

GARRETT COUNTY PLANNING AND LAND DEVELOPMENT OFFICE

203 S. 4th St –Room 210
Oakland Maryland 21550
(301) 334-1920 FAX (301) 334-5023
E-mail: planninglanddevelopment@garrettcounty.org

MINUTES

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

Troy Ellington	Fred Holliday	Joe Franklin
Tim Schwinabart	Gary Fratz	Dr. William Pope
Dennis Margroff	John Nelson-staff	Dr. Joseph Smith
Ruth Beitzel	William DeVore-staff	Paul Durham

1. Call to Order – By Acting Chairman, Troy Ellington at 1:30 pm.
2. The September minutes were unanimously approved, as submitted.
3. Reports of Officers – None
4. Unfinished Business -
 - A. Proposals Submitted by Dr. Joseph Smith-** Acting Chairman Ellington noted that these proposals, presented to the Commission at last months meeting, are now before the Board of County Commissioners. A memo regarding the topics for consideration was presented to the County Commissioners, at the request of Dr. Smith.
5. New Business-
 - A. Samuel Poland Subdivision Waiver Request-** Aaron Teets of Century Engineering requests a waiver from the subdivision ordinance to allow two existing homes on a one-acre property in the Rural district. John Nelson, director of Planning and Land Development, presented the plat along with the waiver request to the Commission. The plat shows currently there are three homes on a 2.78-acre lot. The proposed subdivision would situate one home on a 1.48-acre lot and two of the homes on the remaining 1.3 acres, which exceeds the maximum allowable density, requiring the waiver. The Commission pointed out an inconsistency with the request. The plat labels one of the homes as abandoned while the narrative request states that the homes are occupied. Because of this contradiction, the Commission tabled the waiver appeal and requested that more information be provided before consideration of the waiver. Subsequent to the meeting, the applicant clarified that all three homes are occupied and would continue to be occupied following the land subdivision. Upon discovery of this information, the Planning Office conducted a telephone poll of each commission

member regarding the waiver request. The result of the telephone poll was that the Commission voted unanimously to approve the request by a vote of 5 to 0.

B. Presentation regarding the availability of property for commercial development in the Deep Creek area.

John Nelson presented information submitted by Environmental Resource Management (ERM) concerning availability of commercial property in the Deep Creek Lake area. Mr. Nelson offered a memo from Benn Sussman of ERM titled, "Undeveloped and Underdeveloped Parcels with Town Center (TC) zoning in the Deep Creek Lake Influence Area." The memo is dated September 18, 2007.

Mr. Nelson explained that the memo lists the parcels in the Deep Creek Lake Influence area that have TC, C, CR-1 or CR-2 zoning, and that have the highest potential to be developed or redeveloped for commercial uses. Tables 1 and 2 list undeveloped and underdeveloped parcels, respectively. The following five criteria were applied to the 2005 MD Property View database to select parcels:

1. Parcels must have TC, Commercial Resort-1 (CR-1), Commercial Resort-2 (CR-2), or General Commercial (C)- zoning, or were within the requested growth boundary extension area near the intersection of US 219 and Friendsville Road to be considered.
2. Parcels are at least 0.1 acre in size. Mr. Nelson noted that even parcels this small are useable, provided that they are grandfathered lots.
3. Undeveloped parcels must have an improvement value of less than \$10,000 in MD Property View.
4. Parcels listed as "residential" in MD Property View were included for consideration as long as no residential units exist on the property.
5. For developed parcels to be considered, the ratio of the value of improvements (i.e., buildings) to total property value must be less than 0.5. For example, improvements must be comprised of less than half of the property's overall value. The closer this ratio is to 0, the more attractive a property may be for redevelopment.

According to the ERM memo, the Influence Area has 126 parcels, comprising 628 acres that meet these criteria. Of the 126 parcels, 93 parcels, consisting of 185 acres are undeveloped, and 33 parcels, comprising 443 acres are underdeveloped. This 628 acres of undeveloped or underdeveloped land, account for 53 percent of the 1,184 total acres of TC, CR, and C-zoned land in the Influence Area.

