

# Garrett County Planning Commission 2013 Annual Report



*This Report summarizes the actions and efforts of the Garrett County Planning Commission for calendar year 2013. It has been prepared by County staff and is submitted to the Garrett County Commissioners and the Maryland Department of Planning in conformance with the Land Use Article of the Annotated Code of Maryland and as required by the General Assembly.*

July 1, 2014

# Garrett County Planning Commission Annual Report

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## **Garrett County Planning Commission Report of Annual Actions for Calendar Year 2013**

The Garrett County Planning Commission expresses its appreciation to the County Staff and the Citizens of Garrett County for their efforts and participation throughout the year to make Garrett County a better place to live and work.

### Garrett County Planning Commission

Troy Ellington, Chairman

George E. Brady

Tony Doerr

Jeff Messenger

Tim Schwinabart

Jeff Conner

Robert Gatto- Ex Officio

Bill Weissgerber-Alternate

Bruce Swift-Alternate

### Garrett County Office of Planning and Land Management

John Nelson, Director

Planning Staff

Bill DeVore, Chad Fike, Deborah Carpenter

Permits and Inspections Staff

Jim Torrington, Bill Schefft, Mary DiSimone

# Garrett County Planning Commission Annual Report

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The Garrett County Planning Commission Annual Report documents changes in development patterns including Comprehensive Plan updates, zoning revisions, transportation and infrastructure improvements, subdivision activity, and major development projects. These changes have been analyzed to determine whether they are consistent with each other, the Garrett County Comprehensive Plan, adopted County Ordinances, recommendations of the last Annual Report, adopted plans of adjoining jurisdictions, and State and local plans and programs related to funding and constructing public improvements. Based on this analysis, maps and tables illustrating development patterns and changes have been produced. The Annual Report also contains statements and recommendations for improving the local planning and development process and may include specific ordinances that have been adopted or amended to implement state planning visions and assure the continued sustainability of future growth and economic development. County government embraces the prospects of future growth, but acknowledges that without proper guidance such growth and development can occur in ways that could be detrimental to our quality of life, economic prosperity, and tourism and recreation opportunities. Therefore the Planning Commission is committed to implementing the Visions contained in the Garrett County Comprehensive Plan and in §1-201 of the Land Use Article of the Maryland Annotated Code. The Report also contains a narrative on the implementation status of the Garrett County Comprehensive Plan consistent with the provisions of HB-409.

Garrett County is a rural county with a total land area of 423,678 acres and a population of 30,097 persons recorded by the 2010 Census. It is bordered on the north by Pennsylvania, on the west and south by West Virginia, and on the east by Allegany County, Maryland. Deep Creek Lake is a popular destination and resort and seasonal residents and vacationers cause the population of the County to nearly double during peak summer vacation times. Deep Creek Lake's attraction as a recreational resort generates considerable developmental pressure for vacation homes and related tourism facilities throughout the Lake Watershed.

The 2008 Garrett County Comprehensive Plan was adopted on October 7, 2008. Three land development ordinances, the Deep Creek Watershed Zoning Ordinance, the Garrett County Sensitive Areas Ordinance, and the Garrett County Subdivision Ordinance, implement the Plan and the Visions in §1-201 of the Land Use Article. These Ordinances were comprehensively amended and adopted in May of 2010. An amendment to the Deep Creek Watershed Zoning Ordinance was adopted in January 2013. Further amendments to the Zoning Ordinance were recommended by the Planning Commission in 2013 but did not receive final approval from the Board of County Commissioners prior to the end of the calendar year. Additional information about these amendments can be found in the following Meeting Summary and in the Changes To Plans, Policies & Ordinances section.

Permit applications, subdivision plans and Ordinance amendments were carefully considered by staff and the Planning Commission to ensure their consistency with existing Ordinances, the 2008 Garrett County Comprehensive Plan, the plans of local municipalities and State and local plans and programs related to funding for public improvements. Waiver requests were individually analyzed to ensure they maintained the integrity of the Comprehensive Plan and upheld the County's growth management policies of fairness and impartiality while recognizing the need to apply common sense in unique circumstances.

# Garrett County Planning Commission Annual Report

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## **2013 PLANNING COMMISSION MEETING SUMMARY**

The Planning Commission held regularly scheduled meetings in the months of January, February, April, May, June, July, September, October, November, and December. The March meeting was cancelled due to inclement weather and the August meeting was cancelled due to lack of a quorum due to scheduled vacations.

### **January Summary**

In June 2012 the Deep Creek Watershed Zoning Ordinance was amended to add new regulations for Boat Rental as a Separate Service Business. The amendment was later declared null and void by the Garrett County Circuit Court. In December 2012 the Planning Commission discussed four potential amendments to the Deep Creek Watershed Zoning Ordinance intended to resolve discrepancies discovered during appeals to the Circuit Court. During the December 2012 meeting the Planning Commission passed a motion to endorse two of these amendments intended to provide a distinction between requirements for a zoning text amendment versus a zoning map amendment. These amendments were adopted by a unanimous vote of the Board of County Commissioners on January 22, 2013. A copy of the adopted amendment can be found in Appendix A.

During the December 2012 meeting a decision on the final two amendments was deferred for further discussion until this January meeting. The amendments deal largely with modifications and clarifications to the table of dimensional requirements. The first amendment was considered because of an oversight existing in the Table of Dimensional Requirements in the Ordinance since its inception in 1975. Within the table, the C-Commercial zone should be included with the TC-Town Center zone under “other commercial uses...” because it is reasonable and consistent to have the same minimum land area requirement in both the C and TC zoning districts for the same general commercial uses.

The second amendment was considered because of an error that occurred when the current Ordinance was re-codified. A new provision for shopping centers was added to the Table of Dimensional Requirements, (current Section 157.041 E.3) in February 1993. The current column heading “Minimum Total Lot or Land Area per Use” has been incorrectly listed as one acre instead of the intended area of 6,000 square feet. The current version also lists the “Minimum Average Lot Area per Dwelling Unit” column as 6,000 square feet and should have been blank. Specific language in 157.041E. 3 is also proposed to clearly define those uses that can take advantage of the reduced minimum land area allowable in a shopping center. The proposed language has been restructured considerably in order to distinguish clearly that only those uses that require 10,000 square feet should be afforded the reduced land area criteria of 6,000 square feet in a shopping center. The current wording implies that a use such as a hotel that requires a minimum land area of one acre could be allowed in a shopping center with 6,000 square feet, contrary to the intent of the Ordinance. The allowance for “any other district” in the current table would also be stricken from the Ordinance because it does not afford any reduction of land area and is therefore not necessary.

Chairman Ellington pointed out that these amendments are the same amendments proposed in December 2012 and deferred by the Commission. After discussion, the Planning Commission

# Garrett County Planning Commission Annual Report

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unanimously passed a motion to endorse both amendments and recommended that they be forwarded to the Board of County Commissioners for their action. A copy of the Planning Commission's recommendation letter is found in Appendix B. The Board of County Commissioners did not take final action on these two amendments in 2013.

## **Commission Members Election of Officers**

Troy Ellington was reelected chairman by a unanimous vote of 5 to 0.

Tony Doerr was reelected vice-chairman by a unanimous vote of 5 to 0.

Tim Schwinabart was elected secretary by a unanimous vote of 5 to 0.

## **Assorted Actions – January**

1. Deep Creek Watershed Zoning Appeals Cases: None
2. Subdivision Waiver Requests: None
3. Surface Mining Permits: None
4. Discharge Permit Applications: None
5. Minor Subdivisions: Copies of plats approved by the Planning Director during the previous month were provided to the Planning Commission.
6. Action on Planned Residential Developments (PRD) Plats: Final Approval of Ridgeview Valley PRD Lot 82
7. Action on Major Subdivision Plats: None

PRD's & Major Subdivisions - January		
	Preliminary	Final
Number of Lots	0	1
Total plats	1	

## **February Summary**

Karen Myers of DC Development, LLC provided the Planning Commission with an overview of the transition of the Wisp Resort Planned Residential Development (PRD). The Planning Commission originally granted approval of DC Development's overall concept plan for the Wisp Resort PRD on September 12, 2005 and agreed to allow the developer to submit plans for preliminary approval by phases of development as long as the plans were generally consistent with the original concept plan. The PRD contained 2,301 acres and 2,500 planned residential units. In 2011 and 2012 several of DC Development's assets within the PRD were sold as part of Chapter 11 bankruptcy proceedings and it is possible that additional assets will be sold this spring. Representatives from two parties that purchased properties within the PRD, Everbright Pacific/EPT Ski Properties, LLC (EPT) and National Land Partners of Maryland, LLC (NLP) were introduced. It is the desire of both parties to continue with the original development vision of the PRD.

The Subdivision and Zoning Ordinances require a single legal entity to secure preliminary approval for each specific phase of the PRD. Once preliminary approval is granted the approved phase may be transferred to, and developed by, a subsequent owner such as EPT or NLP. The parties have verbally agreed that DC Development will continue to act as this single legal entity but a legal agreement binding on all parties is still pending. The Planning Commission noted that

# Garrett County Planning Commission Annual Report

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the overall density and open space requirements of the PRD should be maintained but the Commission took no formal action regarding the presentation.

Chairman Ellington explained that he had informed the Planning Department of LED signs that did not seem to conform to regulations in the Deep Creek Watershed Zoning Ordinance including prohibitions against the illusion of motion, changing colors and flashing. Mr. Fike explained that staff had investigated two signs: one sign had been reprogrammed to stop the illusion of motion and the second sign is no longer in operation. The Planning Commission made a recommendation that the Planning Department send a notification reminding all applicants that were issued zoning permits for LED, LCD and Scrolling Message signs of the pertinent sign regulations.

An application was submitted by NDEC Renewables, LLC, c/o FloDesign Wind Turbines for a Special Exception permit to construct a meteorological tower on property owned by Messenger Limited Partnership, LLLP. Prior to discussion of the application, Chairman Ellington recused member Jeff Messenger since he is an owner of Messenger Limited Partnership. Meteorological towers are not specifically addressed in the Deep Creek Watershed Zoning Ordinance but a Special Exception is required since the use is considered substantially similar in character and impact to a communications tower.

The Planning Commission expressed concerns since industrial wind turbines are not permitted in the Deep Creek Watershed. Robert Patton of FloDesign Wind Turbines indicated the accumulated data from the proposed tower and an additional tower not located in the Watershed would help determine feasibility for commercial wind power applications but could not say whether or not any future attempts would be made to amend the Ordinance to allow industrial wind turbines. In response to questions from the Planning Commission, Mr. Patton indicated that he did not think his company would agree to a restriction that they not propose industrial wind turbines in the Watershed. Mr. Patton stated that the turbines are 160 feet tall with shrouded blades approximately 17 feet in diameter and he believes this design is friendlier to wildlife and much quieter than conventional turbines.

After considerable discussion, a motion was made to recommend that the Zoning Board of Appeals deny the application. The motion failed with a vote of two in favor and three opposed. A second motion was made to recommend that if the Board of Appeals grants the Special Exception they would do so with a condition that the tower must be removed after 24 months and require bonding with the County to ensure proper removal. The motion passed by a unanimous vote.

## **Assorted Actions – February**

1. Deep Creek Watershed Zoning Appeals Cases:
  - a. Variances: (One) The Planning Commission made no comment
  - b. Special Exceptions: (One) See detailed discussion above
2. Subdivision Waiver Requests: None
3. Surface Mining Permits: None
4. Discharge Permit Applications: None.

# Garrett County Planning Commission Annual Report

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5. Minor Subdivisions: Copies of plats approved by the Planning Director during the previous month were provided to the Planning Commission.
6. Action on Planned Residential Developments (PRD) Plats: None
7. Action on Major Subdivision Plats: None.

PRD's & Major Subdivisions - February		
	Preliminary	Final
Number of Lots	0	0
Total plats	0	

## **March Summary**

The regularly scheduled meeting was cancelled due to inclement weather and closure of the Courthouse.

## **April Summary**

Chairman Ellington commented that he believes the recent letter sent by the Planning Office to the owners of LCD/LED signs located in the Deep Creek Watershed has had a positive effect and most owners seem to be complying with the regulations regarding flashing and animation settings for these signs.

The Planning Commission reviewed the final draft of the 2012 Planning Commission Annual Report. In regards to the County goal of directing 10% of growth towards PFA's, 7% of new subdivision lots approved in 2012 were located in a PFA and 11.1% of building permits for new dwelling units were located within a PFA. Mr. Nelson expects more future subdivisions to be located within a PFA and believes that it is reasonable to maintain the 10% goal at the present time. The Commission recommended by unanimous vote to keep the goal for growth in PFA's at 10% and recommended by a unanimous vote to approve the 2012 Annual Report once the Protected Area Lands Map is edited to include State land located along the Youghiogheny River corridor.

Mr. Nelson noted that HB-409, expected to pass the Maryland Legislature and become effective October 1, 2013, could have an impact on next year's Annual Report. The Bill changes the cycle of mandatory Comprehensive Plan updates from a 6-year to 10-year cycle and requires the Annual Report to address the County's progress on implementing the goals and objectives outlined in the Comprehensive Plan.

Mr. Nelson explained that, due to bankruptcy, the Wisp Resort PRD would be divided among new owners. A proposed change to the original concept plan of the PRD involves the potential sale of a 90.16-acre parcel that would reduce the original acreage of the PRD from 2,301.94 acres to 2,211.78 acres and reduce the number of dwelling units from 2,500 units to 2,380 units. The percentage of open space would increase slightly since the 90.16-acre parcel was slated for development. The current owners of the PRD are in the process of finalizing the legal document that will establish a single legal entity to develop the PRD. The Commission will not take action on a proposed revision to the PRD concept plan until this agreement is finalized.

# Garrett County Planning Commission Annual Report

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## Assorted Actions – April

1. Deep Creek Watershed Zoning Appeals Cases: None
2. Subdivision Waiver Requests: None
3. Mining Permits: None
4. Discharge Permit Applications: None
5. Agricultural Land Preservation District Applications: None
6. Minor Subdivisions: Copies of plats approved by the Planning Director during the previous month were provided to the Planning Commission.
7. Action on Planned Residential Developments (PRD) Plats: Final Approval of Wisp Resort PRD, Lodestone, Greenbrier Section 7 (18 lots) and Final Approval of Wisp Resort PRD Phase 10A Lots 3-5.
8. Action on Major Subdivision Plats: Preliminary and Final Approval of Grant County Bank Commercial Lot 7; Final Approval of Grant County Bank Commercial Lot 6 (Blackden) and Final Approval of Thousand Acres South Shore Pointe Lots 6 & 7

PRD's & Major Subdivisions - April		
	Preliminary	Final
Number of Lots	0	25
Total plats	5	

## May Summary

Chairman Ellington explained that at the last meeting of the Property Owners Association it was noted that there is debris in the lake that includes trees and large branches from winter storms. Because of safety concerns, he believes that boaters should be on watch for this debris.

Mr. Nelson provided an update regarding House Bill 409 that will become effective October 1, 2013. Since the Bill revises the requirement for mandatory updating of county comprehensive plans from every six years to every ten years, the next Garrett County Comprehensive Plan will not be due until approximately 2018. The Bill stipulates that the County's 2013 Annual Report must include a narrative to address the County's progress on implementing the goals and objectives outlined in the Comprehensive Plan. The new 10-year cycle would allow planners to use census data collected every ten years and could allow the update to the Garrett County Plan to be pushed back further, possibly to the year 2020. Mr. Nelson explained that HB-409 specifies that a task force will be assembled to determine when each jurisdiction's plan is due.

The Planning Commission again discussed the potential removal of a 90.16 parcel from the Wisp Resort PRD. Last month any action on this proposed sale was postponed until a "single legal entity" agreement is reached between the new owners of the PRD. Karen Myers of DC Development indicated that the signature pages of the single legal entity agreement have been prepared but the document has not been fully executed. The Planning Commission voted unanimously to approve the removal of the 90.16-acre tract from the PRD contingent upon the execution of the agreement. Mr. Nelson prefers that any written decision for approval by the Planning Commission not occur until the official agreement between the parties is executed.



# Garrett County Planning Commission Annual Report

## Assorted Actions – May

1. Deep Creek Watershed Zoning Appeals Cases: None
2. Subdivision Waiver Requests: None.
3. Surface Mining Permits: None
4. Discharge Permit Applications: None
5. Minor Subdivisions: Copies of plats approved by the Planning Director during the previous month were provided to the Planning Commission.
6. Action on Planned Residential Developments (PRD) Plats: None
7. Action on Major Subdivision Plats: None.

PRD's & Major Subdivisions - May		
	Preliminary	Final
Number of Lots	0	0
Total plats	0	

## June Summary

Mr. Nelson explained that the Maryland Department of Transportation follows a specific protocol for local government transportation initiatives. A copy of the 2012 Priority Letter developed last year by the Board of County Commissioners was discussed. The Planning Commission reviewed the following projects in their rank of importance as described in the list:

1. US Route 219 North-Chestnut Ridge Road project.
2. Design, acquisition and construction of the US 219 Oakland By-Pass.
3. Oakland Drive MD 826 A to Deer Park Ave; Sidewalk Project.
4. MD 495 and New Germany Road intersection; geometric upgrades.
5. US 219 Resurfacing from Oak Street to the Lowe's entrance.
6. MD 546 Bridge over I-68 needs deck replacement.
7. Continued funding for multimodal transportation to promote a pedestrian & bicycling trail network.
8. Continued funding for Garrett Bus (Transit) System.

The Commission believes there is no need to change the two top-ranked capital projects. The Commission understands that although some maintenance work is still on going, funding for new capital improvement projects is not available in the State budget at this time. The Planning Commission recommended that an evaluation of the Maryland Highway and Sand Flat Road intersection for potential safety improvements be added to the priority list since limited sight distance makes the intersection particularly hazardous. The Commission voted to approve the amended list by unanimous vote.

