

GARRETT COUNTY DEPARTMENT OF PLANNING AND LAND MANAGEMENT

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MINUTES

The Garrett County Planning Commission held its regular monthly meeting on Wednesday, December 2, 2015, at 1:30 p.m., in the County Commissioners Meeting Room. Members and guests in attendance at the meeting included:

Troy Ellington
Bill Weissgerber
Jeff Messenger
Jeff Conner

Tim Schwinabart
Elizabeth Georg
Tony Doerr
Paul Durham

Deborah Carpenter-staff
William DeVore -staff
Todd and Katie Tasker

1. Call to Order - by Chairman Ellington at 1:30 pm.

2. The November minutes were unanimously approved, as submitted, by a vote of 7 to 0.

3. Report of Officers – None

4. Unfinished Business – Christmas luncheon December 15, 2015, at noon at Uno’s.

5. **New Business** –

A. Miscellaneous

1. Deep Creek Watershed Zoning Appeals Cases-

- a. **VR-744-** an application submitted by Joe Candella for a Variance to allow the reconstruction of a front porch that would come to within 1.6 feet of the side property line. The applicant proposes to reconstruct the porch within the existing building footprint. The property is located at 509 Hazelhurst Road. The lot can be found on tax map 67, parcel 79, lots 45 and 71 and is zoned Lake Residential 1

(LR1). The Planning Commission recommended approval of the application, provided that the owner stays within the current building footprint.

- b. VR-745-** an application submitted by Kevin and Tammy Frederick, for a Variance to allow the construction of a porch to within 14.0 feet of a rear property line. The owner has purchased the buydown from the State of Maryland. The property is located on 31 Holy Cross Circle, tax map 66, parcel 522, lot 10 and is zoned LR1. The Planning Commission offered no comment on the application.
- c. SE-441-Tasker-** an application submitted by Tasker Properties, LLC, for a Special Exception permit to construct cold storage lockers. The proposed lockers are located at 19350 Garrett Highway, on property owned by James P. and Donna L. Tasker, tax map 58, parcels 677 and 223 and is zoned Town Residential. (TR). The Planning Commission recommend approval of the application.

2. Major Subdivisions- None

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

4. Waiver Requests – None

- 5. 2016 Election of Officers-** Election of Officers for 2016 will be held at the next meeting of the Commission. Chairman Ellington asked not to be considered as a candidate for Chairman in 2016.

B. Discussion Items-

- 1. Tier Map Amendments-** Director Carpenter advised the Commission that the Tier Map amendment process would begin with the next meeting, in January. The director reviewed the amendment process with the Commission and several suggestions were made regarding the process:
 - a.** Review the area of the Comprehensive Plan that must be amended, found in Chapter 3. The process to amend should take three to six months.
 - b.** The Commission must create a preliminary report.

- c. A public hearing on the amendments must be scheduled.
- d. Sixty days prior to the public hearing, the preliminary report must be sent to the adjoining jurisdictions and state, regional and local agencies, as appropriate, for comments.
- e. The Commission must vote on the amendments, with a majority approving them by resolution. The proposal is then sent to the County Commissioners.
- f. The resolution, all comments received and the final report must be sent to the Maryland Department of Planning (MDP).

The director offered several comments on the process:

- a. An invitation should be extended to Dave Cotton, the local MDP representative, for all Planning Commission meetings involving the amendments.
- b. The group should reserve approximately one hour at every meeting to review these topics. Other topics for early next year include the Annual Report and the Consolidated Transportation Plan.
- c. The amendment process should begin in January with the proposed edits to the Tier Map. The director notes that the Tier Map was created prior to the updated Water and Sewer Master Plan. The tier map definitions for Tier I and II are based on the existing and planned sewer service as found in the Water and Sewer Master Plan. The Commission must also consider Tier III and keep in mind any changes to the Water and Sewer Map that could be necessary as part of the amendment process.
- d. The director believes it would be best to start with edits to the Tier Map, then review Chapter 3 of the Comprehensive plan with respect to the policies and intent of the Agricultural Resource (AR), Rural Resource (RR) and Rural (R) areas considering how the Tier law impacts each of them.

The Director distributed the current Tier map, the Sewerage Service Area Map and a handout with the definition for each Tier, as defined by the State. The definitions are:

Tier I areas are currently served by sewerage systems. Major and minor subdivisions are permitted. Tier I comprises approximately 6% of the Garrett County's land area.

Tier II areas are planned to be served by sewerage systems. Major and minor subdivisions are permitted using both public sewer and private septic systems, however private septic systems shall be viewed as interim systems until public sewerage systems are made available. Tier II comprises approximately 0.4% of county land area. The 2A designation is for municipal, future growth areas.

Tier III areas are not planned to be served by sewerage systems. Major subdivisions on septic systems are permitted, but must be reviewed and recommended for approval by the local jurisdiction's planning board. The planning board's review of a major subdivision in a Tier III area shall include the cost of providing local government services to the subdivision and the potential environmental issues or natural resources affected by the subdivision. The planning board shall conduct at least one public hearing. This tier includes approximately 10% of the County's land area.

Tier IV areas are planned for preservation and conservation and prohibit residential major subdivisions. The criteria dictated that all Garrett County's AR and RR areas became Tier IV, plus all areas deemed to be "dominated by agricultural lands, forest lands, or other natural areas." As a consequence, much of Garrett County's Rural lands fell into the Tier IV category, approximately 84% of the county land area.

In the 2008 Comprehensive Plan, AR consisted of about 25% of the county land area, RR was about 43% and R was approximately 21%. All but 5% of the county Rural areas were designated as Tier IV because they were deemed to be dominated by agricultural lands, forest lands or other natural areas.

- C. **Next Scheduled meeting** - The next regular meeting of the Planning Commission is scheduled for **January 6, 2016** in the County Commissioners Meeting Room, at 1:30 pm.

Respectfully submitted,

William J. DeVore
Zoning Administrator

