

FREQUENTLY ASKED QUESTIONS RELATING TO THE DRAFT GARRETT COUNTY LAND MANAGEMENT ORDINANCE

1) Why has this draft been created?

ANSWER: The DRAFT Ordinance was prepared to provide a framework for discussions relating to land use within the County. Garrett County is the only county in the State of Maryland that has not adopted a system of comprehensive county-wide land use regulation and the County believes that it is appropriate to have a dialog about this important issue at this time. There are many types of land use that have been the subject of public debate including wind energy systems, gas drilling, as well as signs all of which have the potential to impact the scenic and natural beauty of our County and to effect the quality of life for our citizens. A discussion about land use and the scope of regulation, if any, is an important way for the County and it's citizens to reach a consensus on this issue.

2) Will it change my farming operation?

ANSWER: All farming practices and agricultural land uses are permitted by right under the draft ordinance and any existing uses of land are "grandfathered" and may continue to exist and operate as they have been operated in the past.

3) Will the draft ordinance impinge upon the use of my land?

ANSWER: The draft ordinance does not prohibit any land uses on any property that is within the intended jurisdiction of this ordinance. The vast majority of land uses are permitted by right under this ordinance and approximately 10 uses (including taverns, compressor stations, race tracks and adult uses) would be permitted by special exception as approved by an Appeals Board.

4) Does the draft ordinance eliminate gas drilling and wind energy systems?

ANSWER: Both the drilling for gas and construction of wind energy devises are permitted by right under the draft ordinance. These uses would be required to comply with certain bonding requirements, noise and setback standards to mitigate potential adverse effects on adjoining properties.

5) Are any provisions for setbacks and bonding currently in effect?

ANSWER: While the County Roads Department currently has the authority to require bonding for oversize and overweight truck loads on county roads, the bonding authority does not extend to the size and weight of trucks that are anticipated to be used in the Marcellus gas drilling operations. Evidence from adjoining States indicates that truck traffic associated with the drilling process has a detrimental effect on local road conditions and that bonding agreements with those companies is necessary to ensure safe and stable surface conditions of county roads. Noise and setback requirements do not currently exist and the proposed standards offer some minimal protection for adjacent property owners.

6) Are there any local regulations or local provisions that currently exist to govern gas and wind development?

ANSWER: Maryland Department of Environment regulates the actual drilling process for natural gas, however, drilling in the Marcellus Shale reserves is currently on hold under Executive Order of the Governor. The only local regulations currently in effect for these industries are the Stormwater Management and Sediment and Erosion Control standards for the grading work and water run-off associated with these developments. Building permits must be obtained from the County for construction of any permanent structures built in conjunction with these industries and permits for oversized vehicle use of County road and installation of utilities in County road rights of way are also required.

7) Is this version of the draft ordinance the final version?

ANSWER: The current draft ordinance is just that, a DRAFT. The Board of County Commissioners considers this draft to be a working draft that is subject to change based upon citizen input.

8) How are changes made?

ANSWER: Citizen's comments will be closely reviewed and considered by the Board of County Commissioners and may lead to adjustments in the text of the ordinance following the 45 day comment period. If adjustments are made to the draft, the Board will provide further opportunity for public review and comments and conduct future public meetings.

9) Will there be an appeals process?

ANSWER: An appeals process is built into the draft ordinance. Appeals for Variances, Special Exceptions and Interpretations can be made to the Board of Appeals and any decision of the Board of Appeals can be appealed to the Circuit Court of Garrett County.

10) Are there land classifications?

ANSWER: Yes, there are land classifications shown on the Land Classification Map that are intended to be used to determine the minimum lot size and setback standards for various uses in the various classifications.

11) Is this Euclidean Zoning?

ANSWER: No. As Subsection 164.023 of the draft ordinance specifies, uses of land will not be segregated or regulated by or between geographic land classifications as shown on the Land Classification Map. Uses of land that are permitted in one land classification will be permitted in all land classifications and uses of land requiring special exceptions in one land classification will require special exceptions in all land classifications. As explained in question 10 above, the land classifications are intended to establish different dimensional and density standards to support the distinctions between the rural and more densely developed communities in Garrett County.

12) Does the draft ordinance protect county infrastructure?

ANSWER: County infrastructure, particularly roads will be afforded some protection against the damaging effects of heavy and intense truck traffic generated by some industries by requiring bonding agreements with the companies to make repairs to the road surfaces.

13) How long is the comment period open?

ANSWER: 45 days until June 15, 2012

14) Following the initial 45 day comment period, will there be future public hearings before adoption of any Land Management Ordinance?

ANSWER: Yes. The initial 45 day public comment period is intended to provide citizens with the opportunity to informally comment on and express opinions about the working Draft Ordinance. After June 15th 2012, and based upon the initial set of comments received, the Board of County Commissioners will decide whether to move forward with a more formal public participation and hearing process to ultimately adopt such an ordinance. If the Board decides to move forward with the intent to adopt the draft ordinance, a formal referral of the draft to the Planning Commission for their recommendations and at least one formally advertised public hearing conducted by the Board of County Commissioners would be scheduled at a future date to be decided.

Additional questions and answers will be added to this list of FAQ's as public comments and questions are received.