he would suggest would be going back to septic tanks. BAT's for residential systems are expensive but available. There is nothing out there "off the shelf" available for commercial sites.

E. MANAGEMENT AND BUDGET

Ted Zaleski, Management and Budget, reported that staff will begin presenting the recommended budget to the Board on Thursday, followed by agency hearings and then Commissioner action. Community meetings will be held prior to the public hearing. He noted that the Legislative

Session ends during the community meeting phase, so there could be some last minute changes based on legislation that gets passed.

COMMISSION MEMBER REPORTS

- A. Commission Chairman
- B. Ex-Officio Member

A. COMMISSION CHAIRMAN

Chairman Yeo indicated he had approved two minor subdivision plans in the last month.

B. EX-OFFICIO MEMBER

Commissioner Richard Rothschild provided an update on the five bills that were circulating in Annapolis to repeal the Rain Tax. The only bill remaining is Senate Bill 863, which is being called a repeal, but actually creates additional reporting requirements for the County. Staff is working with MACo to draft several amendments to the bill.

DEPARTMENT OF LAND USE, PLANNING & DEVELOPMENT STAFF REPORTS

- A. Director

A. DIRECTOR

Philip R. Hager, Director, reported that eight development extensions had been granted since the last meeting: a third one-year extension for the minor subdivision plan of Pam's Delight, one lot and a remaining portion, located off of Tyrone Road; a fourth one-year extension for the site plan of Nell's Acres, Section 2, 296 units (55 and older retirement community), located off of the south side of Liberty Road, east of Ridenour Way in the Sykesville area; a third one-year extension for the minor subdivision plan of Leader Heights, one lot and a remaining portion, located off of Carrollton Road in the Hampstead area; a sixth one-year extension for the site plan of St. George's Episcopal Church, an 8,665 square foot expansion, located on Cape Horn Road in the Manchester area; a fourth one-year extension for the minor subdivision plan of Walkerwood Estates II, one lot and a remaining portion, located on Walkerwood Court in the Manchester area; a first one-year extension for the major subdivision plan of Heird Property and Amended Plat of Lot 1, Buchman Ridge, five new lots and one amended lot, located off of Houcksville Road in the Hampstead area; a fourth one-year extension for the site plan of Illiano Plaza Eldersburg, a proposed Planned Business Center, located off of MD 32 in the Eldersburg area; and the major subdivision plan of Was-Mere Acres, 10 lots located off of Murkle Road in the Silver Run area which was extended per the Consent Agreement.

Mr. Hager provided an update on the vacant positions in the Bureau of Development Review.

Clay Black, Bureau of Development Review, reported that the Legal Document and Surety Coordinator position has been filled by Debra Clinton.

FY16-21 PRELIMINARY RECOMMENDED CIP – RECOMMENDATIONS TO BOARD OF COUNTY COMMISSIONERS

Secretary Hager indicated that the recommendation letter had been discussed by the Commission at the March 4 meeting. During that session, two additions were suggested, and a new draft was forwarded to the Commission for review.

The Commission, on motion of Mr. Wothers, seconded by Mr. Soisson, and carried (Commissioner Rothschild abstained), instructed the Chairman to sign the Commission's recommendation letter to the Board of County Commissioners.

FINAL PLAT MODIFICATION REVIEW

A. AP-14-0060, Huntfield Amended Plat of Lot 7 Plat B

A. AP-14-0060, HUNTFIELD AMENDED PLAT OF LOT 7 PLAT B

Secretary Hager stated that it may be necessary for him to offer testimony with regard to this project as Director of the Department of Land Use, Planning, and Development. He suggested he step down as Secretary for the review of this project and turn the meeting over to Clay Black.

Clay Black, Bureau of Development Review, served as Acting Secretary.

LOCATION: South side of Chanter Drive, East of Salem Bottom Road, E.D. 9

OWNER: Matthew Zimmerman & Susan B. Boyce, 3801 Salem Bottom Road, Westminster, MD 21157

DEVELOPER: Same

ENGINEER: A.L.S. Inc., 194 East Main Street, Westminster, MD 21157

ZONING: Conservation

ACREAGE: 3.0340 acres

WATERSHED: Liberty Reservoir

NO. OF LOTS: n/a

FIRE DISTRICT: Winfield

MASTER PLAN: Conservation

PRIORITY
FUNDING AREA: Outside

DESIGNATED
GROWTH AREA: Outside

BZA CASE: 5752

Laura Matyas presented the background.

Action Required:

The plan is before the Commission for final approval of a plat modification in accordance with Code section 155.020-F of the Code of Public Local Laws and Ordinances of Carroll County. The Director has determined not to waive the requirement of seeking approval from the Planning and Zoning Commission.

 § 155.020 SUBDIVISION CONTROL.

(F) **Plat modification or reassembly.**

(1) The Director, at his or her discretion, may waive:

(a) The requirement of seeking approval from the Planning Commission for a modification, plat reassembly, or other adjustment, correction, or change to a subdivision plat recorded among the Land Records of Carroll County.

History:

The subject property was created as Lot 7 on Plat B of the Huntfield subdivision in 1978. Huntfield resulted in 29 lots of subdivision in what was the Agricultural Zoning District when the preliminary plan was approved in 1976 (see attached). Lot size in the Agricultural Zoning District was not regulated prior to 1978; it was at the discretion of the Planning and Zoning Commission. Plat A recorded Lots 1 thru 6 on December 30, 1977 (see attached). Lots 1, 2, 3, 4, and 6 along Salem Bottom Road are between 1.52 acres and 1.79 acres in size and Lot 5 is 3.02 acres as shown on the approved Preliminary Plan.

