

## GARRETT COUNTY PLANNING AND LAND DEVELOPMENT OFFICE

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### MINUTES

**The Garrett County Planning Commission** held its regular monthly meeting on Wednesday, July 3, 2008, at 1:30 pm, in the County Commissioners Meeting Room. Members in attendance at the meeting include:

Troy Ellington	Joe McRobie	Dr. William Pope
Tim Schwinabart	Ruth Beitzel	Paul Durham
Gary Fratz	John Nelson-staff	Sonny Newhall
George Brady	William DeVore-staff	Kerry Shultz
Tony Doerr	Chad Fike-staff	

1. Call to Order – By Chairman, Troy Ellington at 1:30 pm.
2. The June minutes were unanimously approved as submitted.
3. Report of Officers – none
4. Unfinished Business – none
5. New Business-
  - A. **Review of Gas Lease Issues Regarding the Ag-land Preservation Program.**

Mr. Nelson noted that there are currently a number of gas companies that are soliciting gas leases throughout the county. Recently, Delmar Yoder of the Farm Bureau has been able to pool a group of landowners to negotiate leases with the natural gas companies. Mr. Nelson explained that the issue of gas leasing has become more in focus because of the issues involved concerning the Ag-land Preservation Foundation. The foundation had previously established a policy that if a property owner had sold their development rights to prohibit any development then the property owner could not enter into a gas lease. Mr. Nelson, geologist Bill Capouillez, Delmar Yoder, and Willie Lantz of the Extension Service recently met with a subcommittee that was set up by the foundation to review this issue. Mr. Nelson explained that the depth for this gas bearing strata is 7,000 to 9,000 feet below the surface, well below any groundwater horizon zones. Techniques involve hydraulic fracturing or “fracing” the gas bearing formation to recover the available gas for an area up to as wide as one mile around a gas well. Also consideration is being given to allow gas leasing by the use of “off site” methods that involve horizontal drilling from a neighbors property to reach gas reserves under the lessee’s property. Mr.

Nelson believes that the foundation is leaning toward allowing off site drilling only on property that is enrolled in the Ag-land Preservation program. At the last full foundation meeting, attended by Chad Fike from the Planning Office, Delmar Yoder, Delegate Wendell Beitzel and local farmer Lawrence Bernard, the foundation did not make a decision on whether to allow gas leases on Ag-land property. The foundation promises a decision by their meeting on July 22, 2008. Mr. Nelson explained that the new technology does disturb more surface acreage because of the additional equipment and water that is needed.

The local Ag-land Advisory Board supports the idea of allowing leasing of gas rights on property that is enrolled in the Ag-land Preservation program. Mr. Nelson explained that the process is managed in such a way to protect the groundwater in the area by grouting around the casing of the well.

Mr. Nelson noted that of the seven applications submitted for the MALF program three of the applicants have asked to withdraw from the program if they are unable to lease their gas rights.

Dr. William Pope compared the first windmill leases that were signed in the county with the earlier gas leases for the Marcellus gas zone. He feels that landowners should be protected from unscrupulous wind developers that may try to negotiate a wind lease that could be much less than the going rate.

Sonny Newhall who has negotiated gas leases for his property feels that the geologist, Bill Capouillez, who is working with the Farm Bureau, is doing a fine job representing citizens who are interested in leasing their gas rights to one of the companies that are currently tying up leases in this area. Discussion ensued regarding rates for leasing gas reserves.

Mr. Nelson discussed gas leasing and drilling with ERM and how it could affect the update to the Garrett County Comprehensive Plan. Additional language will be drafted to add to the plan, to address this issue. Intense drilling could impact housing, emergency services, and other issues. Mr. Nelson noted that the 60-day comment period for the plan ended last Tuesday. So far, the no comments were received from the State. Ben Sussman of ERM is in the process of drafting language that will be added to plan for gas drilling in our county.

Mr. Nelson notes that the value for off-site drilling leases drops in value to about 50 to 75 percent, compared with the complete lease with onsite drilling. The royalty payment would be approximately the same for on and off site.

## **B. Public Commentary-**

Paul Durham representing the Garrett Board of Realtors asked that a representative from the Board of Realtors be appointed to the task force that will consider countywide sign regulations. Mr. Durham feels that this industry should be represented because realtors are highly dependent on signs. Mr. Durham said that he would send the request in writing to the commissioners. Tony Doerr and Bob Browning representing the Chamber of Commerce are currently assigned to the taskforce. Mr. Nelson noted that the Board has members that belong to the Chamber of Commerce and also the Garrett County Development Corporation.

The Planning Commission has no objections to this request by the Board of Realtors.

