

GARRETT COUNTY PLANNING AND LAND DEVELOPMENT OFFICE

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MINUTES

The Garrett County Planning Commission held its regular monthly meeting on Wednesday, September 2, 2009, at 1:30 pm, in the County Commissioners Meeting Room. Members and guests in attendance at the meeting included:

Troy Ellington	Ruth Beitzel	John Nelson-staff
Joe McRobie	Tony Doerr	William DeVore-staff
George Brady	Bill Franklin	Paul Durham

1. Call to Order – By Chairman Ellington at 1:30 pm.
2. The August minutes were unanimously approved as submitted.
3. Report of Officers – None
4. Unfinished Business –
 - A. Maryland Citizens Planning Group will conduct a training workshop on October 29 and 30th at the Ramada Inn in Edgewood, Maryland. Mr. Ellington said that as of this date, he intends to attend the session.
5. New Business-
 - A. **Preliminary Draft of Land Classification Map-** John Nelson, Director of Planning and Land Development explained that the Preliminary Draft of the 2009 Deep Creek Watershed Zoning Map is now available and has been distributed. A copy of the map is also available for review on the county web site at “Planning and Land Development/Zoning/Revisions to the Ordinances”.

The Commission reviewed a draft of the new county Land Classification Map that will eventually be used as the county subdivision ordinance map. The Commission suggests a few minor changes including that Deep Creek Lake be shown in blue and that all municipalities be shown with no color-coding within the boundaries. The Commission noted the changes to the Rural (R) category along with the expanded Agriculture Resource (AR) and Rural Resource (RR) areas. The Commercial (C) category and the boundaries of municipalities were also expanded. The map also does not show any future plans for expansion that municipalities may have.

Mr. Nelson noted the ongoing discussions of the PFA subcommittee of the Smart Growth Task Force and the suggestions and recommendations being made by County Governments for more flexibility in the criteria for establishing Priority Funding Areas. If the concept of more flexibility in the criteria for PFA's is endorsed by the Task Force, Mr. Nelson is hopeful that the LR-1 category could possibly qualify as a Priority Funding Area (PFA) under revised Maryland State statutes, at some future date. The Deep Creek Watershed typically generates approximately 50 percent of all new housing starts in the county annually. The purpose of designating the LR-1 zoning district as a PFA would be to preempt any legislation that may in the future require the county to meet certain performance standards for growth in PFA's. If the LR 1 category would qualify, this would aid the county's level of performance, in guiding new growth to PFA's. Mr. Nelson notes that PFA's must be sized according to the projected growth over the next 25-year period. There may also be categories of PFA's that may be based on meeting the goals and objectives of the "Twelve Visions".

Tony Doerr asked about the possible addition of more area into the Town Center zoning district. Mr. Nelson explained that all changes would have to be consistent with the Garrett County Comprehensive Plan that was adopted in 2008 and that there were some expansions of the C-Commercial zone.

The Commission agrees with and approves the Land Classification Map, as corrected. The map will now become available for public review and inspection. This map will also be posted on the county web site. Mr. Doerr volunteered to post the proposed maps to the library and the Chamber, for review by the general public and any interested parties.

- B. Progress on Draft Revision to the Ordinances-** Mr. Nelson noted that the revised version of the Deep Creek Lake Zoning Ordinance, the Subdivision Ordinance and the Sensitive Areas Ordinance would be available for distribution to the Planning Commission by next week. After review of the draft ordinances by the Commission, a work session is planned for Wednesday September 16, tentatively at the Chambers office or in the Commissioners Meeting Room at the courthouse, at 1:30 pm.

After the September work session, any recommended edits will be incorporated into the draft of the ordinances. The ordinances can then be put on line and otherwise be made available to the general public. Mr. Nelson notes that the changes to the current ordinances are clearly marked in the new drafts. ERM, the consultant for the project, will not be represented at the work session but will be available for a planned October 14 public meeting, probably at Garrett College. In conjunction with the planned mid-October public meeting, the regular meeting of the Planning Commission is tentatively scheduled for the same day, at 1:30 pm, October 14th.

John Nelson explained some of the changes to the ordinances that may be the subject of conversation at the public meeting:

Mr. Nelson notes that mandatory clustering will allow the preservation of 66 to 80 percent of tracts to be developed in the Agricultural Resource (AR) and Rural Resource (RR) districts, in response to the one in twenty-acre development guideline proposed by the State. The preference would be to keep the preserved land for its resource value but a secondary use such as a golf course or other protected open space would be possible. Mr. Nelson also noted that the 25-acre exemption to the subdivision ordinance might be adjusted upward to 50 acres. Also an exception of setting aside a resource parcel for the first three lots created in the resource classifications is possible. The fourth lot would trigger the requirement for the resource parcel. The first three lots would still apply toward density, but not the need for the preservation parcel.

