

## John Nelson

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**From:** Louise Weimer  
**Sent:** Wednesday, February 28, 2007 8:35 AM  
**To:** John Nelson  
**Subject:** FW:Comments Regarding Update of Garrett County Comprehensive Plan

-----Original Message-----

From: Mike Gregory [mailto:mgregory@hereintown.net]  
Sent: Tuesday, February 27, 2007 9:07 PM  
To: Louise Weimer  
Subject: Comments Regarding Update of Garrett County Comprehensive Plan

Thank you for your recent round of public meetings to gather input from local citizens regarding future land use plans for our fine county. I wish to submit to you the following comments for consideration in upcoming planning efforts .

One of my greatest concerns is whether we have adequately learned the lessons of the last century regarding our use of the land based resources here in the county. During the late 1800's the timber and natural resources of Garrett County were greatly exploited and we were left with a devastated landscape due to financial opportunities made possible by railroad access. These railways, along with creative economic activity and invention, opened up the area for easy transport of raw materials out of the county. And, with the departure of our timber resources we also lost the areas' scenic beauty, water quality, and wildlife/ fishery resources for an extended period of time.

Several generations have worked diligently to restore that damage, and to create, once more, a valued landscape greatly appreciated by most of the people living here. However, I am greatly concerned that we are poised for another round of landscape devastation as our landscapes are sitting in a prime position to be developed beyond a reasonable capacity that could still ensure the proper scenic attributes, water quality, and natural resource habitats for which Garrett County is renowned.

It should be remembered that by the depression era much of the land base of Garrett County was classified as sub-marginal lands by the federal government. The timber had been exploited, farmland soils were depleted, and the federal government evaluated the land base determining that most of the land was best suited to natural resource management rather than continued subsistence farming efforts. Garrett County is a rugged area that is not well suited to extensive development, but unfortunately there is an economic opportunity afoot that is likely to push us in that direction. People with large bank accounts, but little land stewardship foresight or environmental ethic are willing to section up our county to obtain "a little piece of heaven" for every willing buyer. But, in the end, as in the past, we will be left with a devastated landscape and a depleted base of resources.

One need look no further than the Deep Creek Lake Watershed to see what the future holds for the rest of the county. We have crowded out the once scenic hillsides around the lake with development that deepens the tax base for the county, while it shallows the recreational experience of the lake and erodes the quality of life there. Twenty years ago it was apparent that the lake would continue to develop to the point that people would tire of it and we would face an ever declining standard of recreational activity. That has been proven as many locals now avoid the lake until the mad rush of summer and certain other key events are over.

Unfortunately, this same trend is now extending to other areas of the county, as development, having used up the most of the lake environment, now turns its attention to our state forest, parks, and wildlife management areas as the next back drop for their future development efforts. I sincerely wish to respect development rights of landowners, and I have true empathy for the plight of local farmers trying to make ends meet. However, I do not want us to revisit the mistakes of the past which made Garrett County an eyesore to those who had seen her in her glory.

We need to be far more creative now than we have ever been in planning out land use

strategies. We will not achieve success by simply working with a system that pampers it citizens with low quality standards and seeks out the lowest common denominators for political expediency in making land use decisions. That has been our track record in the past, and while it may prove economically feasible in the short run, it will not preserve the long time investment that we as good stewards owe the land and future generations.

I do not have a full range of solutions to these issues I raise. However, I do have some starting points that I feel many of our citizens will agree are needed, based upon the degradation they have witnessed/ experienced in various areas and land use situations around the county. They are as follows:

- 1) We need a strategy and enforceable system of regulation to protect and preserve our county's precious scenic, natural, and recreational resources from future intrusions that would degrade them in terms of their quality and attractiveness.
- 2) Adequate water quality standards and supplies must be secured and maintained for all existing development first and foremost. Future development must bear the cost for obtaining their own water needs without siphoning it off from adjoining landowners. We are the start of water quality for the Chesapeake Bay in the State of Maryland and we should assure that the quality of our well water and aquifers are maintained and not exploited on our state lands. Numerous storm water management and water quality issues will arise as development continues and the cost of solving these problems at high standards of quality need to be borne by land developers as they proceed. This should not be an added tax burden to current landowners/ tax payers.
- 3) We need enforceable and stringent clean lot and noise ordinances. Recently, our neighborhood experienced the following scenario- a family was relocated to a trailer on a one acre lot as part of a federal program. The family proceeded to cut down every tree on the lot, hauled in numerous worn out vehicles and appliances and generated volumes of household garbage which littered the landscape, built an addition to the trailer without following any apparent permit process, and kept a pack of five very vocal coon hounds which forced neighbors to close windows and stay indoors to avoid the noise pollution. During this situation, we could not find a single source of local government assistance to deal with any of these issues. In short, the system seemed broken and inattentive to the desires of citizens to protect the quality of life in their neighborhoods.
- 4) Adequate setback standards need to be set up to preserve existing land uses by neighbors. For example, current law allow me to hunt or shoot weapons on my property provided I am at least 125 yards from any occupied dwelling or residence. If a neighbor decides to build close to the line, they are impacting my ability to use my land as I have in the past. At the very least, any new development should be required to set back at least 65 yards from any adjoining property line so that the safety zone setback requirement is at least shared between the landowners. This is an especially vital requirement for lands adjoining public lands in the county which are used and in some cases have been created to provide opportunities for public hunting.
- 5) I sense it is time for the county to enhance its' current focus on environmental assessment and recreation. Garrett County needs fully functional government entities and should hire additional and appropriate staff to promote and assure the county's active involvement in proper inspections, coordination, and oversight of environmental assessment and recreation management within the county. For too long Garrett County has cried "poor mouth" and asked the state to shoulder the burdens for recreational development or environmental assessment that should have been part of the the county's initiative in meeting its' citizens needs while managing and controlling future development.

Thank you for your consideration of these viewpoints. Please feel free to contact me if I can be of any further assistance.

Mike Gregory  
239 Moonridge Lane  
Grantsville, MD 21536  
301-895-4238

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**John Nelson**

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**From:** Charles Thorne [thornegp@mindspring.com]  
**Sent:** Wednesday, February 28, 2007 1:17 AM  
**To:** John Nelson  
**Subject:** DCL- Development impact on Water quality

John - The study seems to differ to some extent with the power point presentation of this evening.

The Summary of the power point stated (basically) there would be no difference in the water quality of the Lake whether there was a sewer system of septic systems.

However, the Summary at the beginning of the study says,

"The moderate and rapid development scenarios are predicted to produce

a minor degradation in water clarity (secchi depth) and a slight shift

toward eutrophic conditions. Projections for the capacity analysis indicate

an even greater shift towards eutrophic conditions. The large nitrogen

increase from septic sources does little to stimulate algal growth when

there is not a similar increase in phosphorus; both nutrients are needed

because phosphorus concentration appears to be the limiting nutrient.

Predictions indicate a potentially significant but brief increase in

suspended solids loads to the lake during storm events. However, the

likely effect will be little or no long term turbidity increase.

***Though septic sources of nitrogen are likely to undergo nitrification converting ammonia into nitrite and nitrate, it is possible that water quality criteria for ammonia nitrogen may be exceeded if the increased total nitrogen loads are not managed."***

And the conclusions contained at page 69 state,

"Though septic sources of nitrogen are likely to undergo nitrification

converting ammonia into nitrite and nitrate, it is possible that water

quality criteria for ammonia nitrogen may be exceeded if the increased

total nitrogen loads are not managed."

While these statements don't actually contradict the power point presentation, they seem to be somewhat more limiting.

2/28/2007

Would you please forward this to ERM for clarification?

Thank you,

Charlie Thorne

2/28/2007

## John Nelson

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**From:** Monty Pagenhardt  
**Sent:** Tuesday, February 27, 2007 4:29 PM  
**To:** bnktunney@aol.com  
**Cc:** John Nelson  
**Subject:** RE:comprehensive planning

Thank you. I will forward to John Nelson and hold for review as the process continues.

Monty Pagenhardt, County Administrator  
Garrett County Government  
203 South Fourth Street, Court House  
Oakland, MD 21550  
mpagenhardt@garrettcounty.org  
301.334.8970  
\*\*\*\*\*

-----Original Message-----

**From:** bnktunney@aol.com [mailto:bnktunney@aol.com]  
**Sent:** Tuesday, February 27, 2007 3:33 PM  
**To:** Monty Pagenhardt  
**Subject:** comprehensive planning

I attended the meeting last night at Garrett College. I thank the Commission for offering these public forums. I did not speak then but would like to make some comments and suggestions now. I do suggest slowing the process down so more people can become informed and can attend meetings held in the spring when weather is not a deterrent.

1. We support lower density and smaller lot sizes as it would be worked out in clustering. At the least a dwelling per 10 acres.
2. To include areas around parks and state forests in sensitive zoning and to dispense with grandfathering in those areas to avoid housing developments that would impact the environment of those special places.
3. Less concretizing of areas near water and forests. Care to not destroy native species that grow by the roadsides by planting ground covers.
4. Green connectors between state parklands.
5. Replace lawns with native plantings.
6. Help farmers in any way to keep their land with subsidies and tax breaks.
7. Discourage subdivisions by giving credits to farmers or by placing fees on developers.
8. Educate land owners about their options to use easements and make those easements easy to procure.
9. Assure farmers that they will have land to give their children.
10. Ordinances against junked up properties and bright all night lights that blind neighbors.
11. Scientific water assessments.

Thank you. Bill and Kathy Tunney

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## Chad Fike

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**From:** foodlandfresh@adelphia.net  
**Sent:** Friday, July 14, 2006 12:31 PM  
**To:** Chad Fike  
**Subject:** Comprehensive Development Plan

John Nelson  
Director Garrett County Planning and Land Development

Dear Mr. Nelson:

Following are some issues I would like to see addressed in the New Comprehensive Plan:

1. Traffic signal light at Pysell Road. One million customer count at Market Square and two new developments: Eighty-six (86) apartments and 36+ homes.
2. More pedestrian friendly walkways along roads: Rock Lodge, Lake Shore, Marsh Hill, Deep Creek Drive, Glendale and State Park Roads.
3. Fishing and water access and additional walkways on Deep Creek Drive where the water backs up to 219 and between Deep Creek Drive.
4. Garbage still needs addressed: Bear Proof Containers.
5. Real estate signs for rental properties should not be permitted. Too much clutter and fighting for real estate market share!
6. I think we need county wide zoning.
7. #5 of Maryland's Eight Visions: Conservation of resources including a reduction in resource consumption. The wind turbines to generate electricity should not be permitted and they fall under #2 (Sensitive areas are protected). The ridge tops are a treasure!
8. A gateway or corridor should be established and surrounding areas that lead to the most popular attractions in the county should be protected. Re: building codes, types of development, etc. This area should extend from Keyser's Ridge and South and West of Oakland of at least a 25 miles radius. (Mountian Maryland Gateway)

Sincerely,

Hugh D. Umbel

## Land Use Planning Meeting Survey Results

**Blue:** Farmers Only (44 total responses) ♦ **Red:** All Responses (49 total responses)

- a. Do you feel the Agriculture Resource (AR) and/or the Rural Resource (RR) areas should be examined so other areas of the county could be added to the AR and RR land use categories?

Yes: 31 (70.5%) ♦ 36 (73.5%)

No: 10 (22.7%) ♦ 10 (20.4%)

- b. One major component of the Garrett County Subdivision Ordinance is a limit on the density of housing lots in a subdivision in Agriculture Resource and Rural Resource areas. What do you feel would be the ideal number of acres per housing lot:

1 lot / 3 acres: 13 (29.5%) ♦ 13 (26.5%)

1 lot / 5 acres: 3 (6.8%) ♦ 3 (6.1%)

1 lot / 10 acres: 3 (6.8%) ♦ 4 (8.2%)

1 lot / 25 acres: 12 (27.3%) ♦ 14 (28.6%)

1 lot / 50 acres: 5 (11.4%) ♦ 6 (12.2%)

- c. Under consideration is also the idea of clustering lots in one location on a developed piece of land to maintain larger tracts of farmland. Do you agree with the idea of clustering houses together in AR and RR areas?

Yes: 36 (81.8%) ♦ 41 (83.7%)

No: 5 (11.4%) ♦ 5 (10.2%)

- d. With regard to clustering, which of the following statements do you most agree with?

18 (40.9%) ♦ 22 (44.9%) It should be mandatory that lots be clustered together on the least desirable land for agriculture and forestry which will also have the least impact on the operation of a farm.

15 (34.1%) ♦ 16 (32.7%) It should be optional that lots be clustered together on the least desirable land for agriculture and forestry which will also have the least impact on the operation of a farm. Choosing this option would be an incentive to getting additional total lots.

9 (20.5%) ♦ 9 (18.4%) The placement of lot clusters should not be regulated.

- e. Another consideration would be how large lots should be allowed to be. What do you think would be the ideal maximum lot size in AR and RR areas?

1 acre: 12 (27.3%) ♦ 13 (26.5%)

2 acres: 6 (13.6%) ♦ 9 (18.4%)

3 acres: 7 (15.9%) ♦ 7 (14.3%)

5 acres: 9 (20.5%) ♦ 9 (18.4%)

10 acres: 5 (11.4%) ♦ 5 (10.2%)

- f. Another way to look at maximum lot sizes is as a percentage of the total acres of the parcel to be subdivided. What would you think would be the ideal proportion of lot sizes in AR and RR areas in this case?

2% of total parcel size: 13 (29.5%) ♦ 16 (32.7%)

5% of total parcel size: 7 (15.9%) ♦ 8 (16.3%)

10% of total parcel size: 13 (29.5%) ♦ 13 (26.5%)

g. Another way to reduce the number of lots available in AR and RR areas of the county and to create revenue for land owners in the AR and RR areas is to create a TDR (Transferable Development Rights) program. A TDR program would require a person creating lots outside of the AR and RR area to purchase a development right (most of the time one lot equals multiple development rights). Please indicate if you agree with the implementation of a TDR program:

18 (40.9%) ♦ 18 (36.7%) Garrett County should not have a TDR program

20 (45.5%) ♦ 24 (49.0%) Garrett County should have a TDR program.

h. If the county would adopt a low density (one lot/10 acres or more) in AR and RR areas, many folks may own lots that are smaller than the allowable size that can be subdivided. One idea would be to allow persons with these smaller lots to subdivide their properties so that housing would go on non-farm land within the Agriculture Resource and Rural Resource Areas. Which of the following statements would you support?

15 (34.1%) ♦ 15 (30.6%) The lots that are smaller than a subdividable lot size should not be allowed to be subdivided.

10 (22.7%) ♦ 10 (20.4%) Lots smaller than the subdividable lot size should be allowed to be subdivided with a size no smaller than 3 acres.

14 (31.8%) ♦ 18 (36.7%) Lots smaller than the subdividable lot size should be allowed to be subdivided provided lots are no smaller than 3 acres and the property owner must purchase a development right from another landowner in the AR and RR areas of the county.

i. Land Preservation programs have been a very successful part of most County land use programs. Garrett County currently has about 5,000 acres enrolled in the Maryland Agriculture Land Foundation program and other easement programs. Most of this has been funded with available state funds. To increase the amount of acres in land preservation Garrett County could develop a county funded program. Which of the following statements do you feel Garrett County should do about a county program?

4 (9.1%) ♦ 4 (8.2%) Garrett County should not have a county funded land preservation program

13 (29.5%) ♦ 13 (26.5%) Garrett County should develop a county program with available county funds

22 (50.0%) ♦ 26 (53.1%) Garrett County should develop a county program with funds coming from an impact fee assessed on subdivided property.

3. Select the statement below that best describes your situation: *(some chose more than one)*

32 (72.7%) ♦ 32 (65.3%) Own and operate a working farm

9 (20.5%) ♦ 9 (18.4%) Own property that is not a working farm (three or more acres)

1 (2.3%) ♦ 1 (2.0%) Renting land that is operated as a farm

1 (2.3%) ♦ 1 (2.0%) Farming with parents or other partnership arrangement

3 (6.8%) ♦ 8 (16.3%) Own a house on a lot less than 3 acres

0 (0%) ♦ 0 (0%) Do not currently own land in Garrett County

4. What is your age?

1 (2.3%) ♦ 1 (2.0%) 16 – 30

12 (27.3%) ♦ 14 (28.6%) 31 – 50

30 (68.2%) ♦ 33 (67.3%) 50+

**Additional Comments:**

How large is DCL watershed? Can it expand?
This was very informational
Municipalities should do more to encourage residential growth inside town limits as opposed to scattered home in rural areas. Cities did a great job luring people back to downtown living - small town American could do the same? (particularly Grantsville, Accident, Friendsville, Kitzmiller)
Water resources need to be addressed before lot sizes and densities can be accurately determined!!
GC should finance costs involved with donated conservation easements on an income needed basis so that landowners would be encouraged to donate.
Water resources need to be studied & studies updated in relation to land use decisions. I believe this is crucial!
Thanks for the meeting...would like more meetings
A lot of info to digest. Don't feel that I understand well enough to complete your survey.
How do you realistically prevent a farmer from giving relatives the right to build on 3 acres here and 3 acres there? Especially with land becoming too pricey for people working in this county? Living near the New Germany St. Park, I am asked by people renting my sister's cabin next door (from Baltimore, Washington, New Jersey) if there is land nearby for sale. Given the baby boomer population retiring, I believe there will be much more pressure on land outside the lake area than is expected.
I am concerned about sensitive areas such as those around state parks that are being heavily developed with dwellings on less than 3 acres (due to grandfathering). These small parcels are being sold for exorbitant prices and will negatively affect the parks. Golf courses should not be "open space" nor cemeteries or school yards!
Difficult to make blanket statements regarding density requirements out of context of other land planning tools. It is good work to present this information to the community. Thank you.
I support tightly clustered lots along with county wide zoning that is similar to some European countries (i.e. Switzerland). They have a long range focus on preserving farms, forests, and the associated lifestyle.
It's important to place importance on preserving agriculture's viability in Garrett County not only through the comprehensive plan but through other resources also.
We need a program that protects ag land and maintain or subsidize the owner for lost land value
Maintain our equity
Need to do better with the ag preservation program
It is imperative that farm equity NOT be diminished by any change in land development plans.
Landowners should have choice in what we do with our own land. We work the land, pay taxes, take all the risks in finances.
Farmland preservation should be more active and pay a realistic price for easements
Encourage clustering with incentives. Encourage small lot size, so local people will be able to afford to buy a lot.
I feel the existing regs have worked well. Leave them alone.
Improving the Ag Preservation Fund would solve most of the loss of open space you have discussed today. County should utilize the Deep Creek Lake Tax to help support open space in the remaining portions of the county. Bringing ag preservation funds into development funding reality will preserve more farm land.
I am not sure about some of these questions

# Allegheny Highlands Conservancy

5 February 2007

Mr. George Brady  
Chairman – Garrett County Planning Commission  
203 South Fourth St.  
Courthouse Room 210  
Oakland, MD 21550

Dear Mr. Brady:

Allegheny Highlands Conservancy is a newly formed local land trust dedicated to the following purposes:

- 1) To protect and conserve the land, water, and natural resources of the Allegheny Highlands region.
- 2) To promote the preservation, protection and stewardship of forest, scenic, natural, wildlife, recreational and agricultural land and water resources.
- 3) To partner with the community to conserve working rural farms and forests.
- 4) To serve as a conservation information resource for landowners and land managers.
- 5) To provide a forum for community understanding and support of land and water conservation issues.

