

# GARRETT COUNTY PLANNING AND LAND DEVELOPMENT OFFICE

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## MINUTES

**The Garrett County Planning Commission** held its regular monthly meeting on Wednesday, January 3, 2007, at 1:30 pm, in the County Commissioners Meeting Room. Members and guests in attendance at the meeting include:

Troy Ellington	Chad Fike -staff	Paul Durham
Tim Schwinabart	William DeVore-staff	Paul Shogren
Dennis Margroff	Edith Brock	Karen Myers
Jeff Messenger	Duane Yoder	Michael Bell
Ruth Beitzel	Carolyn Matthews	Sue Athey Oxford
Joseph McRobie	Madeline Collins	Kevin Dodge
John Nelson-staff	Bill Franklin	Dr. William Pope

1. Call to Order – By Acting Chairman, Troy Ellington, at 1:30 pm.
2. The December minutes were unanimously approved as submitted.
3. Reports of Officers – None
4. Unfinished Business – None
5. New Business-
  - A. **Letter from Transportation Advisory Committee-** John Nelson, Director of the Office of Planning and Land Development noted that the Garrett County Transportation Advisory Committee has submitted a letter supporting some type of regulation for LCD, LED and variable scrolling message signs in the Deep Creek watershed. Mr. Nelson also stated that the members of the Garrett County Development Corporation have been contacted regarding their position on this issue. A member of the Commission also requests that the Chamber of Commerce be solicited for their position on the matter.
  - B. **Discussion of the preliminary draft of public facilities and transportation elements of the Comprehensive Plan.** John Nelson explained that very preliminary draft elements have been prepared to be compliant with a grant approved by the Appalachian Regional Commission (ARC) for funding. Mr. Nelson noted that after

the bid for the Comprehensive Plan was issued; the county was eligible for a small grant from the ARC, to aid in funding the development of the plan. As part of that grant, preliminary drafts are required for community facilities and transportation elements of the plan. A draft copy was distributed to the Commission members. The consultant, ERM noted in the cover letter with the documents that these are preliminary drafts only. The State Planning Office believes that this will satisfy the requirements of the grant, even in this draft form, according to Mr. Nelson. The director reiterated that this draft document is being used to fulfill funding obligations for the ARC grants requirements. Mr. Nelson opened the floor for discussion of the document, before it is forwarded to the ARC.

Madeline Collins, a local resident, is concerned that this document is the foundation for the next plan, so she would like to have access to it for review. Mr. Nelson stated that the document would be available as a public document after it is submitted, with the understanding that this a preliminary plan and the county is not looking for feedback, at this time, because more work must be done on the document.

The chairman noted that there are some discrepancies with sewer capacity in the document. Mr. Nelson stated that the comments reflect a draft of the existing conditions for county transportation and public facilities only, with no specific recommendations regarding expansion at this stage. Mr. Nelson stated that the document would not be used to guide the formulation of county policy.

In response to similar questions from Michael Bell, a local citizen, Mr. Nelson noted that the draft would be submitted to the ARC very soon, to comply with the ARC grant requirements. The grant amount is for \$20,000. The director feels that the draft elements are not a document that his office considers to provide any real guidance in the way of developing new policies for this planning period. More complete drafts will be forth coming within the next several months and comments will be needed at that time.

The Planning Commission recommended approval of this draft for use in the application to the ARC, for grant requirements, by a unanimous vote of 6 to 0.

- C. **Discussion of the Garrett County Comprehensive Plan**– Mr. Nelson urged anyone having concerns or input regarding the Comprehensive Plan to express them, but he also asks that those concerns also be placed in written form and sent to the Planning Office. The director noted that the office has received comments in writing from the Property Owners Association (POA), the Board of Realtors and others, as of this date.

Michael Bell, has concerns regarding growth projections made by the consultant, ERM, which are significantly higher than the Department of Planning estimates. Mr. Bell notes that Table I considers growth projections for a moderate and a high growth projection rate, based on historical trends. Michael Bell questions the validity of the build out analysis, based on these assumptions. Mr. Bell feels that there is a lack of rationale for some of the formulas used for build out capacity analysis and feels that some estimates are misleading, inaccurate and distorted and should not be used for

policy going forward. He feels that the underlying dynamics for this historical data may not have been fully understood and no documentation was presented to justify those assumptions in predicting the future trends. Mr. Bell would like more information from other sources, such as the National Association of Home Builders concerning future trends over the next five years.