On June 6, 1977, prior to recordation of Huntfield Plat A, the lands designated as Parcel A (0.7971 acres) and Lot 25 (3.2542 acres) on the approved Preliminary Plan were created in separate deeds by the owner / developer of Huntfield, Jenkins-Roth, Incorporated. Although this parcel and lot were included on the approved Preliminary Plan, they were conveyed by deed and not depicted on the record plat as would have been required by County Code and the subdivision process.

On June 15, 1977, John and Eleanor Day were deeded two separate properties (Parcel A, now Parcel 371 and Lot 25, now Parcel 372) within one deed. On the same date, the Days purchased the 9.1449-acre adjoining property (Parcel 181). The three parcels have never been consolidated into a single-perimeter description. The Days conveyed all the properties via two deeds and three distinct parcels to the current owners, Matthew Zimmerman and Susan Boyce, in 1990.

In 1978, a comprehensive rezoning of the Agricultural Zoning District resulted in an area around and inclusive of the Huntfield subdivision, as well as Parcel 181, being rezoned as Conservation. Huntfield Plat B recorded Lots 7 thru 12 and Huntfield Plat C recorded Lots 13 thru 20 on June 22, 1978 (see attached). The final plat, Huntfield Plat D, was recorded on July 10, 1987 (see attached). All of the lots on Plats B thru D including the subject property, Lot 7, a 3.0340 acre lot, meet the minimum lot size requirement of 3.0 acres in the Conservation Zoning District.

Matthew Zimmerman and Susan Boyce's current deed for Lot 7 is dated October 25, 2013. They hold independent titles to Lot 7, the adjoining Parcel 181, and Parcels 371 and 372.

On August 26, 2014, the Board of Zoning Appeals (BZA) heard Case 5752; an appeal of Zoning Administrator Case ZA-1492 for a reduction of Lot 7's size from 3.0392 acres to 2.0832 acres by applicants Matthew Zimmerman and Susan Boyle (cases attached). The Board approved the applicant's request.

Existing Conditions:

The subject property, Lot 7 of the Huntfield subdivision, is built with a single-family residence at the front portion of the property at Chanter Drive. Access is off of Chanter Drive via a private driveway. Beyond the curtilage area, the property is densely wooded and evergreens line the rear property line shared with Parcel 181. There are no streams or floodplains on site. Private well and septic systems serve the property. Adjoining properties are all zoned Conservation and are built with single-family residences, excluding Parcel 371. In addition to a residence, Parcel 181 hosts a farm complex with associated outbuildings.

Plan Review:

The Huntfield Amended Plat of Lot 7 proposes to reduce the size of Lot 7 by 0.9549 acres at the rear property line and add the acreage to Parcel 181, resulting in a 2.0791-acre Lot 7 in accordance with BZA Case 5752.

While all review agencies have approved the plat modification in accordance with their respective Codes, the Bureau of Comprehensive Planning issued a memorandum withholding their support of the proposal (see attached) and the Director determined that the amended plat should come before the Planning and Zoning Commission as outlined in the Code.

Recommendations:

Pursuant to Chapter 155, staff recommends approval of the plat modification, in accordance with the BZA decision, subject to the following conditions:

1. That the 0.9549 acre reduction of Lot 7, as well as Parcels 371 and 372 are consolidated with Parcel 181 by a deed to be recorded simultaneously with the recordation of the plat.
2. That any changes to the Plat as submitted and approved by the Commission herein shall be resubmitted to the Commission for further review and approval.

Discussion:

Staff suggested the addition of a third condition as follows: "That a note be placed on the record plat identifying Lot 7 as a non-buildable parcel in accordance with Chapter 158.130-B 1."

Clark Shaffer, attorney representing the owner, stated that this was the first time he had heard about Condition No. 3 which is a major addition to the staff report. He expressed his disbelief that this request had drawn this much attention when hundreds of similar amended plats have come through the County. Mr. Shaffer stated that the Board of Zoning Appeals (BZA) has the

power to grant variances by virtue of state law and the County's Zoning Ordinance. He read the definition of "variance" from the Land Use Article. Mr. Shaffer explained that his client applied for an area variance, complied with all the requirements, paid his fee, property owners were notified, and the hearing was held. The Secretary of the Commission sent a letter to the BZA with a finding of no opposition with regard to this specific case with land use considerations and Annotated Code requirements. When Mr. Hager appeared at the hearing, he opposed the request, making similar arguments to what he is presenting today. At the end of the case, the BZA granted the variance, issued a written decision, 30 days passed, and no appeal was filed. Mr. Shaffer clarified that this means under established zoning law that this lot will be legal because my client went through all the legal requirements to create Lot 7A. He then filed an amended plat which is normally an administrative process. Mr. Shaffer stated that it is categorically inaccurate to say that this is not a legal lot. This is a well-established process. Mr. Shaffer stated his opposition to Condition No. 3 which was added by Mr. Hager and declares Lot 7A as nonbuildable.

Mr. Hager stated that the issue has nothing to do with whether or not what Mr. Zimmerman is proposing to do is a good idea—it is about a matter of procedure. The denial of Zimmerman's initial request to the Zoning Administrator was appealed to the BZA. Mr. Hager noted that he testified that the situation was self-created and there was not sufficient hardship. The BZA determined that they had the authority to grant a relaxation of those requirements and issued a written decision. No appeal was filed of that decision. The property owner had a surveyor prepare an amended plat which came before Mr. Hager for signature. Because he was uncomfortable signing off on the plat, it is being presented to the full Commission. Mr. Hager indicated he could not find any language in the Code that gave him or the Planning Commission authority to sign off on something that is illegal. He stated that the BZA has the authority to reduce requirements cited in the Code, but they do not have the authority to reduce the requirements to a point where a lot is illegal.

Mr. Shaffer stated that the BZA granted an area variance from the Code requirements. Once that variance was granted, you have a legal lot.