We have been actively involved in the current planning process and appreciate the opportunity to express our views in an effort to help ensure that the new county plan will reflect the desires of county residents and maintain our rural quality of life.

We have several specific concerns and recommendations regarding the plan and the planning process:

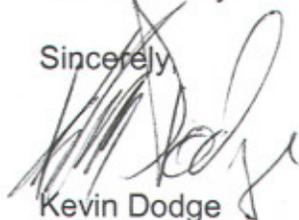
- 1) The process as it is currently designed may not fully capture the vision and concerns of the people of Garrett County. It seems to us that the Planning Commission would want to make every effort to hear from *all* county residents, and not just those who are able to attend the monthly afternoon sessions or are comfortable expressing their views in front of a large group at the evening public meetings. Therefore, we encourage the Planning Commission to meet with smaller groups throughout the county. This may require additional time and effort for members of the Planning Commission, but we believe the importance of your task makes such additional time and effort a necessity if the resulting plan is to fully reflect the desires of county citizens. We also encourage the Planning Commission to provide advance mailed notification of upcoming public meetings to all who attended previous public meetings.

- 2) The maps used in the current planning process don't appear to show all areas currently under some form of protection (e.g., state land, Nature Conservancy properties, and properties under easement). This makes it difficult to truly understand what parts of the county are open to development. We encourage the Planning Commission to provide updated maps that accurately reflect this information and can be linked to tax and topographic maps and aerial photos.
- 3) Very little appears to be known about the quantity and quality of surface and, especially, groundwater supplies in the county. This compromises the ability to project the impact of future development on these supplies. This information must be obtained before planning decisions can be intelligently made. Adequate and safe water that can be affordably accessed must be available before development can be approved. Development must not exceed what groundwater supplies can reasonably and affordably support, nor should it occur when it diminishes the quantity and quality of water for currently existing wells.
- 4) Streams in the county are currently threatened by sediment, fluctuating flows, and increased water temperatures. Improperly planned new development will only exacerbate these problems. The new county plan must minimize impervious surfaces, improve stormwater management, and increase vegetated riparian and wetland buffers.
- 5) Many areas of the county that should legitimately be classified as Agricultural Resource Areas and Rural Resource Areas are currently listed as Remaining Rural Areas, and thus are subject to less restrictive subdivision ordinances. We believe that Agricultural Resource Areas should be expanded to include woodland areas, since forests and the forest products industry are perhaps as integral to the character and economy of the county as is agriculture. Further, we believe that much more of the agricultural and forest land in the county should be classified as Agricultural Resource Areas. We also believe that the Rural Resource Areas of the county should be increased to include more forested tracts and other scenically and ecologically significant lands.
- 6) We are concerned, as are many county residents, about the current rate of loss of working farms and forests and other rural lands in the county. In the Agricultural Resource and Rural Resource Areas, we endorse a decrease in the density of dwelling units to *at least* one per ten acres, required clustering, and a limit on lot size. We believe that creative means exist to implement these measures without unduly impacting land values and other concerns of property owners.

We have been working, and will continue to work, with partner organizations who share common concerns, including the Garrett-Preston Rural Development Coalition, the Garrett County Forestry Board, the Youghiogheny and Savage River Watershed Associations, and the Western Mountains Chapter of the Maryland Native Plant Society. We believe you will find that there is a broad coalition of support for these recommendations.

As Garrett County residents, we share with you the hope for a bright future for the county. This future, we believe, must include a county that is economically vital but also culturally vibrant and ecologically healthy. We strongly encourage you to consider our recommendations and we will work with you to help make them a reality.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kevin Dodge', written over the word 'Sincerely,'.

Kevin Dodge  
President – Allegheny Highlands Conservancy

**Aspen Woods East, LLC  
11 Oak Court  
Annapolis, MD 21401**

September 5, 2006

Garrett County Planning Commission  
203 S. Fourth Street  
Courthouse  
Oakland, MD 21550

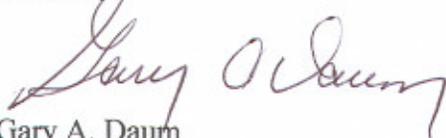
Attention: George Brady, Chairman

Dear Mr. Brady:

This letter is being submitted to request the Planning Commission's consideration for extension of the McHenry Growth Area Boundaries to include properties north of the current Town Center and Town Residential land use category. Our development group is in the process of designing a planned commercial and residential development, which would include a large portion of the former Helmuth Heise farm located just north of the existing growth area boundary. We believe it would be a logical extension of the current McHenry Growth Area Boundary to include commercial and institutional properties already existing and planned within this corridor. We would suggest that the boundaries should encompass the Police Barracks, the planned future fire department relocation, as well as, existing business enterprises situated along the corridor as far north as the Stony Brook real estate office and the scattered group of commercial businesses in around the Ringer Auto Repair Shop. Sewer service already exists as far north as the McHenry Police Barracks and we believe that bringing these areas currently served by public sewer facilities into the designated growth area would be fully consistent with the Smart Growth Policies already in place under State law. We have attached a map of what we believe to be the appropriate expansion of the growth area and we would appreciate your consideration for expansion of the McHenry Town Center and Town Residential districts during the process of comprehensively updating the Garrett County Development Plan.

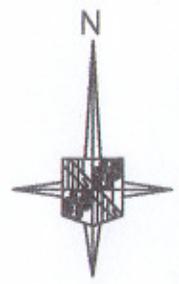
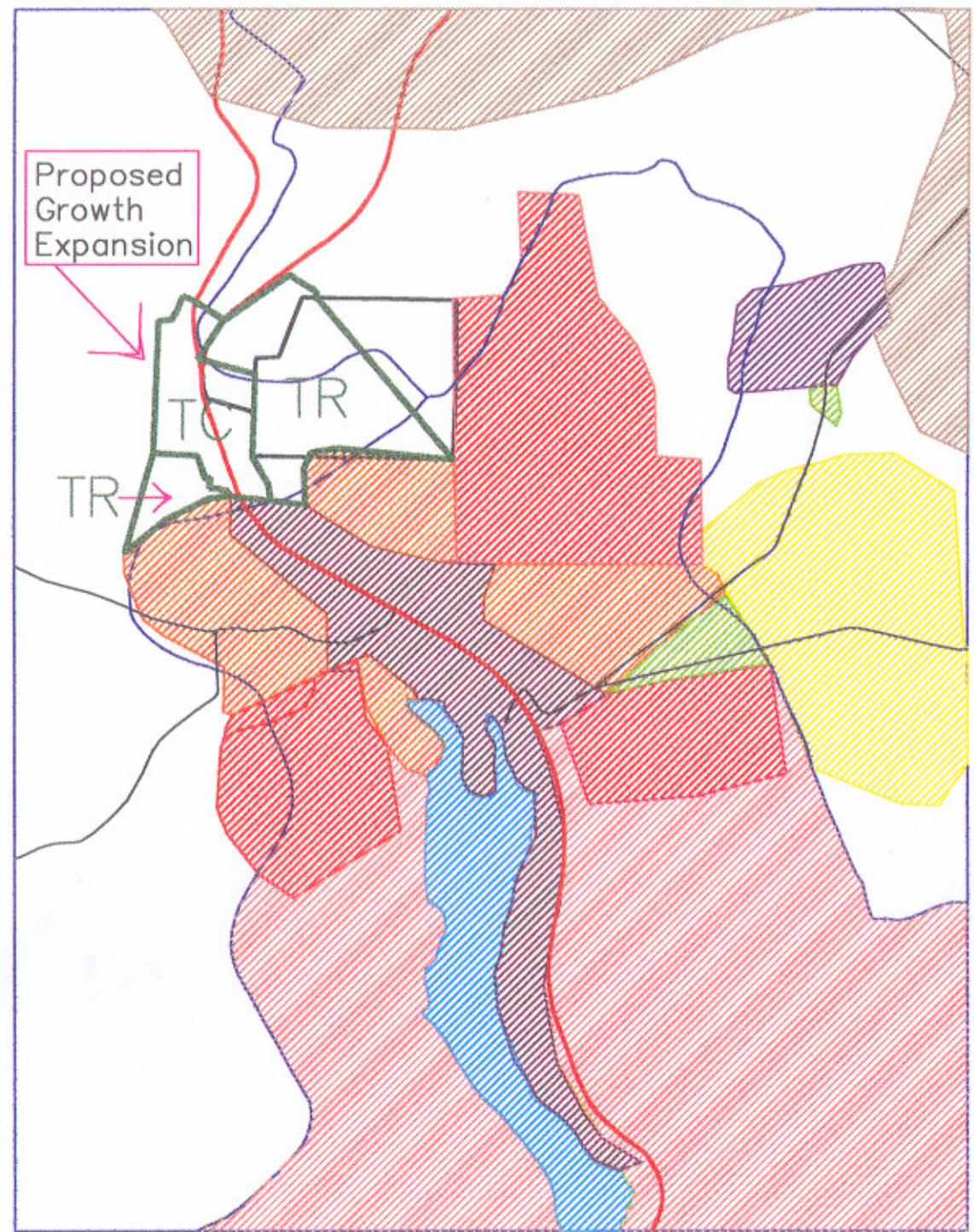
We thank you for your consideration of our request.

Sincerely,



Gary A. Daum  
Aspens Woods East, LLC

# Proposed McHenry Growth Area Expansion



## LEGEND

-  Proposed Additions
-  Agricultural Resource
-  Lake Residential
-  Suburban Residential
-  Town Residential
-  Town Center
-  Commercial Resort
-  Employment Center
-  Other Recreation & Open Space Areas
-  Watershed Boundary

## DeCorsey E. BOLDEN

120 W. Pennington Street  
Oakland, Maryland 21550  
(301) 334-8582

February 22, 2007

G.C. Planning Commission  
G.C. Courthouse  
Oakland, Maryland 21550

Gentlemen and Ladies,

The Garrett Countians for Smart Growth organization goes on record as opposed to the present alignment of the so called Oakland 219 By-Pass, This abomination intersects three farms, one a century farm transversing for 2.2 miles at a cost of \$42,000,000, that's \$4,000 a lineal foot.

We think there is a better way for truck traffic to access the Southern Industrial Park and that alignment is Route 495, a present State Highway from North Route 219 to Route 135 Swanton.

Oakland is a busy little town and in addition to the work force of over 1,000 employees each day, there are tourists and visitors to the hospital, Board of Education, Sheriff's Department, banks, courthouse and retail outlets.

There is an ongoing solution to the traffic congestion on third street in Oakland and that is to press forward with state program, Streetscape to create holding and passing lanes and synchronize the traffic lights to keep traffic flowing.

In the distant future, this by-pass through limited access, will become a strip mall consisting of drive-in banks, more fast food chains, retail outlets, office complexes, etc. when this occurs , downtown Oakland will resemble downtown Terra Alta with numerous empty store fronts.

Thirty years ago, an irreversible mistake was made when our beautiful county courthouse was destroyed by building a jailhouse in the front yard. Don't compound one mistake by making another irreversible mistake. Scuttle this proposal now.

Respectfully yours,

*DeCorsey E. Bolden, Chairman*  
DeCorsey E. Bolden for Smart Growth

cc: Honorable Governor O'Malley  
G.C. Commissioners  
Senator George Edwards  
Delegate Wendell Beitzel



4. Routine water quality inspections of surface and ground water resources are critical in areas where high density subdivisions have been constructed without public sewage systems. The likelihood of pollutants from failing and improperly installed septic systems increases as the number of subdivisions increases especially with the development of small parcels that are "grand-fathered in" despite not meeting current subdivision ordinance size requirements. Regular inspections for bacteria, as well as improperly-disposed household chemicals and medicines, should be conducted to protect the health of our citizens.
5. Increased impervious surfaces from development increase the quantity of storm water runoff surges. Storm water runoff contaminates our streams with a variety of pollutants. According to a report from the US Environmental Protection Agency these include: E. coli, Cryptosporidium, fecal coliform, Giardia, sediments, birth control hormones, antidepressants, cadmium, copper, cyanide, mercury, arsenic, lead, pesticides, motor oil, nutrients and thermal discharges. These pollutants severely degrade water quality, as well as habitat for fish and wildlife. Our streams and lakes are one of our greatest assets. Various low impact development techniques (including permeable pavements, downspout diversions, rain barrels, etc) should be required to treat storm water on-site so that it can be more slowly released into the ground, where it can be cleaned of pollutants and recharge groundwater supplies.
6. Water availability is a key limiting factor to development. This must be taken into account, and expansion should not be blindly encouraged under the assumption that you can always get more water. Significant water conservation initiatives must be enacted. With the exception of fire control, water appropriations above 1000 gallons per day from ground and surface water resources (wells, springs, streams, ponds, etc) should be permitted and monitored by the County. Large scale water appropriation projects for municipalities and businesses that do require State permits should include a written public notice to landowners within the impacted watersheds.

#### **Revise and digitize land planning maps:**

The existing "Land Classification Map" delineates areas as *Agricultural Resource*, *Rural Resource*, *Rural*, etc. There are areas currently mapped as *Rural*, that should actually be mapped as *Agricultural Resource* or *Rural Resource*. Since large, intact blocks of designated *Agricultural Resource* and *Rural Resource* areas are needed to provide protection for working farms and forests, any gaps within these areas should also be classified as *Agricultural Resource* or *Rural Resource* areas. Also, to provide a clearer picture of land classification this map should be digitized so it can be overlaid on property tax maps, aerial photos, etc.

#### **Maintain our scenic beauty and rural landscape:**

The continued loss of working farms and forests, as well as other rural lands to development will have serious consequences for the citizens of Garrett County. We've already outlined how the quality and quantity of ground and surface waters are negatively impacted by development, and what that means for our citizens. Unchecked development also causes loss of livelihood (from farming, logging and tourism) and loss of lifestyle (hunting, star gazing, birding, etc.). In addition, residential growth does not generate enough tax revenue to offset the expenditures that it accumulates according to a recent report by the American Farmland Trust.

1. To protect farmland and forests, in the *Agricultural Resource* and *Rural Resource* Areas, we endorse:
  - a) Decrease the density of dwelling units to one per ten acres (at the very least), mandate clustering and limit lot size.
  - b) Provide funding to assist qualified landowners with out-of-pocket expenses associated with donated conservation easements. For many Garrett County residents who may be "land

rich" but are living on a fixed or limited income, these expenses ("before & after appraisal", "deed of subordination sign-off") are simply too difficult to bear. Such costs can literally stop an easement in its tracks. By assisting with these costs, Garrett County would be able to help preserve more open space, working farms and woodland at a fraction of the cost of actually purchasing a conservation easement.

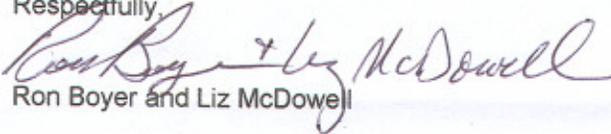
2. To preserve our regional biological heritage and natural landscape, we recommend:
  - a) Garrett County should actively support control measures for exotic invasive species, including but not limited to gypsy moth, hemlock woolly adelgid, Japanese stiltgrass, garlic mustard, and Japanese spiraea. This support should include funding of integrated pest management programs, the active removal of exotic invasive plants along roadsides, and not planting exotic invasive species at county facilities or schools. Selected control strategies should use the most current information. For instance, in terms of gypsy moth control, special attention should be given to the following research paper: Schweitzer, Dale F. 2004. *Gypsy Moth (Lymantria dispar): Impacts and Options for Biodiversity-Oriented Land Managers*. 59 pages. NatureServe: Arlington, Virginia. In terms of exotic invasive plants, guidelines for eradication are provided by the Plant Conservation Alliance Alien Plant Working Group – [www.nps.gov/plants/alien](http://www.nps.gov/plants/alien). In terms of new plantings the County should use species native to our region such as mountain laurel and sugar maple, instead of exotic invasive species like Japanese barberry and burning bush. A complete list of native plant species is available at [www.mdflora.org](http://www.mdflora.org).
  - b) Garrett County should adopt conservation landscaping techniques at all of their facilities and schools. Replace lawn as much as possible with native plants. Less lawn translates into less time mowing, less fuel consumed and less pollution emitted. Apply mulch and compost yard waste whenever practicable to conserve soil. Divert storm water runoff into rain gardens or rain barrels, to conserve water resources. Limit the use of chemical fertilizers and pesticides to protect not only soil and water resources, but wildlife as well. For more information, visit [www.nrcs.usda.gov](http://www.nrcs.usda.gov).
  - c) Garrett County should utilize Open Space funds to create a "green infrastructure" that links hubs of contiguous forest habitat with forested greenway corridors that are at least 1,100 feet wide.
3. To maintain our night sky and with it our view of the planets, constellations, meteor showers and northern lights, we suggest a county-wide educational program that explains the problem of light pollution and outlines solutions. Reducing light pollution is not difficult. Homeowners and businesses can actually save money and energy, while protecting the priceless heritage of a dark night sky for our children and grandchildren. Garrett County can lead the way by providing developers information on "night sky friendly" lights (full cut-off fixtures, motion sensor lights, timer-controlled lighting, glare-free lighting and energy efficient lamps) and by using these lights in all of their facilities and schools. There is plenty of information available on this subject at [www.darksky.org](http://www.darksky.org).
4. We need to be innovative as we look for solutions to the energy crisis, but cautious that our solutions don't sacrifice our natural heritage in the process. Garrett County's natural resources should not be degraded as the price for new forms of energy development. Instead, the County should promote energy conservation and require that the impacts of wind generators on our natural resources be minimized before they are constructed. In addition, the County could show homeowners and businesses that "bigger is not always better", by conserving energy and installing small wind energy appliances, solar panels and geothermal systems on both existing and new county structures whenever practical.

