

# Garrett County Planning Commission 2012 Annual Report



*This Report summarizes the actions and efforts of the Garrett County Planning Commission for calendar year 2012. It has been prepared by County staff and is submitted to the Garrett County Commissioners and the Maryland Department of Planning in conformance with the Land Use Article of the Annotated Code of Maryland and as required by the General Assembly.*

July 1, 2013

# Garrett County Planning Commission Annual Report

---

## Garrett County Planning Commission Report of Annual Actions for Calendar Year 2012

The Garrett County Planning Commission expresses its appreciation to the County Staff and the Citizens of Garrett County for their efforts and participation throughout the year to make Garrett County a better place to live and work.

### Garrett County Planning Commission

Troy Ellington, Chairman

George E. Brady

Tony Doerr

Jeff Messenger

Tim Schwinabart

Gary Fratz (term expired in November)

Jeff Conner (term began in November)

Robert Gatto- Ex Officio

Bill Weissgerber-Alternate

Bruce Swift-Alternate

### Garrett County Planning and Land Development Office

John Nelson, Director

Planning Staff

Bill DeVore, Chad Fike, Deborah Carpenter

Permits and Inspections Staff

Jim Torrington, Bill Schefft, Mary DiSimone

# Garrett County Planning Commission Annual Report

---

The Garrett County Planning Commission Annual Report documents changes in development patterns including Comprehensive Plan updates, zoning revisions, transportation and infrastructure improvements, subdivision activity, and major development projects. These changes have been analyzed to determine whether they are consistent with each other, the Garrett County Comprehensive Plan, adopted County Ordinances, recommendations of the last Annual Report, adopted plans of adjoining jurisdictions, and State and local plans and programs related to funding and constructing public improvements. Based on this analysis, maps and tables illustrating development patterns and changes have been produced. The Annual Report also contains statements and recommendations for improving the local planning and development process and may include specific ordinances that have been adopted or amended to implement state planning visions and assure the continued sustainability of future growth and economic development. County government embraces the prospects of future growth, but acknowledges that without proper guidance such growth and development can occur in ways that could be detrimental to our quality of life, economic prosperity, and tourism and recreation opportunities. Therefore the Planning Commission is committed to implementing the Visions contained in the Garrett County Comprehensive Plan and in §1-201 of the Land Use Article of the Maryland Annotated Code.

Garrett County is a rural county with a total land area of 423,678 acres and a population of 30,097 persons recorded by the 2010 Census. It is bordered on the north by Pennsylvania, on the west and south by West Virginia, and on the east by Allegany County, Maryland. Deep Creek Lake is a popular destination and resort and seasonal residents and vacationers cause the population of the County to nearly double during peak summer vacation times. Deep Creek Lake's attraction as a recreational resort generates considerable developmental pressure for vacation homes and related tourism facilities throughout the Lake Watershed.

The 2008 Garrett County Comprehensive Plan was adopted on October 7, 2008. Three land development ordinances, the Deep Creek Watershed Zoning Ordinance, the Garrett County Sensitive Areas Ordinance, and the Garrett County Subdivision Ordinance, implement the Plan and the Visions in §1-201 of the Land Use Article. These Ordinances were comprehensively amended and adopted in May of 2010. In 2012, an amendment to the Subdivision Ordinance revising the definition of minor subdivision and an amendment to the Deep Creek Watershed Zoning Ordinance regarding boat rentals were both adopted. Further amendments to the Zoning Ordinance were recommended by the Planning Commission in 2012 but did not receive final approval from the Board of County Commissioners prior to the end of the year. Additional information about these amendments can be found in the following Meeting Summary and in Appendix A-C.

Permit applications, subdivision plans and Ordinance amendments were carefully considered by staff and the Planning Commission to ensure their consistency with existing Ordinances, the 2008 Garrett County Comprehensive Plan, the plans of local municipalities and State and local plans and programs related to funding for public improvements. Waiver requests were individually analyzed to ensure they maintained the integrity of the Comprehensive Plan and upheld the County's growth management policies of fairness and impartiality while recognizing the need to apply common sense in unique circumstances.

# Garrett County Planning Commission Annual Report

## 2012 PLANNING COMMISSION MEETING SUMMARY

The Planning Commission held regularly scheduled meetings in the months of January, February, March, April, May, June, July, September, October, November, and December. The August meeting was cancelled due to lack of a quorum due to scheduled vacations.

### January Summary

Mr. Nelson informed the Planning Commission that the Board of County Commissioners are considering the issue of new land use management controls on the portions of the County not currently controlled by such land use codes. Several controversial issues such as junkyards, industrial windmills and Marcellus Shale gas drilling have initiated the discussion.

The Commission also discussed Draft Planning Area Guidelines related to PlanMaryland. The guidelines will be used to identify and map planning areas within the County that establish where capital-funding projects will most likely be targeted. Mr. Nelson requested that the Commission review the Draft Planning Area Guidelines and consider how they can best be applied to the County.

### **Commission Members Election of Officers**

Troy Ellington was reelected chairman by a unanimous vote of 6 to 0.

Tony Doerr was reelected vice-chairman by a unanimous vote of 6 to 0.

Gary Fratz was reelected secretary by a unanimous vote 6 to 0.

### **Assorted Actions – January**

1. Deep Creek Watershed Zoning Appeals Cases:
  - a. Variances: None
  - b. Special Exceptions: (One) Received no comment by the Planning Commission
2. Subdivision Waiver Requests: None
3. Surface Mining Permits: None
4. Discharge Permit Applications: None
5. Minor Subdivisions: Copies of plats approved by the Planning Director during the previous month were provided to the Planning Commission.
6. Action on Planned Residential Developments (PRD) Plats: None
7. Action on Major Subdivision Plats: Contingent Preliminary & Final Approval of McHenry Cove Commercial Lot.

Major Subdivisions - January		
	Preliminary	Final
Number of Lots	0	1
Total plats	1	

### February Summary

The Planning Commission discussed Draft Planning Area Guidelines intended to help identify the following proposed PlanMaryland categories: Targeted Growth and Revitalization Areas; Established Communities within PFA's; Future Growth Areas; Large Lot Development Areas

# Garrett County Planning Commission Annual Report

---

and Rural Resource Areas. The Commission reviewed a series of draft maps of the County incorporating the proposed category guidelines. The County will begin mapping and preparing nominations for the categories this spring in order to comply with the place designation process established by PlanMaryland.

The Commission also discussed the proposed Agricultural Land Preservation/Septic Bill that has been filed in the General Assembly in Annapolis. The bill proposes to classify land areas into four tiers related to access to public sewer. If passed, the bill would dramatically and severely limit any new subdivision activity using private septic systems.

A draft of the 2012 Garrett Parks and Recreation Plan was also reviewed. The draft has been submitted to DNR and to the Maryland Department of Planning. A joint public hearing to receive comments on the draft will be held with the County Commissioners at a future date.

## **Assorted Actions – February**

1. Deep Creek Watershed Zoning Appeals Cases: None
2. Subdivision Waiver Requests: None
3. Surface Mining Permits: None
4. Discharge Permit Applications: (One) Maryland State Highway Keyser’s Ridge service center, 500 gallons per day. Approved.
5. Minor Subdivisions: Copies of plats approved by the Planning Director during the previous month were provided to the Planning Commission.
6. Action on Planned Residential Developments (PRD) Plats: None
7. Action on Major Subdivision Plats: Preliminary & Final Approval of Garrett County Commissioners Commercial Lot & Final Approval of Weaver Group Commercial lot.

Major Subdivisions - February		
	Preliminary	Final
Number of Lots	0	2
Total plats	2	

## **March Summary**

The draft 2011 Planning Commission Annual Report currently being prepared by Planning Office staff was discussed. The completed report must be submitted to the Maryland Department of Planning by July 1, 2012. Last year the Commission set a goal that 10% of all new permit and subdivision activity should be located within PFA’s by the year 2020. Although the goal was not met in 2011, it is difficult to limit new development to these areas since only about 3% of the County is classified as a PFA.

The Commission also discussed several Bills before the Maryland General Assembly. Senate Bill 240- Act Concerning Bay Restoration would virtually double the cost of the “flush tax”. House Bill 366- Fire and Safety Building Performance Standards would require all new single family and duplex homes to be fitted with sprinkler systems. Senate Bill 614- Stormwater Management Watershed Protection Implementation Program would require local governments to implement fees and a program to establish protection for watersheds and Senate Bill 236-

# Garrett County Planning Commission Annual Report

Sustainable Growth and Agricultural Preservation Act (“Septic Bill”) that virtually prohibits new major subdivisions (more than 5 lots) on septic systems in most areas of the County. The Commission concluded that these four bills will probably pass in some form and there is little, if anything, that the Commission can do to influence the outcome in the Legislature.

## Assorted Actions – March

1. Deep Creek Watershed Zoning Appeals Cases: None
2. Subdivision Waiver Requests: None
3. Surface Mining Permits: (One) No comment on the application was offered by the Commission.
4. Discharge Permit Applications: None
5. Minor Subdivisions: Copies of plats approved by the Planning Director during the previous month were provided to the Planning Commission.
6. Action on Planned Residential Developments (PRD) Plats: None
7. Action on Major Subdivision Plats: None

Major Subdivisions - March		
	Preliminary	Final
Number of Lots	0	0
Total plats	0	

## April Summary

The Planning Commission reviewed the final draft of the 2011 Planning Commission Annual Report. In 2011 only 1.3% of new homes were built within a PFA and 4.2% of new lots were created inside of a PFA. Both figures are below the County goal of directing 10% of growth towards PFA’s through the year 2020. While acknowledging that current market conditions make the goal difficult to achieve, the Commission decided to maintain the goal. The Planning Commission approved the Annual Report by a vote of 6 to 0 and the report will be submitted to the Maryland Department of Planning.

The latest draft of the 2012 Land Preservation Parks and Recreation Plan (LPPRP) was also reviewed. The Plan has been updated to accommodate State of Maryland comments including those dealing with Community Parks and Playground POS funding and the proposed route for the Eastern Continental Divide Loop Trail. The Commission accepted the document as its Final Draft of the LPPRP and will present it for public comment at a joint public hearing with the County Commissioners on May 9th.

Mr. Nelson also updated the Commission regarding the status of several bills previously discussed during the March meeting and currently being debated in Annapolis.

## Assorted Actions – April

1. Deep Creek Watershed Zoning Appeals Cases: Five cases
  - a. Variances: (Three) The Commission recommended one case for approval and made no comment on the two other cases.

# Garrett County Planning Commission Annual Report

---

- b. Special Exceptions: (Two) The Commission recommended one case for approval and made no comment on the other case.
- 2. Subdivision Waiver Requests: None
- 3. Mining Permits: None
- 4. Discharge Permit Applications: None
- 5. Agricultural Land Preservation District Applications: Linda White, 108 acres, Map 79, Parcels 80 & 191. Approved.
- 6. Minor Subdivisions: Copies of plats approved by the Planning Director during the previous month were provided to the Planning Commission.
- 7. Action on Planned Residential Developments (PRD) Plats: None
- 8. Action on Major Subdivision Plats: None

Major Subdivisions - April		
	Preliminary	Final
Number of Lots	0	0
Total plats	0	

## **May Summary**

A Joint Public Hearing with the Garrett County Commissioners was held to receive public comments on the Draft 2012 Land Preservation Parks and Recreation Plan (LPPRP). A brief overview of the Plan was presented and public comments were discussed. The Planning Commission approved the 2012 Land Preservation Parks and Recreation Plan as modified and authorized the plan to be forwarded to the County Commissioners for their final adoption. Upon approval, the Commissioners would forward the plan to the State. The final adopted Garrett County LPPRP can be viewed on the County website: [www.garrettcountry.org/planning-land-development/comprehensive-planning](http://www.garrettcountry.org/planning-land-development/comprehensive-planning).

The regular meeting of the Garrett County Planning Commission was convened immediately following the Public Hearing.

The Planning Commission was updated about a request for an amendment to the Deep Creek Watershed Zoning Ordinance that would permit boat rentals as a separate use on an area of land smaller than current two-acre minimum land required for a marina. The current marina definition in the Ordinance applies to such a boat rental business. The amendment would add “Boat Rental Service Business not offering any other services associated with a Marina” to the Table of Use regulations. This use would be permitted in the Town Center and Commercial zoning districts, permitted by Special Exception in the Town Residential, Commercial Resort 1 and Commercial Resort 2 districts and not be permitted in any other zoning districts. The 10,000 square feet acreage requirement would be the same size as sale or rental of recreational vehicles. The Planning Commission is required to review the amendment request and make a recommendation to Board of Commissioners. The Planning Commission recommended adding the words “and boat tours” to avoid possible misunderstandings about offering boat rides or tours and then unanimously voted to approve the request for the amendment to the Deep Creek Watershed Zoning Ordinance, as modified, and forward the request to the County

# Garrett County Planning Commission Annual Report

---

Commissioners. (The County Commissioners adopted the Amendment on June 5, 2012. A copy of the Planning Commission’s recommendation letter and the Amendment is included in Appendix A)

Mr. Nelson also updated the Commission regarding several bills that were part of the recent legislative session in Annapolis, including Senate Bill 240, Senate Bill 614, Senate Bill 236 and House Bill 366.

**Assorted Actions – May**

1. Deep Creek Watershed Zoning Appeals Cases:
  - a. Variances: (Two) Planning Commission had no comments.
  - b. Special Exceptions: (Two) The Planning Commission recommended both cases for approval.
2. Subdivision Waiver Requests: None.
3. Surface Mining Permits: None
4. Discharge Permit Applications: None
5. Minor Subdivisions: Copies of plats approved by the Planning Director during the previous month were provided to the Planning Commission.
6. Action on Planned Residential Developments (PRD) Plats: None
7. Action on Major Subdivision Plats: None.

Major Subdivisions - May		
	Preliminary	Final
Number of Lots	0	0
Total plats	0	

**June Summary**

Senate Bill 236, the Sustainable Growth and Agricultural Preservation Act (the “Septic Bill”) was discussed. The Bill allows the County to amend the definition of “minor subdivision” currently found in the Garrett County Subdivision Ordinance. For the purposes of implementing the Septic Bill, the amendment would increase the maximum number of lots allowed in a minor subdivision from five to seven lots. The Commission voted by a unanimous vote to recommend amending the Subdivision Ordinance to allow up to seven lots to be considered a minor subdivision as provided in Section (53)d of the Septic Bill. Mr. Nelson will compose a letter to the Garrett County Commissioners suggesting that the Commissioners proceed with the amendment. (The Commissioners adopted the Amendments on August 7, 2012. A copy of the Planning Commission’s recommendation letter and the Amendment is included in Appendix B).

