

## GARRETT COUNTY PLANNING AND LAND DEVELOPMENT OFFICE

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### MINUTES

**The Garrett County Planning Commission** held its regular monthly meeting on Wednesday, March 8, 2011, at 1:30 p.m., in the County Economic Development Meeting Room. This meeting was conducted following a joint public hearing with the County Commissioners regarding the proposed amendments to the Comprehensive Plan, concerning ridgeline protection. Members and guests in attendance at the meeting included:

Troy Ellington	Bruce Swift	Paul Durham
Tony Doerr	Steve Friend	Eric Robison
William Weissgerber	John Nelson-staff	Lori Schlossnagle
Gary Fratz	William DeVore-staff	Jim Stanton

1. Call to Order and Introduction of Guests – By Chairman Ellington at 1:30 pm.
2. The February minutes were unanimously approved as submitted.
3. Report of Officers – None
4. Unfinished Business –
  - a. **Commission Members-** Chairman Ellington noted that Bruce Swift has been added as an alternate member of the Planning Commission. Mr. Swift will serve Tony Doerr's unexpired term. Mr. Doerr has been appointed to the regular membership of the Board.
5. New Business
  - A. **Further discussion regarding ridgelines as a sensitive area in need of protection and implementation measures that the County may pursue.**

Tony Doerr summarized that at some point dialogue will begin that will have the potential to regulate wind turbines. He notes that this has been brought about by the question of reinsertion of the 2008 language for ridgeline protection into the Comprehensive Plan. This language was taken out of the draft Plan by the previous board of county commissioners.

Mr. Nelson reiterated that the Commission is not to the point of placing any type of regulatory controls on windmills at this time. He notes that reinsertion of the original language strictly deals with the policy and planning issues concerning whether the county should proceed at a subsequent date to establish a framework for regulatory control. Mr. Nelson stated that if the new language is approved as part of the Comprehensive Plan by the Commissioners and the Planning Commission, the next step of the Commission is to decide what direction regulatory controls should take.

Mr. Nelson notes that there is a Bill in the legislature now pending that would give the Commissioners the authority to establish setbacks and provide for decommissioning requirements for wind turbines. The Bill is not out of Committee as of yet, but the Senate version of the Bill includes several amendments, one of which is a "sunset" provision. The sunset provision would terminate the Commissioners authority at the end of a three-year period. This Bill will be before the House Environmental Matters Committee tomorrow, March 9. Mr. Nelson and two of the Commissioners plan to testify in favor of this Bill. The amended Bill would provide minimum setbacks from a property line, according to the height of the structure. If the Bill becomes law, then the language for the setbacks could be entered into the Sensitive Areas Ordinance. The sunset provision would require the county to look at other authority in order to impose set-back and de-commissioning requirements, potentially under the provisions of Article 66B.

Some members of the Commission note that they have seen wind farms in other states. They feel that setbacks may have to be rather lengthy due to possible structural failures. There were questions also as to whether the use of the turbines is limited to ridge tops in the county, since flatter areas are also windy in Western Maryland. Mr. Nelson notes that the wind velocity map from the Maryland DNR Power Plant Research Program in the Comprehensive Plan, labeled "Figure 7.2- Areas Potentially Suitable for Wind Power", shows where the sustained wind velocities are located in the county.

Mr. Nelson notes that the proposed language in the Bill, in the House and Senate, would not prohibit wind turbines, but would only provide a means to establish setbacks to property lines. The Bill will not authorize height limitations for the structures.

Most members believe that the type of zoning that has been established in the Deep Creek Lake Watershed would be too restrictive for the rest of the county. Some of the examples that were mentioned during the joint public hearing with the Commissioners, such as a curbside vegetable stand, would be permitted in any new countywide zoning plan. It is the understanding of Mr. Nelson that based on discussion of the Commission; most uses would be permitted throughout the County. Any proposed land use management techniques may provide limits on height, setbacks, sound and parking, but virtually all uses would be permitted.

Jim Stanton believes that traditional zoning has worked well in Oakland but he feels that the real issue of the Board should be protection of sensitive areas.

