

# **Garrett County Planning Commission Minutes**

## **July 5, 2023**

### **I. Call to order**

Chairman Tony Doerr called the regular meeting of the Garrett County Planning Commission to order at 1:30 pm on July 5, 2023, in the County Commissioners Meeting Room in the Garrett County Courthouse.

### **II. Attendance**

The following Commission members were present: Tony Doerr, Tim Schwinabart, Bruce Swift, Jeff Conner and Larry Tichnell. Planning staff included Chad Fike, Siera Wigfield and Eli Helbig.

### **III. Approval of minutes from last meeting**

The minutes were approved as presented.

### **IV. Reports of Officers- None**

### **V. New Business –**

#### **a) Zoning Appeals Cases-**

- **VR-836-** An application submitted by Deep Creek Lakeside Properties for a Variance to allow the construction of a single-family residence to within 23' of the front and rear property lines. The property is located at 165 Highwood Drive, Map 50, Parcel 677, Lot S and is zoned Lake Residential 1. The Planning Commission made no formal comments.

- b) **Proposed Amendment to Water & Sewer Plan.** Siera Wigfield presented two proposed Water & Sewer Plan amendments. The first proposal adds text and maps to include the Wisp Mountain Water Storage Tank project in the Deep Creek Lake Water System Section. This 1,000,000-gallon capacity water storage tank at the corner of Adventure Sports Way and Wisp Mountain Road will allow residents and businesses to have improved access to infrastructure meeting water capacity and pressure needs.

The second proposal updates text in the Oakland Water Supply Section to include the Broadford Lake Watershed Committee's work to monitor algae blooms and other sources of phosphorus, to require more intense water treatment, and to develop a work plan for monitoring the water supply and maintaining the dam structure to be resilient to the impacts of climate change as the infrastructure ages. The purposes of the group are to maintain compliance in meeting water supply needs and the dam safety permit.

The Planning Commission voted unanimously to approve the proposed changes.

- c) **Ag Land Preservation Update-** Ms. Wigfield provided a brief update about agricultural land preservation efforts. Ms. Wigfield and planning staff helped landowners submit twenty-one FY24 conservation easement applications totaling over 2700 acres to the Maryland Agricultural Land Preservation Foundation. This is a record number of County easement applications.
- d) **Poland Run East Final Plat-** 1000 Acres Golf Properties, LLC submitted a Final Plat for the Poland Run East Subdivision (Lot 2). The property is designated Map 67, Parcel 789 and located along Thousand Acres Road in a Lake Residential 1 zoning district. The Planning Commission approved the plat by a unanimous vote. The plat will not be released for recording until signed by the Health Department and owner.
- e) **Cathedral Springs Final Plat-** 1000 Acres Golf Properties, LLC submitted a Final Plat for the Cathedral Springs Subdivision (Lots 12). The property is designated Map 67, Parcel 793 and located along Crows Point Road in a Lake Residential 1 zoning district. The Planning Commission approved the plat by a unanimous vote contingent on being signed by the Health Department and Public Utilities verifying a sewer line location.
- f) **Planning Commission Annual Report-** Mr. Fike shared a copy of the 2022 Planning Commission Annual Report. The Land Use Article requires all planning commissions to submit an annual report tracking development occurring during the previous year. After discussion the Planning Commission approved the report by a unanimous vote. The Report is included as an attachment to these minutes and will be filed with the County Commissioners and the Maryland Department of Planning.
- g) **Deep Creek Watershed Shipping Container Discussion-** The Planning Commission discussed amending the Deep Creek Watershed Zoning Ordinance to regulate the use of metal shipping containers. Mr. Fike provided the Commission with possible definitions of shipping container and shipping container dwelling. The Commission discussed treating shipping container dwellings like single wide mobile homes, a use that currently requires a Special Exception. The Commission also discussed whether shipping containers should be permitted as an accessory building. Eventually the Commission decided that shipping containers should not be permitted as dwellings or accessory buildings and directed Mr. Fike to prepare amendments to the Deep Creek Watershed Zoning Ordinance. Mr. Fike clarified that shipping containers could still be used in a temporary fashion accessory to a construction project.

- h) **Deep Creek Watershed Accessory Structure Discussion-** The Planning Commission discussed the accessory structure standards of the Deep Creek Watershed Zoning Ordinance. Due to the large size and highly visible nature of a recently constructed garage, questions were raised about whether additional standards are necessary. Increasing setbacks, regulating size, and the idea of making accessory buildings a Special Exception were all discussed. After reviewing current and possible regulations the Planning Commission did not agree on any specific changes but agreed to continue monitoring the issue and kept open the possibility of proposing new standards in the future.
- i) **Next Meeting – August 2, 2023**

## **VI. Adjournment**

Chairman Tony Doerr adjourned the meeting at 2:40 pm.