The Septic Bill compels jurisdictions to map and provide documentation for four levels of development called tiers that are based on existing land use and land cover along with other criteria spelled out in the Bill. Mr. Nelson presented the Garrett County Subdivision Ordinance Map that will be one basis for developing the tiers. County staff will be working with the MDP to develop tier mapping over the next several months.

The Draft Countywide Land Use Ordinance and Garrett County Land Use Ordinance map was also discussed. The map is the same as the Subdivision Ordinance map except that the Deep



# Garrett County Planning Commission Annual Report

---

Creek Watershed area is not included in the mapped area since the Deep Creek Watershed Zoning Ordinance will remain as a separate stand-alone ordinance even if the new countywide ordinance goes into effect. The districts shown on the map are only used to differentiate between lot sizes and required setbacks. The draft ordinance does not segregate uses between districts and all uses are permitted in the County except for deep-hole injection of hydraulic “frac” fluids. At the end of the informal comment period ending on June 15, the Commissioners will decide whether to move forward with a more formal process to adopt this ordinance. According to the Land Use Article, the Planning Commission is required to prepare a report stating whether the proposed district boundaries are appropriate and that the regulations are appropriate for the County and consistent with the Comprehensive Plan. The Planning Commission would then hold a public hearing on the report. Following that public hearing, the report would go to the County Commissioners who are then required to go through their own public hearing process pertaining to the ordinance and regulations themselves. The Commission did not make comment on the appropriateness of the map.

## **Assorted Actions – June**

1. Deep Creek Watershed Zoning Appeals Cases: None
2. Subdivision Waiver Requests: One; approved.
3. Surface Mining Permits: None
4. Discharge Permit Applications: None
5. Minor Subdivisions: Copies of plats approved by the Planning Director during the previous month were provided to the Planning Commission.
6. Action on Planned Residential Developments (PRD) Plats: None
7. Action on Major Subdivision Plats: Preliminary & Final Approval of Dallas Brenneman Subdivision.

Major Subdivisions - June		
	Preliminary	Final
Number of Lots	0	2
Total plats	1	

## **July Summary**

A discussion was held regarding amending the By-Laws for the Ex-officio Member. Mr. Nelson will ask for an opinion from the County attorney whether the Commission has the ability, under the Land Use Article, to establish the ex-officio member as an advisory position without voting privileges and to see if it is possible to remove the ex-officio member from a membership role and make the position advisory only. The move would also involve making the alternate member a full member of the Commission. The advisory position may also have to be defined in the by-laws. After the advisory opinion is received, the Commission will vote on any possible change to the by-laws.

Mr. Nelson explained that the County Commissioners were not able to reach a consensus on whether to advance the Draft of the Countywide Land Use Ordinance. As an alternative to adopting countywide zoning regulations the County could approach the General Assembly about giving the Commissioners the power to regulate setbacks for industrial wind turbines. The issue

# Garrett County Planning Commission Annual Report

---

of a countywide ordinance could be resurrected at anytime, pending the effort to get such legislation enacted.

## **Assorted Actions – July**

1. Deep Creek Watershed Zoning Appeals Cases:
  - a. Variances: (Three) The Planning Commission made no comment on two cases and voted to submit a letter recommending the Board of Appeals carefully scrutinize a case regarding the creation of a lot with substandard width and setbacks.
  - b. Special Exceptions: (Two) The Planning Commission supported one case and voted to submit a letter recommending the Board of Appeals give special consideration to property owners surrounding a proposed petting zoo.
  - c. Interpretations: (One) The Planning Commission offered no comment on an application submitted by St. Moritz Properties, LLC, Bill’s Marine Service, Inc and Silvertree Marine, LLC for an interpretive hearing regarding the issuance of a zoning permit to Bill Meagher of Lakeside Commercial Properties. The Commission notes that this case would be heard by the Board of Appeals at their regular meeting in August.
2. Subdivision Waiver Requests: None
3. Surface Mining Permits: None
4. Discharge Permit Applications: Two; Camp Sonrise and State Highway Administration. The Planning Commission made no comments.
5. Minor Subdivisions: Copies of plats approved by the Planning Director during the previous month were provided to the Planning Commission.
6. Action on Planned Residential Developments (PRD) Plats: None
7. Action on Major Subdivision Plats: None

Major Subdivisions - July		
	Preliminary	Final
Number of Lots	0	0
Total plats	0	

## **August Summary**

The regularly scheduled meeting was cancelled due to lack of actions that required immediate attention and the lack of quorum due to vacation schedules.

## **September Summary**

Further discussion was held on amending the by-laws for the Ex-officio Member. County Commissioner Gatto, the current ex-officio member of the Planning Commission, customarily abstains from voting on issues related to comprehensive plans or plan amendments that he also votes on as County Commissioner. There is concern that this could lead to six voting members and possible ties in voting. An advisory opinion from the County attorney indicated that the County Commissioner could vote on any issue that comes before the Planning Commission regardless of his position as a County Commissioner. After discussion, it was decided that the

# Garrett County Planning Commission Annual Report

Planning Office should notify alternate members ahead of time if any decisions on comprehensive plans or plan amendments are scheduled to come before the Commission. The Commission decided to take no further action at this time on the issue. Mr. Nelson also notes that the first alternate can sit in for any member. The second alternate can only substitute for the first alternate.

Mr. Nelson updated the Commission regarding progress on Tier Mapping pursuant to Senate Bill 236. The mapping work is not available yet, but should be available shortly. Under the terms of the Act, the Planning Commission will be able to adopt the mapping administratively without a public hearing.

A discussion was also held regarding Marcellus Shale and other natural gas drilling.

## Assorted Actions – September

1. Deep Creek Watershed Zoning Appeals Cases:
  - a. Variances: (One) The Planning Commission made no comment.
  - b. Special Exceptions: None
  - c. Interpretations: An update was provided on the interpretive hearing discussed last month. The decision of the zoning administrator to issue the zoning permit for Lakeside Commercial Properties, LLC was upheld by the Board of Appeals on August 16th. A separate appeal to overturn the decision made by the County Commissioners to amend the Ordinance is scheduled for Circuit Court on December 10, 2012.
2. Subdivision Waiver Requests: Two (two applicants, three total requests); two approved, one denied.
3. Surface Mining Permits: Two: ARJ Construction Company and Beechwood Coal. The Planning Commission made no comments.
4. Discharge Permit Applications: None
5. Minor Subdivisions: Copies of plats approved by the Planning Director during the previous month were provided to the Planning Commission.
6. Action on Planned Residential Developments (PRD) Plats: None
7. Action on Major Subdivision Plats: Preliminary & Final Approval of Cobblestone Holdings, LLC Commercial Lots 1 & 2.

Major Subdivisions - September		
	Preliminary	Final
Number of Lots	0	2
Total plats	1	

## October Summary

Mr. Nelson informed the Planning Commission that the current Water and Sewer Master Plan is obsolete and the document will be comprehensively updated by the Department of Public Utilities. This Plan will be an important part of development of the tier mapping as required by the Sustainable Growth and Agricultural Preservation Act of 2012 (SB-236). The Planning

# Garrett County Planning Commission Annual Report

---

Commission will be asked to review and comment on the Water and Sewer Master Plan once drafts are complete.

The Planning Commission also discussed the progress of Tier Mapping pursuant to SB-236 and reviewed draft Tier Maps. A preliminary draft Tier Map was submitted to the Maryland Department of Planning (MDP) seeking informal review comments. A second revised draft Tier Map was then prepared to address those comments. Some of the areas that the County originally designated Tier 3 have been changed to Tier 4 in order to satisfy MDP comments. After discussion, the Commission made a motion for Mr. Nelson to submit the draft map to MDP requesting additional informal comments.

**Assorted Actions – October**

1. Deep Creek Watershed Zoning Appeals Cases:
  - a. Variances: (Two) The Planning Commission made no comments.
  - b. Special Exceptions: None
2. Subdivision Waiver Requests: None.
3. Surface Mining Permits: None
4. Discharge Permit Applications: None
5. Minor Subdivisions: Copies of plats approved by the Planning Director during the previous month were provided to the Planning Commission.
6. Action on Planned Residential Developments (PRD) Plats: None
7. Action on Major Subdivision Plats: None

Major Subdivisions - October		
	Preliminary	Final
Number of Lots	0	0
Total plats	0	

**November Summary**

Jeffrey Connor was introduced as a new member of the Planning Commission taking the seat of Gary Fratz, whose term has expired.

The latest draft Tier Map developed by the Office of Planning and Land Development pursuant to Senate Bill 236 was presented to the Planning Commission for review. Tier 1 areas are served by public sewer systems. No areas currently have the Tier 2 (planned sewer service) designation, but the Tier 2A term has been assigned to municipal growth areas shown in each of the Town’s Comprehensive Plan for future growth. The Tier Map will be updated sometime in the future to add the Tier 2 areas (areas planned for future sewer service) and remove the Tier 2A designation. Tier 3 areas are those intended in the Comprehensive Plan for large lot development. The Tier 4 category, taking up 80.6 percent of the land mass of the County, contains areas in the Comprehensive Plan that are intended for agriculture and forest resource conservation.

The County has worked to eliminate some areas that are predominately forest cover areas from Tier 3 and moved those parcels into the Tier 4 category. The Maryland Department of Planning

# Garrett County Planning Commission Annual Report

---

has provided comments regarding additional areas currently designated Tier 3 that the State feels should be changed to Tier 4. Parcels dominated by agriculture/forestry, over 25 acres in size and not residential or commercial/industrial were called into question by the MDP. After reviewing these areas and making recommendations about whether or not to change the Tier category of each specific area, a motion was made by the Planning Commission to endorse the Tier Map as modified and recommend approval by the Board of County Commissioners. The County Commissioners will then send the proposed final maps to Maryland State Planning. About 55,060 acres (13% of the County) is in the Tier 3 area with approximately 15,000 acres of that total being reduced at this meeting.

The Planning Commission was presented with certain amendments to the Deep Creek Watershed Zoning Ordinance that the Planning Office is developing to clear up specific issues that surfaced during appeals to the Circuit Court. At the next meeting, it was suggested that the Planning Commission advance a recommendation to the County Commissioners regarding these issues.

### **Assorted Actions – November**

1. Deep Creek Watershed Zoning Appeals Cases:
  - a. Variances: (One) The Planning Commission requested that the Board of Appeals give the Variance serious consideration.
  - b. Special Exceptions: None
2. Subdivision Waiver Requests: None
3. Surface Mining Permits: None
4. Discharge Permit Applications: None
5. Minor Subdivisions: Copies of plats approved by the Planning Director during the previous month were provided to the Planning Commission.
6. Action on Planned Residential Developments (PRD) Plats: None
7. Action on Major Subdivision Plats: Preliminary & Final Approval of Backbone Hills Lots 1-8; Contingent Preliminary & Final Approval Fischetti/New Germany Estates (3 lots) and Preliminary Approval of Grant County Bank Commercial Lot.

Major Subdivisions - November		
	Preliminary	Final
Number of Lots	1	11
Total plats	3	

### **December Summary**

Mr. Nelson stated that the County Commissioners have accepted the Planning Commission's November recommendation and have adopted the final Tier Map for the County as required by the Sustainable Growth and Preservation Act of 2012. The map will be forwarded to MDP for their comments. The final map shows Tier 3 as 10% of the County land area, while Tier 4 equals approximately 84% of the land area total. The Official Final Tier Map is found on page 32 of this report.

The Planning Commission reviewed four potential amendments to the Deep Creek Watershed Zoning Ordinance intended to clear up specific discrepancies that were discovered during recent

# Garrett County Planning Commission Annual Report

---

appeals to the Circuit Court. These “Potential Amendments to the Deep Creek Watershed Zoning Ordinance for Consideration by the Planning Commission” can be found in Appendix C.

The need for Amendments 1 & 2 became apparent when the County Commissioners enacted a text amendment to the Deep Creek Watershed Zoning Ordinance regarding boat rentals earlier this year. Section 405 of Article 66B and Section 4-204 of the new Land Use Article provides a distinction between requirements for a zoning text amendment versus a zoning map amendment but the current version of the Deep Creek Watershed Zoning Ordinance makes no such distinction. State Law specifies that a “finding of fact” on certain planning matters is required only when a change in zoning classification is contemplated while the Zoning Ordinance requires a finding of fact for both text and map amendments. The original wording of the amendment process was carried over from the 1975 Zoning Ordinance.

Amendment 3 was considered because of an oversight existing in the Table of Dimensional Requirements in the Ordinance since its inception in 1975. Within the table, the C-Commercial zone should be included with the TC-Town Center zone under “other commercial uses...” because it is reasonable and consistent to have the same minimum land area requirement in both the C and TC zoning districts for the same general commercial uses.

Amendment 4 was considered because of an error that occurred when the current Ordinance was re-codified. A new provision for shopping centers was added to the Table of Dimensional Requirements, (current Section 157.041 E.3) in February 1993. The current column heading “Minimum Total Lot or Land Area per Use” has been incorrectly listed as one acre instead of the intended area of 6,000 square feet. The current version also lists the “Minimum Average Lot Area per Dwelling Unit” column as 6,000 square feet and should have been blank. Specific language in 157.041E. 3 should also be considered to clearly define those uses that can take advantage of the reduced minimum land area that is allowable in a shopping center. The language in Amendment 4 has been restructured considerably, in order to distinguish clearly that only those uses that require 10,000 square feet should be afforded the reduced land area criteria of 6,000 square feet in a shopping center. The current wording implies that a use such as a hotel that requires a minimum land area of one acre could be allowed in a shopping center with 6,000 square feet, which was not the intent of the Ordinance. The allowance for “any other district” in the current table would also be stricken from the Ordinance because it does not afford any reduction of land area and is therefore not necessary. At the suggestion of Bill Weissgerber, the “Minimum Yard Width” in the table heading will be amended to include the word “feet”.

