

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, October 5, 2016, at 1:30 p.m., in the County Commissioners Meeting Room. Members and guests in attendance at the meeting included:

Tony Doerr	Jim Hinebaugh	Deborah Carpenter-staff
William Weissgerber	Lisa Jan	William DeVore-staff
Troy Ellington	Jeff Conner	Robert Bounds
Tim Schwinabart	Elizabeth Georg	Paul Durham
Jeff Messenger		

1. Call to Order - by Chairman Tony Doerr at 1:30 pm.
2. The September minutes were unanimously approved, as submitted, by a vote of 7 to 0.
3. Report of Officers – None
4. Unfinished Business –
5. New Business –

A. Miscellaneous

1. Deep Creek Watershed Zoning Appeals Cases-

- a. **VR-758-** an application submitted by Mary E. Schneider for a Variance to allow an addition to a single family residence to within 0.5 feet of the side property line. The property is located at 3355 Lake Shore Drive, tax map 50, parcel 178 and is zoned Lake Residential 1. The Planning Commission had no comments regarding this case.

b. **VR-759-** an application submitted by Edward and Elizabeth Halley for a Variance to allow an addition to a single family residence to within 24.0 feet of the rear property line. The property is located at 57 Upper Penn Point Drive, tax map 66, parcel 119 and is zoned Lake Residential 1. The Planning Commission had no comments regarding this case.

c. **SE-447-** an application submitted by Lisa M. Jan for the expansion of an existing restaurant. The property is located at 145 Bumble Bee Road, tax map 42, parcel 292 and is zoned Town Residential.

Lisa Jan and Bob Bounds were present to request a recommendation for approval by the Board of Appeals and also to answer any questions that the Board had about the expansion of the restaurant. After discussion, the Planning Commission decided to recommend approval of the Special Exception request by a vote of 6 to 0, with Tony Doerr abstaining.

2. Action on (PRDs) Planned Residential Developments- None

3. Action on Planned Major Subdivisions-None

4. Proposed Amendment to the Garrett County Comprehensive Plan – Director of Planning, Deborah Carpenter noted that the County Commissioners will have a public hearing concerning the proposed amendment to the Comprehensive Plan. The amendment would add the Tier Map to the Plan, as required. The hearing will be held at the Commissioners Meeting Room, at **4:00 pm., on November 7, 2016.**

5. Waiver Requests –None

6. Comprehensive Plan Update Options-Decisions to be made at the next meeting.

Director Carpenter explained that the Maryland Department of Planning (MDP) requires the Plan by 2023. The Commission decided last year to wait one year before making a decision on the update, in part due to the incomplete regulations regarding fracking. The regulations have now been completed by MDE and pushed to the Administrative, Executive and Legislative Review (AELR) Committee. There will also be a push to ban this type of gas drilling in the State during this year's General Assembly. The director notes that during last year's discussions questions arose concerning the need for the update, the extent of any

update, the need for a contractor and the timeline for such a review of the Comprehensive Plan.

Carpenter stated that the law requires a “review” of the Plan, it does not use the word “update”. The director distributed a handout outlining the decisions to be made concerning the plan review and a map showing the status of the Plans in other Maryland counties. Plan considerations are: review options, update options, type of update, start date and the public participation plan, as outlined in the handout.

The director recommended two review options: (1) the Planning Commission reviews their Comprehensive Plans over the course of the next month and come to the November meeting prepared to recommend an update type, or (2) the Planning Commission reviews the Comprehensive Plan chapter by chapter each month during their meetings. Commission member Ellington suggested another alternative – the Commission will review the Plan during their meetings but have the option to review more than one chapter per month or to review one chapter for multiple months as deemed necessary at the time.

Concerning the update options, they are: no change, amendment, partial update, full update or sectional update.

No change to the Plan is not recommended as a viable option due to outdated projections in the Background Chapter, the possible need to address current issues/topics, and the effect that the Tier Map has on land use policies found in Chapter 3. Director Carpenter noted that according to the Maryland Plan Update Map, no counties have chosen this option.

Amending the Plan is an option and would be considered a review of the Plan. The content would stay the same, but the County would add another chapter to the Plan if the amendment option is chosen.

A partial update is an option that would allow the Planning Commission to update only specific chapters, while leaving the rest of the Plan the same.

Another option is a complete rewrite of the Plan as the County did in 2006. Visioning and reformatting may be necessary. This is the option that most counties have done.

The sectional option is one that Montgomery County has done. The option divides the county into sectors, completes a Comprehensive Plan for each sector and runs updates on each sector on a rotating basis. Though dividing Garrett County into its watersheds and updating by watershed is an option for the County, that approach is not recommended by the staff.

Director Carpenter believes the Commission should pick a start date for the process, which is probably dictated by the review choice. The public participation process should also be considered by the Commission, with a minimum of one public hearing required by law. The need and scope of work for a contractor must also be determined. Special consideration should be given to Chapter 3, the land use chapter. Other topics include countywide zoning, the implications of the tier map and renewable energy/solar. At the request of the Planning Commission, the director will compile a list of topics that may need to be addressed during an update process by the next meeting, scheduled for November 2nd.

Paul Durham believes that any update should include changes to the growth projections. Fracking, water and sewer at Deep Creek and solar projects must also be addressed. Commissioner Hinebaugh feels that the Plan is just a plan and that idea has to be kept in mind when working on the document. Troy Ellington notes that the Plan acts as a basis for the County Ordinances that must be revised later to reflect the recommendations in the new Plan. Chairman Doerr notes that economic circumstances change, even as the document is being written or revised.

- B. Next Scheduled meeting** - The next regular meeting of the Planning Commission is scheduled for **November 2, 2016** in the County Commissioners Meeting Room, at **1:30 pm**.

Respectfully submitted,

William J. DeVore
Zoning Administrator