

GARRETT COUNTY PLANNING AND LAND DEVELOPMENT OFFICE

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MINUTES

The **Garrett County Planning Commission** held its regular monthly meeting on Wednesday, October 4, 2006, at 1:30 pm, in the County Commissioners Meeting Room. Members and guests in attendance at the meeting included:

George Brady	John Nelson-staff	Cheryl DeBerry
Dennis Margroff	William DeVore-staff	Karen Myers
Jeff Messenger	Paul Durham	Joyce Bishoff
Ruth Beitzel	Carolyn Matthews	Willie Lantz
Tim Schwinabart	Charles Hoffditz	Paul Shogren
Troy Ellington	Dr. William Pope	Clive Graham
Gary Fratz		

1. Call to Order – By Chairman, George Brady, at 1:30 pm.
2. The September minutes were unanimously approved as corrected. A typographic error was noted on number 7 of page 4; “northbound” should replace “southbound”.
3. Reports of Officers – None
4. Unfinished Business – None
5. New Business-

A. Garrett-Preston Rural Development Coalition (RDC)-Discussions on the development plan, preparation and participation by the coalition. John Nelson, Director of Garrett County Planning and Land Development introduced Joyce Bishoff, RDC Chairman, Cheryl DeBerry of the Garrett County Department of Economic Development and Willie Lantz representing the RDC. Ms. Bishoff explained that the coalition is not ready to make specific recommendations to the Comprehensive Plan at this time. The coalition is planning to make specific recommendations after further deliberation and investigation. Mr. Nelson briefly described how the Subdivision Ordinance, the Sensitive Areas Ordinance, the Rural Legacy Program and the Ag-Land Preservation Programs relate to land management in the county. Mr. Nelson further explained that the Land Classification map, associated with the Subdivision

Ordinance, classifies the land into certain districts that have minimum lot sizes and maximum density requirements. In 1997, the county adopted a minimum lot size of three acres for the Agricultural land classification.

Joyce Bishoff feels the Ag-resource Committee is a resource to the Planning Commission. She believes that this Comprehensive Plan is an excellent mechanism to help plan the development of the county for the next number of years. Ms. Bishoff also requests that people developing the plan review and take into account commercial development, especially in the towns and the existing growth areas, and how that relates to available water and sewer capacity in the county. She feels that the entire county is experiencing development pressures.

Willie Lantz of the taskforce stated that after a 2004 agricultural summit sponsored by the RDC, land use issues were rated as the top concern of farmers in the mountaintop area. At the 2005 Garrett County Chamber of Commerce Retreat, chamber members created the Land Use Taskforce to deal with issues such as the declining number of farms and other farm related land use issues. This taskforce conducted four meetings during the spring of 2006. A summary of each meeting was provided to the Commission. During the fourth meeting, the group determined the top priorities in order to resolve the land use issues, including a suggested change to the Garrett County Subdivision Ordinance to increase the minimum lot size for Agricultural areas. The group suggests that the three-acre minimum for subdividing agricultural land may not be adequate to preserve Garrett County farmland. Mandatory clustering on agricultural land may also be a mechanism to save farmland in the county according to Mr. Lantz. Mr. Nelson believes that the time has arrived to consider these important changes to the Ordinance.

Clive Graham of Environmental Resources Management (ERM) explained the status of the Garrett County build out analysis to the group. Mr. Graham presented a spreadsheet with very preliminary data showing the results for the build out analysis. Mr. Graham explained the conceptual approach in acquiring the statistics for the analysis and emphasized that the figures themselves are still being calculated. Mr. Graham noted the analysis would be broken down by watershed and gave a brief synopsis of each watershed and sub-watershed. Mr. Graham stated that the analysis is an attempt to predict the amount of build out development within the next 25 years. The prediction includes a moderate growth and a rapid growth scenario. Moderate growth predictions show an increase of approximately 270 units per year, the same as the last 15 years in the county, while the rapid growth utilizes a growth rate of 350 units per year. Mr. Graham presented a map illustrating the number of homes that have been built before and since 1990 in the county. Sixty percent of new growth is in the Deep Creek area and that trend is expected to continue. Ten percent is predicted in the municipalities, and the remaining 30 percent will occur in the rural areas of the county. Mr. Graham noted the distinction between capacity analysis and expected growth. Traffic, transportation, water, sewer, and water quality issues will be examined after all of the data is compiled. Mr. Graham noted that there would be more opportunity for public input regarding the plan. Mr. Graham hoped to have final

