

# Garrett County Planning Commission 2016 Annual Report



*This Report summarizes the actions and efforts of the Garrett County Planning Commission for calendar year 2016. 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, 2017

# Garrett County Planning Commission Annual Report

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## **Garrett County Planning Commission Report of Annual Actions for Calendar Year 2016**

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

### Garrett County Planning Commission

Tony Doerr, Chairman  
Jeff Conner, Vice Chairman  
Jeff Messenger-Secretary  
Troy Ellington  
Elizabeth George  
Tim Schwinabart  
Garrett County Commissioner Jim Hinebaugh- Ex Officio  
Bill Weissgerber-Alternate  
Bruce Swift-Alternate

### Garrett County Department of Planning and Land Management

Deborah Carpenter, Director

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

### Garrett County Department of Permits and Inspection Services

Jim Torrington, Director

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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 655 square miles 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. The Comprehensive Plan was amended to add the Tier Map on November 7, 2016. A proposed amendment to the Zoning Ordinance regarding natural gas wellheads was recommended by the Planning Commission but not adopted by the Board of County Commissioners. There were no other amendments to these Ordinances in 2016.

Permit applications and subdivision plans 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.

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## 2016 PLANNING COMMISSION MEETING SUMMARY

### January Summary

The Sustainable Growth and Agricultural Preservation Act of 2012 (“The Septic Bill”) required counties to adopt a Tier Map and incorporate it into their Comprehensive Plan. Garrett County adopted a Tier Map in 2012 but had not yet incorporated the map into the Comprehensive Plan. In order to ensure accuracy of the Tier Map prior to adding it to the Comprehensive Plan, the following updates were proposed:

- Tier I contains areas currently served by sewerage systems. The 2012 Tier Map was created prior to adoption of the Garrett County Water and Sewer Master Plan that accurately shows areas with planned and existing public sewer. Using the Water and Sewer Master Plan as a reference, Tier I was revised to accurately show the areas currently served by public sewer.
- Tier II areas are planned to have public sewerage systems. The 2012 Tier Map designated municipal growth areas as Tier IIa. The IIa designation was not used on the new map and those areas were shown as Tier II. Although Tier II typically includes all areas that are planned for future sewer regardless of the time frame, areas planned for service beyond three years in the future were not included in Tier II on the new map.
- Tier III contains areas that are not planned to be served by sewerage systems. The only proposed change to Tier III was that areas planned for public sewer within three years were changed to Tier II.
- Tier IV areas are planned for preservation and conservation and prohibit residential major subdivisions. No changes were proposed to Tier IV.

The Planning Commission reviewed the changes and adopted the updated Tier Map by a unanimous vote.

**Election of Officers** Troy Ellington announced that he would continue to serve as a member of the Planning Commission but did not want to continue as Chairman. Tony Doerr was elected chairman, Jeff Conner was elected vice-chairman and Jeff Messenger was re-elected secretary.

### **Assorted Actions – January**

1. Deep Creek Watershed Zoning Appeals Cases:
  - a. Variances (Two): The Planning Commission recommended approval of variances to allow the construction of motel cabins closer to side and rear property lines and offered no comments on a variance regarding the setback from the perimeter of a Planned Residential Development.
  - b. Special Exceptions (Three): The Planning Commission recommended approval of a Special Exception for a hotel up to 60 feet in height, recommended the Zoning Board of Appeals consider comments by the neighbors concerning a request for indoor boat storage, and offered no comment on a request for an eight bedroom Transient Vacation Rental Unit.
2. Subdivision Waiver Requests: The Planning Commission approved waivers regarding private road standards and maintenance requirements.
3. Surface Mining Permits: None
4. Discharge Permit Applications: None

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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 Stone

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

## **February Summary**

The February meeting was cancelled.

## **March Summary**

The final draft of the 2015 Planning Commission Annual Report was reviewed. It was agreed to continue the local goal of locating ten percent of all new development within the County's PFA's by 2020. Director Carpenter clarified that the large increase in new home construction reflected in the Report was due to the rush to get building permits prior to sprinkler systems becoming mandatory in all new homes. The Commission voted to add additional language to clarify that the analysis of land area available for vertical shale gas drilling mentioned in the January, March and April meeting summaries only considered the location of vertical surface drilling sites and did not consider the additional subsurface areas that may be accessed by horizontal drilling. The Commission approved the amended report by a unanimous vote. The Director stated that the Report would be sent to the Maryland Department of Planning after the language was added.

The final draft of the revised Tier Map approved by the Planning Commission during the January meeting was distributed to the Planning Commission. The draft was also submitted to Maryland State Planning for review. Director Carpenter explained that there had been some debate on whether all areas with planned sewer service should be included in Tier II. Garrett County only proposed to add those areas to Tier II that are planned for service within the next three years.

## **Assorted Actions – March**

1. Deep Creek Watershed Zoning Appeals Cases:
  - a. Variances (Two): The Planning Commission offered no comments regarding a rear yard setback variance and voted to support a front yard setback variance.
  - b. Special Exceptions: None
2. Subdivision Waiver Requests: The Planning Commission approved a waiver regarding minimum lot size and width.
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: Final Approval of North Shore West Phase II, Lot 23.

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8. Action on Sketch Plats: The Planning Commission reviewed and provided comments on the Casselman Farms development. As specified in the Garrett County Subdivision Ordinance, the Planning Commission does not take official action on Sketch Plats.

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

## **April Summary**

Director Deborah Carpenter distributed a request to amend the section of the Deep Creek Watershed Zoning Ordinance that currently permits 'drilling for, or removal or underground storage of natural gas' in all districts if certain setbacks are maintained. The proposed amendment would change this section to 'Natural gas wellheads', and the use would not be permitted in any district. The Commission was advised that during their next regular meeting they should be prepared to either make a recommendation to the County Commissioners regarding the proposal for the amendment or schedule a public hearing.

Director Carpenter informed the Planning Commission that the State Department of Planning accepted the updated County Tier Map reviewed and approved by the Planning Commission during previous meetings. The Commission then unanimously voted to insert the new Tier Map into Chapter 3 of the Comprehensive Plan. The Garrett County Commissioners conducted a public hearing and adopted the Tier Map on November 7, 2016. The Tier Map adopted in 2012 is included at the end of this document and the resolution adopting the new Tier Map is included in Appendix A.

The Planning Commission discussed the Priority Capital Projects associated with the Secretary of the Maryland Department of Transportation's Annual Tour. The projects include Planning, Safety, System Preservation, Sidewalk/Streetscape, Trail & Pedestrian, Transit and Regional Transportation Priorities. The Planning Commission added a safety priority at the intersection of Glendale Road and MD 495, noting that the intersection is problematic due to the angle of intersection, limited sight distance, high rates of speed and foggy conditions. The Commission believes that lighting and/or a redesign of the intersection could help alleviate the safety issues. The Commission also suggests including the Oakland By-Pass as the number one safety priority and adding the Turkey Neck Road/Route 135 intersection to the list of safety priorities. The Commission believes an acceleration lane may be needed at this intersection. The Director agreed to prioritize the projects as noted and send a copy for review before the list was formally presented to the County Commissioners.

## **Assorted Actions – April**

1. Deep Creek Watershed Zoning Appeals Cases: None
2. Subdivision Waiver Requests: The Planning Commission granted a subdivision road waiver regarding intersection angle.
3. Mining Permits: None
4. Discharge Permit Applications: None

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

## **May Summary**

The Planning Commission again discussed a request to amend the section of the Deep Creek Watershed Zoning Ordinance that permits ‘Drilling for, or removal or underground storage of natural gas...’ in all districts if certain setbacks are maintained. The proposed amendment would change this section to ‘Natural gas wellheads’, and the use would not be permitted in any district. During a lengthy discussion, members noted that the amendment does not mention surface infrastructure other than wellheads, and questioned whether the amendment was consistent with the Comprehensive Plan. The Commission decided not to hold their own public hearing on the request to amend the Ordinance. The Commission eventually voted to amend the language to read “Natural Gas Wellheads including associated surface infrastructure, provided consistent language is included in the revised Comprehensive Plan.”, and send the request on to the Board of County Commissioners. The amendment was not adopted by the County Commissioners.

## **Assorted Actions – May**

1. Deep Creek Watershed Zoning Appeals Cases:
  - a. Variances (Two): The Planning Commission had no comment on a request for a variance from a side yard setback and recommended that the Board of Appeals take into account any comments from neighbors regarding a height variance for a treehouse.
  - b. Special Exceptions (One): The Planning Commission recommended that the Board of Appeals limit the height of a proposed Commercial Communications Antenna.
2. Subdivision Waiver Requests: None
3. Surface Mining Permits: None
4. Discharge Permit Applications: None
5. Action on Planned Residential Developments (PRD) Plats: None
6. Action on Major Subdivision Plats: None
7. Action on Agricultural Land Preservation District Applications (Five): The Planning Commission approved a 390.1 acre District submitted by Valley of Hope Farms, LLC along Baker Farm Road & Gorman Road; a 664.95 acre District submitted by Patricia Hummel, personal representative of the estate of Wayne B. Hamilton, Jr. along George Washington Highway; a 50 acre District submitted by Garrett Horse LLC (Bradley) along White Fawn Lane; an 80 acre District submitted by Garrett Horse LLC (Congedo) and Michael Pellet along White Fawn Lane and a 78.02 acre District submitted by James & Linda Sherbin along Oakland Sang Run Road.

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

## **June Summary**

The June meeting was cancelled.

## **July Summary**

The Planning Commission reviewed the design of a proposed boat storage building in accordance with Deep Creek Watershed Zoning Ordinance standards that require the recommendation of the Planning Commission on the design of non-residential structures using metal siding and visible from a road. The proposed building is partially visible from Deep Creek Drive and would replace an existing metal building. The Commission voted unanimously to allow the façade of the building to be metal because less than 60 percent of the building face is visible from the road.

## **Assorted Actions – July**

1. Deep Creek Watershed Zoning Appeals Cases:
  - a. Variances (Three): The Commission offered no comments on two different property line setback variances and a variance to the height restrictions for a sign.
  - b. Special Exceptions: None
2. Subdivision Waiver Requests: After considerable discussion, the Planning Commission tabled a request for a waiver from subdivision road standards. They plan to visit the site and revisit the request at a later meeting.
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 - July		
	Preliminary	Final
Number of Lots	0	0
Total plats	0	

## **August Summary**

The August meeting was cancelled

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## **September Summary**

### **Assorted Actions – September**

1. Deep Creek Watershed Zoning Appeals Cases:
  - a. Variances (Two): The Planning Commission did not comment on two requests for property line setback variances.
  - b. Special Exceptions (One): The Planning Commission did not comment on an application for a 6 bedroom Transient Vacation Rental Unit.
2. Subdivision Waiver Requests: After discussion, the Planning Commission tabled a request for a waiver from road standards in the Wisp Resort PRD until the engineer could be present to answer questions.
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 Business Park Lot 3.

