

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, November 14, 2012, at 1:30 p.m., in the County Commissioners Meeting Room. This meeting was originally scheduled for November 7, but was postponed due to inclement weather. Members and guests in attendance at the meeting included:

Troy Ellington	Jeff Connor	John Nelson-staff
George Brady	Bill Atkinson	William DeVore-staff
Tim Schwinabart	Kyle Newsome	Deborah Carpenter-staff
Jeff Messenger		

1. Call to Order - by Chairman Troy Ellington at 1:30 pm.
2. The October minutes were unanimously approved, as submitted.
3. Report of Officers – Chairman Ellington notes that Secretary Griffin of the Maryland Department of Natural Resources will be making a presentation concerning Deep Creek Lake, at 4:00 p.m. this afternoon. Interested people are encouraged to attend the meeting at the St. Peter’s Parish Hall, across the street.

The chairman also introduced Jeffrey Connor as a new member of the Planning Commission. Mr. Connor will take the seat of Gary Fratz, whose term has expired.

4. Unfinished Business – None
5. New Business –
 - A. Discussion and action on Garrett County Draft Tier Map pursuant to SB236-**
Mr. Nelson and Deborah Carpenter, GIS Specialist with the Planning Office presented the Tier maps that were developed by the Office of Planning and Land Development. Mr. Nelson explained that Tier 1 areas are served by the public sewer system shaded in red on the Tier maps. There are no areas that currently have the Tier 2 (planned sewer service) designation, but the Tier 2A term has been assigned to municipal growth areas. The Tier 2A areas are municipal growth areas shown in each of the Town’s Comprehensive Plan for future growth and are shown in yellow on the Tier maps.

ERM has been awarded the contract to assist with the Department of Public Utilities update of the Water and Sewer Master Plan. Mr. Nelson explained that the Tier Map will be updated sometime in the future to add the Tier 2 areas (areas planned for future sewer service) and remove the Tier 2A designation. After the map is adopted and incorporated into the updated Comprehensive Plan in 2014 or 2015, a lengthy formal process will be required in order to modify the map, including a 60 day review process and public hearings. The plan itself would have to be amended to include a Tier locations map.

Via a PowerPoint presentation, Mr. Nelson points out those Tier 4 areas, shown in green, are areas in the Comprehensive Plan that are intended for agriculture and forest resource conservation. The county previously identified this land as part of the Agricultural Resource and Rural Resource land classifications. Tier 4 areas include the Rural Legacy areas, including the entire Bear Creek watershed. The State law intends this category to include all areas dominated by agriculture use or forest cover. These parcels would not be allowed to be subdivided into more than seven new lots, regardless of the parcel size, if they would need septic systems. The Tier 4 category now takes up 80.6 percent of the land mass of the county.

Those areas designated as Tier 3 are those areas that are intended in the Comprehensive Plan for large lot development. These areas are not part of plans for extension of public sewer and are categorized as Rural, Lake Residential 1 and Lake Residential 2. According to SB-236, areas dominated by agricultural use or forest cover must be subtracted out of the Tier 3 category, which is an area of contention with Maryland Department of Planning (MDP).

The county has worked to eliminate some areas that are major forest cover areas from Tier 3 and moved those parcels into the Tier 4 category. Most recently, the comments received from MDP show specific areas that the county currently designates as Tier 3; (shown in dark blue) that the State feels should be Tier 4. The State has outlined areas in light blue that they contend are not residential and are dominated by agriculture/forest. Seven areas have been illustrated that show proposed Tier 3 land that MDP feels should be changed to Tier 4, or at least needs further justification. The Commission reviewed those areas one by one:

Area 1: Acreage of Tier 3 in “Area 1” equals 8,926 acres. This area is located just west of the town of Oakland near Hutton and Crellin. Deborah Carpenter explained that any parcel dominated by agriculture/forestry, over 25 acres in size and not residential or commercial/industrial was called into question by the MDP. The State believes that a large portion of the Tier 3 area here is dominated by forest cover. Mr. Nelson feels that some minor adjustments could be made but linear development is already occurring along the major roads in this area. The Commission understands that a public hearing could be triggered by comments received from the State. By February 2013, the MDP must give the General Assembly a report of the counties that have been given comments, regarding their

consistency with the law. At that time, the law could be changed to make MDP the controlling authority for what is approved as Tier 3.

After discussion, the Commission decided to leave this area intact since it mirrors the Comprehensive Plan and the boundaries of the Rural land classification.

Area 2: Acreage of Tier 3 in “Area 2” equals 4,087 acres. Area 2 is located in the southern area of the county along Backbone Mountain in the Rural land classification. Linear patterns of development are evident in this area that does have some forest cover. The Commission decided to recommend including this area into Tier 4.

Area 3: Acreage of Tier 3 in “Area 3” is 3,740 acres. Area 3 is located near Route 560 and Bethlehem Road. This area is located along Backbone Mountain in the Rural land classification and is dominated by large lots. The Commission decided to recommend including this area into Tier 4.

Area 4: Acreage of Tier 3 in “Area 4” equals 400 acres. Area 4 is located east of State Route 219, north of Oakland, in the Town Residential, Suburban Residential and Employment Center land classifications. Though this area is dominated by forest cover, as noted by State Planning, the county has designated this area as a growth area. Also, there is a possibility that this area could be serviced by sewer. The Commission decided to recommend leaving this area intact, in the Tier 3 category, as proposed.

