

## GARRETT COUNTY PLANNING AND LAND DEVELOPMENT OFFICE

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### MINUTES

**The Garrett County Planning Commission** held its regular monthly meeting on Wednesday, November 2, 2005, at 1:30 pm, in the Economic Development Meeting Room. Members and guests in attendance at the meeting included:

George Brady	Gary Fratz	John Nelson-staff
Ruth Beitzel	Jeff Messenger	William DeVore-staff
Tim Schwinabart	Troy Ellington	Edith Brock

1. Call to Order – By Acting Chairman, Ruth Beitzel, at 1:30 pm.
2. The October minutes were unanimously approved, as submitted.
3. Reports of Officers – None
4. Unfinished Business –
  - A. **Request for a Zoning Amendment to the Deep Creek Lake Watershed Zoning Ordinance** - Mr. Nelson explained a public hearing for an amendment to the Deep Creek Watershed Zoning Ordinance requested by Thousand Acres Development has been scheduled for November 15, 2005, at 10:00 am, in the County Commissioners Meeting Room. The amendment would allow a clubhouse at the proposed public golf course and proposed golfing community on Thousand Acres. Discussion ensued regarding the details of the project including Department of Natural Resource (DNR) regulations, concerning privileges for docking, restaurant and pool use, along with club and golfing memberships.
5. New Business-
  - A. **Review of the draft of the Garrett County 2005 Preservation, Parks and Recreation Plan.**

The Planning Commission continued with the review of the draft of the Recreation Plan, as submitted by the consulting firm of Redman and Johnston. Mr. Nelson explained that the Commission stopped the review of the document at the last meeting on page 3-43.

Mr. Nelson reiterated the issues that were struck from the Recreation Plan by the Commission including: the mandatory dedication of property for recreational purposes for residential, subdivision development with dedicated maintenance. The plan also provides, in lieu of mandatory dedication, that fees may be substituted. The Commission voted against approval of both of these recommendations, at the October meeting.

Major points from the last meeting also include the establishment of a sports complex at Adventure Sports International as well as the plan for the recreation-athletic center that will be operated by Garrett College, adjacent to Adventure Sports.

The consultants recommend that the county provide financial assistance to the municipalities for the establishment of a Parks and Recreation Coordinator, to help the municipalities manage their various parks. The Commission voted against approval of this recommendation because the county is currently evaluating the financial feasibility of the development of its own Parks and Recreation Department. If shown to be financially feasible, the Commission would support the development of such a department.

The Commission recommended various additional changes to the plan and completed the review of the entire Parks and Recreation Plan. The Commission noted various typographic errors and text changes that were made to the draft plan that John Nelson will forward to the County Commissioners.

The Commission again discussed the issue of mandatory clustering and preservation of agricultural land in Garrett County. Mr. Nelson said that the Planning Commission would revisit those issues in the near future.

**B. Review of Agricultural Land Preservation District Application by Bonnie J. Sunny and Herman H. Steiding.**

John Nelson presented an application and map of a parcel of land owned by Bonnie J. Sunny and Herman H. Steiding off of Steiding Church Road. Mr. Steiding and Ms. Sunny have applied for an Agricultural Preservation District on the 121.3-acre property. Eighty percent of the farm is in soil classifications one, two and three. The property also exceeds the minimum size qualification of 50 acres. Currently, the property is outside of any water or sewer district and is an active farming operation. Mr. Nelson and the staff feel that the property meets all of the qualifications of the program.

Mr. Nelson explained that with approval of this application, the landowner becomes eligible for the County Tax Credit Program for land in the district. The applicant also becomes eligible to apply for payment of the development rights for the property. If the easements were sold the land would permanently be preserved as agricultural land. After discussion, approval of the Agricultural Preservation District was granted

unanimously. The Agricultural Land Advisory Board also must approve the application. A public hearing will be held on the application for the preservation district, as required.

