

GARRETT COUNTY PLANNING AND LAND DEVELOPMENT OFFICE

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MINUTES

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

Troy Ellington	Gary Fratz	Bill Franklin
Tony Doerr	Ruth Beitzel	Dr. William Pope
Tim Schwinabart	Jeff Messenger	Paul Durham
George Brady	John Nelson-staff	William DeVore-staff
Joe McRobie		

1. Call to Order – By Chairman Ellington at 1:30 pm.
2. The March minutes were unanimously approved as submitted.
3. Report of Officers – Mr. Nelson, Director of Planning and Land Development noted that Fred Holliday has stepped down as Chairman of the Board of County Commissioners, due to the illness of his son. Commissioner Holliday will remain on the Board of Garrett County Commissioners and continue as a member of the Planning Commission.

Mr. Nelson noted that he was unable to attend the last Planning Commission meeting because he was touring gas drilling operations by Sampson Gas, in Pennsylvania, just north of the county line.

4. Unfinished Business – none
5. New Business-

A. Discussion on Legislative Issues.

Mr. Nelson noted that key provisions of HB-878 are still being proposed in the State Legislature in Annapolis. This bill would provide performance standards for counties to meet Smart Growth indicators. According to this bill, 80 percent of all new growth would have to be within Priority Funding Areas (PFA's). Seventy-five percent of new job growth would have to be within PFA's. Vehicle miles per capita must be reduced by 11 percent over a period of five years. The penalty for a county not reaching these thresholds by 2018 would be a prohibition of all development outside of PFA's, by withholding permits issued by the Maryland

Department of the Environment (MDE). This particular bill has been withdrawn but some of these provisions have been added to a previous Administration Bill (HB-295/SB-276). The revised bill carries with it the goal of 80 percent of all growth in PFA's and also a requirement of meeting a five-percent increment increase in development within PFA's each year until the year 2012. Delegate Beitzel tried to amend the bill, but has so far been unsuccessful. This bill passed in the House but is still in committee in the Senate. Mr. Nelson noted that less than three percent of the Garrett County qualifies as a PFE so this bill could have major impacts in the county and stymie new growth beginning in 2012.

Mr. Nelson notes that one of the problems with this plan is that about 55-percent of county's annual growth occurs in the Deep Creek Lake area that has a density allowance of one unit per acre. In order to qualify as a PFA, the density must be at least four units per acre. Mr. Nelson stated that it would take legislation to change these PFA criteria. Mr. Nelson feels that there may be an opportunity to affect the criteria for a PFA by a subcommittee that is being formed within the Smart Growth Task Force.

Mr. Nelson stated that he is planning to contact the subcommittee by teleconference, at the next subcommittee meeting, in order to try to reiterate Garrett County's position on the PFA growth issue.

Vice-Chairman Tim Schwinabart noted that there were a variety of bills introduced in Annapolis this year that were potentially adverse to Garrett County, including two bills that affected mining and one concerning fly ash.

Mr. Nelson noted that a series of bills were introduced that involve the regulation of wind turbines. The Garrett County Commissioners explicitly asked for the authority to develop setbacks for wind turbines. Senator Edwards and Delegate Beitzel have introduced bills in Annapolis to establish a decommissioning requirement for wind turbines. Another bill would establish authorization by the Public Service Commission and the MDE to establish criteria for height, location, setbacks and size of wind turbines. The result to date has been that none of the bills have come out of committee. Plans are for all of these bills to collectively go to a Summer Study, of the entire subject, which may lead to a comprehensive bill for the next session.

Paul Durham provided a copy of SB-771. This is the bill that merged some of the language creating the Summer Study along with developing performance standards for wind turbines. Mr. Durham said that this bill passed by a unanimous vote in the Senate.

Another bill introduced provides for a stormwater user charge that would work somewhat like the "flush tax". This tax would be placed on all homeowners, based on the square footage of impervious surface on their property. A separate

and higher charge would be added for commercial development. The tax would be placed on existing development.

As a related issue, there has yet to be any decision on the proposed amendments to the Allegany County Zoning Ordinance, regarding regulation of wind turbines.

Mr. Nelson also noted the Commission received copies of the most recent resident population projections for Garrett County. The projection shows that Garrett County has actually lost population since the year 2000. April 1, 2010 will be Census Day and households in the county will be counted on that day. Since the year 2000, when the last census was taken, the county has lost about 126 in total population.

Tony Doerr of the Commission noted that the Garrett Chamber of Commerce has had an "Economic Summit" to try to address county economic issues. Approximately 25 businesses participated. He feels that much progress was made indentifying ways that the county can sustain and stimulate growth. A task force is being developed by the Chamber to come up with ideas to address these issues and other issues such as the pending legislation in Annapolis.

