

DEPARTMENT OF COMMUNITY PLANNING & DEVELOPMENT

GARRETT COUNTY OFFICE OF PLANNING AND LAND MANAGEMENT

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MINUTES

The Garrett County Planning Commission held its regular monthly meeting on Wednesday, January 7, 2015, at 1:30 p.m., in the County Commissioners Meeting Room. Members and guests in attendance at the meeting included:

Troy Ellington	Bob Hoffmann	Jim Torrington-staff
Rick Schiff	Eric Robison	Deborah Carpenter -staff
Tim Schwinabart	Paul Durham	William DeVore-staff
Jeff Messenger	Morgan France	Chad Fike-staff
Tony Doerr	Michael Bell	Pete Versteegen
Jeff Conner	Steve Gnegy	Ken Fisher
	Steve Green	John Quilty

1. Call to Order - by Chairman Ellington at 1:30 pm.
2. The December minutes were unanimously approved, by a vote of 6 to 0.
3. Report of Officers – None
4. Unfinished Business – Mrs. Carpenter notes that the Director’s Report that was circulated in the packets. The report noted that there will be legislation introduced by the Maryland Municipal League (MML) clarifying the process of how the Comprehensive Plan is prepared. Also included is information concerning a grant the County has received for the storm water assessment of North Glade Run.

5. New Business – Election of Officers

Troy Ellington was re-elected chairman by a unanimous vote of 6 to 0.

Tony Doerr was re-elected vice-chairman by a unanimous vote of 6 to 0.

Jeff Messenger was re-elected secretary by a unanimous vote of 6 to 0.

A. Miscellaneous

1. Deep Creek Watershed Zoning Appeals Cases-None

2. Major Subdivisions- None

3. Action on Planned Residential Developments (PRD's)- None

4. Waiver Requests – None

B. Discussion Item –Shale Gas Drilling-Continuation of Educational Aspect

It was noted that ex-officio member of the Planning Commission, County Commissioner Jim Hinebaugh would be unable to attend the session today, due to meetings at MACo's winter conference.

Chairman Ellington explained that Assistant Director Carpenter would present an informational session concerning the regulation of shale gas drilling in Maryland. Mrs. Carpenter presented a PowerPoint presentation that has been attached to these minutes as an appendix.

Mrs. Carpenter showed by GIS mapping that after the setback restrictions and surface drilling constraints proposed by the Maryland Department of the Environment (MDE) are taken into account, only a small percentage of the Deep Creek Lake Watershed is available for vertical shale gas drilling. The constraints are:

1. Drilling and equipment must be located at least 2,000 feet from the high water elevation line of Deep Creek Lake, as required by the Deep Creek Watershed Zoning Ordinance.
2. Well pad must be at least 1,000 feet from the property line of any lot not owned or leased, as required by the Deep Creek Watershed Zoning Ordinance.
3. No well pad may be permitted on land with a slope, before grading, of greater than 15 percent.
4. Well pad shall be located at least 450 feet from the edge of an aquatic habitat. Aquatic habitat includes streams, rivers, seeps springs, wetlands, lakes, ponds, reservoirs and the 100-year floodplain.
5. Well pad must be at least 600 feet from special conservation areas and Wildlands/ Irreplaceable Natural Areas (INAs).
6. The well pad must be at least 1,000 feet from any known caves.
7. Properties that are currently in a conservation program and not eligible for surface shale gas drilling were eliminated from area that could be used for a drill pad.
8. Edge of the disturbance of a well pad shall be at least 300 feet from a cultural or historic site, State or Federal Park, trail, wildlife management area, Wild Scenic River and scenic byway.
9. If State land will remain unleased, there will be a 1,000 foot setback from all state land within Deep Creek Watershed as per zoning regulations.
10. Drilling within 750 feet from the down-dip side of any limestone outcrop is also prohibited.

11. The setback shall be at least 1,000 feet from any occupied building, school or church, using all addresses in the watershed to identify them. According to the State, occupied buildings do include rental homes.
12. The edge of the disturbance of a well pad shall be at least 1,000 feet from a Source Water Protection Area (SWPA).
13. The edge of the disturbance of a well pad shall be at least 2,000 feet from private drinking water wells. All addresses that are not served by public water were used to identify private water wells.

Mrs. Carpenter explained that this analysis did not include the location of historic oil or gas wells or other restrictions that could not be mapped. Also, the 1,000 foot restriction from the property line, of the property to be drilled, could not be mapped for this analysis. The Assistant Director notes that in the Deep Creek Watershed, the Rock Lodge Trust property would probably be the only tract to meet all of the requirements for a drilling pad, as the regulations are now written. Mrs. Carpenter notes that with this analysis, and by use of the GIS software, any restrictions that are modified can be recalculated and shown.

Discussion ensued concerning the placement of pipelines and the type of lines that could be constructed through the County, with or without zoning approval.

After the review of the restrictions in the Deep Creek Watershed, Mrs. Carpenter showed the same constraints on a countywide basis. Mrs. Carpenter demonstrated that after the setbacks for the surface drilling constraints that are proposed by MDE are taken into account, only a small percentage of Garrett County is available for shale gas drilling. Mrs. Carpenter showed that 40% of the County would not qualify for vertical drilling, because of slopes that are greater than 15%. Broadford Lake, Piney Dam and Savage River drainage basins would be eliminated, since those water bodies are used for drinking water supplies. The Accident Dome is also not available for drilling, since it is currently being used for gas storage.