Chairman Yeo asked counsel whether the Commission had the legal authority to move forward with a decision.

Gail Kessler, County Attorney, suggested that the BZA Decision does not address whether the lot retains a building right if the existing house is torn down. The Decision allows for the reduction in lot size. She noted that the Commission could sign off on the plat with the addition of Condition No. 3.

Mr. Shaffer argued that it is clear that the BZA was authorizing the creation of a two-acre building lot.

Jeffrey Wothers, Commission member, asked why the County did not appeal the BZA Decision if staff felt the BZA acted outside of their authority.

There were no public comments.

Chairman Yeo asked whether the Commission could request clarification from the BZA.

Mr. Shaffer indicated he would agree to a request for clarification.

Mr. Hager stated his opposition to limiting the request for clarification to the issue of buildability only.

The Commission, on motion of Mr. Wothers, seconded by Mr. Helminiak, and carried (Commissioner Rothschild abstained), tabled the project and directed counsel to request that the Board of Zoning Appeals provide additional clarification with regard to a series of questions that counsel will draft to definitively outline their intent and the authority they think they have in making the decision. Those questions should be provided to Mr. Shaffer for his review.

CONCEPT SITE PLAN REVIEW

- A. S-14-006, Verizon Wireless – Addison Property
- B. S-14-0026, Gerstell Academy Phase 5, Alumni House & Storage Shed

A. S-14-006, VERIZON WIRELESS – ADDISON PROPERTY

LOCATION: On the west side of Back Woods Road, south of East Deep Run Road, 6th Election District

OWNER: Harry T. Addison, 4318 Back Woods Road, P.O. Box 375, Manchester, MD 21102-0375

DEVELOPER: Verizon Wireless/Harry Addison c/o SCE, LLC, c/o Shari Saslaw, 8532 Mountainholly Drive, Pikesville, MD 21208

ENGINEER: Entrex Communication Services, Inc., 6600 Rockledge Drive, Suite 550, Bethesda, MD 20817

ZONING: A – Agriculture

ACREAGE: 27.856 Acres

FIRE DISTRICT: Manchester

WATERSHED: Double Pipe Creek

MASTER PLAN: Agriculture

PRIORITY

FUNDING AREA: Outside

DESIGNATED

GROWTH AREA: Outside

Clayton R. Black presented the background.

Action Required:

The plan is before the Planning and Zoning Commission per Section 155-059 of the Code of Public Local Laws and Ordinances of Carroll County for consideration of a concept site plan. No action is required.

Existing Conditions:

The subject property contains an existing residence and several outbuildings. Of the 28 acres, approximately 23 acres is open field; the remainder in woods. All adjoining properties are zoned agricultural. Several properties with residential structures adjoin the subject property. All adjoining properties are served by private wells and private septic systems.

Site Plan Review:

In accordance with § 158-039 of the Carroll County Code of Public Local Laws and Ordinances, communications towers are permitted as a conditional use in the A District subject to the following:

- (a) A minimum setback of a distance equaling the height of the tower. The setback shall be measured from the base of the tower to the boundary line of the property owned, leased, or controlled by easement by the applicant;
- (b) Subject to a minimum distance requirement of a distance equaling the height of the tower plus 200 feet from all Residence Districts, the "H" District, and the "MHP" District or the nearest part of any existing dwelling, school, religious establishment, or institution for human care, in any other district.
- (c) Subject to a minimum setback from all overhead transmission lines of a distance equaling two times the height of the tower and all masts; and
- (d) Subject to site plan approval by the Planning and Zoning Commission pursuant to § 155-059.

The Board of Zoning Appeals approved (Case #5754) a 195-foot-high tower at the location as shown on the site development plan. Attached is a copy of the decision.

The developer proposes to construct a 195-foot-high cellular communications monopole tower inside a 50' x 50' fenced compound. The site will be unmanned and will be infrequently visited for routine maintenance. The compound location is in the wooded portion of the site to reduce visibility to the compound itself. This area will be leased by Verizon Wireless. Antennas for Verizon Wireless will be mounted at the top of the tower and will extend up to a height of 199 feet above grade. The 195' tower height allows future carriers to be mounted on the tower. This will allow for the colocation of communication equipment as required by the County Code. The proposed use is consistent with the designation of Agriculture in the 2014 Carroll County Master Plan.

Access to the compound is shown partially over the existing eight to ten foot driveway that provides access for the residential structure with construction of a new drive providing the remaining access. In accordance with § 155-078 of the Code of Public Local Laws and Ordinances, access drives which connect to roads shall be a minimum of 18 feet wide. The

applicant requested a variance to permit a 12 feet wide driveway. The Board of Zoning Appeals approved the request.

The site is approximately 1600 feet from Back Woods Road. For the first 500 feet, access to the tower will occur over an existing asphalt driveway that will be widened to 12 feet. A 12 foot gravel driveway will then be constructed for the remaining distance. Grass shoulders constructed along the driveway will provide for Stormwater Management. The existing entrance onto Back Woods Road will need to be improved and does not meet County sight distance requirements; however, removal of brush by the developer, may achieve the distance requirements.

Based on the initial submission, the plan is exempt from the requirements of the Forest Conservation, Water Resources, Landscaping, and Floodplain Ordinances. The plan meets the concept requirements of the Stormwater Management Ordinance. An eight-foot-high chain-link fence will be constructed to enclose the compound area. Barbed wire will be placed at a height of one foot above the top of the fence. Sheet 5 shows the details for the fence.

The proposed site plan was subject to Citizen's Involvement during the January 26, 2015 Technical Review Committee meeting. Two citizens spoke at the meeting regarding assistance in locating the tower to their specific properties. No phone calls have been received regarding this site plan.

