

GARRETT COUNTY PLANNING AND LAND DEVELOPMENT OFFICE

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MINUTES

The Garrett County Planning Commission held its regular monthly meeting on Wednesday, February 04, 2009, at 1:30 pm, in the County Commissioners Meeting Room. Members and guests in attendance at the meeting included:

Tim Schwinabart	Gary Fratz	William DeVore-staff
Tony Doerr	Joe McRobie	Dr. William Pope
Jeff Messenger	John Nelson-staff	Paul Durham

1. Call to Order – By Acting Chairman, Tim Schwinabart at 1:30 pm.
2. The January minutes were unanimously approved as submitted.
3. Report of Officers – Mr. Nelson noted that Governor O’Malley and his staff would hold a “town hall” meeting at 6:30 p.m. this evening, at Mountain Ridge High School in Frostburg. The public is invited to attend.
4. Unfinished Business – none
5. New Business-

A. Discussion on Final Request for Proposals (RFP) for Revised Land Development Ordinances.

Mr. Nelson noted that the RFP for the revised land development ordinances, reviewed by the Commission at the last meeting, has been finalized. Mr. Nelson incorporated some minor changes into the documents, as directed by the Commission, after the last meeting. The RFP has been advertised to update the Deep Creek Watershed Zoning Ordinance, the Garrett County Subdivision Ordinance and the Garrett County Sensitive Areas Ordinance. The revisions are necessary in order to implement the new policies and objectives outlined in the recently adopted 2008 Garrett County Comprehensive Plan. Bids are due by March 3.

B. Discussion of a Letter from the Attorney General’s Office- Mr. Nelson produced a letter from the Maryland Attorney General’s Office that reiterates the

county's position that the County Commissioners do not presently have the authority to control the use, height or setbacks of wind turbines in the county. According to the Attorney General, the county does not have the authority to regulate this specific use. The Attorney General went on to say that a new bill would need to be drafted and submitted to the General Assembly, in order for the Commissioners to obtain the authority to establish height and setback criteria in the county. Mr. Nelson expects that a bill would be drafted and submitted to the General Assembly to provide authority for the county to establish setbacks from residences and property lines. Discussion also ensued concerning the forced removal of unauthorized signage along State highways and the status of the proposed sign legislation.

Paul Durham of the Board of Realtors stated that the Board supports wind turbine regulation legislation, in concept. Mr. Durham stated that the Board is especially interested in the language of the bill. Mr. Nelson stated that the bill, if enacted, probably would not take effect until Oct. 1.

Dr. Pope feels that now may be the time to add regulation for other activities that may need to be controlled in the county, such as race tracks, quarries, industrial uses and music festivals that could destroy the character of communities. He also noted that Allegany County is developing setback regulations for wind turbines and he feels that Garrett County should be monitoring the progress of those regulations. Dr. Pope stated that the signal from microwave towers could be affected by the construction of wind turbines on Dans Mountain, near Dans Rock, in Allegany County, as aired at a public informational meeting that was recently held concerning this new construction. Dr. Pope noted that communications towers in Garrett County will be located about 200 yards from a proposed wind turbine on Table Rock.

Paul Durham noted that by the way some codes are written, setbacks from residences or dwellings may not take into account the location of future residential dwellings. He feels the setbacks should be written to also consider impact on future building lots.

C. Miscellaneous

- 1. Deep Creek Watershed Zoning Appeals Cases – None**

- 2. Minor Subdivisions – None**

- 3. Waiver Requests – None**

4. Discharge Permit Application–

- a. BFS Foods, Inc.** - has submitted an application for the renewal of a permit to discharge 14,000 gallons per day of treated domestic wastewater from their property on National Pike. After discussion, the Commission had no comment on the application.

D. Action on Planned Residential Developments (PRD) and Major Subdivision Plats- None

E. Next Scheduled meeting - The next regular meeting of the Planning Commission is scheduled for Wednesday, **March 4, 2009**, in the County Commissioners Meeting Room, at 1:30 pm.

F. Adjournment- 2:15 pm.

Respectfully submitted,

William J. DeVore
Zoning Administrator

