

**CONCEPT/PRELIMINARY SUBDIVISION PLAN REPORT**  
to the  
**Carroll County Planning and Zoning Commission**  
March 21, 2023

Prepared by  
**David Becraft, Bureau of Development Review**

**SUBJECT:** P-20-0050 – 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 a concept major subdivision plan and preliminary approval.

Two actions are required:

1. 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.
2. Approval of the Preliminary 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. Access is via a private drive to Cross Section Road. 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 is to be 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.

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 0.30-acre 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 will be recorded with 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.

With regards to a preliminary plan, Chapter 155.057(D)(2) states, “Final plans need not be brought before the Planning Commission for review of compliance with the approved preliminary plan and all other applicable regulations at its regular meeting, unless specifically requested by the Planning Commission. If final plan review is not requested by the Planning Commission, in accordance with this chapter, the Chairperson or the Secretary of the Planning Commission shall be empowered to approve and sign the final plan upon confirmation from the Bureau that the plan meets all requirements of this chapter and all conditions for approval of such plat have been met, or shall disapprove the final subdivision plan or may approve it with conditions with respect to the timing of recordation or building permits.”

❖ **Recommendations:**

Pursuant to Chapter 155, staff recommends approval of the preliminary 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 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.
3. That a Right to Discharge Agreement shall be recorded within Land Records simultaneously with the recordation of the subdivision plat.
4. That a Forest Conservation Easement shall be granted to the County Commissioners of Carroll County by a deed to be recorded simultaneously with the recordation of the subdivision plat.
5. 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:**

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 January 2023 was 176,165. There are currently 241 sworn law officers with 4 sworn personnel currently in training; an additional 30 positions are funded. Based on a total of 275 funded positions, the ratio of law enforcement positions to Carroll County population as of the end of January 2023 was 1.56. Based on a total of 245 positions, the ratio of sworn law enforcement positions to Carroll County population as of the end of January 2023 was 1.39. 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 Runnymede Elementary, Northwest Middle, and Francis Scott Key High attendance areas. In accordance with the criteria established in Chapter 156, all schools are rated adequate for Fiscal Years 2022-2028.

The December 2021-22 enrollment projections, prepared by Carroll County Public Schools, indicate that Runnymede Elementary had an actual enrollment of 86.0% of state-rated capacity. The projections indicate that enrollment will be at 96.5% in FY 2028 at the end of the 6-year CIP

cycle. In this attendance area, there are 2 additional residential developments, both proposing 1 residential lot. There are approximately 42 developments of 55 residential units in the Runnymede attendance area that have been recorded since the adoption of Concurrency Management (3/5/98) which have not been issued a building permit. 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 2021-22 enrollment projections indicate that Northwest Middle had an actual enrollment of 80.5% of functional capacity. The projections indicate that enrollment will be at 85.8% in FY 2028 at the end of the 6-year CIP cycle. In this attendance area, there are 9 additional residential developments, comprised of 192 lots, currently in the review process. There are approximately 62 developments of 102 residential units in the Northwest attendance area that have been recorded since the adoption of Concurrency Management (3/5/98) that have not been issued a building permit. 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 2021-22 enrollment projections indicate that Francis Scott Key High had an actual enrollment of 73.7% of state-rated capacity. The projections indicate that enrollment will be at 70.7% in FY 2028 at the end of the 6-year CIP cycle. In this attendance area, there are 9 additional residential developments, comprised of 192 lots, currently in the review process. There are approximately 62 developments of 102 residential units in the Francis Scott Key attendance area that have been recorded since the adoption of Concurrency Management (3/5/98) that have not been issued a building permit. 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 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 February 2022 – January 2023, late and no response statistical data indicates that of the first due total fire calls in the Pleasant Valley district, 2.38% were categorized as no responses, and 10.71% as late and no responses. Of the first due emergency medical service calls, 0.86% were categorized as no responses and 1.30% 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 53 seconds – approaching inadequate. With regard to emergency medical call average response time, Pleasant Valley had an average response time of 9 minutes and 39 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.

**Roads:**

Cross Section Road is rated adequate.

❖ **Chapter 156 Recommendation:**

As this is a one-lot subdivision with no County Road improvements, the concept plan and preliminary 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 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 1 lot in FY24, subject to modification at the final plat stage;
3. the recordation schedule requires the plat to be recorded within 24 months of preliminary approval; and
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.