Area 5 and 6: Acreage of Tier 3 in “Areas 5 and 6” equals 10,501 acres. These areas are located just south of Deep Creek Lake in the LR1 and LR2 zones. This is one of the county’s prime areas for growth and is currently rather densely developed. The Commission decided to recommend leaving these areas intact, as part of the Tier 3 category.

Area 7: Acreage of Tier 3 in “Area 7” represents 2,550 acres. Area 7 is located along U.S. Route 40, Interstate 68 and Route 219. This area is also located near the Northern Industrial Park, near Keyser’s Ridge, in the Rural land classification. This area is dominated by large lots. The Commission decided to recommend leaving this area, in the Tier 3 category.

Other smaller areas circled by MDP were also reviewed by the Commission. State Planning pointed out several additional areas dominated by agriculture/forest cover, such as an area near Jennings. These areas are planned for large lots and adjacent sewer service. The Commission decided to keep the identified parcels around Jennings in Tier 3.

Mr. Nelson recommends not changing the area along State Route 38, near Kitzmiller to the Tier 3 designation, though there is some forest cover. This area is along a major route connecting to West Virginia and has significant linear

development. The State did not make specific comments on this area, though it was circled as an area dominated by forest cover. The Commission decided to recommend keeping this unnumbered area as designated in the Tier 3 category.

The Commission decided to keep the Rural Village area at Bittering designated as part of the Tier 3 category but did exclude some of the adjacent parcels and placed them in Tier 4. The area around Friendsville and the Finzel area are also to be left intact as Tier 3.

Mr. Nelson explained that the Municipal Growth Element of the expansion of the towns is expected to concur with the county Tier maps. The towns could submit their own Tier maps, if they wish.

After discussion, a motion was made by the Commission for endorsement of the Tier map, as modified, and to recommend approval by the Board of County Commissioners. The Commissioners will then send the proposed final maps along to Maryland State Planning. The motion was approved by a vote of 5 to 0.

The Commission notes that the deadline for submission of these maps is the end of this calendar year. Mr. Nelson stated that about 55,060 acres or 13 percent of the county is in the Tier 3 area, with approximately 15,000 acres of that total being reduced at this meeting.

B. Miscellaneous

1. Deep Creek Watershed Zoning Appeals Cases –

- a. VR-698** - an application submitted by Kyle Newsome of Red Run Lodge, LLC, for a Variance to allow the continuation of a non-conforming use (restaurant) beyond the 24-month timeframe specified in the zoning ordinance. The property is currently vacant, but has historically operated as a restaurant. The property is located at 175 Red Run Road, tax map 57, parcel 41 and is zoned Lake Residential (LR 1). Mr. Newsome presented an overview of the project and answered questions from the Commission regarding the plans for reopening of the restaurant.

After discussion, the Planning Commission concluded that the Red Run Restaurant is an important landmark business at Deep Creek and the Commission requests that the Board of Appeals give this application for Variance serious consideration, by a vote of 5 to 0.

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

3. Major Subdivisions –

- a. Preliminary and Final Plat- Backbone Hills-** Paul Sprenger and Jane Lang submitted a Preliminary and Final Plat for an eight-lot subdivision located along Lynndale Road. The property is designated tax map 91, parcel 22 and located in a Rural Resource land classification. The Planning Commission granted approval of this Preliminary and Final Plat by a unanimous vote of 5 to 0.
- b. Preliminary and Final Plat-Fischetti/New Germany Estates-** Robert and Constance Fischetti submitted a Preliminary and Final Plat for a three-lot subdivision along White Fawn Lane. The property is designated tax map 27, parcel 35, lot 8 of the New Germany Estates subdivision and located in an Agricultural Resource land classification. The Planning Commission granted conditional approval of this Final and Preliminary Plat by a unanimous vote of 5 to 0. The Planning Commission’s approval is conditioned on the final review and approval of a road maintenance agreement by the County Attorney.
- c. Preliminary Plat- Grant County Bank-** Grant County Bank submitted a Preliminary Plat for a one-lot commercial subdivision located along Deep Creek Drive. A commercial access permit is required for the entrance on to Deep Creek Drive. The property is designated tax map 41, parcel 51 and located in a Town Center zoning district. The Planning Commission granted approval of this Preliminary Plat by a unanimous vote of 5 to 0.

4. Mining Permit Applications – None

5. Agland Preservation District Applications-None

6. Action on Planned Residential Development (PRD)- None

7. Proposed Amendments to the Deep Creek Watershed Zoning Ordinance
The Planning Office is developing certain amendments to the Deep Creek Watershed Zoning Ordinance to clear up specific issues that surfaced during appeals to the Circuit Court. At the next meeting, the Planning Office will be suggesting that the Planning Commission advance a recommendation to the County Commissioners regarding these issues.

C. Next Scheduled meeting - The next regular meeting of the Planning Commission will be held on **December 5, 2012**, in the County Commissioners Meeting Room, at 1:30 pm.

D. Adjournment- 3:45 p.m.

Respectfully submitted,

William J. DeVore
Zoning Administrator