The Planning Commission discussed the proposed Four Mile Ridge industrial wind project. Commission member Jeff Conner noted that the developer of the wind turbine project still does not have FAA approval. Mr. Nelson noted that MDE has an open comment period until June 22 for the NPDES process and will decide whether to issue the permit after the public hearing takes place. This project, along with three other wind projects that were in the pipeline before March 1,

# Garrett County Planning Commission Annual Report

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2013, is not subject to new setback guidelines that were recently enacted by the State of Maryland specifically for Garrett County.

## **Assorted Actions – June**

1. Deep Creek Watershed Zoning Appeals Cases:
  - a. Variances: (One) The Planning Commission voted to support the variance of a side yard setback for an accessory garage by a vote of 4 to 0.
2. Subdivision Waiver Requests: (One) The Planning Commission approved a waiver to the minimum lot size for an agricultural lot.
3. Surface Mining Permits: One: The Planning Commission offered no comments on an application from Maryland Energy Resources
4. Discharge Permit Applications: None
5. Minor Subdivisions: Copies of plats approved by the Planning Director during the previous month were provided to the Planning Commission.
6. Action on Planned Residential Developments (PRD) Plats: Final Approval Wisp PRD, Revised Plat for Kendall Camp, Phase V-B (no new lots created-extinguished 4 lots)
7. Action on Major Subdivision Plats: Preliminary & Final Approval of Williams Lots 1-2; Final Approval of Thousand Acres South Shore Pointe Lots 6-9; and Revised Final Approval of Grant County Bank Lot 7 (revision to existing lot, no new lots created)

PRD's & Major Subdivisions - June		
	Preliminary	Final
Number of Lots	0	6
Total plats	4	

## **July Summary**

The Planning Commission reviewed a petition to amend the Deep Creek Watershed Zoning Ordinance submitted by William Meagher of Lakeside Commercial Properties, LLC. The proposed amendment would add the following new category of use under Section 157.024(C)23: "Boat rental including boat rides and/or boat tours as a separate service business and not offering any other services associated with a marina" The use would be permitted in the Town Center (TC) and Commercial (C) zoning districts and permitted by Special Exception in the Town Residential (TR), Commercial Resort 1 (CR1) & Commercial Resort 2 (CR2) districts and not permitted in any other district.

Section 157.041(C)10 would also be amended to clarify that the boat rental service business would require the same 10,000 sq. ft minimum land area as the sale or rental of recreational vehicles. The amended Section 157.041(C)10 would read: "Sale or rental of recreational vehicles, including boat rental as a separate service business". The use would require a minimum land area of 10,000 sq. ft. in any district where it is permitted except as provided in 157.041(E)3, which requires 6,000 sq ft. per use. All yard setbacks would remain as they currently exist.

After several public comments and a lengthy discussion, the Planning Commission voted to recommend approval of this petition for amendments to the Ordinance with certain modifications. The modifications include restricting the new use to the Town Center zone and

# Garrett County Planning Commission Annual Report

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stipulating that the use should be permitted only on lakefront properties having a minimum 200 feet of lakefront measured at the Penelec line, irrespective of whether the lot is grandfathered under Section 157.042 of the Ordinance. The recommendation passed by a vote of 3 to 2, with one abstention and one recusal. A copy of the recommendation, dated July 12, 2013, can be found in Appendix C.

## **Assorted Actions – July**

1. Deep Creek Watershed Zoning Appeals Cases:
  - a. Variances: (One) The Planning Commission made no comment
2. Subdivision Waiver Requests: None
3. Surface Mining Permits: None
4. Discharge Permit Applications: None
5. Minor Subdivisions: Copies of plats approved by the Planning Director during the previous month were provided to the Planning Commission.
6. Action on Planned Residential Developments (PRD) Plats: None
7. Action on Major Subdivision Plats: Preliminary and Final Approval of Keyser’s Ridge Business Park Lot 2 and Final Plat of Sweet Rewards Farm (no new lots were created by this plat)

PRD’s & Major Subdivisions - July		
	Preliminary	Final
Number of Lots	0	1
Total plats	2	

## **August Summary**

The regularly scheduled meeting was cancelled due to lack of actions that required immediate attention and the lack of quorum due to vacation schedules.

## **September Summary**

John Sanders of Highland Engineering submitted a waiver request on behalf of DC Development, LLC, the developers of the Wisp Resort PRD. Mr. Sanders requested the waiver to allow proposed roads within the PRD to be designed and constructed to the private road standards found in the Garrett County Subdivision Ordinance. The Ordinance requires that all roads in the PRD shall conform to public road standards unless the Planning Commission approves modifications to the standards for roads that will not be publicly maintained. After discussion, the Commission granted unanimous approval of the waiver request vote.

## **Assorted Actions – September**

1. Deep Creek Watershed Zoning Appeals Cases:
  - a. Variances: (Five) The Planning Commission made no comment on three cases and urged the Zoning Appeals Board to carefully consider two other setback variances if there are strong objections by the neighbors
2. Subdivision Waiver Requests: One (see detailed discussion above)
3. Surface Mining Permits: None

# Garrett County Planning Commission Annual Report

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4. Discharge Permit Applications: None
5. Minor Subdivisions: Copies of plats approved by the Planning Director during the previous month were provided to the Planning Commission.
6. Action on Planned Residential Developments (PRD) Plats: Preliminary Approval of Wisp Resort Phase 7, Lodestone Subdivision, Biltmore Section (145 lots)
7. Action on Major Subdivision Plats: None

PRD's & Major Subdivisions - September		
	Preliminary	Final
Number of Lots	145	0
Total plats	1	

## **October Summary**

The Planning Commission reviewed plans for a proposed beginner's ski hub at the Wisp Resort commercial resort. The Deep Creek Watershed Zoning Ordinance requires that the Planning Commission must review any modifications to a commercial resort prior to approval of zoning permits. The proposal consists of eight proposed yurts containing a coffee bar, ski school, concession/dining area, merchandise, bathrooms, ski rental area and a golf pro-shop that will be used as a lounge in the winter. After review, the Planning Commission determined that the plans conformed to the commercial resort standards found in the Zoning Ordinance. The proposed development was found to be consistent with the character of the existing Wisp Resort and no negative impacts were discovered. Therefore the Commission voted unanimously to accept the conceptual plan and allow the Wisp to make application for a zoning permit.

Mr. Nelson noted that DNR is seeking input on nine areas in Garrett County that could be designated as Wildlands. These 8,514 acres would be more than double the existing Wildlands acreage in the county. In the past, county representatives have been concerned with the Wildlands designation because of use restrictions that limit logging, improved trails and camping. The Commission feels that designated trails in State property, especially along the Youghiogheny River, should be encouraged. Chairman Ellington believes that the Wildlands areas should be supported only if trails are allowed to exist within them. The Commission discussed some possible benefits from the Wildlands designation, but Chairman Ellington believes that there is little enthusiasm from the Commission about designating new Wildlands.

## **Assorted Actions – October**

1. Deep Creek Watershed Zoning Appeals Cases:
  - a. Variances: (Two) The Planning Commission made no comment on one case. In regards to a setback variance continued from last month, the Commission again urged the Appeals Board to carefully consider the request if there are strong objections by the neighbors.
2. Subdivision Waiver Requests: None.
3. Surface Mining Permits: None
4. Discharge Permit Applications: None
5. Minor Subdivisions: Copies of plats approved by the Planning Director during the previous month were provided to the Planning Commission.

# Garrett County Planning Commission Annual Report

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- 6. Action on Planned Residential Developments (PRD) Plats: None
- 7. Action on Major Subdivision Plats: None

Major Subdivisions - October		
	Preliminary	Final
Number of Lots	0	0
Total plats	0	

## **November Summary**

Karen Myers of DC Development, LLC proposed a revision to the Wisp Resort PRD Concept Plan consisting of the removal of a parcel that was recently sold at public auction. The 246.42-acre parcel was originally intended for the development of 175 residential units. The Planning Commission previously approved a request to remove a 90.16-acre tract of land from the PRD subject to a requirement that a “single legal entity” development agreement be executed among all new owners of the land in the PRD, but the agreement has not yet been finalized. The removal of the 90.16 and 246.42-acre parcels would result in a cumulative revised total of 1,965.36 acres and 2,223 planned residential units remaining in the PRD. A total of 238 units have been approved thus far, leaving 1,985 units for future development. A resulting 7.75-acre shortfall in the amount of required open space will be addressed in the pending development agreement. The Commission unanimously approved the request to revise the Wisp Resort PRD concept plan to remove the 246.42-acre parcel conditioned on the submission of the single legal entity development agreement to the Planning Office. Mr. Nelson reiterated that, as with the previous request, final written approval should be withheld until the agreement is finalized.

The Planning Commission again discussed a DNR proposal to designate additional properties in Garrett County as Wildlands. Commissioner Gatto stated that the County Commissioners do not support the increase in Wildlands acreage due to issues such as economic concerns and trail use. Because of limitations imposed on the use of the land, the Planning Commission voted unanimously to oppose adding new Wildlands in Garrett County.

Planning Commission member Jeff Conner requested that the Commission reconsider the request to use Performance Zoning for regulation of wind turbines. Mr. Conner believes there should be a limit to the height and number of such structures. Performance Zoning would “piggy back” on the Deep Creek Watershed Zoning Ordinance. Mr. Conner explained that a proposed change to the Sensitive Areas Ordinance, the proposed Land Use Ordinance (which would have been a form of countywide zoning) and performance zoning were all attempted regulations that have failed to be passed and thus the county does not have a way to properly regulate wind turbines.

## **Assorted Actions – November**

- 1. Deep Creek Watershed Zoning Appeals Cases:
  - a. Variances: (One) The Planning Commission made no comment
  - b. Special Exceptions: (One) The Planning Commission urged the Zoning Appeals Board to carefully consider a proposal for a commercial, recreational trail area if there are serious concerns by the neighboring property owners. The trail area is proposed on the 246.42-acre parcel being removed from the Wisp Resort PRD.

# Garrett County Planning Commission Annual Report

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2. Subdivision Waiver Requests: The Planning Commission granted a waiver from stream buffers and building setbacks in the Sensitive Areas Ordinance for an accessory building.
3. Surface Mining Permits: None
4. Discharge Permit Applications: (Two) The Planning Commission made no comments on applications from Brookville Renewable Power and Roam Around Campground
5. Minor Subdivisions: Copies of plats approved by the Planning Director during the previous month were provided to the Planning Commission.
6. Action on Planned Residential Developments (PRD) Plats: None
7. Action on Major Subdivision Plats: Preliminary Approval of Thousand Acres Poland Run Lot 4 and Preliminary Approval of Thousand Acres Poland Run Lot 5

Major Subdivisions - November		
	Preliminary	Final
Number of Lots	2	0
Total plats	2	

## **December Summary**

The Planning Commission reviewed a proposed amendment to the Deep Creek Watershed Zoning Ordinance to allow Industrial Wind Energy Conversion Systems in the RR Zoning District. The proposal states that the use would only permit turbines in the Rural Resource (RR) zone, the wind energy devices would have to be less than 200 feet in height and would have to be located at least 20,000 feet from the high water mark of Deep Creek Lake. Other proposed conditions would require certain setbacks from residences and property lines. Commission member Jeff Conner pointed out several concerns including aesthetics, noise and detrimental effects on wildlife and suggests that Deep Creek Lake Watershed Management Plan Steering Committee recommendations should be taken into account before the Planning Commission makes any recommendations. After several comments and considerable discussion, the Board unanimously approved a motion to conduct a public hearing on the amendment request at their February meeting. At their request, Jeff Messenger and Bob Gatto were recused from the vote.

## **Assorted Actions – December**

1. Deep Creek Watershed Zoning Appeals Cases: None
2. Subdivision Waiver Requests: None.
3. Surface Mining Permits: None
4. Discharge Permit Applications: None
5. Minor Subdivisions: Copies of plats approved by the Planning Director during the previous month were provided to the Planning Commission.
6. Action on Planned Residential Developments (PRD) Plats: None
7. Action on Major Subdivision Plats: Preliminary Approval of Snowy Mountain (7 lots); Bedingfield Estates East (6 lots) and Bedingfield Estates West (6 lots)

Major Subdivisions - December		
	Preliminary	Final
Number of Lots	19	0
Total plats	3	

# Garrett County Planning Commission Annual Report

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## 2013 SUBDIVISION ACTIVITY SUMMARY

### Subdivision Summary Tables

The following summary tables represent major and minor subdivisions given approval in calendar year 2013. Lot line adjustment plats and applications that only received preliminary approval are not included.

<b>All 2013 Applications Approved &amp; Unapproved</b>	Subdivision Type	Applications	Lots	Total Acres	Avg. Lot Size
	Major Subdivision	9	8	508.34	63.54
	Minor Subdivision	30	35	330.42	9.44
	<b>Totals</b>	<b>39</b>	<b>43</b>	<b>838.75</b>	<b>19.51</b>

<b>2013 Applications Approved Subdivisions Only</b>	Subdivision Type	Applications	Lots	Total Acres	Avg. Lot Size
	Major Subdivision	3	4	11.59	2.90
	Minor Subdivision	22	23	206.99	9.00
	<b>Totals</b>	<b>25</b>	<b>27</b>	<b>218.58</b>	<b>8.10</b>

<b>Pre-2013 Applications Approved in 2013</b>	Subdivision Type	Applications	Lots	Total Acres	Avg. Lot Size
	Major Subdivision	3	12	19.29	1.61
	Minor Subdivision	4	8	121.31	15.16
	<b>Totals</b>	<b>7</b>	<b>20</b>	<b>140.60</b>	<b>7.03</b>

<b>Total Subdivisions Approved in 2013</b>	Subdivision Type	Applications	Lots	Total Acres	Avg. Lot Size
	Major Subdivision	5	15	28.13	1.88
	Minor Subdivision	27	32	331.05	10.35
	<b>Totals</b>	<b>32</b>	<b>47</b>	<b>359.18</b>	<b>7.64</b>

<b>Total Subdivisions Approved in 2013 by PFA</b>	Area	Applications	Lots	Total Acres	Avg. Lot Size
	Inside PFA	3	3	12.10	4.03
	Outside PFA	29	44	347.08	7.89
	<b>Totals</b>	<b>32</b>	<b>47</b>	<b>359.18</b>	<b>7.64</b>

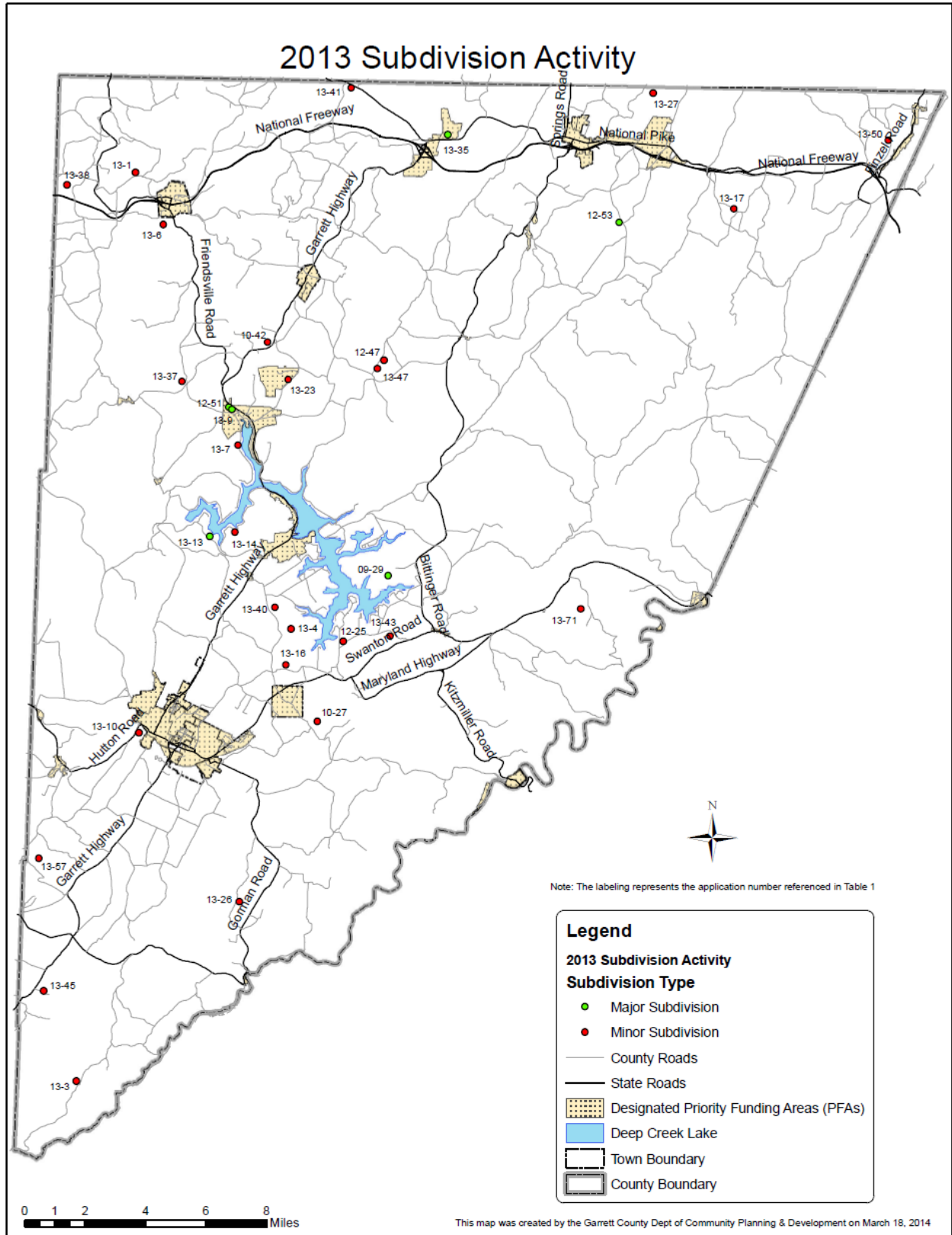
6% of new lots approved in 2013 were within County Priority Funding Areas.  
 94% of new lots approved in 2013 were outside County Priority Funding Areas.

