

## GARRETT COUNTY PLANNING AND LAND DEVELOPMENT OFFICE

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### MINUTES

**The Garrett County Planning Commission** held its regular monthly meeting on Wednesday, June 13, 2007, at 1:30 pm, in the County Commissioners Meeting Room. Members and guests in attendance at the meeting include:

George Brady	Fred Holliday	John Nelson-staff
Tim Schwinabart	Bill Pope	Chad Fike-staff
Gary Fratz	Dennis Glotfelty	Rick Hall
Jeff Messenger	Ernest Gregg	Tim Prather
Troy Ellington	Clive Graham	Bill Franklin
Dennis Margroff	Steve Richards	Paul Durham

1. Call to Order – By Chairman, George Brady at 1:30 pm.
2. The May minutes were unanimously approved as submitted.
3. Reports of Officers – None
4. Unfinished Business – None
5. New Business-

**A. Presentation to the Planning Commission regarding planned recreational improvements to Wisp Resort ski area-** John Nelson, Director of the Office of Planning and Land Development, introduced Tim Prather of Recreational Industries who is overseeing several projects at the Wisp. Tim Prather presented plans for new improvements at the Wisp Resort ski area. The improvements include an Alpine Mountain Coaster, a roller coaster-like ride, following the grade of the mountain. The coaster includes a cog-rail, lift system that will take individual cars uphill, approximately 1,250 feet and will provide a gravity-powered ride of approximately 3,000 feet, downhill. The coaster ride of this type will be one of the few in the United States. The rider of the car will control braking of the individual cars; the coaster operators will regulate spacing. During a period of discussion, Mr. Prather described the safety system of the coaster, in response to Commission questions.

The Commission questioned the impact of lighting for the new coaster. Mr. Prather stated that the lighting would be low profile and would be used to light the track area only. Mr. Prather stated that the highest parts of the track would be about 17 to 20 feet

off of the ground and that the track was designed to be unobtrusive and take up as small an area as possible.

Another planned recreational improvement at the Wisp will be a new 5,000 sq ft building at the downhill terminus of the proposed Mountain Coaster near the existing tubing center. The building will provide a base for outdoor activities such as mountain biking and paintball and replace the temporary structure. The new building will also provide a place for people to watch people in the tubing park. A final proposed improvement is a pole building to provide storage for the tubing groomer and excess tubes.

Mr. Nelson explained that Section 509 C of the Deep Creek Watershed Zoning Ordinance requires a plan for commercial resort facilities to be submitted to and reviewed by the County Planning Commission. This will enable the Commission to determine the impact on the area involved and determine conformity with the Ordinance. The improvements will be located in the Commercial Resort 1 and 2 zoning districts (CR1 and CR2). Mr. Nelson noted that the Commission's approval allows the developer to follow up with all applicable permits needed for construction of the proposed improvements.

The Planning Commission voted unanimously, to approve the proposed improvements to the Commercial Resort facilities at the Wisp Ski area, by a vote of 7 to 0.

**B. Presentation to Planning Commission regarding rural development issues** – After introduction by Mr. Nelson, Clive Graham of Environmental Resource Management (ERM) began a presentation, providing an update regarding completed and upcoming tasks related to the Comprehensive Development Plan. Mr. Graham still expects a draft plan to be completed in early fall and explained that these major updates to the plan do not occur very often. Mr. Graham's presentation addressed rural issues, specifically those areas designated on the Land Classification Map as Rural, Rural Resource, and Agricultural Resource. There are several issues of concern including development in rural areas; the viability of agriculture; protection of forest resources, individual property rights, and scenic values; and the environmental impact of development. Mr. Graham stressed that as ERM prepares the Comprehensive Plan they value input on these complex issues.

Mr. Graham presented several detailed examples of recent subdivisions in rural areas, for discussion. Based on the nature of these developments, Mr. Graham feels that current growth is taking up too much resource land and it is only a question of time before Garrett County becomes over developed. Mr. Graham presented six planning options that he feels may help alleviate the problem:

- 1.) Expand the Agriculture Resource and Rural Resource land classification areas on the classification map.

- 2.) Adopt new design standards, especially in Agricultural Resource areas, such as maximum lot sizes, increased minimum amounts of preserved areas, maybe up to 75-80%, reduce density, and introduce mandatory clustering.
- 3.) Retain areas designated as Rural to allow for future demand for development.
- 4.) Provide support for agriculture by such means as adding county contributions towards land preservation programs. He feels consideration should also be given to tax benefits for working farms and support for new production and market opportunities.
- 5.) Support the timber industry by various means and
- 6.) Focus on making new housing developments attractive within growth areas to relieve pressure in the rural areas of the county.

Discussion ensued by members and guests regarding the presentation. Commissioner Glotfelty voiced concerned about adverse effects some of these options may have on the agricultural community.

Mr. Graham explained that he hopes to secure some guidance from both the Board of County Commissioners and the Planning Commission on how to proceed with the development policies in the rural areas of the county. A general consensus and direction from both Boards would facilitate the preparation of draft plan chapters. The group discussed Mr. Graham's six planning options, one by one, to determine the level of support for each:

- 1.) There is a general consensus by the group to support expansion of the Agricultural and Rural Resource areas on the map, so that the revised map could be used as a starting point to move forward with the Comprehensive Plan update. The group feels that expanding the Agricultural and Rural Resource land classifications would be beneficial while areas designated Rural would be retained for future growth.
- 2.) The Commission generally supports adoption of new protective measures. The measures include stricter design standards, especially in Agricultural Resource areas, including maximum lot sizes and increased minimum amount of preserved areas of up to 75 to 80% of the total tract area with reduced preserved areas of only 66% if certain tree planting and aesthetic measures were taken. Variances could be applied for to the Planning Commission.
- 3.) Retain areas designated as Rural to allow for future demand for development. Consensus on this topic was generally agreed upon as part of option number one.
- 4.) This recommended option suggests providing support for agriculture by adding county contributions towards land preservation programs, adding tax benefits for working farms, and supporting new production and market opportunities. The County Commissioners noted that funding at this time is stretched and new county contributions would be limited, if possible at all. The Commissioners noted that they have contributed to agriculture through their retention of their portion of the Ag-land Transfer Tax. There is a general consensus to support new production and market opportunities.

