

MAY BUSINESS MEETING MINUTES

May 24, 2017

PLANNING & ZONING COMMISSION OF ALLEGANY COUNTY

Chairman Steve MacGray called the May Business Meeting for the Allegany County Planning & Zoning Commission to order at 5:00 p.m. in Room 100 of the County Office Complex. Linda Simpson proceeded with Roll Call. Present were, Chairman MacGray, Pete Davis, Jon Loff, and Breann L. D'Atri. Mrs. Simpson requested that the record reflect that four Board members were present and there was a quorum.

Chairman MacGray then directed the members attention to a review of the May 24, 2017 Business Meeting Agenda. Jon Loff moved to accept and approve the Agenda as presented. Pete Davis seconded the motion. The motion carried unanimously.

Chairman MacGray then directed the members to review and approve the January 25, 2017 Business Meeting Minutes. Pete Davis moved to accept and approve the January Minutes as presented. Jon Loff seconded the motion with. The motion carried unanimously.

VI. New Business

1. Briefing on the Draft 2017 Land Preservation, Parks and Recreation Plan.

Dave presented the Planning Commission with the draft 2017 Land Preservation, Parks and Recreation Plan. It was constructed from approximately 27 pages of instructions from the Department of Natural Resources and much of it was "circular thinking." No action is required at this time. The draft Plan will be sent to DNR for review and will be placed on the Allegany County Government website for review and comments.

The first chapter is an introduction. Chapter two is Parks and Recreation and is mostly concerning Program Open Space, how the county administrates the program and how we have met goals from the 2012 version of this Plan. Chapter three is Natural Resource Land Conservation and chapter four is Agricultural Land Preservation.

After all comments and changes have been received and implemented, the Planning Commission will meet again to give recommendation to the Allegany County Commissioners to approve the Plan.

2. Review of Planning and Zoning Commission Annual Report for calendar year 2016.

Dave stated that the Maryland State Department of Planning has a requirement that we produce an annual report for calendar year 2016. Allegany County has an abbreviated form because there is not much building going on here. The report gives the number of new residential permits inside and outside of the

Priority Funding Area and preserved number of acres using local agricultural land preservation funding. This report is attached to and made a part of these minutes.

Jon Loff made the motion to approve the report, seconded by Pete Davis. Motion carried.

3. Proposed text amendment of Allegany County Code Chapter 360, Part 1, Subdivision Regulations §2 Definitions, "Lot-of-Record" and §8.C. "Subdivision Status". The proposed text amendment is a change of the date of acceptance of lots-of-record from March 3, 1972 to December 31, 2012, the date that the Board of Commissioners for Allegany County made effective the Growth Tier Map pursuant to the Sustainable Growth and Agricultural Preservation Act of 2012.

In the 1960's, subdivisions were divided into major and minor. Major subdivisions were larger developments served by public water and sewerage with frontage on a county maintained road. Minor subdivisions were limited in number. In the 60's and the 70's, that number was 5. If you wanted to create more than 5 lots on a lot of record you had to go into a major subdivision.

At about 1965, there were lots of record. Any lot that is the same size and shape that it was since 1965 is considered a lot of record and you can count the 5 lots.

In 1982 and 1986 changes were made to the subdivisions regulations. Family member lots were exempt from the limited number of lots allowed.

Other ways to exempt lots were with county road frontage in urban zoning districts. As long as you had frontage on a county road there was no point in asking for more infrastructure.

In non-urban districts, if you had more than 100 acres, every 50 acres you had over 100 acres is considered another development right, even though it did not have to be a 50-acre lot.

Using these exemptions based on lots of record, Allegany County got some larger minor subdivisions – Harwood Subdivision, Martins Mountain Subdivision, and we ended up with a lot of people living in subdivisions without publicly maintained streets. In the 90's, we made a change in the date of accepting these lots of record. It was changed to March 3, 1972, which it is now, because the Health Department's enabling legislation to enforce subdivision laws was March 3, 1972.

In 2012, the septic bill came and wiped out all these exemptions and replaced it with 7 lots in minor subdivisions. All the family member lots were taken out of the regulations. The question became, what do we do with the lots that were previously exempted. Lately, there have been multiple incidents where you

have people who have already made more than 7 lots out of their property and now want to create a lot for their children that are growing up.

Dorsey said one way this could be dealt with was to return the family member lot exemption back into the regulations, or we could change the date of accepting dates of lots of record to the date the septic bill went into effect December 31, 2012. That would say that anyone with a lot that was created before December 31, 2012 has the potential to make 7 minor subdivision lots. That would relieve pressure and make it easier for development to occur.