### Planned Residential Development Summary Table

The following summary table represents Planned Residential Development lots given approval in calendar year 2013. All PRD lots approved in 2013 were outside County Priority Funding Areas.

<b>Total PRD Applications Approved in 2013</b>	Type	Applications	Lots	Total Acres	Avg. Lot Size
	PRD	3	22	10.95	0.50

# Garrett County Planning Commission Annual Report





# Garrett County Planning Commission Annual Report

## 2013 Subdivision Activity\*

#	Land Classification	Subdivision Name	Applicant Name	Type	Total Acres	# of Lots	Avg. Lot size	Map	Parcel	PFA	Final Approval
20090029	Lake Residential	South Shore Pointe-Th. Acres	Appalaichan Invest. Prop.	Major	6.82	8	0.85	67	782, 780	No	6/5/2013
20100027	Agricultural Resource	Custer Farm	Robert & Patricia Custer	Minor	108.72	3	36.24	79	63	No	8/27/2013
20100042	Agricultural Resource	Thomas & Beverly Herson	Thomas & Beverly Herson	Minor	2.46	2	1.23	33	207	No	12/12/2013
20120025	Lake Residential 1	Brian Bowers et al	Brian Bowers et al	Minor	4.03	1	4.03	74	1	No	8/14/2013
20120047	Rural	Ida Maust	Elmer & Ida Maust	Minor	6.10	2	3.05	43	13	No	1/15/2013
20120051	Town Center	Blackden Commercial Lot	Grant County Bank	Major	3.00	1	3.00	41	51	Yes	4/4/2013
20120053	Agricultural Resource	New Germany Estates	Robert & Connie Fischetti	Major	9.47	3	3.16	27	35	No	7/15/2013
20130001	Agricultural Resource	Retha Selby	Retha Selby	Minor	5.02	1	5.02	14	19	No	1/24/2013
20130003	Rural	Hoye Paul Rodeheaver	Linda Thomas	Minor	1.84	1	1.84	104	50, 57	No	5/23/2013
20130004	Agricultural Resource	Robert Corley	Gary Harvey	Minor	1.69	1	1.69	66	444	No	2/7/2013
20130006	Rural Resource	Frank & Jeanne Beans	Frank & Jeanne Beans	Minor	34.39	2	17.20	23	59	No	3/5/2013
20130007	Lake Residential 1	Wisp Resort Master Assoc.	Wisp Resort Master Assoc.	Minor	0.60	1	0.60	50	403	No	2/15/2013
20130009	Town Center	Commercial Lot 7	Grant County Bank	Major	2.75	1	2.75	41	51	Yes	4/4/2013
20130010	Town Residential	Eddie & Jimmy Sisler	Eddie & Jimmy Sisler	Minor	10.52	1	10.52	78	293, 688	No	3/19/2013
20130013	Lake Residential 1	Timothy & Jeffrey Williams	Timothy, Jeffrey Williams	Major	2.49	2	1.25	57	40	No	6/5/2013
20130014	Lake Residential 1	Woodland Hills	Robert Huguely	Minor	1.00	1	1.00	57	550	No	3/28/2013
20130016	Agricultural Resource	Jeremy Gosnell	Charles Gosnell	Minor	1.38	1	1.38	73	35	No	4/30/2013
20130017	Agricultural Resource	Gregg & Joyce Kamp	Gregg & Joyce Kamp	Minor	4.05	1	4.05	19	204, 270, 175	No	6/11/2013
20130023	Employment Center	John & Rena Beitzel	John & Rena Beitzel	Minor	8.93	1	8.93	42	325	No	6/6/2013
20130026	Agricultural Resource	Travis Nice	Sandy Nice	Minor	6.00	1	6.00	92	169	No	5/23/2013
20130027	Agricultural Resource	Adam & Katie Brenneman	Marla Brenneman	Minor	6.55	1	6.55	9	336	No	11/14/2013
20130035	Employment Center	Keysers Ridge Business Park	Garrett Co. Commissioners	Major	6.35	1	6.35	7	40	Yes	7/10/2013
20130037	Agricultural Resource	Hayhurst	James Reed Rodeheaver	Minor	6.07	1	6.07	41	10	No	9/10/2013
20130038	Agricultural Resource	William Fairfax	Robert & William Fairfax	Minor	35.00	1	35.00	13	23	No	7/12/2013
20130040	Agricultural Resource	James & Angela Stewart	James & Angela Stewart	Minor	1.39	1	1.39	66	95	No	7/17/2013
20130041	Rural	Harry & Barbara Nicklow	Harry & Barbara Nicklow	Minor	3.01	1	3.01	6	22	No	8/12/2013
20130043	Rural	Bennie Beckman	Bennie Beckman	Minor	2.00	1	2.00	74	41	No	7/25/2013
20130045	Agricultural Resource	Jack Hebb	Jack Hebb	Minor	7.80	1	7.80	100	87	No	9/10/2013
20130047	Rural	Leonard Orendorf	Leonard Orendorf	Minor	3.00	1	3.00	43	34	No	9/11/2013
20130050	Agricultural Resource	Victoria Willey	Victoria Willey	Minor	7.67	1	7.67	11	213	No	12/27/2013
20130057	Agricultural Resource	David & Darlene Terlizzi	David & Darlene Terlizzi	Minor	15.92	1	15.92	90	20	No	11/5/2013
20130071	Rural	Ronald Barnard	Ronald & Johnny Barnard	Minor	43.17	1	43.17	69	116	No	12/11/2013
<b>TOTALS (32 subs.)</b>					<b>359.18</b>	<b>47</b>	<b>7.64</b>				

\*This summary represents major and minor subdivisions given final plat approval in calendar year 2013. Major subdivisions given conditional final plat approval are listed under the calendar year when all conditions are satisfied. Applications that received only preliminary approval & lot line adjustment plats are not included.

# Garrett County Planning Commission Annual Report

## 2013 BUILDING PERMITS SUMMARY

### New Housing Units Growth – 2013

#### Residential Development Summary

	Inside Priority Funding Areas			Outside Priority Funding Areas		
	#Dwelling Units	Acres Consumed	Average Density (du/ac**)	#Dwelling Units	Acres Consumed	Average Density (du/ac**)
Single Family	2	.76	2.63	33	81.86	.40
Multi Family	0	0	0	0	0	0
Mobile Home	2	1.19	1.68	4	11.35	.35
<b>Total</b>	<b>4</b>	<b>1.95</b>	<b>2.05</b>	<b>37</b>	<b>93.21</b>	<b>.40</b>
	<b>9.8 % of dwellings permitted in 2013 were inside PFA's</b>			<b>90.2% of dwelling permitted in 2013 were outside PFA's</b>		

Note: Garrett County actually issued a total of 78 permits for housing units in 2013. Of those 78 units, 37 were replacement units. Since no additional units were created, they were not counted as 'growth' in the report of new units inside and outside of PFA's.

\*On resource properties (i.e., agricultural and forest lands) for landowner improvements only: one acre of the parent tract is included for density calculations.

\*\* dwelling units per acre

### New Housing Construction and Value – 2013

#### Monthly Residential Development Summary

Garrett County	All New Single Family Housing Construction <sup>1</sup>			
	Buildings	Units	Value	Value/Unit
January	3	3	\$2,086,729	\$695,576
February	4	4	\$743,200	\$185,800
March	2	2	\$284,600	\$142,300
April	11	11	\$2,967,100	\$269,736
May	11	11	\$1,579,000	\$143,545
June	6	6	\$3,852,000	\$642,000
July	8	8	\$837,500	\$104,688
August	7	7	\$1,629,000	\$232,714
September	9	9	\$2,332,500	\$259,167
October	11	11	\$4,003,813	\$363,983
November	2	2	\$1,575,000	\$787,500
December	4	4	\$715,500	\$178,875
<b>Total</b>	<b>78</b>	<b>78</b>	<b>\$22,605,942</b>	<b>\$289,820</b>

SOURCE: Garrett County Community Planning And Development – Permits & Inspection Services

(1) All new residential construction for 2013 was for single-family dwellings only.

# Garrett County Planning Commission Annual Report

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## Commercial Development - 2013

### Commercial Development Summary

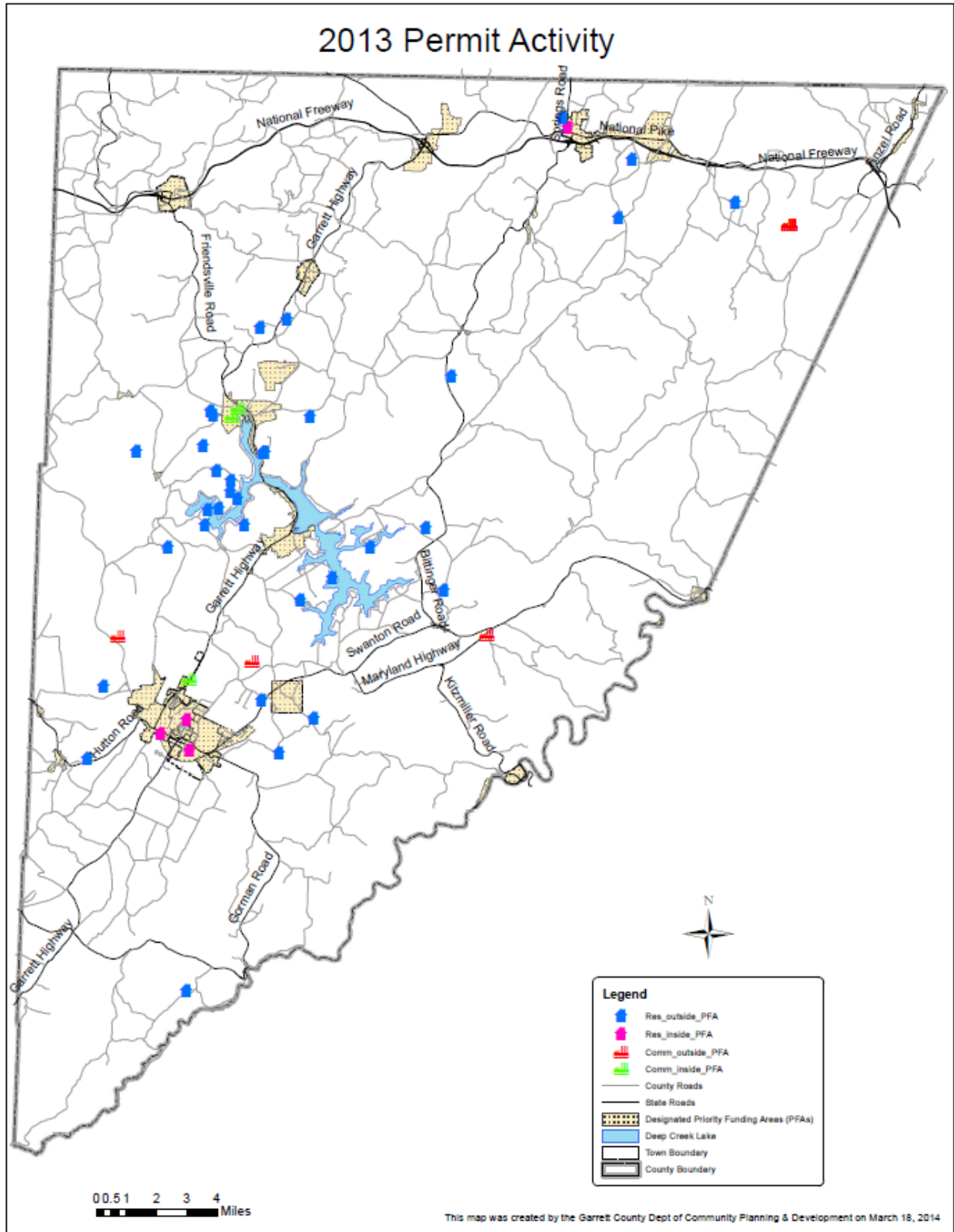
	Inside Priority Funding Areas			Outside Priority Funding Areas		
	Site Acreage	Bldg. Sq. Footage	Floor Area Ratio	Site Acreage	Bldg. Sq. Footage	Floor Area Ratio
Service	5.3	17,559	.0760	6.5	10,300	.0363
Office	1.08	2,880	.0612	0	0	0
Retail	5.79	19,097	.0757	0	0	0
Utilities*	0	0	0	.25	449	.0412
<b>Total</b>	<b>12.17</b>	<b>39,536</b>	<b>.0746</b>	<b>6.75</b>	<b>10,749</b>	<b>.0366</b>

\* Utilities refer to commercial towers, water and sewer facilities, power lines and similar activities and structures.

### 2013 Commercial Summary

	Percent Inside Priority Funding Areas	Percent Outside Priority Funding Areas
<b>Total Acreage Developed</b>		
18.92	64.3%	35.7%
<b>Total Square Footage Created</b>		
50,285	78.6%	21.4%

# Garrett County Planning Commission Annual Report



# Garrett County Planning Commission Annual Report

## 2013 Building Permit Activity

### 2013 Residential Growth Outside PFA's

Approval Date	Application #	Address #	Premise Street Name	Type or Use	Acreage	Total Sq Ft	Tax Map
9/17/2013	20120513	357	Hemlock Drive	SFR-Doublewide	0.82	1280	8
2/25/2013	20120525	155	Fern Loop	SFR	1.134	2697	49
1/2/2013	20120565	48	North Pass	SFR	4.36	2304	79
1/30/2013	20130023	2600	Stockslager Road	SFR	1.79	8385	57
4/1/2013	20130025	554	Skippers Point Road	SFR	0.516	2450	57
2/14/2013	20130039	282	Blue Moon Rising Way	Transient Vacation Rental Unit	0.25	228	50
4/22/2013	20130061	376	Hidden Meadow Spur	SFR-Modular	3.56	5580	44
5/3/2013	20130068	1636	Pine Hill Road	SFR-Modular	12	3312	68
3/25/2013	20130071	272	Blue Moon Rising Way	Transient Vacation Rental Unit	0.25	228	50
4/11/2013	20130075	1800	Birchwood Drive	SFR	1.63	3000	48
5/3/2013	20130114	61	Hailees Lane	SFR	1.8	2420	41
5/3/2013	20130117	575	Marlin Savage Road	SFR	6.11	5211	33
4/24/2013	20130131	115	Pine Bough Lane	SFR-Doublewide	1.93	2100	33
5/23/2013	20130150	56	Trent Lane	SFR	4.75	6688	18
5/21/2013	20130151	58	Evergreen Forest Drive	SFR	6.75	3716	77
6/5/2013	20130157	55	Maple Leaf Lane	SFR	0.58	7116	59
6/3/2013	20130170	1096	Holy Cross Drive	SFR	1.33	13819	66
6/11/2013	20130175	381	Morning Glory Drive	SFR	1.8	4263	59
6/4/2013	20130194	11	John Kellam Court	SFR	0.16	1196	79
6/13/2013	20130213	777	Penn Point Road	Transient Vacation Rental Unit	0.82	3840	66
7/9/2013	20130223	555	Chaney Road	SFR	3.56	5151	19
7/10/2013	20130243	2173	Wilson Corona Road	SFR-Mobile Home	7.6	980	101
7/23/2013	20130256	145	Harveys Road	SFR	3.51	1872	79
8/2/2013	20130263	150	White Fawn Lane	SFR-Modular	2.73	2852	27
8/15/2013	20130275	12	Laurel Ridge Road	SFR	1.06	3120	42
8/15/2013	20130297	562	Joe Whitacre Road	SFR	10.896	1560	57
9/4/2013	20130338	243	Blue Moon Rising Way	Transient Vacation Rental Unit	0.25	288	50
10/2/2013	20130351	1081	Sandy Shores Road	SFR	2.47	5597	57
9/24/2013	20130355	321	Jakes Drive	SFR-Modular	1.14	4032	41
10/18/2013	20130377	243	Lake Forest Drive	SFR	2	4368	57
10/17/2013	20130411	150	Greenbrier Drive	Transient Vacation Rental Unit	0.592	4555	49
10/21/2013	20130414	94	Grand Estates Drive	SFR	0.67	9214	57
10/25/2013	20130432	251	Blue Moon Rising Way	SFR	0.25	276	50
10/30/2013	20130440	146	Keefer Road	SFR-Doublewide	1	968	71
11/18/2013	20130475	261	Blue Moon Rising Way	Transient Vacation Rental Unit	0.25	252	50
12/5/2013	20130476	48	Old Camp Road	SFR	0.39	3250	49
12/23/2013	20130492	195	Black Bear Court	SFR	2.5	2256	58

# Garrett County Planning Commission Annual Report

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## 2013 Residential Growth Inside PFA's

Approval Date	Application #	Address #	Street Name	Type or Use	Acreage	Total Sq Ft	Tax Map
8/15/2013	20130276	613	East Poplar Street	SFR	0.258	2240	112
10/21/2013	20130417	601	Pin Oak Circle	SFR	0.5	4358	78E
7/1/2013	20130191	188	Miller Lane	SFR-Doublewide	0.84	3062	8A
9/9/2013	20130290	306	D Street	SFR-Doublewide	0.35	1400	78H