In closing, we'd like to make two final points:

1. If any new State or Federal regulations are instituted that could further protect the health and well-being of our citizens then they should be incorporated into the Comprehensive Plan whether it has been finalized or not.
2. The Comprehensive Plan must be more than just a guidance document. It must be made legally binding if the protections included within its pages are to mean more than just the paper they're written on.

Thank you for taking the time to review our comments. If you would like additional information or clarification on anything we have written, please do not hesitate to contact us.

Respectfully,

  
Ron Boyer and Liz McDowell

cc. Board of Garrett County Commissioners  
203 South 4th Street, Room 207  
Oakland, MD 21550

February 22, 2007  
92 Carey Run Road  
Frostburg, Maryland

George Brady, Chairman – Garrett County Planning Commission  
203 South Fourth St., Courthouse Room 210  
Oakland, MD, 21550

Dear Mr. Brady and members of the Planning Commission:

I am writing this letter on behalf of my wife and me regarding our views for the long range comprehensive plan of Garrett County. We own two parcels of land (25 and 28 acres, respectively in Eastern Garrett County, off of Old Frostburg Road). Both are zoned agricultural, with the exception of the one acre of our residence. The 25 acre parcel on which we reside has Savage River running through the length of it (we are about 10 miles from the headwaters of Savage). We are actively under forestry management for part of this parcel and have also utilized the Buffer Incentive Program for plantings along Savage River. We have observed changes in our county and wish to offer the following.

First and foremost, we wish for Garrett County to maintain the rural sense that exists now consisting, outside of Deep Creek Lake area, of primarily farmland, forested land, and small towns. Our other major concern is quality and quantity of water. Two things threaten our water quality and availability: unchecked development and removal of water out of the water system such as the exportation of water out of Savage River watershed to the City of Frostburg.

Given relatively inexpensive land, i.e., land outside of the Deep Creek Lake area, and our proximity to metropolitan areas, sprawl (low density development) is another major threat. Gone unchecked, farmland, support for farming enterprises and forested land will be lost and the quality and character of what makes Garrett County a desirable place to live and recreate will no longer be the case. Of course, I'm sure you're aware that the director of Maryland Department of Planning, Richard Hall, has said that "Residential growth requires more in services than it pays for in taxes." Further, that a most recent study conducted by the American Farmland Trust -- a nonprofit dedicated to protecting agricultural resources -- about costs to community services in Wicomico County claims that while commercial, agricultural and open space land uses have a positive net fiscal impact by generating a surplus in revenues, residential land use has a negative net fiscal impact. Both comments are cited in a recent article published Feb 11, 2007, entitled "COSTS OF GROWTH: Study finds residential development a money loser for governments" By Katherine Crowell a staff writer of delmarvanow.com

Based on these primary concerns, we ask that the Garrett County Planning Commission incorporate into the new long range comprehensive plan for Garrett County, appropriate measures to ensure our water remains our water, that the water be protected from pollution of contaminants resulting from development and other sources, that drinking water be regularly checked for health purposes and other waters be regularly studied and checked for quality so that sound decisions can be made regarding development that may affect water quality and availability.

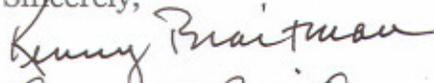
Further, we ask that the county regulate development which would preserve the quality and character of life which currently exists, using many of the techniques available. Prevention of urban sprawl and loss of our rural lands to building and sprawl should be tantamount.

We urge the planning commission to develop zoning requirements for agricultural and rural resource areas which protect these areas from changing. This might include a change such as that done in the Wicomico County comprehensive plan which directed development to the cities and towns by passing an ordinance which allowed only one unit per 15 acres unless the developer plans a cluster development. If the development is a cluster development and 50 percent is set aside as open space, then the density allowed is one unit per three acres.

Storm runoff is another major concern of ours. Currently, the county directs storm water runoff directly through our pasture in two locations into Savage River. These two runoff areas leave debris and rocks throughout our fields forcing us to manually remove them as well as do serious harm to Savage River and those fish and fauna that inhabit it. We believe that better management of storm runoff must occur for the sake of our land, our streams, and the plant and animal life which live in these waters.

Finally, we would like to conclude with commentary about our "neighborhood" in this northeastern portion of the Savage River watershed. Our closest neighbor's family has lived here for over 100 years; in fact, part of our land was their old homestead. My neighbor, who is in his early 60's, can remember the width of Savage River through our properties BEFORE all the wells on top of Big Savage Mountain, which supply Frostburg, were drilled. Savage River has shrunk in size by about 50%! Furthermore, during the summers that have been very dry, we have witnessed commercial trucks parking on our common bridge over Savage River, sucking up water to fill their tanks. We stopped and asked one of these "operations" and were told that the water was to a fill swimming pool! We chased them off! Though aggregate data (summaries based on annual rainfall amounts) indicate sufficient water in Garrett County, clearly the latter example shows that not all times of the year are equal with respect to sufficient water here. The first example shows the impact of exporting water to Allegany County. We are not aware of how Garrett County is compensated for this efflux to Allegany County. We would request that no water be taken out of watersheds to be provided to other counties and/or cities without consent of the citizenry. Furthermore, we wish to know the details about compensation and arrangements for water already being removed from our watersheds such as the Big Savage Mountain wells and the Piney Dam reservoir.

Thank you for your attention to our concerns and recommendations for a healthier Garrett County! Please do not paint us as "anti-development;" "intelligent growth" advocates would be an apt descriptor! Garret County is blessed with much natural beauty which, if successfully managed, can financially benefit our county for decades to come. Best wishes as you make these serious deliberations.

Sincerely,  
  
  
Kenny and Annie Braitman

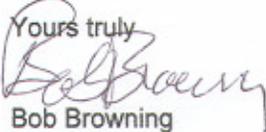
## ROBERT BROWNING

PO Box 172  
32 Outfitters Way  
Mc Henry MD 21541  
301-387-2200  
Cell 301-616-6997

The planning commission and ERM should examine new development outside of zoning. We are seeing development outside zoning that, if not dealt with, will result in adverse effects as well as loss of character of the County. Currently the only regulations on lot size are health department regulations that are, 1 acre or more depending on ground condition if on septic, but if on sewer no minimum lot size exists. Some developers wish to maximize their profit. They want to put as many lots as they possibly can in a development, which is currently allowed if they put in a mini-sewer plant. Current policy is that the county ends up with these plants. There are problems with these type of treatment plants, some of which are addressed in the attached letter. Having a bunch of mini-sewer plans around the county is not a good idea.

A comprehensive plan for the entire county is needed. Mini-sewer plants should not be allowed. A minimum lot size of at least 2 acres should be considered.

Traditionally developers have set their lot size to Health Department septic requirements at a minimum. We have seen some quality development with estate lots of 5, 10, 20 acres sometimes larger. As pressures increase to maximize profit developers are looking to private sewer and water projects. The county should not allow these mini-sewer plants. The plan must strike a balance between development and maintaining our historic rural nature.

Yours truly  
  
Bob Browning

Attached is a note sent to MDE dealing with this type of issue.

2/26/07

Dear Members of the Planning Commission

Although I only moved to the county about ten years ago, I have been coming here my whole life as my mother's family dates back to the nineteenth century. As a child growing up in the 50's and 60's in Carroll Co., MD I remember it to be much like Garrett Co. is today. Unregulated growth there has changed the character from Rural/Smalltown to a more Urban/Commercial mix. I admit that the circumstances of the two places are different but don't believe it can't happen here.

As a landowner who has put my land into the Rural Legacy Program and a member of the Allegheny Highlands Conservancy and Youghiogony River Watershed Association I support the recommendations they and other supporting organizations have put forth.

This plan is just the beginning of the process but with some forethought and continued study and scrutiny Garrett Co. can maintain it's Natural, Agricultural and Cultural Heritage all the while experiencing enevitable growth that will be the 21st century.

Sincerely

  
Courtney Englar  
Accident, MD



## **GARRETT COUNTY**

Forest Conservancy District Board  
1728 Kings Run Road  
Oakland, MD 21550  
301-334-3296  
[www.gcforest.sailorsite.net](http://www.gcforest.sailorsite.net)

Mr. George Brady  
Chairman – Garrett County Planning Commission  
203 South Fourth St.  
Courthouse Room 210  
Oakland, MD 21550

March 1, 2007

Dear Mr. Brady:

72% of Garrett County is forested and the Forest Products Industry is the largest industry in Western Maryland, and the fifth largest industry in Maryland with over 15,000 people employed statewide with earnings of over \$420 million dollars annually. In Garrett County alone there are 27 primary Forest Products Industries. These 27 industries produce hardwood and softwood lumber, pulpwood, paper products, veneer logs, Christmas Trees, mulch and firewood. There are also over 270 Secondary Wood Products Industries in Garrett County including manufacturers of stakes, decks, fences, wood flooring, furniture, cabinets, moldings, mantles and stairs. Forests and the forest products industries are very important in Garrett County and the economy of Garrett County needs for that to continue.

Recognizing that our County lies in the tri-state region of Pennsylvania, West Virginia, and Western Maryland, we urge our county planners to understand the impact of implementing regulations that adversely impact the Forest Products Industry. Insuring that our industries are equally competitive will make certain that the economy of Garrett County continues to be strong in the future.

Often people think about forests as a place where trees grow and timber is harvested but forests are much more than just trees and lumber. Forests provide people with good clean water, clean air, a place to recreate, a home for our wildlife and many other resources too numerous to list. Forests are a treasure that Garrett County needs to protect and nourish and maintain forever.

The Garrett County Forestry Board sees that forest and agricultural land preservation, storm water management, soil erosion and nutrient loading as the most serious problems in the county, especially in the Deep Creek Lake area. We encourage strong enforcement of county, state and national regulations.

***"Promote the stewardship, conservation, management, and wise use of Maryland's forest resources, both urban and rural." The Garrett County Board is a member of the Maryland Association of Forest Conservancy District Boards"***

The Garrett County Forestry Board is composed of volunteer citizens with backgrounds in logging, forestry, wildlife management, environmental education and forest hydrology and lists the following seven recommendations for use in land use planning effort:

1. Recognize the value of forests as a renewable natural resource and that logging and the production of forest products are a vital part of the economy of the county. Converting forested land to other uses should only be permitted following an assessment of the adverse impact to the Forest Products Industry. Should forested land be proposed for development, the developer should be required to pay an impact fee which would be used to purchase an equivalent amount of land that would be put back into forested land. This is somewhat equivalent to implementation of the Forest Conservation Act (FCA). While Garrett County is currently exempt from mandatory implementation of the FCA, the amount of forested land proposed to be removed for development is staggering and voluntary implementation of the FCA is the most logical manner to keep our forests.
2. To obtain the maximum benefit from forests, both economically and ecologically, they should remain in as large a forest tracts as possible (25 acres or more), and we also recommend strongly that they have a forest management plan. Any land covered by a forest management plan should be exempt from development and retained in the forest management plan.
3. Water is one of the most critical resources of our county (both fresh and waste) and forested land is by far the best producer of good clean fresh water. We strongly encourage a thorough comprehensive assessment of the water resources in any area of the county prior to development in the area. Without a thorough and comprehensive assessment, long term failure of whatever is developed is at risk. Land development by itself naturally increases impervious surfaces, excessive water runoff and pollution are highly likely to occur and the maximum green space possible (preferably timbered) should be kept on developing tracts. As areas are developed, a major factor in the permit process should be the amount of water that is authorized for use. Permission should only be given to withdraw amounts that do not adversely impact the water source – either groundwater or surface water. Permission should never be granted to withdraw more than is sustainable over time.
4. Use of forest/vegetative riparian buffers should be required, especially in farm areas. The water resources of our state are vitally dependant upon good quality water. Streams in the county are becoming more and more threatened and all users of water down stream are **CRITICALLY** dependant upon up stream users, to keep them with good clean water. Continuous and intermittent flowing streams (blue line) should be buffered 50 feet on both sides of the stream and especially if the land is developed.

5. Recognize that forests have multiple uses such as forest products, aesthetics, and watershed protection - to maintain and protect water quality, recreation, and wildlife management, hunting, and soil erosion control and pollution absorption. Such uses, plus disease and insect control, are best obtained when the forest is healthy and vigorous through sustained yield forest management.
6. In Rural Resource and Rural Agricultural Resource areas on the Garrett County subdivision map, housing should be at a density of 1 house in 10 acres, and the use of clustering is encouraged.
7. Encourage the purchasing of easements and development rights for farms, forests, riparian buffers and wetland areas, to include provisions for timber harvesting and sustainable forest management.

We also recognize that the tasks the Planning Commission has ahead of them with the revision of the County Development Plan are difficult, complex and challenging. We want you to know our board is available to assist you in your work and wish you success. Should you have any questions or need further information regarding our recommendations, please do not hesitate to contact me directly.

Sincerely,



Charles N. Hoffeditz  
Chairperson,  
Garrett County Forest Conservancy District Board

Cc: Garrett County Commissioners  
Garrett County Planning and Land Development

731 Oakland Drive  
Mtn. Lake Park, MD 21550

February 16, 2007

Mr. John Nelson  
Director of Planning and Land Development  
203 South 4th St  
Room 210  
Oakland, MD 21550

Dear Mr. Nelson:

I am writing with regard to the new Comprehensive Plan.

First, I want to thank you for allowing residents of Garrett County the option of writing to your office to voice their opinions regarding the Comprehensive Plan in addition to the meetings. The meetings are very important, but as not everyone may be able to attend, and also, as not everyone may be comfortable speaking in large groups of people, I think it is very important to have another option available to be able to include the opinions of all who wish to give them.

I have two specific concerns with which I am writing regarding the Comprehensive Plan. The first is our heritage and the second is agriculture.

Garrett County is a rural area, known for its small town atmosphere and rich heritage. As more and more development has been encouraged, it has begun to lose much of its "small town" attraction. This area has been heavily built upon tourism, and the reason tourists have come is because they want to escape the "big city" life and relax in a slow-pace, "down-home", rural environment. Many of the tourists who used to find Garrett County quite attractive no longer come because it no longer has the peaceful environment they are seeking. Development is necessary. But too much development could be a major downfall to Garrett County and its economy in the long term.

I think it is tremendously important that Garrett County wisely deal with the issue for the need to hold on to its heritage, its rural personality, and its agriculture before it's too late. Once that is lost, it may not be so easy to reclaim. There are lots of "big cities", but there's only one Garrett County.

I think the Comprehensive Plan needs to include a detailed plan for the preservation of Garrett County's rich heritage and ruralism. I think there needs to be a limit to how much development is too much, and I think the development that is conducted needs to adhere to a set of guidelines that will retain a "small town" feel particularly in areas that still have that "small town" feel. Additionally, I think that the Plan should encourage and support residents who want to help restore Garrett County's heritage, whether it be historic preservation or encouragement of rural enterprise. There are many historic places in Garrett County that could be quite an attraction for Garrett County. It is true that there are quite a few historic preservation activities going on in the county, but I also know that there are residents who could and would help in that endeavor as well if they could find the support, not just financially, but also through expertise, encouragement and developmental policies that would make such endeavors more favorable. Why not get the residents involved in building a community of which they can be proud?

Agriculture is of vast importance to Garrett County, especially in today's world. With national security issues and food safety issues in the media regularly, we, as a community, need to focus more on being self-sustainable, and become less dependant on other areas for our basic necessities. In order to do that, we need the agricultural industry. As development eats up farm land, it also takes with it our resources for the future.

Agricultural products grown within our community strengthen our community in many ways. They make us more self-sufficient, and they strenghten the local economy. They encourage tourism, and they help to make Garrett County what it is today.

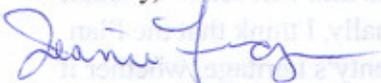
As the county grows, agriculture needs to grow as well. And, to do that, we need agricultural land. Developers make a lot of money from the land, but at what price to the community as a whole? The Plan needs to support the retention AND EXPANSION of agricultural land. And, it needs to encourage farming in the community.

I have heard that there is a proposal to require that farm land can only be sold in lots of 25 acres. I don't think that's the answer. We are new farmers. We had dreamed of becoming farmers for years, but could not afford the high costs of agricultrual land. Recently, we were able to purchase 9 acres, on which we plan to establish a full working farm. We would have liked to have purchased more, as obviously, 9 acres is quite small for a farm, but 9 acres is what was available and what we could afford. If there had been a requirement for 25 acres, we would not have been able to purchase our farm. Additionally, if we would like to expand, it would be very difficult, as we would have to be able to purchase a full 25 acres in addition to our 9. With the cost of land in Garrett County at this time, 25 acres could be quite expensive, and farmers may have trouble purchasing the land they need. Developers, on the other hand, could afford to purchase the 25 acres with no problem.