The Scenic Protection Area that is to be included into the Deep Creek Watershed Zoning Ordinance is also a significant change. The Protection Area would include a certain number of trees that would need to be replanted to screen newly constructed buildings within the Scenic Protection Area visible from the lake. The area would become an Overlay District within the zoned area at Deep Creek. One tree of an acceptable species for each ten feet of new construction is the expected requirement that has been developed to screen buildings on the crest line. On areas below the crest line, the standard would be reduced to one tree for every 15 to 20 feet of new construction. This issue was a homegrown issue that was brought to light by the public and an ad hoc committee that was charged with developing planning standards at Deep Creek in 2003-04. The committee took issue with new construction that was silhouetted against the skyline at Deep Creek Lake.

Paul Durham feels that there could be a potential problem for lot owners who have purchased a lot anticipating construction of a new home without being burdened with these new regulations that may restrict their view of the lake.

Bill Franklin feels that rather than enforcing this requirement by the building permit process that the developer should also have this opportunity. He also feels that it will be problematic to reestablish trees on the rocky soils associated with crest lines and mountainsides. He believes that the Home Owners Association could better protect the property or the property could be made into a condominium.

Concern from the Chamber of Commerce, at a meeting attended by Mr. Nelson, included the addition of architectural standards for certain commercial buildings in the Deep Creek Watershed. This issue also was brought out as part of the 2003-04 Deep Creek Study. The study questioned the use of pole building construction for commercial buildings at the lake. The input from the Chamber was that the

standards should not be limited to commercial buildings, and should include other non-residential structures.

The Commission also discussed reducing the size requirement for a Cluster Development from 25,000 square feet and a 100-foot width to some lesser size that could increase the protected area in the development. Mr. Nelson believes that it is important for the Planning Commission to have a chance to review and comment on these proposed changes to the ordinances, before outside suggestions are entertained, to avoid confusion in the process.

Tony Doerr thanked Mr. Nelson for explaining the status of the process to a committee representing the Chamber of Commerce, earlier in the week. Mr. Doerr and Mr. Ellington reiterated the need for public participation in this process. Mr. Nelson noted that draft language addresses the issue of wind turbines in the Deep Creek Watershed Zoning Ordinance. The turbines have been divided into three categories, domestic, agricultural and industrial. Domestic and agricultural turbines, limited to a specific height, are permitted in certain zones as an accessory use. Industrial turbines are not permitted in the Deep Creek Lake Watershed. Mr. Nelson believes that the County Commissioners will again ask for authority to regulate setbacks for industrial wind turbines in the county for the next legislative session.

Mr. Nelson also noted that Sampson Gas plans three gas-monitoring wells in the northeast corner of the county, next spring.

C. Miscellaneous

- 1. Deep Creek Watershed Zoning Appeals Cases – None**
- 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. The Commission believes that the religious, editorial comment recorded on the James and Alicia Michaels’ subdivision plat should be discouraged.
- 3. Waiver Requests – None**
- 4. Discharge Permit Applications– none**
- 5. Report on Coal Production for the Second Quarter-**
 - a.** The Commission reviewed the quarterly production figures that were published by the Maryland Bureau of Mines, ending June 2009.

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

- 1. Preliminary Plat- King Meadows- Preliminary & Final Plat- King Meadows-** The developers, DCL 5 Properties, submitted a combined Preliminary and Final Plat for an 8-lot subdivision located along King Wildesen Road. The property is located on tax map 92, parcel 19 in an Agricultural Resource land classification. The Planning Commission granted contingent approval of this combined Preliminary and Final Plat by a unanimous vote of 5 to 0. The approval is contingent on final approval of driveway entrances by the County Roads Department. The Planning Commission granted approval of this second revised Preliminary Plat by a unanimous vote of 5 to 0.

- 2. Preliminary & Final Plat – Lakeview at Markwood Estates.** The developers, John & Sharon Markwood, submitted a combined Preliminary and Final Plat for an 8-lot subdivision located off of Herrington Manor Road. The property is located on tax map 71, parcel 114 in a Rural land classification. The Planning Commission granted contingent approval of this combined Preliminary and Final Plat by a unanimous vote of 5 to 0. The approval is contingent on final approval of the grading permit and homeowner documents.

E. Next Scheduled meeting - The next regular meeting of the Planning Commission is scheduled for Wednesday, **October 14, 2009**, in the County Commissioners Meeting Room, at 1:30 pm.

F. Adjournment- 3:00 pm.

Respectfully submitted,

William J. DeVore
Zoning Administrator

