

# Garrett County Planning Commission 2014 Annual Report



*This Report summarizes the actions and efforts of the Garrett County Planning Commission for calendar year 2014. 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, 2015

# Garrett County Planning Commission Annual Report

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## **Garrett County Planning Commission Report of Annual Actions for Calendar Year 2014**

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  
Tony Doerr, Vice Chairman  
Jeff Messenger-Secretary  
George E. Brady (term expired January 2014)  
Richard Schiff (appointed February 2014)  
Tim Schwinabart  
Jeff Conner  
Robert Gatto- Ex Officio  
Bill Weissgerber-Alternate  
Bruce Swift-Alternate

### Garrett County Office of Planning and Land Management

John Nelson, Director (retired January 31, 2014)  
Deborah Carpenter, Assistant Director (appointed January 31, 2014)

Planning Staff  
Bill DeVore, Chad Fike, J.B. Churchill

Permits and Inspection Staff  
Jim Torrington, Mary DiSimone

# Garrett County Planning Commission Annual Report

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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. An amendment to the Subdivision Ordinance was adopted in February 2014 and an amendment to the Deep Creek Watershed Zoning Ordinance was adopted in October 2014. Additional information about these amendments can be found in the following Meeting Summary and in the "Changes to Plans, Policies & Ordinances" section.

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

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## 2014 PLANNING COMMISSION MEETING SUMMARY

### **January Summary**

County Commissioner Bob Gatto presented Planning Commission member George Brady with a Certificate of Commendation from the County and the Board of County Commissioners for appreciation of Mr. Brady's 43 years of service to the Planning Commission. Mr. Brady, whose term expires in February 2014, was a charter member of the Planning Commission. Chairman Ellington also announced that this would be John Nelson's last meeting as the Director of the Department of Planning and Land Development due to his impending retirement at the end of the month. Chairman Ellington thanked Mr. Nelson for his 37 years of service to both Garrett County and the Planning Commission.

During their December 2013 meeting, the Planning Commission reviewed a proposed amendment to the Deep Creek Watershed Zoning Ordinance to allow Industrial Wind Energy Conversion Systems in the Rural Resource (RR) Zoning District. The proposal from Messenger Limited Partnership, LLLP stated that the use would be permitted only in the RR zone, would have to be less than 200 feet high and would have to be located at least 20,000 feet from the high water mark of Deep Creek Lake. Other proposed conditions included setbacks from residences and property lines. After several comments and considerable discussion, the Board unanimously approved a motion to conduct a public hearing on the amendment request at their February meeting.

The Planning Commission continued discussing the proposed amendment during the January meeting. Due to unanswered questions concerning the proposal, some members of the Commission believed that it would be best to delay the planned public hearing to allow the applicant more time to assemble information concerning sound, wildlife impacts and the appearance of the proposed turbines. There were also questions regarding the Public Service Commission (PSC) requirements for an application for the turbines. The Planning Commission requested aesthetic views from different perspectives around the area to be submitted for the hearing. After discussion, the Board approved a motion to postpone the public hearing tentatively scheduled for February and to reschedule the hearing for the March 5, 2014 meeting of the Planning Commission.

### **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.

Jeff Messenger was reelected Secretary by a unanimous vote of 6 to 0.

### **Assorted Actions – January**

1. Deep Creek Watershed Zoning Appeals Cases
  - a. Variances (Two): The Planning Commission made no comment on one case and supported a variance to allow the continuation of a nonconforming use (restaurant) beyond the two-year timeframe prescribed in the Zoning Ordinance.
  - b. Special Exceptions: (One) The Planning Commission made no comment
2. Subdivision Waiver Requests: The Planning Commission approved a waiver from the 1-acre minimum lot size for a 0.72 acre lot around an existing house.

# Garrett County Planning Commission Annual Report

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3. Surface Mining Permits: None
4. Discharge Permit Applications: None
5. Minor Subdivisions: Copies of plats approved during the previous month were provided to the Planning Commission.
6. Action on Planned Residential Developments (PRD) Plats: Final Approval of Brenneman Family Limited Partnership plat. The parcels depicted on the plat are not proposed for development at this time. Instead, the plat is intended to transfer ownership within the Wisp Resort PRD and begin the transfer of Brenneman Family Limited Partnership ownership of the Wisp Resort.
7. Action on Major Subdivision Plats: None

PRD's & Major Subdivisions - January		
	Preliminary	Final
Number of Lots	0	0
Total plats	1	

## **February Summary**

Richard Schiff was recognized as a new member of the Planning Commission, replacing George Brady.

Assistant Director Deborah Carpenter provided an update on the Deep Creek Watershed Management Plan (DCWMP). The DCWMP Steering Committee is a citizen based task force appointed by DNR and the County and tasked with creating a Deep Creek Watershed Management Plan by July 2014. An independent facilitator has been hired and staff from DNR and the County have been designated to serve as support, with Carpenter serving as designated County staff support. Four subcommittees were also formed to investigate specific issues including impacts of growth, lake levels, water quality and accountability. The subcommittees are to submit goals, objectives and strategies to the Steering Committee each month. Carpenter is working with the Impacts of Growth Subcommittee to explore topics regarding land use, stormwater, septic issues, public sewerage and recreation.

The Planning Commission also discussed the petition from Messenger Limited Partnership, LLLP to amend the Deep Creek Watershed Zoning Ordinance to permit certain wind turbines in the Rural Resource zone. Jeff Messenger, Planning Commission member and member of Messenger Limited Partnership, LLLP, stated that he would notify the Planning Office whether the LLLP intended to proceed with the request for the amendment. Mr. Messenger later withdrew the application for the amendment and the public hearing intended to be held during the March Planning Commission meeting was cancelled.

After the retirement of Planning Director John Nelson, the Department of Planning and Land Development was restructured as the Office of Planning and Land Management, being part of the new Department of Community Planning and Development along with the Office of Economic Development and Office of Permits and Inspection Services. Deborah Carpenter was appointed Assistant Director of the Office Planning & Land Management. The position of Planning Director was eliminated, causing conflict with wording in the Subdivision Ordinance

# Garrett County Planning Commission Annual Report

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that assigns numerous responsibilities and duties specifically to the Planning Director. Staff recommended that the definition of Planning Director in Section 159.016(36) of the Ordinance be amended by adding additional italicized text as follows: Section 159.016(36) PLANNING DIRECTOR. The Director of the Garrett County Department of Planning and Land Development *or the equivalent position in any successor agency, responsible for administration of this Ordinance.* The Planning Commission voted to agree with this recommendation to amend the Subdivision Ordinance and suggested that the Board of Garrett County Commissioners proceed with the public hearing process for the amendment as outlined in the Land Use Article of the Annotated Code of Maryland. A copy of the adopted amendment can be found in Appendix A.

Commissioner Gatto distributed a handout on Sustainable Communities concerning populations and other general information about Garrett County. The Commissioner is working with Duane Yoder concerning funding opportunities and met with Congressman Delaney concerning federal funding opportunities that may be available for the County.

## **Assorted Actions – February**

1. Deep Creek Watershed Zoning Appeals Cases:
  - a. Variances: (One) The Planning Commission made no comment
  - b. Special Exceptions: (One) The Planning Commission made no comment
2. Subdivision Waiver Requests: None
3. Surface Mining Permits: The Planning Commission made no comment on an application from Moran Coal Company for a 41-acre surface mine near Bloomington
4. Discharge Permit Applications: None.
5. Minor Subdivisions: Copies of plats approved 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 and Final Approval of Grant County Bank Commercial Lot 8

PRD's & Major Subdivisions - February		
	Preliminary	Final
Number of Lots	1	1
Total plats	1	

## **March Summary**

During their July 2013 meeting, the Planning Commission reviewed a petition submitted by William Meagher to make amendments to the Deep Creek Zoning Ordinance pertaining to boat rentals as a separate service business. The Commission voted to recommend approval with certain modifications. William Meagher then presented the request to the County Commissioners at their February 18, 2014 meeting but a motion to approve the amendment was not seconded. The County Commissioners then made a motion to send the matter back to the Planning Commission for consideration and review of context for potential use as a special exception. County Commissioner Crawford and Chairman Gatto issued the following position statement: *Deep Creek Lake is a recreational area and given its nature it is subject to competing demands. The public has expressed concern that there has not been sufficient public discussion*

# Garrett County Planning Commission Annual Report

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*and consideration of issues relating to recreational uses and the Board is simply responding to that concern and are asking the Planning Commission for their input, nothing more. Executive action by the Board signified by the vote by Commissioner Crawford and Chairman Gatto documented that the Board of County Commissioners are not planning professionals and they have simply asked for the Planning Commission to examine the concept. The Commissioners have not asked for, taken nor have they proposed any change to the Zoning Ordinance nor does this specifically apply to or is related to the Petitions submitted by William Meagher.*

Assistant Director Carpenter explained that the Commissioners are apparently not asking for any action at this time, but are requesting the Planning Commission consider whether additional special exception recreational uses would allow more public input and discussion. Carpenter suggested that a broader use of the special exception use is not the optimal way to address these issues. Carpenter feels that increased public notification and input for text amendments is better served by examining the existing processes and not by a comprehensive review of the Deep Creek Watershed Zoning Ordinance that was just thoroughly reviewed in 2010.

Carpenter explained that in 2012 the Commissioners instituted a change in processes that entailed notification of any public hearings regarding requested Zoning Ordinance amendments to the Property Owners Association, Deep Creek Management Office, Maryland Department of the Environment, Chamber of Commerce and to the Friends of Deep Creek Lake. The Assistant Director believes that a review of processes to add additional means by which the public can participate can be done over the next few months at the Planning Commission's request or can be tabled until the next comprehensive planning cycle. After lengthy discussion, the Planning Commission approved a motion to table the issue until the associated ethics complaint filed by Carol Jacobs against County Commissioner Gatto is resolved and until it is known when the Comprehensive Plan and Zoning Ordinance will be required to be updated.

During the discussion it was suggested that the Commission also look at the role of the ex officio member of the Commission in regards to breaking important tie votes. Chairman Ellington recalled that the Commission had previously requested that the ex officio member of the Board be a non-voting member, but the request was deemed to be improper by the county attorney. The chairman suggests that staff further investigate this issue.

## **Assorted Actions – March**

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 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 and Final Approval of Grant County Bank Commercial Revised Lot 8 (revision only, no new lots)

# Garrett County Planning Commission Annual Report

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PRD's & Major Subdivisions - February		
	Preliminary	Final
Number of Lots	0	0
Total plats	1	

## April Summary

The Planning Commission discussed a special exception application (SE-434) submitted by Adrian Spiker II, for a commercial recreational trail area. The applicant proposes to develop off-road trails for motorized and non-motorized activities including biking, hiking, cross country skiing and other off-road vehicle use on a 246-acre tract located off of Shingle Camp Road in a Lake Residential 1 district. Several neighboring landowners voiced concerns about ambient noise, wildlife impacts, dust, fumes and other related issues and questioned whether such a commercial use is appropriate in a residential area. After lengthy discussion, the Planning Commission approved a motion stating that the Zoning Board of Appeals should require adequate constraints to mitigate the concerns conveyed by the numerous letters of opposition if the special exception is approved.

During their March meeting the Planning Commission discussed special exceptions related to recreation uses and approved a motion to postpone or table the issue until an ethics complaint filed by Carol Jacobs against County Commissioner Gatto was resolved and until it became known when the Comprehensive Plan and Zoning Ordinance would be updated. Assistant Director Deborah Carpenter informed the Commission that the existing 2008 Comprehensive Plan is required to be updated by 2018. She is planning to apply for funding next year with a consultant beginning to develop the Plan in 2016 and a completed Plan scheduled for adoption in 2018. After adoption of the updated Plan, existing Ordinances would be amended as necessary to reflect changes in the Plan. Carpenter explained that the ethics violation complaint submitted by Ms. Jacobs has been dismissed and recommended that the discussion of the special exception issue should be done within the context of the forthcoming Plan update. The Commission agreed that there was no pressing need to begin the review of the Comprehensive Plan at this time and a motion was made to begin the process next year.

During the March meeting, staff was asked to investigate the role of the ex officio member of the Planning Commission due to concerns about the lack of a full seven-member Commission when County Commissioner Gatto, the current ex officio member, recuses himself from voting on issues that he must vote on again as County Commissioner. Carpenter researched a previous letter from County Attorney Mike Getty indicating that the ex officio member is considered one of the seven members of the Planning Commission in addition to an alternate member and a member who can sit-in for the alternate member. Carpenter noted the possibility to amend the by-laws to allow for two alternates. The Commission decided to not change the makeup of the Planning Commission at this time.