## 2013 Commercial Growth Outside PFA's

Approval Date	Application #	Address #	Street Name	Type or Use	Acreage	Total Sq Ft	Tax Map
6/11/2013	20130058	911	Pysell Crosscut Road	Commercial-Business Service	0.5	2040	73
10/9/2013	20130091	120	Mount Zion Road	Commercial-Tower	0.25	449	75
6/6/2013	20130092	1600	Mount Aetna Road	Lodging Unit	0.25	770	29
6/6/2013	20130093	1600	Mount Aetna Road	Lodging Unit	0.25	770	29
6/6/2013	20130094	1600	Mount Aetna Road	Lodging Unit	0.25	770	29
6/6/2013	20130095	1600	Mount Aetna Road	Lodging Unit	0.25	770	29
6/6/2013	20130096	1600	Mount Aetna Road	Lodging Unit	0.25	770	29
6/6/2013	20130097	1600	Mount Aetna Road	Lodging Unit	0.25	770	29
6/6/2013	20130098	1600	Mount Aetna Road	Lodging Unit	0.25	770	29
6/6/2013	20130099	1600	Mount Aetna Road	Lodging Unit	0.25	770	29
7/1/2013	20130140	1976	Herrington Manor Road	Commercial-Outdoor Recreation	4	2100	71

## 2013 Commercial Growth Inside PFA's

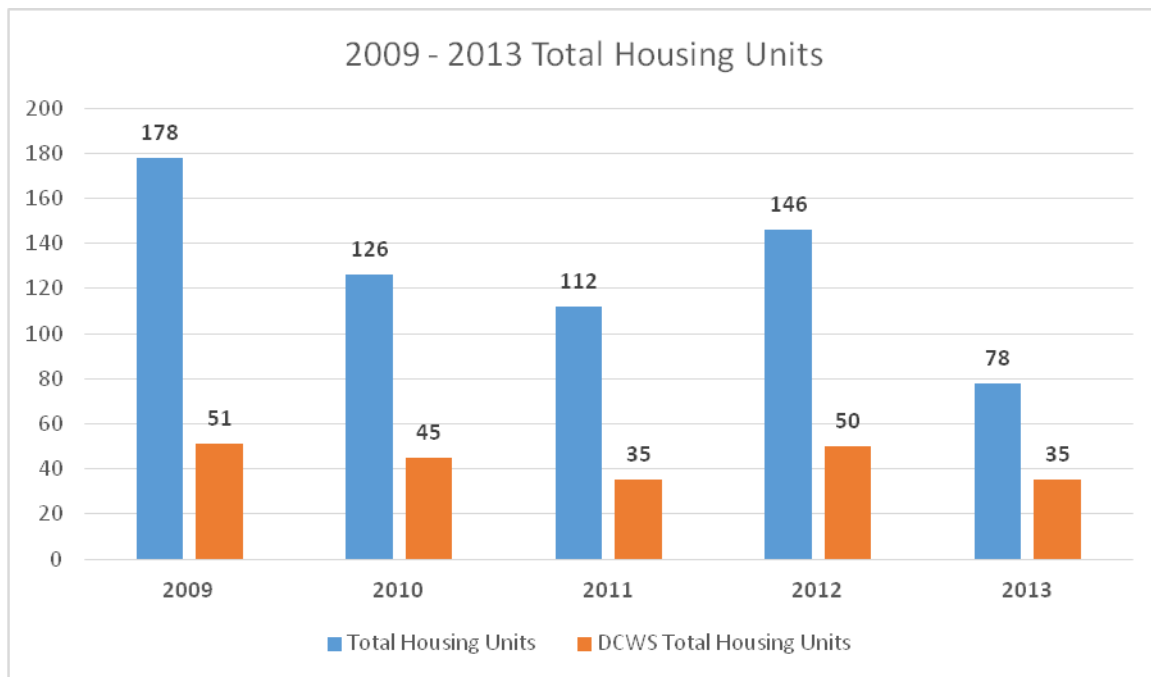
Approval Date	Application #	Address #	Street Name	Type or Use	Acreage	Total Sq Ft	Tax Map
11/4/2013	20130439	288	Marsh Hill Road	Commercial-Business Service	5.3	17559	49
2/25/2013	20130017	7790	Sang Run Road	Commercial-Offices	1.08	2880	42
4/9/2013	20130022	13631	Garrett Highway	Commercial-Retail	5.79	19097	72

# Garrett County Planning Commission Annual Report

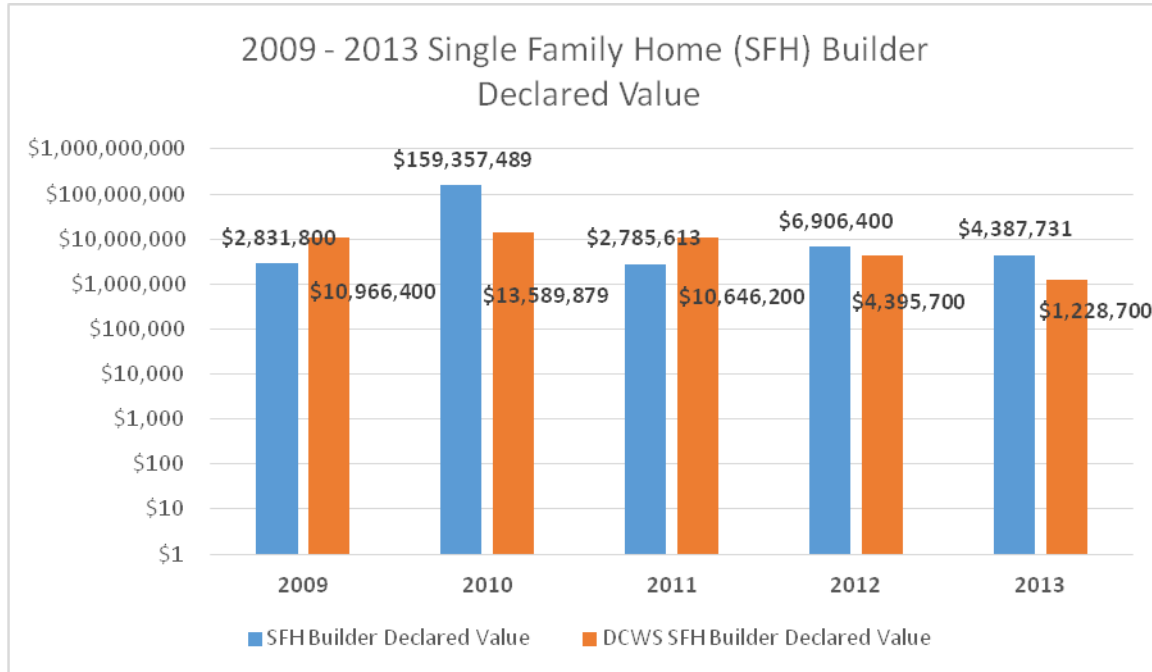
## Five-Year Permit Analysis

The following charts were compiled by the Office of Permits & Inspection Services using building permit data. “Total Housing Units” provides a yearly comparison between the total number of new housing units countywide and the number of units located within the boundaries of the Deep Creek Watershed (DCWS). The “Builder Declared Value” chart is based on the estimated value of the proposed improvements provided by the applicant at the time of building permit application. This chart also compares the overall value of new housing units countywide with the value of units located within the Deep Creek Watershed (DCWS).

These charts illustrate an overall decline in new housing starts from 2009 to 2013 resulting from the down turn in the economy. This was particularly significant in the Deep Creek Watershed where second home investment and construction is a major sector of the County economy. An increase in both total housing units and Deep Creek Watershed housing units was noted in 2012 but both numbers declined significantly in 2013.



# Garrett County Planning Commission Annual Report



## **2013 AGRICULTURAL PRESERVATION SUMMARY**

The Planning & Land Development Office helps administer two state land preservation programs. The Maryland Agricultural Land Preservation Foundation (MALPF) program applies to the whole County while the Bear Creek Rural Legacy Area is limited to the Bear Creek watershed near Accident. The goal of both programs is to preserve farmland and woodland by purchasing permanent conservation easements.

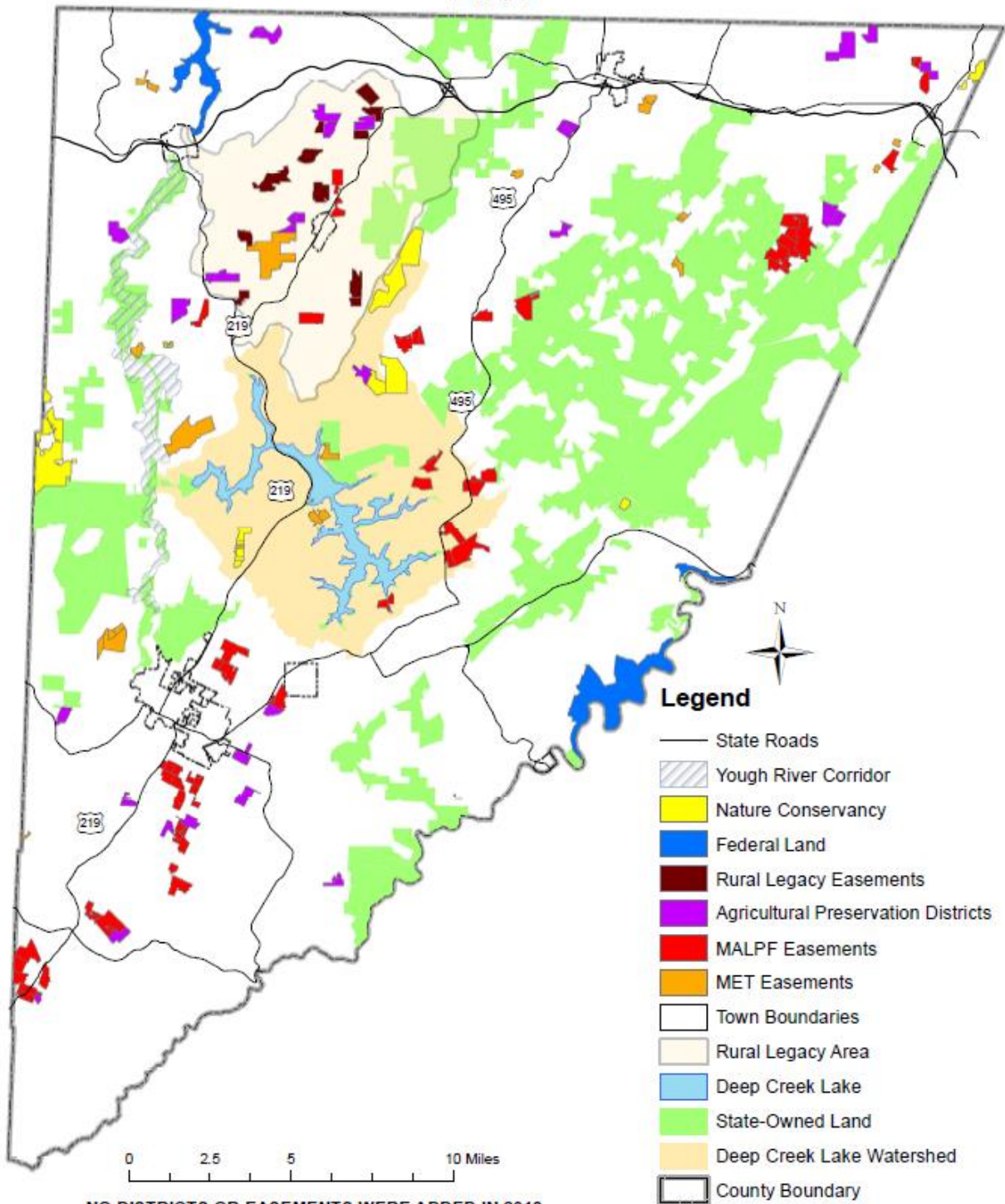
Garrett County has also adopted a County Agricultural Land Preservation District Program. The Planning Commission reviews all District applications and informs the Board of County Commissioners whether the establishment of the District is compatible with existing and approved County plans, programs, and overall County policy.

To enhance participation in these programs, the Board of County Commissioners adopted a Tax Credit Program in July of 2000 that offers a tax credit to all landowners who voluntarily establish a preservation district on their property. The tax credit continues to apply to those landowners who subsequently sell a preservation easement. The program offers a 100% tax credit on the value of the real estate (except all improvements) and is applicable to the property as long as the land remains in the preservation program. The Board also commits annually its retained ag-transfer tax to the local matching fund under the MALPF program.

The Planning Commission did not take any actions pertaining to agricultural preservation in 2013. Four property owners continued to work with MALPF in 2013 to sell conservation easements but these properties had Districts that were reviewed by the Planning Commission in previous calendar years. No MALPF or Rural Legacy easements were settled upon in 2013.



Garrett County Maryland Protected Lands  
2013



# Garrett County Planning Commission Annual Report

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## **NARRATIVE ON THE IMPLEMENTATION STATUS OF THE COMPREHENSIVE PLAN**

House Bill 409 requires that, at least once within the 5-year period after the adoption or review of a Comprehensive Plan, the Annual Report shall contain a narrative on the implementation status of the Comprehensive Plan, including:

- I) Summary of Development Trends** Previous Annual Reports have documented a general decline in new housing starts from 2007 to 2013 resulting from the down turn in the economy. An increase in both total housing units and Deep Creek Watershed housing units was noted in 2012 but both numbers declined significantly in 2013. In fact both numbers were the lowest the county and watershed had seen during the entire 5 year period. In 2007 there were 294 total housing starts with 103 being located in the Deep Creek Watershed. In 2013 there were only 78 total housing starts with 35 being located in the Deep Creek Watershed. That equates to roughly a 73% decline countywide and a 66% decline in the watershed. The decline is particularly significant in the Deep Creek Watershed where second home investment and construction is a major sector of the County economy. Previous Annual Reports have also documented a decline in the number of approved subdivision applications and lots. The number of approved subdivision lots dropped from 47 in 2010 to 27 in 2013. The 2008 Comprehensive Plan predicted growth based on growth trends influenced by the building boom pre-recession. The recession is a major reason for decreased demand, but also the passage of the Sustainable Growth and Agricultural Preservation Act of 2012. See Section IV for more information on the impact of this Act.
- II) Status of Comprehensive Rezoning-** Comprehensive rezoning has not been implemented to carry out the provisions of the Comprehensive Plan. However revisions to the existing subdivision, zoning and sensitive areas ordinances effectively implemented most recommendations found in the Comprehensive Plan. Changes to the subdivision, sensitive areas and zoning ordinances and their attendant maps are detailed in section III below. A draft Countywide Land Use Ordinance, which would have instituted a form of countywide zoning, was prepared in 2012 but the Garrett County Commissioners did not reach a consensus about whether to proceed with the process of adopting the Ordinance. The concept of countywide zoning continues to be a controversial issue and may be reconsidered in the future.
- III) Significant Changes-** Three land development ordinances, the Deep Creek Watershed Zoning Ordinance, Garrett County Sensitive Areas Ordinance, and Garrett County Subdivision Ordinance, implement the Comprehensive Plan. These Ordinances were comprehensively amended and adopted in May of 2010 based on recommendations found in the 2008 Comprehensive Plan. Significant changes were made to the Subdivision Ordinance Land Classification Map and Deep Creek Watershed Zoning Map. Since that time, minor amendments to the plans have been adopted but there have been no additional comprehensive changes.

## Garrett County Planning Commission Annual Report

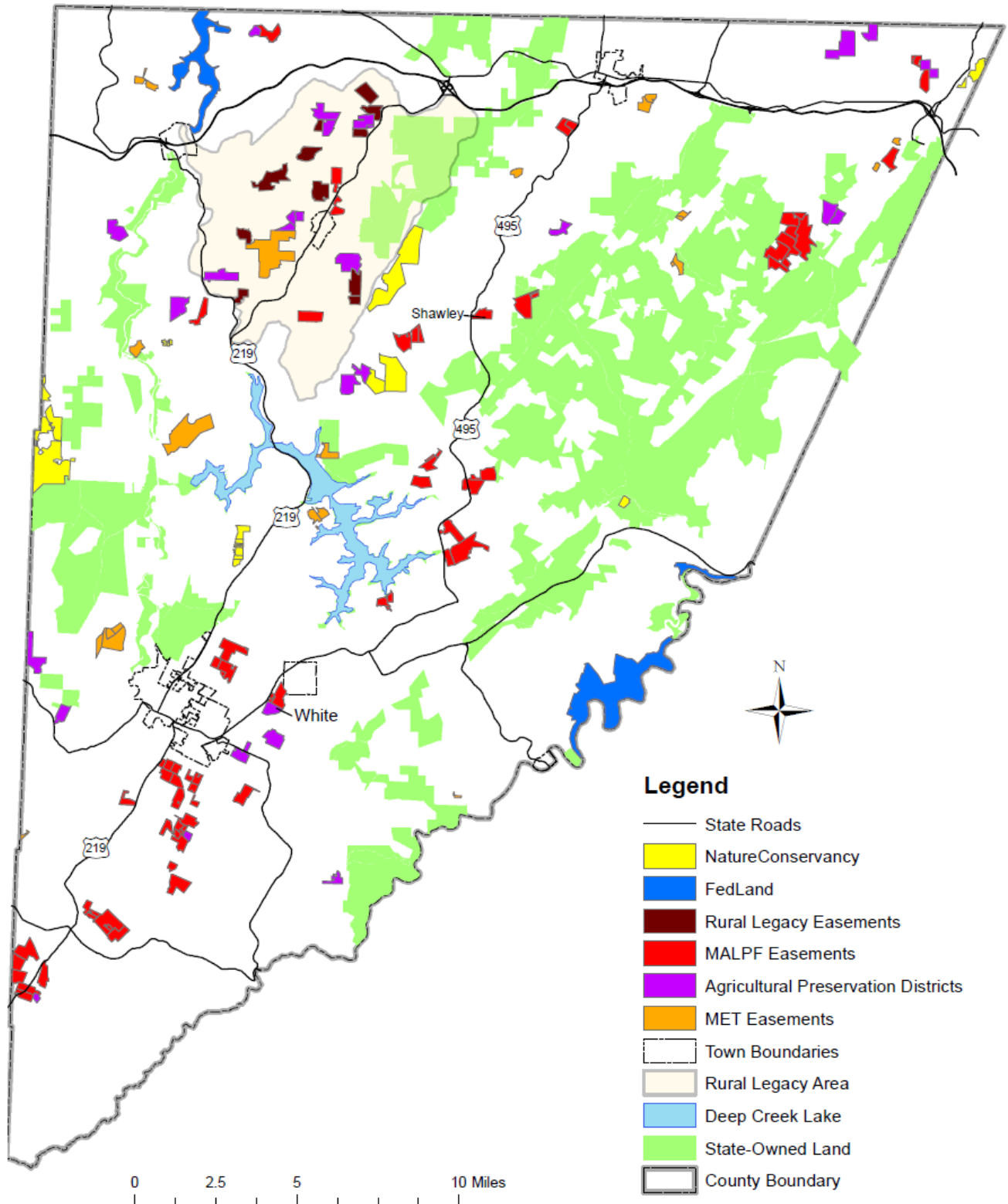
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**IV) State & Federal Impediments-** The Sustainable Growth and Agricultural Preservation Act of 2012 has impeded implementation of the 2008 Comprehensive Plan. During the development of the Plan a great amount of time and effort was spent addressing potential changes to the Rural Resource and Agricultural Resource land classifications. New clustering provisions intended for major subdivisions in these areas were outlined in the Plan and adopted in the Subdivision Ordinance and Deep Creek Watershed Zoning Ordinance in 2010. The Act places all Agricultural Resource and Rural Resource, along with anything deemed ‘predominantly agriculture or forested’ into a Tier 4 category. All major subdivisions are prohibited in this category. The unintended consequences of this legislation is that large tracts of land are now more likely to be subdivided into a smaller number of large lot tracts in order to meet the minor subdivision standard of no more than 7 lots. As a result the policies for protecting large tracts of forested and agricultural land, including clustering, will need to be revisited during the next Comprehensive Planning cycle to offset the negative impacts of this legislation.