Mr. Nelson stated that the State Planning Office is using estimates based on households in the county, which is predicated on resident population. State Planning is trying to predict “in-migration” or the population increase for the county as a whole, as opposed to the real market force in the county, second homes. Mr. Nelson feels that the numbers from State Planning are not using full growth in terms of the growth of new housing units each year. The numbers that ERM has used is from actual permit data thru certain periods of years, which does include second homes. Mr. Nelson explained that is why the two methods have been used. The director believes that for planning purposes the county should be prepared for a rapid growth scenario so that adequate provisions can be made for transportation, water, and regulatory devices to control that growth. Mr. Nelson believes that regulatory controls could be relaxed if the rapid growth rate does not occur but the county needs to be prepared and plan for the higher rate of growth if it does occur.

Michael Bell questions the validity of some of the data presented by ERM. He feels that to use the five-year projections without any documentation or support is not realistic. He would like to see more discussion concerning the difference between their figures and the Maryland Department of Planning data. Mr. Bell feels that policy should not be made by use of some of this information from the ERM memo. Mr. Bell also said that he would follow up his comments by addressing these concerns in writing.

Madeline Collins does not feel that long-term growth projections should be based on use of the present growth data. Ms. Collins questions if the Planning Commission has discovered the kind of growth that the county, as a whole, is striving to accomplish. She questions whether the county will get a handle on growth or if it will just continue as it has in the past. She feels that development has been good for the county, up to a certain point. She feels that people may be coming to the realization that growth cannot continue at this rate because of environmental, social, and other repercussions. Ms. Collins noted that some out-of-county people might not be interested in the quality of life in our communities. She feels that the most important part of this Comprehensive Plan is for people to decide how they want this county to proceed for the next 20-25 years and when this discussion will take place. Ms. Collins believes that the transportation and all other growth projections should be made with this planning in mind.

Mr. Nelson restated that the planning office would like to have individuals; groups and organizations express their position on these issues in writing as soon as possible, before any drafts are formed. The director feels that the real issue at stake is the determination of the appropriate developmental density for the districts of the county. Mr. Nelson said that and the Planning Commission is soliciting feedback from

individuals and organizations on these issues. Mr. Nelson asked for these individuals and groups to provide their thoughts regarding appropriate developmental limits based upon the land classifications that are already in place, under our current Comprehensive Plan. Classifications include the Ag Resource, Rural and Rural Resource areas. He noted that there may be need for some adjustment to the classifications boundaries or new land classifications may be created. Mr. Nelson stated that the planned public meeting at Garrett College, probably in February, would allow further comment by groups and individuals regarding the density and other important issues.

Madeline Collins feels transportation amenities and other facilities are going to be planned on the basis of the ERM projections; it should be kept in mind that most of this residential construction will be in the form of second homes. Mr. Nelson noted that the frequency and length of visits by second home owners is generally greater than it was 20 years ago when families may have only vacationed for a week or weekend.

Chairman Ellington feels that members of the Commission share these concerns but believe that there are limits on what can be dictated by county government. He feels many in the county are in favor of minimal restraints regarding use of their property. The chairman sees a wide range of desires, depending on the motivation of the resident. He notes that a Comprehensive Plan has limits in terms of controlling where and how much development will occur. Chairman Ellington also feels that one of the more productive ways to control development is by use of an adequate public facilities ordinance and he believes this also needs much more discussion.

Kevin Dodge feels that an objective survey of residents within the county may be appropriate to solicit comment from the general public. Mr. Nelson noted that with a public forum the people in attendance usually have taken the time to study the issues.

Michael Ball feels that focus groups are another approach to solicit opinion. Mr. Bell thinks that focus groups or a town hall meeting should be used, especially in the farming community.

Susan Athey-Oxford feels that focus groups should be used to address social and environmental issues. She feels the project has economic implications because there are important consequences regarding planning for development. Ms. Athey-Oxford feels that the body of the document will be useful to people, such as her, who work with youth groups and would like to know expected impacts on families. Ms. Athey-Oxford thinks that it is important for people to have the opportunity to talk about social and environmental issues and share their point of view. She also believes that people formulating the plan must consider Appalachian history, which includes many examples of outsiders taking economic advantage of the area's available resources.

