

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

MINUTES

The Garrett County Planning Commission held its regular monthly meeting on Wednesday, December 6, 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
Tim Schwinabart

William Weissgerber
Jeff Conner
Paul Durham

Chad Fike-staff
William DeVore -staff
Doug Barton

1. Call to Order - by Chairman Tony Doerr at 1:30 pm.
2. The November minutes were approved as submitted.
3. Report of Officers – None
4. Unfinished Business – Assistant Director Chad Fike reminded the Commission that the election of officers will take place at the next regular meeting.
5. **New Business** – Chad Fike presented the Decembers Director’s Report from Director Carpenter. The report notes that the Sustainable Growth Commission met on November 13th in Ellicott City. The Sustainable Communities group is comprised of the Garrett County Circuit Riders, representatives of the towns, Community Action, Planning, Economic Development, Garrett Trails and others. The group met on November 8th.

-Maryland Department of Planning Meeting (MDP)- The Commission believes that the meeting with MDP went well and the office seems to be open to discussion concerning any state programs that may have a negative effect on the County.

A. Miscellaneous

1. Deep Creek Watershed Zoning Appeals Cases-

- a. **SE-461** - an application submitted by Kathy Knopp for a Special Exception for a seven-bedroom Transient Vacation Rental Unit. The property is located at 1738 Paradise Point Road on tax map 58, parcel 100 and is zoned Lake Residential 1 (LR1). The Commission offered no formal comments on the application.
 - b. **VR-773**- an application submitted by Michael and Alison Lee for a Variance to allow the construction of an addition to a residence, to within 17.0 feet, of the rear property line. The property is located at 106 Sandy Beach Lane. The owner has purchased the buydown from the State of Maryland. The parcel can be found on tax map 57, parcel 50, lot 17 and is zoned Lake Residential 1 (LR1). The Commission offered no formal comments on the application.
 - c. **VR-777**- an application submitted by Roger Ballentine for a Variance to allow the construction of an attached accessory building and deck that would come to within 0.0 feet of the rear property line. The property is located at 3317 Turkey Neck Road. The owner has purchased the buy-down from the State of Maryland. The parcel can be found on tax map 67 parcel 442, lot 55A and is zoned Lake Residential 1 (LR1). The Commission offered no formal comments on the application.
2. **Action on (PRDs) Planned Residential Developments- Wisp Resort Phase 7, Lodestone Subdivision, Biltmore Section 7.** The developers, NLP of Maryland, LLC, submitted a final plat for Lot 10, located off Biltmore Ridge Trail, off of Shingle Camp Road. The property is part of the Wisp Resort PRD and can be found on tax map 49, parcel 142, in a Lake Residential 1 (LR1) zoning district. The Planning Commission granted preliminary approval for a total of 145 lots in the Biltmore section, during their September 2013 meeting. The Commission granted approval of the Final plat for Section 7, Lot 10 by a unanimous vote of 4 to 0.
 3. **Action on Major Subdivisions- Final Plat-NLP of Maryland-** NLP of Maryland, LLC, submitted a Preliminary and Final plat for a lot located along Hoyes Run Road. The property is located on tax map 49, parcel 128, in a Rural land classification. The parcel is included within the boundaries of the Wisp Resort Planned Residential Development (PRD) and is intended to be used for a proposed public water treatment plant and sewer pumping station. The Planning Commission granted approval of the Preliminary and Final plat by a unanimous vote of 5 to 0.
 4. **Comprehensive Plan Chapter Six–Consultant Topic List-** Assistant Director Fike distributed a list of five topics that would be distributed to the future consultant, as Plan Topics for Chapter six, including:

- a. Update existing conditions, functional classification map, traffic trends and planned improvements, based on future traffic projections and the annual Garrett County Transportation Priority List.
- b. Update issues of concern, including but not limited to, pedestrian and bike safety, especially at Glendale and Rock Lodge Road, Glendale and US. State Route 219, Mosser and Pysell Road and Route 219 intersections. Safety concerns also include the area from the Route 219 bridge to the Glendale Road intersection. More pedestrian crosswalks at existing intersections on state highways was also suggested.
- c. Update existing transit conditions and discuss issues and concerns, including but not limited to, the viability of funding for Garrett Transit Service into the future and the need for a broader role for transit within the County.
- d. Ensure all discussion of recreational trails, both existing and planned, align with both the Garrett County Land Preservation, Parks and Recreation Plan and plans by the Garrett Trails group. The Plan should include DNR's newly created ATV trails and any planned ATV trails.
- e. Explore the practicality of the return of passenger rail service to the Oakland area.

B. Comprehensive Plan Discussion-Chapter 7- Sensitive Areas Review- The Commission reviewed the items that are considered "Sensitive Areas" including steep slopes, streams wetlands and their buffers, 100-year floodplains, the habitat of rare, threatened or endangered species, agricultural and forest land intended for conservation and other areas in need of special protection. This chapter includes a discussion of ridgelines, as a sensitive area, which may need protection. After considerable discussion, the Commission believes that ridgelines continue to be an area in need of protection that should be included in the update of the Plan and discussed further with the consultant.

Section 7.1 Goals and Objectives- The group noted that these goals will be thoroughly reviewed as part of the public process. The County's goal as spelled out in the Plan is to continue to protect Garrett County's sensitive environmental resources and natural features. Six items are currently listed in the Plan that are considered the objectives for achieving the goal.

Section 7.2- Description of Sensitive Areas- The Commission does not anticipate major changes within this Section of the new Plan. The location and description of steep slopes, steams and buffers, wetlands, floodplains and habitats of rare threatened and endangered species are discussed in this section. An update of the mapping of sensitive and protected agricultural and forest land is anticipated.

Section 7.3 –Discussion of Issues- This Section includes consideration of future growth and development and, agricultural and forest land intended for protection. Broad impacts such as the fragmentation of resource land and localized impacts such as sedimentation resulting from construction activity and stormwater were discussed. The impacts of the State Septic Bill and Tier Map on growth were also considered. Updates to existing plans and ordinances that have occurred since 2008 will have to be addressed. Agricultural and forest land intended for protection by MALPF and Rural Legacy easements were considered. Assisting the farmer, together with the preservation of the land is also a suggested topic. The benefits and liability of solar power were also discussed, together with the use of land that has been surface mined.

Section 7.4 –Policies and Actions- The 2008 Plan includes ten (10) items that were previously proposed. Some of these have been implemented and some are out of date. The Commission feels that since drilling for natural gas by “fracking” methods has been banned in the State, the issues associated with that practice do not need to be addressed at this time.

After discussion, the Commission proposes that the following items should be considered as part of the Chapter 7- Consultant Topic List:

1. Update growth projections and the acreage and mapping of protected agricultural and forest land.
2. Update the changes to applicable Ordinances and Plans such as the Subdivision, Stormwater Management and Erosion and Sediment Control Ordinances and the Deep Creek Watershed Management Plan.
3. Discuss ridgelines as a possible area of protection.
4. Note the reduced threat to agricultural fragmentation.
5. Discuss the impact of the “Septic Bill” on development of agricultural lands.
6. Continue to support agricultural preservation efforts through the MALPF and Rural Legacy programs and explore sustainability of the farmer as a means of protecting the land.
7. Discuss solar as an alternative to fracking and wind power, especially on unproductive land such reclaimed surface mines, while considering the possibility of solar consuming agricultural land.

C. Next Scheduled meeting –The next regular meeting of the Planning Commission is scheduled for **January 3, 2018**, in the County Commissioners Meeting Room, at **1:30 pm**.

D. Adjournment

Respectfully submitted,

William J. DeVore
Zoning Administrator