Mr. Nelson also noted that included in the acreage above are approximately 177 acres that would become available for commercial development just north of the Deep Creek Watershed, in the area comprising the expanded McHenry growth area. Mr. Nelson noted that it is intended that the McHenry growth area would be expanded,

however, the boundaries of the zoned area would not be altered. This future growth area would be planned for service with public water and public sewer. The director stated that the sewer service already extends through this area along U.S. Route 219, past the police barracks and part of the area is already a dedicated sanitary district. The sewer is currently in place on the west side of Route 219, only.

Mr. Nelson noted that the numbers on the maps do not directly correspond to the numbers in the tables of the memo but do correspond to a consecutive numeric listing from one to 70. Examples of undeveloped parcels in the McHenry area, near U.S. 219, open to commercial development include the Weaver Group -36 acres, Charles Meade -1 acre, George Savage -1.7 acres, George Brant -1 acre, Gary Sisler -2.3 acres, Robert Willet -2.8 acres, Gary Pfirrmann, 1.3 acres and Barbara Pollock, 1.2 acres. Larger parcels include Aspen Woods, 11.7 acres, McHenry Cove, LLC, 13.9 acres and the 14.6- acre Garrett County Agricultural Fair property, which could only be developed with the approval of the Fair Board. The director stated that the objective of the plan is to have the growth area correspond to the area where public water and sewer is available. Tim Schwinabart suggested, and the full Commission agreed, that the memo prepared by ERM for commercial parcels in the DCW influence area should be clarified so that the parcel locations on the attached map correspond with the numbering sequence outlined in the memo. Mr. Nelson stated that he would make these corrections and distribute the revised memo.

Parcels in the Thayerville area include the 240-acre Keystone Lime property, which may have a limestone reserve-life of approximately 6 years, temporarily slowing the development. Commercialization of the property will probably be delayed until these reserves are depleted.

Mr. Nelson pointed out that of the 185 acres that are undeveloped in the Deep Creek Influence Area, a total of 156 of these are made up of parcels that are one-acre or greater. ERM identified 442 acres that are underdeveloped. Of this undeveloped property, 434 acres of those parcels are over one acre in size. In the Thayerville area, 80.2 acres are undeveloped. Underdeveloped parcels total 263 acres, which includes the Keystone Lime property. Mr. Nelson also pointed out that in the TR zone, certain commercial businesses, such as banks, hotels, restaurants and professional offices are permitted by Special Exception.

Mr. Nelson believes that the information provided shows that there is adequate area for commercial development already available in the Deep Creek area.

Commissioner Holliday stated he would like to see additional areas designated for commercial growth, somewhere along the U.S. Route 219 corridor, south of Glendale Road. He believes this corridor could provide opportunity for restaurants, gas stations, hotels, retail businesses, and other recreational businesses, but should not allow heavy commercial uses, like a "block plant" or lumberyard. Mr. Holliday believes adequate opportunity for commercial growth already exists in the northern area of the watershed.

Mr. Nelson explained that commercial strip development along U.S. 219 is discouraged in the current Comprehensive Plan for a number of reasons. Strip commercial development reduces the carrying capacity of thru roads by slowing traffic and by adding traffic hazards, pedestrian problems and left turning movements. For these reasons, state entrance permits are also difficult to obtain.

Dr. Pope noted that developments such as the McHenry Plaza provide a variety of businesses for local people and visitors to the lake area. He suggests that a similar “service park” could be established with tracts to be sold by the county, to encourage this type of development. Mr. Nelson explained that plans for the development of the Keystone Lime parcel would be similar to this type of park. The owners of the Aspen Woods and the Weaver Group projects have plans for a park type development also. Tim Schwinabart also noted that lots are for sale near the theater in Thayerville, though these lots are not recorded.

Mr. Nelson recommended that if the Commission believes that additional commercial opportunities are needed, then in lieu of further strip zoning, the Commission should identify areas such as the Keystone parcel that lends itself to commercial development without the adverse effects of business development directly along Route 219.