- 5.) The group generally supports the timber industry, but feels that the specifics regarding recommendations by the Forestry Board need to be researched.
- 6.) The group generally feels that focusing on new housing developments within growth areas to relieve pressure in the rural areas of the county is a good plan.

## C. Miscellaneous

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

The Deep Creek Watershed Board of Zoning Appeals will conduct a public hearing on Thursday, June 21, 2007, starting at **7:00 pm**, in the County Commissioners Meeting Room, second floor, 203 South Fourth Street, Oakland. The Board will review the following docketed cases and hereby requests an advisory opinion from the Planning Commission for these cases:

- a. **SE-385-** an application submitted by Silvertree Enterprises, LLC, Inc. for a Special Exception permit to allow construction of a hotel that will be up to six stories and 60 feet in height. The property is located at 567 Glendale Road, tax map 58, parcel 740 and is zoned Town Center.

After discussion, the Commission recommended by a vote of 5-2 that this request for Special Exception be denied due to concerns over parking and fire safety. Visibility of the structure from the lake was also a concern. The Planning Commission recommended denial of SE-385 by a vote of 5 to 2.

- b. **VR-629** an application submitted by Albert J. Neupaver, for a Variance to allow the construction of a principal structure that would come to within 0.5 feet of a rear property line. The owner of the property has purchased the buy-down from the State of Maryland. The property is located at 490 Lake Forest Drive, tax map 57, parcel 616 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-

- a. **Thousand Acres Developments, Inc-** Bill Franklin of Thousand Acres Developments, Inc. requests waivers to the design standards for two private roads in the Thousand Acres Subdivision. Specifically, the requests pertain to

a new private road that extends to the clubhouse area of the Thousand Acres Lakeside Golf Club and also a section of Thousand Acres Road beginning at the entrance to Thousand Acres and ending at an intersection with the new private road. The applicant seeks a waiver to construct the roads to Garrett County private road standards, with twenty-foot cart paths and two-foot shoulders. The applicant also requests permission to construct a divided cart path at the intersection of the new road and Thousand Acres Road with twelve-foot cart paths and one-foot shoulders. The applicant also requests a 6-inch base, tar-and-chip road.

After discussion, the Planning Commission recommended approval of the three requests, by a vote of 5 to 2.

#### **4. Surface Mine Permit Applications-**

- a. **G and S Coal Co.** – This application is for a 46-acre tract 2 miles north of Kitzmiller. Surface and mineral is owner by Luke Paper Co. Two ponds would be constructed with the application. The Commission has no comment on the application.
- b. **Moran Coal Co.** - This application is for a 104-acre tract 1.3 miles northwest of Westernport. Surface and mineral is owner by Moran Coal Co. One pond would be constructed with the application. The Commission has no comment on the application.
- c. **Moran Coal Co.** - This application is for a 72-acre tract 1.0 mile northwest of Bloomington. Surface and mineral is owner by Moran Coal Co. The Commission has no comment on the application.

- 5. Request for Countywide Height Ordinance-** Mr. John Boone forwarded a cover letter and draft of a countywide ordinance to control structure height in the county to Chairman Brady and a few other Planning Commission members. Mr. Boone is soliciting Planning Commissioners endorsement for such an ordinance. The ordinance would especially affect any proposed wind turbines. The county attorney has provided an opinion on the subject draft ordinance. The attorney believes that adoption of this ordinance would not be consistent with Article 66B, due to the lack of countywide zoning and a comprehensive zoning plan. In this June 7, 2007, opinion the attorney states the Garrett County Commissioners do not have the authority to adopt an ordinance of this kind, in the absence of a comprehensive zoning plan.

After discussion, the Commission generally feels that with the County Attorney's advice, the endorsement of the draft height ordinance is not possible at this time.

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

- A) **Record Plat- North Shore East Phase III.** The developers, Thousand Acres Development Inc., submitted a Record Plat for Lot 16 of the North Shore East Phase III Subdivision. The Planning Commission granted approval of the Final Plat for this subdivision on May 4, 2001 and the developer has submitted Record Plats of individual lots for recording purposes.
  
- B) **Preliminary and Final Plat- Cove Hill, Section III.** The developers, Coor, LLC, have proposed a 9-lot subdivision along Devils Half Acre and Pigs Ear Roads. The property is located on map 6, parcel 18 within the Agricultural Resource land classification. The Commission granted approval of this Preliminary and Final Plat by a unanimous vote of 7 to 0.
  
- C) **Final Plat- Pilot Travel Center.** The developers Pilot Travel Centers LLC, submitted a 3-lot commercial subdivision located off of Chestnut Ridge Road and Interstate Route 68. The property, owned by Gary & Susan Kamp, is located on map 19, parcels 165 and 205 in a Commercial land classification. The developers seek conditional approval, contingent on completion of the Stormwater and Sediment Control Permit. The Commission granted conditional approval of this Final Plat by a unanimous vote of 7 to 0.

7. **Next Scheduled meeting** - The next regular meeting of the Planning Commission is scheduled for Thursday, **July 5, 2007**, in the County Commissioners Meeting Room, at **1:30 pm**.

8. Adjournment- 4:45 pm.

Respectfully submitted,

William J. DeVore  
Zoning Administrator