The property is not subject to the provisions of Concurrency Management, Chapter 156 of the Code of Public Local Laws and Ordinances of Carroll County; however, the project will be tested for Adequate Public Facilities before the site plan is presented to the Planning Commission for approval.

Discussion:

Chairman Yeo asked if there were existing houses on the property.

Marc Marzullo, Verizon, indicated there was one residence and farm buildings on the property.

There were no public comments.

B. S-14-0026, GERSTELL ACADEMY PHASE 5, ALUMNI HOUSE & STORAGE SHED

LOCATION: East side of Baltimore Boulevard (MD Route 140) at Brown Road

OWNER: The Freven Foundation, LLC, 10706 Beaverdam Road, 5th Floor Sinclair Building, Cockeysville, MD 21030 (LLC Members: List Attached)

DEVELOPER: Same as Owner

ENGINEER: Site Design Concepts, 127 West Market Street, Suite 200, York, PA 17401

ZONING: R-40,000 & Conservation

ACREAGE: 92.869 acres

WATERSHED: Liberty Reservoir
FIRE DISTRICT: Reese
MASTER PLAN: Residential – Low Density

PRIORITY
FUNDING AREA: Outside

DESIGNATED
GROWTH AREA: Outside

Laura Matyas presented the background.

Action Required:

The plan is before the Planning and Zoning Commission per Chapter 155 of the Code of Public Local Laws and Ordinances of Carroll County for consideration of a concept site plan. No action is required.

Existing Conditions:

The 92.869 acre subject property hosts Gerstell Academy, a private K-12 school with a current enrollment of 345 students. A Campus Master Plan was approved by the Planning and Zoning Commission in March 7, 2001 (see attached). Since then, multiple components of that plan have been realized through four phases of site development plans. Phase 1 included an administration office and classroom building, parking lots and inner-campus drives, tennis and basketball courts, and athletic fields. Phase 2 approved an athletic facility. With Phase 3, a Dining Hall was approved. The track and field facility was developed with Phase 4. Forest conservation and stormwater management requirements were addressed with the overall campus plan in 2001. Forest conservation easements exist on site as well as private stormwater management facilities.

Access is from Old Westminster Pike with separate entry and exit points and a second access exists at Brown Road south of Arabian Drive. A locked gate currently secures the Brown Road access point. Emergency Services Review has inquired as to permissions and a means to utilize that entry point. The rear of the lot hosts a forest as well as floodplain associated with the stream on the adjoining properties.

The property is outside of priority funding areas, designated growth areas, and water and sewer service areas. It has an extensive, existing private water and sewer system.

Adjoining properties to the north, south, and west are zoned R-20,000 with Todd Village Mobile Home Park to the south, Hillendale Mobile Home Park to the west across MD Route 140, and an established low density, single-family residential neighborhood to the north. The Freven Foundation owns a 97-acre adjoining property to the east in the Conservation Zoning District. Additional single-family residences on Conservation-zoned lots exist to the north and east of the subject property.

Plan Review:

The developer proposes to build a 12,700 SF one-story building to accommodate alumni services including a conference center, bookstore, gathering hall, offices, a kitchen, and a lounge. A 2,880 SF patio on the east side of the building connects directly to the conference center. Also proposed is a one-story, 25-foot high, metal storage building in the Conservation-zoned area of the campus. It is proposed to have multiple overhead doors with a thru-access drive.

Required parking for the site calculates to 87 spaces based on current enrollment and 465 stalls exist. While Gerstell Academy projects their enrollment to increase, no new parking spaces are necessitated or proposed with this phase of development. Albeit, existing spaces will be converted to create eight handicap parking spaces to serve Alumni House visitors, yielding 459 total spaces on campus.

With the existing parking lot nearest the Alumni House at approximately nine feet higher in elevation, both a stair and an accessible ramp are proposed. Each path of travel will cross the existing access drive and converge at a western patio entry to the building. A vehicular drop-off is proposed at the south side of the Alumni House with an accessible route provided.

The proposed land use is consistent with the 2014 Carroll County Master Plan land use designation of Low Density Residential. The Plan dictates that properties designated as Low Density Residential are utilized for residential development with lot sizes of approximately one acre. As the Master Plan informs the zoning and schools are a principal permitted use in the R-40,000 Zoning District, the land use designation should be found to be consistent with the comprehensive plan.

The concept landscaping plan has been approved. Forest conservation was addressed with the campus plan. Overall stormwater capacity was calculated with the initial campus plan and stormwater management for the current development will tie into the existing system. Water Resources Review has requested further information to determine if the Water Resources Code is applicable to this project. The Maryland Department of the Environment has notified the Health Department that the existing wastewater treatment system, designed to serve a greater capacity than currently exists, necessitates modifications to be in compliance with their requirements. The Owner and Engineer are aware of the comments.

Elevations are shown on sheets 14 and 15 of the plan set with renderings shown on sheet 11. With red brick facades, beige cast stone details, a pediment element, and red brick patio pavers, the Alumni House design compliments the campus aesthetic. Situated in a densely forested area, the storage shed elevations propose brown metal siding and a brown metal roof. New lighting includes eighteen decorative pole-mounted fixtures at fourteen feet above finished grade. No new signage is proposed.

The concept plan was presented to the Design and Architectural Review Committee, an advisory group, on February 10, 2015. The Committee made the following suggestions:

1. Consider landscaping at the eastern patio for shade purposes.
2. Consider lighting at the eastern patio.
3. Consider a walkway adjoining and parallel to the parking lot at the handicap stalls to provide a safe, accessible route to the ramp.

4. Provide a cutout at the front curb at the vehicular drop-off for accessibility.
5. Consider widening the apron at the access drive to the storage building.
6. Consider a pullover at the access drive to the storage building.

