## DEPARTMENT OF PLANNING & LAND MANAGEMENT

203 S. Fourth St. – Room 208
Oakland, Maryland 21550
Phone: 301-334-1920 - Fax: 301-334-5023
E-mail: planning@garrettcounty.org

### **NOTICE**

The regular meeting of the Garrett County Planning Commission will be held at 1:30 PM on Wednesday, May 4, 2016 in the County Commissioners' Meeting Room in the Courthouse Annex, Oakland, Maryland.

AGENDA - Five Hundred and Forty Sixth Meeting - May 4, 2016

- 1. Call to Order and Introduction of Guests
- 2. Approval of Previous Minutes April 6, 2016
- 3. Reports of Officers
- 4. Unfinished Business
  - a. Commission Members
    - Items in packets: Copy of April 6, 2016 Minutes; May Monthly Director's Report; Copies of approved minor subdivision plats; Comments received rerequest for zoning amendment
- 5. New Business
  - a. Miscellaneous
    - i. Zoning Appeals Cases
    - ii. Major Subdivision or PRD
    - iii. Waiver Requests
  - b. Agricultural Land Preservation Districts
  - c. Zoning Amendment Request Fracking Wellheads (Attached)
  - d. Next meeting June 1, 2016
  - e. Adjournment

### GARRETT COUNTY DEPARTMENT OF PLANNING AND LAND MANAGEMENT

203 South Fourth Street - Room 208
Oakland, MD 21550

(301) 334-1920 FAX (301) 334-5023

April 4, 2016

RE: Proposed Amendment to the Deep Creek Watershed Zoning Ordinance Amend-2016-1

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 April 1, 2016, Judy Carbone et al, 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 regular meeting on May 4, 2016.

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

# 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.			Date 3/30/2016	2
Applicant (s) Judy	A. Carbon	e-plus	s others (see	e atlache
Address 871 Ha	overy Penir	Bula F	2d.	
Swanton	MD	21561 Zip	301-616-50 Phone No.	36_
Please attach the exact was Section(s) of the Ordinanc		xt amendment the	at clearly defines all of the a	ffected
√ Signature of Applicant(s)	Name Carlo	ene	3/30/2014 Dayle	2
	Name		Date	-
	Name		Date	-
FOR ZONING ADMINI	STRATOR ONLY			
County Commissioners Hea	aring Date			
Decision ( )Approved ( )	Denied Date			
Effective Date	_			

March 31, 2016

Deborah Carpenter, Director

Department of Planning and Land Management

Frederick A. Thayer III Courthouse

203 South Fourth Street, Room 208

Oakland, MD 21550

Dear Ms. Carpenter:

As property owners in the Deep Creek Lake Watershed, under provisions in §157.186 of the Deep Creek Lake Zoning Ordinance, we formally petition to amend the Deep Creek Lake Zoning Ordinance to bring it into compliance with policy positons recently adopted by the County Commissioners. Specifically, our County Commissioners recently adopted the position that there should be no hydraulic fracking wells drilled in the watershed. Objective 3 of the Deep Creek Lake Watershed Management Plan recently adopted by the Commissioners reads

OŁ	Objective 3						
No shale gas drilling wellheads should be allowed within the Deep Creek watershed.							
Str	ategies	Timing					
1.	If shale gas drilling is permitted in Maryland, Garrett County should prohibit gas wellheads in the watershed in order to protect the unique quality of the Deep Creek watershed.	0 to 3 years					
2.	As part of the Comprehensive Plan process, the Planning Commission should include this recommendation for inclusion within the document.	0 to 3 years					
3.	Should this recommendation be included in the Comprehensive Plan, a regulatory mechanism should be included in the Deep Creek Watershed Ordinance at the time of its review.	0 to 3 years					

Gas drilling is currently permitted in Maryland and the Maryland Department of the Environment is working to revise its regulations to continue doing so. To be consistent with the adopted plan, the current content of the Deep Creek Lake Zoning Ordinance which allows fracking in the watershed needs to be amended. Specifically, Chapter 157. Zoning Ordinance, Article 3. Zoning Districts and Use Regulations, Section 157.024 (A) 6 currently reads

Zoning District		AR	LR1	LR2	TR	TC	C	CR1	Cr2
6. Drilling for, or removal or underground storage of natural gas, subject to the regulations of the Maryland Department of Environment, Maryland Public Service Commission and Federal Energy Regulatory Commission. The wellhead and all areas used for storage or operation of equipment shall comply with the following minimum setbacks:	P	P	P	P	P	P	P	P	P
a. 2,000 feet from the high water elevation line of Deep Creek Lake, measured at 2,462 feet above sea level.									
b. 1,000 feet from the property line of any lot not owned or leased to the entity responsible for the gas drilling, removal or storage operation.									
7. Agriculture, as defined in \$157,007, provided that all buildings or enclosures	Р	Р	P	P	P	р	P	P	P

We petition to change the language of the zoning ordinance to bring it into compliance with the recently adopted policy of the Commissioners that there should be no shale gas drilling wellheads in the Deep Creek watershed. We propose the following language be inserted into the zoning ordinance replacing the current language

6. Natural gas wellheads

Zoning District RR AR LR1 LR2 TR TC C CR1 Cr2 N N N N N N N N N N N

Thank you for addressing this issue in a timely manner.

Sincerely