

GARRETT COUNTY PLANNING AND LAND DEVELOPMENT OFFICE

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MINUTES

The Garrett County Planning Commission held its regular monthly meeting on Wednesday, May 6, 2009, at 1:30 pm, in the County Commissioners Meeting Room. Members and guests in attendance at the meeting included:

Troy Ellington	Ruth Beitzel	Bill Franklin
Tony Doerr	John Nelson-staff	Dr. William Pope
Tim Schwinabart	William DeVore-staff	Paul Durham
Gary Fratz	Clive Graham	John Sanders
Jeff Messenger	Jenifer Huff	Steve Richards

1. Call to Order – By Chairman Ellington at 1:30 pm.
2. The April minutes were unanimously approved as submitted.
3. Report of Officers – None
4. Unfinished Business – none
5. New Business-
 - A. **Discussion on Work Program for Revisions to Ordinances-** Clive Graham of ERM presented a Power Point presentation regarding the process of implementing the key recommendations of the 2008 Garrett County Comprehensive Plan. Mr. Graham noted that his presentation is the same as the one that he made at the public meeting, the evening before, at Garrett College. Many of the Planning Commission members attended that meeting.

The changes include revisions to three key county ordinances: the Garrett County Subdivision Ordinance, the Garrett County Sensitive Areas Ordinance and the Deep Creek Watershed Zoning Ordinance. Revisions will also include significant changes to the maps that accompany the ordinances.

Mr. Graham gave a brief history of ERM, noting the firm specializes in planning, engineering, and environmental science. The company also has experience in Comprehensive Plans, Master Plans, natural resource planning, and code writing. Mr. Graham noted that the firm is familiar with Garrett County, being the authors of the 2008 Garrett County Comprehensive Plan, the Deep Creek Lake Watershed

Economic Growth and Planning Analysis Study and the Deep Creek Lake Boating Carrying Capacity Study.

Mr. Graham notes that the recommendations for revisions to Garrett County's land development ordinances are designed to better protect: agricultural land, forests, scenic views and landscapes, water quality, as well as the character of existing towns and villages. The 2004 Deep Creek Lake Watershed Study also called for a Master Plan that would guide the type, location, and design of future growth and development. The ordinances to be affected are as follows:

1) Deep Creek Watershed Zoning Ordinance

The ordinance was adopted in 1975, and has been amended several times. This update will be the first comprehensive revision to the text and map. The zoned area covers approximately 43,400 acres. Current zoning districts in the watershed include: Rural Development (RD), Lake Residential (LR), Town Residential (TR), Town Center (TC), and Commercial Resort 1 and 2 (CR1)(CR2). The new revised ordinance will match the new numbering system that was devised when the county code was updated.

Major proposed changes to the ordinance include deletion of the RD zoning district. Also the AR and the RR would become new zoning districts in the Deep Creek Watershed zoning area. The addition of these zones would help preserve the agricultural and rural character of the new districts. Density would be limited to one dwelling per three acres, with the use of cluster provisions to preserve land resources. These new zones would match clustering and site layout provisions recommended for AR and RR land classifications outside the Deep Creek Watershed.

Additionally, a proposed change to the zoning ordinance would split the LR district into two zones, the LR1 and the LR2 districts. The new LR1 designation would keep regulations unchanged from the current LR District regulations, which allows one dwelling per acre. This LR1 designation is intended to apply to areas where public sewer is planned.

The new LR2 district would also mirror regulations from the existing LR district, except that density would be limited to one dwelling per two acres. This would apply to areas where public sewer is not planned by the Department of Public Utilities.

The ordinance would be changed to establish scenic protection areas within the watershed, which will be established to protect views of, and views from Deep Creek Lake, including ridge tops. The updated zoning ordinance would regulate how buildings are sited and trees are cleared on slopes between 15-30 percent. Slopes greater than 30% currently have development restrictions under the Sensitive Areas Ordinance.

The updated ordinance would also address the compatibility of new structures with the existing character of the community. Additional construction standards, such as building material, roof styles, or similar standards for new commercial buildings are also to be added to the zoning ordinance.

Changes to the ordinance would also address the scale and size of nonconforming dwellings in the ordinance and limit the expansion or construction of new homes on relatively small lots.

2) Subdivision Ordinance

Mr. Graham explained that the Subdivision Ordinance governs lot sizes and density in the county. The revised regulations would locate lots in such a way to protect contiguous areas of farmland or forestland.