**C. Request for Waivers by Century Engineering, Inc. for the Ridgeview Valley Planned Residential Development (PRD).**

Aaron J. Teets of Century Engineering requests two waivers regarding the road designs at Ridgeview Valley PRD. Because of the topography constraints, Century requests a waiver from the requirement of the subdivision ordinance regarding length of the cul-de-sac roads. The ordinance states that these roads shall not exceed 1,000 feet in length, except when the Planning Commission determines that the benefits for lengths, in moderate excess, outweigh the concerns that caused the length limitation to be set forth. The maximum cul-de-sac road length proposed is 2000'. Mr. Nelson explained that the reason for the limit is to provide adequate emergency access and secondary access for residents of the development. The 50-foot, required right-of-way width would still apply. Discussion included suggestions for a redesign and the addition of emergency access roads to complete the connection of internal road loops. The Commission noted that any proposed, substandard roads must also be maintained, year round.

After discussion, the Commission denied the waiver request for the extended cul-de-sac roads. The Commission conveyed the message that the group is concerned about emergency vehicle access. The group suggests that Century Engineering reevaluate the design to reduce the length of the cul-de-sacs to accommodate internal and emergency traffic flow.

Century Engineering also requests a waiver from the road design standards of the ordinance. The company requests that roads would be designed with a minimum 18' roadway width with 2' shoulders, instead of the public road standards of a 20' roadway with 5' shoulders. After discussion, the Commission unanimously recommended approval of this portion of the request, provided that the roads are not considered for county acceptance and maintenance, as included in the homeowners' documents.

**D. Miscellaneous**

1. **Zoning Appeals Cases** – The Deep Creek Watershed Board of Zoning Appeals will conduct a public hearing on Thursday, November 17, 2005, starting at 7:30 pm, in the County Commissioners Meeting Room, second floor, Courthouse Annex, Oakland. The Board will review the following docketed cases:
  - a. **SE-366**- an application submitted by Paul H. Skafte for a Special Exception permit to establish an 6-bedroom Transient Vacation Rental Unit. The property is located at 1824 Paradise Point Road (tax map 58, parcel 72) and is zoned Lake Residential.

- b. **VR-601**- an application submitted by Jonathan Hipp of L.T. Management, for a Variance to construct a covered porch that will come within 2.0 feet of the front property line, instead of the required 10.0 feet. The property, located at 7 Fox Den Road (tax map 58, parcel 51) is zoned Town Center.

After discussion, the Planning Commission made no comments on the above-referenced permit applications.

2. **Minor Subdivisions** – Mr. Nelson has approved, or is about to approve a number of minor plats, since the last Planning Commission meeting. Copies of the plats were included in the packet mailed to the Commission members.

## 6. Action on Major Subdivision Plats

A) **Mountainview Estates** – Marshal Bittinger and Diane Walthall request final approval for this major subdivision located off of Spring Glade and Sand Flat Roads, in the Lake Residential zoning district. This request is for interior lots 3, 5B, and lots 6 through 9. Mountain View Engineering and Surveying has provided the surveying and the plat for the subdivision. Some lots in this subdivision have been previously approved. This 6-lot, major subdivision will require the construction of private access roads. After discussion, final plat approval was granted unanimously, pending posting of the letter of credit to cover construction of the roads, to the county.

B) **Cherry Creek Farm** – Thrasher Engineering requests preliminary approval for this subdivision located off of Rock Lodge and Accident-Bittinger Roads. This request is for approval of a 13-lot, major subdivision. Review and approval is needed for the homeowner's documents and storm water management. After discussion, preliminary plat approval was granted unanimously for this subdivision.

7. **Next Scheduled meeting** - The next regular meeting of the Planning Commission is scheduled for Wednesday, **December 7, 2005**, in the Economic Development Meeting Room, at 1:30 pm.

8. Adjournment- 4:00 pm.

Respectfully submitted,

William J. DeVore  
Zoning Administrator