Mr. Nelson stated that he is trying to encourage dialogue on the density issue. He hopes that different groups and organizations will study this particular issue and present an opinion to the Planning Office in the near future.

Madeline Collins feels that special meetings should be held between the Planning Commission, the general public and interest or focus groups. The groups could be ready at the next meeting to present their thoughts on aspects of the plan.

Mr. Nelson explained that all comments would be forwarded to the consultant and members of the Planning Commission. The premise of those opinions will be placed into discussion as the plan progresses to the draft stages. The director stated that the Department of State Planning document demonstrates what impact allowed, developmental densities have on the full build out of a given area, as densities hypothetically changed from one to six and then from one to twenty in the Ag Resource and the Rural Resource areas. Mr. Nelson stated that the new bill passed in the General Assembly, last session, requires the Planning Office to target and identify areas for conservation and preservation efforts, within the county. Mr. Nelson regards these to be the Ag Resource and the Rural Resource areas. Mr. Nelson reiterated that the Planning Commission wants feedback in terms of an ideal developmental density in the land classification areas because he believes that to be a critical issue.

Chairman, Troy Ellington noted that the Commission had considered setting up an advisory panel to funnel information to the consultants. Mr. Nelson stated that the County Commissioners considered such a panel and decided against it. Mr. Nelson said that the law sets forth the responsibility of the Planning Commission to prepare the Comprehensive Plan.

Susan Athey-Oxford said that there are groups in the community that specialize in assembling focus groups and conducting surveys. She feels that these groups would be willing to help the Planning Commission conduct this type of service.

Dwayne Yoder of Garrett County Community Action feels that the “appropriate density” question is complex and very important. He feels that density issues directly affect affordable housing and should be addressed at the next meeting.

Mr. Nelson stated that a planned, evening meeting in February could be used as a “visioning meeting” to solicit those points-of-view on these developmental issues. He feels that the February meeting may be an opportune time to draw comment from everyone.

Ruth Beitzel of the Commission suggested that department heads for county agencies, such as Public Utilities, Community Action and Economic Development could attend the meeting to answer any questions that the Commission may not be able to answer.

Planning Commission member, Tim Schwinabart noted that soliciting comment for the Comprehensive Plan has been a dilemma for this group, so the Commission has had two evening meetings to try to accommodate people that cannot attend a daytime meeting. The hope is that interest groups would have representatives at those meetings so they could gain knowledge and understanding and take that information

back to their individual groups and share it with them. After discussion, the group or their representative would respond to the Commission with their recommendations.

Mr. Nelson noted that several major groups are represented at today's meeting including: the Youghiogheny River Association, the Savage River Association, the Garrett-Preston Rural Coalition, the Forestry Board, the Allegheny Highlands Conservancy, the Board of Realtors and others.

Mr. Nelson suggested using the February meeting as a forum to solicit and discuss visioning and air opinions on developmental/growth interests. The Planning Commission agreed and requested that representatives of interested groups present at today's meeting, spread the word of the opportunity for public comments at a February public meeting. Interested organizations and individuals should be prepared for that meeting and the Commission will advertise the time and date, as soon as possible.

#### **D. Miscellaneous**

##### **1. Deep Creek Watershed Zoning Appeals Cases**

The Deep Creek Watershed Board of Zoning Appeals will conduct a public hearing on Thursday, January 18, 2007, 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 these cases:

- a. SE-380-** an application submitted by DC Development, LLC, for a Special Exception permit for a private or membership club. The property is located off of Shingle Camp Road, tax map 49, parcel 11, and is zoned Lake Residential.

Karen Myers presented an overview of the project. Plans are to establish a private or membership club not operated commercially nor conducted primarily as a business enterprise. The club will include a golf course clubhouse, golf pro shop, restaurant and lounge, fitness center, swimming pool, tennis courts and other associated offices, available to members and guests only. Ms. Myers explained that the club would be part of the existing Planned Residential Development and presented plans to the Commission with a schematic of the clubhouse and facilities. The club will own the property and the facilities and will not be owned by the homeowners. The restaurant will seat approximately 60 people and the lounge approximately 22 people. Parking will be provided for about 150 to 175 vehicles. Ms. Myers stated that the clubhouse would easily comply with building setbacks and construction is expected in the spring. The golf course will have 18 holes as shown on a plat presented to the Commission. The public may initially have access to the course through green fees, but will not have access to the club. The clubhouse will be at least 1200 feet from the road and any subdivision. Ms Myers feels that it meets the requirements of the Garrett County Comprehensive Plan and

the Deep Creek Watershed Zoning Ordinance. Priority membership will be offered first to the surrounding 1100 future homeowners.