Mrs. Carpenter stated that the State would be re-mapping and re-calculating the available drilling areas, based upon the county data. John Quilty believes that with 4,000 foot laterals, an 84% recovery rate was expected by the State, with 94 % gas recoveries possible using 8,000 foot lateral drilling.

The restricted areas listed above were also shown on the countywide map, showing small areas of the County available for vertical drilling, though the size of these available areas have not been measured. Mr. Carpenter also believes that the Sensitive Areas Ordinance could be amended to add most of these setbacks and location restrictions, should the proposed regulations not be adopted.

Eric Robison noted that currently the industry can drill horizontally 8,000 to 10,000 feet to recover gas, laterally from vertical wells, while most of the constraints outlined by Mrs. Carpenter are surface constraints. He believes that even with the new regulations, much of the area in the Deep Creek Watershed could still be accessed from outside of

the watershed. Mr. Robison also notes that the industry does have available drilling data from the 1950's, when the Oriskany formation was drilled near the Town of Accident. Paul Durham pointed out that MDE believes that the gas industry would need approximately 75 pad sites (450 wells) to develop the total reserve in Maryland.

The Commission members agreed that if these regulations are passed, as they are now written, then vertical drilling in the County will be greatly limited. The Commission thanked Mrs. Carpenter for the enlightening and educational presentation.

Chad Fike of the Land Management Office presented a previous gas drilling permit that was submitted to the County in 2010, before the State moratorium. Mr. Fike explained that the permit, which was filed in 2010, included notification to the Planning Office along with many other agencies. The concept plan along with a storm water plan was provided by the State. Mr. Fike reviewed the plan making sure that it complied with the Sensitive Areas Ordinance including endangered species and source water protection, zoning, and any other applicable county regulations. For new permits, if proposed regulations are passed, future permits would require a Comprehensive Gas Development Plan showing that the well pads would comply with the new setbacks, along with the existing requirements already in place.

Some members of the Commission believe that the County should have a major role in the review process for the gas drilling permit, without adopting countywide zoning. Eric Robison notes that the County has no enforcement mechanism for regulation of gas drilling. He believes that the Greene County report should be used as a guide, since the county is very similar to Garrett County. Mr. Robison feels that having a plan in place for road bonding should be an important priority at this time.

Paul Durham is concerned that the proposed regulations could be altered in a way that may not be as open, as the process by which the regulations were developed. He requests that the Planning Commission work with the local legislators to review any proposed changes at a local level, in a public process, before any changes would become law.

Michael Bell believes that it is important to understand how this industrialization of the watershed could negatively affect second homes and the sale of vacation rental homes in the lake area.

Mrs. Carpenter stated that she would email the Commissioners concerning topics for the next meeting.

C. Policy Recommendation—Major Subdivisions in Tier III Areas

Mrs. Carpenter explained that the County must establish a policy regarding major residential subdivisions in the Tier III area. After consultation with the Maryland Department of Planning, the Planning Office has developed the following draft policy,

which is intended to comply with the requirements of the Sustainable Growth and Agricultural Preservation Act of 2012:

Before recommending approval of a residential major subdivision in a Tier III area, the Planning Commission shall hold at least one public hearing in accordance with the following procedures:

- 1) At least 14 days prior to the date fixed for the public hearing, a notice shall be published in at least one newspaper of general circulation within the County. The notice shall contain the name of the developer and property owner, the date, time and place fixed for the hearing and include a brief statement of the location and size of the proposed subdivision.
- 2) Written notice of the time and place of the hearing shall be mailed to the developer and property owner and to the owners of record of property contiguous to, or opposite the proposed subdivision.
- 3) A notice containing the same information as in division (1) above shall be placed in a conspicuous place on the proposed subdivision property at least 14 days prior to the date fixed for the public hearing.

The Planning Commission review of the residential major subdivision shall include the following:

- 1) A community impact analysis of the potential effects of the subdivision upon public facilities, utilities and roadway systems shall be submitted by the developer. The analysis should include a comparison of the expected cost of providing local government services to the subdivision versus the tax revenue to be produced by the subdivision.
- 2) An environmental impact analysis of the potential environmental impacts of the subdivision shall be submitted by the developer. The analysis should evaluate significant physical features such as the approximate areas of steep slopes; streams; wetlands; floodplains; source water protection areas. Areas containing natural resources such as federally and state listed rare, threatened and endangered species should also be evaluated.

Mr. Fike distributed a map showing the Tier classifications showing the Tier III areas in blue on the map. This policy would allow more than seven lots per tract, in this classification only, as outlined. Mr. Fike explained that the Septic Bill still limits the number of lots to seven, unless the applicant follows this process. The Planning Commission approved the policy, as written, to allow a major subdivision in excess of seven lots in a Tier III area, pending Planning Commission approval of the subdivision, in accordance with the terms of the policy, by unanimous vote of 6 to 0.

D. Next Scheduled meeting - The next regular meeting of the Planning Commission is scheduled for **February 4, 2015**, in the County Commissioners Meeting Room, at 1:30 pm.

E. Adjournment- 3:15 p.m.

Respectfully submitted,

William J. DeVore
Zoning Administrator

