

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@garrettcountry.org

MINUTES

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

Troy Ellington	Joe McRobie	William DeVore-staff
Tony Doerr	Gary Fratz	Carolyn Matthews
Tim Schwinabart	John Nelson-staff	Paul Durham

1. Call to Order – By Chairman 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. Discussion on Suggestions to Revise the Deep Creek Watershed Zoning Ordinance- John Nelson, Director of Planning and Land Development explained that Richard Skipper, a property line surveyor for a local surveying company, has suggested two changes to the Deep Creek Watershed Zoning Ordinance.

The first change involves Section 402. The change would limit “grandfathering” of certain multiple lots. Mr. Skipper proposes that after a deed has been prepared, containing a perimeter metes and bounds description combining said lots, the lots would be considered as one lot. Upon combination of the substandard lots, the grandfathering status would be lost for future development of those individual lots.

A second proposal is to amend Section 400 to allow Town Residential (TR) setbacks for substandard lots that comply with Section 402, that are located in the Lake Residential (LR) zone. The proposal reads: “Any lot in a LR zoned district that meets the “grandfather” requirements of Section 402 and are substandard by 50 percent or more in size, either in area or width, is eligible to apply the front, rear and side yard setback requirements for a lot in a TR zoned district. If this advantage is used, the lot shall not be eligible for further reduction of setback

requirements, through the variance process outlined in Section 1005, except for Section 1005E –the Relaxed Standard Variance.

Mr. Nelson noted that the TR zone allows front yard setbacks of 15 feet and rear yard setbacks of 20 feet for residential uses, which may be rather small compared to the current 40-foot requirement for front and back yards in the LR zone. Mr. Nelson noted that the second recommendation might be contrary to a specific recommendation in the Comprehensive Plan that deals with limiting the size of houses on small lots to assure that re-builds are compatible with the size of houses in the neighborhood.

B. Discussion on State Smart Growth Policies and Statutes- Mr. Nelson gave a brief history of the State of Maryland’s Smart Growth policies. According to the Department of Planning web site, the Economic Growth, Resource Protection and Planning Act of 1992 was enacted to organize and direct comprehensive planning, regulation and funding by State, county and municipal governments in furtherance of a specific economic growth and resource protection policy. The policy is organized around seven (amended to eight) statutory vision statements that must be pursued in county and municipal comprehensive plans, where priorities for land use, economic growth and resource protection are established. The visions must also be followed by the State in undertaking its various programs. The eight visions are:

- Development is concentrated in suitable areas.
- Sensitive Areas are protected.
- In rural areas, growth is directed to existing population centers and resource areas are protected.
- Stewardship of the Chesapeake Bay and the land is a universal ethic.
- Conservation of resources, including a reduction in resource consumption is practiced.
- To assure the achievement of the above, economic growth is encouraged and regulatory mechanisms are streamlined.
- Adequate public facilities and infrastructure under the control of the county or municipal corporation are available or planned in areas where growth is to occur.
- Funding mechanisms are addressed to achieve these visions.

Mr. Nelson noted that after enactment of this legislation, the County’s Comprehensive Plan was updated and then adopted in 1995. This led to the enactment of the first County Subdivision Ordinance and the Sensitive Areas Ordinance in 1997. The Sensitive areas include the following:

- Streams and their buffers
- 100-year floodplains
- Habitats of threatened and endangered species; and
- Steep slopes

Mr. Nelson explained that the Smart Growth Act was adopted in 1997. The Act directs State spending to Priority Funding Areas (PFA's). Mr. Nelson noted that over the years the county has taken advantage of several of the State programs including the Rural Legacy Program, Priority Funding Areas and the Brownfield programs.

New residential areas eligible for PFA designation must have a permitted density of three and one-half or more units per acre. Capital projects such as water and sewer projects depending upon State grants and loans must be located in a PFA and therefore must fit the density criteria in order to be eligible for funding, according to the Smart Growth legislation. All of the towns in the county qualify as a PFA. Also, newly annexed areas must fit the PFA density criteria. These areas also must have either public water and or sewer or planned water and sewer to qualify as a PFA. Mr. Nelson noted that only three percent of the county qualifies as a PFA.

Joe McRobie explained some complications that have arisen regarding the town of Grantsville's planned annexation and the coordination with the Department of the Environment (MDE) and the Maryland Department of Planning (MDP). Mr. McRobie noted that the town of Grantsville is still awaiting comments from the MDE and the MDP, regarding their plan. Each of the towns in the county have developed a Municipal Growth Element, in their Comprehensive Plans, that will allow for PFA's in the annexed areas. Mr. Nelson explained that the limit on the extension of the PFA's is to try to control urban sprawl, which has contributed to pollution in the Chesapeake Bay and other waters of the State.

Mr. Nelson notes that about 50 to 55 percent of the County's development occurs at Deep Creek Lake where high densities are not encouraged in a large portion of the watershed, due to potential adverse impacts on lake water quality and the recreational enjoyment of lake area. Mr. Nelson believes that there should be more flexible criteria to allow local governments to establish PFA's, based on sound planning principles rather than a prescribed residential density that is applied state wide.

Another bill that passed the General Assembly in 2009 and could directly impact county governments is the "Terrapin Run" bill. This bill states that any decision made by a zoning Board would have to be fully consistent with the counties comprehensive plan. Apparently, the text of the Allegany County plan was not consistent with certain maps that were also part of the plan, triggering this bill.

Another bill that passed by the Assembly in 2009 added twelve visions statements instead of eight. Also Planning Commission members and Board of Appeals members now have a requirement to become trained and certified. Reporting requirements have also been added by the State. Beginning in 2011, certain growth development figures must be submitted to the State by the counties.

C. Miscellaneous

1. Deep Creek Watershed Zoning Appeals Cases –

- a) **INTP-19** –an application submitted by Gary Sebroski for an Interpretive Hearing regarding a home occupation business. The Zoning Administrator has interpreted that the premises meets the qualifications for a home occupation business in the Town Residential (TR) zone. The property is located at 368 Glendale Road, tax map 58, parcel 617, lot 27 and is zoned TR.

The Planning Commission has no comments or recommendations regarding this case.

- b) **SE-403**- an application submitted by Frank Ferry for a Special Exception permit to construct an indoor boat storage building on property owned by the applicant. The property is located at Hazelhurst Lane, tax map 67, parcel 581, Lot 20 and is zoned Lake Residential.

The Planning Commission has no comments or recommendations regarding this case.

- c) **VR-662** - an application submitted by Willis McGill, II for a Variance to allow an addition to a residence would come to within 5.0 feet of the rear property line, instead of the required 40 feet. The applicant has purchased the buy-down from the State of Maryland. The property is located at 144 Cedarbrook Drive, tax map 67, parcel 52 and is zoned Lake Residential.

The Planning Commission has no comments or recommendations regarding this case.

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 Applications– None

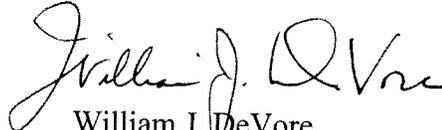
5. Mining Permit Applications- None

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

F. Next Scheduled meeting - The next regular meeting of the Planning Commission is scheduled for Wednesday, **August 5, 2009**, in the County Commissioners Meeting Room, at 1:30 pm.

G. Adjournment- 3:15 pm.

Respectfully submitted,

A handwritten signature in black ink, reading "William J. DeVore". The signature is written in a cursive style with a large initial "W".

William J. DeVore
Zoning Administrator