**V) Future Land Use Challenges & Issues-** Potential future land use issues include Marcellus Shale gas production and industrial wind turbines. Since Garrett County only has zoning in the Deep Creek Watershed and in six incorporated towns, there are no specific use regulations applicable to such uses in the majority of the County. Both items are controversial and require consideration of individual property rights, environmental concerns and safety issues. The county has formed the Shale Gas Advisory Commission and the Maryland Mountain Energy Advisory Committee to study these and other issues related to green energy production in the county.

**VI) Potential Comprehensive Plan Updates-** The Planning Commission plans to begin the Comprehensive Plan update during fiscal year 2016. The Deep Creek Watershed Management Plan is anticipated to be complete by the end of 2014 and the recommendations from that plan will feed in to the Comprehensive Plan for consideration.

## Garrett County Maryland Protected Lands



LABELED PROPERTIES ARE DISTRICTS OR EASEMENTS ADDED IN 2012

# Garrett County Planning Commission Annual Report

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## DEVELOPMENT CAPACITY ANALYSIS

Pursuant to Subsection 3.10 of Article 66B, an updated development capacity analysis is to be included in the Annual Report once every three years. A base year 2010 capacity Analysis was included in the 2010 Annual Report and the Maryland Department of Planning (MDP) recently completed an analysis. The results are a significant decrease in potential residential growth outside of priority funding areas (PFA). MDP ran 2 versions of the development capacity analysis for Garrett County. The first illustrates development capacity without restricting subdivision in the County's Tier 4. The second reduces development capacity in Tier 4 areas to 7 lots per parcel.

### Pre-Tier Map

PFA	New Household Capacity
Inside	5,203
Outside	95,609

### Reflects Adopted Growth Tier Map

PFA	New Household Capacity
Inside	5,203
Outside	42,149

This analysis shows a 56% decrease in potential residential growth outside of priority funding areas. While this may be a desirable outcome in metropolitan areas where sprawl is a concern, in Garrett County it is detrimental. Garrett County's PFAs consist of less than 3% of our county. Limiting growth to only those areas will ultimately have a negative effect on the county's economy.

## THE LOCAL GOAL

During 2010, the Planning Commission established goals that 10 percent of all new development will be located within the County's Priority Funding Areas by 2020 and that 133 additional housing units will be located within PFA's between 2010 and 2020. The Planning Commission intends to revisit these PFA targets on an annual basis to make sure they correspond with the requirements for the Annual Report in the Land Use Article and the results of actual development from the preceding year. After evaluation, the Planning Commission determined that the Local Goal of 10% by 2020 would continue to be Garrett County's goal towards achieving the statewide goal. Attaining this goal has been impeded by the lack of growth within the county as is evidenced by the low building permit and subdivision numbers. However, Garrett County has the unique distinction of having all eight municipalities be awarded Sustainable Community Designation. This designation will allow the county and municipalities to utilize state programs and funding to improve living conditions in the municipal PFAs and make them more attractive for growth. In addition, the county is starting to embark on an application to seek Sustainable Community Designation for one of its rural village PFAs – the village of Crellin. The Office of Planning and Land Management is active in supporting our

# Garrett County Planning Commission Annual Report

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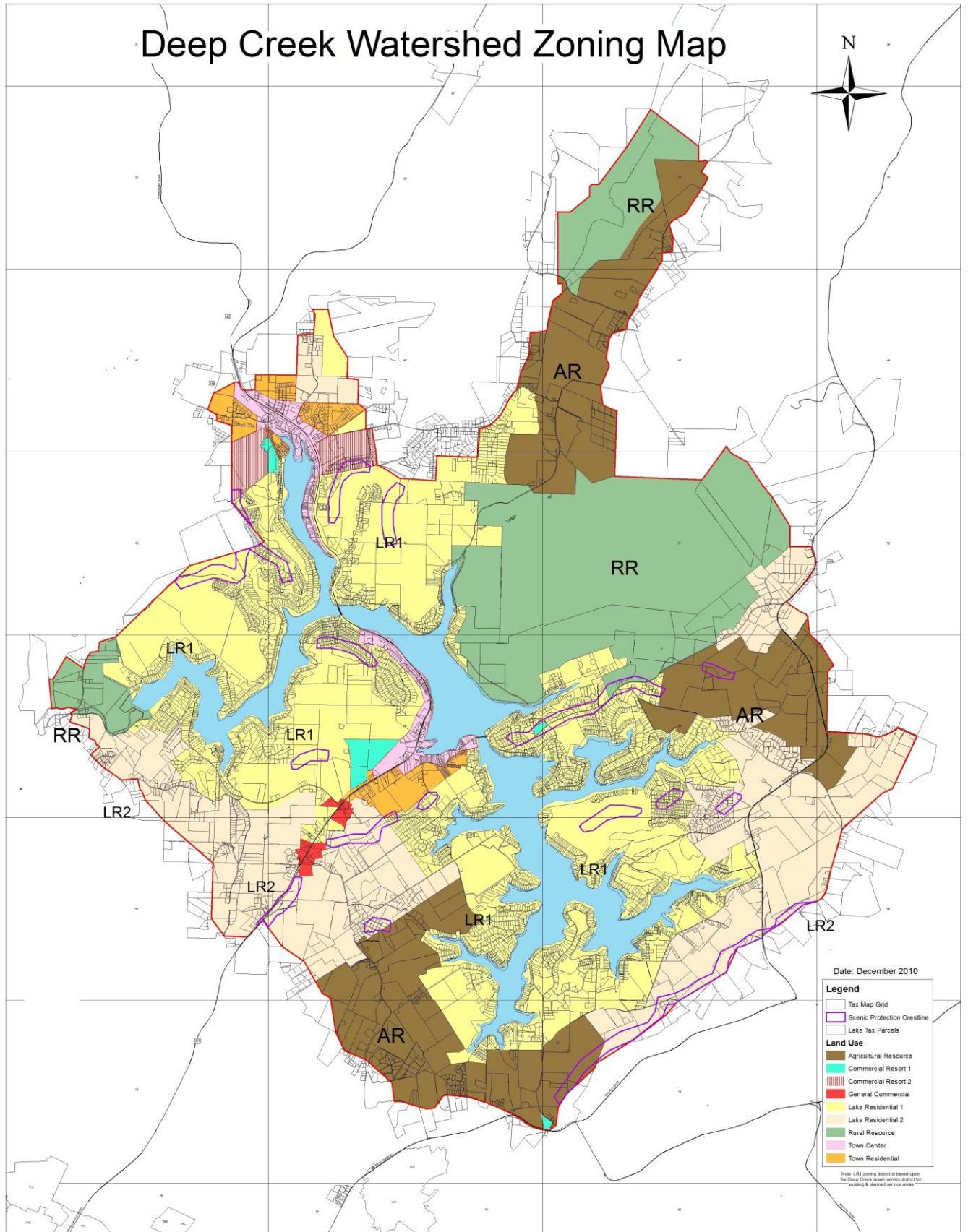
municipalities in their revitalization efforts. The Planning Commission is confident that these efforts will help the county reach its goal by 2020.

## **CHANGES TO PLANS, POLICIES & ORDINANCES**

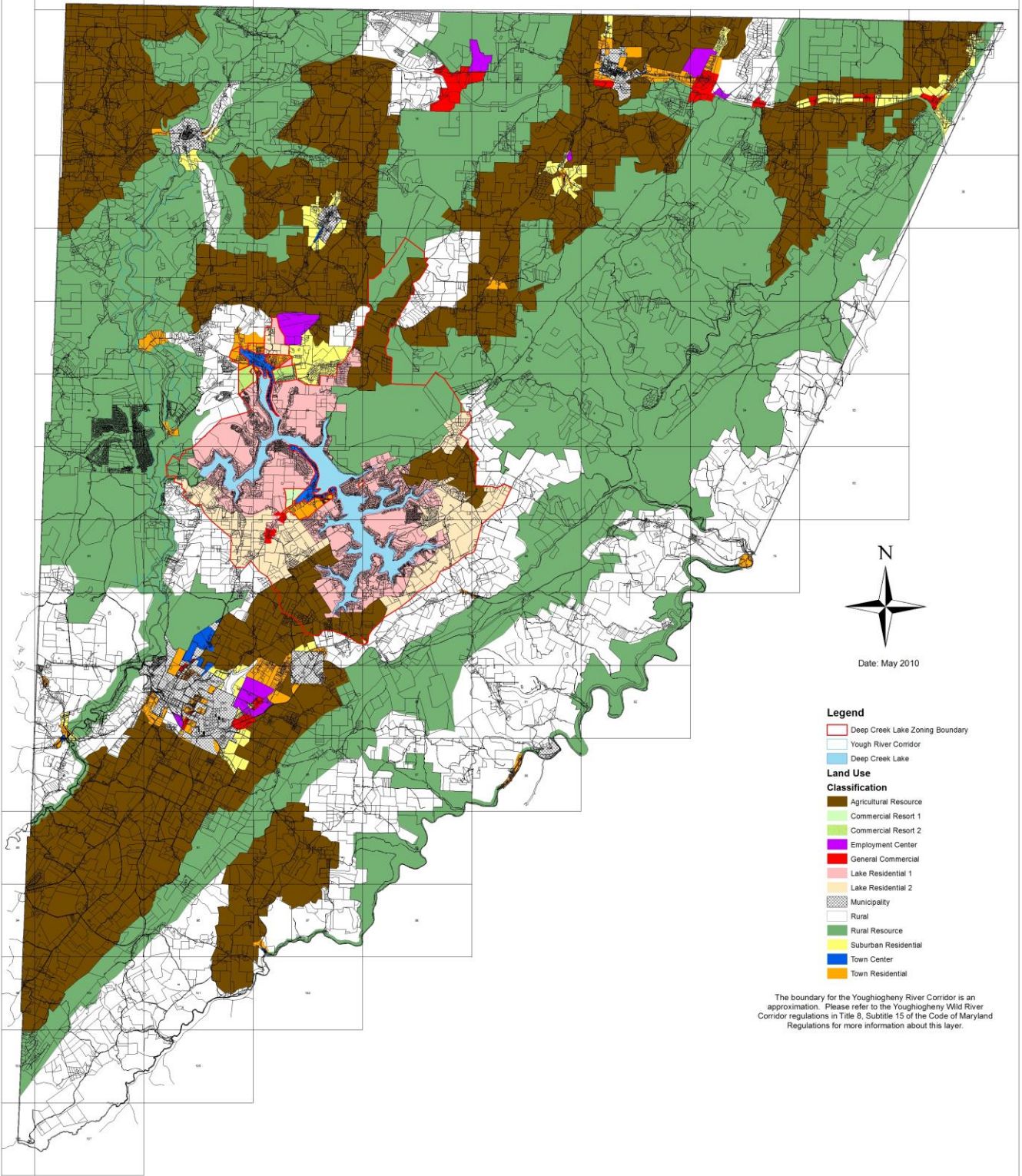
The 2008 Garrett County Comprehensive Plan was adopted on October 7, 2008. The Deep Creek Watershed Zoning Ordinance, Garrett County Sensitive Areas Ordinance and the Garrett County Subdivision Ordinance implement the Plan and the Visions in §1-201 of the Land Use Article. All permit applications and subdivision plans were carefully considered and analyzed by staff and the Planning Commission to ensure their consistency with these ordinances, the 2008 Garrett County Comprehensive Plan, the Plans of all the municipalities in the County, the adopted plans of State and local agencies that have responsibility for financing or constructing public improvements necessary to implement the County's plan, and each other.

There were no changes or amendments to the Comprehensive Plan, Sensitive Areas Ordinance or Subdivision Ordinance in 2013. An amendment to the Deep Creek Watershed Zoning Ordinance intended to provide a distinction between requirements for a zoning text amendment versus a zoning map amendment was adopted on January 22, 2013. The Planning Commission recommended amendments to the Zoning Ordinance Table of Dimensional Requirements in January 2013. Further amendments to the Zoning Ordinance dealing with boat rentals as a separate service business were recommended by the Planning Commission in July 2013. Neither of these amendments received a final decision from the Board of County Commissioners prior to the end of the year. Additional information about these amendments can be found in the preceding Meeting Summary and in Appendix A-C.

For reference, the Deep Creek Watershed Zoning Map, Garrett County Sensitive Areas Ordinance Maps, Garrett County Subdivision Ordinance Map and Final Tier Map are provided on the following pages. The Priority Funding Areas Map from the 2008 Garrett County Comprehensive Plan is also included.