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

## **October Summary**

Director Carpenter explained that the Maryland Department of Planning (MDP) requires the County Comprehensive Plan to be reviewed by 2023. The Director recommended that the Planning Commission either review the Plan and recommend an update type, or review different chapter or chapters of the Plan during their meetings. The Commission discussed several different options regarding the outcome of their review of the Plan, such as making no changes; amendment(s) to the Plan; and making either a partial, full or sectional update. Making no changes was not considered a viable option due to outdated projections, the need to address current issues and topics, and the effect of the Septic Bill and Tier Map on the land use policies in Chapter 3. If amending the Plan, the content would stay the same, but a new chapter would be added. A full update would involve a complete rewrite of the Plan while a partial update would allow the Planning Commission to update only specific chapters. A sectional update would divide the County into sectors with a Comprehensive Plan for each sector that is updated on a rotating basis. This option was not recommended by the staff.

### **Assorted Actions – October**

1. Deep Creek Watershed Zoning Appeals Cases:
  - a. Variances (Two): The Planning Commission had no comments regarding two requests for setback variances.

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- b. Special Exceptions (One): The Planning Commission recommended approval of a request to expand an existing restaurant.
- 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 - October		
	Preliminary	Final
Number of Lots	0	0
Total plats	0	

## **November Summary**

The Planning Commission discussed certain issues in the various chapters of the Comprehensive Plan that should be considered as they prepare to undertake their review of the Plan. Some of the issues included referencing the latest Water and Sewer Master Plan; updating growth, population and housing statistics; land use; the possibility of County-wide zoning, public access to Deep Creek Lake; possible expansion of growth areas related to Priority Funding Areas (PFAs); point source discharges and Total Maximum Daily Loads (TMDL); development of natural gas/Marcellus Shale and solar and wind projects. Opportunities for public engagement were also discussed. The Commission planned to begin a more detailed review of individual chapters in the future.

## **Assorted Actions – November**

- 1. Deep Creek Watershed Zoning Appeals Cases:
  - a. Variances: None
  - b. Special Exceptions (Two): In regards to a request for a boat storage building, the Planning Commission recommended that the structure be used for personal storage only and asked that the Board of Appeals give strong consideration to comments received from neighbors. The Commission had no comments on a request for a Bed and Breakfast Inn.
- 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

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

## **December Summary**

Staff briefly discussed a clarification of policy pertaining to commercial resorts such as the Wisp Hotel. The Deep Creek Watershed Zoning Ordinance requires Planning Commission review of the proposed development of a site for commercial resort facilities, but the regulations do not differentiate between the requirements for the original review of the overall development and review of subsequent expansions. The Planning Office proposed adopting a policy that small additions at a commercial resort could be approved by the zoning office rather than requiring formal submittal to the Planning Commission. Larger expansions that change the character and extent of a commercial resort would continue to follow the formal Planning Commission review process. The Commission members reacted favorably to the proposal and the policy will now be followed.

The Planning Commission began their review of the 2008 County Comprehensive Plan with a detailed review of Chapter One and a discussion of growth scenarios. The Maryland Department of Planning (MDP) requires the Plan to consider the potential growth of the County to about the year 2040. Director Carpenter distributed a document she developed titled "A Population Growth Scenario for Garrett County". The paper provide various topics for discussion including dimensions of growth; historic market trends; recessionary trends; post-recession leveling and accompanying graphs; second home owners and tourism; continued growth in the State and the region; aging population and retirement; rural setting; infrastructure issues; future development activity; the Sustainable Growth and Agriculture Preservation Act of 2012; development capacity and population growth scenarios. The Commission discussed the prediction of housing starts by use of historical data from 1980, 1990 and 2000, disregarding 2000 through 2008 due to the economic "bubble" type of expansion occurring during that time period. After considerable discussion, the Commission decided that future new housing starts per year should range between the moderate scenarios of 100 units per year, to the rapid growth scenario of 200 units per year

## **Assorted Actions – December**

1. Deep Creek Watershed Zoning Appeals Cases:
  - a. Variances (One): The Planning Commission recommended that the Board of Appeals give special consideration to any comments from the neighbors concerning a rear property line setback variance.
  - b. Special Exceptions (Two): The Planning Commission offered no comments on a request for a Transient Vacation Rental Unit and a request for the expansion of a building at Garrett College.
2. Subdivision Waiver Requests: None.
3. Surface Mining Permits: None
4. Discharge Permit Applications: None

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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: Revised Preliminary Approval, Back of Beyond

PRD's & Major Subdivisions - December		
	Preliminary	Final
Number of Lots	15	0
Total plats	1	

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## 2016 SUBDIVISION ACTIVITY SUMMARY

### Subdivision Summary Tables

The first table shows all major and minor subdivision applications submitted in calendar year 2016. The remaining two tables represent only those major and minor subdivisions given final approval in calendar year 2016, some of which were applied for in earlier years. Applications that only received preliminary approval in 2016 are not included in these two tables. Lot line adjustment plats are not included in any table.

<b>All 2016 Applications Approved &amp; Unapproved</b>	Subdivision Type	Applications	Lots	Total Acres	Avg. Lot Size
	Major Subdivision	1	1	15.00	15.00
	Minor Subdivision	23	30	220.82	7.12
	<b>Totals</b>	<b>24</b>	<b>31</b>	<b>235.82</b>	<b>7.61</b>

<b>Total Subdivisions Approved in 2016</b>	Subdivision Type	Applications	Lots	Total Acres	Avg. Lot Size
	Major Subdivision	3	3	28.93	9.64
	Minor Subdivision	27	34	245.05	7.21
	<b>Totals</b>	<b>30</b>	<b>37</b>	<b>273.98</b>	<b>7.40</b>

<b>Total Subdivisions Approved in 2016 by PFA</b>	Area	Applications	Lots	Total Acres	Avg. Lot Size
	Inside PFA	3	3	30.09	10.03
	Outside PFA	27	34	243.89	7.17
	<b>Totals</b>	<b>30</b>	<b>37</b>	<b>273.98</b>	<b>7.40</b>

### Planned Residential Development Summary Table

No Planned Residential Development lots were given final approval in calendar year 2016.

Section	Lots	Acres	Avg. Lot Size	Land Classification	Map	Parcel	Applicant
	0	0					
<b>TOTALS</b>	<b>0</b>	<b>0</b>					

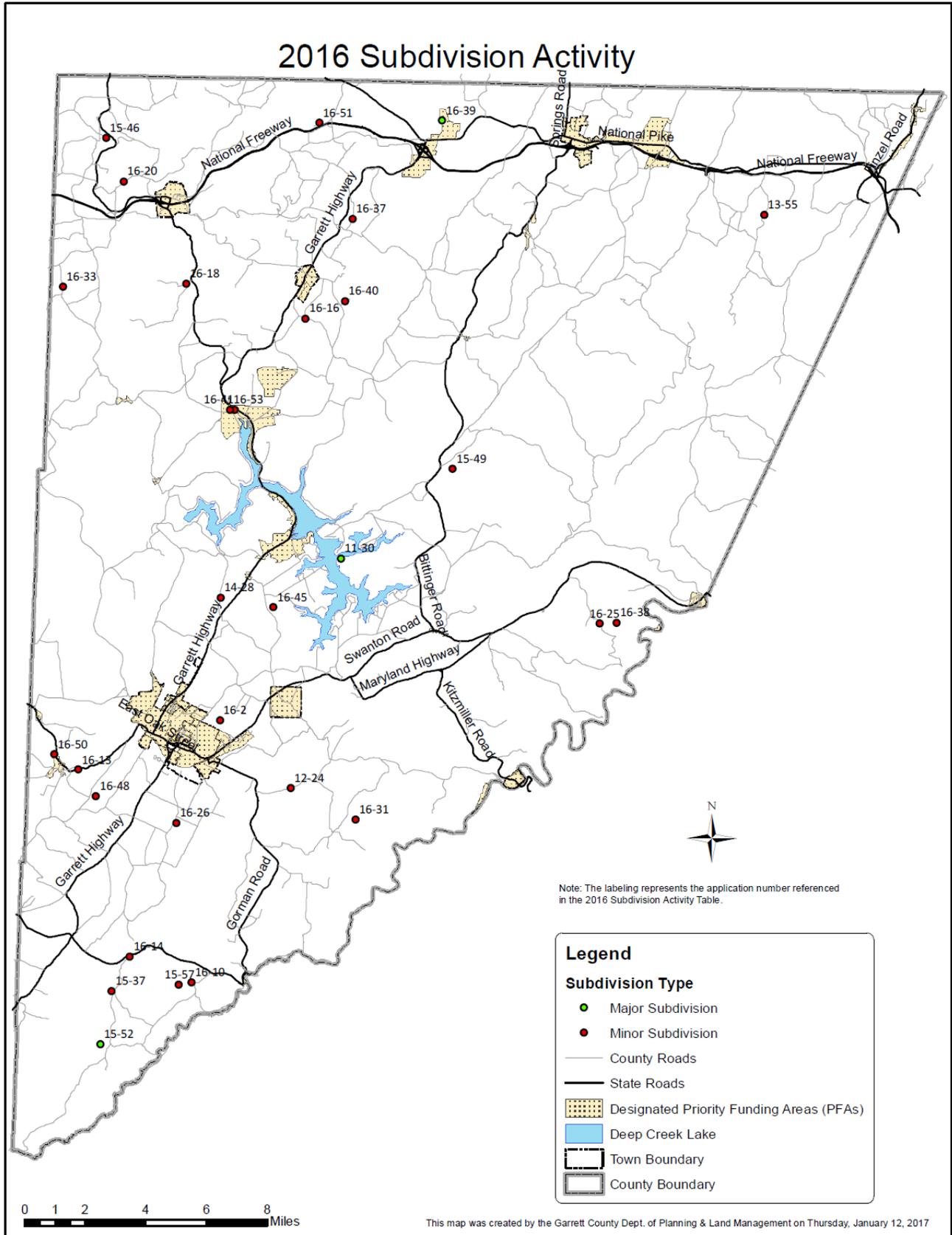
### PFA Summary

A total of 37 major and minor subdivision lots and PRD lots were created in 2016. 8% of these lots were within County Priority Funding Areas and 92% were outside County Priority Funding Areas.

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**2016 Subdivision Activity** (This summary represents major & minor subdivisions given final plat approval in calendar year 2016. 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.)

