

FINAL SUBDIVISION PLAN REPORT
to the
Carroll County Planning and Zoning Commission
July 18, 2023

Prepared by
David Becraft, Bureau of Development Review

SUBJECT: FX-23-0001 – Crystal Springs, Section 2
LOCATION: 2341 Cross Section Road, Westminster, MD 21158; Commissioner District 1
OWNER: William & Geneva Brown, 2341 Cross Section Road, Westminster, MD 21158
DEVELOPER: Same as owner
SURVEYOR: CLSI, 439 East Main Street, Westminster, MD 21157
ZONING: Agriculture
ACREAGE: 39.23 acres
WATERSHED: Double Pipe Creek
NO. OF LOTS: 1 lot
MASTER PLAN: Agriculture – 2014 Carroll County Master Plan – Amended 2019
PRIORITY FUNDING AREA: Outside
DESIGNATED GROWTH AREA: Outside
PUBLIC FACILITIES IMPACTED
SCHOOLS: Runnymede Elementary
Northwest Middle
Francis Scott Key High
ROADS: Cross Section Road
FIRE & EMS: Pleasant Valley
POLICE: Carroll County Sheriff’s Office/Maryland State Police

❖ **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 final approval.

Two actions are required:

1. 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.
2. Conditional approval of the 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.

❖ **History:**

The original property was comprised of 69.96 acres and was split with the relocation of Cross Section Road. Off-Conveyance lots were approved and created on the north side of Cross Section Road. In 1996, Section One of Crystal Springs was recorded within Plat Book 41, Page 40, creating 3 lots of subdivision on the south side of Cross Section Road (plat attached), leaving the 38.70-acre remaining portion on the north side of Cross Section Road. The remaining portion currently hosts a private residence with various outbuildings and direct access to Cross Section Road via a private drive. The property is outside of the Priority Funding Area and the Designated Growth Area.

The surrounding properties to the north, south, and east are zoned Agriculture and improved with single-family residences. The adjoining property to the west is zoned Agriculture and is unimproved. The subject property and all surrounding properties are currently served by private well and septic systems.

Plan Review:

The developer is now proposing to subdivide the 38.70-acre remaining portion to create Section Two of Crystal Springs. This proposed subdivision is for the creation of one additional lot of subdivision: Lot 4. The proposed Lot 4 will be a 1.51-acre residential lot and will have direct access to Cross Section Road via a new private driveway. After this lot has been recorded, the remaining portion will consist of 37.19 acres and will not be entitled to the creation of any additional residential lots. A note outlining such has been added to the record plat.

The concept subdivision plan was initially submitted January 25, 2021. The plan was subject to citizen involvement during a regularly held meeting of the Technical Review Committee on February 22, 2021. No citizens signed in at the meeting, but two citizens contacted the department afterwards to get a better understanding as to what is proposed.

On March 21, 2023, the Planning and Zoning Commission reviewed and approved the Concept/Preliminary Plan of subdivision (see minutes, attached). No citizens signed in or spoke at the meeting.

The plan is exempt from Landscaping and Floodplain requirements. Water Resource Management, Soil Conservation, Zoning, and Grading and Sediment Control have granted approval of the plan. Forest Conservation is to be addressed with a Forest Conservation Easement on the remaining portion. Engineering Review has reviewed and approved the plan with the approval of a sight distance variance. The Carroll County Health Department and the Bureau of Utilities have approved the plan with on-site well and septic proposed.

Stormwater Management has granted final approval of the plan. Achievement of stormwater management is by way of an infiltration berm that will discharge onto the remaining portion. A right to discharge agreement has been recorded and is referenced on the record plat.

In their review, the Department of Planning determined that the proposed plan is consistent with the 2014 Carroll County Master Plan – Amended 2019 land use designation of Agriculture.

❖ **Recommendations:**

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

1. 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 recordation of the subdivision plat.

2. That a Forest Conservation Easement be granted to the County Commissioners of Carroll County by a deed to be recorded simultaneously with the recordation of the subdivision plat.
3. That any changes to the Preliminary Plan as submitted and approved by the Commission herein shall be resubmitted to the Commission for further review and approval.

CONCURRENCY MANAGEMENT REPORT

❖ **Background:**

When the Department determined that the preliminary plan could be presented to the Planning and Zoning Commission, Available Threshold Capacity forms were distributed for completion. The project was tested for schools, police, fire and EMS, and roads. Schools, police, and roads facilities and services were found to be adequate. Fire and EMS was found to be approaching inadequate. Accordingly, the Planning Commission granted conditional approval of the preliminary plan under Chapter 156 at the March 21, 2023 meeting.

❖ **Agency Responses:**

Fire and Emergency Medical Services:

The proposed subdivision is located in the Pleasant Valley fire and emergency medical services district. The most recent data from the Office of Public Safety reports that for the two-year period of June 2021 – May 2023, late and no response statistical data indicates that of the first due total fire calls in the Pleasant Valley district, 2.22% were categorized as no responses, and 12.22% as late and no responses. Of the first due emergency medical service calls, 0.78% were categorized as no responses and 1.00% as late and no responses. Pleasant Valley 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, Pleasant Valley had an average response time of 8 minutes and 51 seconds – approaching inadequate. With regard to emergency medical call average response time, Pleasant Valley had an average response time of 9 minutes and 41 seconds – approaching inadequate. 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 – adequate.

❖ **Chapter 156 Recommendation:**

With regard to a final plan, Chapter 156.06E(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.”

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 conditionally approve the final plan with conditions as follows:

1. Fire and emergency medical services are considered approaching inadequate.
2. The building permit reservation is for 1 lot in FY24; provided the plat is recorded prior to any permits being issued.
3. The recordation schedule requires the plat to be recorded within 24 months of preliminary approval. The preliminary plan was approved on March 21, 2023, with a written approval date of March 29, 2023.
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.