A draft of the land use chapter of the Comprehensive Plan is scheduled to be completed by the end of the month and available for the next meeting of the Commission. November 19 is set as a target date for a public meeting for presentation of the first four chapters of the plan. Chapter 3 will deal with the land use issues of the county as a whole while Chapter 4 will deal with the land use of the Deep Creek Watershed.

A motion to have ERM identify parcels consistent with characteristics similar to the Keystone Lime property for new, commercial development opportunities beyond the areas already commercially zoned was approved by the Commission, by a vote of 5 to 0. The proposed sites would encourage commercial development to connect off of Route 219 by a single access road to the proposed new commercial site. Commissioner Holliday stressed that the focus of the Commission should be south of Thayerville, even though public water is not yet available. Mr. Nelson stated that once the expanded commercial areas are identified, he would distribute copies of maps identifying new proposed commercial areas to the commission members.

Mr. Nelson also noted ERM is also preparing a water resources element of the Comprehensive Plan including identification of potable water supply, adequate stormwater discharge points and also sewage capacity with associated discharge permits for the projected growth in the county.

C. Garrett County Development Corporation Comments- The Infrastructure Committee of the Garrett County Development Corporation has submitted

recommendations for Planning Commission review, to be forwarded to ERM, and included into the Comprehensive Plan. Recommendations include:

1. Optimize and increase Priority Funding Area (PFA) areas in the county. Mr. Nelson noted that this is already being done in many locations. The Suburban Residential categories along the Route 135 corridor and MD 669 corridor, which allow two units per acre, are planned for change to Town Residential, which allows four units per acre. This change allows greater density in order to meet the density requirements of a PFA, which are three and one-half units per acre. The Commission agrees with this recommendation.
2. The Development Corporation feels that while an exemption exists within the Smart Growth Law for public health and safety projects, in practice, its administration by Maryland Department of Planning for rural areas is challenging. The Commission voted to strike this recommendation.
3. The Corporation recommends a comprehensive review of county and state roads based on growth projections. Mr. Nelson noted that this would be done as part of the plan.
4. Develop a capital project program to address upgrade of key county roads for short, mid and long term. Mr. Nelson noted that this would be part of the plan.
5. Work with the Maryland State Highway Administration to address the impact of Corridor H on Garrett County. The Development Corporation recommends the continued support of the Oakland by-pass and to review and develop a traffic mitigation plan for the Deep Creek Lake area. The corporation also feels that the county should work with the State Highway Administration to develop a plan for the upgrade of Route 495. Mr. Nelson noted that these recommendations would be part of the transportation element of the plan. The Commission also recommended that Route 42 be added to the list of roads to be upgraded.
6. Perform an analysis of water and sewer systems to determine if consolidation of systems is feasible and more efficient. Consider a study of water sources, wastewater treatment and green programs that can be implemented and build them into the comprehensive sewer and water plan. The Commission questioned the meaning of “green” programs. Mr. Nelson noted that the water resources element of the plan would address these water and sewer issues.
7. Pursue use of water impoundments, such as Deep Creek Lake and others, for potable water. The Corporation also recommends the pursuit of treatment of wells for public systems that produce adequate quantity of water, in lieu of searching for wells that may not require treatment for potable water. The Commissions agrees with these recommendations.

8. Regarding private well and septic systems, the corporation believes that the existing Garrett County subdivision ordinance does not appear to take into consideration the impact a new subdivision may have on existing private neighboring wells. The corporation recommends that the county develop a monitoring and reporting program for failed private wells based on neighboring subdivision influence, holding the subdivision developer responsible. The Commission disagrees with this recommendation and strikes it from the list to forward to ERM.
9. Increase public access to Deep Creek Lake, including handicap access. Support aggressive development of safe trails for hiking and biking. The Commission recommends striking the word “aggressive” from the recommendation. The Commission supports this recommendation, as amended.
10. Development of snowmobile trails with connectivity to the lake area. Develop programs to enhance and rejuvenate hunting in Garrett County. Develop county held lands for recreation, i.e., old landfill property. The Commission recommends rewording the statement on hunting to strike the phrase “development of hunting programs”. The Commission recommends: “Identify ways to facilitate hunting in the county, including youth hunter programs, parking improvements and longer seasons”. The Commission recommends including these recommendations to ERM, as amended.
11. The Development Corporation recommends that the county pursue a paid fire and rescue-staffing program. This recommendation is based on unacceptable response times and adverse health and property impacts. The Commission believes this recommendation is already being pursued by the County Commissioners and strikes it from the list to forward to ERM.

