

**GARRETT COUNTY PLANNING AND LAND DEVELOPMENT OFFICE**

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**MINUTES**

**The Garrett County Planning Commission** held its regular monthly meeting on Wednesday, January 4, 2012, at 1:30 p.m., in the County Commissioners Meeting Room. Members and guests in attendance at the meeting included:

Troy Ellington	Tony Doerr	Paul Durham
Gary Fratz	Bill Weissgerber	John Nelson -staff
Tim Schwinabart	Jim Raley	William DeVore-staff
Jeff Messenger		

1. Call to Order and Introduction of Guests – By Chairman Ellington at 1:30 pm.
2. The December minutes were unanimously approved, as submitted.
3. Report of Officers –
4. Unfinished Business – None
5. New Business –

**A. Commission Members-2012 Election of Officers-**

*Troy Ellington* was reelected chairman by a unanimous vote of 6 to 0.

*Tony Doerr* was reelected vice-chairman by a unanimous vote of 6 to 0.

*Gary Fratz* was reelected secretary by a unanimous vote of 6 to 0.

- B. Discussion on County-wide Land Use Management-** Mr. Nelson reported that the Board of County Commissioners are considering exploring the issue of new land use management controls on the portion of the County that is not already controlled by land use codes. Mr. Nelson notes that several recent controversial issues have been a topic of discussion by citizens in the County including, but not limited to, junkyards, industrial windmills and potential Marcellus gas drilling projects.

Commissioner Raley notes that Commissioner Crawford has a standing motion for the County to consider land use management regulations on a county-wide basis. The idea is to open up discussions on a proposal for countywide land use management or “zoning”. The Commissioners plan to bring before the public a draft ordinance of general standards in the upcoming months. Virtually all uses would be permitted except for certain uses that could have potential adverse impacts on existing land uses, which would be treated as Special Exception uses. Work sessions will begin to review uses and standards in a draft form that would be posted on the county websites and the county Facebook page in order to solicit comments about any proposed new standards. Mr. Nelson believes that it will take a couple of months to get such a draft available for review. The Commissioners feel that it is appropriate to have this discussion about countywide land use regulations at this time.

Commissioner Raley stated that he generally is opposed to land use regulations but recent developments have led him to the conclusion that it is time to have a “diner table conversation” with the public about the issue. An example of a need for new standards was brought to light by a recent junkyard proposal. The subsequent request and public hearing exposed the current, loose regulatory framework for junkyards in the County. Also some new wind turbine projects have demonstrated the need for some type of setbacks or other controls for this particular use. The Commissioner noted that the County is discovering the location of proposed wind turbine projects through the FAA website and not by communications with the wind companies.

Some other issues have arisen regarding gas drilling in the Marcellus Shale formation and the hydraulic fracturing process. Commissioner Raley believes that at some point, in the not too distant future, there will be natural gas drilling in these shale formations that will require the new fracturing techniques. Issues then arise regarding the allowable proximity to homes, road bonding, the protection of county infrastructure and the appropriate county response to such a scenario.

The Commissioner thanked the Planning Commission for the work that they do and wants to take this opportunity to make the Commission and the public aware that these discussions are taking place. The Commissioner envisions virtually all uses permitted in any land use regulation proposal but some uses would have restrictions of some sort. Commissioner Raley sees this as an educational process and is looking forward to public input and Planning Commission comments on the draft plan.

Tony Doerr believes that rather than taking on these land use issues one at a time, as they present themselves, it would be better to address them in a comprehensive, land management plan. Mr. Doerr believes that the County has been reactive, instead of proactive, regarding controversial issues that come before the Planning Commission from time to time.

Bill Weissgerber believes that the County is a target for certain types of development that would not be permitted, or available, in other parts of the State. He thinks that the area is also vulnerable due to the lack of media coverage and also the way the County is represented legislatively, due to its relatively small population. Mr. Weissgerber points out that the Deep Creek Lake Zoning Ordinance has been in effect for over 36 years and overall it has been successful and well received.

Paul Durham feels that the draft ordinance should consider including language that expressly permits the right to farm and timber, in order to answer such questions before they arise.

Chairman Ellington believes that education and understanding are the keys to any such management ordinance. The chairman notes the local media could aid in “marketing” such an effort.

Gary Fratz believes that the development of the Accident gas field was done in a fairly responsible manner, even at that time with little regulation.