Minutes respectfully submitted by Chad Fike, Assistant Director

# **ATTACHMENT A- 2022 PLANING COMMISSION ANNUAL REPORT**

## **Section I: New Residential Permits Issued (Inside and Outside the PFA)**

**(§1-208(c)(1)(i) and (c)(3)(ii))**

- (A) In Table 1, *New Residential Permits Issued (Inside and Outside the PFA)* below, enter the number of new residential building permits issued in calendar year (2022). Enter 0 if no new residential building permits were issued in 2022.

**Table 1: New Residential Permits Issued  
Inside and Outside the Priority Funding Area (PFA)**

<b>Residential – Calendar Year 2022</b>	<b>PFA</b>	<b>Non - PFA</b>	<b>Total</b>
<b>New Residential Permits Issued</b>	12	149	161

## **Section II: Amendments and Growth Related Changes In Development Patterns**

**(§1-207(c)(1) through (c)(4))**

*Note: Growth related changes in development patterns are changes in land use, zoning, transportation capacity improvements, new subdivisions, new schools or school additions, or changes to water and sewer service areas.*

- (A) Were any new comprehensive plan or plan elements adopted? If yes, briefly summarize what was adopted. Y  N

**New Comprehensive Plan adopted November 22, 2022**

- (B) Were there any amendments to zoning regulations or zoning map? If yes, briefly summarize each amendment, include a map, or GIS shapefile, if available. Y  N

- (C) Were there growth-related changes, including land use, annexations, zoning ordinance changes, new schools, changes in water or sewer service areas, municipal annexations that changed municipal or unincorporated area boundaries? If yes, describe or attach a map of the changes, and describe how they are consistent with internal, state, or adjoining jurisdiction plans.

Y  N

- (D) If yes to municipal annexations, have copies of each adopted resolution been submitted to: Georgeanne Carter, Legislative Counsel Municipal Resolution Reposition Department of Legislative Services, 90 State Circle, Annapolis MD, 21401-1991? Y  N

- (E) Did your jurisdiction recommend improvements to the local planning and development process? If yes, please describe. Y  N

### Section III: Development Capacity Analysis (DCA)(§1-208(c)(1)(iii))

*Note: MDP provides technical assistance to local governments in completing development capacity analyses. Please contact your MDP regional planner for more information.*

(A) Has an updated DCA been submitted with your annual report or to MDP within the last three years? Y  N

1. If no, explain why not, such as, no substantial growth changes. **New Comprehensive Plan adopted November 2022**
2. If yes, when was the last DCA submitted? Identify month and year: **Draft DCA 2/15/17**

*Note: A DCA is not due if a comprehensive plan was updated in the past three years (2020-2022). MDP recommends that jurisdictions share DCAs with local school boards.*

Was the DCA shared with the local school board facilities planner? Y  N

(B) Using the most current DCA available, provide the following data on capacity inside and outside the PFA in *Table 2, Residential Development Capacity (Inside and Outside the PFA)*:

**Table 2: Residential Development Capacity (Inside and Outside the PFA)**

Parcels & Lots w/ Residential Capacity	PFA	Non – PFA	Total
Residentially Zoned Acres w/ Capacity			
Residential Parcel & Lots w/Capacity			
Residential Capacity (Units)	5,698	41,436	47,404

**Section IV: (Locally) Funded Agricultural Land Preservation & Local Land Use Goal (Counties Only)  [\(§1-208\(C\)\(1\)\(iv and v\)](#)**

**(Not applicable- no locally funded ag preservation program)**

- (A) How many acres were preserved using **local** agricultural land preservation funding? Enter 0 if no land was preserved using **local** funds. Enter the value of local program funds, if available.

**Table 3: Locally Funded Agricultural Land Preservation**

Local Preservation Program Type	Acres	Value (\$)
Example: Transfer of Development Rights	0	0
Example: Building Lot Retirement	0	0
Example: Land Purchase	0	0
Example: Local Land Trust	0	0
Example: Easement	0	0
Example: Other	0	0
<b>Total</b>	0	0

\*State funded agricultural land preservation acres and values are not required to be reported as state funding is documented.

- (B) What is the county’s established local land use percentage goal? This percentage should include land uses within PFAs, not including PFA comment areas      %
- (C) What is the timeframe for achieving the local land use percentage goal?      Years.
- (D) Has there been any progress in achieving the local land use percentage goal?
- (E) What are the resources necessary (e.g. legislative actions (programs incentives), functional planning, and capital funding) for infrastructure inside the PFAs?
- (F) What are the resources necessary (e.g. legislative actions (program incentives and zoning changes), preservation planning, and easement funding) for land preservation outside the PFAs?

## Section V: Measures and Indicators ([§1-208\(c\)\(1\)](#))

Note: Measures and Indicators, Section VII, is only required for jurisdictions issuing more than 50 new residential building permits in the reporting year, as reported in Table 1.

