

Garrett County Planning Commission Minutes

August 2, 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 August 2, 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, Jeff Messenger, Liz Georg, Billy Weissgerber, Julie Friend and Larry Tichnell. Paul Custer from the public attended and Planning staff included Chad Fike and Bruce Metz.
- III. **Approval of Previous Meeting Minutes-** The minutes were approved as presented.
- IV. **Reports of Officers-** The recent passing of Troy Ellington was discussed. Mr. Ellington was a member of the Planning Commission for 13 years and served as Chairman for 8 years. Several members acknowledged Mr. Ellington's positive contributions to the community and strong leadership as Chairman of the Commission.
- V. **New Business –**
 - a) **Sensitive Areas Ordinance: Paul Custer Waiver Request-** Paul Custer requested a waiver from Section 159.05 of the Sensitive Areas Ordinance regarding stream buffers. The waiver was requested in order to construct an accessory building within the required 50-foot stream buffer on property located at 2980 Bumble Bee Road (Map 33, Parcel 95). A single wide trailer previously existed on the property and was located approximately 30' from the stream. The Commission found that construction of the new building in this same general area and extending no closer to the stream buffer would have minimal impact on natural features and would impact a relatively small area of land. After discussion the Planning Commission voted unanimously to approve the waiver request.
 - b) **Deep Creek Watershed Zoning Appeals Case SE-506-** An application submitted by The Thrasher Group on behalf of Palmerino Ciotti & Turning Point Energy for a Special Exception to allow the construction of a Community Solar Energy Generating System. The property is located along Garrett Highway at Map 58, Parcel 200 and is zoned Town Residential. The Planning Commission discussed the impact to neighbors and questioned how the required landscape buffer would be maintained. After discussion, the Planning Commission voted 8-1 to approve a motion requesting that the Zoning Board of Appeals consider requiring a separate bond for maintenance of landscaping

screening as a condition of any special exception approval. Such bond should account for inflationary increases

- c) **Major Subdivision: Cathedral Springs Final Plats-** 1000 Acres Golf Properties, LLC submitted three Final Plats for the Cathedral Springs Subdivision (Lots 3, 4 & 9). 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 plats by a unanimous vote.
- d) **Deep Creek Watershed Shipping Container Amendment-** At the July meeting the Planning Commission requested that Mr. Fike prepare proposed amendments to the Deep Creek Watershed Zoning Ordinance regarding shipping containers. The proposed amendments were presented to the Commission and are included with these minutes as Attachment A. The Planning Commission discussed several aspects of the issue. Some members opposed the amendment since they considered it aesthetic zoning. After much discussion, the Commission voted to pass the amendments by a vote of 5-3, with County Commissioner Tichnell recusing himself.
- e) **Deep Creek Watershed Accessory Structure Discussion-** The Planning Commission again discussed the accessory structure standards of the Deep Creek Watershed Zoning Ordinance. Options include regulating the size and height of accessory buildings. Mr. Fike explained the current height regulations. The large size of several recent boat storage buildings permitted by Special Exception as a principal use was also discussed. Taking a comprehensive look at all Town Center setbacks was also proposed. 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.
- f) **Next Meeting – September 6, 2023**

VI. Adjournment- Chairman Tony Doerr adjourned the meeting at 3:03 pm.

Minutes respectfully submitted by Chad Fike, Assistant Director

ATTACHMENT A

PROPOSED AMENDMENTS TO THE DEEP CREEK WATERSHED ZONING ORDINANCE

Shipping containers are not currently defined or regulated in the Deep Creek Watershed Zoning Ordinance so there are no specific prohibitions against using them as dwelling units or accessory structures. The following amendments would add such regulations to the Ordinance:

1. Add a new Definition to read as follows: 157.007.B.(63)B. *SHIPPING CONTAINER*. A reusable metal vessel originally designed for use in traffic of freight and mounted on a rail car, truck or ship. Also referred to as an intermodal freight container or ISO container.
2. Amend Section 157.024 Table of Use Regulations by adding a new Section 157.024(B)21 "Shipping Container(s) converted for use as a Dwelling". The use shall be listed as "not permitted" in all zoning districts.
3. Amend Section 157.024 024 Table of Use Regulations by adding a new Section 157.024(G)4.k "Shipping Container(s) used as an Accessory Structure (except as a permitted temporary use under section 157.024.(G).4.c)". The use shall be listed as "not permitted" in all zoning districts.