

GARRETT COUNTY DEPARTMENT OF PLANNING AND LAND DEVELOPMENT

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MINUTES

The Garrett County Planning Commission held its regular monthly meeting on Wednesday, October 3, 2012, at 1:30 p.m., in the County Commissioners Meeting Room. Members and guests in attendance at the meeting included:

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

1. Call to Order - by Chairman Troy Ellington at 1:30 pm.
2. The September minutes were unanimously approved, as submitted.
3. Report of Officers – None
4. Unfinished Business – None
5. New Business –

A. Discussion on update to Water Sewer Master Plan by DPU- Mr. Nelson explained that the current Water and Sewer Master Plan is obsolete and the document will be comprehensively updated. This Plan will be an important part of development of the tier mapping as required by SB 236. The current water and sewer plans are out-of-date because most of the recommendations within the Plan have been fulfilled and planned service areas have already been served. The Department of Public Utilities has put together a Request for Proposal (RFP) and the consultant, ERM from Annapolis, has received the contract and has started on the update. The consultants estimate that the update will take about 11 to 12 months to complete. ERM is familiar with the County Comprehensive Plan and has worked on other projects in the county.

Mr. Nelson stated that Tier 2, which includes areas intended to be planned for public sewer, will be an important part of this update as it relates to tier mapping. Since the current Sewer Plan map has no proposed service areas, no Tier 2 areas are shown on the new county tier map. Until the Comprehensive Plan is updated, the Tier Areas map can be changed administratively and will be

adjusted administratively to add Tier 2 areas after they become defined as part of the update to the Water and Sewer Master Plan.

Sometime around the fall of next year, ERM will approach the Planning Commission for their review and comment of the Water and Sewer Master Plan, which is part of ERM's proposed process. Mr. Nelson reiterated that December 31, 2012, is the deadline for the county to adopt a tier map. After the deadline, major subdivisions can only occur for those counties that have adopted such a map.

B. Discussion regarding progress on Tier Mapping pursuant to SB 236- Mr.

Nelson reviewed the details of the tier mapping requirement, which is part of SB-236. A preliminary draft Tier Map was submitted to the Maryland Department of Planning (MDP) seeking informal review comments from that agency. Informal comments were received from MDP and a second revised draft Tier Map was prepared to address those comments. Under provisions of SB 236, if MDP provides formal comments on the final Tier Map adopted by the Planning Commission, then MDP may require a public hearing on the Tier maps and their comments, later in the process. Consequently, staff is attempting to address most of the comments by the State in the "informal comment" process.

Mr. Nelson reviewed various maps including the original and revised draft Tier Map, by use of a computer projector, outlining the work that has been done on the four tiers. Maps that were originally provided by MDP were also shown. MDP maps were compared with the Intended Land Use Plan Map, as illustrated in the Comprehensive Plan. The Sustainable Growth and Agricultural Preservation Act of 2012 (SB-236) requires Tier 4 designation on areas such as the Bear Creek Rural Legacy Area, areas planned for resource preservation or areas dominated by forest or agricultural cover.

The draft Tier Maps were developed based on MDP guidelines. Under SB-236, major subdivisions on septic systems are permitted in Tier 3 areas only. Rural areas not dominated by agricultural or forest cover, shown on the Comprehensive Plan Map and linear patterns of development along roads in the Rural areas were used as a basis for the Tier 3 designation. The LR1 and LR2 areas not served with public sewer in the Deep Creek Watershed were also designated Tier 3. In Tier 3 areas, new major subdivisions (more than seven lots) on septic systems would be permitted provided a public hearing is conducted by the Planning Commission on any application for subdivision.

Various areas around the municipalities including growth elements within Town Plans were discussed including the area north of Grantsville and the area west of Oakland. These Municipal Growth Areas should be designated as Tier 2A areas, provided they are consistent with the County Comprehensive Plan. The Growth element for Mt. Lake Park and Grantsville proposed to add rather large areas to

each of these towns which were not consistent with the County Comprehensive Plan.