projected growth figures available to be reviewed by the Planning Commission by January or February of next year.

Mr. Nelson noted that a water resources element is now required as part of the Comprehensive Plan. Also municipalities are now required to include their projected growth areas into the town's comprehensive plans.

Mr. Graham will make certain maps for the plan available on the county web site in the near future along with other information.

B. Amendments to the Deep Creek Watershed Zoning Ordinance. John Nelson noted that the Garrett County Commissioners approved the proposed amendments to the Ordinance as submitted by the Board except for the amendment regarding Liquid Chrystal Display (LCD) message signs. The amendment regarding LCD signs has been remanded back to the Commission for further review. The Commissioners are generally concerned about the proliferation of this type of sign at the lake, mainly due to aesthetics and the distraction to drivers. The status of existing signs is also a concern as whether they should be amortized or possibly grandfathered. The Commission decided to table the issue at this time and reconsider it at a later date.

C. Review of Ag-land District Applications:

1. **Gary Broadwater Farm –BC93–** Mr. Nelson stated that this project is located along the Accident Friendsville road. The application is for 260.57 acres. One acre will be excluded from the ag-land district for a cemetery. The farm may eventually become a Rural Legacy farm because it is located within the Bear Creek watershed. At least 50% of the soil is classified as I, II or III. The farm contains an active farming operation and meets the 50-acre minimum size requirement. Mr. Nelson believes the application to be consistent with the Garrett County Comprehensive Plan. The Commission approved the Ag-land district, by a vote of 7-0.
2. **Charles Kern Farm-SY94 –** This project is located along Mason School Road adjacent to the Ray Ritter farm. The application is for 122 acres. One acre will be excluded from the district for a future home site. The farm is located outside of the water and sewer district. At least 50% of the soil is classified as I, II or III. The farm contains an active farming operation and meets the 50-acre minimum size requirement. Mr. Nelson believes the application to be consistent with the Garrett County Comprehensive Plan. The Commission approved the application for an Ag-land district, by a vote of 7-0.
3. **Divine Irrevocable Trust, the Ray Divine Farm –**The application is for 115 acres, pending the property survey. This will be a Rural Legacy farm because it is located within the Bear Creek watershed. At least 60% of the soil is

classified as I, II or III or Woodland groups I and II when combined. The farm contains an active farming operation, meets the 50-acre minimum size requirement and is outside of the water and sewer district. After the district is formed, the development rights may be purchased. The Commission approved the Ag-land district, by a vote of 7-0.

4. **Dale Evans Farm-SY96** –This project is located along State Route 135. The application is for 139 acres. The farm is located outside of the water and sewer district, even though there is a sewer right-of-way through the property. At least 50% of the soil is classified as I, II or III. The farm contains an active farming operation and meets the 50-acre minimum size requirement. Mr. Nelson believes the application to be consistent with the Garrett County Comprehensive Plan and meet the criteria of the program. The Commission approved the application for an Ag-land district, by a vote of 7-0.