The Commission believes that the first two amendments are necessary in order to clarify the intent of the Ordinance. The Commission believes that it is virtually impossible and not consistent with Article 66B to generate a “findings of fact”, based on certain, specified planning matters for a text change amendment. The Commission concluded that such planning matters are only applicable when a map change is involved. After considerable discussion, the Planning Commission passed a motion by a vote of 6 to 0 to endorse Amendments 1 and 2 and recommended that they be forwarded to the Board of County Commissioners for their action. Amendments 3 and 4 were deferred for further discussion. (A copy of the Planning Commission’s recommendation letter is found in Appendix C. The Board of County Commissioners did not take final action on the amendments in 2012.

# Garrett County Planning Commission Annual Report

---

## Assorted Actions – December

1. Deep Creek Watershed Zoning Appeals Cases: None
2. Subdivision Waiver Requests: None.
3. Surface Mining Permits: None
4. Discharge Permit Applications: None
5. Minor Subdivisions: Copies of plats approved by the Planning Director during the previous month were provided to the Planning Commission.
6. Action on Planned Residential Developments (PRD) Plats: None
7. Action on Major Subdivision Plats: Preliminary & Final Approval of Garrett County Commissioners, McHenry Business Park Lot 2 & Preliminary & Final Approval of Harvey Subdivision Lots 1-4.

Major Subdivisions - December		
	Preliminary	Final
Number of Lots	0	5
Total plats	2	

# Garrett County Planning Commission Annual Report

---

## 2012 SUBDIVISION ACTIVITY SUMMARY

### Summary Tables

The following summary tables represent major and minor subdivisions given approval in calendar year 2012. Applications that only received preliminary approval and lot line adjustment plats are not included.

#### All 2012 Applications- Approved & Unapproved

Subdivision Type	Applications	Lots	Total Acres	Avg. Lot Size
Major Subdivision	7	20	64.03	3.20
Minor Subdivision	34	39	350.23	8.98
<b>Totals</b>	<b>41</b>	<b>59</b>	<b>414.26</b>	<b>7.02</b>

#### 2012 Applications-Approved Subdivisions Only

Subdivision Type	Applications	Lots	Total Acres	Avg. Lot Size
Major Subdivision	4	12	40.23	3.35
Minor Subdivision	26	28	296.48	10.59
<b>Totals</b>	<b>30</b>	<b>40</b>	<b>336.71</b>	<b>8.42</b>

#### Pre-2012 Applications, Approved In 2012

Subdivision Type	Applications	Lots	Total Acres	Avg. Lot Size
Major Subdivision	1	2	3.83	1.92
Minor Subdivision	0	0	0	0.00
<b>Totals</b>	<b>1</b>	<b>2</b>	<b>3.83</b>	<b>1.92</b>

#### Total Subdivisions Approved In 2012

Subdivision Type	Applications	Lots	Total Acres	Avg. Lot Size
Major Subdivision	5	14	44.06	3.15
Minor Subdivision	26	28	296.43	10.59
<b>Totals</b>	<b>31</b>	<b>42</b>	<b>340.49</b>	<b>8.11</b>

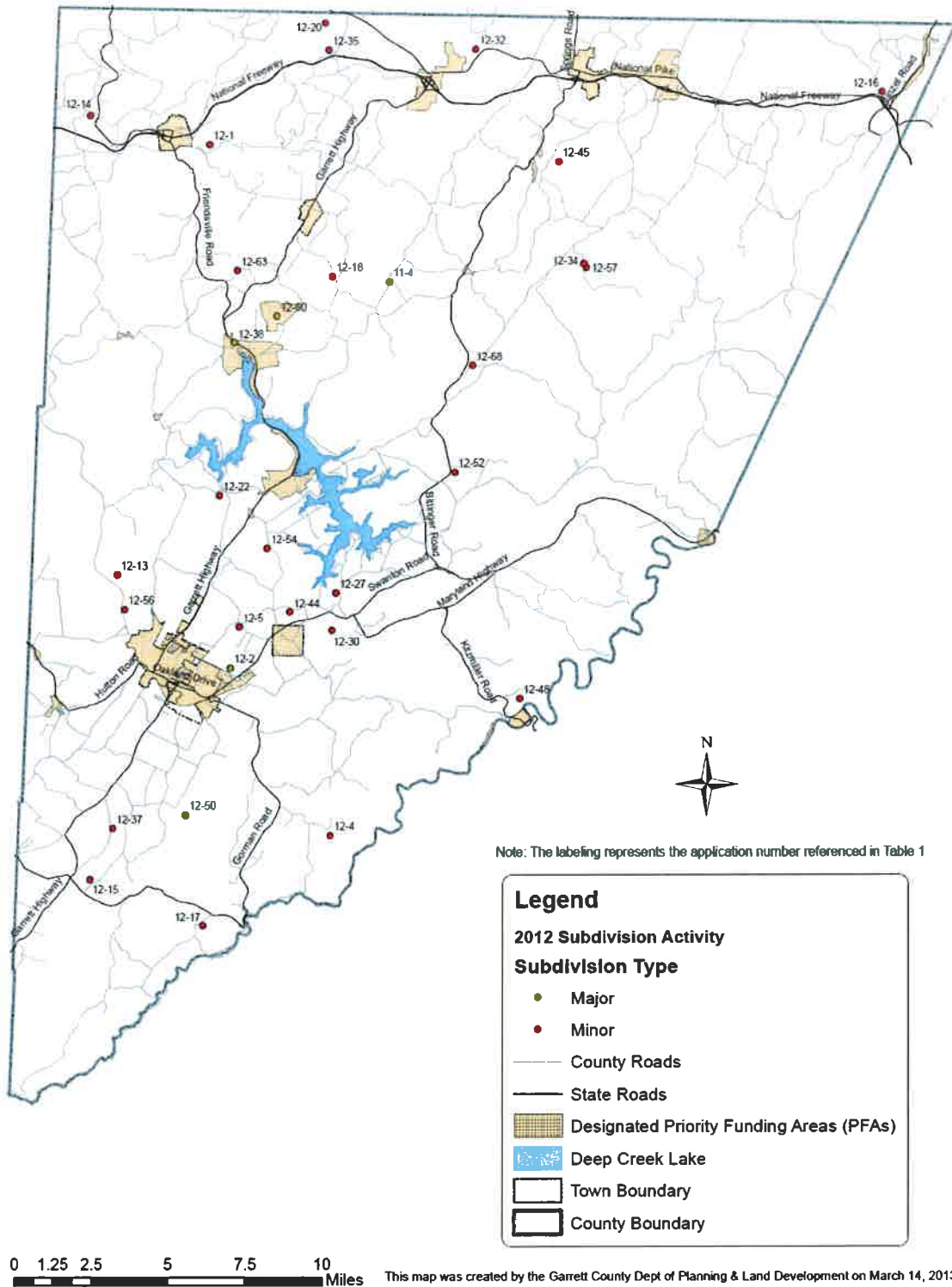
#### Total Subdivisions Approved In 2012 By PFA

Area	Applications	Lots	Total Acres	Avg. Lot Size
Inside PFA	2	3	3.77	1.26
Outside PFA	29	39	336.72	8.64
<b>Totals</b>	<b>31</b>	<b>42</b>	<b>340.49</b>	<b>8.11</b>

7% of new lots created in 2012 were within County Priority Funding Areas.  
 93% of new lots created in 2012 were outside County Priority Funding Areas.



## 2012 Subdivision Activity



# Garrett County Planning Commission Annual Report

## 2012 Subdivision Activity\*

#	Land Classification	Subdivision Name	Applicant Name	Type	Total Acres	# of Lots	Avg. Lot size	Map	Parcel	PFA	Approval Date
11 4	Agricultural Resource	Dallas Brenneman	Meredith Brenneman	Major	3.83	2	1.92	34	51	No	8/17/2012
12 1	Rural Resource	Bruce Humberson	Bruce Humberson	Minor	3.70	1	3.70	14	102	No	1/3/2012
12 2	Employment Center	Garrett Co. Commissioners	Garrett Co. Commissioners	Major	1.50	1	1.50	78	7	No	2/1/2012
12 4	Rural	Wayne Shillingburg	Wayne Shillingburg	Minor	4.74	1	4.74	92	113	No	2/1/2012
12 5	Agricultural Resource	Taylor & Beverly Sines	Taylor & Beverly Sines	Minor	2.01	1	2.01	73	244	No	3/6/2012
12 13	Rural	Dan & Beth Glastetter	Dan & Beth Glastetter	Minor	24.57	1	24.57	71	135	No	5/7/2012
12 14	Agricultural Resource	Leo Custer	Lowell & Linda Hoff	Minor	34.32	1	34.32	13	24	No	4/25/2012
12 15	Agricultural Resource	c/o First United Bank	Irene Martin- Ist United	Minor	1.00	1	1.00	95	33	No	5/14/2012
12 16	Agricultural Resource	Ernest Ganoce, Jr.	Ernest Ganoce, Jr.	Minor	3.00	1	3.00	21	25	No	8/22/2012
12 17	Agricultural Resource	Rohmac, Inc	Galen Rohrbaugh	Minor	4.90	1	4.90	101	6	No	5/18/2012
12 18	Agricultural Resource	Lucy Maust	Kenneth Blackwell	Minor	1.00	1	1.00	33	96	No	5/16/2012
12 20	Rural Resource	Runner Up Properties, LLC	Runner Up Properties, LLC	Minor	6.00	1	6.00	5	1	No	7/10/2012
12 22	Lake Residential 2	Wayne & Linda Bolden	Wayne & Linda Bolden	Minor	13.80	1	13.80	57	561	No	6/19/2012
12 27	Lake Residential 1	Robert Bedingfield	Robert Bedingfield	Minor	21.65	1	21.65	73	18	No	6/22/2012
12 30	Rural	Erick Dewitt	Richard Dewitt	Minor	3.00	1	3.00	73	102	No	8/1/2012
12 32	Rural Resource	Hutzel & Broadwater	Havard Hutzel	Minor	34.50	2	17.25	7	15	No	8/16/2012
12 34	Rural Resource	Joseph Upole	Nellie Upole	Minor	4.91	1	4.91	36	11	No	7/17/2012
12 35	Rural Resource	Max Bowser	Max Bowser	Minor	3.06	1	3.06	5	8	No	8/10/2012
12 37	Agricultural Resource	Paul & Naomi Yoder	Paul & Naomi Yoder	Minor	3.11	1	3.11	90	70	No	8/13/2012
12 38	Town Center	Handyside Commercial Lot	Cobblestone Holdings, LLC	Major	0.66	2	0.33	41	210	Yes	9/5/2012
12 44	Agricultural Resource	Gonzaga & Parks	M. Gonzaga & C. Parks	Minor	12.50	1	12.50	73	47	No	9/6/2012
12 45	Agricultural Resource	Kevin Shepherd	Kevin Shepherd	Minor	9.99	1	9.99	27	1	No	9/7/2012
12 48	Rural	Joseph DeMucci	Joseph DeMucci	Minor	35.00	1	35.00	81	179	No	9/26/2012
12 50	Rural Resource	Backbone Hills	Sprenger & Lang	Major	34.97	8	4.37	91	22	No	11/14/2012
12 52	Agricultural Resource	Hazel O'Brien	Hazel O'Brien	Minor	7.10	2	3.55	60	13	No	10/11/2012
12 54	Lake Residential 2	Lost Land GC, LLC	Sam VanSickle	Minor	3.00	1	3.00	66	92	No	12/6/2012
12 56	Rural	Knapp	Michael & Patricia Knapp	Minor	25.11	1	25.11	71	132	No	11/27/2012
12 57	Rural Resource	Joseph Upole	Elmer & Nellie Upole	Minor	1.48	1	1.48	36	11	No	10/29/2012
12 60	Employment Center	McHenry Business Park	Garrett Co. Commissioners	Major	3.11	1	3.11	42	521	Yes	12/5/2012
12 63	Agricultural Resource	Zach Fratz	John Doerr	Minor	31.18	1	31.18	33	112	No	12/28/2012
12 68	Rural Resource	Vaughn Sweitzer	Shirley Bittinger	Minor	1.81	1	1.81	52	1	No	12/28/2012
<b>TOTALS (31 subs.)</b>					<b>340.49</b>	<b>42</b>	<b>8.11</b>				

\*This summary represents major and minor subdivisions given final plat approval in calendar year 2012. Major subdivisions given conditional final plat approval are listed under the calendar year when all conditions are satisfied. Applications that received only preliminary approval & lot line adjustment plats are not included.

# Garrett County Planning Commission Annual Report

## 2012 BUILDING PERMITS SUMMARY

### New Housing Construction and Value – 2012

#### Residential Development Summary

	Inside Priority Funding Areas			Outside Priority Funding Areas		
	Number of Dwelling Units	Acres Consumed	Average Density (du/ac**)	Number of Dwelling Units	Acres Consumed*	Average Density (du/ac**)
Single Family	9	5.43	1.66	70	179.8	.39
Multi Family	0	0	0	0	0	0
Mobile Home	1	.416	2.40	10	21.4	.47
<b>Total</b>	<b>10</b>	<b>5.85</b>	<b>1.71</b>	<b>80</b>	<b>201.2</b>	<b>.4</b>
	<b>11.1% of dwellings permitted in 2012 were inside PFA's</b>			<b>88.9 % of dwellings permitted in 2012 were outside PFA's</b>		

Note: Garrett County actually issued a total of 147 permits for housing units in 2012. Of those 147 units, 57 were replacement units. Since no additional units were created, they were not counted as 'growth' in the report of new units inside and outside of PFA's.

\*For landowner improvements on resource properties (i.e., agricultural and forest lands) only one acre of the parent tract is considered "consumed".

\*\* Dwelling units per acre

#### Monthly Residential Development Summary

Garrett County	All New Single Family Housing Construction <sup>(1)</sup>			
	Buildings	Units	Value	Value/Unit
January	1	1	\$39,000	\$39,000
February	9	9	\$1,477,125	\$164,125
March	13	13	\$2,338,900	\$179,915
April	11	11	\$3,079,000	\$279,909
May	14	14	\$1,764,500	\$126,036
June	15	15	\$2,090,995	\$139,400
July	15	15	\$1,938,910	\$129,261
August	23	23	\$4,389,600	\$190,852
September	33	33	\$8,503,950	\$257,695
October	10	10	\$755,500	\$75,550
November	2	2	\$464,785	\$232,393
December	1	1	\$48,000	\$48,000
<b>Total</b>	<b>147</b>	<b>147</b>	<b>\$26,890,265</b>	<b>\$182,927</b>

Source: Garrett County Planning And Land Development – Permits & Inspections Division

(1) All new residential construction for 2012 was for single family dwellings only.