Carpenter discussed a letter from Lindsley Williams suggesting that the Planning Office delay all special exceptions for an additional month in order to better notify the public of a pending request. In response to this letter, Planning Office staff proposed a strict policy that all special exception applications must be made and determined to be complete at least ten days before the



# Garrett County Planning Commission Annual Report

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meeting of the Planning Commission in order to provide time for staff and Commission review. Applications for variances could still be submitted up until the date of the advertising deadline as long as the application is deemed complete and available for comment at the regular Planning Commission meeting. Zoning amendments proposed by the general public would also have to be submitted at least ten days in advance of the Planning Commission meeting to allow for notification of DNR, MDE, Deep Creek Property Owners Association, Chamber of Commerce and the Friends of Deep Creek Lake. The ten day time period would allow time for staff review and circulation of the amendment request in the packets that are mailed to Commission members. Carpenter believes that this new policy meets the requirements of the Zoning Ordinance and will satisfy the request by Mr. Williams to slow down the process and allow for more public review and input. The Planning Commission approved the enactment of the policy.

## **Assorted Actions – April**

1. Deep Creek Watershed Zoning Appeals Cases:
  - a. Variances (Two): The Planning Commission supported requests for side and rear yard variances
  - b. Special Exception (One) See detailed summary above
2. Subdivision Waiver Requests: None
3. Mining Permits: None
4. Discharge Permit Applications: None
5. Minor Subdivisions: Copies of plats approved 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 and Final Approval of Grant County Bank Commercial Lot 9

PRD's & Major Subdivisions - April		
	Preliminary	Final
Number of Lots	1	1
Total plats	1	

## **May Summary**

Jerry Geisler of the Wisp Resort presented a plan for a proposed 6,400 sq. ft. wedding tent. Chad Fike of the Planning Office explained that the Deep Creek Watershed Zoning Ordinance requires that modifications to a commercial resort must be reviewed and approved by the Planning Commission before approval of any new zoning permits. After review of the proposal, the Planning Commission determined that the plans were in conformance with the Commercial Resort standards found in Section 157.069 C of the Zoning Ordinance. The proposed development was found to be consistent with the character of the existing Wisp Resort and no negative impacts were discovered. The Commission voted unanimously to accept the wedding tent conceptual plan and allow the Wisp Resort to proceed with their application for a zoning permit.

Assistant Director Deborah Carpenter presented a draft of the Garrett County Planning Commission 2013 Annual Report. The report shows that the number of subdivisions increased

## Garrett County Planning Commission Annual Report

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slightly from 2012 while the percent of subdivisions located within Priority Funding Areas (PFAs) was about the same. Building permits decreased from 147 in 2012 to 78 in 2013. Permits inside PFAs were down from 11.1% to 9.8%. As per the requirements of HB409, a narrative was added detailing progress achieving recommendations found in the 2008 Comprehensive Plan. Carpenter noted that the office worked with MDP to develop a new capacity analysis showing that potential development capacity outside of PFAs decreased from 95,609 to 42,149 units, a 56% drop. Carpenter believes that the Septic Bill has had a major long term impact on County growth due to the amount of the County located in the Tier IV land classification. In previous Annual Reports the Planning Commission established a local goal that at least 10% of all new development be located within PFAs by the year 2020. The Planning Commission revisits this goal each year and voted unanimously to keep the target at 10%. Carpenter explained that the Planning Office will accept any edits of the document and review the Final Draft at the June 4<sup>th</sup> meeting of the Planning Commission.

In a letter to Chairman Ellington, Greg Skidmore of Skidmore, Alderson and Duncan asserted that the chairman spoke incorrectly by stating that a recent special exception application (SE-434 submitted by Adrian Spiker II) for a commercial recreational trail area would be “difficult to disapprove outright, based on the Schultz vs. Pritts court case”. Mr. Skidmore and County Attorney Gorman Getty were invited to discuss the issue at this meeting. Mr. Getty explained that the Zoning Ordinance defines permitted uses, prohibited uses and certain uses in the special exception category that require review by the Planning Commission and approval by the Deep Creek Watershed Board of Zoning Appeals. Mr. Getty notes that the courts recognize special exceptions as a middle ground between prohibited and permitted uses where certain uses may be permitted subject to certain conditions. Mr. Getty believes that the Schultz vs. Pritts case is the standard for how the Board of Appeals, and ultimately the courts, evaluate whether the Board has appropriately exercised their discretion in deciding a special exception case. The use being applied for at a particular location should not have any adverse consequences separate and apart from the type of problems that it may create elsewhere in that zoning district. After the Schultz vs. Pritts case, the courts have ruled that the local jurisdiction, or in this case the Board of County Commissioners, has the ability to develop another set of standards pertaining to these uses and better define the conditions for special exception approval.

Mr. Getty suggests that the Planning Office and Planning Commission should research and develop other definitive standards for special exceptions to help clarify this issue. The attorney believes that new standards could result in fewer applications to the Board and produce a better defined criteria that could be more difficult to challenge in court. Mr. Getty respectfully disagrees with Mr. Skidmore’s conclusion regarding the Chairman’s statement during the Planning Commission’s review of SE-434. Mr. Getty believes that the assignment of a “catch all” category such as “other recreational uses” is widely used throughout the State and is needed in order to accommodate unanticipated activities. In regards to recreation, it would be a mistake to become so specific on types of recreational activity that unforeseen uses are excluded. Mr. Getty is not aware of any analysis concluding that Schultz vs. Pritts would not apply in the case of a broad “catch all” category such as the “other recreational use” category that applied to SE-434.

# Garrett County Planning Commission Annual Report

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Mr. Skidmore generally agrees with Mr. Getty's explanation of Special Exceptions, but after researching relevant cases and considering Mr. Spiker's specific request, he believes that the legislative body did not consider the negative impacts of such a use in the zoning district. Mr. Skidmore believes the Schultz vs. Pritts case law does not apply when there is no specific designation for the use, as in the case of SE-434. Mr. Skidmore notes that the Ordinance does permit certain uses, but believes it is important to consider that the Ordinance specifically prohibits the sale and rental of recreational vehicles in this zoning district.

Chairman Ellington and the County Attorney believe that staff should research and take advantage of concepts that have been developed in other jurisdictions and model any new recommendations on ordinances with successful improvements to the special exception concept. Discussion ensued regarding new criteria that could change the burden for the applicant from a negative criteria where the use does not have any adverse consequences separate and apart from the type of problems that it may create elsewhere, to positive criteria requiring the applicant to show that the use would be constructive for the neighborhood.

## **Assorted Actions – May**

1. Deep Creek Watershed Zoning Appeals Cases:
  - a. Variances (Two): The Planning Commission made no comments
  - b. Special Exception (One- Withdrawn)
2. Subdivision Waiver Requests: (Two): In a two-part waiver, the Planning Commission approved a waiver from road standards but denied a waiver from road maintenance requirements. A separate waiver from the minimum lot size was approved.
3. Surface Mining Permits: None
4. Discharge Permit Applications: None
5. Minor Subdivisions: Copies of plats approved during the previous month were provided to the Planning Commission.
6. Action on Planned Residential Developments (PRD) Plats: Final Approval of Wisp Resort Phase 11B and C, Lago Vista (formerly Sandy Shores Estates)
7. Action on Major Subdivision Plats: None.

PRD's & Major Subdivisions - May		
	Preliminary	Final
Number of Lots	0	27
Total plats	1	

## **June Summary**

Chairman Ellington noted that some minor additions were made to the draft of the 2013 Planning Commission Annual Report. Assistant Director Deborah Carpenter presented a final draft of the Report showing new capacity figures regarding the impact of the Sustainable Growth and Agricultural Preservation Act of 2012. Mrs. Carpenter stated that the report must be submitted to the Maryland Department of Planning by July 1. The Commission voted unanimously to approve the Final Draft of the 2013 Annual Report.

# Garrett County Planning Commission Annual Report

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## Assorted Actions – June

1. Deep Creek Watershed Zoning Appeals Cases:
  - a. Variances: (Three) The Planning Commission supported a request for a variance from a side setback, offered no comments on a variance from a rear setback and recommended that the Board of Appeals give special consideration to any comments from neighborhood residents pertaining to a variance to exceed the maximum height for a residence.
  - b. Special Exceptions: None
  - c. Interpretations: (One) The Planning Commission supported the Zoning Administrator’s interpretation of building height requirements.
2. Subdivision Waiver Requests: None
3. Surface Mining Permits: None
4. Discharge Permit Applications: None
5. Agricultural Land Preservation District Applications: (Two) The Planning Commission approved a 131.21 acre district for Daniel Ganoe along Pocahontas Road and a 50-acre district for Charles Gosnell off of Pysell Road.
6. Minor Subdivisions: Copies of plats approved during the previous month were provided to the Planning Commission.
7. Action on Planned Residential Developments (PRD) Plats: The Planning Commission originally approved the Ridgeview Valley PRD tentative plan on December 7, 2005. The developers proposed to revise the tentative plan in order to transfer 101.76 acres of land to an adjacent property owner. This transfer would reduce the overall acreage of the PRD from 307.88 acres to 206.12 acres and result in a decrease in the permitted maximum density from 327 to 219 dwelling units. The Planning Commission voted unanimously to grant the revision to the tentative plan.
8. Action on Major Subdivision Plats: None

PRD’s & Major Subdivisions - June		
	Preliminary	Final
Number of Lots	0	0
Total plats	0	

## July Summary

The Planning Commission discussed a June 1, 2014, letter from Gary Callen, President of the Thousand Acres Association indicating that the Association had recently acquired ownership of several roads in the Thousand Acres development and now requested the return of a letter of credit associated with repairs to those roads. Although the roads had already transferred to the Association, a waiver was necessary since certain sections of the roads were not properly inspected and did not conform to Subdivision Ordinance road design standards. Chad Fike of the Planning Office indicated that certain sections of road were tar and chipped without being inspected, making it difficult to prove that the road was constructed on an adequate stone base. The Commission questioned how the waiver would benefit the homeowners group but noted that the road had been paved for over seven years and the homeowners group had proposed the waiver. After discussion, the Planning Commission approved a motion to accept the waiver and allow the return of the letter of credit contingent on the submission of Thousand Acres

# Garrett County Planning Commission Annual Report

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homeowner’s group minutes showing that the membership had approved the takeover of the roads.

The Deep Creek Watershed Zoning Ordinance requires the Zoning Administrator to request the recommendation of the Planning Commission on the design of non-residential structures that use metal siding and are visible from a public road. Zoning Administrator William DeVore presented information regarding two such uses: a proposed Dollar General store located along Garrett Highway and the proposed Silvertree Marine marina maintenance building located along Deep Creek Drive. After review, the Commission noted that both buildings appeared to meet the design standards of the Zoning Ordinance but made no formal comments on the applications.

**Assorted Actions – July**

1. Deep Creek Watershed Zoning Appeals Cases:
  - a. Variances: (Three) The Planning Commission recommended the Board of Appeals give special consideration to any comments from residents in the neighborhood regarding both a rear yard setback variance and a front yard setback variance. The Commission offered no comments on another rear yard setback variance.
  - b. Special Exceptions: None
2. Subdivision Waiver Requests: Thousand Acres -see discussion above
3. Surface Mining Permits: None
4. Discharge Permit Applications: None
5. Minor Subdivisions: Copies of plats approved 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 Keyser’s Ridge Industrial Park Lot 3 (Exelon Wind)

PRD’s & Major Subdivisions - July		
	Preliminary	Final
Number of Lots	1	1
Total plats	1	

**August Summary**

Assistant Director Deborah Carpenter announced that the Deep Creek Watershed Management Plan Steering Committee would conduct a public meeting on Saturday, August 9<sup>th</sup>, at the Gallatin Yurt at Wisp Resort. The purpose of the meeting was to gather public comment on the draft Deep Creek Watershed Management Plan.

An application was submitted by Bill’s Marine Service, Inc. et al, for an Interpretive hearing (Intp-22) regarding the issuance of a zoning permit to Bill Meagher of Lakeside Commercial Properties that established a marina on his property at 20294 Garrett Highway. The appellant believes that the basis for issuance of the permit was incorrect and/or illegal for various reasons. Zoning Administrator William DeVore explained that the zoning permit was issued on June 13, 2014 in light of the fact that the proposed use met the marina definition & applicable

# Garrett County Planning Commission Annual Report

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requirements including having a minimum acreage of 2 acres and complying with parking standards.

Attorney Greg Skidmore, representing the marina owners opposed to the permit, explained that the marina use at this location has been the subject of past Board of Appeals hearings and zoning amendments and believes that the permit issued in June of 2014 is the same in substance as the permit issued two years ago that was not upheld by the courts. He believes that the addition of a marina into the existing shopping center located on the property has affected the grandfathered nonconforming status of the parcel. He also expressed concern about the lack of public input. The attorney expressed his gratitude for the opportunity to be heard but indicated he would make his complete legal argument to the Board of Zoning Appeals on August 21.