The proposed site plan was subject to Citizen's Involvement during the February 23, 2015 Technical Review Committee meeting. There were no citizens who spoke at the meeting and no written comments were forwarded to the Bureau of Development Review.

Discussion:

Richard Soisson, Commission member, asked whether the developer had agreed to address all six of DARC's recommendations.

Robert Sandmeyer, Site Design Concepts, explained that the plans have been revised to address the recommendations of DARC, except for the landscaping requested at the eastern patio for shade purposes. A canopy will be constructed in this location instead to address the need for shading.

Chairman Yeo suggested that the access point to the ramp be labelled.

Mr. Sandmeyer noted that the topography of the property make the stairs and ramp locations highly visible.

Chairman Yeo asked why the handicap spaces would not be moved to the northern part of the lot.

Mr. Sandmeyer explained that without redesigning the entire access drive, the spaces are located in order to meet the slope requirements.

Chairman Yeo asked how the storage building would be utilized.

Mr. Sandmeyer explained that the storage building will hold excess furniture, mowers and landscaping equipment, etc.

John Scholz, Gerstell Academy, noted that a pick-up truck will use the access road to the storage building a couple times daily, but mostly the campus utilizes gators.

Chairman Yeo suggested that the access road be widened to 12 feet.

Mr. Sandmeyer explained that widening the access drive would increase the number of trees that will have to be removed and the impervious area.

It was the consensus of the Commission that the access drive be 10 feet wide.

Chairman Yeo suggested a redesign of the drop off area to allow for the unloading of more than one car at a time.

Mr. Sandmeyer indicated they would consider Chairman Yeo's suggestion, but noted that they did not anticipate the handicapped accessible drop off to be highly utilized.

There were no public comments.

(Commissioner Weaver left the meeting.)

FINAL SUBDIVISION PLAN REVIEW

A. F-14-0062, Bonnie Brae Plaza

A. F-14-0062, BONNIE BRAE PLAZA

LOCATION: South side of MD Rt. 26, west of Bonnie Brae Road, 5th Election District

OWNER: Clear Ridge Developers, Inc., c/o Mark Frizzera, 1935 Babbs Court,
Marriottsville, MD 21104

DEVELOPER: Same as Owner

ENGINEER: Leon A. Podolak and Associates, LLC, 147 East Main Street,
Westminster, MD 21157

ZONING: B-NR, Neighborhood Retail Business

ACREAGE: 2.00 acres

WATERSHED: Patapsco - South Branch

NO. OF LOTS: 2 lots

FIRE DISTRICT: Sykesville/Freedom

MASTER PLAN: Medium Density Residential – Proposed Boulevard District – 2001
Freedom Community Comprehensive Plan

PRIORITY

FUNDING AREA: Freedom

DESIGNATED

GROWTH AREA: Freedom

Laura Matyas presented the background.

Action Required:

Approval of the Preliminary Plan of Subdivision pursuant to Chapter 155, Development and Subdivision of Land, of the Code of Public Local Laws and Ordinances of Carroll County.

Approval of the 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.

Existing Conditions:

The subject property is vacant and has sporadic tree coverage. The property was rezoned from R-20,000 to B-NR, Neighborhood Retail Business District, on February 6, 2014. Properties to the south are zoned R-20,000 and are built with single-family homes. Properties to the west are also zoned R-20,000 and are built with office buildings. These lots are part of the Frank's Place subdivision. The western adjoining property, Lot 3 of Frank's Place subdivision, possesses an in-fee, 69.25-foot strip of land buffering the southern subdivision from the subject property. This strip is relatively forested. An existing use-in-common driveway crosses the lots to the west and accesses MD Rt. 26 at Lot 2 of Frank's Place subdivision (see attached). The property to the east, across Bonnie Brae Road, is zoned R-20,000 and is built with a church and a multi-purpose field. The property across MD Rt. 26 is zoned Business General and is built with a single-family home and several outbuildings. All surrounding properties are served by Freedom public water and public sewer.

Review History:

The proposed site plan was subject to Citizen's Involvement during the June 23, 2014 Technical Review Committee meeting. Two citizens spoke during the meeting in opposition to this plan. Their comments were that the future use was redundant as there are other auto parts stores in the area. They also expressed concerns with regard to additional traffic in a heavily-traveled area. Two letters were also submitted to the Bureau. The letters express opposition to the development of this property and raise concerns about crime, noise, traffic, and recently approved development in the area.

The plan of subdivision was presented to the Planning and Zoning Commission as a concept plan on July 15, 2014. The meeting minutes are attached.

Plan Review:

The developer proposes to create two lots from the 2-acre parcel. Lot 2, at the corner of Bonnie Brae Road and MD Rt. 26, is 1.164 acres and Lot 1, immediately to the west, is 0.836 acres. The Developer is processing a site plan for an Advance Auto Parts store on Lot 1 concurrently with the review of the plan of subdivision. The subdivision must be approved before approval of the site development plan.

On the 2001 Freedom Community Comprehensive Plan, the planned major street Ridenour Way is shown crossing this property along the entire frontage of MD Rt. 26. The Bureau of Comprehensive Planning has determined that providing inter-parcel connectivity between the subject property and the lots to the west, along with an access to Bonnie Brae Road addresses the intent of Ridenour Way.

A connection to the existing use-in-common driveway to the west accessing MD Route 26 and an access onto Bonnie Brae Road will be provided. An easement is depicted on the plat that provides ingress, egress, and regress over the Bonnie Brae Plaza subdivision, establishing this connection. A general note on Sheet 1 of the plan indicates the developer's intent to enter into a cross-easement agreement with the owners of Lot 2 and 3 in the Frank's Place subdivision. Providing this cross-easement is a condition of approval.