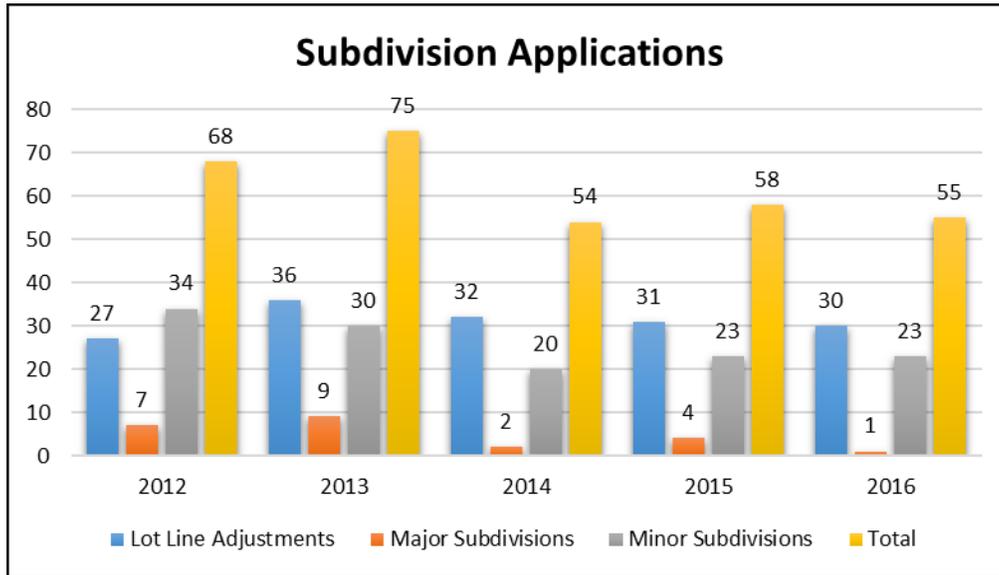
#	Land Classification	Subdivision Name	Applicant Name	Type	Total Acres	# of Lots	Avg. Lot size	Map	Parcel	PFA
20110030	Lake Residential 1	North Shore West- Th. Acres	Franklin Trust	Major	1.18	1	1.65	67	1	No
20120024	Rural Resource	Marvin White	Marvin White	Minor	3.00	1	3.00	86	23	No
20130055	Agricultural Resource	Randall Wilhelm	Mary Stark	Minor	3.74	1	3.74	20	12	No
20140028	Lake Residential 2	Jordan Skipper	Tim Skipper	Minor	2.03	1	2.03	65	143	No
20150037	Rural	Mettiki	Mettiki Coal LLC	Minor	6.50	1	6.50	100	131	No
20150046	Agricultural Resource	Fike Farm	Lawrence Paul Fike	Minor	2.30	1	2.30	3	32, 98	No
20150049	Rural	Barbara Hunter	Barbara Hunter	Minor	3.93	1	3.93	52	22	No
20150052	Rural	Virgil Stone	Virgil Stone	Major	12.75	1	12.75	100	129	No
20150057	Rural	Richard & Donna Blamble	Richard & Donna Blamble	Minor	7.80	1	7.80	101	88	No
20160002	Suburban Residential	Eddie Sisler	EM Development	Minor	14.96	2	7.48	78	232	No
20160010	Rural	David & Peggy Rohrbaugh	David & Peggy Rohrbaugh	Minor	8.24	1	8.24	101	90	No
20160013	Rural	John MacMillan	John MacMillan	Minor	3.66	1	3.66	84	7	No
20160014	Rural Resource	Camp Beaver	Camp Beaver LLC	Minor	103.00	5	20.60	95	58	No
20160016	Agricultural Resource	Mike Scudder	Ralph Miller	Minor	3.00	1	3.00	33	13	No
20160018	Rural Resource	Michael Sines	Michael Sines	Minor	6.05	2	3.03	23	45	No
20160020	Agricultural Resource	Randall Frantz	Mark Frantz	Minor	2.75	1	2.75	13	32	No
20160025	Rural	Katelyn Harvey	Phyllis Tichnell	Minor	1.00	1	1.00	69	84	No
20160026	Agricultural Resource	Raymond Beachy	Raymond Beachy	Minor	9.70	2	4.85	85	142	No
20160031	Rural	Margaret Upperman	Margaret Upperman	Minor	8.94	1	8.94	86	28	No
20160033	Agricultural Resource	Steven Bosley	Steven Bosley	Minor	3.00	1	3.00	31	33	No
20160037	Agricultural Resource	Tarry Butner	Tarry Butner	Minor	1.85	1	1.85	16	29	No
20160038	Rural	Gary Tichnell	Triple T LLC	Minor	6.43	1	6.43	69	35	No
20160039	Employment Center	Keysers Ridge Bus. Park	Garrett Co. Commissioners	Major	15.00	1	15.00	7	13	Yes
20160040	Agricultural Resource	Rodeheaver & Georg	T. Rodeheaver & R. Georg	Minor	10.38	1	10.38	34	1	No
20160041	Town Center	Reed & Davis	Steve Reed & K. Davis	Minor	0.28	1	0.28	41	37	Yes
20160045	Agricultural Resource	James & Angela Stewart	James & Angela Stewart	Minor	5.76	1	5.76	66	487	No
20160048	Agricultural Resource	Brandon Pritt & Melinda Smith	Betty Pritt	Minor	2.00	1	2.00	84	36	No
20160050	Suburban Residential	Thomas Stemple et al	Thomas Stemple et al	Minor	5.00	1	5.00	77	60	No
20160051	Rural Resource	Max & Elizabeth Bowser	Max & Elizabeth Bowser	Minor	4.95	1	4.95	5	8	No
20160053	Town Center	Grant County Bank	Grant County Bank	Minor	14.81	1	14.81	41	51	Yes
<b>TOTALS (30 subs)</b>					<b>273.98</b>	<b>37</b>	<b>7.4</b>			



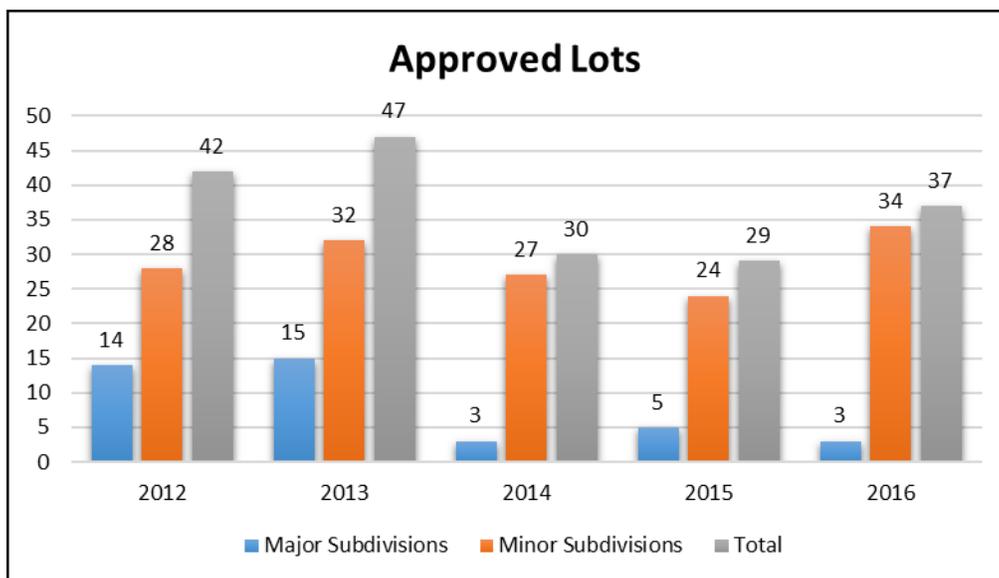
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The following Subdivision Applications chart shows the five year trend in the number of subdivision applications. Approved and unapproved applications for lot line adjustments, major subdivisions and minor subdivisions are included. The chart reflects applications only and does not consider the number of lots in each application or whether the application was approved. The total of 55 applications in 2016 includes one sketch plat.



The following Approved Lots chart shows the five year trend in the number of approved lots in major and minor subdivisions, based on the year the subdivision was approved. Final approval may occur in a different calendar year than the original subdivision application.



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## 2016 BUILDING PERMITS SUMMARY

### Residential Development

#### 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	4	4.04	.99	26	58.52	.44
Multi Family	0	0	0	0	0	0
Mobile Home	0	0	0	7	13.72	.51
<b>Total</b>	<b>4</b>	<b>4.04</b>	<b>.99</b>	<b>33</b>	<b>72.24</b>	<b>.46</b>
	<b>11% of dwellings permitted in 2016 were inside PFA's</b>			<b>89% of dwelling permitted in 2016 were outside PFA's</b>		

Note: Garrett County actually issued a total of 59 permits for housing units in 2016. Of those 59 units, 22 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 – 2016

#### Monthly Residential Development Summary

Garrett County	All New Single Family Housing Construction <sup>1</sup>				
		Buildings	Units	Value	Value/Unit
January		2	2	\$120,000	\$55,000
February		3	3	\$380,638	\$126,879
March		6	6	\$1,432,081	\$238,680
April		2	2	\$5,500	\$2,750
May		9	9	\$1,211,429	\$134,603
June		7	7	\$6,541,539	\$934,505
July		4	4	\$631,000	\$157,750
August		8	8	\$1,352,000	\$169,000
September		7	7	\$1,920,192	\$274,313
October		5	5	\$2,438,183	\$487,636
November		5	5	\$1,220,167	\$240,033
December		1	1	\$200,000	\$200,000
<b>Total</b>		<b>59</b>	<b>59</b>	<b>\$17,452,724</b>	<b>\$295,808</b>

SOURCE: Garrett County Department of Permits & Inspection Services

# Garrett County Planning Commission Annual Report

## Commercial Development

### 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	4.13	6804	.0378	4.5	18,564	.0947
Office	0	0	0	0	0	0
Manufacturing	3.77	14850	.0904	0	0	0
Retail	1.4	9,528	.1562	0	0	0
Utilities*	7.1***	139**	0	12.1***	449**	0
<b>Total</b>	<b>9.3</b>	<b>31,182</b>	<b>.077</b>	<b>4.5</b>	<b>18,564</b>	<b>.094</b>

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

\*\* Height of towers/turbines.