The update would also change the map currently used for land classification in the county. The new Comprehensive Plan recommends expanding the areas classified as Agricultural Resource and Rural Resource, emphasizing land preservation within these classifications. Plans include maintaining the current density of one lot per three acres, but requiring clustering of lots to encourage a maximum lot size of one and one-half acres. Under this scenario, at least 80 percent of tract must be preserved in open space, agriculture or timber. The Planning Commission can reduce the minimum protection share to 66 percent based on special design and mitigation of impacts. Mr. Graham notes that the use of shared septic systems would also be used to achieve the allowed number of lots. Mr. Graham explained that this part of the process might be challenging.

A significant change to the Rural classification area would be to require a 500-foot buffer where the land adjoins State-owned lands in the RR category.

Another proposed change would be to include a definition of “scenic views” and require that these views be considered in subdivision design. Design criteria will be established to protect the scenic qualities of roads identified in the Maryland Scenic Byways Program. Plans also include protection of the safety of motorists and pedestrians by authorizing the Department of Planning and Zoning, in consultation with the Roads Department, to require a traffic impact study prior to final plat approval for major new development. Access consolidation on county roads would be a requirement to avoid multiple driveways on busy roads. Also sidewalks and pathways that are part of new development would be required, where appropriate.

Other considerations are to enhance the language in the subdivision ordinance to protect water, habitat and forest resources. Provisions of the stormwater ordinance would be amended to be consistent with the MDE Stormwater Management Act

of 2007, and stormwater the design manual. Development would be channeled to conserve contiguous areas of wetlands, agricultural and forestland.

3) Sensitive Areas Ordinance

Mr. Graham explained that the Sensitive Areas Ordinance map would be amended to add the county's Source Water Protection Areas. This source water is found around production wells in the county and has been mapped by the Department of Public Utilities. Development would be limited here and buffers would be established around these areas.

The new Sensitive Areas Ordinance would include a wetlands section to reinforce the county's policy to conserve contiguous wetlands. This section would refer to the Maryland Non-Tidal Wetlands Act and the subdivision ordinance.

A new floodplain section would be added to clarify the county's policy to conserve contiguous floodplains and floodplain buffers, referring to State and federal regulations and the county's Floodplain Management Ordinance. The new language in the ordinance would also strengthen provisions regarding development on steep slopes.

Proposed Schedule

- 1) May-August 2009- Preliminary revisions to the Land Classification maps, the Sensitive Area maps and the Deep Creek Watershed zoning maps.
- 2) May-August 2009- Write draft ordinance revisions to the Subdivision, Sensitive Areas, and the Deep Creek Watershed zoning ordinances.
- 3) Early September 2009- Planning Commission Public Information Meeting- Receive public comments and revise the preliminary drafts.
- 4) September 2009- Revise draft ordinances and maps and file legislation on the proposed revisions to ordinances and maps.
- 5) October 2009- Planning Commission public hearing to receive public comments.
- 6) November 2009- Planning Commission work session- Planning Commission makes recommendation to the County Commissioners.
- 7) December 2009- County Commissioners public hearing and decision by the County Commissioners
- 8) January 2010- Prepare final document and print revised ordinances and maps

Some members of the Planning Commission hoped that more people would become involved in this process. Mr. Nelson noted that the next opportunity for formal public comment would be sometime in September or October, after the new draft language is written. Mr. Graham and Mr. Nelson stated that any comments on the presentation or the update to the ordinances are welcome and can be made to Mr. Nelson, by mail or email, at any time.

B. Review of Wisp Resort; Clubhouse Phase- Wisp Resort Phase 10A & 10B and Golf Club.

John Sanders of Highland Engineering and Steve Richards of DC Development, submitted a Preliminary Plat showing a total of five lots located off Shingle Camp Road. Mr. Sanders explained that a planned model home on one of the lots would serve as a temporary golfer check-in for the golf course. Mr. Richards explained that the development would eventually have approximately 30 or more cabins.

A Final Plat of Section 1, lots 1-2, was also submitted. The property is part of the Wisp Resort Planned Residential Development and is located on tax map 49, parcel 11, in a Lake Residential zoning district. The Commission granted approval of the Preliminary Plat and Final Plat of Section 1, by a unanimous vote of 6 to 0.

C. Review of Ag-land District Applications-

1. **Margroff Enterprises** BC-110-an application submitted by Margroff Enterprises to establish an Agricultural Land Preservation District along Weaver and Harmon Roads consisting of a total of 106 acres.
2. **Nancy Berkebile** BC-111- an application submitted by Nancy Berkebile to establish an Agricultural Land Preservation District along Accident Friendsville Road consisting of a total of 51.92 acres.
3. **Gary & Nancy Berkebile** BC-112-an application submitted by Gary & Nancy Berkebile to establish an Agricultural Land Preservation District along Accident Friendsville Road consisting of a total of 46.2 acres.
4. **Linda Rush Price** BC-113-an application submitted by Linda Rush Price to establish an Agricultural Land Preservation District along Accident Friendsville Road consisting of a total of 52.99 acres.
5. **David & Patricia Bentz** BC-114- an application submitted by David & Patricia Bentz to establish an Agricultural Land Preservation District along Weaver Road, consisting of a total of 169.23 acres.