# Garrett County Planning Commission Annual Report

---

## Commercial Development - 2012

### Commercial Development Summary

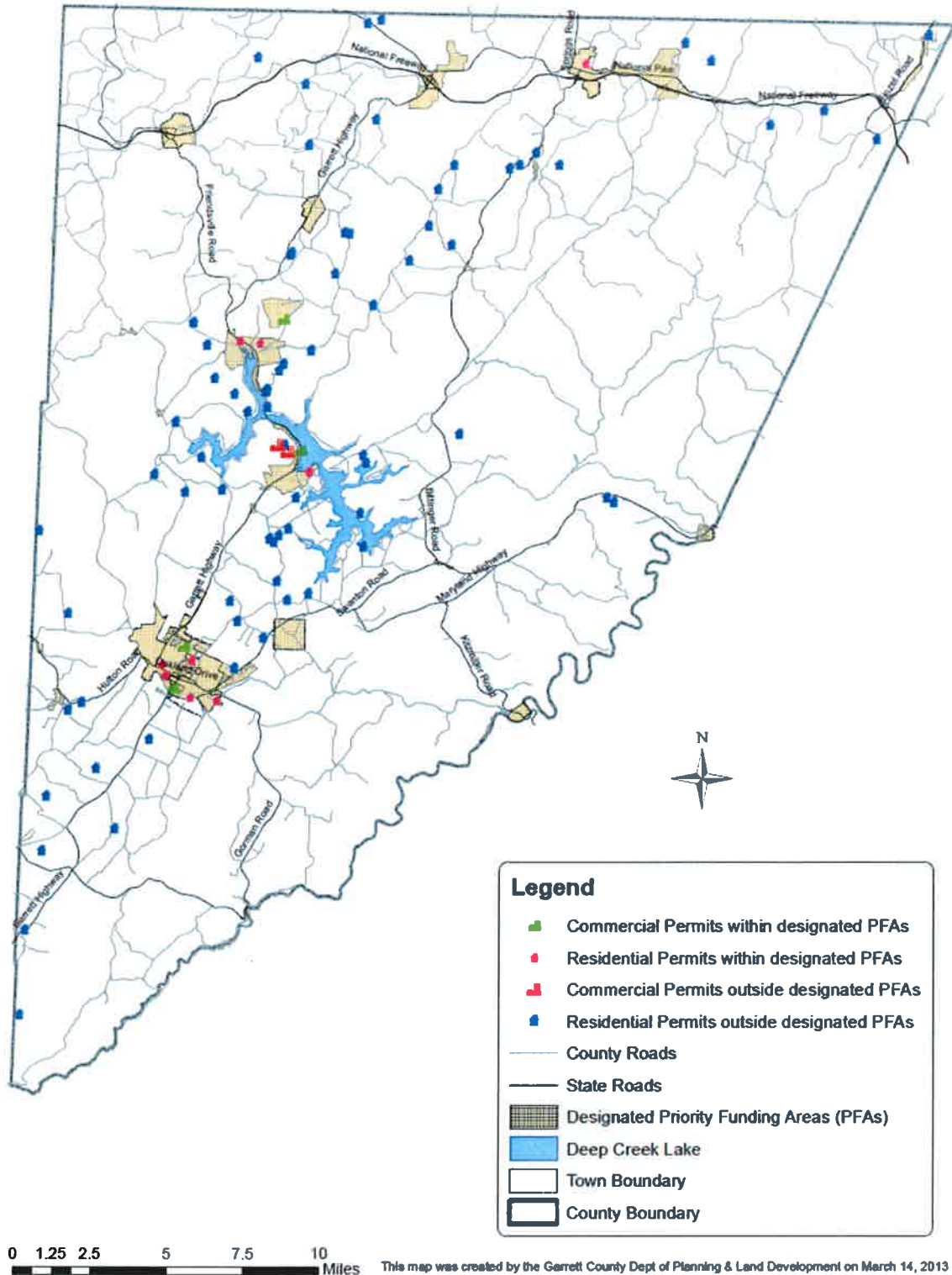
	Inside Priority Funding Areas			Outside Priority Funding Areas		
	Site Acreage	Bldg. Sq. Footage	Floor Area Ratio	Site Acreage	Bldg. Sq. Footage	Floor Area Ratio
Service	10.91	32,805	.0690	0	0	0
Storage	1.19	3360	.0648	0	0	0
Utilities*	.84	660	.0015	2.75	2,760	.0230
<b>Total</b>	<b>12.94</b>	<b>36,825</b>	<b>.0653</b>	<b>2.75</b>	<b>2,760</b>	<b>.0230</b>

\* Utilities refer to commercial towers, water and sewer facilities, power lines and similar activities and structures.

### 2012 Commercial Summary

	Percent Inside Priority Funding Areas	Percent Outside Priority Funding Areas
<b>Total Acreage Developed</b>		
15.69	82.8%	17.2%
<b>Total Square Footage Created</b>		
39,585	93.1%	6.9%

# 2012 Permit Activity



# Garrett County Planning Commission Annual Report

## 2012 Building Permit Activity

### 2012 Commercial Growth Inside PFA's

Approval Date	Application #	Address #	Premise Street Name	Type or Use	Acreage	Total Sq Ft	Tax Map
4/2/2012	20110033	1100	Memorial Drive	Comm.-Business Service	4.06	24815	78
4/27/2012	20120039	1265	Bumble Bee Road	Comm.-Business Service	6.85	7990	42
4/17/2012	20120126	28	Wolf Acres Drive	Comm.-Business Service	1.19	3360	78
6/28/2012	20100563	20300	Garrett Highway	Commercial Utilities	0.84	660	58

### 2012 Commercial Growth Outside PFA's

Approval Date	Application #	Address #	Premise Street Name	Type or Use	Acreage	Total Sq Ft	Tax Map
6/28/2012	20100674		Tarn Drive	Commercial Utilities	1.75	1860	58
6/28/2012	20100675		Mountainview Court	Commercial Utilities	1	900	58

### 2012 Residential Growth Inside PFA's

Approval Date	Application #	Address #	Premise Street Name	Type or Use	Acreage	Total Sq Ft	Tax Map
4/19/2012	20120130	11	Hazel Glade	SFR	0.25	1008	78H
4/19/2012	20120133	420	South Eighth Street	SFR	0.18	1008	112
6/27/2012	20120246	509	Southern Pines Drive	SFR	0.5	4600	78E
6/15/2012	20120254	266	Close Road	SFR	1.26	1152	42
8/7/2012	20120318	112	Parkview Drive	SFR	0.33	4256	8A
8/17/2012	20120373	598	Glendale Road	SFR	0.68	2160	58
8/17/2012	20120372	600	Glendale Road	SFR	0.68	2471	58
8/30/2012	20120408	515	East High Street	SFR	0.47	2240	111

### 2012 Residential Growth Outside PFA's

Approval Date	Application #	Address #	Premise Street Name	Type or Use	Acreage	Total Sq Ft	Tax Map
7/13/2012	20060126	1298	Bill Beitzel Road	SFR	5.49	960	26
5/3/2012	20110117	16189	Bittinger Road	SFR	0.46	900	26
3/23/2012	20110294	255	Deer Pass Lane	SFR	2.13	780	42
2/10/2012	20110545	32	Cherry View Drive	SFR	2.2	2800	43
2/17/2012	20120007	140	Paradise Ridge Road	SFR	0.634	2496	58
1/30/2012	20120012	158	Holly Lane	SFR-Doublewide	0.57	1392	78
2/1/2012	20120017	145	Resh Hill Road	SFR-Modular	2.41	2608	26
2/2/2012	20120018	8840	Garrett Highway	SFR-Mobile Home	1	700	85
6/19/2012	20120029	3034	Sand Flat Road	SFR-Modular	1.87	2134	66
2/21/2012	20120030	215	Green Way	Transient Vacation Rental Unit	0.25	275	50
2/13/2012	20120032	595	Legacy Way	SFR-Modular	1	3694	60
3/1/2012	20120040	449	Medallion Drive	SFR	6.61	4379	20
3/14/2012	20120046	1985	Green Lantern Road	SFR	3	2820	20
3/26/2012	20120055	4	Wilson Circle	SFR	0.75	3492	59
5/14/2012	20120058	90	Temperance Way	SFR	1.41	2380	73
3/16/2012	20120059	719	Sunnyside Road	SFR	13.6	1536	90
4/9/2012	20120100	41	Big Dipper Court	SFR	0.52	9979	49
4/16/2012	20120108	179	New Harmony Road	SFR	1	2898	66
5/10/2012	20120109	649	Garrett Highway	SFR-Doublewide	1	1493	99
4/5/2012	20120112	773	Kings Run Road	SFR-Mobile Home	1	980	72
5/10/2012	20120122	1494	Sand Flat Road	SFR & Detached Garage	6.5	3780	73

# Garrett County Planning Commission Annual Report

Approval Date	Application #	Address #	Premise Street Name	Type or Use	Acreage	Total Sq Ft	Tax Map
5/8/2012	20120124	198	Eagles Pointe Drive	SFR-Modular	5.12	21289	
4/19/2012	20120131	846	Pine Tree Point Road	SFR	0.46	243267	
4/19/2012	20120134	217	Green Way	Transient Vacation Rental Unit	0.25	24750	
5/7/2012	20120143	620	Sanders Lane	SFR	1	648071	
5/9/2012	20120168	118	Pine Bough Lane	SFR	1.64	134433	
5/9/2012	20120169	107	Pine Bough Lane	SFR	1.38	134433	
5/29/2012	20120172	35	Birdsong Way	SFR	0.62	234750	
5/25/2012	20120187	2655	Cove Road	SFR-Doublewide	1.5	291215	
5/17/2012	20120191	156	Frank Custer Drive	SFR	0.16	105079	
5/24/2012	20120197	2978	Finzel Road	SFR	2.06	264011	
7/17/2012	20120200	3187	Sand Flat Road	SFR	4	531266	
6/13/2012	20120209	1977	Rabbit Hollow Road	SFR	6.88	236816	
6/22/2012	20120210	244	Stilwater Drive	SFR	0.87	641459	
7/30/2012	20120213	40	Sugar Maple Ln	SFR	1	250041	
6/1/2012	20120222	80	Hemlock Meadow Drive	SFR-Doublewide	4.78	25286	
7/2/2012	20120224	185	Cherry Heights Lane	SFR	1.09	371350	
6/14/2012	20120234	146	Broadford Hills	SFR	2.01	352072	
6/22/2012	20120247	80	Sweet Rewards Farm Rd.	SFR	0.37	230442	
6/18/2012	20120250	425	Amish Road	SFR	2.13	264025	
6/26/2012	20120258	228	Swan Meadow Drive	SFR	1	448090	
7/13/2012	20120259	223	Aiken Miller Road	SFR	1	252033	
9/20/2012	20120266	2234	Sale Barn Road	SFR	9.23	324915	
7/3/2012	20120273	176	Orendorf Road	SFR	1	372034	
7/2/2012	20120286	214	Green Way	SFR	0.25	26650	
7/20/2012	20120317	3152	Hutton Road	SFR	1	220884	
8/9/2012	20120325	116	Shingle Camp Road	SFR & Detached Garage	11.7	302449	
7/26/2012	20120328	2163	Old Morgantown Rd. East	SFR	1	8645	
7/27/2012	20120335	2024	Swallow Falls Road	SFR-Doublewide	0.51	202657	
8/6/2012	20120339	92	Summit Woods Drive	SFR	1.42	201341	
9/7/2012	20120347	1029	Dilly Road	SFR	11.82	376084	
8/24/2012	20120353	1826	Blue Ribbon Road	SFR	3.1	239090	
8/22/2012	20120356	138	Summit Woods Drive	SFR	1	312041	
8/30/2012	20120364	499	Snyder Road	SFR	3	560095	
8/16/2012	20120381	66	Round Glade Road	SFR-Doublewide	9	268957	
8/20/2012	20120386	252	Green Way	Transient Vacation Rental Unit	0.25	26050	
9/24/2012	20120399	182	St Johns Rock Road	SFR	1	238021	
8/28/2012	20120402	1615	Accident Bittering Road	SFR-Mobile Home	1	98034	
9/13/2012	20120403	1314	Bray School Road	SFR	13.78	344057	
9/24/2012	20120404	875	Mountainview Drive	SFR	1.17	380058	
8/29/2012	20120412	116	Sherman Hare Road	SFR & Detached Garage	1	285027	
10/9/2012	20120414	50	Deerfield Road	SFR-Doublewide	1	114457	
9/26/2012	20120417	2682	Marsh Hill Road	SFR	1	253850	
9/27/2012	20120419	157	Penn Point Road	SFR	2.27	387166	
9/6/2012	20120422	530	Hemlock Road	SFR	2.14	22086	
9/27/2012	20120426	0	Snaggy Mt Road	SFR	1	238564	
9/27/2012	20120432	15365	Bittering Road	SFR	5.24	283826	
9/20/2012	20120441	946	Legeer Road	SFR	1	492035	
9/26/2012	20120448	968	Shoreline Drive	SFR	2.84	535367	
9/26/2012	20120451	412	Sundance Way	SFR	0.703	658849	
9/19/2012	20120452	152	Ron George Road	SFR	5	371534	
10/15/2012	20120459	1637	Pysell Crosscut Road	SFR	1	244473	
9/18/2012	20120460	3462	Foxtown Road	SFR	1	420034	
10/15/2012	20120461	293	Green Way	Transient Vacation Rental Unit	0.25	25650	

## Garrett County Planning Commission Annual Report

---

Approval Date	Application #	Address #	Premise Street Name	Type or Use	Acreage	Total Sq Ft	Tax Map
9/21/2012	20120470	204	High Point Ridge Road	SFR	5.38	1925	103
9/26/2012	20120475	17700	Maryland Highway	SFR	1	3080	69
10/9/2012	20120500	39	Crestwood Lane	SFR	2	2160	69
10/5/2012	20120506	4308	Chestnut Ridge Road	SFR	2.92	1894	9
10/5/2012	20120507	230	Green Way	Transient Vacation Rental Unit	0.25	222	50
12/5/2012	20120553	240	Green Way	Transient Vacation Rental Unit	0.25	228	50