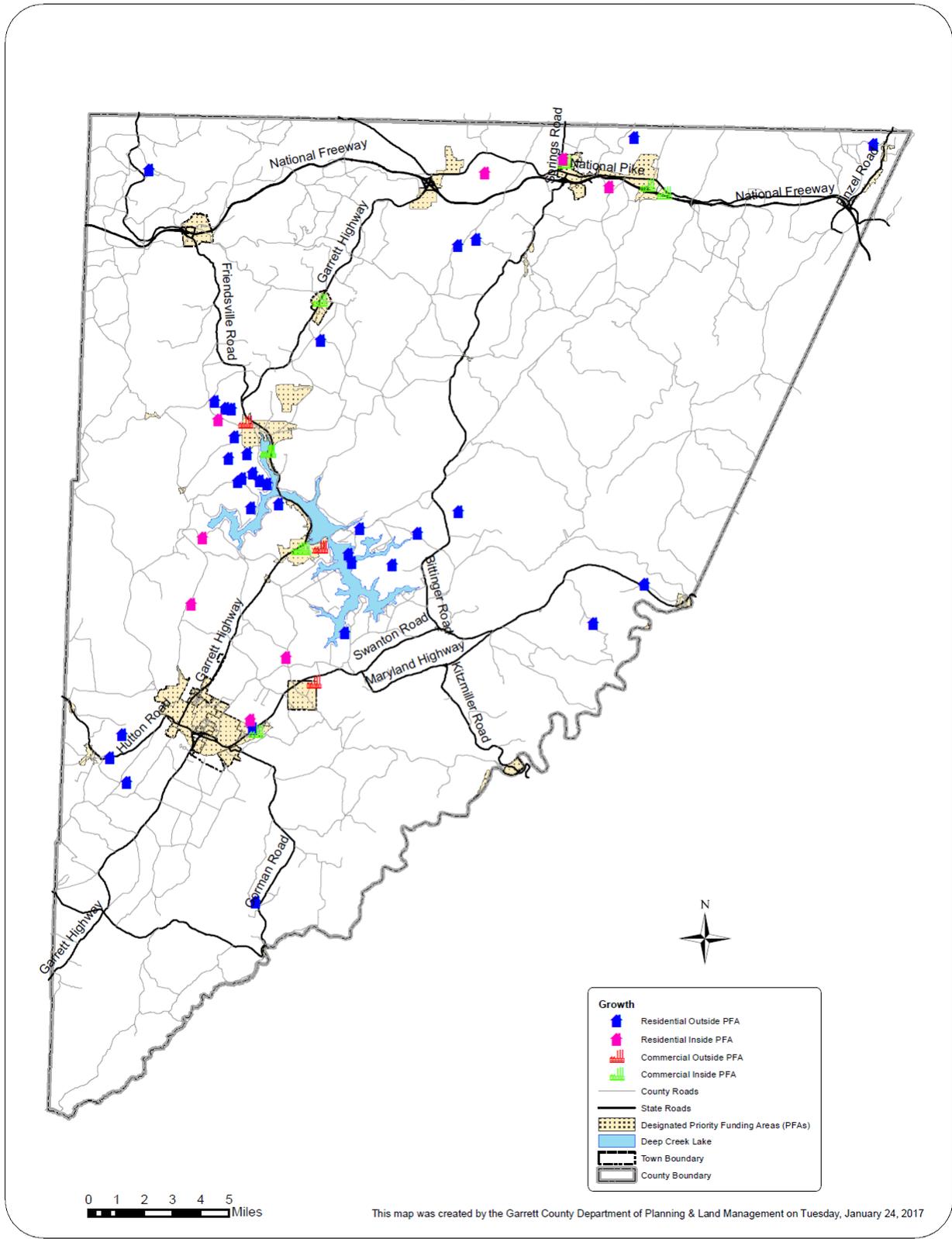
\*\*\* Includes ground mount solar arrays

### Commercial Summary

	Percent Inside Priority Funding Areas	Percent Outside Priority Funding Areas
<b>Total Acreage Developed</b>		
13.8	67.4%	32.6%
<b>Total Square Footage Created</b>		
49,746	62.7%	37.3%

# Garrett County Planning Commission Annual Report

## 2016 Building Permit Activity



# Garrett County Planning Commission Annual Report

## 2016 Building Permit Activity

### 2016 Residential Growth Outside PFAs

Approval Date	Application Number	Address Number	Street Name	Type or Use	Acreage	Total Sq.Ft.	Tax Map
3/16/2016	20150411	55	Boulder Ridge Drive	Transient Vacation Rental Unit	0.34	4845	49
2/1/2016	20160010	232	Deer Crest Court	SFR	4.08	2592	59
5/23/2016	20160029	2960	River Road	SFR	1	2572	8
3/8/2016	20160030	640	Legacy Way	SFR & Detached Garage	1	3456	60
3/16/2016	20160037	133	West Woods Court	SFR-Modular	3.22	2000	41
4/29/2016	20160106	3084	Hutton Road	SFR-Mobile Home	1	980	84
4/22/2016	20160108	160	King Wildesen Road	SFR-Mobile Home	1	980	97
5/11/2016	20160114	443	Ezra Savage Road	SFR	2.262	5200	73
5/17/2016	20160123	1935	Durst Road	SFR-Modular	3	3136	17
5/20/2016	20160134	2231	Chestnut Grove Road	SFR-Mobile Home	1	980	69
5/18/2016	20160145	21	Distillery Lane	SFR-Doublewide	3	1960	33
5/17/2016	20160154	1177	West Finzel Road	SFR-Mobile Home	6	1280	11
6/23/2016	20160155	104	Pine Top Trail	SFR-Modular	6.9	3220	77
6/20/2016	20160156	94	Chimney Rock Lane	SFR-Modular	0.58	2256	49
5/23/2016	20160160	339	Hidden Valley Lane	SFR-Modular	0.5	1331	59
5/23/2016	20160161	120	Scarlett Court	SFR-Modular	0.964	1528	49
6/24/2016	20160185	300	Deep Creek Highlands Road	SFR	1.3	2900	50
9/7/2016	20160247	581	Deep Creek Highlands Road	Transient Vacation Rental Unit	0.52	3808	50
10/14/2016	20160261	178	Smith Pointe Road	SFR	1.03	8137	59
8/15/2016	20160273	29	Upper Camp Road	SFR	0.42	3039	49
8/24/2016	20160276	2085	Amish Road	SFR-Modular	3	3240	17
9/6/2016	20160278	53	Monastery Way	SFR	1.83	2688	59
8/17/2016	20160292	630	Arra Messenger Lane	SFR-Mobile Home	1	980	41
8/25/2016	20160300	237	San Francisco Street	SFR	0.917	1440	58
9/15/2016	20160314	145	Fantasy Lane	SFR	0.47	3261	41
9/12/2016	20160334	137	Bloomington Hill Road	SFR-Modular	1.26	3360	70
10/3/2016	20160338	81	Holly Lane	SFR-Doublewide	0.72	1568	78
9/27/2016	20160343	908	Beckman Peninsula Road	SFR	1.2	4988	58
10/13/2016	20160371	60	Snowhaven Lane	Transient Vacation Rental Unit	0.57	2880	49
11/3/2016	20160399	377	Buffalo Run Road	SFR	15.9	3250	3
11/28/2016	20160410	374	Summit Woods Drive	SFR	3.23	4918	41
11/28/2016	20160420	181	Grand Estates Drive	SFR	1.03	2616	57
12/14/2016	20160441	668	Cherry Creek Lane	SFR	2	4395	84

# Garrett County Planning Commission Annual Report

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## 2016 Residential Growth Inside PFAs

Approval Date	Application Number	Address Number	Street Name	Type or Use	Acreage	Total Sq. Ft.	Tax Map
3/22/2016	20160047	176	Sam's Lane	SFR	1	6552	41
8/22/2016	20160283	873	Paradise Heights	SFR & Detached Garage	0.52	3019	58
8/22/2016	20160284	863	Paradise Heights	SFR	0.52	3019	58
10/20/2016	20160366	68	Deerfield Drive	SFR-Modular	2	1680	310

## 2016 Commercial Growth Outside PFAs

Approval Date	Application Number	Address Number	Street Name	Type or Use	Acreage	Total Sq. Ft.	Tax Map
5/4/2016	20150058	296	Old New Germany Road	Commercial-Tower	0.25	199	8
3/9/2016	20150368	2986	Oakland Sang Run Road	Commercial-Business Service	1.5	2400	65
3/4/2016	20150474	456	Springs Road	Banquet Hall	1	4464	8
4/1/2016	20150516	1075	Sand Flat Road	Commercial-Business Service	1	7200	73
4/8/2016	20160006	375	Francis Sanders Drive	Commercial Utilities	4	0	78
4/28/2016	20160112	6428	Sang Run Road	Banquet Hall	1	4500	41
5/4/2016	20160113	932	Gaswell Road	Commercial-Tower	0.25	250	7
11/4/2016	20160353	762	Mayhew Inn Road	Commercial Utilities	7.6	0	57

## 2016 Commercial Growth Inside PFAs

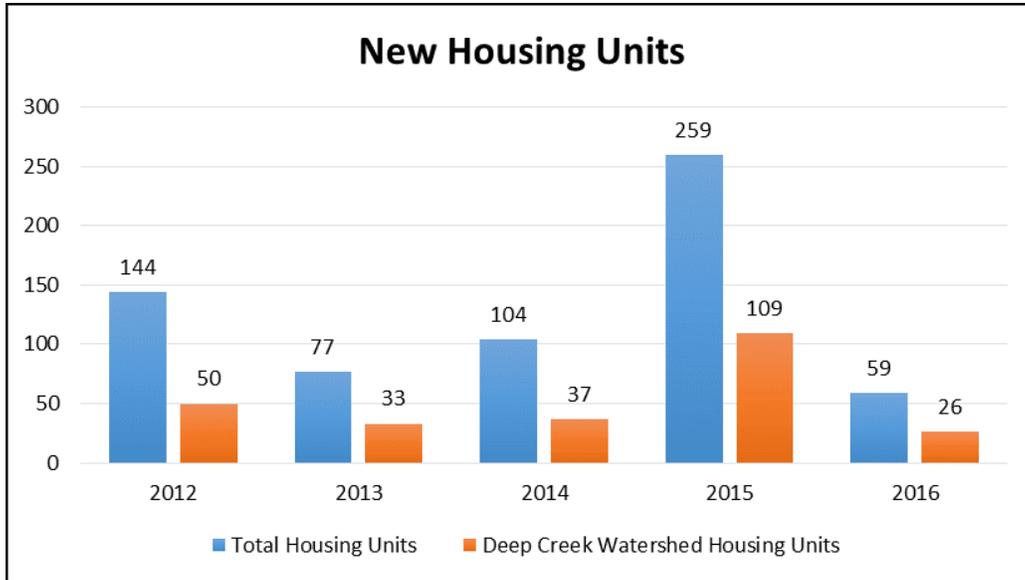
Approval Date	Application Number	Address Number	Street Name	Type or Use	Acreage	Total Sq. Ft.	Tax Map
4/5/2016	20150569	19350	Garrett Highway	Commercial-Business Service	1.01	2100	58
3/9/2016	20160008	97	Locker Lane	Manufacturing	3.77	14850	8
2/18/2016	20160019	38	Lakeside Village Lane	Lodging Unit	0.54	576	50
2/18/2016	20160020	32	Lakeside Village Lane	Lodging Unit	0.54	576	50
2/18/2016	20160021	26	Lakeside Village Lane	Lodging Unit	0.54	576	50
2/18/2016	20160022	18	Lakeside Village Lane	Lodging Unit	0.54	576	50
3/24/2016	20160033	2815	Chestnut Ridge Road	Commercial-Food Service	1	4488	19
9/23/2016	20160302	19534	Garrett Highway	Commercial-Tower	0.25	139	58
10/14/2016	20160361	13166	National Pike	Commercial Utilities	6.1	0	19
10/31/2016	20160388	27	Resource Avenue	Commercial-Business Service	1	2400	79
11/2/2016	20160392	114	South Main Street	Commercial-Business Service	0.4	5040	200

