

Mr. Steve Horn, Director  
Carroll County Department of Planning  
225 North Center Street  
Westminster, Maryland 21157

July 13, 2009

RE: Pathways to Carroll's  
Future Landscape  
Comprehensive Plan  
Draft

Dear Steve,

After carefully reviewing the Pathways comprehensive plan, draft proposal and receiving comments from constituents I see no compelling need to move forward at such a rapid pace to develop and adopt a final plan.

Due to the downturn in the economy, residential construction at a virtual standstill, public school population decreasing each school year since 2003, the slowest county growth in decades, and many young Carroll County families moving to Southern Pennsylvania, what is the big rush?

On page 25 of the report, the medium range estimate of 34,354 potential residential lots that could become additional residential lots is grossly exaggerated. The planning department has not taken into consideration those parcels of land that have no legal access for vehicular or underground and overhead utilities.

Also Carroll County Environmental Health Department has developed procedures for soil percolation tests that are designed to fail. During the past several year's landowners, civil engineers, surveyors and small developers have complained of 40-60 percent soil test failures by the local health department, greatly reducing the number of residential lots.

The greatest risk takers in our economy, our farmers, they put every dime into the ground and hope it rains. Pathways put the farmers at a greater risk, and small landowners and small builders are next riskiest. They own a piece of land and hope the government will let them build something. Put aside the land and building materials, high interest rates, changing market and the following hurdles, cash for impact fees, and a new state impact fee about to be enacted next session, road improvements, meeting all the adequate public facilities requirements, then pay for storm water management, fire sprinkler systems, reforestation etc.

To guide you through all this you need a small army of land use attorneys, engineers, architects and consultants. Only big developers can afford this, which is why small developers are becoming extinct.

The small landowner/farmer is facing the same challenge. Therefore please do not change the density standard that allows tracts of land six to twenty acres to create one new lot. The Pathways proposal erases this provision, requiring the landowner to have in excess of twenty acres to create one lot.

The real problem isn't always cost, risk or complexity, it's delay. The various levels of regulators and government agencies work at their own speed, and they are not particularly accommodating. As a result it takes years and years to bring a project to actual construction. Shouldn't you allow as much time to adopt the controversial comprehensive Pathways plan as it does a landowner to get a minor three lot subdivision approved and recorded which can take years.

Without permitting the current density of creating one lot on tracts of land six to twenty acres, will diminish the appraised Fair Market Value for farmland preservation easements, creating a disincentive for landowners to enter the land preservation program. Rezoning the conservation zone to agricultural has the same impact.

On page 35 the provision to revise the county code to incentivise permanent preservation easements on remaining portions should be modified. I understand remaining portions exceeding twenty-five acres will be permitted one residential lot in exchange for a permanent preservation easement on the remainder. To be equitable and fair one residential lot should be permitted for each twenty-five acres of the large remaining portions. Example 25-49 acres one lot, 50-74 acres 2 lots, 75-99 acres 3 lots

All remaining portions could be considered as receiving areas for transferable development rights (TDR). This program should have been adopted, thus permitting development of the remaining portions in the growth areas that are not viable farming parcels. The funds from the sale of the development rights would preserve farmland at no cost to the taxpayer.

Other areas of concern relates to the zoning changes on Route 140 South of Westminster from conservation and R 40,000 to Agricultural, would you consider 1-R Industrial restricted?

There are several small acreage improved parcels on Route 140 zoned 1-R and should be changed to BL Business Local thus permitting retail sales when the older buildings are rebuilt.

I believe all of the rezoning proposals need to be carefully reviewed and give the landowners and people affected adequate time for input and recommendations. Public hearings allowing 2 minutes to speak with no dialogue and a few workshops for such a monumental comprehensive plan and zoning changes are not sufficient.

According to the Carroll County Board of Commissioners minutes dated April 26, 1978 by a vote of 2-1 the Board adopted a proposed comprehensive zoning amendment (a much less controversial plan) than Pathways. The Board modified the planning

commission recommendation, by preserving the right to create one lot from tracts of land 6-20 acres, and gave relief to property owners who would propose to subdivide in the new "ag" district modifying roads design construction and allowing for a standard of 5 lots on use in common driveways.

I personally attended the public hearing at the Westminster High School prior to the commissioners vote with approximately 300 people in attendance and 600 property owners opposing by signed petitions the proposed amendments by the Carroll County Zoning Ordinance pertaining to the Agricultural preservation program and new districts. It was the consensus of the property owners that this would be the last time the County Government would seek a change in density in the agricultural and conservation zones.

I believe adoption of the proposal will farther limit an affordable supply of homes forcing our children and grandchildren to the farthest parts of Maryland or Southern Pennsylvania. Most will retain jobs here adding to our congestion on the roads.

Rushing through an adoption of this plan will not solve any problems.

Thanks for your consideration regarding this matter.

Very truly yours,

Larry E. Haines  
State Senator

cc: Carroll County Commissioners