

**GARRETT COUNTY DEPARTMENT OF PLANNING AND LAND MANAGEMENT**

203 South Fourth Street –Room 208  
Oakland Maryland 21550  
(301) 334-1920 FAX (301) 334-5023  
E-mail: [planning@garrettcountry.org](mailto:planning@garrettcountry.org)

**MINUTES**

**The Garrett County Planning Commission** held its regular monthly meeting on Wednesday, November 4, 2015, at 1:30 p.m., in the County Commissioners Meeting Room. Members and guests in attendance at the meeting included:

Troy Ellington  
Jim Hinebaugh  
Jeff Messenger  
Jeff Conner  
Kevin Null

Tim Schwinabart  
Elizabeth Georg  
Tony Doerr  
Ann Bristow

Deborah Carpenter-staff  
William DeVore -staff  
Chad Fike-staff  
Paul Durham

1. Call to Order - by Chairman Ellington at 1:30 pm.
  
2. The October minutes were unanimously approved, as submitted, by a vote of 7 to 0.
  
3. Report of Officers – None
  
4. Unfinished Business – None
  
5. **New Business** –
  - A. **Miscellaneous**
    1. **Deep Creek Watershed Zoning Appeals Cases-**
      - a. **VR-742-** an application submitted by Joseph and Barbara Moran for a Variance to allow the construction of an accessory garage that would come to within 15.0 feet of the front property line. The property is located on a vacant lot, opposite 661 Hazelhurst Road. The lot for the proposed garage can be found on tax map 67, parcel 170 and is zoned Lake Residential 1 (LR1). The Commission recommends

that the Board of Appeals give consideration to the comments from the residents in the neighborhood.

- b. VR-743-** an application submitted by Joseph Liberto, for a Variance to allow the construction of a residence to within 0.5 feet of a rear property line. The owner has purchased the buydown from the State of Maryland. The property is located on 1399 Marsh Hill Road, tax map 50, parcel 111, lot 23 and is zoned LR1. The Planning Commission offered no comment on the application.

## **2. Major Subdivisions-**

- a. Final Plat- Outback on the Yough - Section 1-** The developer, Harry Knopp, submitted a Final Plat for Section 1 of the Outback on the Yough subdivision, located off of Oakland Sang Run Road. The property is located on tax map 72, parcel 226 in a Rural Resource land classification. The Planning Commission previously granted preliminary approval for a total of six building lots in the subdivision that was originally named Youghioghney Outback, on October 7, 2015. Outback on the Yough Section 1 consists of two lots, lots 2 and 3. The Planning Commission granted approval of the Final Plat by a unanimous vote of 7 to 0.

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

## **4. Waiver Requests – None**

## **5. State Discharge Permits-None**

## **B. Discussion Items-**

- 1. Comprehensive Plan Update-** Chairman Ellington reminded the Commission that Director Deborah Carpenter requested that the Commission members review the options and be prepared to make a recommendation to the County Commissioners regarding when to begin updating the Garrett County Comprehensive Plan.

The Chairman explained that discussions originated when the Maryland Department of Planning released their draft guidelines for transitioning from a six-year

Comprehensive Plan review cycle to a ten-year cycle. Based on the fact that Garrett County's Comprehensive Plan was completed in 2008, the Planning Office believed that the next review would have to be complete by 2018. Under that assumption, the Planning Office would need to begin work next year, given that the review generally takes two years. However, the MDP guidelines recommended that Comprehensive Plan review coincide with census data collection. If Garrett County were to follow that recommendation, the Plan would be due between 2021 and 2023. The State gives the county leeway to review the Plan at any time, simply mandating that it be complete prior to the end of 2023.

The Director does not feel that budgeting would be a major issue in putting the Plan together. But the money would be needed sooner rather than later if work is to begin next year. Questions arose regarding why the Plan takes two years to formulate. The Director explained that the plan is very detailed and there is an intergovernmental review process that is time consuming. Commissioner Hinebaugh believes that the Planning staff does not have the time or resources to fully prepare the Plan in-house.

Director Carpenter feels that it may be best to focus on the Tier Map Amendment this year and take up the new Plan after more is known on the State level regarding shale gas drilling via fracking, medical marijuana and other issues. The Director noted that the Plan must be finished by 2023, but the Commission could decide to submit it any time before that date.

Director Carpenter distributed an eight-page handout outlining some of the specific requirements of the Comprehensive Plan including Land Use Requirement Elements, Development and Adoption, Implementation, General Provisions, and Table of Contents.

Anne Bristow questioned whether postponing work on the plan could delay work on the Sensitive Areas Ordinance, source water protection and other issues. The Director noted that the Sensitive Areas Ordinance could be amended, as long as the amendment complies with the existing Comprehensive Plan.

Paul Durham believes that it may be best to wait to develop the Plan after the Marcellus Shale Gas Regulations are complete. The local Shale Gas Advisory Group will review those regulations to determine where "gaps" exist between State and County regulation and enforcement. He believes that if the "gaps" are known prior to Comprehensive planning efforts, appropriate policies could be incorporated into the Plan.

The Director stated that over the next year, the Planning Commission would be amending the Comprehensive Plan to include the Tier Map, as per the requirements of HB 409.

After discussion, the Planning Commission does not think that it would be necessary to wait until after the census of 2020. The Commission believes that the census data will not enhance the document significantly, given the historic lack of population change in the region. However, the Commission feels that there are a number of issues, including the Marcellus shale debate, which the Commission is not prepared to address at this time due to factors beyond the County's control. It is the consensus that by this time next year the Commission may have more information to guide the Comprehensive Plan review process. Therefore, the Planning Commission will delay the start of the Comprehensive Plan review for at least one year. The group will again address the question of when to start the process at their November 2016 meeting.

- C. **Next Scheduled meeting** - The next regular meeting of the Planning Commission is scheduled for **December 2, 2015** in the County Commissioners Meeting Room, at 1:30 pm.

Respectfully submitted,

William J. DeVore  
Zoning Administrator