John Coyle, attorney for Mr. Meagher, presented a response concerning the issues raised by Mr. Skidmore. Mr. Coyle believes staff has properly interpreted the Ordinance and that the new marina will benefit the general public. Mr. Coyle pointed out that the use meets parking requirements, in contrast to some existing marinas that have inadequate parking. The attorney noted that there is enough acreage to qualify as a marina and the fact that this acreage is bisected by a road is not an issue, pointing out that several other marinas are also bisected by roads. Mr. Coyle also clarified that while the existing shopping center is grandfathered because of size, the use itself is not nonconforming. Mr. Coyle believes the continuing opposition to this marina is driven by the other marinas not wanting further competition.

After discussion, the Planning Commission believes that the application meets the Zoning Ordinance permit requirements but they also feel that legal questions have been raised that should be decided by the Board of Zoning Appeals at their regular meeting on August 21.

Assistant Director Deborah Carpenter presented the Transportation Priority List for the MDOT Secretary's 2014 Annual Tour. The Planning Commission reviewed the list and made comments. *Planning Priority #1- Truck Corridor Feasibility Study-* The County plans to ask the State Highway Administration (SHA) to do a traffic study to determine the amount of truck traffic passing through downtown Oakland and determine the amount of traffic on Sand Flat Road and MD Route 495. Since the Commission believes that neither of these roads are safe for significant amounts of truck traffic, they requested that SHA consider safety upgrades if it is determined that these routes are being used to divert truck traffic from downtown Oakland.

*Traffic Flow Enhancement Priority #1- Signal Warrant Project Quarry Road & US 219-Trail and Pedestrian Priorities #2 - Evaluate Pedestrian Crossings, a). UNO's, b). Traders Landing –* Since the existing light at US 219/Glendale Road has timing issues causing traffic backups, the Commission felt that another nearby traffic light at Quarry Road could intensify the problem. Instead, the Commission believes that SHA should investigate creative options for the existing pedestrian crosswalk such as a regular timing mechanism to alleviate issues with pedestrian crossings causing traffic congestion. The Commission also suggested grinding rumble-strip type grooves into the road to alert motorists to slow down. A center dividing lane, and strobe lights were also discussed.

*Traffic Flow Enhancement Priority #2 - Traffic Sensors-* The Planning Commission noted that traffic sensors could help regulate traffic flow at the light at US 219/Glendale Road and the light at US 219/Mosser Road.

# Garrett County Planning Commission Annual Report

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*Trail and Pedestrian Priority #1- Pedestrian Crossing at US 219 & Mosser Road-* The Commission fully supported this priority but indicated there is also a need for a turning lane or signal for southbound traffic turning east onto Mosser Road. Additionally, the turning lane for turning west is being used as a passing lane and creating confusion and dangerous situations. Appropriate signage, signals, painted directional arrows or a means for dividing the two lanes were discussed as possible solutions. As a separate issue, the Planning Commission suggests that the County ask SHA to consider the use of their right-of-way across from the Chamber of Commerce near the intersection of US 219 and Sang Run Road for event signage.

## **Assorted Actions – August**

1. Deep Creek Watershed Zoning Appeals Cases:
  - a. Variances: (Two) The Planning Commission recommended the Board of Appeals give special consideration to any comments from residents in the neighborhood concerning a side yard variance and offered no comments on a rear yard variance
  - b. Special Exceptions: None
  - c. Interpretations: (One) See discussion above
2. Subdivision Waiver Requests: None
3. Surface Mining Permits: None
4. Discharge Permit Applications: None
5. Minor Subdivisions: Copies of plats approved during the previous month were provided to the Planning Commission.
6. Action on Planned Residential Developments (PRD) Plats: Final Approval of Wisp Resort Phase 7, Lodestone Subdivision, Biltmore Section 1
7. Action on Major Subdivision Plats: None

PRD's & Major Subdivisions - July		
	Preliminary	Final
Number of Lots	0	37
Total plats	1	

## **September Summary**

Assistant Director Deborah Carpenter announced that the Deep Creek Watershed Management Plan Steering Committee would meet on Monday, September 8<sup>th</sup>, to review the public comments that have been received about the Plan.

Chairman Ellington explained that the Commission would consider a recent letter from the Deep Creek Watershed Board of Zoning Appeals requesting that three specific amendments to the Deep Creek Watershed Zoning Ordinance be considered by the Planning Commission. Chairman Ellington explained that the task of the Commission was to decide whether these proposed amendments were needed and, if so, refer them to the County Commissioners.

Regarding the first proposed amendment, Chairman of the Board of Appeals Robert Browning explained that at a recent interpretation hearing it became evident to the Board that the definition of building height in the Zoning Ordinance should be clarified to be consistent with Planning Office interpretation. Mr. Browning suggested that the need for this amendment was fairly

# Garrett County Planning Commission Annual Report

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urgent since he believes the Planning Office interpretation could be challenged. The first amendment proposed to change the definition of building height in Section 157.007(13) of the Ordinance to read “A building’s vertical measurement from the mean level of the ground abutting the building to a point midway between the highest and lowest points of the *[highest]* roof over any part of the building...”. After discussion, the Planning Commission proposed to amend this section of the Ordinance and transmit this proposal to the County Commissioners.

Members also discussed an amendment to Section 157.090(E)5 requiring one parking space for every 100 square feet of area used for servicing customers for retail stores and businesses. The proposal is to amend this requirement to one parking space for every **200** square feet of area used for servicing customers for retail stores and businesses. Zoning Administrator William DeVore explained that the amendment would avoid the unnecessary creation of impervious surface and reduce the number of needless parking spaces. Commission members noted that the change could help businesses by eliminating some excavation and stormwater costs and would be environmentally friendly. After discussion, the Planning Commission proposed to amend this section of the Ordinance and transmit the proposal to the County Commissioners.

The Board also discussed an amendment regarding the scale of plats for Planned Residential Developments (PRD). Section 157.067.M (6) of the Ordinance requires that a PRD final plan be drawn at a scale of one inch equals 50 feet. The Office of Planning and Land Management proposed to amend the section by deleting the words “of 1 inch equals 50 feet” and adding new wording that would read: “The final plan of the PRD, drawn **at a scale suitable for recording**, and showing at least the following data:” Mr. DeVore and Assistant Director Carpenter explained that the scale is too large and creates a discrepancy between the Zoning Ordinance and the Garrett County Subdivision Ordinance. After discussion, the Planning Commission proposed to amend this section of the Ordinance and transmit this proposal to the County Commissioners.

A copy of the adopted amendments can be found in Appendix B

### Assorted Actions – September

1. Deep Creek Watershed Zoning Appeals Cases:
  - a. Variances: (One) The Planning Commission made no comment
2. Subdivision Waiver Requests: None
3. Surface Mining Permits: None
4. Discharge Permit Applications: None
5. Minor Subdivisions: Copies of plats approved 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

PRD's & Major Subdivisions - September		
	Preliminary	Final
Number of Lots	0	0
Total plats	0	



# Garrett County Planning Commission Annual Report

## **October Summary**

Planning Commission member Tony Doerr explained that the Wisp Commercial Resort is planning to extend a new portico on the west side of the existing Wisp Condominiums/hotel building. The Deep Creek Watershed Zoning Ordinance requires that modifications to a commercial resort must be reviewed and approved by the Planning Commission before approval of any new zoning permits. Mr. Doerr, who recused himself from the Commission because Doerr Construction, Inc. is a contractor at the site, explained that the minor change for the addition was not shown on the plat that was previously approved by the Planning Commission. The Commission unanimously agreed that the addition was not significant enough to warrant a formal review by the Commission.

## **Assorted Actions – October**

1. Deep Creek Watershed Zoning Appeals Cases:
  - a. Variances: (One) The Planning Commission made no comment
2. Subdivision Waiver Requests: None.
3. Surface Mining Permits: None
4. Discharge Permit Applications: None
5. Minor Subdivisions: Copies of plats approved during the previous month were provided to the Planning Commission.
6. Action on Planned Residential Developments (PRD) Plats: Final Approval Wisp Resort Phase 7, Lodestone Subdivision, Biltmore Section II.
7. Action on Major Subdivision Plats: None

PRD's & Major Subdivisions - October		
	Preliminary	Final
Number of Lots	0	33
Total plats	1	

## **November Summary**

Assistant Director Deborah Carpenter explained that the Deep Creek Property Owners Association submitted a request to the Garrett County Commissioners to prohibit vertical drilling for Marcellus shale gas within the Deep Creek Watershed. There has been no formal request made to the Planning Commission as of this date. Carpenter suggested that the best time to evaluate this subject would be during the comprehensive planning cycle, as it affords the best process for public participation and conforms to legal precedent that emphasizes ensuring that amendments are in conformance with the comprehensive plan. Carpenter noted that Section 10.0 of the Comprehensive Plan states that the County's mineral resource goal is to: "promote responsible surface and underground mining of Garrett County's resources in compliance with strict standards for preventing environmental pollution..." Carpenter noted that mining and other forms of mineral extraction are currently permitted in the Zoning Ordinance. Mining is permitted by Special Exception and drilling is permitted with conditions that include a 2,000 foot setback from the high water elevation of the lake. Carpenter believes that there may not be a critical urgency to address this issue by amending the Ordinance at this time since the State is still reviewing the topic and proposed State regulations are still pending. Options for the Planning Commission are to ignore the request, take up the issue, urge the County Commissioners one

# Garrett County Planning Commission Annual Report

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way or the other, or to delay any decision. Lengthy discussion ensued, but no formal action was taken by the Planning Commission.

## **Assorted Actions – November**

1. Deep Creek Watershed Zoning Appeals Cases:
  - a. Variances: (Three) Regarding a variance to a front property line setback, the Planning Commission recommended that the Board of Appeals give consideration to the comments from the residents in the neighborhood. The commission made no comments on two other cases.
  - b. Special Exceptions: None
2. Subdivision Waiver Requests: The Planning Commission granted a waiver to allow a lot that contains less than the Agricultural Resource minimum lot size of three acres.
3. Surface Mining Permits: None
4. Discharge Permit Applications: None
5. Minor Subdivisions: Copies of plats approved during the previous month were provided to the Planning Commission.
6. Action on Planned Residential Developments (PRD) Plats: Karen Myers presented a request to convey 0.49 acres of common space associated with the Wisp Resort/Villages of the Wisp from the Wisp Resort Master Association, Inc. to the Deep Creek Highlands Property Owners Association Inc. Mrs. Myers explained that steps, thought to be located on the common area of the Deep Creek Highlands Association, are actually located on the Villages of the Wisp PRD. There is no proposed change to the use of the land and the PRD common space requirement would still exceed the required open space minimum. The Commission unanimously granted approval of the transfer.
7. Action on Major Subdivision Plats: None

PRD's & Major Subdivisions - November		
	Preliminary	Final
Number of Lots	0	0
Total plats	0	

## **December Summary**

Commission member Tony Doerr noted that a recent sewage spill along Deep Creek Drive was thought to be the result of a failed grinder pump. Mr. Doerr asked Paul Durham of the Board of Realtors if future incidents could be prevented by requiring replacement of antiquated grinder pumps as part of the sale of any property. Mr. Durham noted that the law requires certain disclosures before any sale and suggested that a member of the Department of Public Utilities attend a future meeting of the Board of Realtors to discuss the matter.

Chairman Ellington explained that the Garrett County Shale Gas Advisory Committee completed their report and their findings were endorsed by the County Commissioners. The Chairman feels that the Planning Commission may be pressured to take action regarding natural gas before the next review cycle of the Comprehensive Plan. Carpenter noted at the last meeting that the current wording of the Comprehensive Plan encourages the extraction of natural resources in a responsible manner. A very lengthy discussion meandered through topics such as proposed MDE

# Garrett County Planning Commission Annual Report

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regulations, possible effects on real estate, traffic issues, surface and groundwater protection and possible County level planning for these issues and other unexpected consequences. At the request of the Commission, Carpenter agreed to continue adding educational topics concerning Marcellus Shale to upcoming meetings.

## **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 during the previous month were provided to the Planning Commission.
6. Action on Planned Residential Developments (PRD) Plats:
  - a. Final Approval of Wisp Resort Phase 7, Lodestone Subdivision, Biltmore Section III
  - b. Wisp Resort/Villages of Wisp PRD- At the November Planning Commission meeting, Karen Myers presented a request to convey a 0.49 acre area of common space from the Wisp Resort Master Association, Inc. to the Deep Creek Highlands Property Owners Association, Inc. Mrs. Myers submitted a revised request to increase the acreage of the conveyance to 7.31 acres. The PRD common space requirement would still exceed the required open space minimum. After discussion, the Commission granted unanimous approval to proceed with the transfer of the revised area of common open space.
7. Action on Major Subdivision Plats: None

PRD's & Major Subdivisions - December		
	Preliminary	Final
Number of Lots	0	28
Total plats	1	

# Garrett County Planning Commission Annual Report

## 2014 SUBDIVISION ACTIVITY SUMMARY

### Subdivision Summary Tables

The following summary tables represent major and minor subdivisions given approval in calendar year 2014. Lot line adjustment plats and applications that only received preliminary approval are not included.