D. Miscellaneous

1. Deep Creek Watershed Zoning Appeals Cases –October hearing.

The Deep Creek Watershed Board of Zoning Appeals will conduct a public hearing on Thursday, October 19, 2006, starting at 7:30 pm, in the County Commissioners Room, second floor, 203 South Fourth Street, Oakland. The Board will review the following docketed cases and hereby request an advisory opinion from the Planning Commission for this case:

- a. **SE-376-** an application submitted by David Archer for a Special Exception permit to establish a drive-thru restaurant. The property is located in the Weaver Group Subdivision adjacent to 25227 Garrett Highway (tax map 41, parcel 430, Lot 6) and is zoned Town Center (TC).

The Planning Commission has no comment on this application.

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.

3. Written Request for Consideration of Plan Modification

- a. Request by Gary Daum of Aspen Woods East to extend the McHenry growth area northward. The proposed area to be added is partially served with public sewer with public sewer, which extends as far north as the barracks of the Maryland State Police. The request is made to allow extension of the McHenry growth area as a part of the comprehensive planning process. Mr.

Nelson expects the developers of Aspen Woods West to submit a revised plat reflecting the addition of more lots with well and septic. This request does not require any action at this time but should be considered in the context of the new Comprehensive Plan.

4. Waiver Requests

- a. Waiver request by Mason Hopkins of Cherrywood Ridge, on Garrett Road, for a subdivision that was approved in 2005. Mr. Hopkins requests a one-foot waiver from the road width shoulder requirement. Mr. Hopkins also requests a waiver from the slope requirement of the road, which is reported to be 0.07 of a degree shy of the slope requirement for the road. The Commission approved both waivers by a vote of 4-3

5. Mining Permits-none

- a. Mr. Nelson stated that he would check with the Maryland Bureau of Mines to confirm that the Bureau is still supplying notice of surface mine applications to the Planning Commission.

6. Action on Major Subdivision Plats-

- A) **Major Subdivision for Daniel Bosley Commercial Lot.** The application is for one commercial lot located along Route 219 behind Thompson Gas, tax map 66, parcels 275, 8, 9, in the Commercial zoning district, south of McHenry. The applicant is seeking preliminary and final approval for the 1.91-acre lot. The proposed use is for a private laundry facility for Railey Mountain Lake Vacations and will be served by public sewer. The Planning Commission granted preliminary and final approval of this subdivision plat, by a unanimous vote of 7 to 0, contingent on approval of the road maintenance agreement and road review, approval of the stormwater sediment and erosion control permit and the letter of credit for roads and utilities. Mr. Nelson feels that the plat meets the requirements of the ordinance. The Commission granted conditional approval of this subdivision plat by a unanimous vote of 7 to 0, pending the required approval is received before release of the plat.
- B) **Major Subdivision – *Mountainside Lakeview Estates*** - This application is located on tax map 58, parcel 55, in the Town Center zoning district. Section 1 consists of lots 1 through 9. The developer is Mountainside Developers. The applicant is seeking preliminary approval. Access will be via a new road off of Garrett Highway near Morris's Store. The plat meets the requirements for preliminary approval and was unanimously approved by a vote of 7-0.

Section 2 consists of six lots in the Lake Residential district that is part of a Cluster Development. A 6.8-acre and a 1.45-acre common area will be established as part of the development. The plat meets the requirements for preliminary approval and was unanimously approved by a vote of 7-0.

C) **Major Subdivision- *North Glade Meadows II***- the developer is Cabin Run Log Homes. The applicant is seeking preliminary approval for this phase of the subdivision. The application is for five lots located off of North Glade Road, tax map 59, parcels 59, in the Lake Residential district. The applicant is seeking final approval. Preliminary approval was granted on July 10, 2006. A combined record plat showing previously approved phase I, and II is also submitted. The Commission granted final approval of this subdivision plat by a unanimous vote of 7 to 0.

7. **Next Scheduled meeting** - The next regular meeting of the Planning Commission is scheduled for Wednesday, **November 1, 2006**, in the Economic Development Meeting Room, at 1:30 pm.

8. Adjournment- 3:45 pm.

Respectfully submitted,

William J. DeVore
Zoning Administrator