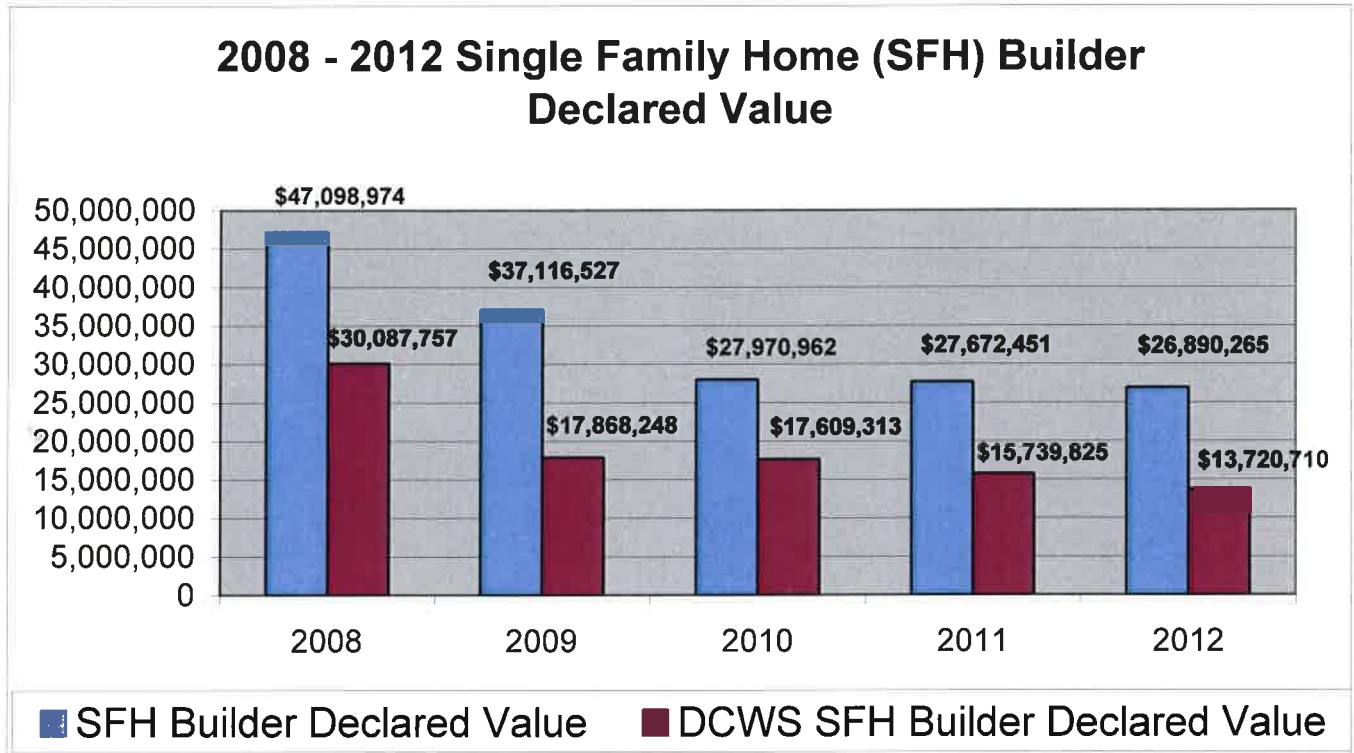


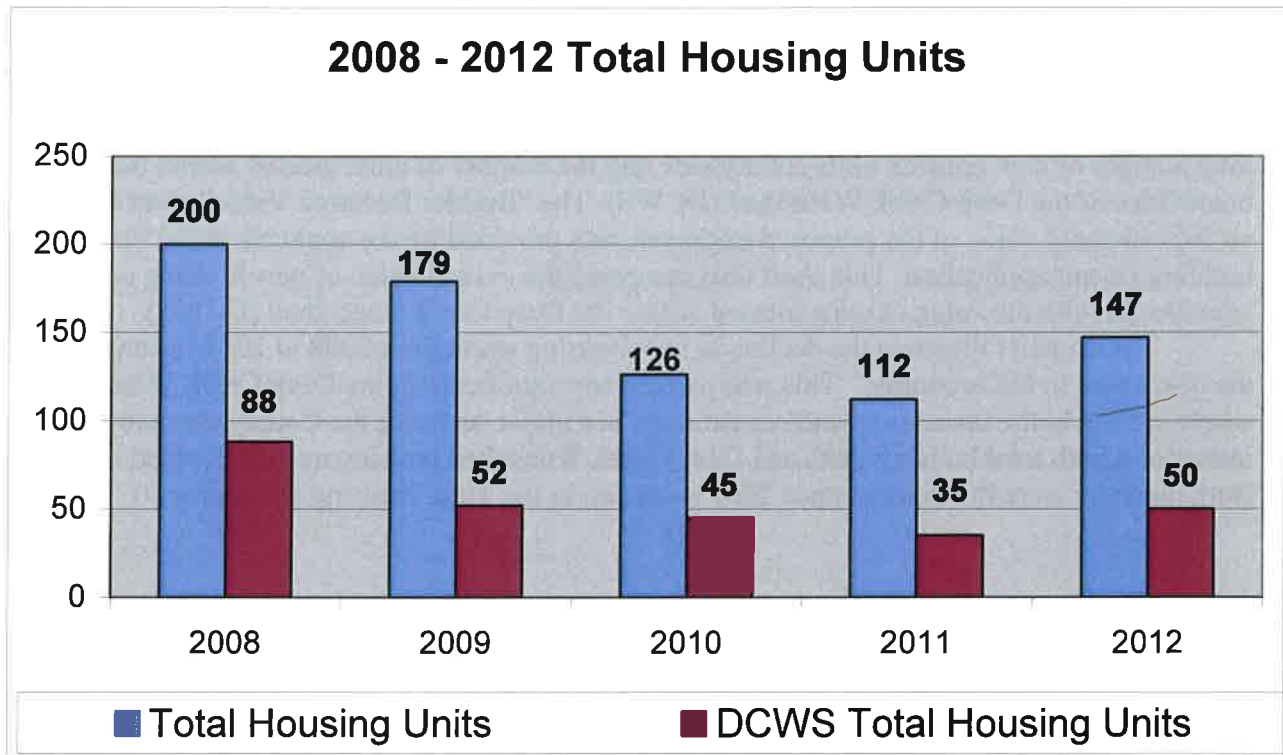
# Garrett County Planning Commission Annual Report

## Five-Year Permit Analysis

The following charts, “2008-2012 Single Family Home (SFH) Builder Declared Value” and “2008-2012 Total Housing Units”, were compiled by the Permits and Inspection Division using building permit data. “Total Housing Units” provides a yearly comparison between the total number of new housing units countywide and the number of units located within the boundaries of the Deep Creek Watershed (DCWS). The “Builder Declared Value” chart is based on the estimated value of the proposed improvements provided by the applicant at the time of building permit application. This chart also compares the overall value of new housing units countywide with the value of units located within the Deep Creek Watershed (DCWS).

These charts illustrate the decline in new housing starts from 2008 to 2011 resulting from the down turn in the economy. This was particularly significant in the Deep Creek Watershed where second home investment and construction is a major sector of the County economy. An increase in both total housing units and Deep Creek Watershed housing units was noted in 2012. Both numbers were the highest since 2009 as shown in the Total Housing Units chart.





# Garrett County Planning Commission Annual Report

## 2012 AGRICULTURAL PRESERVATION SUMMARY

The Planning & Land Development Office helps administer two state land preservation programs. The Maryland Agricultural Land Preservation Foundation (MALPF) program applies to the whole County while the Bear Creek Rural Legacy Area is limited to the Bear Creek watershed near Accident. The goal of both programs is to preserve farmland and woodland by purchasing permanent conservation easements.

Garrett County has also adopted a County Agricultural Land Preservation District Program. The Planning Commission reviews all District applications and informs the Board of County Commissioners whether the establishment of the District is compatible with existing and approved County plans, programs, and overall County policy.

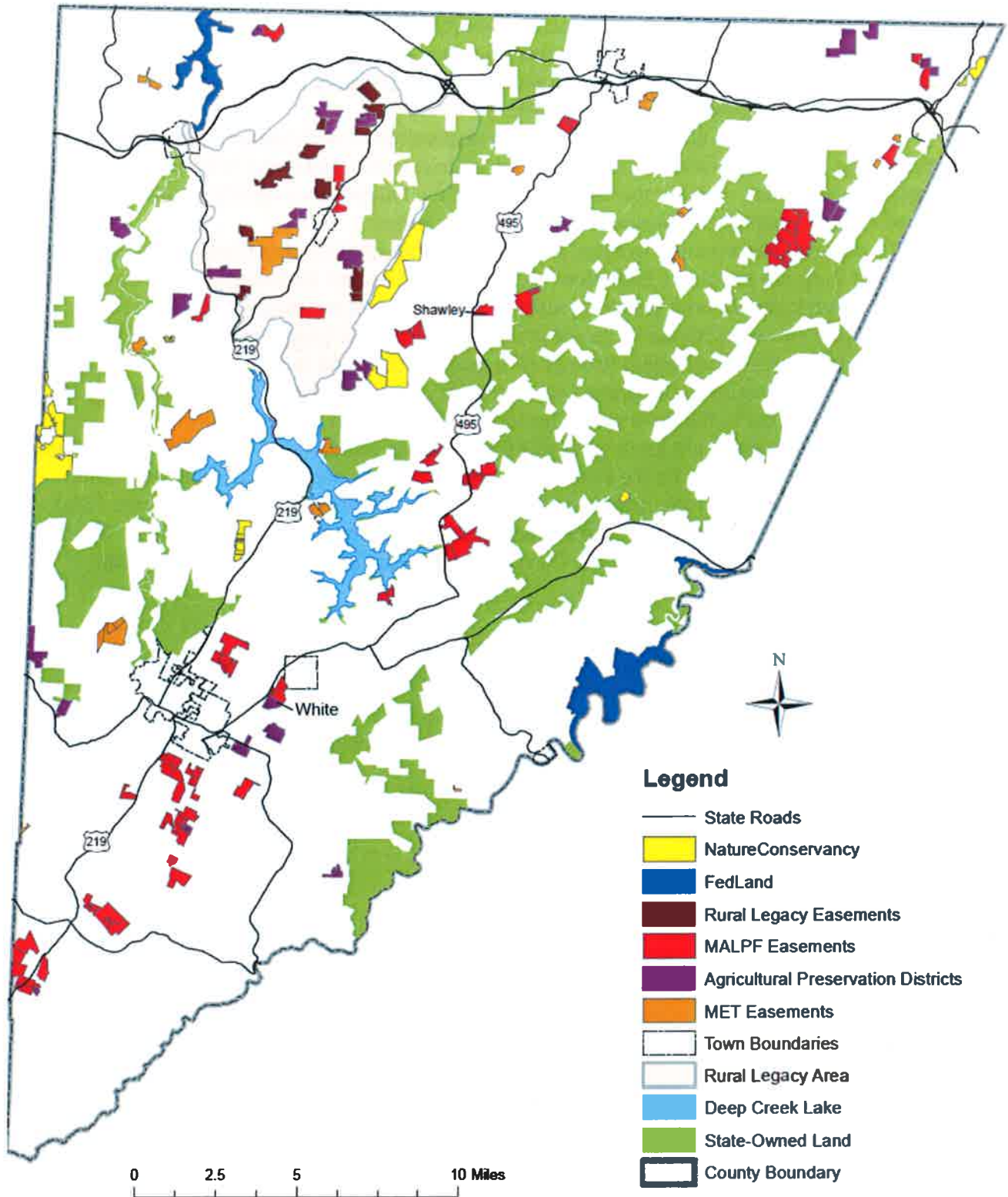
To enhance participation in these programs, the Board of County Commissioners adopted a Tax Credit Program in July of 2000 that offers a tax credit to all landowners who voluntarily establish a preservation district on their property. The tax credit continues to apply to those landowners who subsequently sell a preservation easement. The program offers a 100% tax credit on the value of the real estate (except all improvements) and is applicable to the property as long as the land remains in the preservation program. The Board also commits annually its retained ag-transfer tax to the local matching fund under the MALPF program.

One MALPF easement preserving 95.669 acres was settled upon in 2012. This easement was the result of action taken by the Planning Commission in a previous calendar year. The Planning Commission also took action to establishment a 108-acre County Agricultural Land Preservation District in 2012. No Rural Legacy easements were settled upon in 2012. The 2012 Applications are noted below and on the Garrett County Maryland Protected Lands Map.

2012 Agricultural Preservation Activity

Application	Name	Map	Parcel	Acres	Status	Program	Date
CR-103	Shawley	44	3	95.669	Easement	MALPF	10/23/2012
SY-118	White	79	80 & 191	108	District	County District	4/20/2012

Garrett County Maryland Protected Lands



LABELED PROPERTIES ARE DISTRICTS OR EASEMENTS ADDED IN 2012

# Garrett County Planning Commission Annual Report

---

## **DEVELOPMENT CAPACITY ANALYSIS**

Pursuant to Subsection 3.10 of Article 66B, an updated development capacity analysis is to be included in the Annual Report once every three years. A base year 2010 capacity Analysis was included in the 2010 Annual Report and an updated analysis will not be provided until 2013.