Wes McKee stated that the State of Maryland would be upset with us for trying to change this back. Wes said that we should see what the State's position is going to be before we proceed.

Wes said that rather than changing the effective dates, it would be easier to put the language back into the ordinance that reinstates the exemptions. Dorsey said it would be simpler.

VII. Unfinished Business

1. County Commissioners action concerning the Final Draft of a revision of Allegany County Code Chapter 360 Part 4. Zoning.

Dave told the Planning Commission that the revision of the Allegany County Code Chapter 360 Part 4. Zoning went into effect April 23, 2017.

VIII. Public Comments in order of sign-up sheet.

Jackie Sams asked a question about the subdivision regulations. Are we just talking about changing the exemptions for family? Dave answered there are two possible ways to go with this – one would be for just family members, the other would be to change the date of accepting lots of record which means that anyone could acquire a lot created under those regulations.

IX. Adjournment

With no additional business, Pete Davis made a motion to adjourn, seconded by Jon Loff. Motion carried.

The meeting adjourned at 5:40 p.m.



ALLEGANY COUNTY

DEPARTMENT OF COMMUNITY SERVICES

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BOARD OF COMMISSIONERS

Jacob C. Shade, *President*
Creade V. Brodie, Jr.
William R. Valentine

David A. Eberly, *County Administrator*
William M. Rudd, *County Attorney*

May 24, 2017

Office of the Secretary
Maryland Department of Planning
Attn: David Dahlstrom, AICP
301 W. Preston St.
Baltimore, Maryland 21201-2305

Re: Annual Report Calendar Year 2016

Dear Mr. Dahlstrom:

The Allegany County Planning and Zoning Commission approved the following Annual Report for the Reporting Year 2016 as required under [§1-207\(b\)](#) of the Land Use Article on May 24, 2017. In addition, this report has been filed with the local legislative body.

1. The County issued the following number of new Residential Permits inside and outside of the Priority Funding Area (PFA), [§1-208\(c\)\(1\)\(i\)](#) and [\(c\)\(3\)\(ii\)](#):

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

<u>Residential – Calendar Year 2016</u>	PFA	Non - PFA	Total
# New Residential Permits Issued	10	11	21

2. The County preserved the following number of acres using local agricultural land preservation funding, [§1-208\(c\)\(iv\)](#), (if applicable):

Table 2: Locally Funded Agricultural Land Preservation Acres

Local Preservation Program Type	Acres
Example: Transfer of Development Rights	131.5
Example: Building Lot Retirement	
Example: Land Purchase	
Example: Local Land Trust	
Example: Easement	
Example: Other	
Total	131.5

3. The County is scheduled to complete a 5-Year Mid-Cycle comprehensive plan implementation review and submit to Planning a 5-Year Report this year, as required under [§1-207\(c\)\(6\)](#) of the Land Use Article? Y N

Note: To find out when your jurisdiction is scheduled to submit this report, please consult the Transition Schedule (Counties) section located at: Planning.Maryland.gov/OurWork/compPlans/ten-year.shtml

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

4. The County is scheduled to updated its' Development Capacity Analysis this year, as required under [§1-208\(2\)\(c\)\(iii\)](#) of the Land Use Article? Y N

Note: A Development Capacity Analysis is required at least once every three years. Please contact your [Regional Planner](#) if you require assistance.

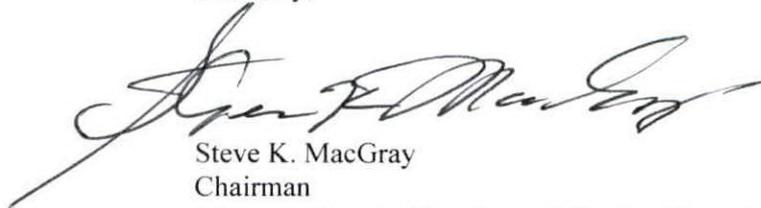
If yes, please include the Development Capacity Analysis.

5. Were there any growth related changes, including Land Use Changes, Zoning Ordinance Changes, New Schools, Changes in Water or Sewer Service Area, etc., pursuant to [§1-207\(c\)\(1\)](#) of the Land Use Article? If yes, please list below or on a separate page. Y N

During CY2016 Staff developed a Comprehensive Text Amendment of County Zoning Code that was made effective April 23, 2017. The attached text of a PowerPoint presentation explains the highlights of the new Code. The Planning Commission involvement and Hearing occurred in CY2016.