<b>All 2014 Applications Approved &amp; Unapproved</b>	Subdivision Type	Applications	Lots	Total Acres	Avg. Lot Size
	Major Subdivision	2	2	4.06	2.03
	Minor Subdivision	20	26	129.67	4.99
	<b>Totals</b>	<b>22</b>	<b>28</b>	<b>133.73</b>	<b>4.78</b>
<b>2014 Applications Approved Subdivisions Only</b>	Subdivision Type	Applications	Lots	Total Acres	Avg. Lot Size
	Major Subdivision	2	2	4.06	2.03
	Minor Subdivision	15	21	120.84	5.75
	<b>Totals</b>	<b>17</b>	<b>23</b>	<b>124.90</b>	<b>5.43</b>
<b>Pre-2014 Applications Approved in 2014</b>	Subdivision Type	Applications	Lots	Total Acres	Avg. Lot Size
	Major Subdivision	1	1	2.00	2.00
	Minor Subdivision	4	6	106.58	17.76
	<b>Totals</b>	<b>5</b>	<b>7</b>	<b>108.58</b>	<b>15.51</b>
<b>Total Subdivisions Approved in 2014</b>	Subdivision Type	Applications	Lots	Total Acres	Avg. Lot Size
	Major Subdivision	3	3	6.06	2.02
	Minor Subdivision	19	27	227.42	8.42
	<b>Totals</b>	<b>22</b>	<b>30</b>	<b>233.48</b>	<b>7.78</b>
<b>Total Subdivisions Approved in 2014 by PFA</b>	Area	Applications	Lots	Total Acres	Avg. Lot Size
	Inside PFA	4	4	7.44	1.86
	Outside PFA	18	26	124.45	4.79
	<b>Totals</b>	<b>22</b>	<b>30</b>	<b>131.89</b>	<b>4.40</b>

13% of new lots approved in 2014 were within County Priority Funding Areas.  
87% of new lots approved in 2014 were outside County Priority Funding Areas.

### Planned Residential Development Summary Table

The following summary table represents Planned Residential Development lots given approval in calendar year 2014. All PRD lots approved in 2014 were outside County Priority Funding Areas.

<b>Total PRD Applications Approved in 2014</b>	Type	Applications	Lots	Total Acres	Avg. Lot Size
	PRD	4	125	95.97	0.77

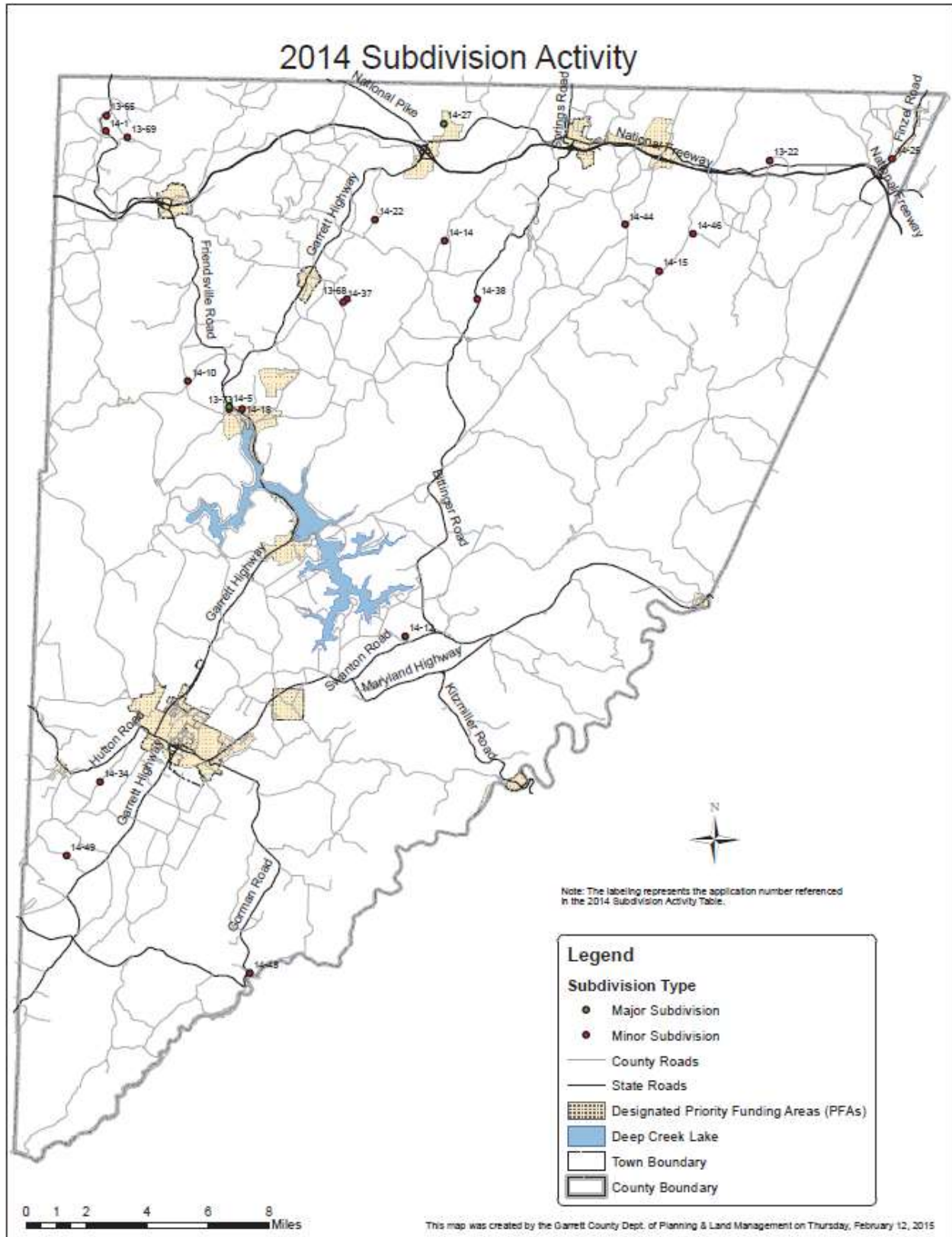
# Garrett County Planning Commission Annual Report

## 2014 Subdivision Activity\*

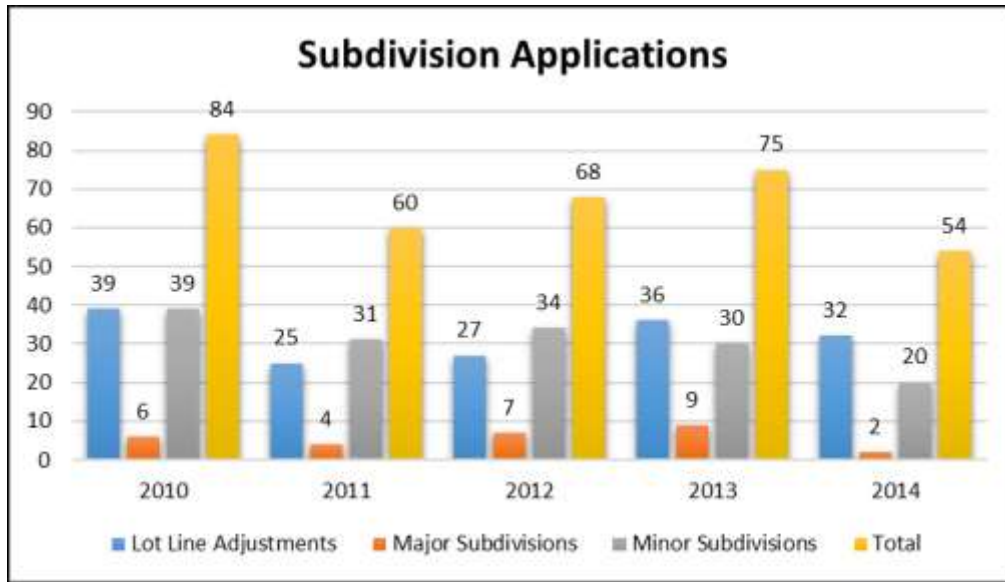
#	Land Classification	Subdivision Name	Applicant Name	Type	Total Acres	# of Lots	Avg Lot size	Map	Parcel	PFA
20130022	Agricultural Resource	Toby Durst	Glenn Durst	Minor	1.65	1	1.65	20	1	No
20130065	Agricultural Resource	Ward & Beverly Umbel	Ward & Beverly Umbel	Minor	87.28	3	29.09	3	24	No
20130068	Agricultural Resource	Rodeheaver & Georg	T. Rodeheaver & R. Georg	Minor	12.65	1	12.65	34	1	No
20130069	Agricultural Resource	Scott Fike	Patricia Butler	Minor	5.00	1	5.00	3	75	No
20130073	Town Center	Grant County Bank 8	Grant County Bank	Major	2.00	1	2.00	41	51	Yes
20140001	Agricultural Resource	Richard Sisler	Richard Sisler	Minor	2.80	2	1.40	3	27, 28, 130	No
20140005	Town Center	Dollar General Lot 9	Grant County Bank	Major	2.06	1	2.06	41	51	Yes
20140010	Rural	Gregory Carr	Gregory Carr	Minor	3.01	2	1.51	41	182	No
20140012	Rural	Barbara Skipper	Barbara Skipper	Minor	35.13	2	17.57	74	224	No
20140014	Rural Resource	Charles Haines	Claudia & Susan Flanagan	Minor	2.10	1	2.10	25	43	No
20140015	Rural Resource	Sarah Wilt	Ivan & Sarah Wilt	Minor	20.13	2	10.07	28	91	No
20140018	Town Center	John Taylor	Lila Mechem	Minor	1.38	1	1.38	42	360	Yes
20140022	Rural Resource	Darleen Digirolamo	Annalee Resh	Minor	5.89	2	2.95	16	31	No
20140025	Suburban Residential	Markel Otto	Markel Otto	Minor	5.43	1	5.43	21	17	No
20140027	Employment Center	Keysers Ridge Bus. Park-Exelon	Garrett Co. Commissioners	Major	2.00	1	2.00	7	40	Yes
20140034	Rural	Andrew Rohrbaugh	Andrew Rohrbaugh	Minor	9.00	1	9.00	84	108	No
20140037	Agricultural Resource	Rodeheaver Georg	T. Rodeheaver & R. Georg	Minor	5.60	1	5.60	34	1	No
20140038	Agricultural Resource	Stanton Lot 5	Douglas Stanton	Minor	3.35	1	3.35	35	60	No
20140044	Agricultural Resource	Sue McKenzie	Sue McKenzie et al	Minor	1.16	1	1.16	27	3	No
20140046	Rural Resource	Gary Bowers	Gary Bowers	Minor	19.83	2	9.91	28	103	No
20140048	Town Residential	Linda Maroney	Linda Maroney	Minor	1.03	1	1.03	97	18	No
20140049	Agricultural Resource	Roy D. Baker	Roy D. Baker	Minor	5.00	1	5.00	90	23	No
<b>TOTALS (22 subs)</b>					<b>233.48</b>	<b>30</b>	<b>7.78</b>			

\*This summary represents major and minor subdivisions given final plat approval in calendar year 2014. 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



# Garrett County Planning Commission Annual Report



The Subdivision Applications chart shows the five year trend in the number of subdivision applications. Approved and unapproved applications for lot line adjustment, major subdivision and minor subdivision are included. The chart reflects applications only and does not consider the number of lots in each application.



The Approved Lots chart shows the five year trend in the number of approved major and minor subdivision lots. Lot approval may occur in a different year than the original subdivision application.

# Garrett County Planning Commission Annual Report

**Subdivision Summary:** Subdivision activity saw a marked decline in 2014. Major subdivisions dropped 78% from 2013 numbers, while minor subdivisions dropped 33% and lot line adjustments only 11%. In addition the 5 year average for total subdivision activity is 43. 2014 totals are 30% below the 5 year average.