- B. Review of Work Plan for Update to Land Development Ordinances-** Mr. Nelson announced that yesterday the Board of County Commissioners awarded the contract to update the county land development ordinances to ERM of Annapolis, Maryland. The ordinances to be updated include the Garrett County Subdivision Ordinance, the Sensitive Areas Ordinance and the Deep Creek Watershed Zoning Ordinance. Two of three bids were accepted, one was not accepted because it was late. ERM was the lowest bidder. According to the schedule, ERM will start working on the project next month and will meet with the Planning Commission during its next public meeting. The first task of the contractor is to document and review current amendments to the ordinances and then incorporate them into the new ordinances. The proposed changes that need to be updated to conform to the Comprehensive Plan will also be added. ERM will work with the staff to identify problems that have been encountered in the past in interpreting the ordinances. A two-day kick off meeting is planned in conjunction with the next Planning Commission meeting on May 6th. Draft ordinances with text changes are planned by August of 2009. A September public information meeting is also planned including preparation of draft ordinances and maps for legislation. The Planning Commission may or may not have its own public hearing regarding the amendments to the ordinances or the meeting may be combined as a meeting with the Commissioners. After review of the testimony at the hearing, a work session will be conducted to evaluate and possibly incorporate the testimony. In December, a public hearing is planned by the Commissioners to adopt the new ordinances. The final task would be preparation of the new ordinances.

At the request of the Procurement Office, the bid was modified to add user-friendly graphics, with the insertion of mapping to be completed by the Planning office.

C. Miscellaneous

1. Deep Creek Watershed Zoning Appeals Cases –

- a) **SE-398-** an application submitted by Bill Ingram of Land Management, Inc. for a Special Exception permit to modify or eliminate conditions of a previous permit regarding hours of operation and the exclusion of Sunday sale of alcohol at the Honi-Honi Bar. The property is located at 19814 Garrett Highway, tax map 58, parcel 248 and is zoned Town Center.

The Planning Commission expressed support to the Board of Zoning Appeals regarding the request to modify or eliminate conditions of a previous permit regarding hours of operation and the exclusion of Sunday sale of alcohol at the Honi-Honi Bar. The motion was approved by a unanimous vote of 7 to 0.

- b) **SE-399-** an application submitted by Legends Media, LLC for a Special Exception permit for a commercial advertising sign or billboard on property owned by The Weaver Group I, LLC. The property is located north of 25297 Garrett Highway, tax map 41, parcel 51, and is zoned Town Center.

The Planning Commission has no comment on this application.

- c) **VR-655 -** an application submitted by Robert and Jill Granader for a Variance to allow a deck that would come to within 0.5 feet of the rear property line, instead of the required 5.0 feet. The owner has purchased the buy-down from the State of Maryland. The property is located at 2162 Paradise Point Road, tax map 58, parcel 561, lot 23, 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** – None

4. Discharge Permit Application–

- a. **Maryland Energy Resources, LLC** - has submitted an application for a permit to discharge 500,000 gallons per day of treated mine drainage

and stormwater to the North Branch of the Casselman River. After discussion, the Commission had no comment on the application.

5. Mining Permit Applications

- a. **Maryland Energy Resources, LLC** – A public meeting will be held on the application for a mining permit on Wednesday, April 2, at 1:00 pm at the Bureau of Mines, in Frostburg. Application has been made to the Maryland Bureau of Mines by Maryland Energy Resources, LLC, for a deep mine site, near Grantsville. The Commission has no comment regarding the meeting.

D. Action on Planned Residential Developments (PRD) and Major Subdivision Plats-

- 1. **Termination Request- North Shore West Phase II-** The developer, PSE Family, LP, submitted a request to terminate the Final plat of the North Shore West subdivision. This 19-lot subdivision is located along North Shoreline Drive in the Thousand Acres development. The property is located on tax map 67, parcel 1 in a Lake Residential zoning district. The Planning Commission granted Final plat approval on June 4, 2008. The Record plats of lots 14 and 15 were signed August 5, 2008, but were never recorded. The Planning Commission passed a motion to terminate and void these plats by a unanimous vote of 7 to 0, with the acknowledgement that the developer must reapply under the subdivision ordinance should this area of the Thousand Acres property be re-platted in the future.
- 2. **Preliminary Plat- Eagles Trace** The developer, Garrett LAD, LLC, submitted a preliminary plat for a 25-lot subdivision off of Stockyard Road. The property is located on tax map 16, parcel 89 in a Rural land classification. The Planning Commission granted approval of this revised Preliminary plat by a unanimous vote of 7 to 0.

Mr. Nelson presented a tally showing five approved Minor Subdivisions for this year so far. There have been no approved Major Subdivisions.

- E. **Next Scheduled meeting** - The next regular meeting of the Planning Commission is scheduled for Wednesday, **May 6, 2009**, in the County Commissioners Meeting Room, at 1:30 pm.

- F. **Adjournment-** 3:00 pm.

Respectfully submitted,

William J. DeVore
Zoning Administrator