# Garrett County Planning Commission Annual Report

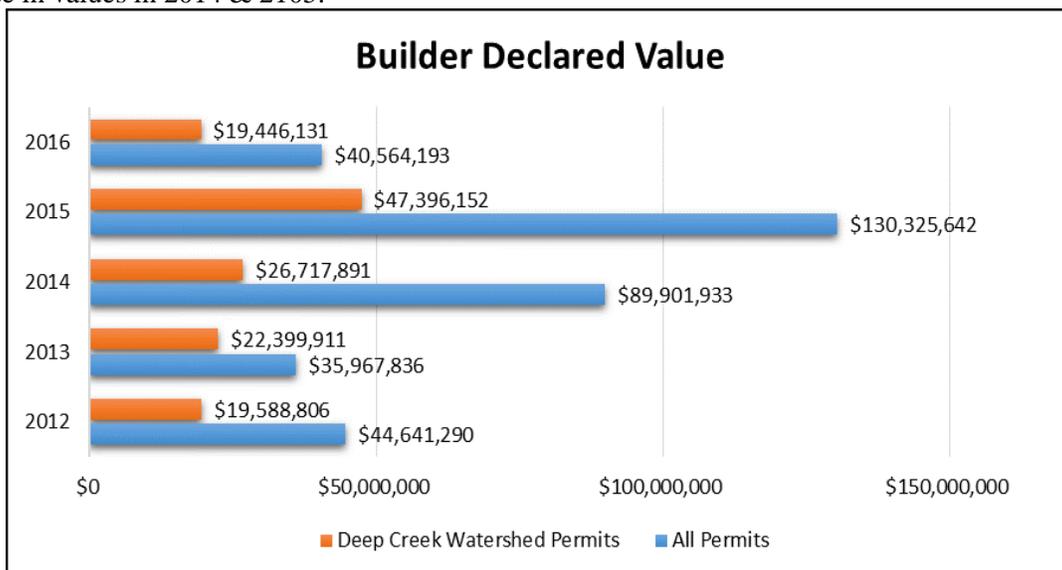
## Five-Year Permit Analysis

The following charts were compiled using building permit data. The significant increase in new housing units and builder declared value in 2015 is directly attributed to the large number of applicants that rushed to acquire permits prior to residential sprinkler systems becoming mandatory in new homes by the end of 2015. It is likely that this also resulted in a decline in new housing units and builder declared value in 2016, as many potential applicants already acquired building permits the previous year.

The following 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 following 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 permits located in the Deep Creek Watershed. Proposed improvements includes all permitted activity, both commercial and residential. Several wind turbine projects also contributed to an increase in values in 2014 & 2105.



# Garrett County Planning Commission Annual Report

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## **2016 AGRICULTURAL PRESERVATION SUMMARY**

The Department of Planning & Land Management 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 five Garrett County Agricultural Land Preservation District applications in 2016: a 390.1 acre District submitted by Valley of Hope Farms, LLC along Baker Farm Road & Gorman Road; a 664.95 acre District submitted by Patricia Hummel, personal representative of the estate of Wayne B. Hamilton, Jr. along George Washington Highway; a 50 acre District submitted by Garrett Horse LLC (Bradley) along White Fawn Lane; a combined 80 acre District submitted by Garrett Horse LLC (Congedo) and Michael Pellet along White Fawn Lane and a 78.02 acre District submitted by James & Linda Sherbin along Oakland Sang Run Road.

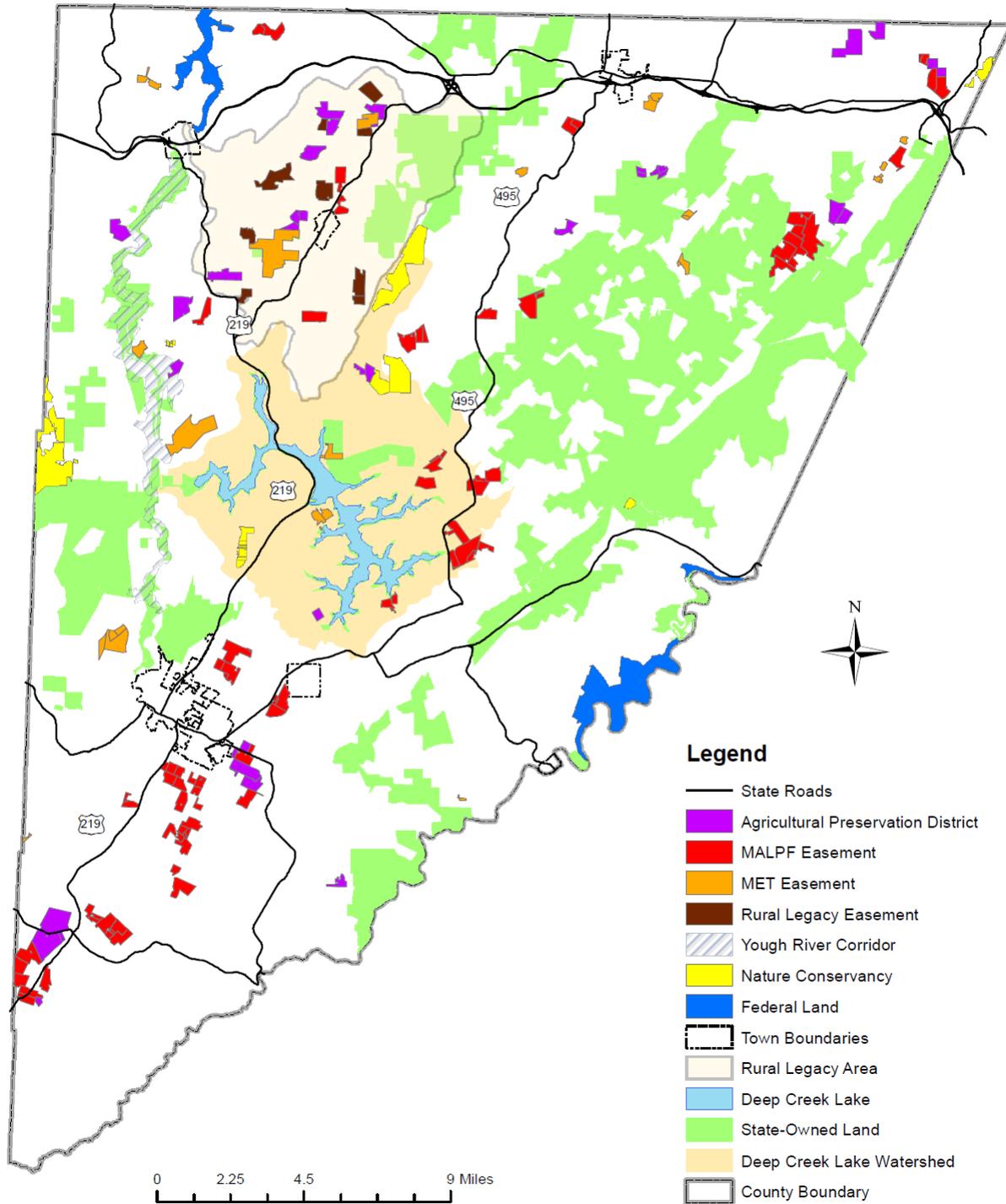
Three property owners with Districts approved by the Planning Commission in previous calendar years continued to work with MALPF to sell conservation easements. The easements for Vitez & Ganoë were finalized while the Gosnell easement grew closer to completion. Due to a lack of funding, there was no new activity pertaining to the Bear Creek Rural Legacy Area in 2016.

The following chart provides the total number of properties and acreage involved in the various agricultural preservation programs in Garrett County.

**Garrett County Agricultural Land Preservation**

Program	Properties	Total Acres
MALPF Easements	56	6,940
Rural Legacy Easements	11	1,395
County Districts	25	3,204

## Garrett County Maryland Protected Lands



# 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 revisits this PFA target on an annual basis to ensure it corresponds with the requirements for the Annual Report in the Land Use Article and with the results of actual development from the preceding year. During 2016, 8% of new lots, 11% of residential development permits and 67.4% of commercial development permits were inside PFAs. To date, Garrett County has added 79 additional housing units within PFA areas since 2010.

Attaining this goal is challenging due to the the small percentage of the County located within PFAs. The lack of growth within the County, as evidenced by the low building permit and subdivision numbers, presents another impediment. Although building permit numbers did increase in 2015, the growth appeared to be related to the requirement for mandatory residential sprinkler systems in new homes and was not expected to continue.

Garrett County does have 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 Department 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.

In addition, the local goal of 10% of new growth in PFA areas, while reasonable, is likely to be difficult to achieve due to the inadequacy of infrastructure. Many of our municipalities have old and/or failing infrastructure and the cost to upgrade them is prohibitive.

After evaluation, the Planning Commission determined that the Local Goal of locating 10 percent of all new development within the County's Priority Funding Areas 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 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 Comprehensive Plan; the Plans of 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 Sensitive Areas Ordinance or Subdivision Ordinance in 2016. An updated version of the Tier Map was adopted into the Comprehensive Plan (See Appendix A). The Planning Commission voted to send a proposed amendment to the Deep Creek Watershed Zoning Ordinance regarding natural gas wellheads to the Board of

# Garrett County Planning Commission Annual Report

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County Commissioners, but the amendment was not adopted. For reference, the Deep Creek Watershed Zoning Map, Garrett County Subdivision Ordinance Map, Garrett County Sensitive Areas Ordinance Maps, Tier Map and Priority Funding Areas Map from the 2008 Comprehensive Plan are provided on the following pages.

## **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 2013 Capacity Analysis was included in the 2013 Annual Report and the Maryland Department of Planning (MDP) recently completed an updated analysis. The results are a significant decrease in potential residential growth outside of priority funding areas (PFA). MDP ran 2 versions of the development capacity analysis for Garrett County. The first illustrates development capacity without restricting subdivision in the County's Tier 4. The second reduces development capacity in Tier 4 areas to 7 lots per parcel.