## 2014 BUILDING PERMITS SUMMARY

### New Housing Units Growth – 2014

#### Residential Development Summary

	Inside Priority Funding Areas			Outside Priority Funding Areas		
	#Dwelling Units	Acres Consumed	Average Density (du/ac**)	#Dwelling Units	Acres Consumed	Average Density (du/ac**)
Single Family	6	3.598	1.67	53	126.565	.42
Multi Family	0	0	0	0	0	0
Mobile Home	1	.358	2.79	8	32.24	.25
<b>Total</b>	<b>7</b>	<b>3.956</b>	<b>1.77</b>	<b>61</b>	<b>158.805</b>	<b>.53</b>
	<b>10.3% of dwellings permitted in 2014 were inside PFA's</b>			<b>89.7% of dwelling permitted in 2014 were outside PFA's</b>		

Note: Garrett County actually issued a total of 105 permits for housing units in 2014. Of those 105 units, 37 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.

\*On resource properties (i.e., agricultural and forest lands) for landowner improvements only one acre of the parent tract is included for density calculations.

\*\* dwelling units per acre

### New Housing Construction and Value – 2014

#### Monthly Residential Development Summary

Garrett County	All New Single Family Housing Construction <sup>1</sup>				
		Buildings	Units	Value	Value/Unit
January		1	1	\$40,000	\$40,000
February		1	1	\$204,000	\$204,000
March		3	3	\$309,000	\$103,000
April		14	14	\$7,275,769	\$519,697
May		18	18	\$3,924,819	\$218,045
June		12	12	\$5,202,743	\$433,561
July		17	17	\$6,726,540	\$395,678
August		12	12	\$2,756,150	\$229,679
September		7	7	\$1,124,500	\$160,642
October		10	10	\$2,988,000	\$298,800



# Garrett County Planning Commission Annual Report

November		4	4	\$301,000	\$75,250
December		6	6	\$1,279,095	\$213,182
<b>Total</b>		<b>105</b>	<b>105</b>	<b>\$32,131,616</b>	<b>\$306,015</b>

SOURCE: Garrett County Department of Permits & Inspection Services

(1) All new residential construction for 2014 was for single-family dwellings only.

## Commercial Development - 2014

### 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	3.25	14,400	.1017	1.52	3,200	.0483
Office	1.74	32,245	.4254	0	0	0
Manufacturing	5	12,000	.0551	0	0	0
Retail	2.06	9,220	.1025	2	4064	.0466
Utilities*	0	0	0	8.53	9388**	0
<b>Total</b>	<b>12.05</b>	<b>67,865</b>	<b>.1293</b>	<b>3.52</b>	<b>7,264</b>	<b>.0473</b>

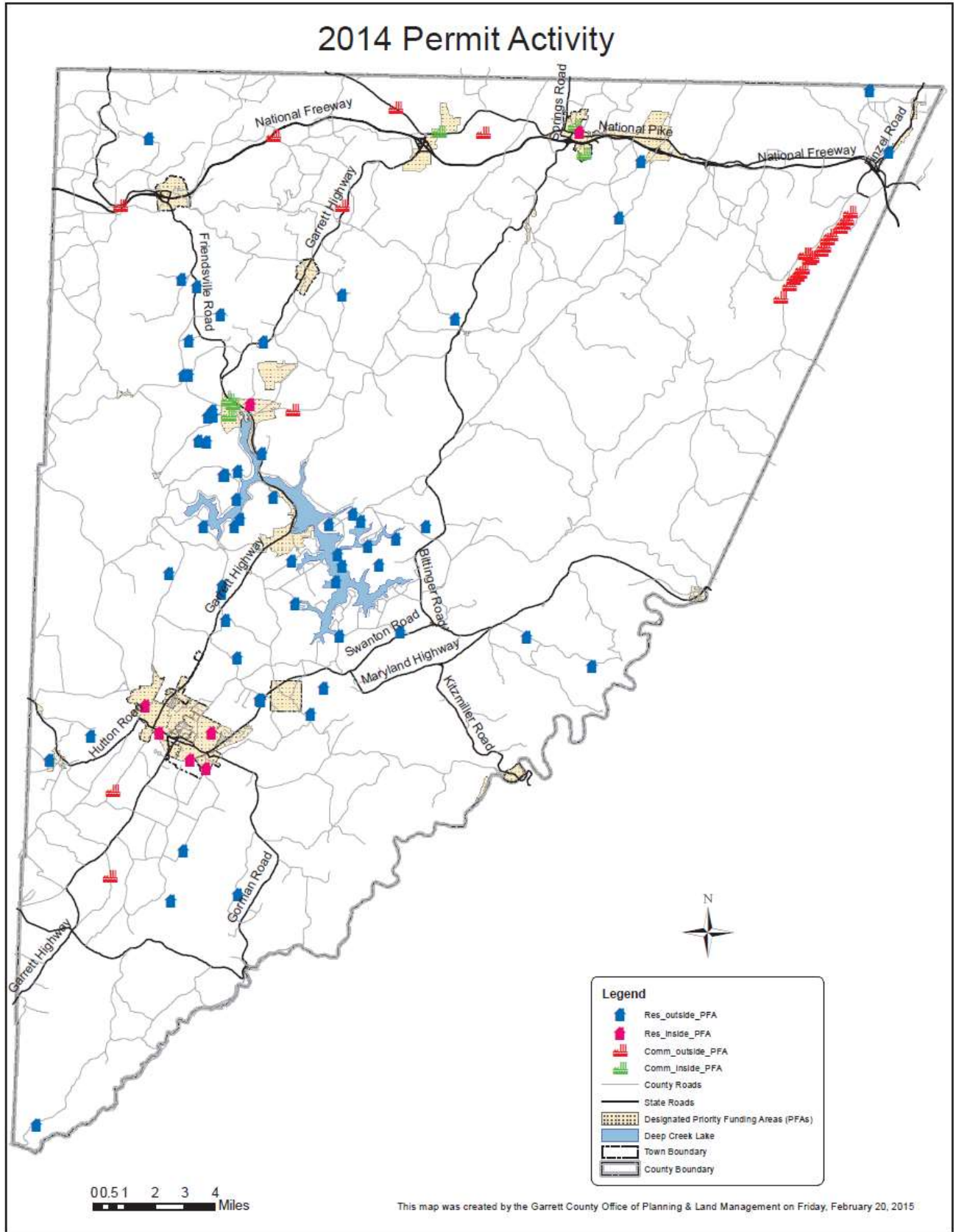
\* Utilities refer to commercial towers, industrial wind turbines and similar activities and structures and are not counted in totals.

\*\* Height of towers/turbines.

### 2014 Commercial Summary

	Percent Inside Priority Funding Areas	Percent Outside Priority Funding Areas
<b>Total Acreage Developed</b>		
15.57	77.4%	22.6%
<b>Total Square Footage Created</b>		
50,285	90.3%	9.7%

# Garrett County Planning Commission Annual Report



# Garrett County Planning Commission Annual Report

## 2014 Building Permit Activity

### 2014 Residential Growth Outside PFA's

Approval Date	Application #	Address #	Street Name	Type or Use	Acreage	Total Sq Ft	Tax Map
5/27/2014	20130027	362	Legeer Road	SFR-Mobile Home	1	1008	35
7/8/2014	20130351	1081	Sandy Shores Road	SFR & Detached Garage	2.47	6377	57
1/9/2014	20140004	861	Milt Dewitt Road	SFR-Doublewide	1	1152	32
2/12/2014	20140023	40	Running Bear Lane	SFR	5.28	2160	65
3/4/2014	20140057	220	Blue Moon Rising Way	Transient Vacation Rental Unit	0.25	366	50
4/18/2014	20140077	56	Extreme Way	SFR	0.5	5276	49
3/26/2014	20140088	170	Frank Custer Drive	SFR	0.25	1056	79
3/26/2014	20140089	19	John Kellum Court	SFR	0.25	1056	79
7/31/2014	20140095	98	Bracken Drive	SFR	3.48	5480	59
4/21/2014	20140096	47	Holy Cross Circle	SFR	1.06	13314	66
6/24/2014	20140097	185	Glen Acres Road	SFR	0.8	3858	59
4/25/2014	20140100	1390	Lake Shore Drive	SFR	1	2449	57
4/21/2014	20140101	257	Fantasy Lane	SFR	0.5	2282	23
4/21/2014	20140102	105	Allan Drive	SFR	0.65	3452	58
4/15/2014	20140108	482	Thousand Acres Road	SFR	1.1	5058	67
4/11/2014	20140112	27895	Garrett Hwy	SFR-Doublewide	4.53	0	33
5/7/2014	20140115	312	Gap Run Road	SFR-Modular	1.8	2800	32
5/7/2014	20140116	48	Bishoff Road	SFR-Modular	6.07	3568	41
5/5/2014	20140128	316	Shreve Road	SFR	1.498	2584	96
5/15/2014	20140145	3	Pine top Trail	SFR	11.95	4280	77
5/8/2014	20140146	1270	King Wildesen Road	SFR	6	2400	92
5/20/2014	20140156	115	Greenstone Way	SFR	0.657	3387	49
5/19/2014	20140157	172	Filsinger Lane	SFR	1	2371	79
5/27/2014	20140168	971	Snowy Creek Road	SFR-Doublewide	3	3412	77
6/5/2014	20140169	101	North Camp Road	SFR	0.48	5092	49
5/27/2014	20140172	146	Penn Cove Road	SFR	1.33	5218	66
5/30/2014	20140174	360	Kisner Road	SFR-Modular	2.94	3792	23
6/6/2014	20140178	218	Smith Point Road	SFR	1.3	7243	59
6/6/2014	20140189	945	Lynndale Road	SFR	8.23	2680	91
6/3/2014	20140204	2940	Pocohontas Road	SFR	5.19	3015	11
6/9/2014	20140208	1709	Lake Shore Drive	Transient Vacation Rental Unit	0.49	2910	58
7/7/2014	20140211	132	Fantasy Lane	SFR	0.58	3864	41
7/7/2014	20140215	1384	Turkey Neck Road	SFR-Modular	4.03	2980	74
7/31/2014	20140220	29	Maple Leaf Lane	SFR	0.6	5968	59
6/18/2014	20140228	1638	Kempton Road	SFR	10	1386	107
7/1/2014	20140239	189	Linz Lane	SFR	1.05	1904	58

# Garrett County Planning Commission Annual Report

Approval Date	Application #	Address #	Street Name	Type or Use	Acreage	Total Sq Ft	Tax Map
7/1/2014	20140240	171	Elk Lick Road	SFR	5.8	1060	76
6/27/2014	20140241	685	Nest Lick Acres Road	SFR	0.75	3515	65
7/11/2014	20140257	410	Morning Glory Drive	SFR	1.66	1246	59
7/18/2014	20140258	887	Painter School Road	SFR	1	2240	74
7/14/2014	20140273	618	Foster Road	SFR	2	1500	65
7/14/2014	20140275	918	Truesdale Road	SFR-Doublewide	3	1680	73
8/1/2014	20140288	1615	Shoreline Drive	SFR & Detached Garage	0.46	4678	67
7/21/2014	20140293	93	Meadow Lake Drive	SFR-Mobile Home	2	1064	18
12/19/2014	20140294	60	Joan's Lane	SFR	2.46	5720	41
8/12/2014	20140306	97	Greenstone Way	SFR	0.49	2448	49
8/18/2014	20140323	191	Southridge Drive	SFR	0.57	2860	50
9/5/2014	20140324	819	Finzel Road	SFR	5.43	3600	21
9/8/2014	20140358	205	Blueberry Lane	SFR-Mobile Home	1.6	700	73
10/21/2014	20140383	258	Fantasy Lane	SFR & Detached Garage	0.48	2752	41
10/6/2014	20140388	1295	Buffalo Run Road	SFR	1	4613	4
10/7/2014	20140396	1151	Paradise Point Road	SFR	0.59	2240	58
10/9/2014	20140399	115	Hoyes Sang Run Road	SFR-Modular	1	2464	41
10/9/2014	20140400	86	White Fawn Lane	SFR-Modular	2.87	3168	27
10/22/2014	20140413	141	Greenstone Way	SFR	0.64	2078	49
10/22/2014	20140414	3889	Friendsville Road	SFR & Detached Garage	3.84	5563	32
10/14/2014	20140422	167	Lake Forest Drive	SFR	2	2742	57
11/5/2014	20140429	104	Fasting Court	SFR-Modular	1.44	0	59
11/10/2014	20140433	952	Walnut Bottom Road	SFR-Doublewide	16.65	3024	75
12/16/2014	20140468	820	Foster Road	SFR	3.7	2176	65
12/5/2014	20140469	133	Ron Georg Road	SFR	5.6	1820	34

## 2014 Residential Growth Inside PFA's

Approval Date	Application #	Address #	Street Name	Type or Use	Acreage	Total Sq Ft	Tax Map
7/10/2014	20140137	1612	Pittsburgh Avenue	SFR	1.17	4295	78F
9/22/2014	20140374	603	E. Poplar Street	SFR	0.258	2240	112
10/8/2014	20140395	5	D Street	SFR	0.4	1364	78H
12/11/2014	20140460	124	Northlake Drive	SFR	0.66	1596	42
4/3/2014	20140098	507	Seneca Avenue	SFR-Doublewide	0.358	1620	85A
5/5/2014	20140141	123	Miller Street	SFR-Modular	0.36	1876	8A
8/4/2014	20140285	309	Fairway Drive	SFR-Modular	0.75	3435	110