There are other ways to retain farm land. Make guidelines that require that agricultural land be used for agricultural purposes. Prohibit big developers from being able to develop designated agricultural areas. Obviously, farmers need to be able to construct commercial enterprises on their properties, especially with the need for farmers to have a second form of income to make ends meet, and they also need to be able to divide their land among their children who wish to farm to encourage new generations of farmers, but big businesses and developers that desire to "eat up" agricultural land to line their poekets need to be stopped. Additionally, individuals who want to begin new agricultural enterprises or who want to expand agricultural land, need to be encourage.

Thank you very much for allowing me to voice my opinion.

Sincerely,



Jeannie Frazee

**To:** Garrett County Office of Zoning and Planning  
Garrett County Commissioners

**From:** Garrett County Farm Bureau Officers and Board of Directors

**Date:** February 26, 2007

**Re:** Comprehensive Plan Review Process

As the elected representatives of its 191 members, the Officers and Board of Directors of the Garrett County Farm Bureau are submitting the following comments for consideration related to the Comprehensive Plan Review currently underway.

1. As the elected voice of the agricultural producers of Garrett County, the Farm Bureau fundamentally supports initiatives whose primary purpose is to support agricultural enterprises in the county.
2. Farm Bureau does not support any increase in the minimum lot size for agricultural and rural land. Farm Bureau contends that increasing the minimum lot size will have the following negative consequences:
  - a. An increase in the minimum lot size will decrease the landowner's net equity.
  - b. Increased minimum lots sizes will significantly limit the options available to agricultural landowners and producers that may be necessary to consider in order to financially sustain their agricultural operations. In an article discussing the cost of growth dated February 11, 2007, Maryland's Secretary of Agriculture Lewis Riley is quoted as saying, "Zoning changes have worsened land values in many cases. Instead of just subdividing an acre or two of their land, farmers who are in need of money and want to sell some to developers are forced to sell chunks of land." Secretary Lewis went on to say "We have to be very cautious of how we devalue a farmer's equity, which is in most cases his land. The larger the area zoning law requires, it's really taking up that much more land. A two-acre lot doesn't take as much property as a 15-acre lot. Sure, it may reduce (development) density, but doesn't do a lot to preserve the land."
  - c. Increased lots sizes may save open space, but will not contribute significantly to the amount of land available for agricultural production as the expectations and priorities of large lot owners and agricultural producers are often times significantly different and not compatible.
  - d. Increased lot sizes, and the corresponding increase in the price of potential home sites, will make home ownership difficult or impossible for many county residents. Farm Bureau recognizes the positive financial impact that the recreationally oriented businesses and development have had on the county. However, Farm Bureau contends that county government has an obligation to govern in a way that is in the best interest of all of its citizens, particularly the families that have lived, worked, raised their families and called Garrett County home for generations.
3. Farm Bureau contends that there are more effective ways to protect agricultural and rural land and asks the County Commissioners, Office of Zoning and Planning, and

Economic Development to focus additional time, energy, and financial resources in those directions. Examples include:

- a. Adequately funding agricultural land preservation programs, and compensating landowners willing to sell the development rights to their land at a level that will create an incentive for landowners to preserve their land.
  - b. Focus the efforts of Extension and County government staff on initiatives geared toward increasing the profitability of the county's agricultural producers in a broad, inclusive and meaningful way. In the same article referenced earlier, Secretary Riley went on to say "If a farmer makes a profit, he's going to stay in business. I think our governmental officials, our planning folks, environmental community have to recognize the plight of the farm. I don't know any farmer that wants to see their land developed. Sometimes they have to sell a lot here and there to stay in business. That's the bottom line."
4. Lastly, Farm Bureau requests that the County Commissioners, and Office of Zoning and Planning recognize the Garrett County Farm Bureau as the "elected voice of agriculture" in the county and work to actively and directly engage our organization in the process.

Thank you for the opportunity to provide input into the process. If you have any questions, please feel free to contact any Farm Bureau Officer of Board Member.

Officers

Delmar Yoder, President  
Donald Ringer, Vice President  
Paul D. Miller, Secretary/Treasurer

Board of Directors

Bob Bender  
Bill Bishoff  
Carl Bender  
James Carey  
Kris Enlow  
Brooks Hamilton  
Delvin Mast  
Art Maust  
Ray Miller  
Reed Rodeheaver  
Terri Rodeheaver  
Nancy Berkebile –  
Women's Committee Chair



**SOIL CONSERVATION DISTRICT**  
**301-334-6951**

George E. Bishoff, Chairman  
Delvin Mast, Vice Chairman  
W. Brooks Hamilton, Jr., Treasurer  
Carl Bender, Member  
Kristen Enlow, Member

February 9, 2007

Mr. John Nelson  
Garrett County Planning & Land Development  
Courthouse, Room 210  
203 South 4<sup>th</sup> Street  
Oakland, Maryland 21550

Dear Mr. Nelson,

In light of the update of the Garrett County Comprehensive Development Plan, the Garrett Soil Conservation District has discussed the topic of agricultural land preservation for some time now. As you know, this is a complex issue and impacts all citizens of the county, not just the agricultural community.

Please share our following comments with planning commission members and incorporate into the record as appropriate.

1. A review process needs to occur to field truth or verify, and amend if warranted, the boundary between the various land classifications on the Land Classification Map. This would be similar to what was done for the Youghiogheny Scenic and Wild River Corridor to make sure the boundaries are accurate, practical, and not based on large scale or generalized mapping data. While this would be quite a large task to do the whole county at one time, critical or important areas with immediate subdivision activity should be identified and reviewed as soon as possible.
2. We support clustering of homes on all land categories when large tracts are developed. This will help to keep some of the larger fields "open" for possible agricultural use as well as preserve woodland and the important rural aesthetics that so many people find desirable. The exception to this is in the Deep Creek Lake area where it makes sense to accommodate development as dense as possible to maximize the benefits to the county from the increased tax base of high value homes.
3. We are opposed to increasing lot size requirements at this time for all land categories. Larger lot sizes are wasteful and not consistent with smart growth principals that strive to minimize conversion of rural land to residential. We support the smallest lot size permitted by existing county health department regulations.

4. We are concerned with the loss of equity that will particularly impact the farming community if reduced density and increased lot sizes are required. Until transferable development rights or some system of compensation is developed we are opposed to any changes from the present requirements.
5. We are also opposed to changing the existing requirements due to the impact of proposed changes making home sites more expensive. Affordable housing is a serious issue to the average Garrett County citizen who lives and works in the county. Particularly, in the agricultural arena, our wages and profits cannot compete with other sectors of the local economy. Unaffordable housing is a major contributor to the problems that farm families face in trying to sustain a viable farming operation.
6. One possible strategy to address some of the above concerns would be to permit any improved lots that are existing as of (determine a date) under 10 or 12 acres to be developed to the maximum permitted by existing septic system regulations. This "infilling" of lots that already are built on would provide some small and affordable home sites for lower income families. This would allow 3 or 4 homes to be "clustered" together on a 9 to 12 acre parcel. This should apply to all land categories.

With too many concerns and unanswered issues, we do not support any changes to lot size or density requirements from the existing standards at this time. We support the planning initiative that has begun and feel more time is needed for a thorough and deliberate review concerning this issue.

Thank you for the opportunity to comment.

Sincerely,



George E. Bischoff,  
Chairman

GEB:wcf



## Community Land Use Meetings Survey Results & Recommendations

Garrett-Preston Rural Development Coalition  
Land Use Taskforce  
Garrett County Planning Commission Meeting  
February 7, 2007

### Process Overview

Six meetings were held in communities located within the Agriculture Resource areas as designated on the Garrett County Subdivision Map. For each region, one meeting was held during the daytime and one meeting was held in the evening to help increase attendance. Notice of the meetings was sent in the January edition of the "Mountain Top Ag News" newsletter to the Garrett County office of Maryland Cooperative Extension's agriculture mailing list, about 600 farms, farm businesses, and agriculture stakeholders. Notice of the meetings was sent to the local newspaper as well.

In all, about 50 people attended the meetings, which consisted of a presentation of the development factors that affect agriculture and the tools used elsewhere to help mitigate those factors. At the end of each meeting, a survey was completed by attendees. We compiled the following data on existing farmers and landowners only (persons with only small lots are included on the survey results sheet but are excluded in the summary below).

### Summary of Survey Results for AR and RR areas

- On the issue of whether the subdivision map should be revisited to add areas of the county to the AR and RR areas, we found about 70% in favor
- On the issue of changing the density of AR and RR areas of the county, we found about 30% in favor of no change (keep the one lot per three acres), about 35% in favor of much lower density (one lot per 25 acres or more), and about 15% in favor of slightly lower density (one lot per five or 10 acres).
- On the issue of clustering, we found about 80% in favor of clustering subdivisions to maintain larger tracts of farmland. In addition, about 75% were in favor of either mandatory or incentive-based clustering to occur on the least desirable farm and forestry land.
- On the issue of maximum lot sizes, about 75% were in favor of maximum lot sizes of five acres or less.
- On the issue of infilling, about 54% were in favor of allowing infilling in AR and RR areas if density is lowered.
- ✓ On the issue of Land Preservation programs, about 80% were in favor of adding county matching funds to the programs, either using existing funds or through an impact fee on subdivisions.

### **Recommendations for AR and RR areas of Garrett County**

1. The land use issues presented are too complex to be settled in this time frame. We recommend a more in depth study to look at the major issues brought up in our community meetings: changes in density/maximum lot sizes versus land equity; hydrological concerns; etc. For example, there are case studies regarding density changes versus land equity in Maryland that should be explored.
2. A review of the present subdivision map is needed.
3. If density is lowered, incentives should be offered to infill to utilize smaller parcels to reduce pressure on larger parcels.
4. If density is lowered, clustering should continue to be offered as an incentive-based option.
5. We recommend the county add matching funds to the Maryland Agriculture Land Preservation Foundation either using existing funds or by assessing an impact fee on subdivisions.
6. If density is lowered, we recommend keeping the exemption that landowners can give or sell smaller lots to their children without going through the subdivision process.
7. While the survey doesn't show overwhelming desire to change density at this point, if density does change, we recommend an incremental approach.

Mr. George Brady  
Chairman – Garrett County Planning Commission  
203 South Fourth St.  
Courthouse Room 210  
Oakland, MD 21550



10 Lef Lane - P. O. Box 271  
McHenry, Maryland 21541  
March 1, 2007

Dear Mr. Brady:

I attended the general public meeting the other night on the quality of the water in Deep Creek Lake and have some concerns that I want to bring to your attention. My concerns have to do with what I will call the "down to earth practical aspects of the water quality of the lake". The report presented by ERM has a lot of theory but very little practical aspects of what really goes on with the water (and the contents of that water) that enters the lake.

The three things that bother me most are as follows:

- In the early spring of each year the Garrett County road crews go around the lake and scrape up much if not most of the fine anti-skid gravel that has been spread on the roads during the winter when there is snow and ice. They also use front-end loaders and road graders to clean out the ditches. Then it rains and the silt stirred up in the process goes right into the lake. The total suspended solids (TSS) not only silt up the coves and other parts of the lake but they deposit considerable amounts of Phosphorous into the water. I don't have a recommendation as to how to prevent this from happening but efforts need to be taken to do so.
- Whenever a new home is built near the lake there are attempts to install silt fences – as required in the permit process. However, these silt fences are never maintained in the manner which they should be and silt from this process also moves into the coves and lake. I would suggest that more effort is needed in the inspection effort to prevent this from happening.
- The third happening is the shoreline erosion that is taking place especially when the water is high. Most of the erosion is caused by the wind and the boats making waves. While I have no suggestion as to how to prevent this either, it is a phenomenon that needs to be added to the report also and possibly addressed in some manner.

One final comment, one of the conclusions of the report is that there is no expected problem from either the addition of Nitrogen or Phosphorous in the runoff that is going into the lake from septic systems so I ask – Why is the County spending all the money to install a sewer system around the lake?

And for your information, I've been informed that there is a study on the submerged aquatic vegetation that I believe was conducted last year on Deep Creek Lake. It was conducted by Dr. William Pegg from Frostburg State University ([wpegg@frostburg.edu](mailto:wpegg@frostburg.edu)). The Discovery Center staff assisted. I do not know of a written report yet but I've been told that they do plan to present their findings at one of the Property Owners Association meeting later this year.

Sincerely,

A handwritten signature in black ink that reads "Charles N. Hoffeditz". The signature is written in a cursive style with a large, prominent initial "C".

Charles N. Hoffeditz Ph. D.



League of Women Voters of Garrett County  
PO Box 115  
Oakland, Maryland

*Letter sent via email*

Garrett County Planning Commission  
c/o John E. Nelson, Director  
Office of Planning and Land Development  
Garrett County Courthouse  
203 South Fourth Street  
Oakland, MD 21550

February 28, 2007

Dear Mr. Nelson,

The League of Women Voters is writing to thank you, the Garrett County Planning Commission and the County Commissioners for the proactive support of sponsoring local meetings pertaining to the Comprehensive Plan (CP). We appreciate the work and effort that it takes to arrange for inclusive dialogue among multiple constituencies and groups. We understand that the real work is still to come in having to distill all of the plans, information, and comments into a meaningful document that we may all utilize as we navigate onto the year 2035.

As you know the League of Women Voters has a longstanding commitment to the study of planning and development and has a national as well as a state position that we will gladly forward to your office. As you also know, the LWV has had a representative attend local Planning Commission Meetings for decades and has taken an interest in the developing CP.

We have a series of questions regarding land use after reading the draft documents, mostly to do with reasonable variance for estimating the amount of land needed to accommodate future growth, projections for productive agriculture and agricultural preservation, and plans to decrease blight and brownfields. We also wonder about obvious natural limitations for building site development and rated use plans and needs for special planning and how capacity for support is being determined. But we will save the myriad of questions as an attachment to our letter.

Our document is divided into The Seen and The Unseen. We are particularly focused on the later.

The Comprehensive Plan sets out a strategy by which the County can best manage growth now and into the future. The Comprehensive Plan serves as a map for not only developers, not only environmentalists, but the citizens in toto.

Enhancing community capacity and managing growth in a common-sensical manner, this map should dutifully aid all of us in design and delivery of services and production with economic vitality as its legend. How we go about shaping and building community

over the next 25-years is of great consequence, especially here in Garrett County. We need to be on the right road, not just any road. But in order for that to happen, we need to know where exactly that road takes us.

The location of economic activity, to promote ideas and innovation is essential. As we begin to build the infrastructure suited for borderless business endeavors, the future of the community rests largely on its attractiveness to a talented and diverse workforce. What we do to maximize the indigenous talent pool to decrease brain drain and simultaneously, what we do to support gainful employment with benefits is extremely important.

Decreasing the number of citizens living in poverty will be a sure avenue to sustainable future as it creates new thresholds of activity; we must do what we can to protect those intrinsic cultural values and heritages that make us unique; however poverty should not be one of them. It is therefore imperative that access to taxpayer funds to support growth be distributed in such a way that it is good for all. What looks good in the short-term may serve us inefficiently in the long-term.

How we forecast our future is premised upon authentic and reliable information. We take broad considerations in order to estimate overall quality of life and make some knowledge-based projections about those things that inspire innovators and entrepreneurs. As critically, we must embrace planning paradigms that stimulate social, human and economic capital. Such capital is banked and leveraged as needed to perpetuate positive projectory and support ongoing synergy.

Again, the LWV is impressed by the process thus far and we look forward to a stellar product; the culmination of the good minds and kind hearts of local citizens who have taken the time to participate.

On behalf of the LWVGC,

Susan Athey-Oxford  
President

Enclosures

c. Board of Garrett County Commissioners  
203 South 4<sup>th</sup> Street, Room 207  
Oakland, MD 21550

## ***The SEEN***

### **LAND USE**

What are the variables utilized to create the land use formulas (residential, commercial-retail, commercial office, industrial, parks and open space)? How were the assumptions used to prepare the projections? And, what are the reasonable variances in the framework for estimating the amount of land needed to accommodate future growth?

What plans have been generated to decrease blight (abandoned/ condemned-eligible property) and brownfields (abandoned, idle or underused commercial or industrial properties, where the expansion or redevelopment is hindered by real or perceived contamination)?

Land use can be formula-driven, but for the Garrett County is a combination of science and art; reviewing past trends, looking into future trends and demands, and balancing these with desirable growth, development and preservation objectives. See Comprehensive Plan 2030 Growth Scenarios and Non-Residential Development Estimates, February 1, 2007 for the methodology.

### **TRANSPORTATION**

How is the forecasting for residential trends and employment trends being factored into roadway system design?

How are major roadway corridors and road use being assessed? What planning and development needs to occur in order for there to be safe traffic flow? What is the sustainability planning and costs?

What if anything is being considered to more robust mass transit services, commuter services or point-to-point shuttle services?

The transportation assessment is currently underway. Future traffic is being estimated based on the Growth Scenarios and Non-Residential Development Estimates. Growth is unlikely to be sufficient to support much more mass transit than currently exists.

### **HOUSING**

What inclusionary set-asides are being considered? Many jurisdictions require the payment of impact fees when new housing is developed. This fee is to be used to pay for the additional services residents of the home will require from the jurisdiction.

Impact fees will be considered in the Plan, among other mitigation alternatives.

## ***THE UNSEEN***

## LAND USE

What are the projections for productive agricultural and agricultural preservation? How are these lands being protected long term?

Past trends indicate continued loss of agricultural land in the County. These questions will be addressed in the land use and in the economic development chapters of the plan.

There are obvious natural limitations for building site development. Where are the analyses of these; where are the rated use plans, where is special planning needed such as reclamation, and how is capacity for support load determined?