The MDP guide map shows most of the county to be dominated either by forest or agricultural cover which the Maryland Legislature has dictated must be shown as a Tier 4 area and not Tier 3. Mr. Nelson believes this issue may be an area of contention with Maryland State Planning. Some but not all, of the areas that the county originally designated Tier 3, were adjusted into the Tier 4 category on the revised map, to satisfy MDP comments. Tier 2A areas were added to the revised Tier Map to accommodate those areas intended for Growth by the Towns that were consistent with the County Comprehensive Plan. Because of the Municipal Growth Elements in the town's plans, Tier 2A areas were added around Deer Park Friendsville, Accident, Mt. Lake Park, Grantsville and Oakland. The Tier Maps can and will be modified to include Tier 2 Areas (areas planned for public sewer service) upon completion of the updated Water and Sewer Plan in 2013.

The revised map as it now stands shows approximately 80% of the county's total land area in Tier 4; 13.6 % in Tier 3; and 6% in Tier 1. Tier 1 has public sewer and has not been revised. Tier 2A equals about 0.4% of the total land area of the county.

A member of the Commission questioned why some areas were designated Tier 3 while others were Tier 4, which precludes major subdivision on septic. Mr. Nelson explained MDP considers all parcels that have forest or agriculture land cover as Tier 4, though the planning office is working to make the case for Tier 3, whenever possible. Mr. Nelson has been making the MDP aware that certain areas that are currently Tier 4 may have reduced values as agricultural or timber resource land, due to fragmentation by previous subdivision. MDP agreed to respond with another round of informal comments before more formal comments are sent. Mr. Nelson asked the Commission to submit this current tier map to MDP for an additional round of informal comments.

Mr. Nelson explained that SB-236 has a provision to require MDP to prepare a progress report on Tier Map implementation and that if the legislature is not satisfied with the progress of local jurisdictions to comply with the Bill, then the law may be changed to possibly make MDP the controlling authority.

The chairman notes that some of the Tier 3 areas are completely surrounded and isolated by Tier 4 areas, contrary to MDP guidelines. A commission member also notes that this tier map will eventually supersede the county Comprehensive Plan Map.

Mr. Nelson stated that administrative adjustments can be made to the map, right up until the time that the new Tier Map is adopted into the Comprehensive Plan. Once the map is adopted into the Plan, as previously discussed, changing the map becomes a more involved process. It is hoped that the Tier Map for Garrett

County can be adopted at the November meeting of the Commission. A formal adoption must occur before the end of the calendar year; otherwise, no major subdivision will be allowed anywhere on septic in the county.

After discussion, a motion was made by the Commission for Mr. Nelson to submit the draft map to the MDP requesting their additional informal comments. The motion was approved by a vote of 7 to 0.

C. Miscellaneous

1. Deep Creek Watershed Zoning Appeals Cases –

- a. VR-696** - an application submitted by James DiMisa for relaxed standard Variances to allow the addition to a residence, that would come to within 7.63 feet of the side property line and to within 30.0 feet of the front line. The property is located at 96 Whispering Way, tax map 67, parcel 407 and is zoned LR 1. The Planning Commission offered no comments on the application.
- b. VR-697** - an application submitted by Katie Plofchan for a Variance to allow the construction of a proposed residence that would come to within 27.0 feet of the rear property line. The owner has purchased the “buy-down” from the State of Maryland. The property is located at 574 Hickory Ridge Lane, tax map 73, parcel 110 is zoned LR1. The Planning Commission offered no comments on the application.

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

3. Major Subdivisions – None

4. Mining Permit Applications – None

5. Agland Preservation District Applications-None

D. Next Scheduled meeting - The next regular meeting of the Planning Commission will be held on **November 7, 2012**, in the County Commissioners Meeting Room, at 1:30 pm.

E. Adjournment- 3:00 p.m.

Respectfully submitted,

William J. DeVore
Zoning Administrator

