

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, April 5, 2017, at 1:30 p.m., in the County Commissioners Meeting Room. Members and guests in attendance at the meeting included:

| | | |
|---------------------|-----------------|-------------------------|
| Tony Doerr | Bruce Swift | Deborah Carpenter-staff |
| Jeff Messenger | Elizabeth Georg | William DeVore -staff |
| Tim Schwinabart | Karen Meyers | Chad Fike -staff |
| William Weissgerber | David Moe | Paul Durham |
| Jim Hinebaugh | | |

1. Call to Order - by Chairman Tony Doerr at 1:30 pm.
2. The March minutes were unanimously approved, as amended, by a vote of 7 to 0.
3. Report of Officers – None
4. Unfinished Business – None
5. New Business – Deborah Carpenter distributed a booklet to the members of the Planning Commission titled “Riding the Rails to Revitalization”.

A. Miscellaneous

1. Deep Creek Watershed Zoning Appeals Cases-

- a. **VR-764** - an application submitted by James W. Emr for a Variance, to allow an addition to a home, to within 6.0 feet, of the side property line. The property is located at 228 Meadow Mountain Lane, tax map 58, parcel 73 and is zoned Lake Residential.

After discussion, the Planning Commission offered no comments on the Variance request.

- b. **SE-452-** an application submitted by Daryl Walters, esquire of DCGT, LLC, for a Special Exception to change the conditions from a previous Special Exception hearing. The property is located at 75 Vacation Way, in McHenry. The parcel can be found on tax map 42, parcel 439 and is zoned Town Center.

After discussion, the Planning Commission offered no comments on the Special Exception request.

- c. **SE-453 and VR-765-** an application submitted by Deep Creek Marina, LLC, for a Special Exception for Commercial Outdoor Recreation, to operate an aerial adventure park. The applicant is also applying for Variances to construct structures associated with the park that would exceed the maximum height limitations. The property is located at 1067 and 1077 Deep Creek Drive in McHenry, tax map 50, parcel 26 and is zoned Town Center.

Karen Myers, representing Deep Creek Marina, LLC. Presented an overview of the aerial adventure park, noting that a 50 foot setback would be required around the entire park. Parking would be provided on the site. Mrs. Meyers showed designs of the proposed structures which would include “zip-lines” and towers on the site which is about four acres in size. Access would be off of Deep Creek Drive. Of the proposed towers, one would be 70 feet in height, two 40 foot towers and one 20 foot tower.

After discussion, the Planning Commission offered no formal comments to the Board of Appeals, regarding the Special Exception or Variance request.

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

- 3. **Action on Planned Major Subdivisions-Preliminary Plat-Paradise Lake View –** John and Christine Congedo submitted a Preliminary Plat of the Paradise Lake View Subdivision. The property is located on tax map 58, parcel 92 in a Lake Residential 1 zoning district. The Planning Commission granted approval of the Preliminary Plat by a unanimous vote of 6 to 0.

- 4. **Comprehensive Plan Chapter Three Continued: audio of this discussion has been recorded in its entirety and can be found on the county website: www.garrettcounty.org**

Follow up-Director Carpenter distributed a handout Chapter 3-Consultant Topic List as review:

- a. Review and revise goals in Section 3.1.

- b. Update existing land use and development trends using current statistics and as per trend analysis conducted in Chapter Two.
- c. Update Section 3.3 on the basis of map changes to the Land Use Map and on changes to the goals.
- d. Consider changes to minimum lot area and minimum lot width requirement in Agricultural Resource and Rural Resource areas. If changes are made, attention must be paid to equity with neighboring land use category requirements.
- e. Delete references to mandatory clustering.

The group agreed that the topic list was a thorough summary of the review, which will be directed to the consultant that will assemble the Plan.

Chapter Three Review-continued-

Section 3.5 Watershed Land Use Plans- Director Carpenter explained that the County has seven major watersheds and it has been divided into nine, planning area watersheds. As shown in Table 3.9, the nine planning watersheds are: Youghiogheny River, Bear Creek, Southern Youghiogheny, Little Youghiogheny, Casselman River, Savage River, Georges Creek, North Branch Potomac River, and Deep Creek.

Discussion ensued as to whether the new Plan would have to be broken down by watershed or if there would be a way to streamline the plan without this breakdown. Statistics and maps are provided for each of the watersheds. It was noted that the Deep Creek Watershed has its own chapter.

Section 3.6 Policies and Actions- The Director also noted that there is a “Policies and Actions” at the end of every chapter. The Commission considered if this “Policy and Actions” section could be consolidated into one summary. The group believes that these summaries could be simplified or combined.

Countywide Zoning Discussion- Director Carpenter asked the Planning Commission whether the topic of countywide zoning should be listed for the consultant to consider within this chapter. Given that this topic will certainly be raised at public hearings associated with the Comprehensive Plan, it seems prudent to anticipate and be prepared for this discussion. William DeVore, the zoning administrator for the Deep Creek Watershed stated that at least 30 percent of the citizens of the County are already subject to zoning because of living in the Deep Creek Watershed or in one of the municipalities. Many of the Commission members feel that it is appropriate to have this discussion as part of the review of this Plan. Commissioner Hinebaugh believes that the concept may be more popular than in the past but currently the Commissioners have no interest in initiating such a plan at this point.

The Commission feels that they should be proactive in anticipating the discussion. Paul Durham stated that the Board of Realtors has taken a stand to support performance style zoning in the County. The first step according to the director would be to get the feeling from the general public on the issue, followed by research and recommendations for a plan of action from the consultant. Most Commission members do not have a position on the issue, but believe the group must have this conversation, as part of this process. Most believe the topic must at least be considered as part of working on this Comprehensive Plan.

William DeVore, the zoning administrator for the County, noted that the County has seen the benefits of zoning at Deep Creek Lake. The zoning administrator also pointed out that zoning ordinances usually regulate uses and have setback restrictions. Regulation of industrial wind turbines, marijuana distribution centers and gas drilling by zoning was also discussed.

The group noted that it is difficult to piecemeal legislation for every controversial use that comes along. The State often points out that the County has authority to enact zoning and is not sympathetic to reactive type legislation. Others believe the county may be effectively “zoned” by the state regulations that are already in place.

The chairman pointed out the need for infrastructure to encourage growth and development. Annexation by municipalities is also limited due to lack of infrastructure. The Commission will direct the consultant to lead discussions about the issue of whether there is a need for the expansion of zoning in the County.

- B. Next Scheduled meeting** - The next regular meeting of the Planning Commission is scheduled for **May 3, 2017** in the County Commissioners Meeting Room, **at 1:30 pm.**

Respectfully submitted,

William J. DeVore
Zoning Administrator