## TRANSPORTATION

What discussions are taking place regarding fleet replacement and the use of green technologies?

The Comprehensive Plan will touch on these issues tangentially only as they are primarily operational issues.

## HOUSING

**[DEFINITION:** Affordable Housing

According to the federal government, housing is considered affordable if it costs no more than 30% of a household gross monthly income. For renters, this definition includes rent and utilities. For homeowners, the federal definition includes mortgage payment, property taxes, insurance and utilities. Housing industry standards are slightly looser, estimating a household home purchase affordability ratio at about 3 times its annual gross income. Using multifamily industry standards, a renter household can afford to spend up to 30% of its gross monthly income on contract rent as opposed to 30% for rent plus utilities.]

The mid-income wage earner is being frozen out of the local housing market. What develop set-backs is being discussed and what are the projections on those?

What is the nexus between housing development, the graying of our community and current housing trends?

The housing chapter is in development. Affordable housing will be a major consideration in that chapter.

## RESOURCES

### Sustainable Communities

#### Inventories and Indicators

Aspen Institute Rural Economic Policy Program. **Measuring Community Capacity Building: A Workbook-in-Progress for Rural Communities.** (Queenstown, MD: The Aspen Institute, 1996). This book is written for leaders and citizens who want to improve the ability of individuals, organizations, businesses and government in their community to come together, learn, and implement a development agenda. To obtain this resource contact the Publications Office, The Aspen Institute, PO Box 222, Queenstown, MD 21658; Fax: 410.827.9174.

Bryan, Baker. **The Sustainable Community Checklist.** (Seattle: The Northwest Policy Center, University of Washington, November 1996).

The Colorado Trust, Redefining Progress, and the White House Interagency Working Group on Sustainable Development Indicators. **The Colorado Forum on National Community Indicators.** This document reports the proceedings of a conference held in November 1996 to discuss the state of national and community indicators. This resource can be found online at:

<http://www.martin.fl.us/GOVT/depts/gmd/sustain/ColoradoTrust.pdf>.

Connor, Ross F., Ph.D, Sora Park Tanjasiri, Dr.P.H., Doug Easterling, Ph.D. **Communities Tracking Their Quality of Life.** (Denver, CO: The Colorado Trust, 1999). This report presents the rationale and approach of the Community Indicators Project (CIP), in which 15 communities were supported to develop locally relevant measures of health and quality of life, as well as summarizing some of the early results of the project. To obtain this resource contact The Colorado Trust, 1600 Sherman Street, Denver, CO 80203-1604; Tel: 303.837.1200, 888.847.9140; Fax: 303.839.9034.

### **Community Visioning and Implementation**

**Alliance for National Renewal, National Civic League,** 1445 Market Street, Suite 300, Denver, CO 80202-1717, Tel: 303.571.4343, Fax: 303.571.4404, Email: [ncl@ncl.org](mailto:ncl@ncl.org) , Website: <http://www.ncl.org/anr/>.

*ANR is a coalition of over 180 national and local organizations dedicated to the principles of community renewal. ANR offers assistance to communities that want to start community renewal alliances and shares inspiration, ideas, tools, and collaborative processes through conferences, publications, technical assistance, and the World Wide Web.*

**Center for Chesapeake Communities,** 209 West Street, Suite 201, Annapolis, MD 21401, Tel: 410.267.8595, Fax: 410.267.8597, Email: [shall@chesapeakecommunities.org](mailto:shall@chesapeakecommunities.org) , Website: <http://www.chesapeakecommunities.org>.

*The CCC provides local governments in the Chesapeake Bay watershed with technical and financial assistance. It serves as a clearinghouse of models, tools, and strategies pertaining to stormwater management, site planning, pollution prevention, etc. that local governments are successfully utilizing to implement restoration and protection activities. It is building a network of local governments and their partners to build awareness and implementation of sustainable communities in the Chesapeake Bay waters! hed.*

**Communities by Choice**, 427 Chesnut Street, Suite 4, Berea, KY 40403-1547, Tel: 859.985.1763, Fax: 859.985.9063, Email: [info@CommunitiesbyChoice.org](mailto:info@CommunitiesbyChoice.org), Website: [www.CommunitiesbyChoice.org](http://www.CommunitiesbyChoice.org).

*Communities by Choice is a national network of communities, organizations and individuals committed to learning and practicing sustainable development. Its website contains extensive resources and case studies.*

**Models of Sustainability**, Website: [http://www.greensense.com/GR\\_MOD.HTM](http://www.greensense.com/GR_MOD.HTM).

*This website contains a collection of examples of how people are making their visions of sustainability real.*

### **Building Partnerships**

**Mountain Association for Community Economic Development (MACED)**, 433 Chestnut Street, Berea, KY 40403, Tel: 606.986.2373, Fax: 606.986.1299, Email: [info@maced.org](mailto:info@maced.org), Website: <http://www.maced.org>.

*MACED provides opportunities and resources to help citizens build sustainable, healthy, equitable, democratic, and prosperous communities in Kentucky and Central Appalachia. It combines research and public policy analysis with technical assistance and financial investments to stimulate development that benefits low-income people.*

**Program for Community Problem Solving (PCPS)**, 1319 F Street, NW, Suite 204, Washington, DC 20004, Tel: 202.783.2961, Fax: 202.347.2161, Email: [billpotap@aol.com](mailto:billpotap@aol.com), Website: <http://www.ncl.org/ncl/pcps.htm>.

*PCPS, a program of the National Civic League, assists communities in using collaborative approaches for a wide array of undertakings, such as long-range planning, service delivery, conflict resolution, program implementation, and problem solving.*

**The Heartland Center for Leadership Development**, 941 O Street, Suite 920, Lincoln, NE 68508, Tel: 402.474.7667, Fax: 402.474.7672, Email: [vluther@unlinfo.unl.edu](mailto:vluther@unlinfo.unl.edu), Website: <http://www.4w.com/heartland>.

*The Heartland Center develops local leadership that responds to the challenges of the future and researches practical resources and public policies for rural community survival.*

**The Sonoran Institute**, 7650 E. Broadway, Suite 203, Tucson, AZ 85710, Tel: 520.290.0828, Fax: 520.290.0969, Email: [si\\_info@sonoran.org](mailto:si_info@sonoran.org), Website: <http://www.sonoran.org>

*The Sonoran Institute promotes community-based strategies that preserve the ecological integrity of protected lands, and at the same time meet the economic aspirations of adjoining landowners and communities.*

### **Civic Engagement**

**Civic Practices Network (CPN)**, Center for Human Resources, Heller School for Advanced Studies in Social Welfare, Brandeis University, 60 Turner Street, Waltham, MA 02154, Tel: 617.736.4890, Fax: 617.736.4891, Email: [cpn@cpn.org](mailto:cpn@cpn.org), Website: <http://www.cpn.org/>.

*CPN is a collaborative, nonpartisan project committed to bringing practical methods for public problem-solving into every community and institutional setting in America.*

**Community Building Resource Directory**, National Community Building Network (NCBN), 672 13th Street, Oakland, CA 94612, Tel: 510.893.2404, Fax: 510.893.6657, Email: [network@ncbn.org](mailto:network@ncbn.org) , Website: <http://www.ncbn.org>.

*This website provides extensive links to community building resources, in-depth information about community building practitioners, and published materials on community building.*

**League of Women Voters (LWV)**, 1730 M Street, NW, Washington, DC 20036, Tel: 202.429.1965, Fax: 202.429.4343, Email: [lwv@lwv.org](mailto:lwv@lwv.org), Website: <http://www.lwv.org>.  
*The LWV is a multi-issue organization whose mission is to encourage the informed and active participation of citizens in government and to influence public policy through education and advocacy.*

## John Nelson

---

**From:** John Nelson  
**Sent:** Thursday, March 15, 2007 10:23 AM  
**To:** 'Sue Athey-Oxford'  
**Cc:** 'Clive.Graham@erm.com'  
**Subject:** FW: League of Women Voters letter

**Attachments:** Comprehensive Plan\_Letter LWV w comments 3-14-07.doc



Comprehensive  
Plan\_Letter LWV ...

Sue: Attached are some remarks from our consultant pertaining to your questions in the February 28, 2007 League of Women Voters letter. John

-----Original Message-----

From: Clive.Graham@erm.com [mailto:Clive.Graham@erm.com]  
Sent: Wednesday, March 14, 2007 9:53 PM  
To: John Nelson  
Cc: Benjamin.Sussman@erm.com  
Subject: League of Women Voters letter

John, thank you for forwarding the LWV's letter. They ask some tough questions, many of which we are only beginning to deal with. I have taken a stab at responding section by section to their questions (my responses are embedded in their letter in red in Times New Roman font. If appropriate you wish to pass on my responses to them. Please let me know if I can be of further assistance. (See attached file: Comprehensive Plan\_Letter LWV w comments 3-14-07.doc)

\*\*\*\*\*  
Clive Graham  
ERM  
200 Harry S. Truman Parkway, Suite 400  
Annapolis, MD 21401  
410-266-0006  
Fax 410-266-8912

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This message contains information which may be confidential, proprietary, privileged, or otherwise protected by law from disclosure or use by a third party. If you have received this message in error, please contact us immediately and take the steps necessary to delete the message completely from your computer system. Thank you. Please visit ERM's web site:  
<http://www.erm.com>

*Nancy-Elizabeth Nimmich  
1730 Lynndale Road, Oakland MD 21550  
301 334 4445  
[nen@gcnetmail.net](mailto:nen@gcnetmail.net)*

**February 7, 2007**

***I am coming before this Planning Commission as a citizen of Garrett County who has major concerns about population growth here and its impact on this county. I had been a resident of major metropolitan areas until coming to Garrett County in 1996. During the three decades preceding this date, I had witnessed the effect of planned and unplanned growth in the Washington, DC metropolitan area and wish to do all I can to counsel that measures be taken in Garrett County to avoid the ill effects I witnessed of unplanned growth and lack of necessary measures to put into place the later planned growth in that area.***

***As I traveled back and forth between Garrett County and northern Virginia for 2 years I would immediately notice the wonderful quality of both the air and water in this county and trust that you all would want to do all you can to preserve that for the years to come. Once I decided to have a home built in the Pleasant Valley area and relocate here permanently I became an involved citizen, working as the social worker for Hospice of Garrett County, and then added the job of geriatric outreach with the Health Department. Both of these jobs give me the continued opportunity to drive all around the county and appreciate its pristine beauty and wealth of natural resources. It has also afforded the opportunity to witness considerable growth already in those 7 years.***

***Having bought 40 acres, when I first relocated I grew organic vegetables for sale at the Farmer's market and then switched to growing herbs and making herb plants and products available at the Farmer's Market. I am now a member of the Board of that market and feel a passion to do all I can to preserve the precious commodity of farmland in this county. When I read of the possible threat of terrorism to our nation's food supply I always feel a little reassured knowing of the farms and safe food in Garrett County. I would like to see this preserved as best as possible. For several years I have attended the conferences of the Garrett Preston Rural Development Coalition. These meetings helped me better appreciate the needs of the farmers in this area as well as the pressures on them to sell their farms for housing development.***

***In November, I attended the presentation of the consultant hired to help with the revision of this county's plan for land use. I was appalled to learn that land categorized as Agricultural Resource could have 33 houses built on a 100-acre area. I can't imagine how more than several farms developed to that extent in a rural agricultural area can still allow for any***

*extensive farming in that area. I understand the Maryland Department of Planning has indicated maximum density development to save farmland would allow only 4 dwellings on that 100-acre area. I would urge you to take an active role to make the changes in the Comprehensive Plan that will truly preserve our treasured farmland.*

*I am also requesting that you take into account preserving the quality of the water, not just in the Deep Creek watershed as is the current emphasis for the land use consultant but the water supply throughout the entire county.*

*The citizens of this county and their elected officials have put their trust in you to plan for this county in the best way possible for all. I appreciate the work you have already done and look forward to being grateful to you in the future for your efforts to preserve all that has made Garrett County such a natural treasure for us all.*

John:

Thanks for your prompt reply to my inquiry. Yes, I would like to receive a copy of the list showing how other counties have established dwelling densities. Since I do not have a functioning fax at home, perhaps you could fax it to me at the health department, 301-334-7701, and I will pick it up there.

The dwelling unit density discussions could be fleshed-out with more consideration of such things rising property values as developers purchasing easements in undeveloped areas to allow them to build with greater densities in more developed areas.

I also feel the county plan discussions are becoming limited to various numerical densities under the subdivision ordinance, with little consideration given to the control and planning of industrial development. Without some sort of zoning, such control cannot be achieved. Perhaps the Planning Commission could best sponsor a Forum featuring experts experienced in the pros and cons of zoning to re-visit this topic in greater depth at this crucial time of rewriting the Comprehensive Plan.

Thanks

Bill Pope

	Zoning (Least, Moderately, or Most Protective)
Allegheny	Moderately: 5 du per parcel, plus 1:50 above 100 acs.
Anne Arundel	Moderately: 1:20 plus 1 for remainder over 10 acs, and for sites over 50 acs, 1 every 50 acres, and 1 more for remainder over 25 acs
Baltimore	Most: parcels 2-100 acs: 2 lots, then 1:50 (Co. also has a 1:25 env zone)
Calvert	Most: 1:20 Mandatory Clustering on max. 20% of land
Caroline	Most: Four lots from original parcel as of December 1, 1972
Carroll	1 for first 6-20 acs, then 1:20 (or portion), plus 3 off-conveyances from orig. parcel
Cecil	Least. Northern Ag Reserve: 1:5 (1:3 cluster); Southern Ag Reserve: 1:8 (1:5 cluster)
Charles	Least: 1:3. High development potential provides little incentive to send TDRs (also set at 1:3)
Dorchester	Moderately: 3 units plus 1:15; clustering allows 3 units plus 1:10
Frederick	Most. 3 units per parcel, plus 1:50; Mandatory cluster for lots after the first 3
Garrett	No zoning, but subdivision regs establish density & lot size in ag areas designated in the comp plan: 1:3, 1:2 with cluster
Harford	Least. 1:10 plus family conveyances on each parcel for father, mother, brothers, sisters, sons, & daughters.
Howard	Least. 1:4.25, 1:3 if clustered
Kent	Moderate. 1:30 scattered ag development, 1:20 suburban development; 1:10 for cluster that saves 90% of site
Montgomery	Most. 1:25
Prince George's	Least: Open Space 1:5, Residential Agricultural 1:2
Queen Anne's	Least. 1:20 minor subdivisions, but most are 1:8, clustered on 15 % of land
St. Mary's	Least. 1:5, 1:3 with TDR
Somerset	Least: 1:1, voluntary cluster; Conservation zone in Critical Area is 1:5
Talbot	Moderately. Base: 3 units, plus 1:20 Cluster Option: 3 units, then 1:10, Cluster/TDR Option: 3 units then 1:5
Washington	Moderately: 1:5 Agricultural zone, 1:20 Environmental Conservation zone, & 1:30 Preservation (Rural Legacy) zone
Wicomico	Least. 1:15, 1:3 on 50% of the land if clustering.
Worcester	Most. Max 5 lots per parcel as existed in 1967

# GARY R. RUDELL, LLC.

February 6, 2007

Re: Projected Road Usage Total Biz Fulfillment warehouse(s) to be built in the Southern Garrett Business & Technology Park

Garrett County Commissioners  
203 South Fourth Street, Room 207  
Oakland, MD 21550

John Nelson  
Director of Planning & Zoning  
Garrett County  
203 South Fourth Street, Room 208  
Oakland, MD 21550

Dear Garrett County Commissioners & John Nelson:

Gary R. Ruddell LLC is building a 2<sup>nd</sup> Total Biz Fulfillment warehouse campus on Resource Avenue in the Southern Garrett Business & Technology Park. The first warehouse of about 60,000 square feet is projected to come on line in 2008. We anticipate on average 50 truck trips per day of the longer tractor trailer—67' combined length—will be using Maryland Route 219 primarily between the hours of 8:00 am and 5:00 pm, Monday through Friday. As we expect to normally have 25 employees working at this facility this will add an additional 50 car/vehicle trips per day to the local roads. Additionally there will be service trucks and vendors who make deliveries in various sized vehicles.

During October thru December the truck activity; business activity and therefore the number of employees on average jumps 25% higher than normal. Therefore please expect 64 truck trips per day of the longer tractor trailer—67' combined length and 64 additional car/vehicle trips per day.

It is projected that an additional 60,000 square foot warehouse will be built in the following years:

2008	60,000 square feet, 7,500 pallet positions
2009	120,000 square feet, 15,000 pallet positions
2011	180,000 square feet, 22,500 pallet positions
2013	240,000 square feet, 30,000 pallet positions

Please remember that the current Total Biz Fulfillment facility on 1 Corporate Drive, Grantsville, MD 21536 will remain as the number one TBF campus. As the square footage of our current facility is 126,500 square feet, one could use 51.6% of the 2013 road usage stats to measure the road activity that will utilize Maryland Route 495; North Park Road; and Corporate Drive. Therefore please expect the following road usage:

Regular usage January through September of 104 truck trips per day coupled with 65 employees or 130 car/vehicles per day.

October through December please expect 128 truck trips per day coupled with 82 employees or 164 car/vehicles per day.

Total Biz Fulfillment asks the Garrett County Commissioners and those who plan to ADD our expected road usage to other traffic forecasts. We urge you to prioritize the road projects so that the safety of the motoring public as well as the future economic growth are supported. While Maryland Route 495 would be the preferred truck route for truck traffic because of safety issues we are lead to believe that the truck traffic will be directed to use Maryland Route 219. The Oakland "Bypass" will come on line late and motor carriers will add to the Oakland congestion. We urge the G.C. Commissioners and the State Highway Administration to place Maryland Route 495 on the priority list for major improvements for the about 25 miles of improvements (from Interstate 68 to at least the junction of Maryland Route 135). Regrettably the date that Maryland Route 495 would get on the priority list; be funded and be built is at least twenty years out.