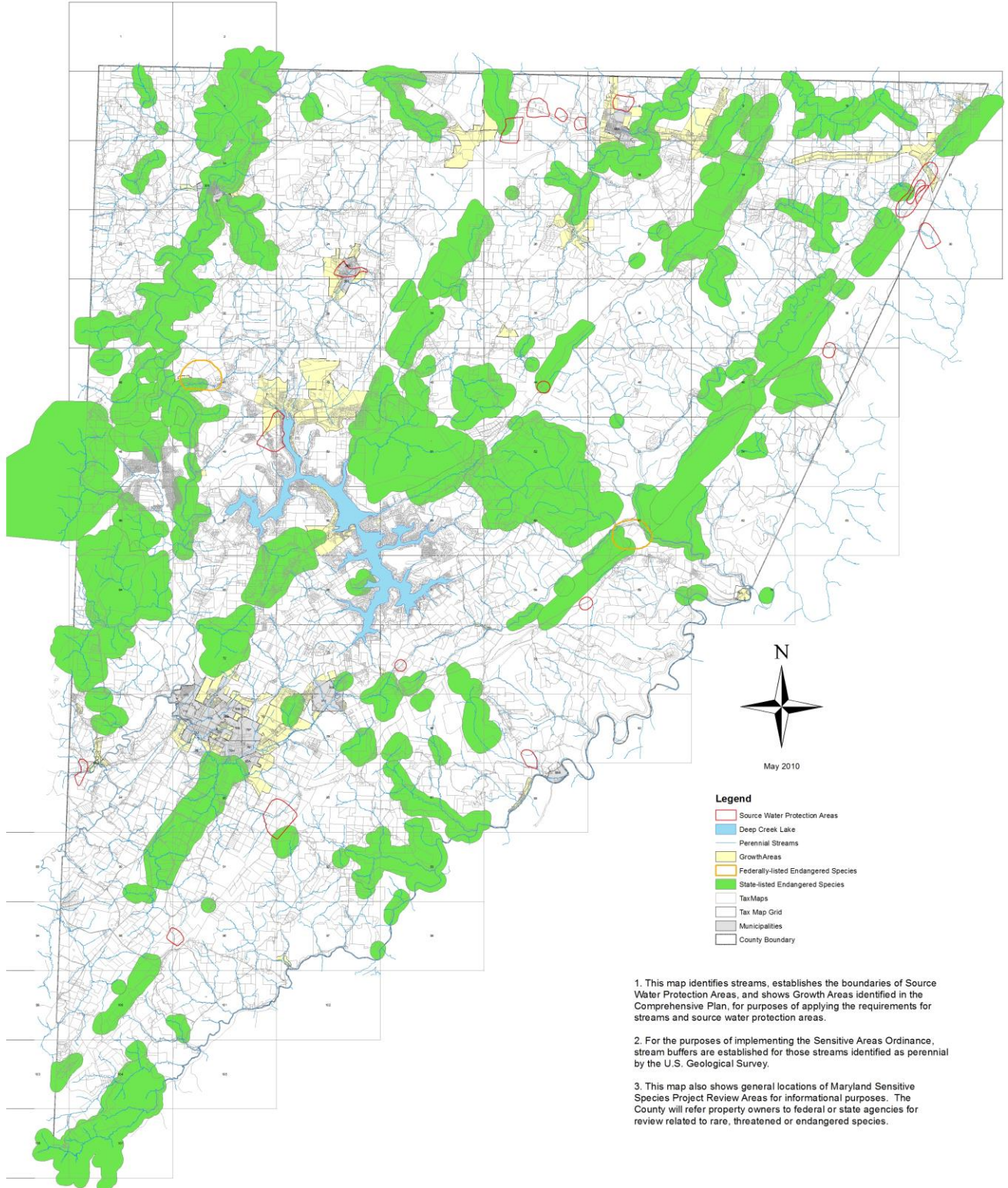
# Subdivision Ordinance Map





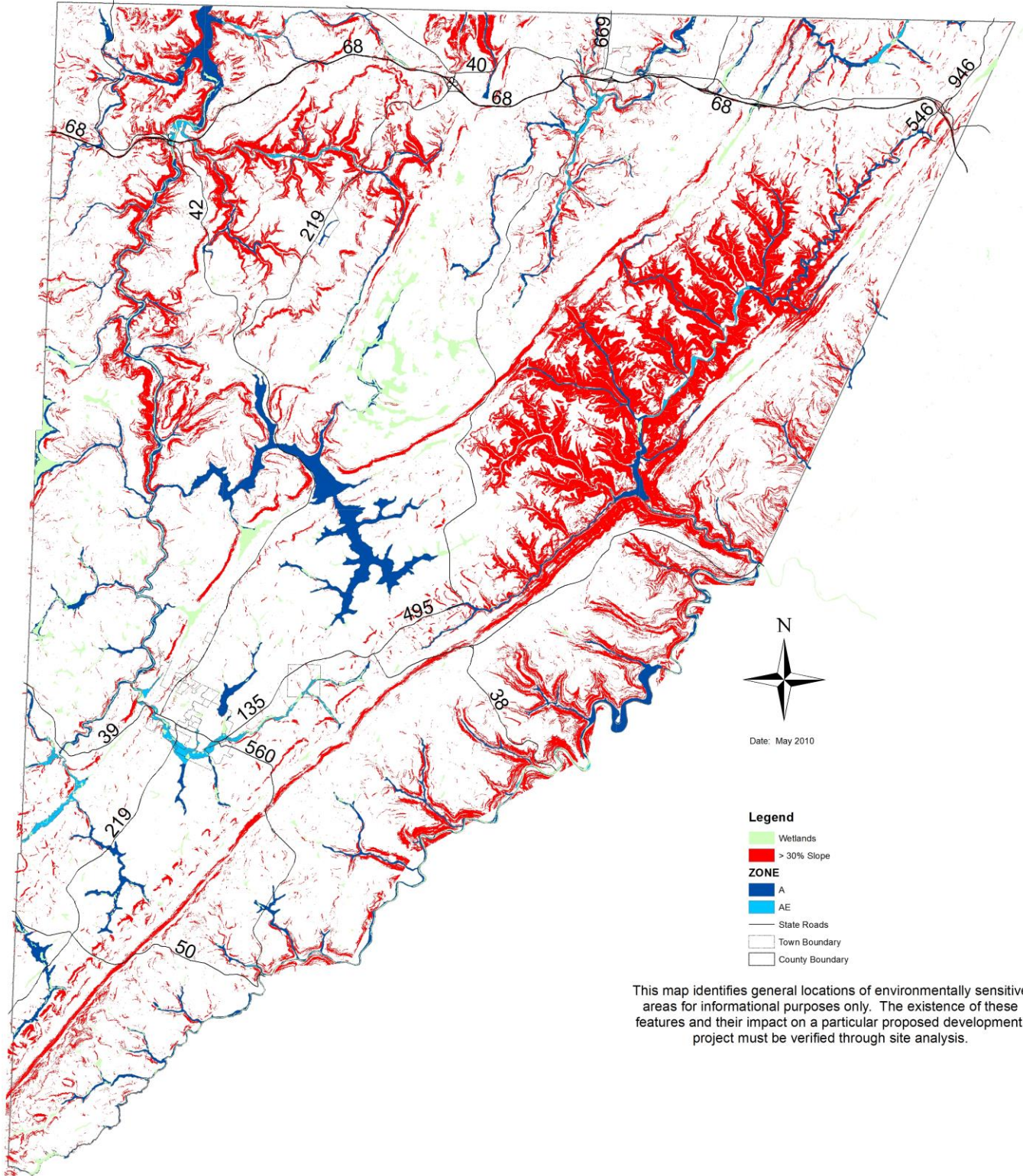
## Sensitive Areas; Map 1

Streams, Growth Areas, Habitats for State & Federal Endangered Species and Source Water Protection Areas



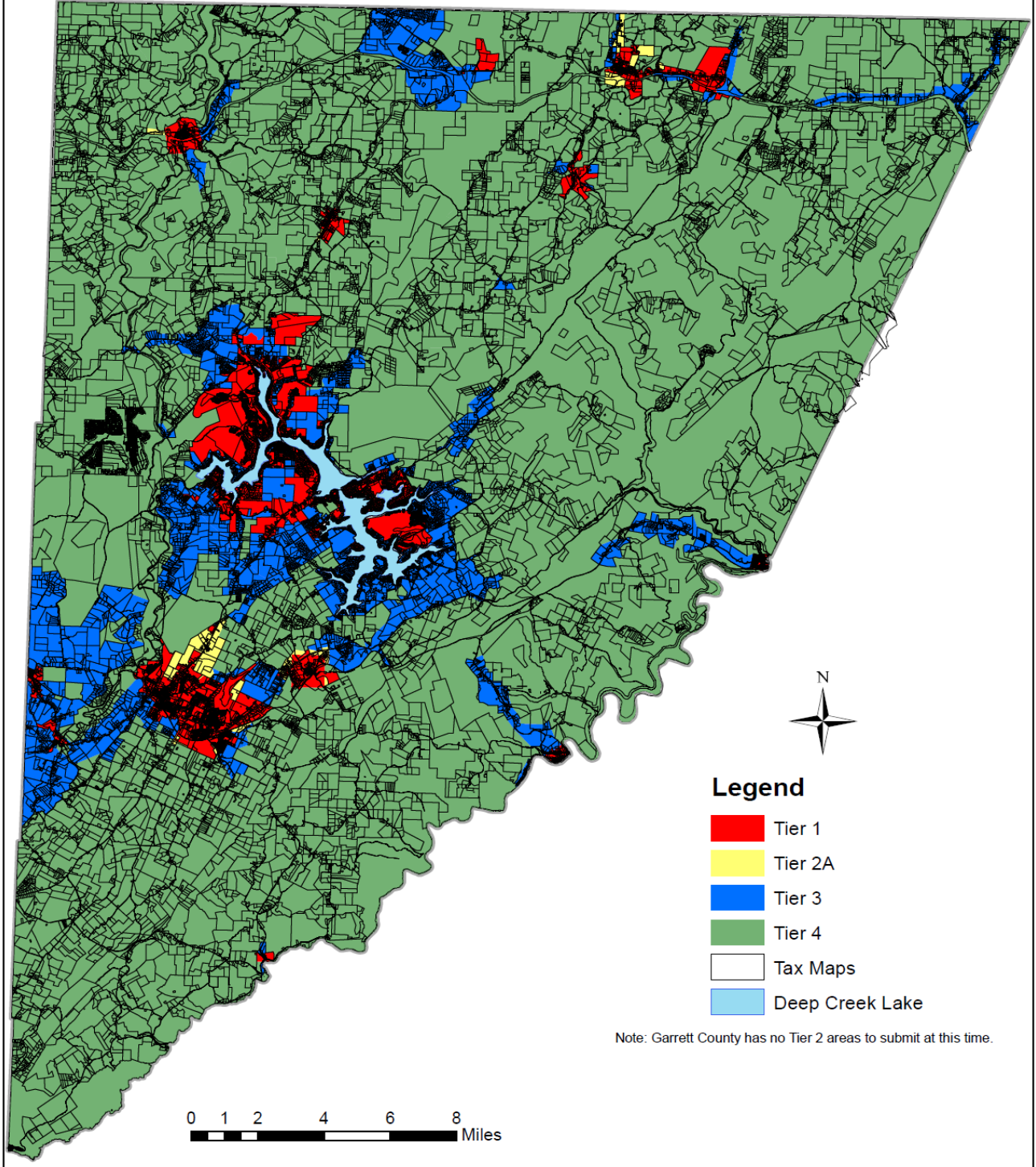
## Sensitive Areas; Map 2

Steep Slopes, Floodplains and Wetlands



This map identifies general locations of environmentally sensitive areas for informational purposes only. The existence of these features and their impact on a particular proposed development project must be verified through site analysis.

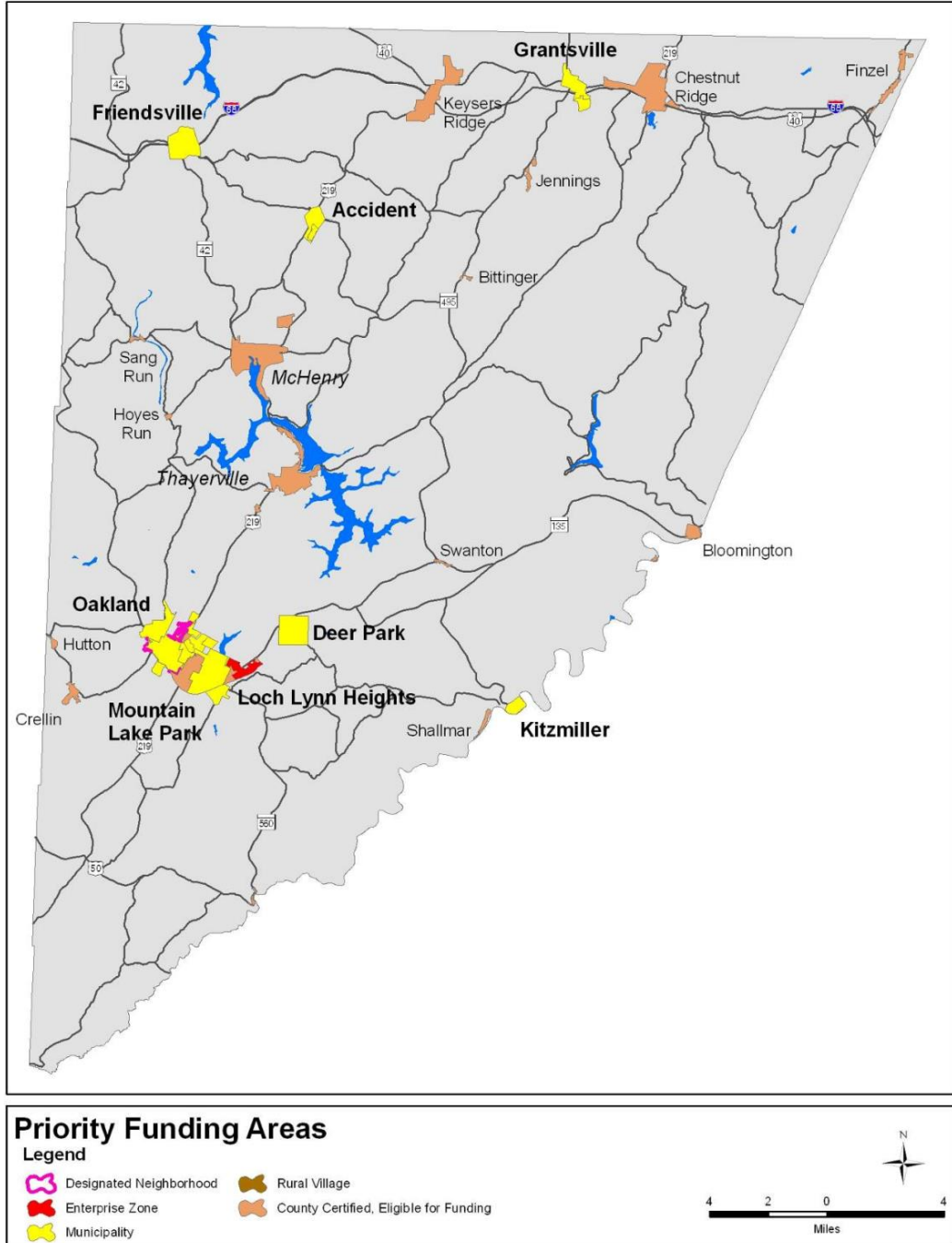
Garrett County Commissioners  
Official Tier Map  
Adopted December 4, 2012



# Garrett County Planning Commission Annual Report

2008 Garrett County Comprehensive Plan

Map 3.2: Priority Funding Areas



# APPENDIX A

007 PAGE 0498

## DEEP CREEK WATERSHED ZONING AMENDMENTS

Adopted January 22, 2013

- 1) Amend Section 157.189 by replacing the existing Section with the following new Text:  
**§ 157.189 FACTORS TO BE CONSIDERED BY COUNTY COMMISSIONERS.**
  - A. Zoning regulations, restrictions, and boundaries may periodically be amended or repealed.
  - B. Where the purpose and effect of the proposed amendment is to change a zoning classification, the County Commissioners shall make findings of fact that address the following matters:
    - (1) The report and recommendations of the Planning Commission;
    - (2) Population change in the area to be affected by the proposed change;
    - (3) Availability of public facilities such as police and fire protection, and water and sewerage to serve the area;
    - (4) Present and future transportation patterns in the area;
    - (5) Compatibility with existing and proposed development of the area;
    - (6) The relationship of the proposed change to the adopted Comprehensive Plan for the County; and
    - (7) Whether there has been a convincing demonstration that the proposed rezoning would be appropriated and logical for the subject property.
  
- 2) Amend Section 157.190.A by replacing the existing Section with the following new Text:  
**§ 157.190 ACTION BY THE COUNTY COMMISSIONERS ON AMENDMENT.**
  - A. The County Commissioners may enact any proposed text amendment, modification or repeal by a majority vote of the Board. The County Commissioners may grant an amendment to change a zoning classification based upon a finding that there was a substantial change in the character of the neighborhood where the property is located or that there was a mistake in the existing zoning classification. A complete record of the hearing and the votes of all members of the Board shall be kept.

# APPENDIX B

GARRETT COUNTY DEPARTMENT OF PLANNING AND LAND DEVELOPMENT  
Planning, Zoning & Licensing Division  
203 S. Fourth St. - Room 210  
Oakland, Maryland 21550  
301-334-1920 • FAX 301-334-5023  
E-mail: [planninglanddevelopment@garrettcountry.org](mailto:planninglanddevelopment@garrettcountry.org)

February 28, 2013

Board of Garrett County Commissioners  
Courthouse Annex  
Oakland, MD 21550

Gentlemen:

During their regular meetings on December 5, 2012 and January 2, 2013, members of the Garrett County Planning Commission discussed the need to amend the Deep Creek Watershed Zoning Ordinance with respect to certain provisions relating to the Table of Dimensional Requirements. The Planning Commission believes that certain omissions and errors occurred when the current Ordinance was re-codified and republished that affect two provisions in Section 157.041E of the Table of Dimensional Requirements. Specifically, the Planning Commission found that Sections 157.041E.2 and 157.041E.3 of the zoning ordinance should be amended to clarify the original intent of these provisions to establish minimum land area requirements for commercial uses in the TC-Town Center and C-Commercial Zoning Districts as explained below.

**Amendment 1:** Under the current provisions of Section 157.041E.2 of the Deep Creek Watershed Zoning Ordinance (See Attachment III), the Table establishes a minimum land area of 10,000 sq. ft. per use for "Other commercial uses pursuant to subsection 157.024" in the TC zoning district. The Planning Commission believes it is reasonable and consistent that the same minimum lot size should be applied in both the TC district and the C district for the same general commercial uses. Therefore the Commission concludes that an oversight exists in the Table and that the C-Commercial district should be included in the same column and row as the TC district in Section 157.041E.2. The Planning Commission's specific recommendation is to add the Commercial District to Section 157.041E.2 as illustrated in the Table attached to this letter. (See Attachment I)

**Amendment 2:** Under the current provisions of Section 157.041E.3 of the Deep Creek Watershed Zoning Ordinance, (See Attachment III) the Table currently lists a one acre minimum land area requirement under the column heading "Minimum Total Lot or Land Area Per Use" for retail and service businesses in shopping centers. In February of 1993 the zoning ordinance was amended to address the issues of multiple uses within a shopping center. The intent of the amendment was to allow a greater density of commercial uses within a shopping center primarily because of the opportunity of uses within a shopping center to share parking spaces and take advantage of the reduced parking standards found in Section 157.090.E.12. Shared parking facilities resulted in a reduction of land area needed to support

# Garrett County Planning Commission Annual Report

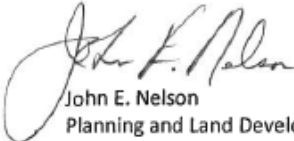
multiple commercial uses within a shopping center setting. A copy of the 1993 amendment is attached to this letter for reference as Attachment II.

As currently written, Section 157.041E.3 incorrectly lists one acre as the minimum land area under the column heading "Minimum Total Lot or Land Area Per Use" instead of the intended minimum area of 6,000 sq. ft. per use as specified in the 1993 amendment. Additionally the current text used to describe the shopping center land use in Section 157.041E.3 implies that a wide range of retail and service businesses could be allowed in a shopping center with 6,000 sq. ft. of land area per use, including those uses that may require a minimum land area of one acre found in other provisions of Section 157.041.E. The Planning Commission concludes that it clearly was not the intent of the Ordinance amendment to require a minimum land area of one acre per use for retail and service businesses in a shopping center situation under the current heading "Minimum Land Area Per Use. Instead it was the intent of the amendment to establish a minimum land area of 6,000 sq. ft. per use only for those retail, service and commercial recreational uses normally requiring a minimum land area of 10,000 sq. ft. in the TC and C zoning districts.