## **C. Miscellaneous**

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

- a. **VR-647** an application submitted by Carlos Riesco for a Variance to allow the construction of a single family residence that would come within 12.0 feet of a rear property line, instead of the required 40 feet. The property is located at 540 Marsh Hill Road, tax map 50, parcel 565, lot 26 and is zoned Lake Residential.

The Commission has no comment regarding the request.

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

### **3. Waivers Requests-**

- a. **Toney Artice**-On behalf of his client Toney Artice, surveyor Kerry Shultz requested a waiver from Section 1002.G.1 of the Garrett County Subdivision Ordinance requiring a private road serving more than ten dwelling units to have a minimum 50-foot right-of-way. Mr. Artice is the developer of the Bear Ridge Subdivision that currently has a 30-foot right-of-way providing access to ten lots. Mr. Artice's surveyor, Kerry Schultz explained that, the waiver is required in order for Mr. Artice to add an 11<sup>th</sup> lot without upgrading the existing 30-foot right-of-way to a 50-foot right-of-way. After discussion, the Planning Commission granted conditional approval of the waiver request by a vote of 6 to 1. The approval was conditioned on the proposed 11th lot being the final lot that will be allowed in the development and pending purchase of the additional land to create the proposed additional lot.

### **4. Ag-land District Applications – None**

## **E. Action on Planned Residential Developments (PRD) and Major Subdivisions**

- 1. Revised Final Plat-Ridgeview Valley-** The developers, Ridgeview Valley LLC, submitted a revised Final plat showing a total of 30 lots located at the end of Gravelly Run Road. The property is part of the Ridgeview Valley Planned Residential Development and is located on tax map 50, parcel 14, in a Lake Residential zoning district. This revised plat includes one new lot in addition to the 29 previously approved lots. The Planning Commission granted approval of this revised Final plat by a unanimous vote of 7 to 0.
- 2. Preliminary and Final Plat- Gap Run-** The developers, Gap Run LLC, submitted a Preliminary and Final plat for a 6-lot subdivision located off of Gap Run Road. The property is located on Map 32, Parcel 180 in a Rural land classification. The Planning Commission granted conditional approval of this Preliminary and Final plat by a unanimous vote of 7 to 0.
- 3. Preliminary and Final Plat- Brenneman Commercial Lot-** The developer, Lee Brenneman, submitted a Preliminary and Final plat for a one-lot commercial subdivision located off of Hidden Meadow Lane. The property is located on tax map 44, parcel 61 in a Rural land classification. The Planning Commission granted approval of this Preliminary and Final plat by a unanimous vote of 7 to 0.
- 4. Preliminary and Final Plat- Sepic-** The developer, Susan Sepic, submitted a Preliminary and Final plat for a one-lot subdivision located off of Frazee Ridge Road. The property is located on tax map 4, parcel 26, and in a Rural land classification. The developer requested conditional final approval contingent on final approval of the homeowner documents and approval of the Grading/Stormwater permit. The Planning Commission granted conditional approval of this Preliminary and Final plat by a unanimous vote of 7 to 0.
- 5. Preliminary Plat- Lorson-** The developer, Marcian Lorson, submitted a Preliminary plat for a four-lot subdivision located off an extension of Ponds Road off of Milt DeWitt Road. The property is located on tax map 32, parcel 8, and in a Rural land classification. The Planning Commission granted conditional approval of this Preliminary plat by a unanimous vote of 7 to 0.
- 6. Preliminary Plat- Crystal Creek-** The developers, Raileywood LLC, submitted a Preliminary plat for a 43-lot subdivision located off of Lake Shore Drive. The property is located on tax map 58, parcels 412 and 759, in a Lake Residential zoning district. The Planning Commission granted approval of this Preliminary plat by a unanimous vote of 7 to 0.

**7. Revised Final Plat- Smith Pointe-** The developers, Franklin Trust and PSE Family LP, submitted a revised Final plat of lots 9 through 11 of the Smith Pointe subdivision located off of Smith Pointe Road. The property is located on tax map 67, parcel 1, in a Lake Residential zoning district. The original 11-lot Smith Pointe subdivision received final approval in February 2003 and lots have been recorded individually. Lots 9 through 11 have not been recorded. The Planning Commission granted approval of this revised Final plat by a unanimous vote of 7 to 0.

**F. Next Scheduled meeting -** The next regular meeting of the Planning Commission is scheduled for Wednesday, **August 6, 2008**, in the County Commissioners Meeting Room, at **1:30 pm**.

**G. Adjournment-** 3:15 pm.

Respectfully submitted,

William J. DeVore  
Zoning Administrator