By 2010 Total Biz Fulfillment will be examining our options on future warehouse expansion beyond our Northern Garrett Industrial Park and Southern Garrett Business & Technology Park facilities. The roads network at that time will be a major determinant in our future expansion plans for Garrett County.

Sincerely,

Gary R. Ruddell  
President

A handwritten signature in dark ink, appearing to read "G.R. Ruddell", written over the printed name.

RE TBF/Gary R. Ruddell LLC

Resource Avenue Facility

Year	Trucks Increase	est. Truck Traffic Overall length 67'	Number of Employees	est. Cars/Vehicles traffic cars/pick up trucks
2008	25 actual trucks		25	
Jan-Sept		50 per day, M-F		50 per day, M-F
Oct-Dec		34 per day, M-F		32 64 per day, M-F
2009	50 actual trucks	100 per day, M-F	50	100 per day, M-F
Jan-Sept				
Oct-Dec	64 trucks	128 per day, M-F	63	126 per day, M-F
2011	75 actual trucks	150 per day, M-F	75	150 per day, M-F
Jan-Sept				
Oct-Dec	94 trucks	188 per day M-F	94	188 per day, M-F
2013	100 actual trucks	200 per day, M-F	100	200 per day, M-F
Jan-Sept				
Oct-Dec	125 actual trucks	250 per day, M-F	125	250 per day, M-F



## Department of Health and Mental Hygiene

State of Maryland

### Garrett County Health Department

"Working Together for a Healthier Tomorrow"

[www.garretthealth.org](http://www.garretthealth.org)



Rodney B. Clotfelty, R.S., MPH, Health Officer  
1025 Memorial Drive  
Oakland, Maryland 21550  
Equal Opportunity Employer

Environmental Health Service  
Stephen J. Sherrard, Director  
301-334-7760 or 301-895-3111  
FAX 301-334-7701

March 9, 2007

Mr. John Nelson  
Office of Planning and Land Development  
Fourth Street  
Oakland, MD 21550

Dear Mr. Nelson:

Mr. Hoffeditz's "final comment" concerning the installation of the Deep Creek Lake sewer system fails to take into consideration that there are pollutants associated with sewage other than nitrogen and phosphorous. Bacteria and viruses found in sewage can pose a serious health threat when sewage is improperly disposed. Disposal of human waste by the Deep Creek Lake sewer system eliminates the use of septic systems that have the potential, when failing, to contaminate the lake with these microbes; but more importantly, prevents contamination of the ground water which is the source of all drinking water around Deep Creek Lake. One of the reasons for installing the sewer system was to correct known areas of ground water contamination by eliminating septic systems that were approved without modern site evaluation methodologies.

If Mr. Hoffeditz has other concerns about this or any other issues dealing with septic systems and wells, I would be happy to talk to him.

Sincerely,

Stephen J. Sherrard, R.S.  
Director

SJS/bab

Toll Free Maryland DHMH 1-877-4MD-DHMH  
TDD For Disabled Maryland Relay Service 1-800-735-2258

Garrett County Office of Planning and Zoning  
203 South 4<sup>th</sup> Street  
Oakland, Md 21550

Dear Mr. Nelson:

Pease find attached a position paper from an "ad hoc" group that has been formed within the southern portion of Deep Creek Lake. This group is made up of individuals or formal associations of southern lake sub-divisions.

The attached paper contains major concerns that are on the minds of residents. There are other issues and therefore signers of the attached paper were given the option to list their comments and express their opinions on the third page, where space is provided. The major concerns were expressed from a telephone census when the attached position paper was being written.

We hope that Planning and Zoning, the County Commissioners, and Environmental Resources Management will give serious consideration to the recommendations expressed by the citizens and tax payers of the southern lake area.

Very truly yours,

Southern Lake "Ad Hoc" Group

SUBJECT: Innovative Planning and Zoning for Garrett County

Recently an ad hoc group was put together within the southern boundaries of Deep Creek Lake to encourage the County Commissioners, and Zoning and Planning to rethink future development issues that would have a profound influence on this region.

There are other jurisdictions adjacent and nearby (meaning within a 100 mile radius) that are adapting and reformulating their planning process for future land development. Several came to mind. Our next door neighbor, Allegany County, has recently created a group of public spirited citizens called Allegany By Design. Their first meeting was August 1, 2006 at the Frostburg Community Library. This meeting was a follow-up to a meeting held in Hagerstown, Md. in June called "Reality Check Plus" program. The program offered an opportunity for the counties of Western Maryland to look at where they are in terms of economic and community development and begin to plan for the future in terms of land use, infrastructure, population, the economy, government, and other issues as they would effect future trends and potential problems.

Other jurisdictions that are doing the same type of planning are the Virginia counties of Washington, Loudon, Warrenton, Culpepper, and Madison. Some of these counties are fairly rural, but in the last few years they have seen a large increase in land values and modest increases in population. In the year 2000 50 acres of raw land with no water, sanitation, and minimum roads, less a house, barn, or proper fencing went for approximately \$150,000 to \$200,000.00. Today, that land might go for \$500,000.00 to \$600,000.00 in Madison County and similar out of the way locations. It has been documented that similar pieces of land are fetching \$750,000.00 in Rappahanock Co, VA and close to one million dollars in Western Faquier County and more than a million in the Plains closer to Washington, D. C. In closer regions in Loudon Co 1.5 to 2..0 million is not out of the question. These prices come from realtors in the above mentioned jurisdictions as reported in the Washington Post newspaper.

Let's be candid. THIS IS NOT SUBURBANIZATION – quite the opposite. A new phenoamen is appearing in rural real estate markets. A LACK OF DEVELOPMENT INCREASES THESE PROPERTY VALUES.

An amalgamation of the above referenced counties has called itself "The Piedmont Environmental Council" (PEC) which is proving to be the best organized political force in the state of Virginia. Real estate brokers would curse its resistance to the onslaughts of cul de sacs, clover leaf exchanges, and high density postage stamp development. Now that the 21<sup>st</sup> century has come along an entirely unexpected development has occurred which has resulted in hundreds of thousands of acres in permanent conservation easements of 10-20-50 acre zonings per house (not uncommon).

PEC head, Mr Chris Miller, says that in rural areas, week-end get-away places account for as much as 30-40 percent of all homes. These week-enders soon discover ~~that they~~

can start leaving the office a day early and stay in touch by E-mail. They soon begin staying a day later. This is not uncommon with Garrett County. Eventually, these people will sell their homes in the metropolitan areas (Washington, Baltimore, Pittsburgh) and other towns and cities. This kind of life style does not appeal to everyone. It's a fair distance to a shopping center, schools, and other destination points. But, the people who move out to the mountain top are a more footloose group, and more individualistic. They are often self-employed.

We discussed Allegheny Co. and the Piedmont region (all within 100 miles from Garrett County) One other jurisdiction a little further away and partially in a metropolitan area is Maryland's Montgomery County. Recently this county had a very large "shake-up" in its planning board which has suffered from a series of breakdowns over the past year. Most notably planners allowed developers to over build, depart from a master plan, and riddle the Clarksburg area with major violations of county plans. Clarksburg is adjacent to Carroll and Frederick Counties. Four high ranking planning officials have since resigned and the board's outgoing chairman declined to ask for a second term.

Montgomery County had become a sprawling, congested mess a long time ago. The county is in the process of setting aside an AGRICULTURAL RESERVE, in adapting innovative zoning policies, and is building additional roads to accommodate development. One of their crowning achievements is the creation of a 93,000 acre AGRICULTURAL RESERVE that protects green space from the onslaught of developers. Montgomery County is now controlling the pace and effects of new development. Years ago, the county initiated 25 acre zoning in the upper part of the county west of Interstate 70.

It is obvious that many jurisdictions are finally waking up and are trying to preserve land values, the inherent culture of the area, and a promising way of life for the citizens.

Garrett County is presently at this cross roads. We have one last opportunity to deal with fair economic and quality of life issues for the southern part of Deep Creek Lake. This portion of the lake is totally residential, with very little unoccupied waterfront. We are blessed with a fair amount of agricultural acreage and in the immediate future it appears that the owners still will be involved in farming and raising of cattle, sheep, and goats. Eventually, the owners or their heirs are going to want to develop these assets, not all, but we are certain that someday this will happen. No one, I'm certain, wants to put obscene restrictions on these owners or confiscate their land. What we adjacent owners would like to see is a continuation of farming, or at least subdivisions with a minimum of two acres. It is a proven fact that estate lot sizes such as two acres or more will be an excellent return of investment for the owners rather than the utilization of small postage stamp lots. We would encourage the County Commissioners to seriously consider this recommendation.

We also endorse "clustering" within the subdivisions that yields green space for the benefit of residents. Clustering may be necessary for some subdivisions because of

infrastructure problems in order to yield scenic views, for utility runs, road creation and other pertinent reasons. .

A further recommendation by residents and developers within the southern portion of the Lake are the special exception portions of the current Zoning Ordinance for gun ranges and camp-grounds. It makes no sense to have these even considered when there are very expensive residences within the entire lake district. Almost all of the waterfrontage is developed with very few exceptions. Should the above ever be developed within the lake area you can be assured property values will decrease dramatically. Further, concerning campgrounds, Garrett County does not have the road infrastructure to handle the traffic in the southern lake area.

We feel the above issues are extremely important for the future planning of our valuable resource.

We have confined our remarks to the major issues with the south end of Deep Creek Lake and we would appreciate it if in the future another public hearing could be scheduled or a meeting with the undersigned parties.

PO Box 660  
Grantsville, MD 21536  
February 27, 2007

Mr. George Brady- Chairman  
Garrett County Planning Commission  
203 South Fourth St.  
Courthouse Room 210  
Oakland, MD 21550

Dear Mr. Brady:

My husband and I attended the Planning Commission Public Meeting last evening and we do wish to thank the Commission for making these open forums possible. We would like to see the deadline for the final document extended so that more people can become informed and educated about this process. It is also important to have meetings when more people can attend without weather conditions being a deterrent.

We support these measures:

1. We are NOT opposed to zoning or ordinances that bring some measure of regulation to growth and development and do not see how it can be directed in a positive way without such measures. This requires time to educate people to the advantages of some control and the disadvantages of continued chaotic growth. I am enclosing a letter about freedom to manage one's property which I sent to the Republican.
2. We support lower density, one dwelling per 10 or more acres and small lot sizes in the context of clustering
3. Greenways connecting state lands.
4. More lands designated as sensitive, especially land adjacent to parks and state forests and doing away with grandfathering in those areas. Near New Germany Park there could possibly be three new dwelling next to this small park.
5. Ordinances against junky properties (one acre of land near us for one year has been an eye sore of 7 junk cars, tires and discarded tools.) Neighbors can do nothing about this so that one property owner's freedom impinges on our freedom to have a beautiful view.
6. Ordinances against spotlights that glare in neighbor's windows at night.
7. Any measures or funds to help farmers, to educate them about easements and making them easy to obtain, and assuring them that they will have the ability to hold back land for their children.

8. In clustered areas and residential areas to offer affordable housing that is attractive. This has been done very well in Grantsville.

9. To discourage subdividing farms to the detriment of the farmer who makes less than the developers. Increase farmer's land equity through subsidies and tax breaks and clustering.

10. To discourage unregulated development by imposing fees on developers and by trying to institute zoning, or ordinances, if you please. Consider as well the statistics that show that development does not really benefit the community economically because so many services are required; strip malls are poor sources for business development and decent jobs. (from delmarvanow.com - "Residential growth requires more in services than it pays for in taxes," said Richard Hall, director of land use, planning and analysis for the Maryland Dept. of Planning. Many statistics back up this quote) Yet, tourism and recreation, that depend on vast expanses of land, do help the community economically.

I have heard retirees say that they are leaving the county because it is becoming just like the places they escaped from. Local people complain about the lack of hunting lands - and yes, of deer which they feel are more plentiful on the eastern shore. Renters next door to us prefer to stay away from Deep Creek because they say it is getting as commercial as Ocean City.

We have been loving and supporting Garrett County with our taxes and spending for 30 years - first as campers, vacationers and property owners, and now as retirees. We live here and want our grandchildren to also enjoy the beauty of nature and the rural life that is so unique to our county.

Thank you for considering our suggestions and for all your good work to keep Garrett County beautiful.

Sincerely,

Kathy and Bill Tunney

P.O.Box 660  
Grantsville, MD 21536  
February 27, 2007

The Editor  
The Republican  
P.O.Box 326  
Oakland, MD. 21550

Dear Editor:

I am very sorry for those who were unable or unwilling to attend the Garrett County Comprehensive Planning Meeting held at Garrett College, February 26. Hopefully, there will be additional meetings in the spring when the weather is more accommodating.

Citizens were invited by the commissioners to share their vision and also specific suggestions for future development in our county, and many well-informed and concerned people did so, often very eloquently. I feel privileged to live in a democracy where people are invited in a public forum like this to inform and guide their chosen officials.

The word "zoning" was not heard very much at the meeting, but most who spoke were seeking some common ground between those who want to safeguard property rights and those who hope to preserve the rural and wilderness quality of life in our county. Most who attended were concerned about uncontrolled development and the consequent deterioration of the landscape that is happening so rapidly here.

In response to persons fearful of the attempt to enact laws that would take away property rights, (these sentiments were expressed in a letter to the editor of this newspaper, Thursday February 22, 2007), I would say that there seemed to be no overt or covert movement on the part of any group to seize that freedom. However, the freedom of property rights is not the only freedom we have to protect. And might I add that we all know that unregulated freedom of any sort if misused can lead to the opposite of freedom in the form of negative unintended consequences.

In addition to the freedom to manage our own property, is the freedom of the community to enjoy a quality lifestyle: clean air and water, uncrowded landscape, fields and meadows and mountain ridges of natural beauty, and rural byways and towns unspoiled by the clutter of strip malls and unplanned housing developments. When farms are mindlessly subdivided, and mansions of the rich go up in the middle of a farm field, we will have lost our choice to live a rural lifestyle. Who will want to come to our county then to spend time and money fishing, hunting or vacationing when we look the same as Carroll County? Where will our own children and grandchildren go to enjoy nature and the freedom of movement as we enjoyed it?

Sometimes it is necessary to give up a little freedom to gain another more important one for ourselves and our neighbors. There is no freedom in chaotic, unregulated growth which, when it occurs, becomes a disadvantage to everyone, except perhaps to the very few who make a fast buck and then take off to Florida.

Creative solutions can be found to help farmers stay solvent, to maintain land equity and also to keep our county beautiful.

Unlike other rural counties that are already ruined, we have an opportunity here in Garrett County to get it right. I urge all to get informed about this planning process and to go to the next meeting.

Kathy Tunney  
Grantsville, MD



# Youghiogheny River Watershed Association

P.O. Box 719

Oakland, MD 21550

yrwa@garrettcollege.edu

Feb. 8, 2007

Mr. John Nelson  
Garrett County Planning Commission  
203 S. 4<sup>th</sup> Street  
Oakland, MD 21550

Dear Mr. Nelson:

The Youghiogheny River Watershed Association (YRWA) has been considering recommendations for the new county plan for some time. Since the plan is broad and we are a diverse group, our recommendations include only those items that have broad support among our members. I will list the recommendations and then expound on them as they are somewhat related.

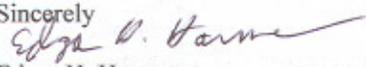
1. Include provisions that will control impervious surfaces and the runoff of pollutants from them.
2. Provide for improving and increasing vegetated riparian buffers.
3. Encourage the purchasing of easements and development of conservation plans for farms, forest land, riparian areas, and wetlands, and increase funding for them.
4. Strengthen and provide for greater enforcement of storm water management and sediment regulations.
5. Establish performance standards for the protection of water quality in developments and tie increased development to increased staffing of regulatory and enforcement agencies.
6. Establish impact fees on new development as one means to fund performance standard enforcement.
7. Include a TMDL implementation plan. ( Total Maximum Daily Limit)

The management of storm water, sediment, and erosion are a national problem. We see Maryland putting forth expensive efforts to reduce nutrient loading to the Chesapeake Bay. In Garrett County, the Little Yough and the Yough have been cited by the MD Dept of the Environment as being degraded by sediment. The lakes and ponds in the county have experienced increased plant growth. It may well be that the greatest treat to the water quality in Deep Creek Lake is nitrate and phosphorus pollution from sediment. The waters of Garrett County are not immune to similar problems facing the Chesapeake Bay.

The sediment and storm water management programs have been historically led by the State. However the results have not been encouraging ( Chesapeake Bay). A recent report from the person in charge of the State program in Western Maryland has substantiated this conclusion. Therefore to maintain and improve our water resources in Garrett County it may be necessary to provide leadership at the county level.

We understand that preparing a County Development plan is a difficult task. Balancing and being fair to all the people's diverse interests will not be easy. Therefore we wish you and the Planning Commission success with this endeavor.

Sincerely

  
Edgar H. Harman  
Chairman YRWA

January 5, 2007

John E. Nelson, Director  
Office of Planning and Land Development  
Garrett County Courthouse  
203 South Fourth Street  
Oakland, MD 21550

Dear John:

The purpose of this letter is to provide feedback on the November 6, 2006 Memorandum from Clive Graham regarding ERM's residential growth projections.

The memorandum correctly characterizes the residential growth projections as "a key component of the analyses that we (ERM) will perform for Comprehensive Plan policies related to land use, transportation, water, sewer and other community facilities, natural resources, and economic development." These residential growth projections are a critical foundation upon which the Comprehensive Plan will rest. Therefore, these projections need to provide policy makers in the county – the Planning Commission and the Commissioners – with the best available information upon which to base their decisions.

The work the Planning Commission and Commissioners will do on the Comprehensive Plan will be the most important work they undertake over the next two years. It is an extremely complicated and complex process and their deliberations need to be based on the best available information. My concern is that Mr. Graham's November 6, 2006 memorandum on residential growth projects does not provide the best information possible and does not provide any analysis upon which the Planning Commission or the Commissioners can make informed judgments.