Therefore the Planning Commission's specific recommendation is to replace the existing Section 157.041E.3 with new text that should read "Retail uses, service businesses and commercial recreational uses that are situated in shopping centers having a minimum land area of one acre. Only those retail, service and commercial recreational uses specified under this Article as requiring a minimum land area of 10,000 sq. ft. in the TC and C Zoning Districts are subject to the reduced minimum land area per use afforded by this Section." Additionally, the text 6,000 sq. ft. in the Table of Dimensional Requirements should be placed under the column heading "Minimum Total Lot or Land Area Per Use" and the column heading "Minimum Average Lot Area Per Dwelling Unit" should be left blank. Finally the Commission also recommended that the allowance for "Any other district" under the column heading "Zoning Districts" in the Table should be stricken from Section 157.041E.3 because it does not afford any reduction of land area per use and is therefore not necessary. The Commissions specific recommendations for Section 157.041E.3 are illustrated in the Table attached to this letter (See Attachment I).

The Planning Commission appreciates the Board's consideration of these recommendations.

Sincerely,



John E. Nelson  
Planning and Land Development Director

cc: Planning Commission Members

# Garrett County Planning Commission Annual Report

ATTACHMENT I

**TABLE OF DIMENSIONAL REQUIREMENTS**

**157.041E**

	Zoning District	Minimum Total Lot or Land Area Per Use (Sq. feet)	Minimum Average Lot Area Per Dwelling Unit	Minimum Lot Width (feet)	Minimum Yard Width (feet)		
					Front	Side	Rear
2. Other commercial uses pursuant to § 157.024.	TC & C	10,000	—	—	10	—	35
	Any Other District	20,000	—	100	20	15	35
3. Retail uses, service businesses and commercial recreational uses that are situated in shopping centers having a minimum land area of 1 acre. Only those retail, service and commercial recreational uses specified under this Article as requiring a minimum land area of 10,000 sq. ft. in the TC and C Zoning Districts, are subject to the reduced minimum land area per use afforded by this Section.	TC & C	6,000	—	—	10	—	25
	Any Other District	<del>1-acre</del>	<del>20,000</del>	—	20	15	35

~~Strike-through~~ - means existing text to be deleted



# Garrett County Planning Commission Annual Report

ATTACHMENT II

Filed and recorded February 17, 1993.



**GARRETT COUNTY COMMISSIONERS**  
203 S. 4th Street — Courthouse  
OAKLAND, MARYLAND 21550

*Grantsville Area*  
(301) 895-3188

*Oakland Area*  
(301) 334-8970

*Bloomington Area*  
(301) 359-9086

**JOHN G. BRAKEY**  
*Commissioner*

**BRENDA J. BUTSCHER**  
*Commissioner*

**ELWOOD L. GROVER II**  
*Commissioner*

**W. DWIGHT STOVER**  
*Attorney*

**ROBERT J. FOUSEK, SR.**  
*Administration*

## RESOLUTION

WHEREAS, Article 66B of the Code of Public General Laws of Maryland empowers the County to prepare, enact, amend and provide for the administration and enforcement of a Zoning Ordinance within its territorial limits; and,

WHEREAS, the Garrett County Board of County Commissioners have formally adopted the Deep Creek Watershed Zoning Ordinance; and,

WHEREAS, the County Commissioners have found that certain text amendments as detailed herein are desirable and necessary for the effective enforcement and implementation of the Deep Creek Watershed Zoning Ordinance; and,

WHEREAS, the Garrett County Planning Commission has recommended adoption of certain text amendments as detailed herein as desirable and necessary in order to be consistent with the Plan for the Deep Creek Lake Area; and,

WHEREAS, the County Commissioners have given due public notice of public hearings relating to these proposed amendments, and have held said public hearings;

NOW, THEREFORE, BE IT RESOLVED, that the Garrett County Board of County Commissioners do hereby enact the following amendments to the Deep Creek Watershed Zoning Ordinance.

I. Amend the Zoning Ordinance to include a definition for bed and breakfast and a method of applying the use within the Table of Use Regulations as follows:

A) Add Section 206A to Definition Section - Article II.

206A Bed and Breakfast Establishments - An owner-occupied, or manager occupied single-family detached dwelling unit in which a guest room or guest rooms are provided, for compensation, as overnight accommodations for transient visitors, and in which breakfast is customarily included in the charge for the room. A bed and breakfast establishment is subordinate to the use of the dwelling unit as a residence, and it is not a hotel, motel, motor hotel, rooming, boarding, lodging house or other use defined or regulated elsewhere in this Ordinance.

# Garrett County Planning Commission Annual Report

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# Garrett County Planning Commission Annual Report

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13

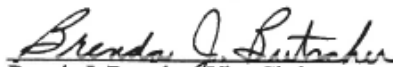
39. Add a new Section in the Table of Dimensional Standards as follows:

401.D.3	<u>District</u>	Minimum lot or land area <u>Per use</u>	Yards		
<u>Use</u>			<u>Front</u>	<u>Side</u>	<u>Rear</u>
Retail and service businesses situated in shopping centers or neighborhood convenience centers having a minimum land area of 1acre	TC& C	6,000	10	--	25
	All other Districts	20,000	20	15	35


DULY ADOPTED by unanimous vote of the Garrett County Board of County Commissioners this 14 day of February 1993 to become effective on and from the 1st day of March 1993.

By Order of the Board,

  
Elwood L. Groves, II, Chairman

  
Brenda J. Butscher, Vice Chairman

Attest:   
Robert Foucek, Clerk

  
John G. Braskey, Vice Chairman

ATTACHMENT III

E. Retail and commercial service uses.

	Zoning Districts	Minimum Total Lot or Land Area Per Use	Minimum Average Lot Area Per Dwelling Unit	Minimum Lot Width (feet)	Minimum Yard Width (feet)		
					Front	Side	Rear
1. Motor vehicle sales and service, building materials sales, animal hospitals, funeral homes, motels, drive-thru restaurants or warehouses (See § 157.024)	Anywhere permitted	1 acre	—	150	40	30	50
2. Other commercial uses pursuant to § 157.024 <i>Existing →</i>	TC	10,000	—	—	10	—	35
3. Retail and service businesses situated in shopping centers or neighborhood convenience centers having a minimum land area of 1 acre <i>Existing →</i>	TC and C	1 acre	6,000	—	10	—	25
Any other district	Any other district	1 acre	20,000	—	20	15	35

F. Manufacturing and other uses.

1. Uses permitted pursuant to § 157.024	Zoning Districts	Minimum Total Lot or Land Area Per Use	Minimum Average Lot Area Per Dwelling Unit	Minimum Lot Width (feet)	Minimum Yard Width (feet)		
					Front	Side	Rear
	Anywhere permitted	20,000	—	100	20	15	25

# APPENDIX C

GARRETT COUNTY DEPARTMENT OF PLANNING AND LAND DEVELOPMENT  
Planning, Zoning & Licensing Division  
203 S. Fourth St. - Room 210  
Oakland, Maryland 21550  
301-334-1920 • FAX 301-334-5023  
E-mail: [planninglanddevelopment@garrettcountry.org](mailto:planninglanddevelopment@garrettcountry.org)

July 12, 2013

Board of Garrett County Commissioners  
Courthouse Annex  
Oakland, MD 21550

Gentlemen:

During their regular meeting on July 10, 2013, members of the Garrett County Planning Commission reviewed the petition submitted by Mr. Bill Meagher to amend the Deep Creek Watershed Zoning Ordinance. (See Attachment I) Specifically Mr. Meagher has requested two amendments to the Ordinance, the first of which is to amend the Table of Use Regulations to add a new category of use under section 157.054(c). 23 to read as follows:

157.024(c). 23 – Boat Rental including boat rides and / or boat tours as a separate service business and not offering any other services associated with a Marina.

Mr. Meagher proposes that such a use would be P-Permitted in the TC-Town Center and C-Commercial zoning districts; permitted by SE-Special Exception in the TR-Town Residential, CR-1 and CR-2 Commercial Resort 1 & 2 zoning districts; and N-Not permitted in any of the other districts.

Mr. Meagher's proposal also requests an amendment to Section 157.041(c).10 of the Table of Dimensional Requirements for Principal Uses. The amendment would specify that the boat rental service business would require a minimum land area of 10,000 sq. ft. which is the same area that the use "sale or rental of recreational vehicles" requires under section 157.041(c).10 except said use would require 6,000 sq. ft. per use in shopping center situations. The section would read as follows:

157.041(c).10 – Sale or rental of recreational vehicles, including boat rental as a separate service business.

The use would require a minimum land area of 10,000 sq. ft. in any district where it is permitted except as provided in section 157.041(c).3 which requires 6,000 sq. ft. per use. All yard setbacks would remain the same, as they currently exist.

# Garrett County Planning Commission Annual Report

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The Planning Commission opened their meeting by initially receiving an overview of the proposed amendments from Mr. John Coyle, Attorney for Mr. Meagher. Mr. Coyle offered comment regarding the purpose of zoning to promote the general welfare of present and future citizens of the County and how job growth and competition benefit general welfare. Mr. Coyle further commented on the appropriateness of the land area requirements for the use as proposed by the petitioner and stipulated that limited services consequently requires less land area for buildings, storage, repairs and business operation. Mr. Coyle also commented that State and Local Government policies recommend increased opportunities for public access to Deep Creek Lake.

As a part of their discussion relating to the amendments submitted by Mr. Meagher, the Planning Commission provided opportunity for citizen comment. In addition to the Attorney for the petitioner, six citizens provided relevant comments relating to the proposed amendments. One citizen made reference to a study (See Attachment II) that was prepared at the request of the Deep Creek Property Owners Association to evaluate the impacts of the boat rental amendment that was adopted in June 2012. The 2012 amendment was subsequently voided by the Garrett County Circuit Court, however, the information contained within the report is relevant to the current amendment request. The comments expressed by the citizen centered around one of the criteria used within the report to identify properties eligible for the boat rental use. That criteria was that Deep Creek Lake Management regulations require a minimum of 200 feet of lake frontage to qualify for a commercial development permit. The assertion was that the frontage criteria is, in fact, not required for a commercial dock under Lake Management regulations and that far more opportunities exist and many more properties would be eligible for the boat rental use than the report identifies.

The Planning Commission acknowledges that Section 4.9.2 and 4.10 of the 2008 Garrett County Comprehensive Plan encourages additional public or private-quasi-public access to Deep Creek Lake. As a part of their deliberation on this request the Planning Commission determined that a boat rental service, as a separate business entity, would have no greater land area needs for parking, storage, traffic or general lay out than would the use currently identified in the ordinance as "sale or rental of recreational vehicles". The Commission acknowledges that the definition of "marina" under the Ordinance designates any single service activity relating to boating under the marina land use category thereby establishing, unnecessarily, a minimum land area requirement of 2 acres which is the same as a full service marina. This 2-acre minimum land area applies to any single service activity regardless of whether other boating services are offered on the same property or whether support services are provided on another separate parcel of land. The Commission concludes that as long as any of the other services that are normally associated with a marina such as boat storage, repair, launching, etc. are not offered on the same parcel with a boat rental business, then a minimum land area of 10,000 sq. ft. or in the situation of a shopping center, 6,000 sq. ft. is adequate to accommodate the boat rental business. As a result of this determination, the Commission agrees that a separate use category should be established for boat rental.

# Garrett County Planning Commission Annual Report

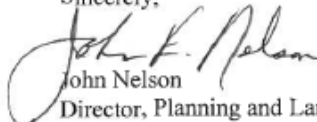
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The Planning Commission made special note of the comment above relating to the lack of a requirement for 200 feet of lake frontage in order to be eligible for a commercial dock and considered potential lake surface impacts if the use was allowed to be established without further qualification. The Commission concluded that the original proposal submitted by Mr. Meagher should be modified to establish further parameters under which such a use would be permitted. The parameters discussed were to limit the zoning district where the boat rental use would be permitted and to establish a minimum lake frontage for any property eligible for use as a boat rental service business.

In consideration of their findings and conclusion specified above, the Planning Commission, by a vote of three to two, recommends that the text amendments submitted by Mr. Meagher on behalf of Lakeside Commercial Properties, LLC should be endorsed with certain modifications. The recommended modifications include: 1) That the new boat rental use as proposed under section 157.024(c).23 should be P-Permitted in the TC-Town Center district only and N-Not Permitted in any of the other zoning districts; and 2) Irrespective of the provisions of section 157.042, the boat rental service business use should be permitted only on lake front properties having a minimum of 200 feet of lake frontage measured along the property line coincident with the property owned by the Department of Natural Resource.

The Planning Commission wishes to thank the Board for consideration of their recommendation.

Sincerely,

  
John Nelson  
Director, Planning and Land Development

cc: John J. Coyle, Jr.  
H. Gregory Skidmore

# Garrett County Planning Commission Annual Report

GARRETT COUNTY DEPARTMENT OF PLANNING AND LAND DEVELOPMENT  
203 S. 4<sup>th</sup> Street – Room 210  
Oakland, MD 21550  
(301) 334-1920 FAX (301) 334-5023

June 28, 2013

RE: Proposed Amendments to the Deep  
Creek Watershed Zoning Ordinance

Board of Garrett County Commissioners  
203 South Fourth Street, Room 210  
Oakland, MD 21550

Garrett County Planning Commission  
203 South Fourth Street, Room 210  
Oakland, MD 21550

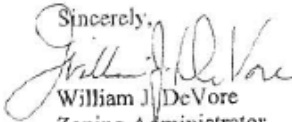
Gentlemen:

On June 27, 2013, Bill Meagher of Lakeside Commercial Properties, LLC, submitted the attached application and petition to amend the Deep Creek Watershed Zoning Ordinance.

Pursuant to Section 157.186 C (1) of the Deep Creek Watershed Zoning Ordinance, I am transmitting copies of the petition to the Board of County Commissioner and Planning Commission for their review and action.

The Planning Commission will review this petition for change to the Ordinance at their next regular meeting on July 10, 2013.

Please notify me if you have any questions regarding this proposed amendment or if you would like any additional information.

Sincerely,  
  
William J. DeVore  
Zoning Administrator

attachments

*hand del. to Carol @ Com. Office.  
mailed to BPC members (c/o B. Smith) 6-28-13  
WJD*



# Garrett County Planning Commission Annual Report

Rec 6-27-13

## Application for Zoning Text Amendment Deep Creek Watershed Zoning Ordinance

Garrett County Department of Planning  
and Land Development

203 S. Fourth Street, Room 210  
Oakland, Maryland 21550  
(301) 334-1920 FAX (301) 334-5023

Application No. AMEND - 2013 - 2 Date 6/27/13

Applicant (s) Lakeside Commercial Properties LLC

Address 20282 Garrett Hwy

Oakland MD 21550 301-387-5982  
City State Zip Phone No.

*Please attach the exact wording of the proposed text amendment that clearly defines all of the affected Section(s) of the Ordinance.*

√ Signature of Applicant(s) [Signature] 6/27/13  
Name Date  
\_\_\_\_\_  
Name Date  
\_\_\_\_\_  
Name Date

### FOR ZONING ADMINISTRATOR ONLY

County Commissioners Hearing Date \_\_\_\_\_

Decision ( ) Approved ( ) Denied Date \_\_\_\_\_

Effective Date \_\_\_\_\_

# Garrett County Planning Commission Annual Report

Garrett County Commissioners  
Court House  
Oakland, MD 21550

RE: Proposal to Amend Deep Creek Watershed Zoning Ordinance

The undersigned petitions the Commissioners to amend the Deep Creek Watershed Zoning Ordinance, as follows:

1. 157.024(c).23- To amend the Table of Use Regulation to add a new category of use under section 157.024(c).23 to read as follows: Boat rental including boat rides and/or boat tours as a separate service business and not offering any other services associated with a marina.

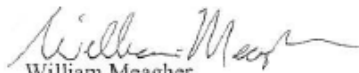
It is proposed that such use would be P-Permitted in the TC-Town Center and C-Commercial zoning districts; permitted by special exception in the TR-Town Residential, CR-1 and CR-2 Commercial Resort 1 & 2 zoning districts; and N-Not Permitted in any of the other districts.

2. 157.041(c).10 - To amend the Table of Dimensional Requirements for Principal Uses to clarify that the boat rental service business would require the same minimum land area that the sale or rental of recreational vehicles use requires which is 10,000 sq. ft. under 157.041(c).10 to read as follows:

157.041(c).10 - Sale or rental of recreational vehicles, including boat rental as a separate service business.

The use would require a minimum land area of 10,000 sq. ft. in any district where it is permitted, except as provided in 157.041(e).3, which requires 6,000 sq. ft. per use. All yard setbacks would remain the same, as they currently exist.

I request that this proposal be added to the agenda for the July meeting of the Planning Commission.

  
William Meagher  
20282 Garrett Highway  
Oakland, Maryland 21550  
301-501-2580

Nov 6-26-13 (233)

## **DEEP CREEK WATERSHED ZONING ORDINANCE**

### **Evaluation of Potential Impacts Resulting from Amendment for:**

**SECTION 157.024 (C) 23 - BOAT RENTAL INCLUDING BOAT RIDES AND / OR  
BOAT TOURS AS A SEPARATE SERVICE BUSINESS AND NOT OFFERING ANY  
OTHER SERVICES ASSOCIATED WITH A MARINA.**

Prepared by Planning & Land Development staff with assistance from the Deep Creek  
Lake Management Office.

# Garrett County Planning Commission Annual Report

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## *Background*

On September 4, 2012, The Board of Garrett County Commissioners agreed with the request made by the Board of Directors of the Deep Creek Lake Property Owners Association to provide an evaluation of impacts associated with a new land use category added to the Deep Creek Watershed Zoning Ordinance for boat rental businesses. The evaluation would include an assessment of the range and extent of properties having sufficient "lake frontage" under DNR regulations and also be in accord with properties that are situated within the zoning district enabled by the boat rental amendment. The amendment established a new section 157.024 (c) 23 in the Table of Use Regulations of the Deep Creek Watershed Zoning Ordinance for "Boat rental including boat rides and / or boat tours as a separate service business and not offering any other services associated with a marina". The use would be permitted in the TC-Town Center and C-Commercial zoning districts; permitted by SE-Special Exception in the TR-Town Residential and CR-1 and CR-2 Commercial Resort zoning districts and not permitted in any other district.