## **THE LOCAL GOAL**

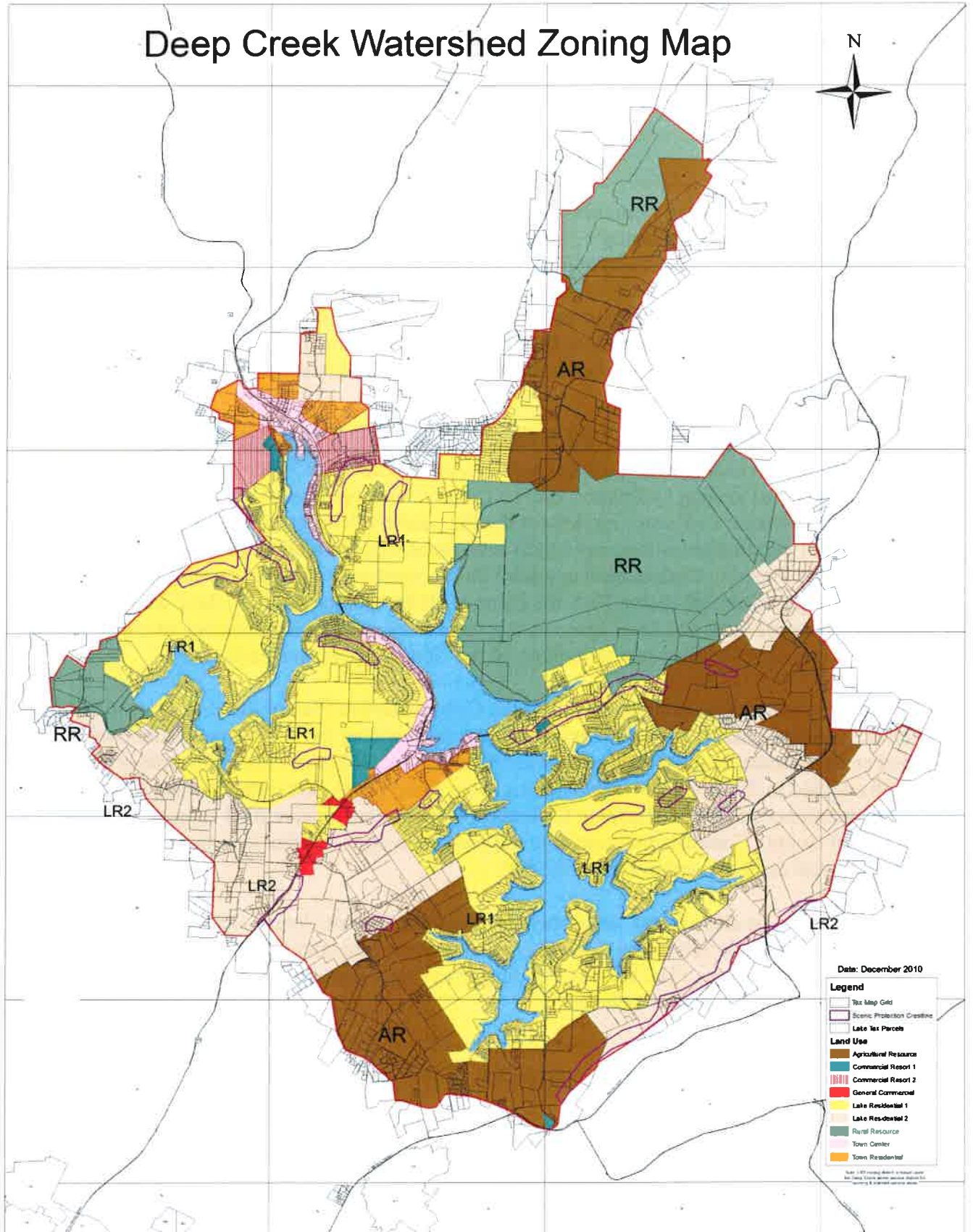
During 2010, the Planning Commission established goals that 10 percent of all new development will be located within the County's Priority Funding Areas by 2020 and that 133 additional housing units will be located within PFA's between 2010 and 2020. The Planning Commission intends to revisit these PFA targets on an annual basis to make sure they correspond with the requirements for the Annual Report in Article 66B and the results of actual development from the preceding year. After evaluation, the Planning Commission determined that the Local Goal of 10% by 2020 will continue to be Garrett County's goal towards achieving the statewide goal.

## **CHANGES TO PLANS, POLICIES & ORDINANCES**

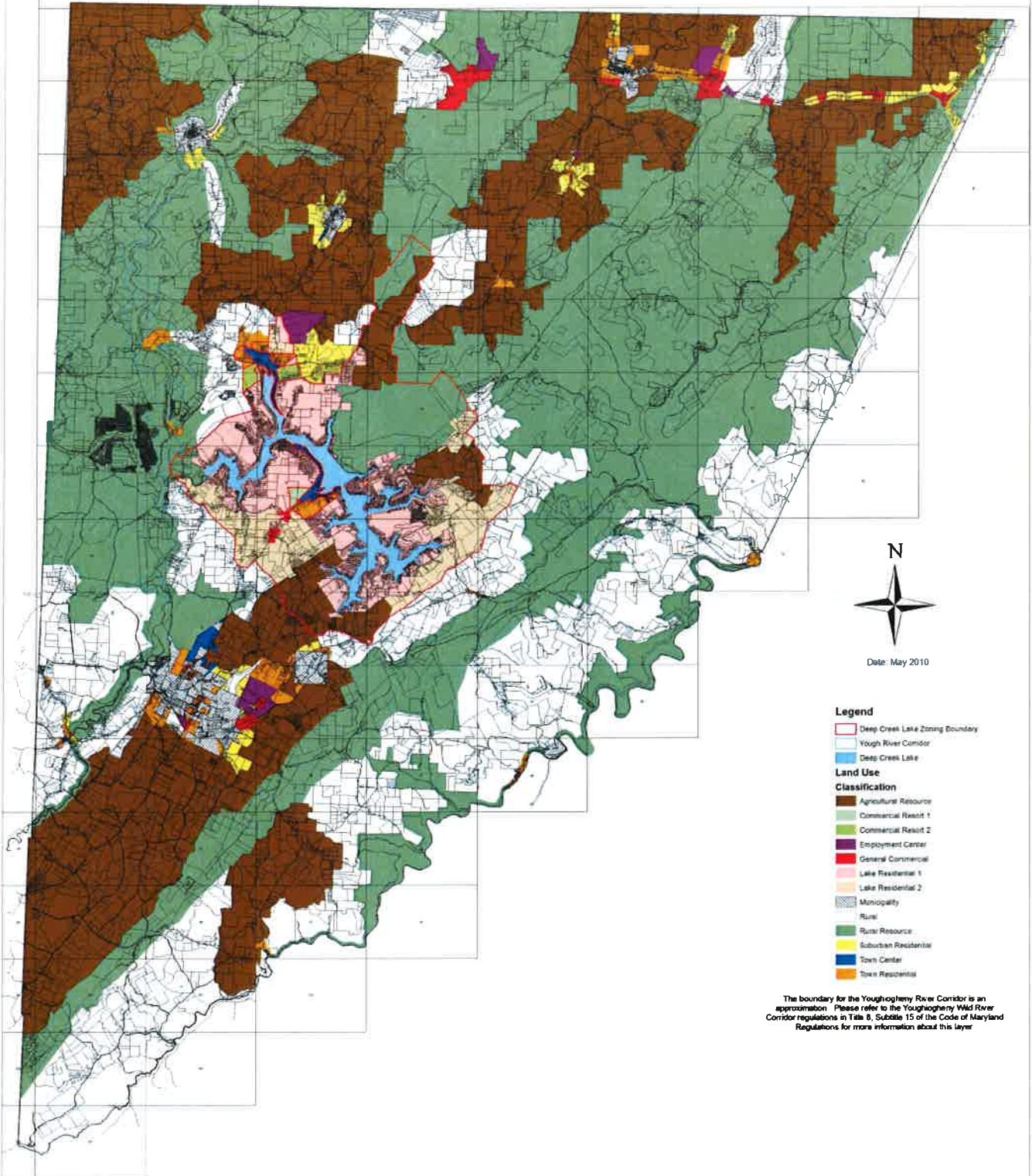
The 2008 Garrett County Comprehensive Plan was adopted on October 7, 2008. The Deep Creek Watershed Zoning Ordinance, Garrett County Sensitive Areas Ordinance and the Garrett County Subdivision Ordinance implement the Plan and the Visions in §1-201 of the Land Use Article. All permit applications and subdivision plans were carefully considered and analyzed by staff and the Planning Commission to ensure their consistency with these ordinances, the 2008 Garrett County Comprehensive Plan, the Plans of all the municipalities in the County, the adopted plans of State and local agencies that have responsibility for financing or constructing public improvements necessary to implement the County's plan, and each other.

There were no changes or amendments to the Comprehensive Plan or the Ordinance maps in 2012. An amendment to the Subdivision Ordinance revising the definition of minor subdivision and an amendment to the Deep Creek Watershed Zoning Ordinance regarding boat rentals were both adopted in 2012. Further amendments to the Deep Creek Watershed Zoning Ordinance were recommended by the Planning Commission but did not receive final approve from the Board of County Commissioners prior to the end of the year. Further information about these amendments can be found in Appendix A-C.

For reference, the Deep Creek Watershed Zoning Map, Garrett County Sensitive Areas Ordinance Maps, Garrett County Subdivision Ordinance Map and Final Tier Map are provided on the following pages. The Priority Funding Areas Map from the 2008 Garrett County Comprehensive Plan is also included.

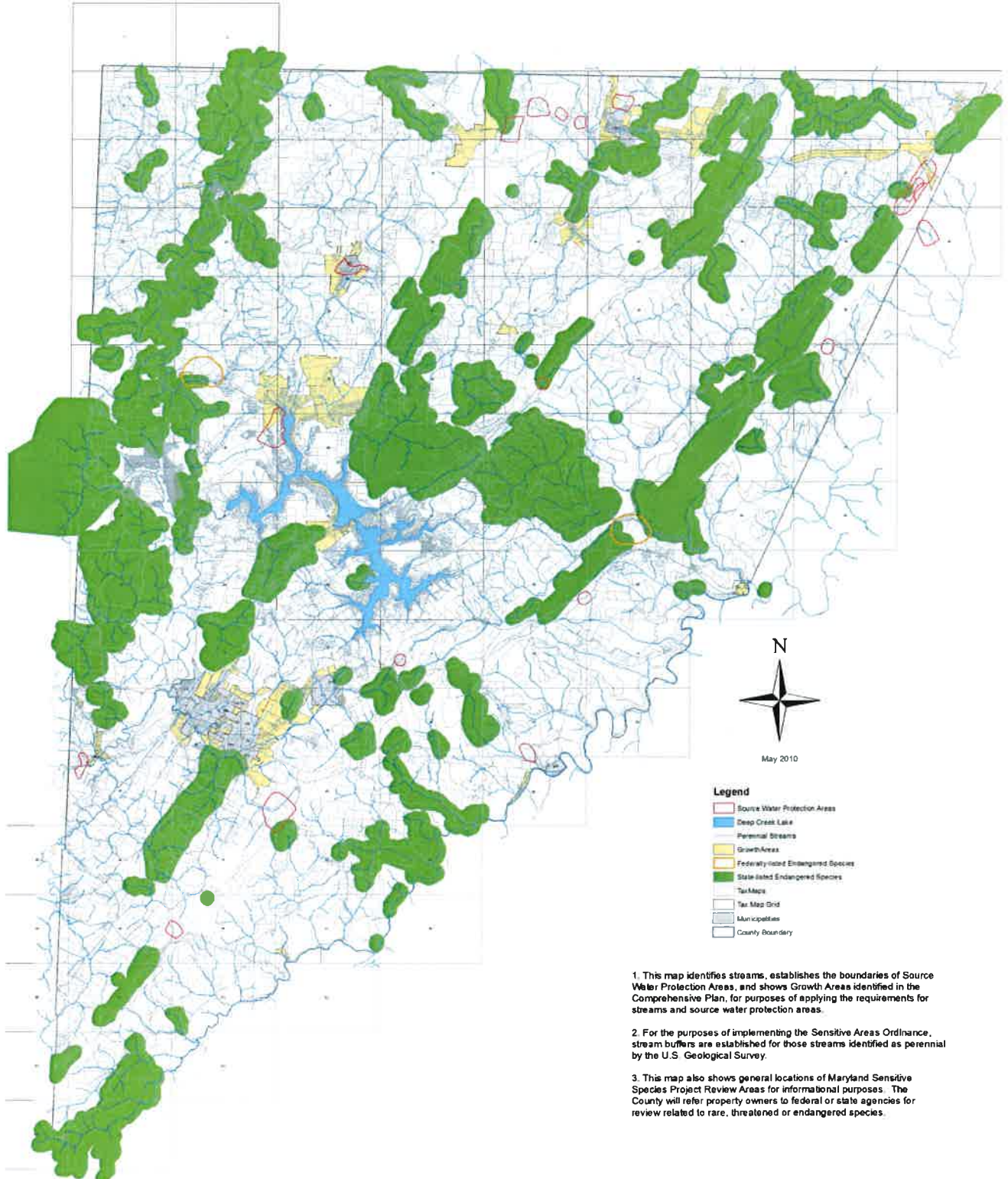


## Subdivision Ordinance Map



## Sensitive Areas; Map 1

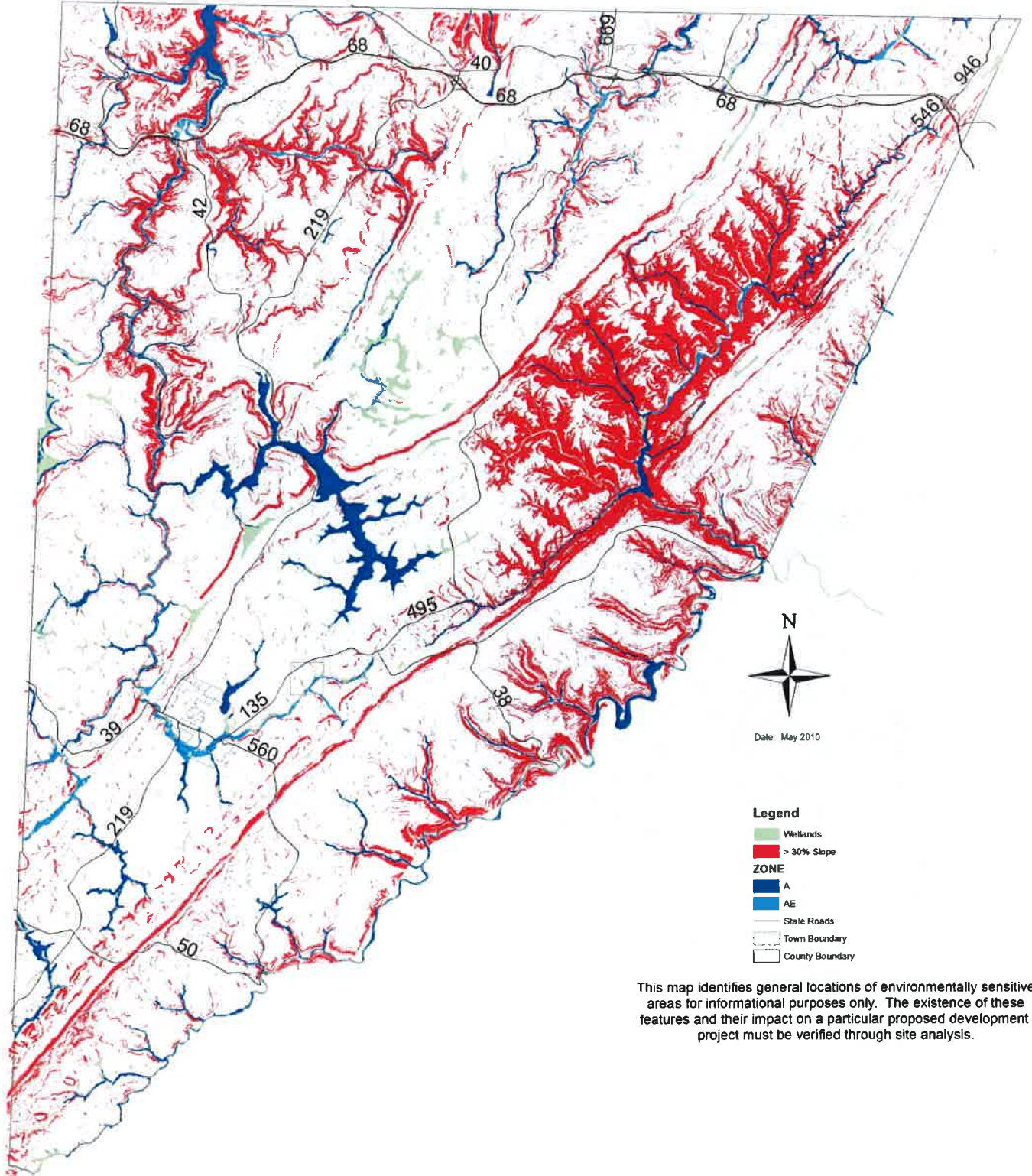
Streams, Growth Areas, Habitats for State & Federal Endangered Species and Source Water Protection Areas