In my August 24, 2006 letter to you I detailed concerns I had about the work this consultant did 2 years ago on the lake carrying capacity study they did for DNR. I detailed several critical assumptions they made which provided the foundation for that study. My concern then, as it is now, is that the assumptions were not based on any analytic foundation and, on their face, did not seem reasonable or plausible.

In his memorandum to you dated August 21, 2006, Clive Graham acknowledges, as we all would, that there is room for disagreement, "but it needs to be honest disagreement, based on facts and reasoned discussion and debate." These are difficult issues being addressed by the Planning Commission and reasonable people may disagree about some of the numbers and how they are produced. But, as Mr. Graham says, we need to have a reasoned discussion based on the facts. The problem with the November 6, 2006 memorandum is that there is no analysis provided to inform that discussion. Therefore, there is no way that policy makers can decide whether these numbers make sense or not. Since forecasting for the next 25 years is essentially informed guess work, we need to be as scientific as possible about these estimates. Without a scientific basis, the information in the memorandum is not very useful for decision makers.

Let me turn to some specific concerns.

The memorandum presents residential growth projections in Table 1. There are two projections to 2030 – a moderate growth projection and a rapid growth projection. It is not unreasonable, or unusual, in this kind of situation to give a range in estimates since a point estimate about something that is going to happen in 25 years is not very reliable. Usually, this is done by making some initial point estimate which is the best guess about what will happen between now and 2030. Such an estimate is typically based on some analysis of underlying trends, how they affect the activity being projected and how those trends will develop over the next 25 years. However, since projecting trends into the future is problematic at best, this best guess estimate is typically bounded by higher and lower estimates which are generated by relaxing some of the underlying assumptions of the initial best guess estimate.

That is not the process followed by ERM in their residential growth estimates presented in Table 1 of the November 6, 2006 memorandum. According to the *Methodology* section of the memorandum the

- Moderate growth scenario assumes that development in Garrett County will continue at a pace similar to what occurred during the 1990-2005 period – approximately 270 new units per year, but just 230 units per year during the decade of the 1990s.
- Rapid growth scenario assumes that development in Garrett County will continue at a pace of growth similar to what occurred during the 2001-2005 period – approximately 350 new units per year.

These totals were then allocated to different geographic regions of the county based on the following assumptions:

- Development in the Deep Creek Lake influence area would receive 60 percent of the new units;
- Development in towns would receive 10 percent of new units; and
- Development in the rest of the county would receive 30 percent of the new units.

The memorandum provides no analysis to support or justify the assumptions underlying the moderate and rapid growth estimates. The allocation of these totals across various regions of the county reflects judgments made by the consultant but characterized as reflecting “the County’s interest ...” I am not sure where “the County’s interest” has been articulated because there was no reference provided. Is the consultant asserting what is in the County’s interest? Is this something that is stipulated in the RFP? Where does this come from?

Given the importance these projections have for the Comprehensive Plan, the most troubling issue is that there is no analytic support of justification of ERM’s assumptions about future growth of residential properties in Garrett County. They are really more assertions than assumptions. While anything is possible in the future, it seems that the estimates that form the foundation of the work on the Comprehensive Plan should be reasonable, plausible and probable.

There is nothing in the memorandum to suggest that these assumptions are reasonable, plausible or probable. There is no discussion of what the factors are that underlie the market for second homes in the County. We do know that the number of building permits have declined the last two years. We also know that the share of building permits in the Deep Creek Lake area has declined from 60 percent to 40 percent over the last two years. We know that the 1990s was a period of unprecedented economic growth – that means not likely to happen again in the next 25 years. We know that between 2001 and 2005 there was an unprecedented shift of resources from financial assets (stocks) to real assets (real estate) – not likely to happen again. We do know that demographics (the aging of the population) favors the second home market as boomers move through their peak earning years during the next 8 or 10 years, but the pressures fall off substantially after that. We know that since Interstate 68 opened in the early 1990s, property values and construction have increased significantly, but we now see evidence that that trend is abating and the air is leaking out of the housing bubble.

The point is that these easily identifiable trends have impacted growth in the County over the last 5 or 10 or 15 years. But they are not likely to play as significant a role in growth in the County in the next 10 or 20 years. What will be the factors influencing growth in residential properties in Garrett County over the next 25 years?

The Maryland Department of Planning has also made projections of total new housing units for Garrett County between 2005 and 2030. Their report acknowledges that such projections are difficult to make and they admit they are not perfect. However, their estimates are made from a model which has been endorsed by the Development Capacity Task Force. Based on their model, the MDP projects 4,228 new housing units in Garrett County between 2005 and 2030; of which 2,225 are year-round household units. This works out to an average of about 170 new units per year for the next 25 years.

We all agree that residential growth projections are "a key component" of the analyses that will go into the development of the Comprehensive Plan. The Maryland Department of Planning has estimated, based on their analytical model, that there will be an average of 170 new units constructed in Garrett County from 2005 to 2030. ERM projects that there will be between 270 and 350 new units constructed in Garrett County from 2005 to 2030.

There is no analytic support for ERM's assumptions contained in the November 6, 2006 memorandum. Based on the trends outlined above, it is hard to see how ERM's estimates could be described as reasonable, plausible or probable. They are certainly possible. But it is also possible, however unlikely, that Garrett County might get hit by a meteor in the next 25 years and all of this is moot. We do not want to make policy or decisions about the Comprehensive Plan based on numbers that might technically be possible, but which, from any reasonable perspective, are unlikely outliers.

It is very important to get these numbers right. We need to have the type of honest discussion based on the facts that Mr. Graham called for in his August 21, 2006 memorandum to you. The problem is that the November 6, 2006 memorandum presenting their residential growth estimates does not provide information to support their assumptions so we cannot have an informed discussion on the issue.

As a permanent resident in the county, as well as being a business person and taxpayer, I sincerely hope that the estimates presented by ERM in their November 6, 2006 memorandum have not been judged to be acceptable. I think the consultant needs to provide analytic support for their assumptions so that we can have an informed debate about the numbers to see if they really make any sense. If I were coming up with numbers to use as a foundation for decisions about the Comprehensive Plan, I would start with the MDP numbers which are based on some analytic methodology that has been reviewed and accepted by a third party. The burden should then be on the consultant to identify limitations of the MDP approach and explain why their estimates are more reasonable, plausible and probable.

The above comments relate to ERM's projections for residential housing growth from 2005 to 2030. These numbers are estimates of the demand for new housing units over the next 25 years. We need to get the numbers right and we need an informed discussion and debate on these numbers. Similarly, we need to have an informed discussion of the available supply of land in the County to accommodate this projected demand.

In Table 1 of the November 6, 2006 memorandum, ERM has included a column titled Capacity (Current Regulations). The footnote indicates these estimates come from the MDP build out study. These numbers are used to suggest the potential for accommodating future growth in the County. In fact, on page 6 of the memorandum ERM compares their growth estimates with the MDP build out estimates.

This presentation misrepresents the MDP build out estimates. First, they are being compared to growth estimates for the 2005-2030 period. This is the same mistake that the Republican newspaper made when they originally described the build out estimates. You worked with the Republican newspaper to clarify that the build

out was not for the same time period. I hope you made similar clarifications to ERM about their misuse of these data.

More importantly, however, is that these numbers do not represent the capacity of the County to accommodate new growth. That is a serious, and dangerous, misrepresentation of what these numbers are. In their report, MDP makes it clear that these estimates merely reflect the number of units that could be built if every piece of property were developed to its full potential. They state explicitly in their report that these estimates do not account for school, road or sewer capacity that might be needed to actually realize this build out potential. At their presentation before the Planning Commission, they made it clear that these estimates do not consider the capacity to provide water for these dwellings, or the land fill needs associated with such a build out. The estimates do not consider the environmental consequences of such a build out and do not reflect or consider the impact of such a build out on the quality of life in Garrett County. To present these numbers as representing the capacity of Garrett County to absorb new growth is a misuse and dangerous distortion of what these numbers represent, and what they do NOT represent.

In short, these build out estimates are in no way meant to provide estimates of the capacity of the County to absorb new growth. In fact, during their presentation before the Planning Commission, the representatives of MDP said these estimates should be taken with a grain of salt. They should certainly not be the basis of policy making or decisions about the Comprehensive Plan. I hope that someone has made this clear to ERM because the presentation of these data in their November 6, 2006 misuses and misrepresents the numbers by comparing them to their residential growth estimates.

Finally, as you indicated at the Planning Commission meeting on January 3, another key component of the foundation of the Comprehensive Plan is the description of the current conditions in the county. As I understand it, this description of the current conditions in the County will be overlaid with the residential housing growth projections to identify potential problem areas and that the decisions made in developing the Comprehensive Plan will address those problem areas.

ERM has prepared such a description of current conditions in Garrett County as part of a grant from the Appalachian Regional Commission. I would like to take advantage of your offer to provide copies of that draft report to interested persons. Please send me a copy of that draft report to the address below.

Thank you for the opportunity to comment on ERM's memorandum of November 6, 2006 which presents their residential growth projections.

Sincerely,



Michael Bell  
P.O. Box 869  
Mc Henry, MD 21550  
Tel. 301.387.9030

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@garrettcounty.org](mailto:planninglanddevelopment@garrettcounty.org)

January 31, 2007

Michael Bell  
P O Box 869  
McHenry, MD 21541

Dear Mr. Bell:

Thank you for your letter dated January 5, 2007, providing comments on the November 6, 2006, Growth Projections document prepared by ERM. Your letter has been distributed to members of the Garrett County Planning Commission, the County Commissioners and Clive Graham of ERM for their review and consideration. As requested in your letter, I have also enclosed a copy of the preliminary draft of the Transportation, Water Resources, and Community Facilities elements of our Comprehensive Plan as prepared for compliance with our ARC grant agreement.

As always, we welcome and appreciate your comments to assist the Planning Commission in this planning process. In keeping with the spirit of the exchange of ideas I would like to comment on a couple of the points raised in your January 5, 2007 letter as follows:

In the final paragraph of the second page of your letter you make a statement that building permits in the Deep Creek Lake area have declined from 60% to 40% over the last two years. The percentage of new housing starts within the Deep Creek Watershed for the calendar year ending 2006 is actually 49.9% of the total number of new housing unit starts (184 of 369). While we do not have the statistics on new housing unit starts within the influence area of the Deep Creek Watershed (i.e. development within the Wisp Resort and Sang Run Road area) the percentage of total housing units for the Deep Creek Watershed and the Deep Creek influence area combined would continue to be very near the 60% growth rate used in the growth projections. We believe the 60% growth rate will continue to prevail for this combined area into the foreseeable future given what we know about existing, pipeline, and planned subdivision activity in this area.

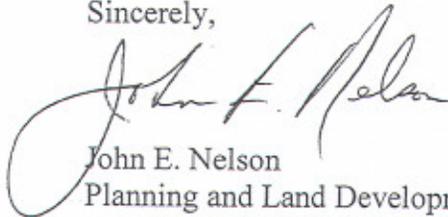
In the second paragraph of page 3 of your letter you make reference to the Maryland Department of State Planning projections for total new housing units in Garrett County to be 4,228 new housing units for the next 25-year period based upon a model endorsed by the Development Capacity Task Force. To be clear, this projected housing unit computation made by State Planning was not produced as a part of the model endorsed by the Development Capacity Task Force. Rather this number was calculated by MDP based upon a projected growth of permanent resident households in Garrett County through the year 2030 with an occupancy rate multiplier for second homes for

this same projected period of .615. Again, this projection was computed based upon projected households and was not based upon the model accepted by the Development Capacity Task Force.

In the first paragraph on page 4 of your letter you point out that the capacity study prepared by MDP does not represent the ability or the capacity of the County to accommodate new growth. That is a correct statement and we do not assume or contend that these numbers prepared by MDP reflect the ability of the County to handle this growth. The MDP capacity study merely points out that when you exclude all lands owned publicly, protected by development of easements, or other forms of deed restrictions and apply the existing regulations in place for Garrett County with regard to steep slopes, wetlands, floodplains, zoning and subdivision regulations, the developable land could theoretically be developed to this build out potential. We fully understand that limitations on percolation rates, availability and capacity of water, sewer, roads and schools must be analyzed to develop a realistic picture of growth and development and that's what planning is intended to accomplish. We, in no way, assume the building capacity numbers represent the ability of the county to absorb new growth.

Once again we thank you for your comments and I look forward to further discussing your comments regarding the growth projections during our tentatively arranged meeting on February 27, 2007. Please call if you have questions regarding any of my comments above.

Sincerely,



John E. Nelson  
Planning and Land Development Director

JEN:lew

February 3, 2007

John E. Nelson, Director  
Office of Planning and Land Development  
Garrett County Courthouse  
203 South Fourth Street  
Oakland, MD 21550

Dear John:

Thank you for your letter dated January 31, 2006 and the accompanying copy of the preliminary draft report on the transportation, water resources and community facilities plan elements of the comprehensive plan.

1. I am sorry if I misinterpreted the draft report by MDP by attributing their estimates of new housing units in Garrett County to their model endorsed by the Development Capacity Task Force. My point remains the same, however. They estimate 4,228 new housing units between 2005 and 2030 which is substantially lower than ERM's estimates. My only point was that we need to see the underlying assumptions and logic of the various estimates so people can decide for themselves which estimates are reasonable and probable.
2. Under the heading "You can prove anything with numbers" my comments about the decline in building permits and the declining share of those going to the Deep Creek Lake area was based on data presented by Jim Torrington to the County Commissioners at his December briefing as reported in the Republican. Again, my point was simply that there has been a decline in building permits and at least some evidence to suggest the share going to Deep Creek Lake might be declining. These trends are evidence that seem inconsistent with the ERM assumptions about the future growth in housing units in Garrett County. I am simply trying to explore what underlying assumptions, data, experience justify or support both the MDP and ERM estimates of residential growth in the County.
3. As an uninformed reader, I believe the presentation of the MDP build out estimates in the ERM memorandum is misleading. The column in their Table 1 labels the MDP estimates as Capacity. This is the title of the report, but there are no caveats presented by ERM to put those numbers in any sort of realistic perspective. In fact, on page 6 of the ERM memorandum they make a direct comparison between the MDP build out estimates and their estimates of growth projections. This is misleading because it is comparing apples and oranges and leaves the clear impression that the MDP numbers are some sort of reasonable estimate of actual potential. Your letter recognizes all the appropriate caveats associated with the MDP numbers, but the ERM memorandum does not mention any of those caveats and leaves a wrong impression for the reader.

I am afraid that I will not be able to attend a meeting with you and Clive Graham on February 27. My travel plans have finally been finalized and I will actually be traveling on the 27<sup>th</sup>. Therefore,

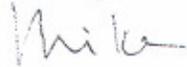
would it be possible to meet sometime on the 26<sup>th</sup>? Please send me an e-mail with an alternative time and place that is convenient for you and Mr. Graham ([mebassociates2@gmail.com](mailto:mebassociates2@gmail.com)).

I had suggested meeting at the Chamber because there were a couple of other people that were interested in hearing more about how the consultant generated their residential growth projections. That is also why I suggested noon, to facilitate others attending the meeting.

I understand that Mr. Graham will not be here until sometime in the afternoon of February 26. I would be happy to meet whenever and wherever it is convenient on Monday, February 26. I cannot guarantee, however, that the others interested in meeting with the consultant to discuss their residential growth projections would be able to attend. I would certainly want to give them that opportunity, however.

Thank you again for your letter and the preliminary draft report prepared by ERM.

Sincerely,



Michael Bell  
P.O. Box 869  
Mc Henry, MD 21550  
Tel. 301.387.9030

July 12, 2006

John E. Nelson, Director  
Office of Planning and Land Development  
Garrett County Courthouse  
203 South Fourth Street  
Oakland, MD 21550

Dear John:

I attended a public hearing on the new master plan for Garrett County that was held at Garrett College on Monday, June 26. I attended the hearing as an interested citizen, taxpayer and voter in Garrett County who runs two businesses (one heavily dependent on tourism) and a non-profit organization. I listened to the presentation by Clive Graham from ERM, Inc., the consultant the county has hired for this project, and the comments by long time residents like Mr. Browning and Ms. Naylor. I was willing to listen and give the consultant the benefit of the doubt. But then I saw a statement to the other commissioners, the consultant and to you attributed to Commissioner Gregg that was published in the June 29 issue of the Republican in which Commissioner Gregg said

“I think it was rather evident last night that we’re dealing with the last man syndrome where people want to move in, but they don’t want any additional change.” [p. 4]

As a taxpayer in the county whose taxes are being used to finance this study, I am concerned about what would be an effort to trivialize and dismiss the comments expressed by concerned citizens at the public hearing on June 26. I find it hard to believe that such a misreading of the comments at the public hearing is possible. If the statement attributed to Commissioner Gregg is true, and if that reflects his view, the view of the other commissioners and your office, it would appear that the whole process of developing this master plan is a pro forma exercise and soliciting public input is disingenuous. In this context, I would urge the other commissioners to publicly ask Commissioner Gregg to confirm and clarify the statement attributed to him. If the statement attributed to him is not accurate, I think it is important for the Republican to publish a clarification.

I thought that the turnout at the meeting on June 26, especially given the terrible weather that night, indicated the strong interest of Garrett County residents in the issues that should be addressed as part of the master plan development process. Those citizens that shared their views at the hearing were all long time residents, not new comers as suggested by the statement attributed to Commissioner Gregg. No one said anything about stopping development. Everyone talked about managing development. If the statement attributed to Commissioner Gregg is accurate, in my view it marginalizes and distorts what was actually said at the meeting and sends the wrong signal to the consultants.

The purpose of this letter is to summarize what I thought the important themes were that emerged in the discussion on June 26, to suggest specific solutions which you asked for, to express some serious reservations about the consulting firm hired for this project and propose refinements to the strategy outlined on June 26.