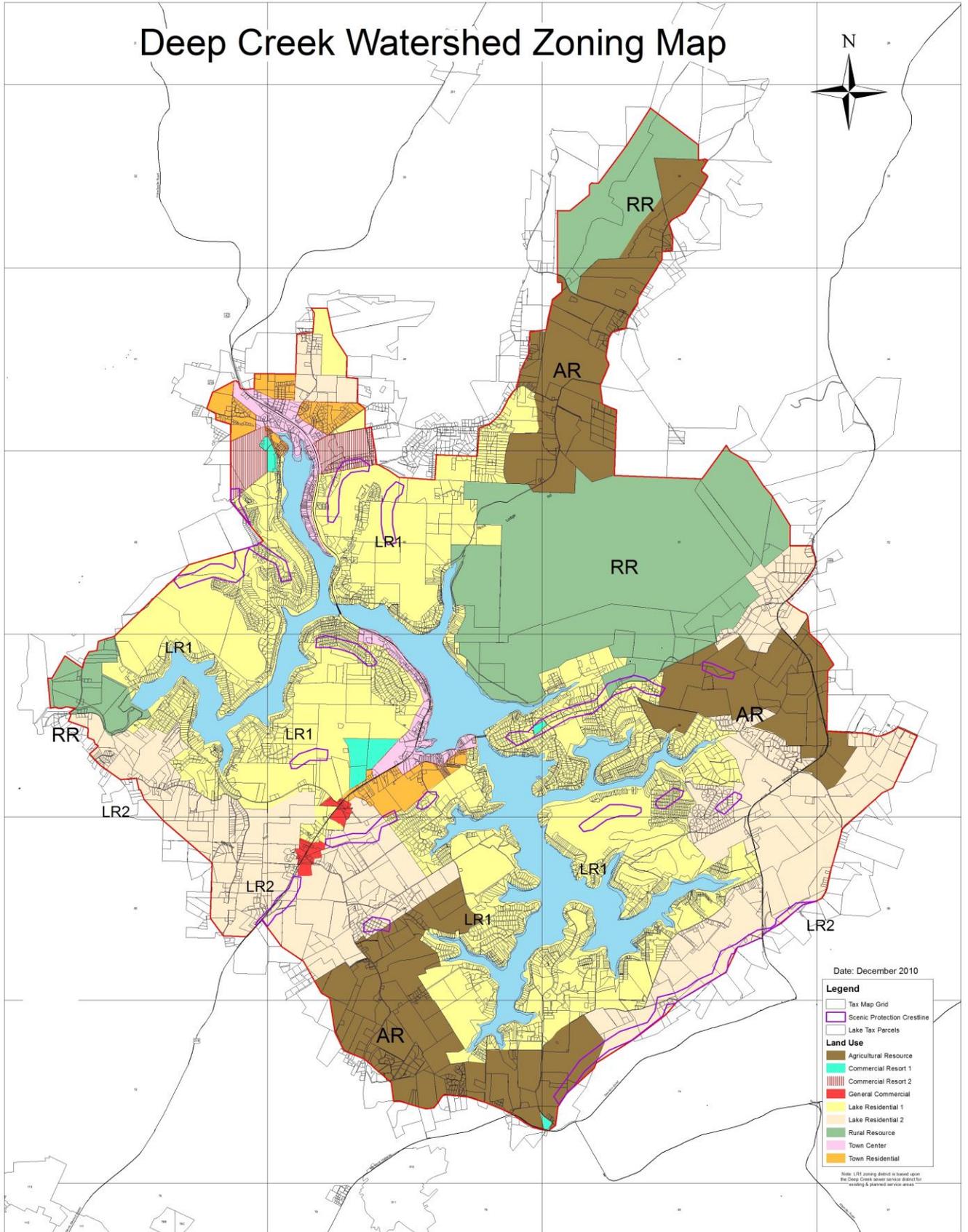
Pre-Tier Map:

<b>PFA</b>	<b>New Household Capacity</b>
Inside	5,968
Outside	84,411
<b>Total</b>	<b>90,379</b>

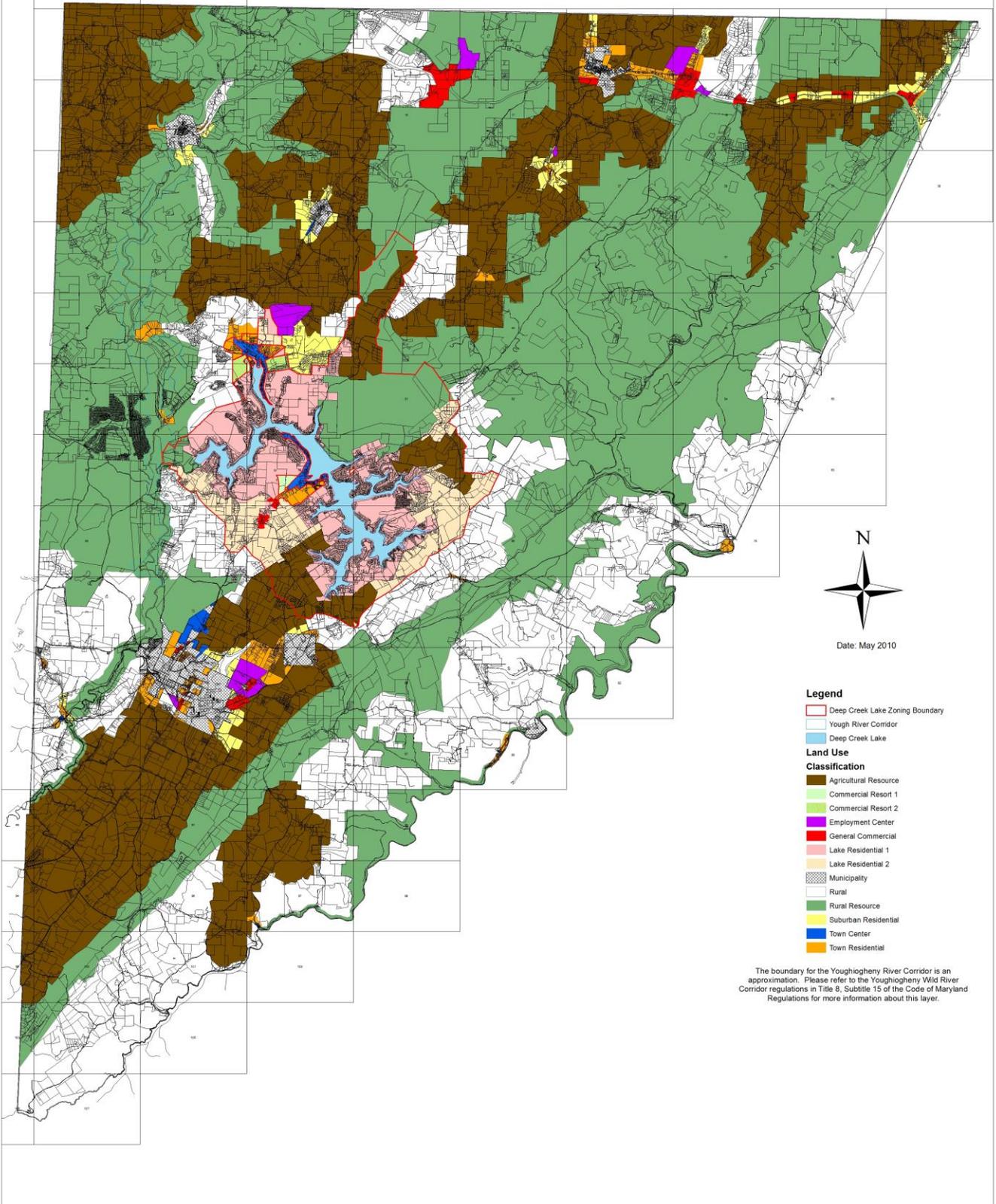
Reflects Adopted Growth Tier Map:

<b>PFA</b>	<b>New Household Capacity</b>
Inside	5,968
Outside	41,436
<b>Total</b>	<b>47,404</b>

This analysis is similar to that conducted in the 2013 Annual Report, but updated on the based on new data and regulatory restrictions. MDP attempted to incorporate natural limitation factors for growth like floodplain buffers and steep slopes; however, some major limiting factors cannot be mapped, like the inability to find good percolation sites. This year's capacity analysis shows a 49% decrease in potential residential growth outside of priority funding areas due to the septic bill. While this may be a desirable outcome in metropolitan areas where sprawl is a concern, in Garrett County it is detrimental. Garrett County's PFAs consist of less than 3% of our county. Limiting growth to only those areas will ultimately have a negative effect on the county's economy.