The land use designation in the 2001 Freedom Community Comprehensive Plan is Medium Density Residential. This property is included as part of the proposed Boulevard District. The Freedom Plan dictates that properties designated as Medium Density Residential be reserved for single-family development at a density no greater than two units per acre. This proposed subdivision and subsequent commercial uses adhere to the intent of the proposed Boulevard District as it would “allow for a mixture of commercial, retail, professional office, and residential uses” as outlined by the Freedom Plan. As such, the land use designation should be found to be consistent with the comprehensive plan.

A traffic impact study (TIS) is required for the development of these lots based on the proposed square-footages of two commercial sites. The County generated a TIS scope based on the proposed uses as well as background development and annual increases in traffic. Approval of the TIS will be tied to the subdivision but will be implemented as part of the site plans. The TIS report concluded that the study intersections will continue to operate at an acceptable level of service and no improvements are required. In review of the TIS, the State Highway Administration and Engineering Review have approved the site plan with no road improvements.

Forest Conservation requirements are met with off-site banking. Code requirements for landscaping and stormwater management (SWM) have been addressed with the site development plan review. SWM will be addressed with private facilities and an easement of access granted to the County with recordation of the plat of subdivision. There are no areas of floodplain or water resources on the property.

As a minor subdivision, this project is not subject to Concurrency Management, Chapter 156 of the Code of Public Local Laws and Ordinances of Carroll County.

Recommendations:

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

1. That a cross-easement agreement for unrestricted vehicular and pedestrian ingress, egress, and unlimited regress be recorded by the owners of Lots 1 & 2 of Bonnie Brae Plaza subdivision and the owners of Lots 2 & 3 of Frank’s Place subdivision simultaneously herewith.
2. 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 herewith.
3. That a proof of purchase of the forest bank be included in the legal document submittal.
4. 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.

5. No building permit or zoning certificate shall be issued for any lot shown hereon until such time as a site development plan has been approved by the Carroll County Planning and Zoning Commission.

Discussion:

Laura Matyas asked that the Commission remove the words “simultaneously herewith” from Condition No. 1.

Clark Shaffer, attorney for the owner, explained that his client is willing and able to provide an easement for Lots 2 and 3 of Frank’s Place, allowing access to Bonnie Brae Road through his property, but he does not have the ability to force Lots 2 and 3 to provide an easement through their property.

Mark Frizzera, owner, indicated he has had extensive discussion with Dr. Perl, one of the owners of Lot 3, regarding the easement. There is concern regarding traffic coming between his building and the parking spaces.

Ed Perl noted that he is one of the owners of Lot 3 and acknowledged there are concerns, especially about the traffic pattern for their patients when the user of Lot 1 is an unknown.

Matthew Helminiak, Commission member, suggested the installation of speed bumps to address traffic speed concerns.

Mr. Shaffer indicated his client was open to that option. He explained that his client has no leverage to require the adjoining property to provide an easement that was not required by the Planning Commission when the property was developed. Mr. Shaffer noted that his client fulfills the intent of the Master Plan, providing a reasonable solution, in creating a connection of the Frank’s Place lots to Bonnie Brae.

Public Comments:

Linda Baskette, Bonnie Brae Road, expressed concerns regarding additional traffic on Bonnie Brae Road, questioned the location of Ridenour Way, and mentioned a petition from the community which should have been a part of the project record. She noted that the area does not need another auto parts store.

Mr. Helminiak explained the purpose of Ridenour Way as proposed in the Master Plan.

Chairman Yeo noted that Ridenour Way would not be built.

Clay Black, Bureau of Development Review, explained that the connection of the two properties is what brings the project into compliance with the Master Plan in terms of addressing Ridenour Way.

Decision:

Pursuant to Chapter 155, the Commission, on motion of Mr. Soisson, seconded by Mr. Helminiak, and carried (Commissioner Rothschild abstained), approved the preliminary plan and

final plan subject to the five conditions in the staff report, with a modification to Condition No. 1: “That a reasonable attempt to establish a cross-easement agreement for unrestricted vehicular and pedestrian ingress, egress, and unlimited regress be recorded by the owners of Lots 1 & 2 of Bonnie Brae Plaza subdivision and the owners of Lots 2 & 3 of Frank’s Place subdivision.”

FINAL SITE PLAN REVIEW

A. S-14-010, Advance Auto Parts – Eldersburg

A. S-14-010, ADVANCE AUTO PARTS – ELDERSBURG

LOCATION: South side of MD Rt. 26, west of Bonnie Brae Road, 5th Election District

OWNER: Clear Ridge Developers, Inc., c/o Mark Frizzera, 1935 Babbs Court, Marriottsville, MD 21104

DEVELOPER: Primax Properties, LLC, c/o Chris Neal, 1100 Morehead Street, Charlotte, NC 28204 (LLC Members: List Attached)

ENGINEER: Leon A. Podolak and Associates, LLC, 147 East Main Street, Westminster, MD 21157

ZONING: B-NR, Neighborhood Retail Business

ACREAGE: 1.164 acres

WATERSHED: Patapsco - South Branch

FIRE DISTRICT: Sykesville/Freedom

MASTER PLAN: Medium Density Residential – Proposed Boulevard District – 2001 Freedom Community Comprehensive Plan

PRIORITY

FUNDING AREA: Freedom

DESIGNATED

GROWTH AREA: Freedom

Laura Matyas presented the background.

Action Required:

The plan is before the Planning and Zoning Commission per Chapter 155 of the Code of Public Local Laws and Ordinances of Carroll County for consideration and approval of a final site plan.