# Garrett County Planning Commission Annual Report

## 2014 Commercial Growth Outside PFA's

Approval Date	Application #	Address #	Street Name	Type or Use	Acreage	Total Sq Ft	Tax Map
7/10/2014	20130271	3356	Underwood Road	Commercial-Retail	1	3200	84
3/6/2014	20140006	9200	Friendsville Road	Commercial-Tower	0.25	199	13
5/21/2014	20140007	359	Accident Garage Road	Commercial-Tower	0.25	199	16
7/9/2014	20140041		St Johns Rock Road	Commercial Utilities	0.33	492	30
7/9/2014	20140042		St Johns Rock Road	Commercial Utilities	0.33	492	29
7/9/2014	20140043		St Johns Rock Road	Commercial Utilities	0.33	492	29
7/9/2014	20140044		St Johns Rock Road	Commercial Utilities	0.33	492	29
7/9/2014	20140045		St Johns Rock Road	Commercial Utilities	0.33	492	29
7/9/2014	20140046		St Johns Rock Road	Commercial Utilities	0.33	492	29
7/9/2014	20140047		St Johns Rock Road	Commercial Utilities	0.33	492	29
7/9/2014	20140048		St Johns Rock Road	Commercial Utilities	0.33	492	29
7/9/2014	20140049		St Johns Rock Road	Commercial Utilities	0.33	492	29
7/9/2014	20140050		Avilton Lonaconing Rd	Commercial Utilities	0.33	492	29
7/9/2014	20140051		Avilton Lonaconing Rd	Commercial Utilities	0.33	492	38
7/9/2014	20140052		Avilton Lonaconing Rd	Commercial Utilities	0.33	492	38
7/9/2014	20140053		Avilton Lonaconing Rd	Commercial Utilities	0.33	492	29
7/9/2014	20140054		Avilton Lonaconing Rd	Commercial Utilities	0.33	492	29
7/9/2014	20140055		Avilton Lonaconing Rd	Commercial Utilities	0.33	492	29
7/9/2014	20140056		St Johns Rock Road	Commercial Utilities	0.33	492	29
6/17/2014	20140072	1112	Frostburg Road	Commercial Utilities	1	360	29
6/17/2014	20140073	1114	Frostburg Road	Commercial Utilities	1	360	29
5/30/2014	20140180	2704	Old Morgantown Road	Commercial-Tower	0.25	199	5
6/17/2014	20140185	2667	National Pike	Commercial-Tower	0.25	199	6
6/25/2014	20140238	932	Gaswell Road	Commercial-Tower	0.25	250	7
10/6/2014	20140373	2249	Blue Ribbon Road	Commercial-Retail	1	864	90
12/24/2014	20140432	1591	Mosser Road	Commercial-Business Service	1.52	3200	42

Of the 26 commercial projects outside Priority Funding Areas, 18 projects were associated with wind turbine development and 5 were cellular tower projects. For these permits, "Total Sq. Ft." indicates the total height of the turbine or tower.

## 2014 Commercial Growth Inside PFA's

Approval Date	Application #	Address #	Premise Street Name	Type or Use	Acreage	Total Sq Ft	Tax Map
9/3/2014	20140067	2727	Deep Creek Drive	Commercial Marina	2.75	8000	41
5/19/2014	20140113	288	Marsh Hill Road	Commercial-Business Service	0.5	6400	49
5/27/2014	20140130	55	Ridge Business Drive	Manufacturing	5	12000	7
6/16/2014	20140210	333	Corporate Drive	Commercial-Offices	1.37	29745	18
10/6/2014	20140213	25185	Garrett Highway	Commercial-Retail	2.06	9221	41
7/3/2014	20140261	104	Parkview Drive	Commercial-Offices	0.37	2500	8A

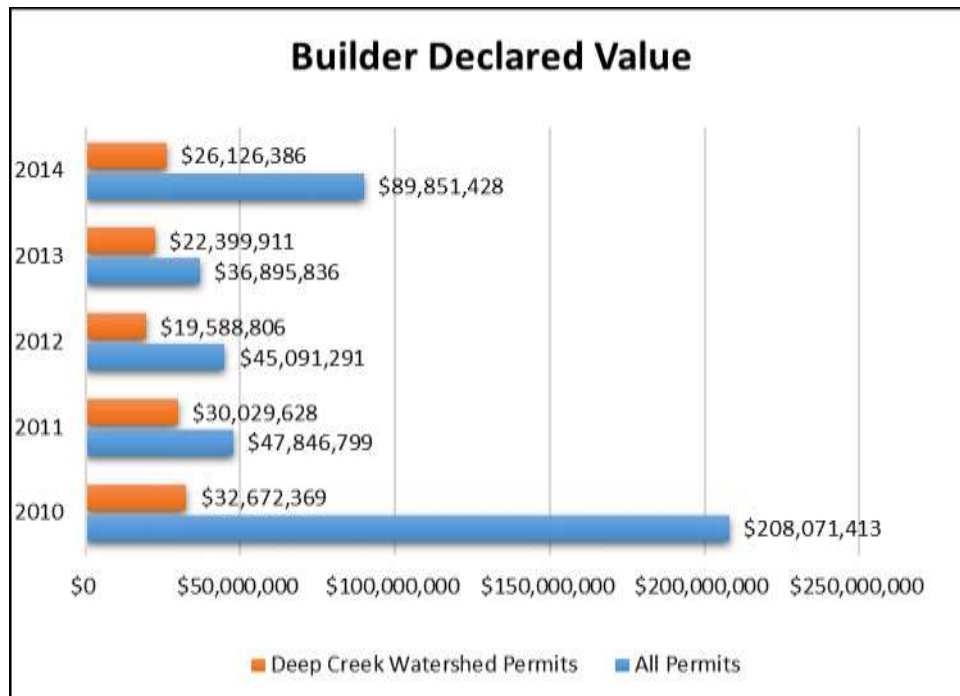
# Garrett County Planning Commission Annual Report

## Five-Year Permit Analysis

The following charts were compiled using building permit data.



The New Housing Units chart provides a yearly comparison between the total number of all new housing units in the entire County and the number of those units located within the boundaries of the Deep Creek Watershed.



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. Values for all permits are compared with the the permits located in the Deep Creek Watershed. Proposed improvements includes all permitted activity, both commercial and residential. The 2010 data includes the builder declared value of 48 industrial wind turbines located outside of the Deep Creek Watershed.

# Garrett County Planning Commission Annual Report

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**Building Permit Summary:** While overall number of building permits increased significantly from 2013 it is important to note that the 5 year average for permits is 113. The total number of 2014 permits is below the 5 year average by 8%.

## **2014 AGRICULTURAL PRESERVATION SUMMARY**

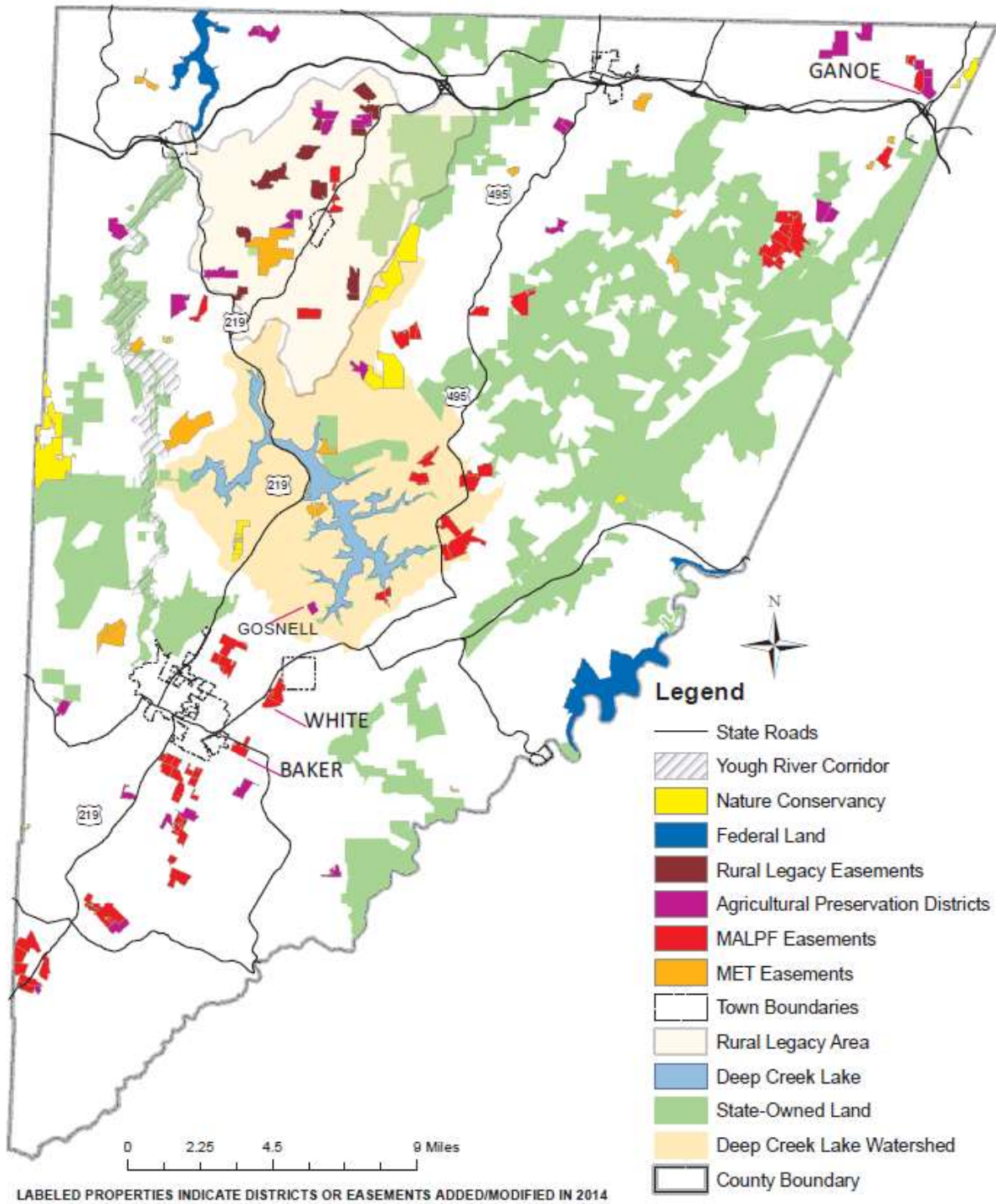
The Planning & Land Management Office helps administer two state land preservation programs. The Maryland Agricultural Land Preservation Foundation (MALPF) program applies to the whole County while the Bear Creek Rural Legacy Area is limited to the Bear Creek watershed near Accident. The goal of both 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.

The Planning Commission approved a 131.21 acre district for Daniel Ganoë along Pocahontas Road and a 50-acre district for Charles Gosnell off of Pysell Road. In 2014 MALPF completed easements on the 123.084 acre Stanly Baker property and the 98.92 acre Linda White property. The Planning Commission had approved Districts of both properties in previous calendar years. Two other property owners (Vitez and Riley) with Districts approved by the Planning Commission in previous calendar years continued to work with MALPF to sell conservation easements. There was no new activity pertaining to the Bear Creek Rural Legacy Area in 2014.

## Garrett County Maryland Protected Lands 2014





# Garrett County Planning Commission Annual Report

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## **THE LOCAL GOAL**

During 2010, the Planning Commission established a goal to locate 10 percent of all new development within the County's Priority Funding Areas by 2020. The Planning Commission intends to revisit this PFA target on an annual basis to make sure it corresponds with the requirements for the Annual Report in the Land Use Article and the results of actual development from the preceding year. During 2014, 13% of new lots, 10.3% of residential development permits and 77.4% of commercial development permits were inside PFAs. To date Garrett County has added 29 additional housing units within PFA areas since 2010.

Attaining this goal has been impeded by the lack of growth within the county as is evidenced by the low building permit and subdivision numbers. However, Garrett County has the unique distinction of having all eight municipalities be awarded Sustainable Community Designation. This designation will allow the county and municipalities to utilize state programs and funding to improve living conditions in the municipal PFAs and make them more attractive for growth. The County is also considering seeking Sustainable Community Designation within the rural village PFAs. The Office of Planning and Land Management is active in supporting our municipalities in their revitalization efforts. These efforts will help the county focus growth into areas with available infrastructure.