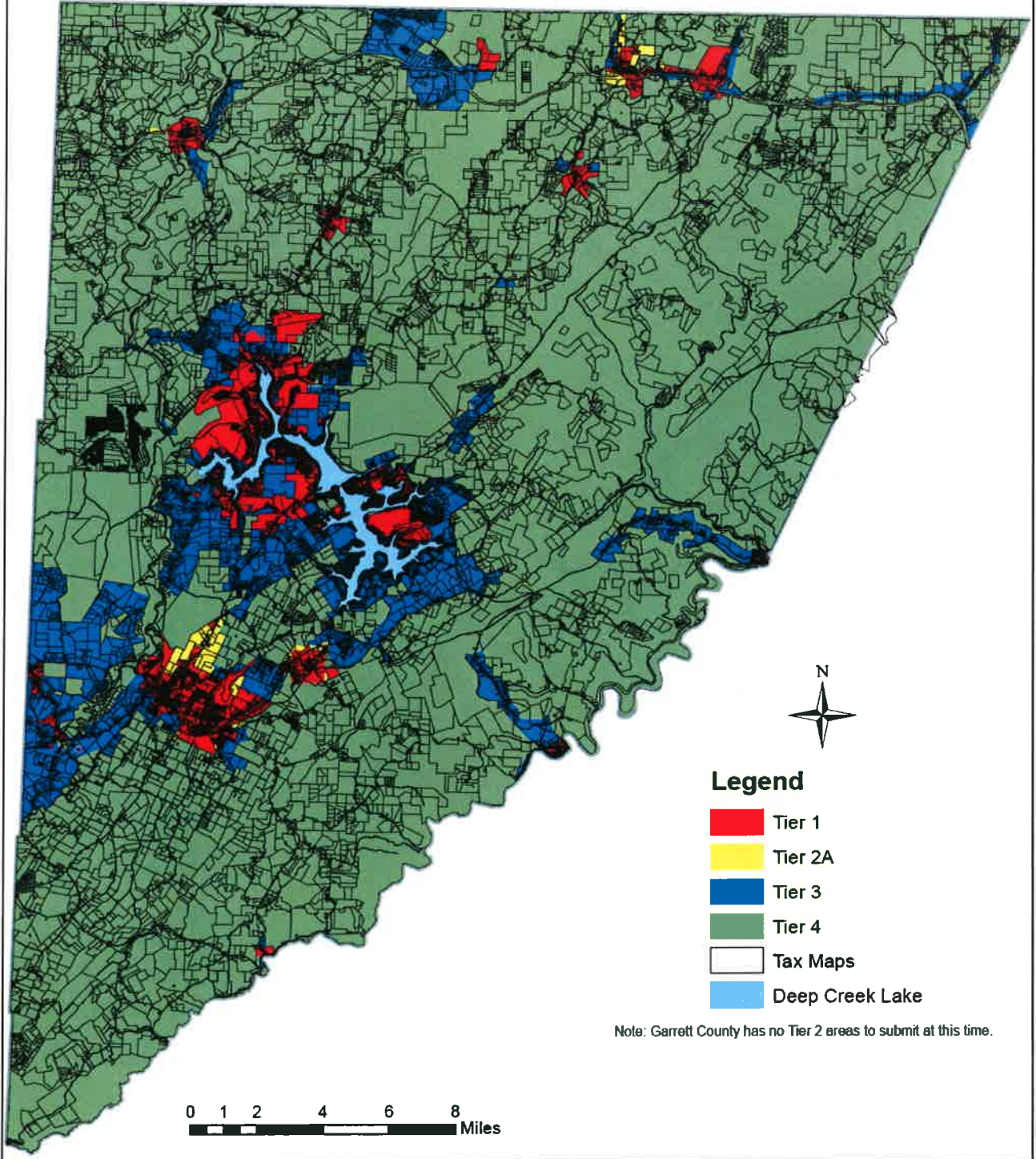
## Sensitive Areas; Map 2

Steep Slopes, Floodplains and Wetlands



This map identifies general locations of environmentally sensitive areas for informational purposes only. The existence of these features and their impact on a particular proposed development project must be verified through site analysis.

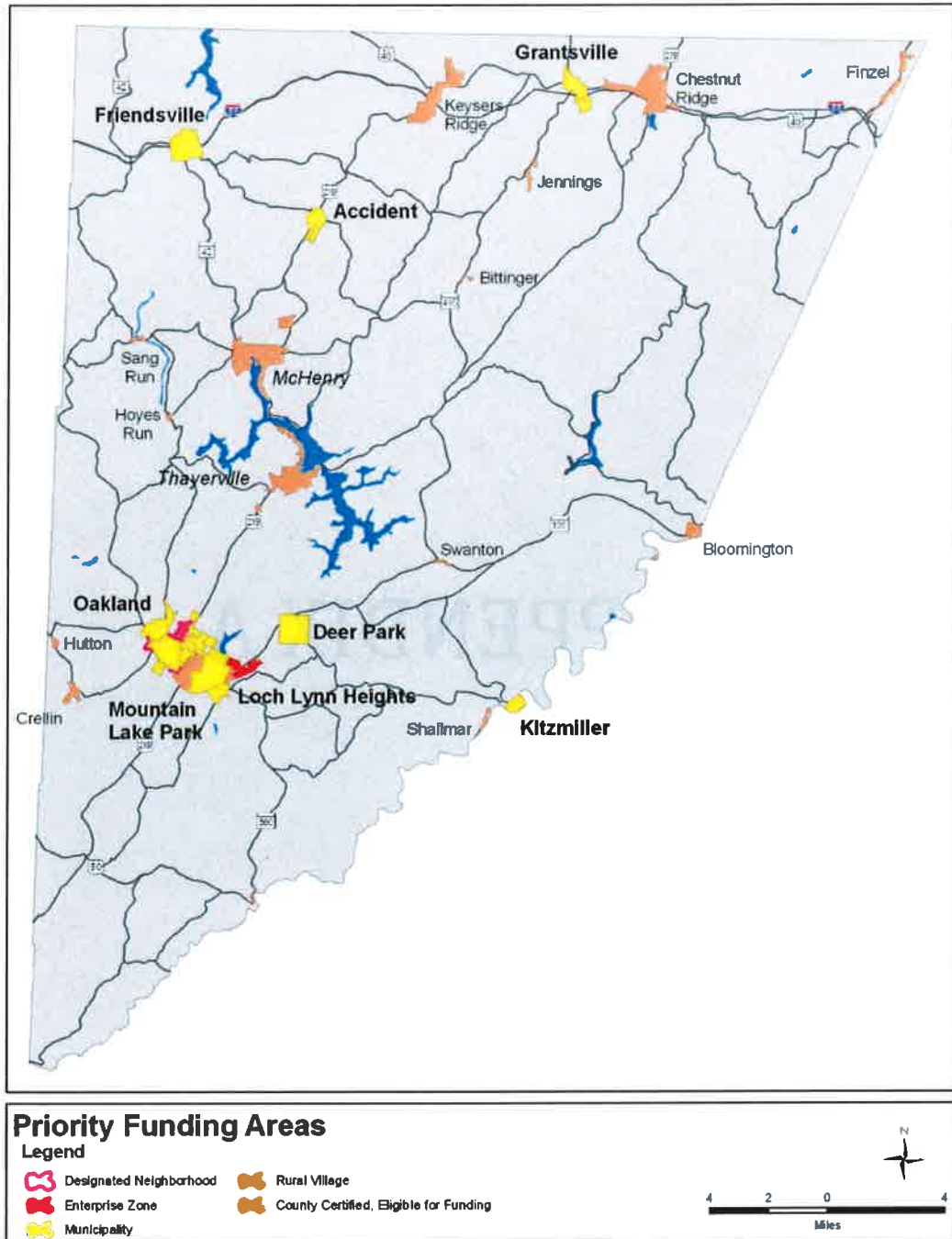
Garrett County Commissioners  
Official Tier Map  
Adopted December 4, 2012



# Garrett County Planning Commission Annual Report

2008 Garrett County Comprehensive Plan

Map 3.2: Priority Funding Areas



# APPENDIX A

# Garrett County Planning Commission Annual Report

---

## GARRETT COUNTY DEPARTMENT OF PLANNING AND LAND DEVELOPMENT

Planning, Zoning & Licensing Division  
203 S. Fourth St. - Room 210  
Oakland, Maryland 21550  
301-334-1920 • FAX 301-334-5023  
E-mail: [planninglanddevelopment@garrettcounty.org](mailto:planninglanddevelopment@garrettcounty.org)

May 17, 2012

Board of Garrett County Commissioners  
Courthouse Annex  
Oakland, MD 21550

Gentlemen:

During their regular meeting on May 9, 2012, members of the Garrett County Planning Commission reviewed the proposal submitted by Mr. Bill Meagher to amend the Deep Creek Watershed Zoning Ordinance. Specifically Mr. Meagher has requested two amendments to the Ordinance, the first of which is to amend the Table of Use Regulations to add a new category of use under section 157.024(c).23 to read as follows:

157.024(c).23 - Boat Rental as a separate service business and not offering any other services associated with a Marina.

Mr. Meagher proposes that such a use would be P- Permitted in the TC-Town Center and C-Commercial zoning districts; permitted by SE-Special Exception in the TR-Town Residential, CR-1 and CR-2 Commercial Resort 1 & 2 zoning districts; and N-Not permitted in any of the other districts.

Mr. Meagher's proposal also requests an amendment to the Table of Dimensional Requirements for Principal Uses to clarify that the boat rental service business would require the same minimum land area that the sale or rental of recreational vehicles use requires which is 10,000 sq. ft. under section 157.041(c).10 to read as follows:

157.041(c).10 - Sale or rental of recreational vehicles, including boat rental as a separate service business.

The use would require a minimum land area of 10,000 sq. ft. in any district where it is permitted and all yard setbacks would remain the same, as they currently exist.

As a part of their deliberation on this request the Planning Commission determined that a boat rental service, as a separate business entity, would have no greater land area needs for parking, storage, traffic generation or general lay out than would the use currently identified in the ordinance as "sale or rental of recreational vehicles". The Commission

## Garrett County Planning Commission Annual Report

---

believes that the current wording in the ordinance that associates a “boat rental service” with a “marina” operation unnecessarily requires a large land area (2 acres) in order to establish a boat rental business. The Commission concludes that as long as any of the other services that are normally associated with a marina such as boat storage, repair, launching, etc. are not offered in conjunction with a boat rental business, then a minimum land area of 10,000 sq. ft. is adequate to accommodate the boat rental business. This minimum land area requirement is identical to the current requirement for the use listed in section 157.041(c).10 as “sale or rental of recreational vehicles”. As a result of this determination, the Commission agrees that a separate use category should be established for boat rental.

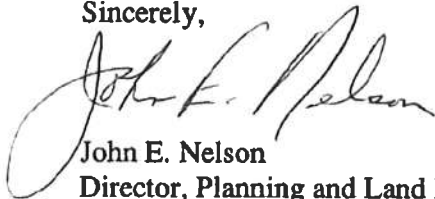
As a separate matter and in consideration of some of the comments expressed during their meeting, the Planning Commission, also determined that the phrase “boat rides and / or boat tours” should be added to the new use category under section 157.024(c).23. Mr. Meagher explained that it is his intention to offer guided boat tours as a part of his boat rental business and the Commission believes that it is necessary to add the phrase specified above to clarify their intent and to eliminate any question whether this activity could be conducted in conjunction with the boat rental use.

In consideration of their findings set forth above, the Planning Commission, by a unanimous vote, recommends that the text amendments proposed by Mr. Meagher should be approved by the Board of County Commissioners with the stipulation that the phrase “boat rides and / or boat tours” should be added to Mr. Meagher’s amendment to section 157.024(c).23 to read as follows:

157.024(c).23 - Boat rental including boat rides and / or boat tours as a separate service business and not offering any other services associated with a Marina.

The Planning Commission wishes to thank the Board for consideration of their recommendation.