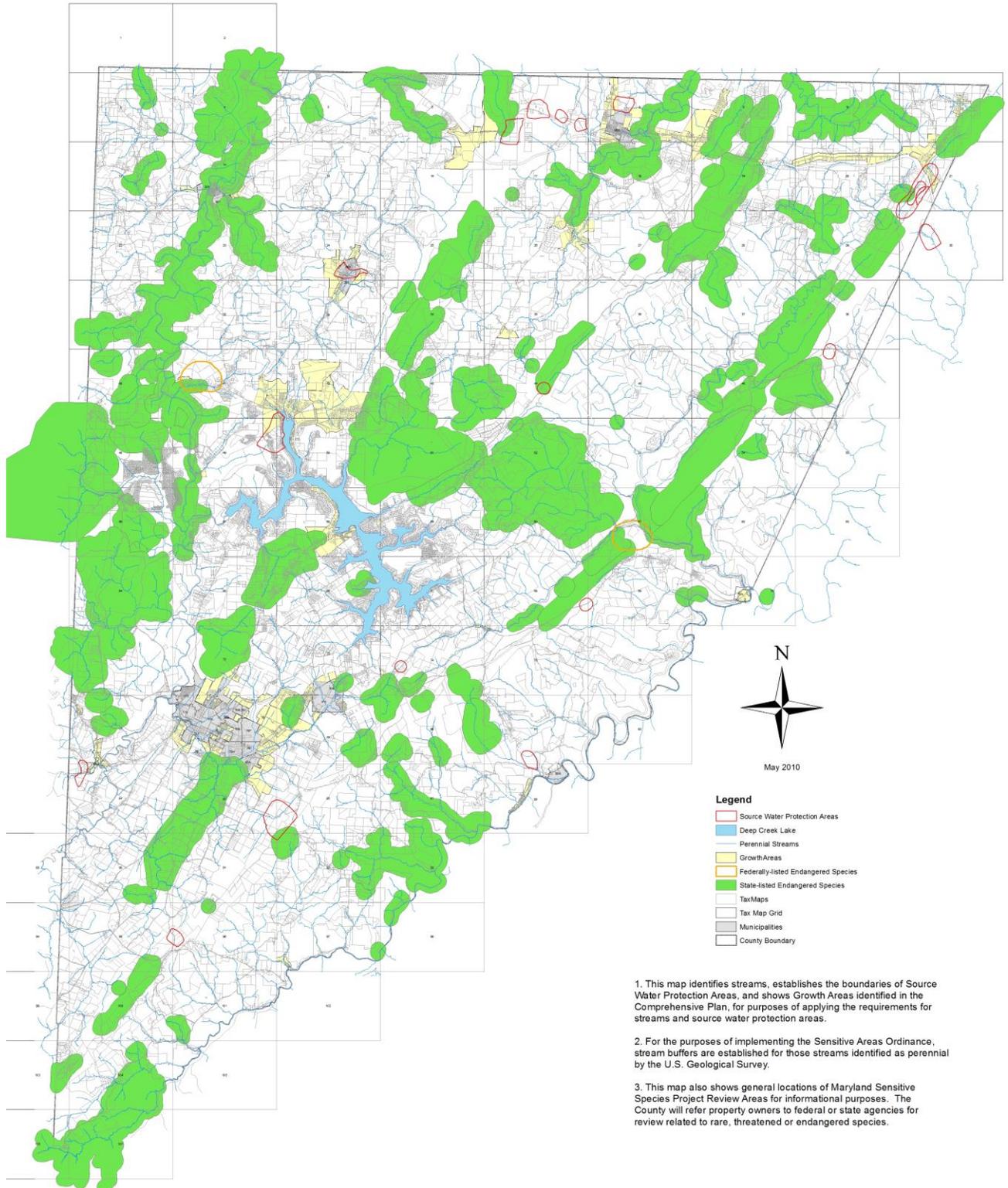


## Subdivision Ordinance Map



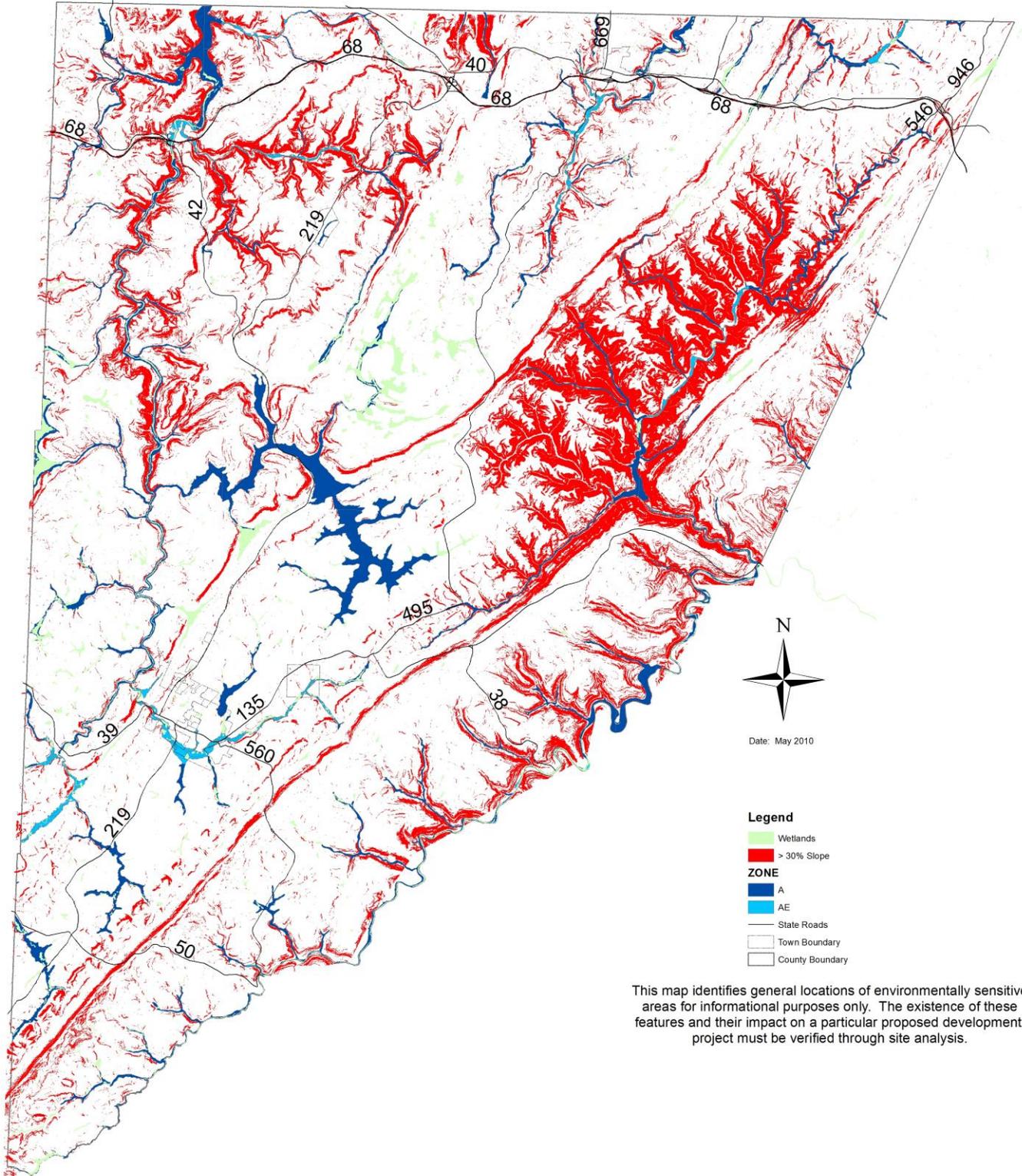
## Sensitive Areas; Map 1

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



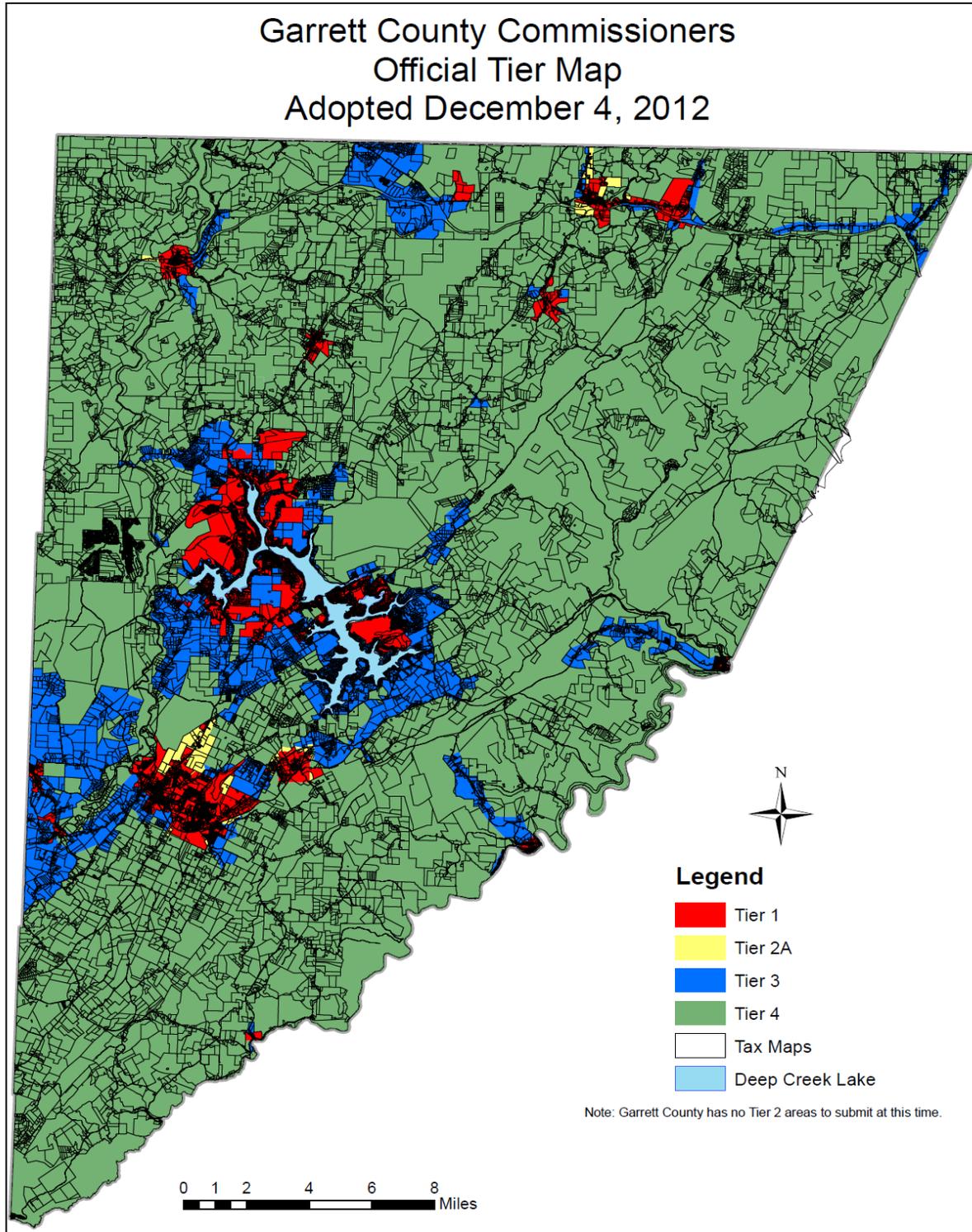
## Sensitive Areas; Map 2

Steep Slopes, Floodplains and Wetlands



# Garrett County Planning Commission Annual Report

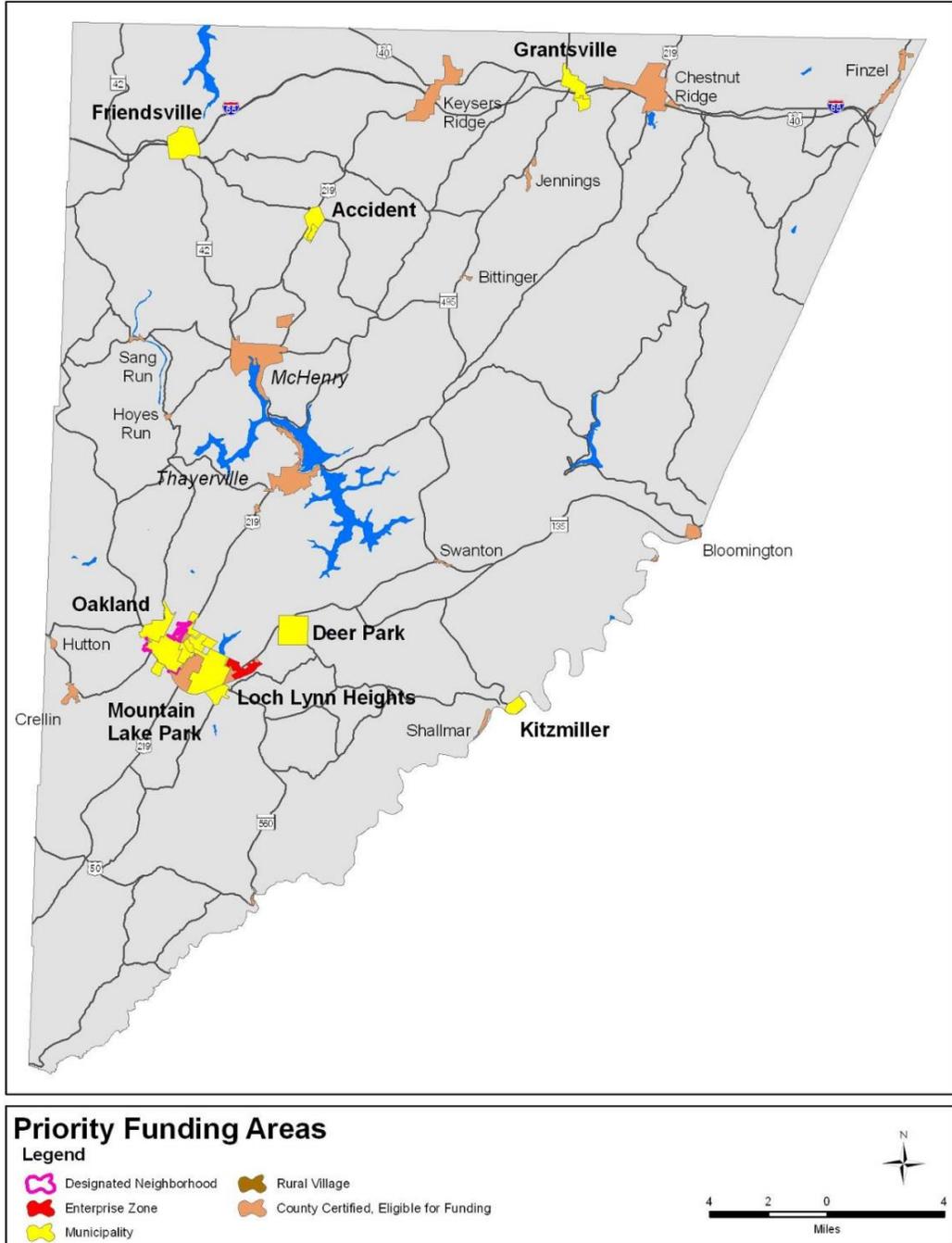
2012 Tier Map for reference. See APPENDIX A for updated version of Tier Map adopted November 7, 2016



# Garrett County Planning Commission Annual Report

2008 Garrett County Comprehensive Plan

**Map 3.2: Priority Funding Areas**



# APPENDIX A

## 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

Paul C. Edwards  
James C. Hinebaugh, Jr.  
S. Larry Tichnell

### County Administrator

Kevin G. Null  
County Attorney  
Gorman E. Getty III

### RESOLUTION 2016 – 6

WHEREAS, the Maryland Land Use Article empowers the County to prepare, enact, amend, and execute a Comprehensive Plan within its territorial limits; and

WHEREAS, the General Assembly passed legislation in 2013 which amended Section 1-207, 1-416, 1-509, 3-301 and 3-303 of the Land Use Article, Annotated Code of Maryland; and

WHEREAS, said legislation mandated that all jurisdictions that adopted growth tiers, as outlined in the 2012 septic law, are required to incorporate their growth tier map into its Comprehensive Plan; and

WHEREAS, the Maryland Department of Planning has stated that in order to be in compliance with the law, Garrett County must incorporate the growth tier map via amendment to the Comprehensive Plan by the end of calendar year 2016; and

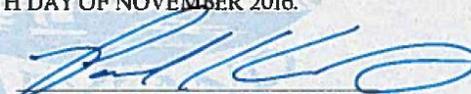
WHEREAS, the Garrett County Planning Commission duly deliberated and voted on the amendment attached hereto; and

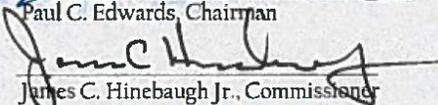
WHEREAS, the Maryland Department of Planning reviewed said amendment and approved the content therein; and

WHEREAS, the Board of County Commissioners conducted a Public Hearing on said amendment.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Garrett County, Maryland does hereby enact the following amendment to the Garrett County Comprehensive Plan.

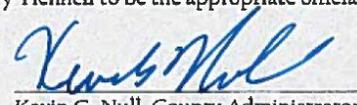
