

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 7, 2012, at 1:30 p.m., in the County Commissioners Meeting Room. Members and guests in attendance at the meeting included:

Troy Ellington	Bill Weissgerber	Jerry Plauger
Bob Gatto	Tony Doerr	John Nelson -staff
Tim Schwinabart	Gary Fratz	William DeVore-staff
Jeff Messenger	Paul Durham	

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 –
4. Unfinished Business – None
5. New Business –

A. Discussion on the Draft 2011 Planning Commission Annual Report– Mr. Nelson explained that 2010 was the first year that a Planning Commission Annual Report including specific Smart Growth indicators was required by the State. The 2011 Annual Report is now in the process of being prepared by the Planning Office staff. Minutes have been summarized and subdivision information was compiled as shown in the draft report distributed before the meeting.

Permits and subdivisions are listed to show the number of each located within Priority Funding Area (PFA) boundaries. In 2011, only two of a total of 48 new lots were located within PFA's, equaling 4.2%. Of the 81 new building permits, only one, or 1.3%, were located within a PFA. The figures do not include 31 teardown/rebuilds that occurred in 2011.

Last year the Commission set a goal that 10% of all new permit and subdivision activity should be located within PFA's, by the year 2020. Since only about 3%

of the County is classified as a PFA, it is difficult, as demonstrated by the 2011 figures, to limit new development to these areas. Maps will be included in the report to show the location of the new subdivision and permit activity for 2011. The completed report must be submitted to the Maryland Department of Planning by July 1, 2012.

B. Discussion of Bills of Interest for Proposed Legislation by the Maryland General Assembly- SB 614, SB 236, HB 366 and SB 240.

The Commission discussed several Bills of interest that are now before the Maryland General Assembly in Annapolis:

Senate Bill 240- Act Concerning Bay Restoration- Mr. Nelson previously distributed a copy of this bill to the Commission members. This bill would virtually double the cost of the “flush tax”. Some individual rates could be more than double, depending on the amount of metered, water usage. Money raised from proceeds of the new tax rate could be used to upgrade water treatment plants and reduce the amount of nitrogen entering the Chesapeake Bay. Mr. Nelson notes that this bill is strongly supported by the administration and very likely to pass. The Commission also discussed another bill by Delegate Beitzel that would obligate the use of these funds to be used only for expenses associated with Bay cleanup.

House Bill 366- Fire and Safety- Building Performance Standards- known as the “Sprinkler Bill”- Mr. Nelson explained that this bill would require all new single family and duplex homes in the State to be fitted with sprinkler systems. Currently, there is a provision in the building code for local governments to opt out of the code for mandatory systems. This new bill would eliminate the “opt out” provision and require all conventionally built homes to have a sprinkler system. The Maryland Fireman’s Association supports this bill which would take effect October 1, 2012. Newly constructed modular homes in the County are already subject to the sprinkler requirements.

The Commission discussed potential problems associated with these requirements in rural settings. Jerry Plauger believes that the price and the maintenance of these systems are cost prohibitive. Paul Durham notes that some advocates of the bill feel that the introduction of new synthetic and plastic materials in new homes create a situation where the homes are more flammable than in the past. Mr. Nelson believes that this bill is also likely to pass.

Senate Bill 614- Stormwater Management-Watershed Protection Implementation Program- Mr. Nelson notes that this bill would require local government to implement fees and a program to establish protection for watersheds. The new water quality requirements dictate that some jurisdictions must retro-fit their storm sewers to add stormwater protection, especially for type

MS-IV stormwater discharges. The fee would provide a funding mechanism to pay for these upgrades. Since the program would become mandatory, the bill may generate support. The program is currently voluntary. The fees would be charged based on the amount of square feet of impervious surface on a particular property. Funds would be used by local jurisdictions to upgrade stormwater controls.

Garrett County does not have any MS-IV stormwater permits so that there is no need for the county to retro-fit this category of stormwater facilities. Mr. Nelson notes that this is one of the reasons that the Commissioners have opposed this bill. MACO also opposes this legislation.

The Commission discussed the possibility of individuals or companies getting credit for remediation of stormwater on their own particular property and how such offsets would be carried out. Questions also arose regarding the definition of an impervious surface and how areas like gravel driveways would be classified.

Senate Bill 236- Sustainable Growth and Agricultural Preservation Act- “Septic Bill” -Mr. Nelson believes that all indications show that the septic bill is going forward, despite objections from various groups. The bill has been amended slightly from its original form to allow local governments time to amend their Comprehensive Plan. Also the bill will now allow local jurisdictions to notify the State of their definition that would trigger a “major subdivision”. Mr. Nelson believes that the bill is still in Committee, at this time.

The bill sets up a tier system that virtually prohibits new lots, on septic systems, in most areas of the County. Only Tier 3 allows some flexibility to permit subdivision activity, under certain conditions. The LR2 and R categories are synonymous with Tier 3, or large lot development areas, which is equal to roughly 15-20% of the county land area. Paul Durham believes the bill will probably pass in the Senate, while the House may entertain some amendments to the bill. The Board of Realtors believes that this bill is going to pass, in a form similar to the way it is now proposed.

Mr. Nelson notes that if an application is made to the Planning Commission for subdivision review before July 1, 2012, the applicant would have until December 31, 2013, to have the plats recorded in the land records. If the plat is submitted after July 1, 2012, the developer has until December 31, 2012 to have the plat recorded, leaving a much narrower window of opportunity.

Mr. Nelson notes that this bill would only affect the development of building lots that are not on public sewer. Mr. Nelson is also concerned that many people are not aware of the ramifications of this bill and feels that there has not been much media coverage on the issue. Paul Durham notes that many environmental groups fully support this bill.

The Commission concludes that these four bills will probably pass in some form and there is little, if anything, that the Commission can do to influence the outcome in the Legislature.

C. Miscellaneous

- 1. Deep Creek Watershed Zoning Appeals Cases – None**
- 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**

D. Action on Major Subdivisions and Planned Residential Developments –

- 1. Preliminary and Final Plat- None**

E. Next Scheduled meeting - The next regular meeting of the Planning Commission will be held on **April 4, 2012**, in the County Commissioners Meeting Room, at 1:30 pm.

F. Adjournment- 3:00 p.m.

Respectfully submitted,

William J. DeVore
Zoning Administrator