**Table 4A: Amount of Residential Growth (Inside and Outside the PFA)**

Residential – Calendar Year 2022	PFA	Non - PFA	Total
Total Minor Subdivisions Approved	3	24	27
Total Minor Subdivision Lots Approved	4	30	34
Total Residential Units Approved in Minor Subdivisions*	4	30	34
Gross Acres of All Approved Minor Subdivisions	1.46	159.08	160.54
Net Lot Area** in Acres of All Approved Minor Subdivisions	1.46	159.08	160.54
Total Major Subdivisions Approved	0	8	8
Total Major Subdivision Lots Approved	0	48	48
Total Residential Units Approved in Major Subdivisions	0	48	48
Gross Acres of All Approved Major Subdivisions	0	37.16	37.16
Net Lot Area** in Acres of All Approved Major Subdivisions	0	37.16	37.16
Total Residential Units Constructed			
Total Residential Units Demolished***			
Total Residential Units Reconstructed/Replaced***			

\* Residential units may be greater than lots if they include duplexes, triplexes, or multifamily

\*\*Net lot area is the sum of all developed lots, minus open spaces and right-of-way, other publicly dedicated land.

\*\*\*Not required.

**Table 4B: Net Density of Residential Growth (Inside and Outside PFAs)**

Residential – Calendar Year 2022	PFA	Non – PFA	Total
Total Residential Units Approved (Major + Minor Subdivisions)	4	78	82
Total Approved Net Lot Area (Major + Minor Subdivisions)	1.46	196.241	197.7

**Table 4C: Share of Residential Growth (Inside and Outside the PFA)**

Residential – Calendar Year 2022	PFA	Non – PFA	Total
Total Units Approved (Major + Minor Subdivisions)	4	78	82
% of Total Units (Approved Residential Units)	4.9%	95.1%	100%

**Table 4D: Amount of Commercial Growth (Inside and Outside the PFA)**

<b>Commercial – Calendar Year 2022</b>	<b>PFA</b>	<b>Non - PFA</b>	<b>Total</b>
<b>Site Plans</b>			
<b>Total # of Commercial Site Plans Approved</b>			
<b>Gross Acres of All Approved Commercial Site Plans</b>			
<b>Gross Building Area Approved in Square Feet for Commercial Site Plans</b>			
<b>Building Permits</b>			
<b>Total Commercial Building Permits Issued</b>	2	4	6
<b>Gross Building Area Constructed in Square Feet for issued Building Permits</b>	11940	5800	17740

**(We only track building permits, we do not have separate commercial site plan approval)**

**Section VI: Adequate Public Facility Ordinance (APFO) Restrictions ([§7-104](#))**  
**(Section VI is only required by jurisdictions with adopted APFOs)**

**NOT APPLICABLE- GARRETT COUNTY DOES NOT HAVE AN APFO**

*Note: Jurisdictions with adopted APFOs must submit a biennial APFO report. The APFO report is due by July 1 of each even year and covers the reporting period for the previous two calendar years. APFO reports for 2020 and 2021 are due July 1, 2022. However, jurisdictions are encouraged to submit an APFO report on an annual basis.*

- (A) What type of infrastructure is monitored and may trigger development approval restrictions or require a developer to address deficiencies? (List each for schools, roads, water, sewer, stormwater, health care, fire, police or solid waste.)
- (B) Has APFO impacted development approvals? Y/N
- (C) If APFO has delayed, limited, or denied development, defined here as a “restriction”:
- Are there infrastructure or service facility deficiencies that have triggered denials of development requests, or held up development approvals? Y/N  
*Note: This does not include APFO required developer-funded projects, , or phased development approvals due to APFO limitations, or APFO required study areas for approval.*
  - Can the impact area of facility deficiencies/ development restrictions, which temporarily delay development approvals, be mapped? Y/N
- (D) If yes for (C)(b), where is each restriction located? (Identify on a map, including PFA boundary.)
- (E) Describe what is causing each restriction.
- (F) If applicable, what is the proposed resolution of each restriction?
- (G) If applicable, what is the estimated date to resolve each restriction?
- (H) If a development restriction has been addressed, what was the resolution that lifted each restriction?
- (I) If a development restriction has been addressed, when was each restriction lifted?

## Section VII: Planning Survey Questions (Optional)

*This information can help MDP and MDOT staff to identify potential pedestrian/bicycle projects and their funding.*

**(A)** Does your jurisdiction have a bicycle and pedestrian plan? Y  N

1. Plan name
2. Date Completed (MM/DD/YR)
3. Has the plan been adopted? Y  N
4. Is the plan available online? Y  N
5. How often do you intend to update it? (Every \_\_\_\_ years)
6. Are existing and planned bicycle and pedestrian facilities mapped? Y   
N

**(B)** Does your jurisdiction have a transportation functional plan in addition to a comprehensive plan? Y  N

1. Plan name
2. Date completed (MM/DD/YY)
3. Has plan been adopted? Y  N
4. Is the plan available online? Y  N
5. How often do you intend to update it? (Every \_\_\_\_ years)

**(C)** Has your jurisdiction completed and submitted a five year mid-cycle comprehensive plan implementation review report this year? Y  N

*Note: To find out if your jurisdiction is scheduled to submit this report, consult the Transition Schedule (Counties) section located at:*

<https://planning.maryland.gov/pages/OurWork/compPlans/ten-year.aspx>

If yes, please include the 5-Year Report as an attachment.

END

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