DULY ADOPTED BY A UNANIMOUS VOTE OF THE BOARD OF COUNTY COMMISSIONERS OF GARRETT COUNTY MARYLAND THIS 7TH DAY OF NOVEMBER 2016.

  
Paul C. Edwards, Chairman

  
James C. Hinebaugh Jr., Commissioner

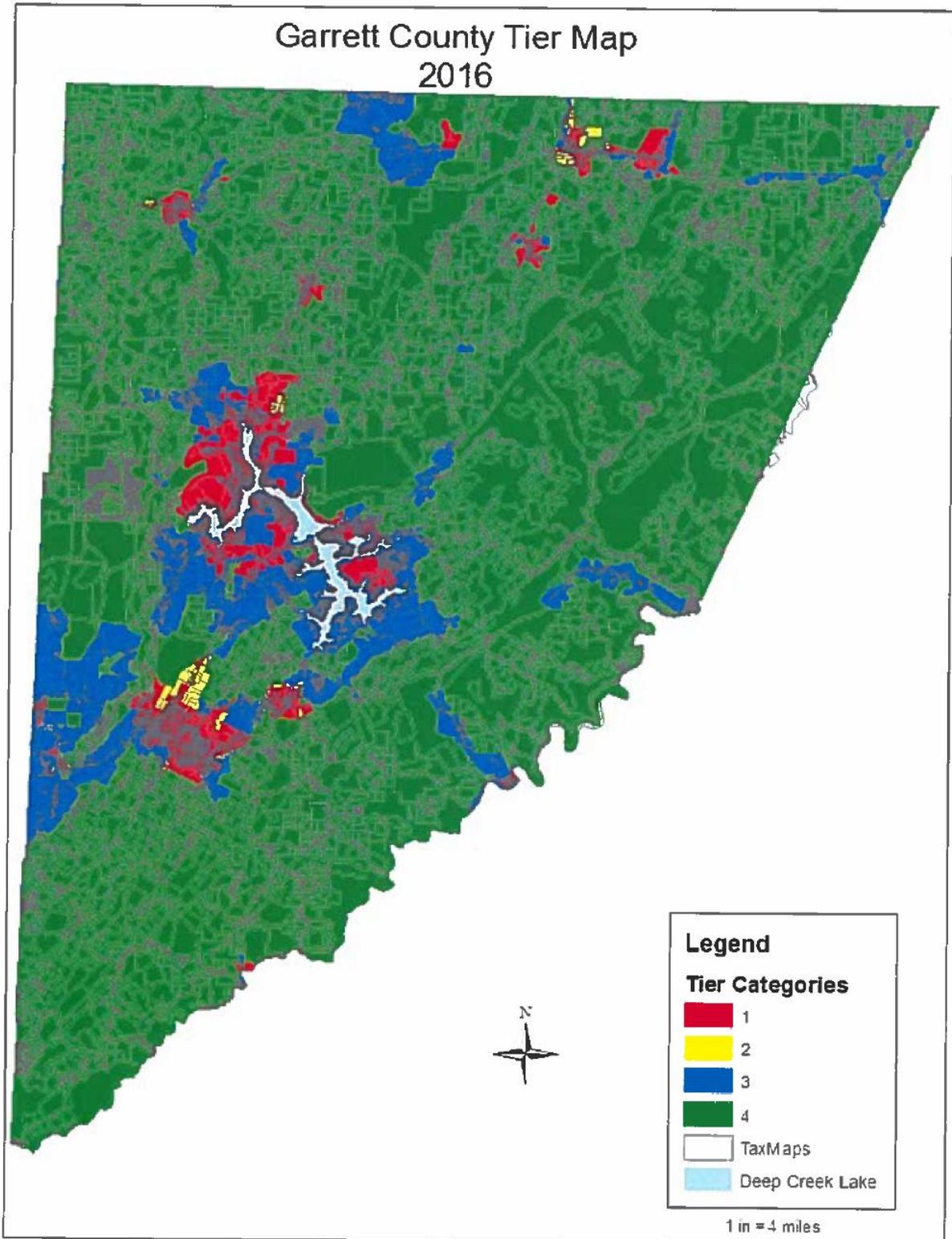
  
S. Larry Tichnell, Commissioner

I certify that the foregoing resolution was duly passed and adopted by the Board of County Commissioners at a regular meeting held November 7, 2016; I further certify this reproduction is an accurate facsimile of said resolution; and I further certify I am the 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 that Paul C. Edwards, James C. Hinebaugh Jr. and S. Larry Tichnell to be the appropriate officials to sign the same resolution.

  
Kevin G. Null, County Administrator

LIBR008 PAGE 0378

Map 3.12: Garrett County Tier Map



# Garrett County Planning Commission Annual Report

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LIBR 008 PAGE 0379  
AMENDMENT

(Change the last section number in Chapter 3 from 3.6 Policies and Actions to 3.7 Policies and Actions)  
(Insert on page 3-38)

## 3.6 State Land Use Policies

This section incorporates the Garrett County Tier Map into the Comprehensive Plan. The Maryland General Assembly approved the Sustainable Growth & Agricultural Preservation Act of 2012 (Senate Bill 236) during the 2012 General Assembly session. The law, which took effect on July 1, 2012, is sometimes referred to as the Septic Bill since it seeks to limit the spread of residential development on septic systems.

The Act required all jurisdictions, including Garrett County, to adopt land use categories called Tiers. The Tiers were created based on certain criteria in the Act that established where major and minor residential subdivisions may be located and what type of sewerage system will serve them. The Garrett County Commissioners adopted the final tier map on December 4, 2012. All subdivisions submitted on or after December 31, 2012 must comply with the Tier map and other provisions of the Act.

Minor corrections to the Tier Map were made and adopted by the Commissioners May 2, 2016. The corrections were made to more accurately reflect the contents of the Water & Sewer Master Plan which was adopted after December of 2012. Map 3.12 shows the Garrett County Tier Map.