Steve Friend believes that ridge tops have never been classified as sensitive areas in the past and he feels that the new language is just a way for the Commission to keep windmills out. Mr. Friend does feel that setbacks for windmills are in order, but he does not feel that ridge tops should be classified as sensitive areas, especially since new ridges are being added as the regulations are being devised. Mr. Friend feels that there are no homes around his property and setbacks should not be an issue in any proposed windmills on his property. Mr. Friend feels that just landowners who own property on the ridgelines are being affected by the new language.

Mr. Nelson believes that additional minor changes, such as inserting Four Mile Ridge and Elder Ridge into the language of the text, can be done without re-advertising and conducting another public hearing. The change would be to a set of policies, not to a regulatory device. Mr. Nelson reiterated that the next step in the process would be to outline the type of ordinance the Planning Commission and the County Commissioners want to adopt to conform to the new language, if enacted. There would need to be public meetings on the specific ordinances that were proposed before anything could be implemented to regulate windmills.

Some members of the Commission believe that some in the county already feel that they have been negatively impacted by windmills and that some protection is needed, such as setbacks requirements from adjacent property owners.

Eric Robison feels that not everyone will be happy with the out come of this process but ultimately the result of these discussions will be determined by the Board of County Commissioners.

**B. Discussion regarding changes to the Subdivision Checklist.**

Mr. Nelson notes that Chad Fike of the Planning Office has made specific changes and adjustments to the Subdivision Checklist that must be approved by the Planning Commission, as specified in the subdivision ordinance.

Mr. Fike explained that the changes to the checklist include “rare, threatened or endangered species” as an item to be checked. The applicant is directed to contact the appropriate State or Federal agency if development activity does occur in an area that includes these types of species. Also evidence must be provided to show that the applicant has been notified regarding the presence of rare, threatened or endangered species. Another item added to the checklist, previously omitted, is lot width. The Planning Commission granted approval of the newly revised subdivision checklist by a unanimous vote of 5 to 0,

## C. Miscellaneous

### 1. Deep Creek Watershed Zoning Appeals Cases –

a. **SE-409-** an application submitted by Tim Stark, of U S Cellular, for a Commercial Communications Antenna. The proposed antenna is located at 1090 Turkey Neck Road, on property owned by Henry, E. Schmidt, tax map 74, parcel 3 and is zoned Agricultural Resource (AR). The Commission had no comment on the application.

2. **Minor Subdivisions** – Approved minor subdivisions have been included in the packet that was mailed to the Commission members prior to the meeting.

3. **Waivers Requests- None**

4. **Mining Permit Applications** –ARJ Construction Company has submitted an underground mining permit application (OPA10-48) to mine coal. The operation would be located approximately three miles west of Barton off of Westernport Road. The application is for 224 acres on the north side of Aaron Run. The mineral is owned by Moran Coal Company and the surface is owned by Savage River State Forest and Junior and Darla Fazenbaker. Written comments will be received by the Maryland Bureau of Mines until March 14, 2011.

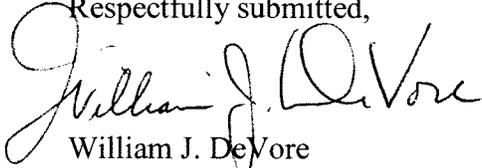
5. **Annual Report-** Preliminary Draft- Mr. Nelson notes that the preliminary draft of the annual report, required by the Maryland Legislature is expected to be available at the next regular meeting of the Commission. The report will show development progress in the County and if that development has occurred within a Priority Funding Area (PFA).

## D. Action on Planned Residential Developments (PRD) and/or Major Subdivision plats-

1. **Final Plat- Weaver Group Commercial Lot 5-** The developer, Weaver Group LLC, submitted a revised Final Plat for one commercial lot-Lot 5, located at 25297 Garrett Highway. The property is located on tax map 41, parcel 51, in a Town Center zoning district. This plat is a revised version of the plat that was granted Preliminary and Final Plat approval during the February 2, 2011 Planning Commission meeting. The Planning Commission granted approval of the revised Final Plat by a unanimous vote of 5 to 0.

**E. Next Scheduled meeting** - The next regular meeting of the Planning Commission is scheduled for Wednesday, **April 6, 2011**, in the County Commissioners Meeting Room, at 1:30 pm.

**F. Adjournment-** 3:15 p.m.

Respectfully submitted,  
  
William J. DeVore  
Zoning Administrator