6. Did your jurisdiction identify any recommendations for improving the planning and development process within the jurisdiction? If yes, list. Y N
7. Have all members of the Planning Commission/Board and Board of Appeals completed an educational training course as required under [§1-206\(a\)\(2\)](#) of the Land Use Article? Y N

Sincerely,



Steve K. MacGray
Chairman
Allegany County Planning and Zoning Commission

Code Home Rule Bill No. 2-17
Part 4 Zoning
Comprehensive Text Amendment

Why amend Part 4 Zoning text?

- One business-friendly zoning code
- Integrate 2 ordinances into one
- Improve format for user-friendliness
- Address needed updates
- Implement 2014 Comprehensive Plan Recommendations
- Integrate two ordinances into one

Define and implement a mixed use development category (§360-59, §360-80E, §360-93)

Add small scale product development and technological innovation enterprise use in A and C Districts to create small business opportunities in rural areas (§360-59, §360-80E)

Updates

Remove provision for temporary mobile homes

Remove provision for bonding of engineered plans, construction bonding remains (§360-75E)

Improve/clarify definition of planned residential developments (§360-59, §360-80E, §360-86, §360-135D6)

Implement 2 buffer definitions (§360-59)

“screening buffer” with intent to screen

“vegetative buffer” with intent to remain vegetated/undeveloped

Address/regulate concentrated animal feeding operations (§360-59, §360-80E, §360-103)

Increase garage size threshold from 900 SF to 1,200 SF to reduce number of projects needing Board of Appeals approval (§360-80E)

Clarify setback requirements for on-site signs (§360-137, §360-128)

10-ft front

5-ft side and rear

Increase maximum on-site sign height to 72.5 ft along I-68 in commercial districts (§360-137)

Implement simpler way to calculate parking space requirements for office buildings (§360-139C)

Remove provision for a garage permit to be issued prior to a dwelling unit on a residential lot

Update Index of Arterial Highways table for consistency with SHA (§360-142)

Regulate variable messaging signs for traffic safety (§360-137)

LaVale Overlay District preserves some LaVale characteristics

Billboards, mobile homes on individual lots and mobile home parks to remain prohibited

Cellular, relay, repeating and transmitting towers to remain permitted in R-2 District in LaVale

Notable Changes in LaVale

Uses becoming more restrictive in R-1 (RA) Residential

Animal husbandry (e.g. backyard chickens) will be prohibited on lots less than 2 acres in size, currently unaddressed

Surface mining, quarrying and related haul roads will be prohibited, currently permitted with Board of Appeals approval

Uses becoming more restrictive in R-2 (RR) Residential

Golf courses will be prohibited, currently permitted

Surface mining, quarrying and related haul roads will be prohibited, currently permitted with Board of Appeals approval

Neighborhood commercial and greenhouses and nurseries will require Board of Appeals approval, currently permitted

Uses becoming more restrictive in B-2 (CB) Major Commercial

Single family dwellings will require Board of Appeals approval for lots <2 acres and will be prohibited on lots >2 acres, currently permitted

Duplex units will require Board of Appeals approval, currently permitted

Light and heavy industry including research or manufacturing and golf courses will be prohibited, currently permitted

Uses becoming less restrictive in R-1 (RA) Residential

Institutional uses (fire stations, churches, schools and public recreation areas) and subsurface mineral extraction will be permitted, currently requires Board of Appeals approval

Uses becoming less restrictive in R-2 (RR) Residential

Animal husbandry (e.g. backyard chickens) will be permitted, currently requires Board of Appeals approval for lots <20,000 SF

Subsurface mineral extraction, cemeteries and swimming pools will be permitted, currently requires Board of Appeals approval

Uses becoming less restrictive in B-1 (CA) Neighborhood Commercial

Used car lots, contractor's storage yards, lumberyards and solid or liquid fuel storage for wholesale trade will be permitted with Board of Appeals approval, currently prohibited

Mini storage permitted, currently prohibited

Amendment #1: Small-scale product development & technological innovation enterprises

Intent to provide small business opportunities in rural areas

Proposed definition too broad; conflicts with agricultural operations and private commercial recreation

Amendment #1: reduce scope of definition to

"A land use that includes research and design and other light manufacturing."

Amendment #2: Private commercial recreation areas and structures

Receptions and concerts on farms currently administered as private commercial recreation

Amendment #2: add private commercial recreation areas and structures to capture intent of current language in new Table 1 format

Hydraulic Fracturing ("Fracking")

Not specifically addressed in current or proposed

Would be administered as subsurface mineral extraction in both current and proposed

Subsurface mineral extraction permitted in all districts (not changing)

Once State adopts regulations, County will evaluate need to further address