Mr. Raley believes certain groups, such as the Farm Bureau may be willing to talk about such a management plan, if the draft is worded in such a way to regulate a small number of contentious uses, only. The Commissioner feels that the farmers have been the target of numerous, restrictive state regulations, such as Chesapeake Bay runoff controls, and for that reason some may not be very receptive to additional regulations. The Commissioner also notes that the new Septic Bill could adversely impact farmers and other landowners in the County. State “pro-wind” policies downstate could also adversely affect the County. Mr. Raley believes that any new discussion of these regulations could be done in a responsible and respectful manner and in a spirit of cooperation. The Commissioners will make their decision based on the input that they gather from the discussions. Commissioner Raley stated that this board of commissioners will not put this issue forward as a ballot issue.

**C. Discussion of New Proposed Legislation by the Maryland General Assembly-**

Paul Durham presented the Commission with a copy of Bills that have been filed in the General Assembly in Annapolis. Mr. Durham believes that some of this proposed legislation has been in response to Plan Maryland. Another Bill includes authority to strengthen local comprehensive plans and remove some oversight that the State may have.

**D. Discussion of Draft Planning Area Guidelines-**

Chairman Ellington notes that the draft planning guidelines are not an easy read but one clear message is that the States intends to use these guidelines to control State funding. Mr. Nelson notes that these draft documents will be used to identify and map planning areas that are an important part of Plan Maryland. The Plan was adopted last month and is now

recognized by the State. The guidelines are intended for use by local jurisdictions to submit their nominations for funding areas, using the listed categories for designated places.

Mr. Nelson believes that most capital funding projects will be targeted to the first planning area listed; “Targeted Growth and Revitalization Areas”. This will be an important category designation that will be used to determine funding capability. This category includes “Sustainable Communities”, which are on track to renew their certification, by July 1 of this year. Every town in the County will automatically qualify as a Targeted Growth and Revitalization Area, providing the communities submits their application to renew every three years, to qualify for their Sustainable Community status.

The second category listed is “Established Communities within PFA’s”. Mr. Nelson envisions McHenry and Thayerville as examples of areas that may fit into this category.

Category three is “Future Growth Areas” which may qualify for future funding; perhaps areas around towns that have growth plans that includes annexation would be an example of this category.

The fourth category is “Large Lot Development Areas”. Mr. Nelson feels that this category corresponds to the county’s Rural land use designation. The director believes that there would be no reason to nominate any of these areas as Planning Areas since there would be no direct funding benefit available. No assistance for infrastructure would be available for this category and even preservation program funding may be in question in these areas.

“Rural Resource Areas”, the fifth category would generally be the land classifications of AR and RR in the County. It is hoped that this category would continue to qualify for agricultural preservation under the Rural Legacy, Ag Land Preservation or any other state preservation programs. Plan Maryland has included policies that would encourage targeting of preservation funds into Priority Preservation Areas (PPA). PPAs for agriculture require that local land use regulations would limit growth to a density of one unit per 20 acres and the preservation of at least 80 percent of the land area within the Priority Preservation Area for agriculture use. Because citizens of the County would not accept this degree of regulation, a PPA was not designated or included in the latest Garrett County Comprehensive Plan.

Mr. Nelson believes that the County may recommend the LR1 category as a future growth area, though it may not easy to predict what the result will be when the state criteria is applied at a later date. The Maryland Department of Planning will visit the county planning office this month to demonstrate the results of their preliminary mapping exercises that would be applied to the County based upon these guidelines.

Mr. Nelson requested that the Commission review the “Draft Planning Area Guidelines” and see which of these categories seem to be appropriate for Garrett County. Mr. Nelson believes that after meeting with the State, he will have a better understanding of how these guidelines will affect the County, for the next Planning Commission meeting.

**E. Miscellaneous**

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

- a. **SE-420-** an application submitted by Dailinn Hooks, on behalf of Timothy Skipper, for a Special Exception permit to place a single-wide mobile home on property owned by Mr. Skipper. The property is located at 618 Foster Road tax map 65, parcel 143, and is zoned Lake Residential 2. The Commission offered no comments on the application for Special Exception.

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

**3. Waiver Requests–** None

**4. Discharge Permit Application -** None

**5. Surface Mine Permit Applications-** None

**F. Action on Major Subdivisions and Planned Residential Developments –**

- 1. Preliminary & Final Plat-McHenry Cove, LLC-** The developers, McHenry Cove LLC, submitted a Preliminary and Final Plat for a one-lot commercial subdivision, located on Cabin Lodge Road. The property is located on tax map 50, parcel 398 in a Commercial Resort-2 zoning district. The Planning Commission granted approval of this Preliminary and Final plat by a unanimous vote of 6 to 0.

**G. Next Scheduled meeting -** The next regular meeting of the Planning Commission will be held on **February 1, 2012**, in the County Commissioners Meeting Room, at 1:30 pm.

**H.** Adjournment- 3:00 p.m.

Respectfully submitted,

William J. DeVore  
Zoning Administrator