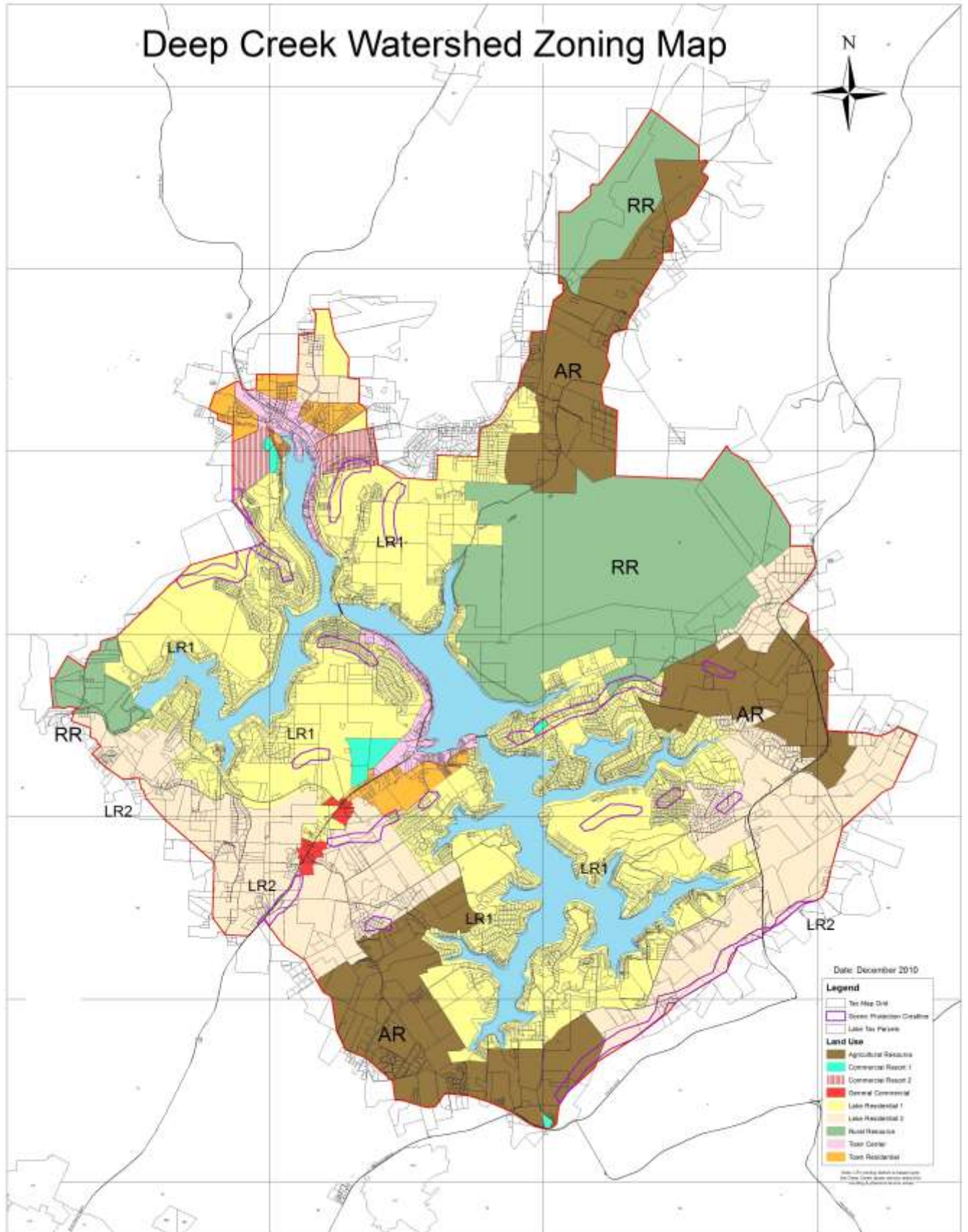
After evaluation, the Planning Commission determined that the Local Goal of 10% by 2020 would continue to be Garrett County's goal towards achieving the statewide goal.

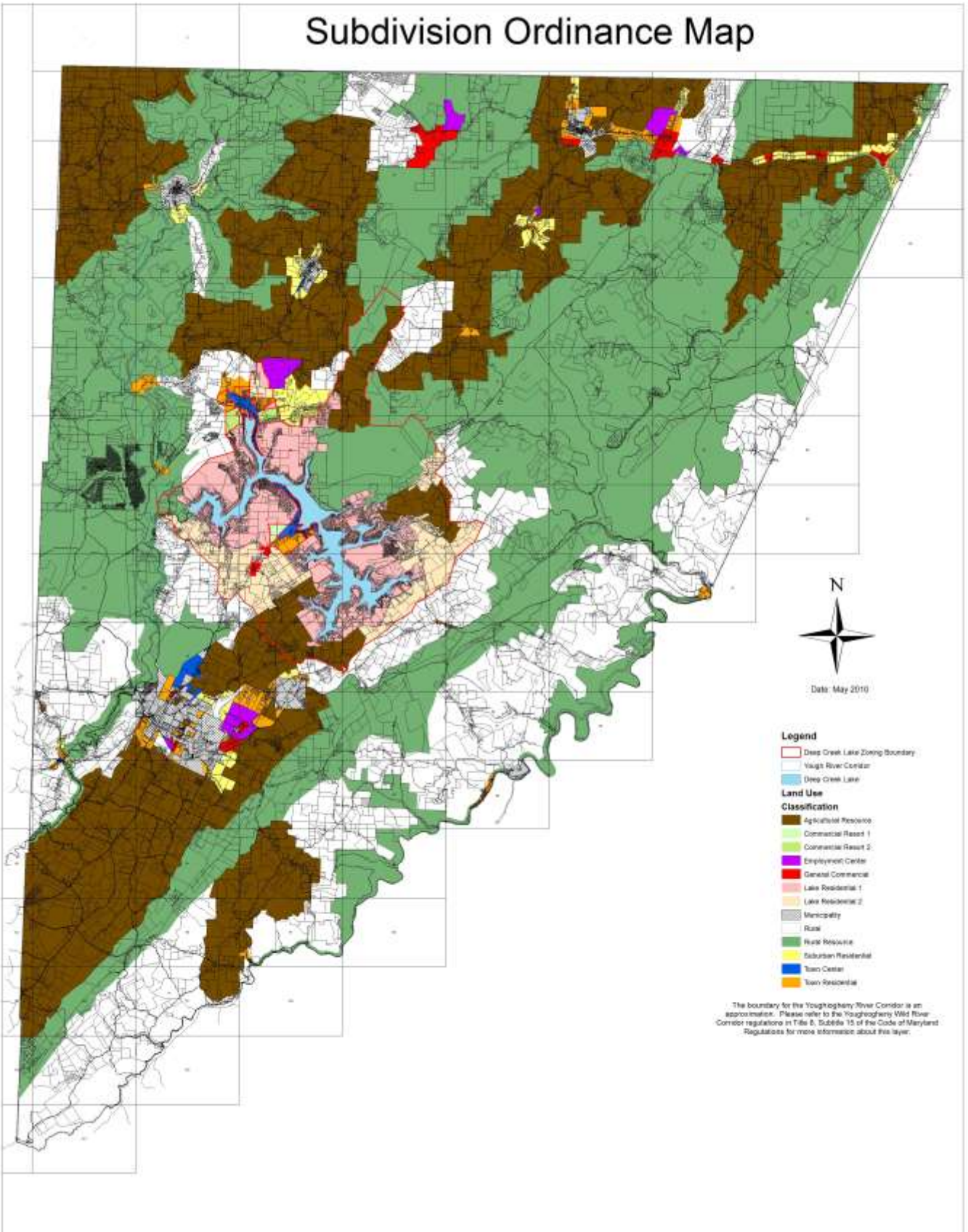
## **CHANGES TO PLANS, POLICIES & ORDINANCES**

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 Sensitive Areas Ordinance in 2014. Amendments to the Deep Creek Watershed Zoning Ordinance regarding the definition of building height, parking requirements for retail stores and businesses and the scale of Planned Residential Development plats were adopted in October 2014. An amendment to the definition of Planning Director found in the Garrett County Subdivision Ordinance was adopted in February 2014. Additional information about these amendments can be found in the preceding Meeting Summary and in Appendices A & B.

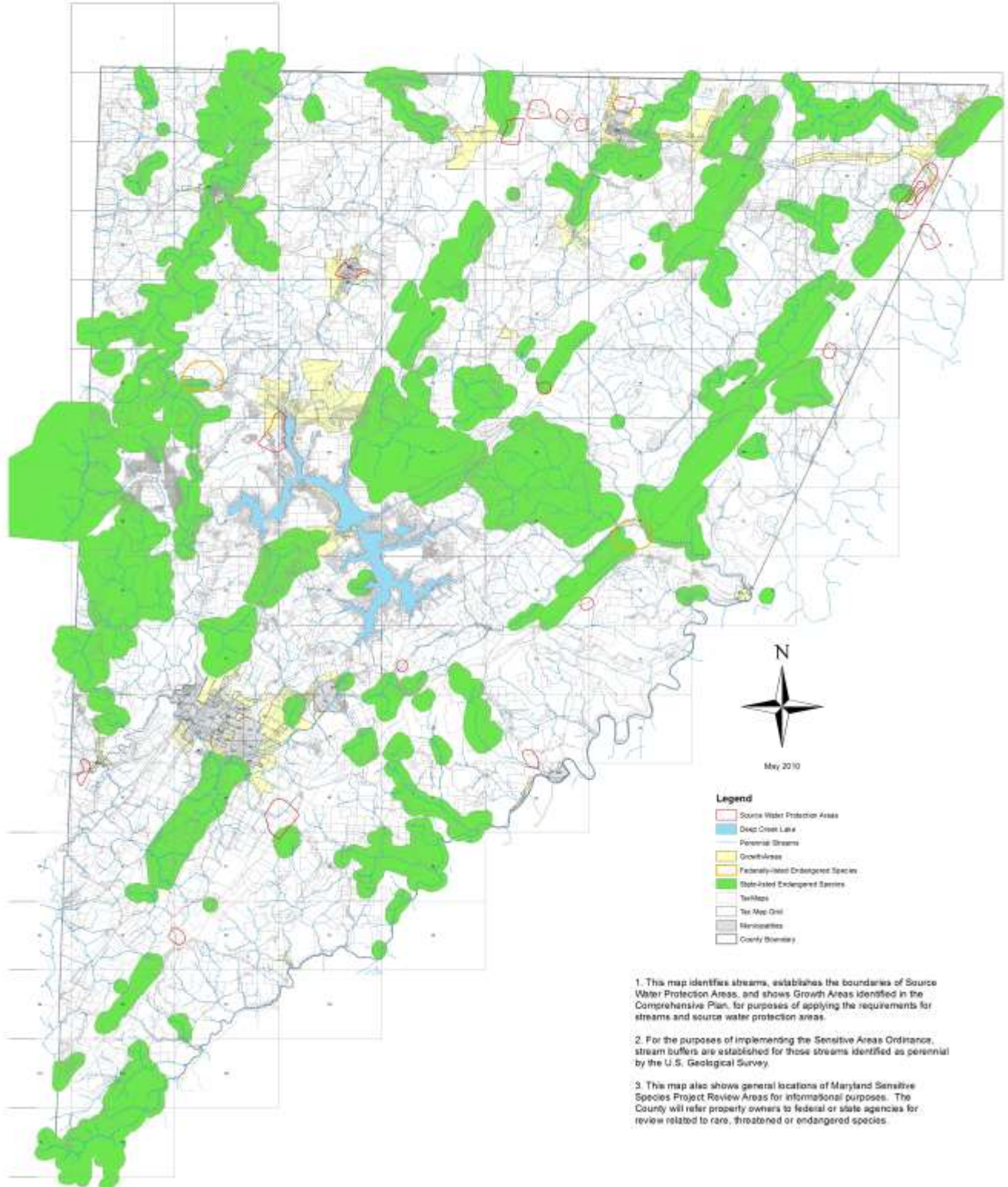
For reference, the Deep Creek Watershed Zoning Map, Garrett County Sensitive Areas Ordinance Maps, Garrett County Subdivision Ordinance Map and Final Tier Map are provided on the following pages. The Priority Funding Areas Map from the 2008 Garrett County Comprehensive Plan is also included.