The request for amendment was made by Lakeside Properties, LLC and the purpose of the amendment was to separate the collective activities and services defined by the ordinance as a "marina" use from the singular activity of providing boat rental service. The distinctions drawn by the amendment were that a boat rental service business would only offer boats for rent and would not offer any of the other services offered by a marina (such as sales, repairs and storage). Additionally, the amendment provided that a boat rental service would require a minimum land area of 10,000 sq. ft. instead of the 2 acre minimum land area required for marinas. It is important to note here that the Ordinance also includes a grandfathering provision (Section 157.042) for lots that were lawful when created but which do not conform to the land area requirements prescribed by the ordinance. Such lots may be used as permitted in the ordinance provided that the lots were duly recorded by deed or plat before June 1, 1975.

## *Purpose of Evaluation*

The primary purpose of this evaluation is to identify the parcels of land that would qualify for a boat rental service business using certain state and local criteria and to determine whether the boat rental amendment would facilitate a proliferation of boat rental businesses. Although not explicitly expressed, it is presumed that the concern of the P.O.A. is that a proliferation of boat rental businesses would have an adverse impact on the number of vessels utilizing the surface of Deep Creek Lake at any given time.

The criteria used in identifying parcels that could be used for the new “Boat Rental Service Business” use category include:

1. Deep Creek Lake Management regulations require a minimum of 200 feet of lake frontage measured along the property line coincident with the property line owned by the Department of Natural Resources in order to qualify for a Development permit; and
2. Zoning Districts which would allow a Boat Rental Service Business include the TC and C Districts, where the use is permitted by right, and the TR, CR-1 and CR-2 Districts where the use is permitted by special exception.

Only two of the five districts specified in criteria 2. above, the TC and TR zoning districts, include properties with lake frontage along the shores of Deep Creek Lake. While the zoning amendment allows boat rental businesses to be established on properties that are not situated on lake-front parcels, the capability of a boat rental business to function “off-lake” is extremely limited due to access issues. Access to the lake is key for any boating activity and points of public access are controlled by the Department of Natural Resources. Persons leasing vessels from a prospective business without lake front docking facilities would be confronted with the same problem of finding access that lake users who trailer their own boats experience. These lake users would have no option other than to find a point of public access. (i.e. State Park ramp) Due to these circumstances, this summary does not evaluate or address non-lake front properties.

### *Total Properties Eligible for Commercial Development*

Attachment I is a listing of properties that fulfill the two specific criteria listed above for a Boat Rental Service Business. Attachment II is a map showing the exact location of each of the qualifying parcels identified from the property listing. A total of 36 different properties have been identified on Attachment I.

Twenty four of the parcels identified on the listing can be characterized as either fully developed and built out with permanent structures or partially developed but dedicated to the existing and planned land use by recorded documents. These twenty four parcels are considered to be existing developed properties and would be available for the Boat Rental Service Business only if the existing use was abandoned and a conversion of use was possible.

Sixteen of these “developed” properties are existing residential development properties having existing dock facilities shared in common with other owners within the development with the exception of property #17 Glendale Shores Condos. The lake frontage of this property is leased by Bill’s Marine Service for commercial dock rental space. These residential properties are dedicated to the existing or planned residential development pattern and include: #1 Lakepoint HOA, #2 Deep Creek Village, #3 Ski Cove, #4 Ski Harbor, #6 Nemith, #9 Sunplace Condos, #10 The Willows Condo, #11 Hartwood Village Condos, #12 Mountain View Townhomes, #16 Timberloft, #17 Glendale Shores Condo, #21 Arrowhead Condos, #23 Creekside Condos – Nemith, #26 Will O Wisp Prestige Condos, #34 Innsbruck Village and #35 Ken Allwine.

Eight of these “developed” properties are existing commercial properties that are also fully developed and committed to the existing land use. Those properties include: #7 Pfirmman; #8 Lakestar Lodge; #19 Silver Tree Marine, LLC (which leases two acres of land); #22 Land Management Inc. (Uno’s); #25 Will O Wisp; #27 Lakeside Commercial Properties; #28 St. Moritz (Outdoor Center); and #36 St. Moritz Bill’s Marine Boat Rentals.

# Garrett County Planning Commission Annual Report

The Twenty four parcels specifically identified above are either fully developed or dedicated to the planned development by recorded documents and therefore are not considered available for further commercial development nor eligible for the Boat Rental Service Business unless the existing use was abandoned.

### *Under Developed Properties Eligible for Commercial Development*

After netting out the twenty four “developed” properties, there remain twelve properties that could be converted from their existing “under developed” status to a more intensive commercial development status. Those properties are highlighted in yellow on Attachment I. An evaluation of each parcel’s potential development for a boat rental service business is explained below:

- 1) Property #5, Walton Family Limited Partnership, TC-Zone. This property consists of 3.31 acres of land (a .16 acre portion is the DNR buffer buy down) and is currently developed as a mobile home park having 90 residential dock slips for tenants in the mobile home park. Although this parcel is currently fully occupied and developed, the temporary nature of mobile homes makes this property available for conversion of use. The parcel is a prime property suitable for permanent residential or commercial use. The site would be suitable for the Boat Rental Service Business, a Full Service Marina or a wide variety and combination of commercial uses.
  
- 2) Property #13, Mary K. Bisignani et al, TC-Zone. This property consists of a total land area of 2.08 acres and is currently developed with two single wide mobile homes and three double wide units that are used as single family dwelling units by various family members who are part owners of the lot. The property is made up of a 1.75 acre lot and an additional buy down parcel (DNR Buffer Sale) purchased by deed dated August 22, 2001 containing .34 acres. The property has a 6 slip residential dock permit applied to the 300 feet of lake frontage. Although the property is currently partially developed, the temporary nature of the mobile homes and double wide units makes this property available for conversion of use or intensification of use for either residential or commercial development. The site

# Garrett County Planning Commission Annual Report

would be suitable for the Boat Rental Service Business, residential or a variety and combination of commercial uses.

- 3) Property #14, Philip St. Moritz, TC-Zone. This property consists of a total land area of 1.35 acres and is currently developed with a single family residential unit. The property is made up of two separate "grandfathered" lot's (one containing .28 acres and containing .77 acres) with an additional buy down parcel (DNR Buffer Sale) purchased by deed dated July 13, 2001 containing .26 acres. Currently the property has a Class A Dock for the residence on the parcel. The site would be suitable for the Boat Residential Service Business, a full Service Marina (because of the lot's grandfathered status) or a variety and combination of commercial lots.
  
- 4) Property # 15, Point View, LLC, TC-Zone. This property consists of a total land area of 2.13 acres and is currently developed with a tavern including an outdoor deck with seating. The property is made up of a "grandfathered" 1.96 acre lot which is bisected by a prescriptive right of way and an additional buy down parcel containing .218 acres. Transient boat slips are currently provided for the tavern use. The parcel is presently under developed and is a prime property suitable for residential or commercial use. The site would be suitable for the Boat Rental Service Business, a Full Service Marina (because of the lot's grandfathered status) or a wide variety and combination of commercial uses.
  
- 5) Property #18, David Kellman, TC-Zone. This property consists of a total land area of 2.4 acres and is currently developed with a single family residential unit. The property is made up of three separate "grandfathered" lots (one containing .44 acres, one containing .49 acres and another containing .98 acres) with an additional buy down parcel purchased by deed dated October 9, 2003 containing .48 acres. Currently the property has a Class A Dock for the residence on the parcel. The site would be suitable for the Boat Rental Service Business, a Full Service Marina (because of the grandfathered status of each lot) or a variety and combination of commercial uses.



## Garrett County Planning Commission Annual Report

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- 6) Property #20, Alpine Village Commercial Condos, TC-Zone. This property consists of a total land area of 3.15 acres and is made up of three commercial development pad sites. One of the three sites is presently developed with the Inn at Deep Creek (formerly the Alpine Village Motel) and two pad sites are available for development. Currently overnight boat docks are available for the guests of the motel. The two available commercial pad sites would be suitable for the Boat Rental Service Business or a variety of other commercial uses.
  
- 7) Property #24, HMH Real Estate, LLC (Heise property), TC-Zone. This property consists of a total land area of 1.1 acres and is currently developed with a single family residential unit. The property is a “grandfathered” lot created prior to the effective date of the Zoning Ordinance and has a Class A residential boat dock assigned to it. The property can be considered as an under developed parcel and would be suitable for the Boat Rental Service Business, a Full Service Marina (because of the grandfathered status of the lot) or a variety and combination of commercial uses.
  
- 8) Property #29, John D. Marple, TC-Zone. This property consists of a total land area of 1.04 acres and is developed with two single family residences. The property is made up of five separate “grandfathered” lots, four lots containing 6,000 sqft each and the fifth lot containing .4928 acres. A commercial dock rental permit is currently assigned to the property offering dock slips to the general public. The property can be considered an under developed parcel and would be suitable for the Boat Rental Service Business, a Full Service Marina (because of the grandfathered status of the lot) or a variety and combination of commercial uses.
  
- 9) Property #30, David M. Nieslein, TC-Zone. This property consists of a total land area of .42 acres and is developed with a single family residence. The property is a “grandfathered” lot predating the effective date of the Zoning Ordinance and a Class A residential boat dock is assigned to it. The property can be considered as an under developed parcel and would be suitable for the Boat Rental Service

# Garrett County Planning Commission Annual Report

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Business, a Full Service Marina (because of the grandfathered status) or other potential commercial uses.

- 10) Property #31, Philip Kanar, TC-Zone. This property consists of a total land area of 1.25 acres and is developed with a single family residence. The property is made up of a 1.02 acre "grandfathered" lot and a buy down parcel containing .23 acres purchased on March 28, 2007. A Class A residential dock is assigned to the parcel. The property can be considered an under developed parcel and would be suitable for a Boat Rental Service Business, a Full Service Marina (because of the grandfathered status) or other potential commercial uses.
  
- 11) Property # 32, Trader's Landing Commercial Condo, TC-Zone. This property contains a total land area of 1.75 acres and is developed with seven separate commercial condo units (separate ownership). The property is made up of a 1.34 acre parcel on the west side of US 219 and a .406 acre parcel on the east side designated as a common area. Each of the condo units are currently occupied with various commercial businesses and a commercial dock rental permit is assigned to the property offering dock slips to the general public. The property is fully developed, however, business uses within the condo units can be replaced with different business entities and sufficient lake frontage exists to expand commercial docking facilities. Therefore the property would be suitable for the Boat Rental Service Business or other potential commercial uses.
  
- 12) Property #33, Overlook Ridge Condos (Pete's Drive, LLC), TC-Zone. This property consists of a total land area of 5.69 acres and is currently planned for residential condominium development. Eight pad sites for construction of single family residences have been recorded thus far on a contiguous parcel (parcel 784 on tax map 58) and only one residence has been constructed on the site. A residential common dock permit has been assigned to the property and further preliminary plans reveal designs for a mix of Townhouse and Duplex residential units, however, the property remains under developed. While Condominium

documents have been filed, it is unclear at this time whether residential development plans will proceed. Therefore the property can be considered available for future development and would be suitable for the Boat Rental Service Business, a Full Service Marina or a variety and combination of various commercial uses.

### *Conclusions*

As previously identified, there are two principal criteria that determine eligibility of a parcel for use as a Boat Rental Service Business. Those criteria include:

1. Deep Creek Lake Management regulations require a minimum of 200 feet of lake frontage measured along the property line coincident with the property line owned by the Department of Natural Resources in order to qualify for a Development permit; and
2. Zoning Districts which would allow a Boat Rental Service Business include the TC and C Districts, where the use is permitted by right, and the TR, CR-1 and CR-2 Districts where the use is permitted by special exception.

Twelve lake front properties have been identified as being “under developed” and would be eligible for use as a Boat Rental Service Businesses using the criteria specified above. Those twelve properties are highlighted in yellow on Attachment I and all are situated in the TC zoning district meaning the boat rental use is permitted by right. The remaining balance of twenty four properties are existing “developed” properties.

Among the twelve, “under developed” lakefront properties, nine parcels (properties #5, #14, #15, #18, #24, #29, #30, #31 and #33) would be eligible for a wide variety of commercial land use opportunities including the Full Service Marina use. The Full Service Marina use is also permitted by right in the TC Zone and would be permitted on each of the nine properties as identified above provided the parcel is large enough to accommodate off street parking and comply with minimum set-backs. Set-backs for marina structures (other than showrooms) are 50 feet from side and rear lines and 100 feet from front lines (property lines parallel to the road). Showroom setbacks are 25 feet from rear lines, 15 feet

# Garrett County Planning Commission Annual Report

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from side lines and 20 feet from front lines in the TC-Zone. Of these nine parcels, property #30 owned by David Nieslein, containing .42 acre, may not be large enough to accommodate set-backs and parking for a full service marina. However, the remaining eight properties appear to be large enough to accommodate the marina use. It is important to note here that the Ordinance also allows the marina use by special exception in all other lake front zoning districts, including the LR-1 Zone. The LR-1 zone encompasses the majority of the lake front properties in the Deep Creek Watershed Zoning Area and consequently the Ordinance affords many other opportunities for the full service marina use. The Boat Rental Service Business is not permitted in the LR-1 zoning district.

Three parcels among the twelve properties identified as “under developed” would be eligible for a wide variety of commercial uses and would be eligible for the Boat Rental Service Business uniquely separate from the Full Service Marina Use due to the fact that these parcels either do not meet the minimum land area requirement for marinas or are not grandfathered. These parcels include property #13 owned by Mary K. Bisignani, property # 20 Alpine Village Commercial Condos and property # 32 Trader’s Landing Commercial Condo. These three properties represent the only qualifying lake front properties that would be eligible for the Boat Rental Service Business that would not otherwise be eligible for the Full Service Marina Use.

Based upon the evaluation of the range and extent of properties eligible for use as a Boat Rental Service Business, the County finds that the boat rental amendment will not provide significantly more opportunities to develop the Boat Rental Service Business above and beyond opportunities to develop a Full Service Marina use. The amendment would not facilitate the proliferation of boat rental businesses nor have a significant impact on the number of vessels utilizing the lakes surface. Based upon these findings the County concludes that the amendment should remain in effect and should not be modified or repealed from the Deep Creek Watershed Zoning Ordinance.

# Garrett County Planning Commission Annual Report

## ATTACHMENT I

### POTENTIAL LAKEFRONT PROPERTIES MEETING CRITERIA FOR BOAT RENTAL USE

#	Organization	DCL Dock ID.#	Map	Parcel	Lot Size (Acres)	Existing Parcel Use
1	Lakepoint HOA	8200	42	425	Common Ar .70	Residential Permit for Subdivision Common Area
2	Deep Creek Village	8246	42	372	6.98	Residential - Condo
3	Ski Cove	8416	42	359	1.11	Residential - Condo
4	Ski Harbor	8916	42	364	5.01	Residential - Condo
5	Walton Family Limited	8676, 9092	42	54	3.31	90 Slips Residential Permit for Mobile Home Park
6	Nemith	9184	42	56	0.79	Residential Condo
7	Pfirrmann	9362	42	62	0.32	Full Marina
8	Lakestar Lodge	9412	50	404	0.63	Commercial Overnight Dock
9	Sunplace Condos	9756	50	684	2.8	Residential - Condo
10	The Willows Condo	9830	50	8	1.94	Residential - Condo
11	Hartwood Village Condos	9890	50	679	1.21	Residential - Condo
12	Mountain View Townhomes	10104	50	7	1.29	Residential - Condo
13	Bisignani	10504	50	40	2.08	6 Slips Residential Permit
14	St. Moritz	10702	50	37	1.35	Residential Class A Dock
15	Point View LLC	11010	50	287	2.13	Transient Slips now - other potential commercial use
16	Timberloft	60000, 59990, 59985	58	183	7.15	Residential - Condo
17	Glendale Shores Condos	62364	58	182	2.13	Lease 1 foot - Commercial Dock Rental
18	Kellman	60320	58	310	2.4	Residential Class A Dock
19	Silver Tree Marine LLC	60732	58	745/772	2 acres leased	Full Marina
20	Alpine Village Com Condos	61036	58	754	3.17	Overnight Docks for hotel; 2 pads available for additional commercial
21	Arrowhead Condos	61500	58	660	2.34	Residential - Condo
22	Land Mgt. Inc. (UNO's)	61688	58	248	1.03	Transient Slips for restaurant
23	Creekside Condos - Nemith	61810	58	777	1.74	Residential - Condo
24	Heise	61888	58	177	1.1	Class A Dock - Potential conversion for more commercial
25	Will O Wisp	61972	58	274	3.58	Transient & Crystal Waters Boat Rental
26	Will O Wisp Prestige Condos	62060	58	645	1.03	Residential - Condo
27	Lakeside Commercial	62182	58	267	0.91	Transient & Boat Rental
28	St. Moritz - Outdoor Ctr.	62702	58	246	0.59	Commercial Dock Rentals and Transient
29	Marple	62926	58	368	1.04	Commercial Dock Rentals
30	Niesslein	63200	58	326	0.42	Class A Residential
31	Kanar	63262	58	325	1.25	Class A Residential
32	Traders Landing Com Condo	63356	58	666	1.97	Rental Slips - other potential commercial use
33	Overlook Ridge Condos	63572	50	148	5.69	Planned Residential Condo - other potential commercial
34	Innsbruck Village	63656	50	681	1.57	Residential - Condo
35	Allwine, Ken	8946 AB	42	53	Common Area	Residential - Shared Access Easement for Subdivision
36	St. Moritz - Bill's Marine	P/O 62702	58	230	0.485	Boat Rental Dock

- Equals Under Developed Properties Eligible for Commercial Development