The Planning Commission recommended approval of SE-380 by a unanimous vote of 6 to 0.

- b. **SE-381-** an application submitted by Bill Ingram of Land Management, Inc. for a Special Exception permit to modify or eliminate a condition of a previous permit regarding hours of operation for live outdoor entertainment. The property is located at 19814 Garrett Highway, tax map 58, parcel 248 and is zoned Town Center.

The Planning Commission has no comment on this application.

- c. **VR-622-** an application submitted by Ali Mohadjer for a Variance to allow the construction of an attached garage that would come within 8.6 feet of a side property line. The property is located at 745 Paradise Ridge Road, tax map 66, parcel 398, lot 5 and is zoned Lake Residential.

The Planning Commission has no comment on this application.

- d. **VR-623-** an application submitted by Pamela D. Fahrner, Trust, for Variances to allow the construction of an addition to a residence that would come within 1.0 feet of a rear property line, and a deck to come within 1.0 feet of the same rear property line. The property is located at 478 Lake Forest Drive, tax map 57, parcel 200 and is zoned Lake Residential.

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. **Waiver Requests-** The Point View property owners request a waiver from the road slope requirements for a parcel of land located at the intersection of State Route 219 and Deep Creek Dive. The applicants propose to use an existing access road, currently with a grade in excess of 20 percent, and excavate the road to a new slope of 14 percent. The subdivision ordinance allows up to a 14 percent grade, but only for up to 10 units. This development is proposing 15 units. After discussion the Commission recommended approval of the waiver request by a vote of 6 to 0.

- 4. **Mining Permits-none**

## 6. **Action on Major Subdivision Plats-**

- A) **Major Subdivision - Frederick Holtschneider- Martin commercial lot.** The subdivision is located on Garrett Road, tax map 72, parcel 31, in the Ag-Resource land classification off of Builders Way. The applicant is seeking final approval for the proposed 1-lot, commercial subdivision. Preliminary approval was granted on Dec 6, 2006. The Planning Office staff feels that the plat meets the requirements of the subdivision ordinance. The Planning Commission granted approval of this subdivision plat, by a unanimous vote of 6 to 0.
- B) **Major Subdivision – Aspen Woods West-** The application is for 33-lots located off of Sang Run Road. The property is located on tax map 41, parcel 425 and is located within the Rural land classification. Preliminary approval was granted for the original 28-lot layout on August 2, 2006. Preliminary approval of this revised 33-lot layout was granted November 1, 2006. The applicant is seeking final approval of the 33-lot layout, contingent on stormwater/sediment & erosion and a minor change to the road plan. The developer has not yet submitted a letter of credit. The subdivision may be recorded in phases and on-site septic disposal is proposed. The plat meets the requirements for conditional, final approval and was unanimously approved by a vote of 6-0.
- C) **Major Subdivision- as part of the Wisp Resort Planned Residential Development- North Camp Phase 4C.** The developer, DC Development LLC, has proposed 28 units located off North Camp Road. The property is located on map 49, parcels 128 and 130 and is in the Rural land classification. The applicant is seeking preliminary approval for this phase of this PRD, located outside of the Deep Creek Watershed. The Commission granted preliminary approval of this subdivision plat by a unanimous vote of 6 to 0.
- D) **Major Subdivision- Thousand Acres-Phase 2.** The developer, Thousand Acres Development LLC, has proposed 33-cluster lots located off of realigned Crows Point Road. The property is located on tax map 67, parcel 785 in the Lake Residential zoning district. The applicant is seeking preliminary approval of the subdivision. The Commission granted preliminary approval of this subdivision plat by a unanimous vote of 6 to 0.
7. **Next Scheduled meeting** - The next regular meeting of the Planning Commission is scheduled for Wednesday, **February 7, 2007**, in the County Commissioners Meeting Room, at 1:30 pm.
8. Adjournment- 4:00 pm.

Respectfully submitted,

William J. DeVore  
Zoning Administrator