D. Miscellaneous

1. Deep Creek Watershed Zoning Appeals Cases –

The Deep Creek Watershed Board of Zoning Appeals will conduct a public hearing on Thursday, October 18, 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 case and hereby requests an advisory opinion from the Planning Commission for this case:

- a. **VR-639** an application submitted by Robert Parsons for a variance to allow the construction of a residence that would come to within 30.0 feet of the front property line. The property is located at 2344 Rock Lodge Road, tax map 50, parcel 133, and is zoned Lake Residential.

The Planning Commission recommended denial of this variance by a vote of 5 to 1.

2. **Minor Subdivisions** – Approved minor subdivisions have been included in the packet that was mailed to the Commission members prior to the meeting.

3. **Public Commentary**– None

4. **Ag-land Preservation** - The local Ag-land Board has made an application to the Garrett County Commissioners to request legislation this year to allow the creation of local agriculture districts. The Board feels the request is necessary because all districts will be terminated by 2012. The State will stop taking applications for districts on July 1, 2008. The Boards feels that formation of these districts is an important incentive for the program because it gives the applicant the opportunity to fully understand the program and benefit from the tax credit before actually signing on to the program, permanently. The Board recommends establishment of these districts at three-year intervals. The Commission endorses this recommendation, by a vote of 5 to 1 and will forward it to the Garrett County Commissioners for their approval.

5. **Request by Kevin Potter for an amendment to the Deep Creek Watershed Zoning Ordinance.** Mr. Potter submitted a letter dated September 24, 2007, requesting certain additions and revisions to the Ordinance. The amendment would include definitions for “hotel”, “motel”, “kitchen”, and “kitchenette”. “Hotel and motel guest rooms”, “guest suites” and “efficiency suites” are also defined in the proposal. After considerable discussion, the Commission decided to consider this proposal at the next regular meeting.

E. Action on Major Subdivision Plats-

1. **Preliminary Plat-North Shore West II.** The developer, PSE Family LP, proposes a 10-lot, cluster subdivision off of North Shoreline and Smith Point Roads, at Thousand Acres. The property is located on Map 67, Parcel 1 in a Lake Residential zoning district. The Planning Commission granted approval of this Preliminary Plat by a unanimous vote of 6 to 0.

2. **Preliminary Plat-Poland Run East.** The developer, Appalachian Investment Properties, proposes a 5-lot subdivision along the existing Thousand Acres Road. The road will be upgraded to the minimum 12-foot, width requirement. The property is located on Map 67, Parcel 780 in a Lake Residential zoning

district. The Planning Commission granted approval of this Preliminary and Final Plat by a unanimous vote of 5 to 1.

3. Preliminary and Final Plat- Larry Sebold. The developer, Larry Sebold proposed a 1-lot commercial subdivision along Sang Run Road. The property is located on Map 41, Parcel 60 in a Rural land classification. The Planning Commission granted approval of this Preliminary and Final Plat by a unanimous vote of 6 to 0.

4. Revised Final Plat- Glendale Woods. The developer, John and Sharon Thralls, submitted a revised version of the previously approved Glendale Woods subdivision along Glendale Road. The property is located on map 58, Parcel 693 in a Town Residential zoning district. The revised plat makes minor adjustments to lot lines. The Planning Commission granted approval of this Revised Final Plat by a unanimous vote of 6 to 0.

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

G. Adjournment- 4:30 pm.

Respectfully submitted,

William J. DeVore
Zoning Administrator