6. **Robert E. Opel DCW-72** – an application submitted by Robert E. Opel to establish an Agricultural Land Preservation District along Rock Lodge Road, consisting of a total of 78 acres.

The Planning Commission voted to approve these applications to establish Agricultural Land districts by a vote of 6 to 0.

D. Miscellaneous

1. Deep Creek Watershed Zoning Appeals Cases –

- a) **SE-400**- an application submitted by DC Development, LLC, for a Special Exception permit for a private or membership club. The property is located off of Shingle Camp Road, tax map 49, parcel 11, and is zoned Lake Residential.

The Planning Commission has no comment on this application.

- b) **SE-401**- an application submitted by Phil St. Moritz of Point View, LLC for a Special Exception permit for live, outdoor entertainment, at the existing tavern. The property is located at 531 Deep Creek Drive, tax map 50, parcel 287 and is zoned Town Center.

The Planning Commission expressed support to the Board of Zoning Appeals regarding the request by a unanimous vote of 6 to 0.

- c) **SE-402**- an application submitted by Claire Hollady, of Blue Moon Rising on Deep Creek Lake, for a public or private trade or professional school. The property is located north of 25297 Garrett Highway, tax map 41, parcel 51 and is zoned Lake Residential.

The Planning Commission has no comment on this application.

- d) **VR-656** - an application submitted by Robert and Jill Granader for a Variance to allow a screened porch that would come to within 0.5 feet of the rear property line, instead of the required 4.92 feet, by an average of the adjacent dwellings. 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 and is zoned Lake Residential.

The Planning Commission has no comment on this application.

- e) **VR-657** - an application submitted by Earl Sines for a Variance to allow a residence that would come to within 10 feet of the side property line, instead of the required 15.0 feet. The property is located at 206 Mayhew Inn Road, tax map 57, parcel 13 and is zoned Lake Residential.

The Planning Commission has no comment on this application.

- f) **VR-658** - an application submitted by Kevin Liller for Variances to allow a residence that would come to within 11.5 feet of both side property lines, instead of the required 15.0 feet. The property is located on Glen Cove Road, tax map 58, parcel 764, and is zoned Lake Residential.

The Planning Commission voted to not support this application for variance by a vote of 4 to 2.

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. **Western Maryland Lumber-** has submitted an application for a permit to discharge 6.5 million gallons per day of treated mine water to Mill Run, near Barton. A public informational meeting is scheduled for May 21. After discussion, the Commission had no comment on the application.
- b. **Moran Coal Company-** has submitted an application for a permit to discharge 46,000 gallons per day of treated mine groundwater to Aarons Run, off of Westport Road. After discussion, the Commission had no comment on the application.
- c. **Maryland Environmental Services-** has submitted an application for a permit to discharge 20,000 gallons per day of wastewater at the Deep Creek State Park, off of Brant Road. The Commission had no comment on the application.
- d. **Fairfax Materials-** has submitted an application for a permit to discharge 21,000 gallons per day of wastewater at their facility, off of Garrett Highway, near Pleasant Valley. The Commission had no comment on the application.

The Planning Commission has no comment on these applications.

5. **Mining Permit Applications**

- a. **LOAC Corporation**– Application has been made to the Maryland Bureau of Mines by LOAC Corporation, for a 14.0 ac surface mine

site off of Potomac Camp Road on Lost Land Run.

The Planning Commission has no comment on this application.

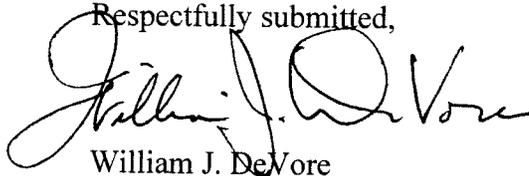
E. Action on Planned Residential Developments (PRD) and Major Subdivision Plats-

- 1. Preliminary Plat- Thousand Acres Lake Shore Lots-** The developer, Appalaichan Investment Properties, submitted a Preliminary and Yield Plat for a 10-lot cluster development located in the Thousand Acres development. The property is located on tax map 67, parcel 780 in a Lake Residential zoning district. The Planning Commission granted approval of this Preliminary 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, **June 3, 2009**, in the County Commissioners Meeting Room, at 1:30 pm.

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

Respectfully submitted,



William J. DeVore
Zoning Administrator