Existing Conditions:

The subject property is vacant and has sporadic tree coverage. The property was rezoned from R-20,000 to B-NR, Neighborhood Retail Business District, on February 6, 2014. Properties to the south are zoned R-20,000 and are built with single-family homes. Properties to the west are also zoned R-20,000 and are built with office buildings. These lots are part of the Frank's Place subdivision. The western adjoining property, Lot 3 of Frank's Place subdivision, possesses an in-fee, 69.25-foot strip of land buffering the southern subdivision from the subject property. This strip is relatively forested. An existing use-in-common driveway crosses the lots to the west and accesses MD Route 26 at Lot 2 of Frank's Place subdivision (see attached). The property to the east, across Bonnie Brae Road, is zoned R-20,000 and is built with a church and a multi-purpose field. The property across MD Route 26 is zoned Business General and is built with a single-family home and several outbuildings. All surrounding properties are served by Freedom public water and sewer.

Review History:

The proposed site plan was subject to Citizen's Involvement during the July 28, 2014 Technical Review Committee meeting. Numerous citizens spoke during the meeting in opposition to this plan. Several citizens commented that the proposed use was redundant as there are other auto parts stores in the area including an AutoZone store in proximity to this proposed store. They also expressed concerns with regard to additional traffic in a heavily-traveled area as well as people using Bonnie Brae as a cut-through to avoid traffic signals on MD Route 26. There was concern from one citizen regarding stormwater from this and other developments flowing into an already burdened system. A petition opposing the development and several emails and letters were submitted to the Planning and Zoning Commission with the concept report.

A concept site development plan for the subject property was reviewed by the Planning and Zoning Commission on October 21, 2014. The meeting minutes are attached.

A concept subdivision plan for the subject property was reviewed by the Planning and Zoning Commission on July 15, 2014 and the final plan shall be reviewed prior to the presentation of the site development plan. The developer proposes to create two lots from the 2-acre parcel. Lot 2, at the corner of Bonnie Brae Road and MD Route 26, is 1.164 acres and Lot 1, immediately to the west, is 0.836 acres. The subdivision must be approved before approval of the site development plan.

As discussed as part of the subdivision review on July 15, 2014, on the 2001 Freedom Community Comprehensive Plan, the planned major street Ridenour Way is shown crossing this property along the entire frontage of MD Route 26. The Bureau of Comprehensive Planning has determined that providing inter-parcel connectivity between the subject property and the lots to the west, along with an access to Bonnie Brae Road addresses the intent of Ridenour Way.

A connection to the existing use-in-common driveway to the west accessing MD Route 26 and an access onto Bonnie Brae Road will be provided. An easement is depicted on the subdivision plat that provides ingress, egress, and regress over the Bonnie Brae Plaza subdivision, establishing this connection. The developer intends to enter into a cross-easement agreement with the owners of Lot 2 and 3 in the Frank's Place subdivision. Providing this cross-easement is a condition of approval of the Bonnie Brae subdivision.

While not tied to this plan, the developer intends to propose another retail center on Lot 1.

Plan Review:

The developer proposes to build a 6,895 square-foot Advance Auto Parts store. The required parking for a building of this size is 35 spaces, and 33 spaces are provided on Lot 2. An additional seven parking spaces are shown on the property to the west, Lot 1 of Bonnie Brae Plaza subdivision. The developer will build the extents of the paving shown on Lot 1 and the owner will record a cross-easement agreement for the parking spaces to be shared between the two commercial uses.

The land use designation in the 2001 Freedom Community Comprehensive Plan is Medium Density Residential. This property is included as part of the proposed Boulevard District overlay. The Freedom Plan dictates that properties designated as Medium Density Residential be reserved for single-family development at a density no greater than two units per acre. This proposed subdivision and subsequent commercial uses adhere to the intent of the proposed Boulevard District as it would “allow for a mixture of commercial, retail, professional office, and residential uses” as outlined by the Freedom Plan. As such, the land use designation should be found to be consistent with the comprehensive plan.

A traffic impact study (TIS) was required for the development of these lots based on the proposed square-footages of proposed uses of both commercial sites. The County generated a TIS scope based on the proposed uses as well as background development and annual increases in traffic. Approval of the TIS will be tied to the subdivision but will be implemented as part of the site plans. The applicant’s traffic engineer met with staff to develop the scope, incorporate background developments, and present trip generation figures. The TIS report concluded that the study intersections will continue to operate at an acceptable level of service and no improvements are required. In review of the TIS, the State Highway Administration and Engineering Review have approved the site plan with no road improvements.

The State Highway Administration has requested that sidewalk be built along the property frontage at MD Route 26 as part of their Highway Needs Inventory. Sidewalk is also desired as part of the 2001 Freedom Community Comprehensive Plan. In response to direction from the Commission, the developer proposes sidewalk along Bonnie Brae Road from MD Route 26 to an existing inlet approximately 20 feet from the southern property line.

The proposed building is shown as 20’-10” at the height of the parapet wall with red brick facades and beige brick detailing. Interiorly illuminated signs will be installed above the entrances on the north side of the building and the east side of the building. Both signs will have red letters mounted on the beige brick and include 88 square feet of signage. In response to direction from the Bureau of Development Review and the Planning Commission, the developer has incorporated glazing at the window locations in lieu of the knock-out windows shown at the concept review.

It was also recommended that all signage details be shown on the plan, including any freestanding signs, and suggested by the Planning Commission that a reservation of space be made on any freestanding sign for the future Lot 1 development. The final plan includes a pylon sign that was not included on the concept plan; details are shown on sheet 5. It stands 20-feet

high, is sited at the corner of Bonnie Brae Road and MD Route 26, will be interiorly lit, and utilizes 48 square feet of signage per side. With a total of 272 square feet of signage proposed with the development of Lot 2, the site is within the 480 square feet allowable in the zoning code.

A dumpster is proposed at the loading area to the rear of the building with an enclosure and landscaping to meet requirements.