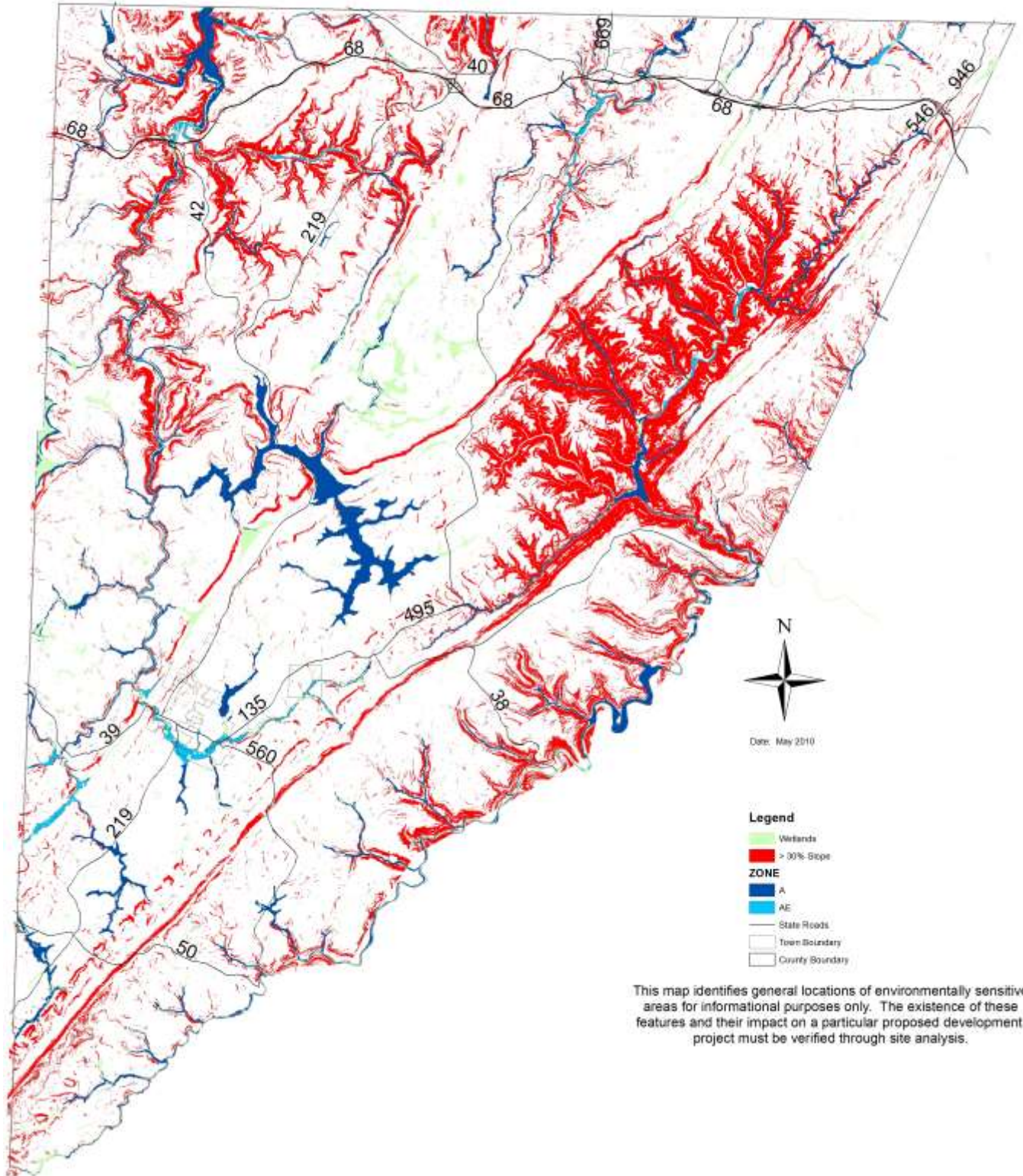
## Sensitive Areas; Map 1

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

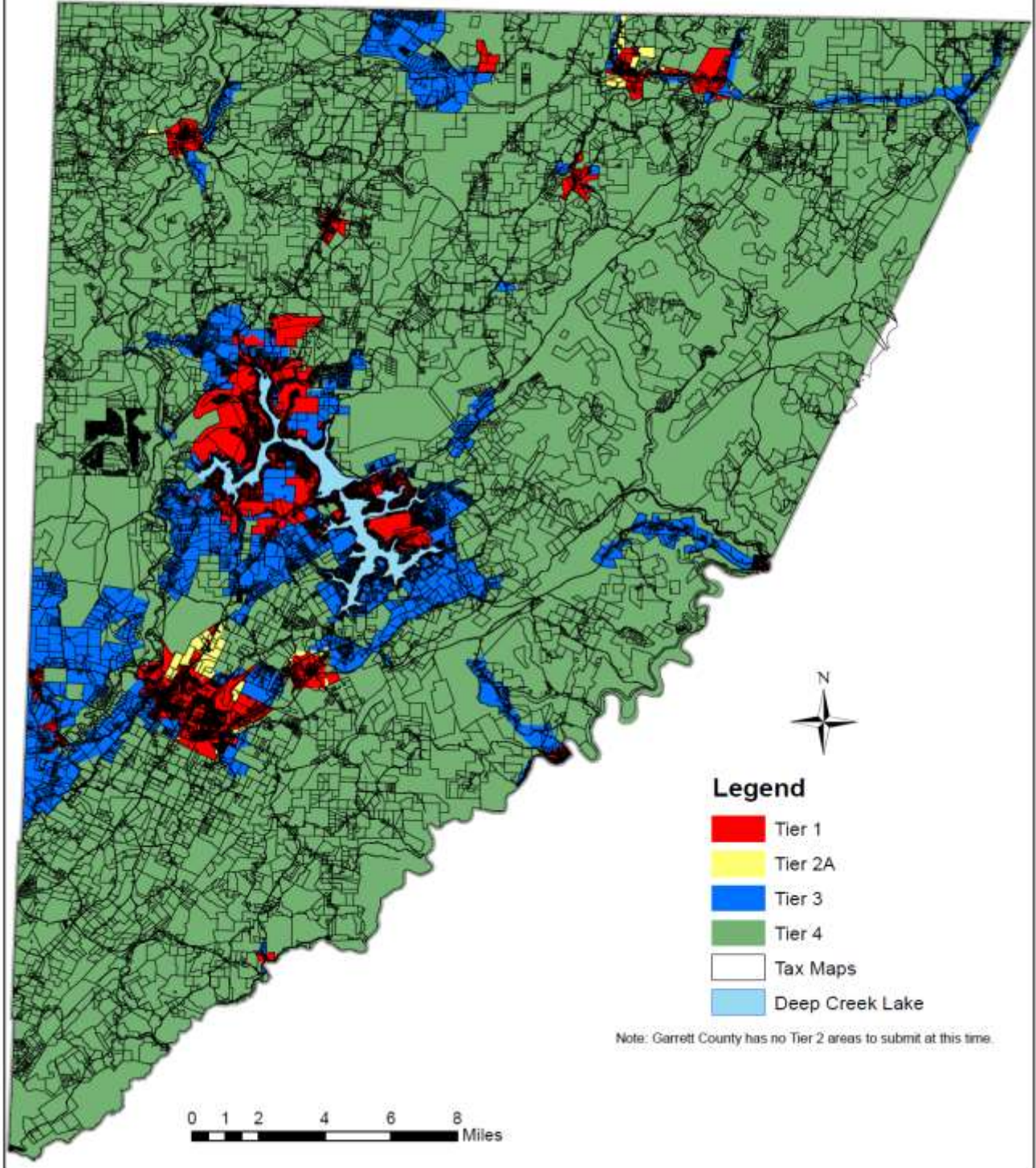


## Sensitive Areas; Map 2

Steep Slopes, Floodplains and Wetlands



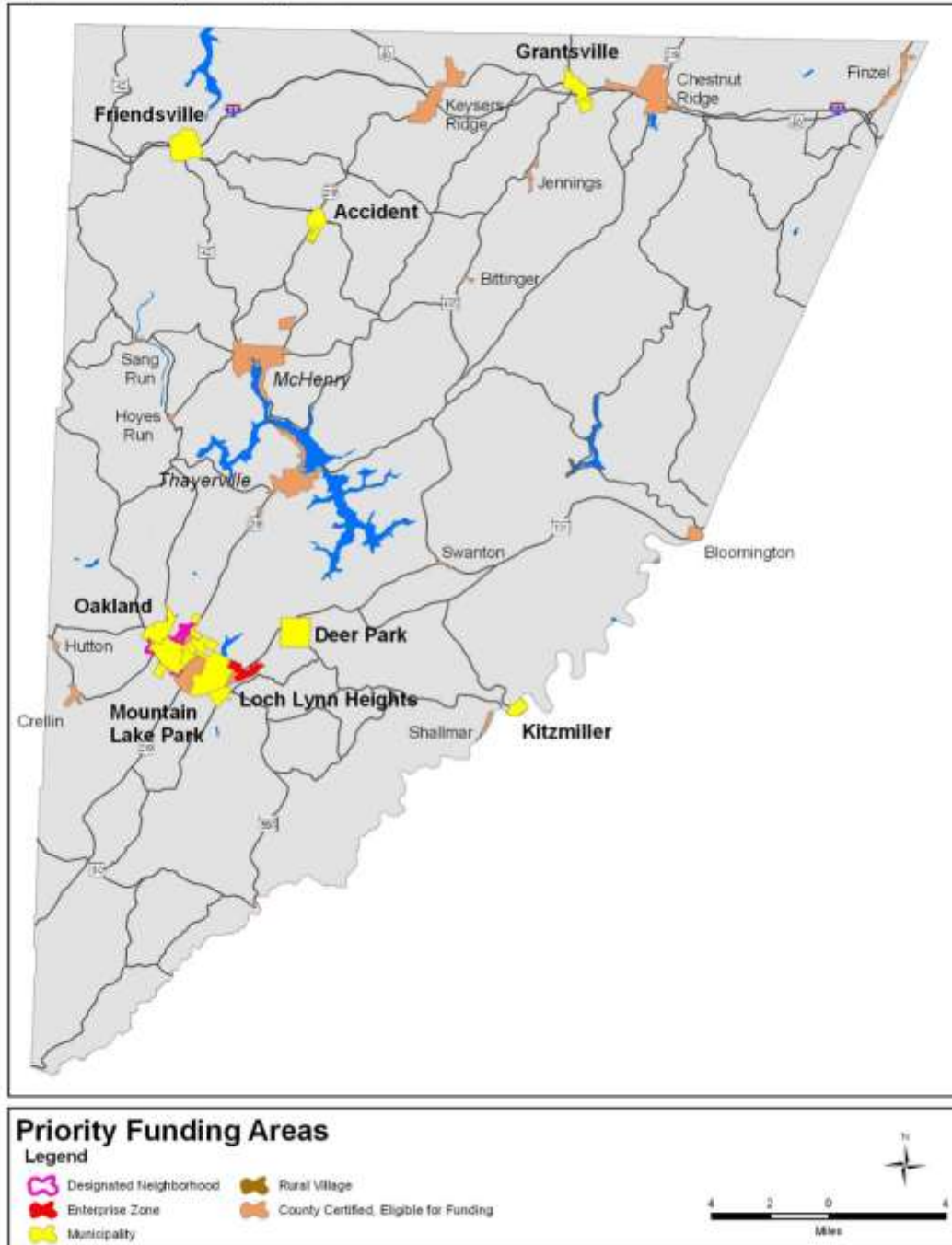
Garrett County Commissioners  
Official Tier Map  
Adopted December 4, 2012



# Garrett County Planning Commission Annual Report

2008 Garrett County Comprehensive Plan

Map 3.2: Priority Funding Areas



# APPENDIX A

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EXHIBIT A

GARRETT COUNTY SUBDIVISION ORDINANCE AMENDMENT  
Adopted February 18, 2014

1. Amend the definition of "Planning Director" by replacing the existing Section 159.016(36) with the following new Text:

Section 159.016(36) PLANNING DIRECTOR. The Assistant Director of the Department of Community Planning and Development – Office of Planning and Land Management or the equivalent position in any successor agency responsible for administration of the Ordinance.





# APPENDIX B

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EXHIBIT A

## DEEP CREEK WATERSHED ZONING ORDINANCE AMENDMENTS

Adopted October 7, 2014

1. Amend the definition of Building Height found in Section 157.007.B.(13) by adding the word "highest" to read as follows:

Section 157.007.B.(13) "*BUILDING HEIGHT*. A building's vertical measurement from the mean level of the ground abutting the building to a point midway between the highest and lowest points of the *highest* roof over any part of the building, provided, however, the highest point of the roof shall not exceed 50 feet above the lowest level of ground abutting the building."

2. Amend Section 157.090(E)5 to change the required parking for retail stores and businesses from one required space for each 100 sq. ft to one space for each 200 sq. ft. to read as follows:

Section 157.090(E)5. "One Off-Road Parking Space Required for Each 200 sq. ft. of area used for serving customers"

3. Amend Section 157.067.M(6)a., by deleting the words "of 1 inch equals 50 feet." to read as follows:

Section 157.067.M(6)a. "The final plan of the PRD, drawn at a scale suitable for recording, and showing at least the following data:"