Sincerely,



John E. Nelson  
Director, Planning and Land Development

**DEEP CREEK WATERSHED ZONING AMENDMENTS**

**Adopted June 5, 2012**

**Boat Rental As A Separate Service Business**

- 1) **Amend the Deep Creek Watershed Zoning Ordinance to provide a new use category in the Table of Use Regulations as follows:**

**157.024(C) 23 – Boat rental including boat rides and/or boat tours as a separate service business and not offering any other services associated with a marina.**

**The use shall be P-Permitted in the TC-Town Center and C-Commercial zoning districts; permitted by SE-Special Exception in the TR-Town Residential, CR-1 and CR-2 Commercial Resort 1&2 zoning districts; and N-Not permitted in any other district.**

- 2) **Amend the Table of Dimensional Requirements for Principal Uses in the Deep Creek Watershed Zoning Ordinance by adding the phrase “boat rental as a separate service business” to the existing land area and yard regulations specified for the sale or rental of recreational vehicles as follows:**

**157.041.C.10 – Sale or rental of recreational vehicles, including boat rental as a separate service business.**

**The minimum land area requirements and all yard setbacks remain the same as currently specified in section 157.041.C.10.**

# APPENDIX B



# Garrett County Planning Commission Annual Report

---

## GARRETT COUNTY DEPARTMENT OF PLANNING AND LAND DEVELOPMENT

Planning, Zoning & Licensing Division

203 S. Fourth St. - Room 210

Oakland, Maryland 21550

301-334-1920 • FAX 301-334-5023

E-mail: [planninglanddevelopment@garrettcountry.org](mailto:planninglanddevelopment@garrettcountry.org)

June 12, 2012

Board of Garrett County Commissioners  
Courthouse Annex  
Oakland, MD 21550

Gentlemen:

During their regular meeting on June 6, 2012, members of the Garrett County Planning Commission reviewed certain sections of Senate Bill 236, "Sustainable Growth and Agricultural Preservation Act of 2012" that authorize local jurisdictions to amend the definition for a minor subdivision in a local subdivision ordinance. Specifically the Bill provides an opportunity for local governments to amend their ordinances to redefine minor subdivisions to include up to seven (7) new residential lots applicable solely for purposes of the Act. The Bill allows this change in definition as long as the new definition is adopted before December 31, 2012.

In consideration of this opportunity to amend the local ordinance and in consideration that the current ordinance limits the number of new residential lots in a minor subdivision to not more than five (5), the Planning Commission unanimously recommends that the following new definition of "Minor Subdivision" be added to the Garrett County Subdivision Ordinance as one of the multiple definitions already provided in the ordinance:

Section 159.016 (53) SUBDIVISION, MINOR. A proposal involving land which is either:

ADD A NEW SUBSECTION - d. For purposes of implementation of Section 9-206(A)(6) of the Environment Article as amended by the Sustainable Growth and Agricultural Preservation Act of 2012 only, a subdivision which results in a maximum of 7 new residential lots of any permitted size in addition to the one pre-existing parent lot.

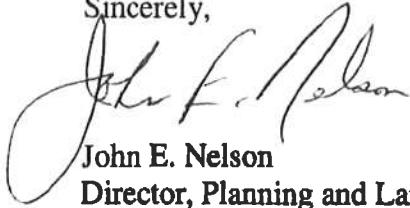
The Planning Commission recommends this modification to the local ordinance in order to facilitate the maximum number of new lots that land owners would be allowed to develop with on-site septic systems under the Bill. The Commission appreciates your consideration of this recommendation and suggests that the Board of Garrett County

## Garrett County Planning Commission Annual Report

---

Commissioners proceed with the public hearing process outlined in Article 66B of the Annotated Code of Maryland for amending the Subdivision Ordinance.

Sincerely,

A handwritten signature in black ink, appearing to read "John E. Nelson". The signature is written in a cursive style with a large initial "J".

**John E. Nelson**  
**Director, Planning and Land Development**

**Cc: Mike Getty**

# Garrett County Planning Commission Annual Report

2012  
THE BOARD OF GARRETT COUNTY COMMISSIONERS  
203 South Fourth Street - Courthouse - Room 207, Oakland, Maryland 21550  
www.garrettcountry.org · countycommissioners@garrettcountry.org  
301-334-8970 301-895-3188 FAX 301-334-5000

Board of Commissioners  
Gregan T. Crawford  
Robert G. Gatto  
James M. Raley

Filed and recorded August 23, 2012.

County Administrator  
R. Lamont Pagenhardt  
County Attorney  
Gorman E. Getty III

## RESOLUTION 2012 - 14

WHEREAS, Article 66B of the Code of Public General Laws of Maryland empowers the County to prepare, enact, amend and provide for the administration and enforcement of a Subdivision Ordinance within its territorial limits; and

WHEREAS, The Garrett County Planning Commission, acting with the advice and assistance of the citizens of the County has caused to be prepared a Garrett County Subdivision Ordinance which the Board of County Commissioners formally adopted on July 1, 1997, and

WHEREAS, said Subdivision Ordinance may be amended from time to time to ensure that the intended standards are relevant to the changing physical and economic environment of Garrett County; and

WHEREAS, The Garrett County Planning Commission has proposed an amendment to the Garrett County Subdivision Ordinance for the purpose of aligning the Ordinance with certain provisions of the Sustainable Growth and Agricultural Preservation Act of 2012 as enacted by the Maryland General Assembly; and

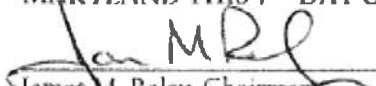
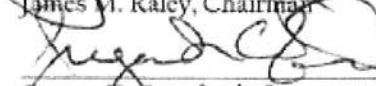
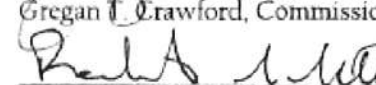
WHEREAS, The Garrett County Planning Commission has recommended that the proposed amendments be adopted by the Board of County Commissioners; and

WHEREAS, Said Ordinance amendment has been subject to public review and to public hearings pursuant to Article 66B.

NOW, THEREFORE, BE IT RESOLVED, that the Board of County Commissioners of Garrett County does hereby enact the Text Amendment to the Garrett County Subdivision Ordinance as set forth on Exhibit A of this Resolution. Said Amendment was duly adopted by a unanimous vote of the Board of County Commissioners of Garrett County, Maryland this 7<sup>th</sup> day of August 2012.

BE IT FURTHER RESOLVED that the Garrett County Planning Commission shall cause said amendment to be filed with the Clerk of the Circuit Court of Garrett County.

DULY ADOPTED BY UNANIMOUS VOTE OF THE BOARD OF  
COUNTY COMMISSIONERS OF GARRETT COUNTY  
MARYLAND THIS 7<sup>TH</sup> DAY OF AUGUST 2012.

  
James M. Raley, Chairman  
  
Gregan T. Crawford, Commissioner  
  
Robert G. Gatto, Commissioner

# Garrett County Planning Commission Annual Report

2012 07 10 10:31

I certify that the foregoing resolution was duly passed and adopted by the Board of County Commissioners at a regular meeting held August 7, 2012; I further certify this reproduction is an accurate facsimile of said resolution; and I further certify I am the County Administrator for the said County Commissioners charged with the responsibility of keeping and recording all minutes, records and acts of the said County Commissioners; and I further certify James M. Haley, Gregan T. Crawford, and Robert G. Gatto to be the appropriate officials to sign the said resolution.

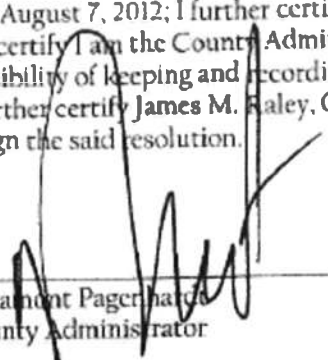
  
R. Laurent Pagenhardt  
County Administrator

EXHIBIT A

2012 07 10 10:31

## Amendment to Garrett County Subdivision Ordinance Adopted August 7, 2012

1. Amend the definition of "Minor Subdivision" to add a new category explicitly for the purpose of implementing the Sustainable Growth and Agricultural Preservation Act of 2012 as follows:

Section 159.016 (53) SUBDIVISION, MINOR. A Proposal involving land which is either:

ADD A NEW SECTION – d. For purposes of implementation of Section 9-206(A) (6) of the Environment Article as amended by the Sustainable Growth and Agricultural Preservation Act of 2012 only, a subdivision which results in a maximum of 7 new residential lots of any permitted size in addition to the one pre-existing parent lot.

# APPENDIX C

# Garrett County Planning Commission Annual Report

---

## POTENTIAL AMENDMENTS TO THE DEEP CREEK WATERSHED ZONING ORDINANCE FOR CONSIDERATION BY THE PLANNING COMMISSION:

1) Amend Section 157.189 by replacing the existing Section with the following new Text:

### **§ 157.189 FACTORS TO BE CONSIDERED BY COUNTY COMMISSIONERS.**

- A. Zoning regulations, restrictions, and boundaries may periodically be amended or repealed.
- B. Where the purpose and effect of the proposed amendment is to change the zoning classification, the County Commissioners shall make findings of fact that include the following matters:
  - (1) The report and recommendations of the Planning Commission;
  - (2) Population change in the area to be affected by the proposed change;
  - (3) Availability of public facilities such as police and fire protection, and water and sewerage to serve the area;
  - (4) Present and future transportation patterns in the area;
  - (5) Compatibility with existing and proposed development of the area;
  - (6) The relationship of the proposed change to the adopted Comprehensive Plan for the County; and
  - (7) Whether there has been a convincing demonstration that the proposed rezoning would be appropriated and logical for the subject property.

2) Amend Section 157.190.A by replacing the existing Section with the following new Text:

### **§ 157.190 ACTION BY THE COUNTY COMMISSIONERS ON AMENDMENT.**

- A. The County Commissioners may enact any proposed text amendment, modification or repeal by a majority vote of the Board. The County Commissioners may grant an amendment to change a zoning classification based upon a finding that there was a substantial change in the character of the neighborhood where the property is located or that there was a mistake in the existing zoning classification. A complete record of the hearing and the votes of all members of the Board shall be kept.

3) Amend Section 157.041E.2 in the Table of Dimensional Requirements by replacing the existing Section with the new Text detailed in the Table below:

4) Amend Section 157.041E.3 in the Table of Dimensional Requirements by replacing the existing Section with the new Text detailed in the Table below:

# Garrett County Planning Commission Annual Report

**TABLE OF DIMENSIONAL REQUIREMENTS**

**157.041E**

	Zoning District	Minimum Total Lot or Land Area Per Use	Minimum Average Lot Area Per Dwelling Unit	Minimum Lot Width (feet)	Minimum Yard Width		
					Front	Side	Rear
2. Other commercial uses pursuant to § 157.024.	TC & C	10,000	—	—	10	—	35
	Any Other District	20,000	—	100	20	15	35
3. Retail uses, service businesses and commercial recreational uses that are situated in shopping centers having a minimum land area of 1 acre. Only those retail, service and commercial recreational uses specified under this Article as requiring a minimum land area of 10,000 sq. ft. In the TC and C Zoning Districts, are subject to the reduced minimum land area per use afforded by this Section.	TC & C	6,000	—		10	—	25

# Garrett County Planning Commission Annual Report

---

## GARRETT COUNTY DEPARTMENT OF PLANNING AND LAND DEVELOPMENT

Planning, Zoning & Licensing Division  
203 S. Fourth St. - Room 210  
Oakland, Maryland 21550  
301-334-1920 • FAX 301-334-5023  
E-mail: [planninglanddevelopment@garrettcountry.org](mailto:planninglanddevelopment@garrettcountry.org)

December 6, 2012

Board of Garrett County Commissioners  
Courthouse Annex  
Oakland, MD 21550

Gentlemen:

During their regular meeting on December 5, 2012, members of the Garrett County Planning Commission discussed the need to amend the Deep Creek Watershed Zoning Ordinance with respect to certain provisions relating to the ordinance amendment process. The Planning Commission believes a discrepancy exists between the zoning ordinance and the provisions outlined in Title 4 of the Land Use Article (formerly Article 66B). Specifically, the Planning Commission found that a conflict exists between the provisions outlined in Sections 157.189 and 157.190 of the zoning ordinance and the authority granted under subsection 4-204 of the Land Use Article (formerly subsection 4.05 of Article 66B).

Under the current provisions of Sections 157.189 and 157.190 of the Deep Creek Watershed Zoning Ordinance, the Board of County Commissioners is compelled to make a findings of fact with respect to certain planning matters before enacting any amendment, modification, repeal or reclassification. However, subsection 4-204 of the Land Use Article specifies that a findings of fact on certain planning matters is required only when a proposed change in a zoning classification is contemplated. This conflict between the ordinance and State statute was discovered during the current litigation involving the zoning text amendment for the boat rental service business approved earlier this year. The Planning Commission has concluded that the discrepancy should be rectified.

Therefore, on a motion made and passed unanimously, members of the Garrett County Planning Commission recommended that Section 157.189 and Section 157.190.A be amended as follows:

1) Amend Section 157.189 by replacing the existing Section with the following new Text:

**§ 157.189 FACTORS TO BE CONSIDERED BY COUNTY COMMISSIONERS.**

- A. Zoning regulations, restrictions, and boundaries may periodically be amended or repealed.
- B. Where the purpose and effect of the proposed amendment is to change the zoning classification, the County Commissioners shall make findings of fact that include the following matters:



# Garrett County Planning Commission Annual Report

---

- (1) The report and recommendations of the Planning Commission;
- (2) Population change in the area to be affected by the proposed change;
- (3) Availability of public facilities such as police and fire protection, and water and sewerage to serve the area;
- (4) Present and future transportation patterns in the area;
- (5) Compatibility with existing and proposed development of the area;
- (6) The relationship of the proposed change to the adopted Comprehensive Plan for the County; and
- (7) Whether there has been a convincing demonstration that the proposed rezoning would be appropriated and logical for the subject property.

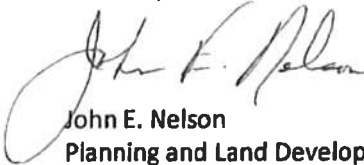
2) Amend Section 157.190.A by replacing the existing Section with the following new Text:

**§ 157.190 ACTION BY THE COUNTY COMMISSIONERS ON AMENDMENT.**

- A. The County Commissioners may enact any proposed text amendment, modification or repeal by a majority vote of the Board. The County Commissioners may grant an amendment to change a zoning classification based upon a finding that there was a substantial change in the character of the neighborhood where the property is located or that there was a mistake in the existing zoning classification. A complete record of the hearing and the votes of all members of the Board shall be kept.

The Planning Commission appreciates the Board's consideration of this recommendation and looks forward to a public hearing being scheduled for receiving comments.

Sincerely,



John E. Nelson  
Planning and Land Development Director

cc: Planning Commission Members