Landscaping is shown along the property frontage of MD Route 26, Bonnie Brae Road, and to the rear of the structure and rear of the property. In response to Planning Commission direction, the landscaping proposed along the rear of the property, nearest the neighboring subdivision, is varied and exceeds the code requirements for commercial screening. Forest conservation was addressed with the plan of subdivision by off-site banking. There are no areas of floodplain or water resources on the property.

The applicant met with County stormwater management staff several times to design a plan that addresses SWM requirements. SWM will be addressed by a grass swale along Bonnie Brae Road and an underground detention facility located behind the proposed structure. An infiltration facility is located on Lot 1 and may be reconstructed when that lot is developed. The facilities and associated storm drain system will handle the 25-year storm for the entirety of the applicant's development and for a portion of Bonnie Brae Road to reduce the impact of stormwater runoff downstream of the proposed development.

Recommendations:

Pursuant to Chapter 155, staff recommends approval of the site development plan subject to the following conditions:

1. That the Developer enters into a Public Works Agreement with Carroll County that guarantees completion of the improvements.
2. That a Landscape Maintenance Agreement be recorded simultaneously with the Public Works Agreement.
3. That a cross-easement agreement for unrestricted vehicular and pedestrian ingress, egress, and unlimited regress be recorded by the owners of Lots 1 & 2 of Bonnie Brae Plaza subdivision and the owners of Lots 2 & 3 of Frank's Place subdivision.
4. That a cross-easement agreement for the shared use of parking stalls be recorded by the owners of Lot 1 & Lot 2.
5. That the extents of the sidewalk shown on the plan at MD Route 26 and Bonnie Brae Road be constructed as part of the improvements.
6. That any changes to this plan will require an amended site development plan to be approved by the Carroll County Planning and Zoning Commission.

Discussion:

The Commission discussed their conversation at the concept plan review stage regarding combining the signage for the two lots into one sign.

Jay Voight, Zoning Administrator, explained that because this is not a planned business center, each sign would have its own limits and must be kept on its own property. Off-premise signs are not allowed.

Chairman Yeo noted for the benefit of Ms. Baskette, who raised concerns during the review of the Bonnie Brae Plaza project, that the petition she mentioned was included with this project.

There were no public comments.

Jeffrey Wothers, Commission member, noted that during the concept plan review he had asked whether the dumpster enclosure was large enough to also encompass recycling.

Chris Neill, developer, indicated it was.

Chairman Yeo explained for the benefit of the public that it is not the role of the Planning Commission or government to choose the use for the site.

Decision:

Pursuant to Chapter 155, the Commission, on motion of Mr. Soisson, seconded by Mr. Helminiak, and carried (Commissioner Rothschild abstained), approved the final site plan subject to the six conditions in the staff report, amending Condition No. 3 to read: "That a reasonable attempt to establish a cross-easement agreement for unrestricted vehicular and pedestrian ingress, egress, and unlimited regress be recorded by the owners of Lots 1 & 2 of Bonnie Brae Plaza subdivision and the owners of Lots 2 & 3 of Frank's Place subdivision."

DISCUSSION OF DRAFT LEGISLATION REGARDING NONCONFORMING USES

Philip R. Hager, Secretary, discussed the proposed changes to the draft legislation.

Jay Voight, Zoning Administrator, reviewed the bulk requirements at Mr. Wothers' request.

Secretary Hager explained that Mr. Voight and Mary Lane had met since the last meeting with the Commission and added the language shown in red. He asked that the Commission provide staff with direction with regard to moving forward to the Board of County Commissioners.

The Commission, on motion of Mr. Wothers, seconded by Mr. Helminiak, and carried (Commissioner Rothschild abstained), approved the revised language for 158.033 as presented.

The Commission, on motion of Mr. Helminiak, seconded by Mr. Wothers, and carried (Commissioner Rothschild abstained), directed staff to forward the approved draft language to the Board of County Commissioners with a recommendation for approval.

2014 CARROLL COUNTY MASTER PLAN

- A. Status Update
- B. Approval of Official Master Plan Map
- C. Initiation of Implementation Activities

Lynda Eisenberg, Bureau of Comprehensive Planning, noted that copies of the Adopted 2014 Carroll County Master Plan were distributed to the Commission today, along with a poster map that is the Official Master Plan Map. She explained that instead of putting a signature block on the map, the Resolution number and date of Adoption will be noted which will make revisions to the map in the future easier. Ms. Eisenberg noted that copies were being distributed to County agencies, surrounding jurisdictions, etc. The website has also been updated to display the Adopted version of the document.

Ms. Eisenberg noted that staff has begun to work on implementation, developing zoning designation definitions. She indicated staff should have a draft available for Commission review at the May evening meeting and look for direction from the Commission as to how to proceed.

UPDATE OF CURRENT STATE LEGISLATION

Philip R. Hager, Secretary, noted that staff had provided comments to the Board and asked that they contact the Delegation on legislation regarding climate change, adding requirements to road construction on state highways, and the 13th Planning Vision. A letter was sent to the Delegation on behalf of the Commission regarding legislation on the master plan process. As a result, Senator Ready asked that his name be withdrawn from the bill.

Mary Lane, Special Projects Analyst, indicated that minor amendments were proposed for HB 919 which reduced the 90 day extension for the Board to act on a plan to 60 days. Another change made it unnecessary for the Board to hold a public hearing if they disapproved or remanded the plan.

Secretary Hager reported that he had briefed the Board last week regarding the status of solar legislation. The Board asked that the Agricultural Commission review the legislation and provide their recommendations. The Commissioners decided there was no need for a separate workgroup to be established at this time.

There being no further business, the Commission adjourned at approximately 2:00 p.m. on motion of Mr. Soisson, seconded by Mr. Wothers, and carried.

Secretary

Approved