### **Importance of Economic Growth and Development in Garrett County**

I want to start with the final comment made at the meeting by Gary Yoder. He made the extremely important point that the residents of Garrett County have benefited directly and substantially from the growth and development that has taken place in the county in the last 10 or 20 years. There has been improvement in employment levels, quality of housing, as well as other social services available to residents in the county.

It is extremely important to acknowledge and remember this point. Economic growth and development benefit the community. This theme is further elaborated in the booklet that was handed out at the meeting on June 26, *State of the County: A Decade of Progress*. The Commissioners are rightly proud of the progress that has been made in the last decade to improve the level and quality of life for all residents of Garrett County. This must continue to be an important concern as we move forward with the development of the new master plan for the county, and, to my knowledge, none of the long time residents providing comments at the meeting disagreed with this point.

### **Increasing Costs of Economic Growth in Garrett County**

In addition to benefiting local residents, continued and expanding economic growth also imposes costs on the community. Fifteen or 20 years ago, the first few developments imposed costs which the community could assimilate rather easily because of the limited number of such developments. But development has mushroomed in the last decade and the community – both the natural community and county residents – are finding it more and more difficult to assimilate the increasing costs of development.

Costs of development come in at least two forms. First, there is the environmental cost of development reflected in the degradation of the environment and the erosion of the “rural lifestyle” that so many long time residents who testified felt was important. Second, there are financial and other costs imposed on citizens.

A number of comments at the hearing provide examples of the first type of costs. One fellow talked about his concern about the health of the Savage River watershed; another talked about the aesthetic pollution from not protecting mountain ridges in the county from intrusive development; another fellow talked about the death of Hoyes Run, one of the few places in the county that still has native born trout. Such costs erode the quality of life in the county and undermine the very quality that has been drawing visitors here for more than a century. And these costs are very difficult to correct once they have been realized, but usually not too costly to avoid at the front end. More needs to be done to protect the quality of natural resources and the “rural lifestyle” that make the county attractive. We must avoid killing the goose that has been laying the golden egg.

In dealing with this challenge, the thinking implicit in the statement attributed to Commissioner Gregg is counterproductive and out of step with current thinking and experience. We have examples here in Garrett County. For example, a decade or more ago a number of condominiums were built on Marsh Mountain where people could ski into and out of their homes. Those condominiums were tastefully built into the hillside and do not stand out like a sore thumb -- unlike more recent townhouses at the top of Marsh Mountain. In addition, there has been an explosion in the construction of lake front homes over the last 10 years, but, under the leadership of the DNR, the buffer strip has been managed in such a way that the pastoral experience of being out on the lake has been preserved. You can have development and still protect the environment and the experience of being in Garrett County.

In this context, I think there is a general perception that the county government is biased in favor of more development and does not pay adequate attention to the emerging costs which are becoming more and more pronounced as growth explodes. For example, if one looks at the message from the Commissioners in the document handed out at the June 26 hearing, the fourth paragraph explicitly lists their goals which have guided their decisions. The statement of goals does not mention protection of the environment, safeguarding the "rural lifestyle" and nature of the county, and other preservation issues that were of concern to those long time residents who spoke at the hearing, as well as many who attended but did not speak. Also, even the name of the department suggests a bias in priority setting -- the Department of Planning and Land Development. Not land preservation, or just planning and zoning, but *Land Development*. All of this re-enforces the view held by many long time residents, and others, in the county that there is an inherent bias in favor of more development, with little regard to the increasing costs of such development.

The second type of cost of develop is the out-of-pocket cost to residents for subsidies the county provides to developers. As a result of these subsidies, there is more development than would otherwise take place and the cost to citizens increases. There are also non-pecuniary costs to citizens in the form of traffic congestion, lines everywhere, noise, trash, etc. Developers should pay the cost of development and should not be subsidized by the average citizen in the county.

### **Reducing and Mitigating The Costs of Development**

Listening to people talk at the meeting on June 26, I am convinced that no one there was promoting or suggesting any sort of anti-growth sentiment. Rather, most people understood Gary Yoder's point that growth benefits the residents, and businesses, in the county. I think most people there are really concerned about getting a better balance between growth and the increasing costs being imposed on the residents of the county and the environmental quality of the area.

One suggestion that emerged was the idea of revisiting the notion of zoning, albeit by some other name like land management and protection tools. Another suggestion is that the county, like other counties in the state wrestling with the balance between growth and quality of life and the environment, pass some sort of Adequate Public Facilities Ordinance. This is a mechanism to ensure that developers pay the cost of development and are not subsidized by the average citizen. As developers pay the full cost of their developments, different decisions may be made about the size and timing of the development, how the development deals with infrastructure investments, how the development mitigates environmental damage and costs, etc. Adequate Public Facilities Ordinances are in place in Montgomery and Frederick counties in Maryland, as well as Howard, Anne Arundel and other counties

in the state trying to balance development and quality of life and the environment. Growth and development has not stopped in these counties as a result of their passage of Adequate Public Facilities Ordinances.

Garrett County is a different place than it was just 10 years ago and the composition of the citizenry has changed as well. In part as a result of the successes over the last ten years, the time has come for Garrett County to make the same effort as other counties in the state to balance development and quality of life issues by adopting a comprehensive Adequate Public Facilities Ordinance. At this time in our history, there is no reason not to adopt such an ordinance. The risks to the environment and the quality of life in the county are just too great.

### **Concerns with Project Design and Implementation**

The process outlined by Clive Graham, the representative of the consulting firm, is prescribed by state law. The county, however, has control over how this state mandate is addressed. The explanation of the process described at the hearing on June 26 raises some serious concerns in my mind.

**Project Staffing:** The first issue is the staffing of the project by the consultants selected for this project. According to the information provided by Mr. Graham, virtually all of the professionals working on this project are either planners or engineers. While it is critical for both of these professions to be represented in the process, they are typically rather technocratic in how they approach issues related to infrastructure investments and economic growth and development.

I have extensive experience working on these issues with planners and developers. I was Deputy Executive Director of the congressionally created National Council on Public Works Improvement which was created to assess the state of the nation's infrastructure. While we had planners and engineers on the staff, we also had economists, political scientists and policy analysts involved in all the work of the Council.

For the last 12 years I have been a member of the Transportation and Economic Development Committee of the Transportation Research Board which is part of the National Research Council – the operating arm of the National Academy of Sciences. Our whole mission over that time has been to broaden the participation in discussions about infrastructure investment and economic development beyond engineers and planners to include other professions with a stake in those issues which bring different perspectives to the table.

It is sort of a 1970s approach to these issues to rely solely or predominately on planners and engineers for such a project. There has been a growing recognition of the need for multi-disciplinary approaches to these issues. This is something that affects the whole community and all perspectives should be put on the table while this project is progressing. I am not talking about simply holding pro forma public hearings to comment on what the consultants have done. These other perspectives need to be brought into the process of developing the master plan and, as a result of such input, the plan will be materially different than if it is left to just planners and engineers.

The point is not that planners and engineers are bad, they are not and they need to be part of the process. But they bring a certain training and perspective to these issues. If the plan is to really

represent the community, other perspectives need to be part of the plan development process. Garrett County has a wealth of talent that should be mobilized to participate in the development of the plan, not just to comment after the fact. For example, a number of other professions were represented at the hearing on June 26, including environmentalists, a marine biologist, and others.

If this is really an open process, in my view your office should create an Advisory Panel of county residents that bring different professional backgrounds and experiences to the table. This Advisory Panel should have an active role in oversight of the consultant and assist you in evaluating the work of the consultant at various stages. The next opportunity for public input is not until a draft plan is done, but, in my view, you should institutionalize a mechanism to take advantage of the wealth of experience, and different professional perspectives on these issues, offered by the citizens of Garrett County as part of the plan development process. The development of the plan itself is too important to the community to simply turn over to a consultant to develop without ongoing input from the diverse segments of citizens in Garrett County.

***Experience With These Consultants:*** Much was made at the hearing, and in the article in the Republican, of the previous experience this consulting firm had with Garrett County. As Mr. Graham mentioned at the hearing, his firm had undertaken a carrying capacity study of the lake some two years ago. Given my interests in these issues I took the time to read their draft report on the carrying capacity of the lake. I thought it was generally well conceived conceptually, but very poorly executed empirically.

I did attend a public hearing on the draft report that was held at the Discovery Center to express my concerns with the empirical work contained in the report. I felt the comments fell on deaf ears since there was no real effort to try and justify what had been done. It left me with the impression that the consultant had a preconceived conclusion in mind and made the empirical analysis fit that conclusion, no matter what. This is consistent with the point made by Mr. Browning at the June 26 hearing that a draft report prepared by ERM, Inc. two years ago was circulated for public comment, but then the final report came out with a lot of stuff that was not in the draft report and had not benefited from community review and comment.

I have extensive experience in this area. I have made my living for more than 20 years doing contract research. I have worked both sides of the table – giving out grants when I was Deputy Executive Director of the National Council on Public Works Improvement and receiving grants as a consultant for more than 20 years. I also taught Introduction to Policy Analysis in the Masters in Public Policy Program at Johns Hopkins University and supervised the writing of dozens of master's theses. I currently work on contract research at the Institute for Public Policy at George Washington University.

Based on the experience of two years ago, I have serious concerns about the ability of ERM, Inc. to provide the modeling effort called for in this project. Some of the modeling has been contracted out to subcontractors, but ERM Inc. is still the lead firm on the modeling of development in the lake watershed. The modeling required in this project is not simple and straightforward. There is still much controversy about how such modeling should be designed and implemented.

Given what I consider to be extremely poor empirical work in the previous project, I sincerely hope that there is some mechanism to review the modeling work while in progress and to approve the

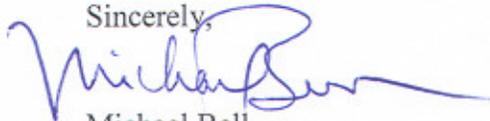
quality of the work before payment is made. It is generally accepted practice in the consulting business for a contract to call for the submission of a deliverable with payment contingent on the review *and acceptance* of each deliverable.

This is a second compelling reason to create an Advisory Panel of county residents – long time county residents – to oversee this project and reflect the views and experiences of the long time citizens of Garrett County in the process as it is ongoing, not after it is completed.

Garrett County depends on a healthy and growing tourist industry. That is why so many are concerned about the recent apparent drop off in visitors. We can only wonder to what extent the visible costs of recent development has altered the experience of visiting Garrett County, so that it discourages visitors. We need continued growth, but it has to be managed in a manner that mitigates the various costs associated with such growth. Growth is a two edged sword and without more effective management of growth in the county the ultimate impact of future growth very well could be negative thereby hurting the county and undermining the objectives and interests of the commissioners.

Thank you for your time. I sincerely hope that the development of a master plan for the county is an open process which will involve citizens in the county at every stage of the project through an Advisory Panel to the Department of Planning and Land Development. This is too important of a task to exclude the meaningful participation of the wealth of talent living in Garrett County, and those who are ultimately impacted by the plan.

Sincerely,



Michael Bell  
P.O. Box 869  
Mc Henry, MD 21550  
Tel. 301.387.9030

Cc Commissioner Gregg  
Cc Commissioner Beard  
Cc Commissioner Holliday  
Cc The Republican

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

August 11, 2006 E-mail: [planninglanddevelopment@garrettcounty.org](mailto:planninglanddevelopment@garrettcounty.org)

Michael Bell  
P O Box 869  
McHenry MD 21541

Dear Mr. Bell:

Thank you for your letter dated July 12, 2006, regarding suggestions and ideas for issues to be addressed in the upcoming re-write of the Garrett County Comprehensive Development Plan. It is evident that a great deal of thought and energy went into the writing of your letter and many of the issues that you have included are right on target and are planned to be incorporated into our draft plan. For instance, your suggestion dealing with the financial cost of increasing development is anticipated to be addressed in our plan. As a matter of fact, our consulting firm, Environmental Resources Management, identified the need of addressing carrying capacities for a number of County roads within the lake area in their previous planning analysis completed in 2004. That Planning Analysis identified Marsh Hill Road, Glendale Road and other County roads as being near their limits in terms of carrying capacity and may be in need of specific enhancements. In that 2004 study the consultant had recommended that the County consider adopting an Adequate Public Facilities Ordinance (APFO) that would usher in limitations on developments utilizing these roads until they are upgraded as well as usher in impact fees to pay for the necessary improvements.

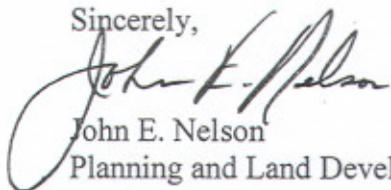
As a part of the current comprehensive planning effort, the Maryland Department of State Planning is developing building projections and an inventory of future building capacity for the County as a whole. The consultant will be utilizing this information to project impacts from development on roads and project necessary improvements to roads throughout the County and more specifically within the Deep Creek Watershed.

The issue you raised dealing with environmental costs of development is also being evaluated by the consultant by comparing water quality data gathered historically from the Garrett County Health Department and gathering new water samples to evaluate the impacts of water quality of Deep Creek Lake. ERM has developed a computer profile model that can be used to project impacts from development on water quality based upon trends in water quality from historic data that has previously been accumulated. It is intended that the information gained from this analysis will be used to recommend appropriate development density levels throughout the watershed and the current level of densities (i.e. units per acre) allowed could be adjusted to mitigate any adverse effect on water quality.

Others issues raised in your letter deal with experience of the consultants and project staffing to lead the preparation of the Comprehensive Plan. While you may disagree, we have found the services of Environmental Resources Management to be very professional and extremely helpful in resolving many of these identified problems and issues currently being experienced within the Deep Creek Watershed. Clive Graham was project manager on the previous study in 2004 and we have pursued many of the recommendations set forth in that document including adopting a Vacation Rental Ordinance and preparing amendments to the Zoning Ordinance. Also, the consultant is being guided and directed in the preparation of this Comprehensive Plan by members of the Garrett County Planning Commission. By State statute, the Planning Commission is authorized to oversee, guide and direct the development of all County Comprehensive Development Plans. Our Planning Commission consists of seven regular members and two alternate members that have a wide range of professional knowledge and experience to reflect upon in seeing this plan completed. All members are longtime residences of the County and represent geographic areas of the County as well as a wide range of interests.

Finally, as you point out, the planning process should be and is an open public process which will involve a number of scheduled public meetings and public hearings, however, we welcome ideas and suggestions in writing at any time. Also, the Planning Commission meets the first Wednesday of each month at 1:30 p.m. in the Economic Development meeting room and citizen input on plan preparation is welcomed during these meetings. Again, I wish to thank you for your special effort in submitting your ideas in writing. I know you devoted a lot of time and energy in preparation of your letter and I have forwarded a copy of your letter to ERM for their consideration.

Sincerely,



John E. Nelson  
Planning and Land Development Director

cc: County Commissioners  
JEN:lew

# Memorandum

**To:** John Nelson ,Director  
Garrett County Planning and Land Development Office

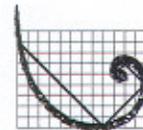
**From:** Clive Graham

**Date:** August 21, 2006

**Subject:** Concerns about ERM

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Environmental  
Resources  
Management  
200 Harry S. Truman Pkwy,  
Suite 400  
Annapolis, MD 21401-7351  
(410) 266-0006  
(410) 266- 8912 (Fax)



**ERM**

In light of Michael Bell's letter to you in which, among other things, he expressed some concerns about ERM and our ability to manage the Comprehensive Plan, I would like to go "on the record" regarding our work in 2004 for the MD Department of Natural Resources on the Boating Carrying Capacity study and the proposed Comprehensive Plan process.

The first I heard that there were concerns over ERM's role in the 2004 boating study was at the Comprehensive Plan public meeting on June 26, 2006, when Bob Browning made a comment regarding changes between the draft and final reports. I did not respond – in part because I was taken unawares, in part because I had only a minor role in the boating study, and in part because I did not think that the Comprehensive Plan meeting was the right forum to respond.

Now I learn that the concerns are more widespread, with Mr. Bell's letter (copied to the newspaper) and questions being put to the County Commissioners.

For a consultant working in the public sector integrity is key. If our clients and the public do not trust us, our work is for naught – indeed we will not last long as consultants. There is room for disagreement on recommendations and project outcomes but it needs to be honest disagreement, based on facts and reasoned discussion and debate.

My concern is that the trust between Garrett County Government, the public, and ERM that I believe was engendered by our work on the Deep Creek Lake Watershed Growth Study (also in 2004) continues through the Comprehensive Plan process and is not undermined by concerns over the way ERM does business. Although during the Deep Creek Lake Watershed Growth Study process there were disagreements between ERM team members and members of the Citizens Task Force, the parties agreed to disagree after fair and honest debate.

A member of the Environmental  
Resources Management Group

ERM does not change reports at the last minute so that recommendations "slip through" without appropriate oversight or review, and we did not do so in the Boating Carrying Capacity study.

Some members of the Deep Creek Lake Policy and Review Board (PRB) may have wanted a greater role in directing the outcome of the study, but DNR intended the study to be a technical study to provide input for management decisions to be made by others. My colleagues who were most involved in the study have told me that DNR wanted ERM to produce an independent report based on our understanding and interpretation of the various inputs into the study (issues, data, management concerns, public comments and so on). This is one reason why our name appears on the report cover along with DNR's. ERM met with the PRB four times as part of our survey preparation, fact checking and data verification.

The Boating Carrying Capacity study development and review process was directed by DNR, not by ERM. The PRB reviewed the draft study in March 2004 and provided comments to DNR and ERM. DNR then conducted its own internal review and provided comments and input to ERM in April 2004. ERM released the final report in June 2004. The PRB and DNR held a public meeting on the final report in June 2004 and ERM responded to comments at the meeting. DNR's process did not call for additional meetings or revised reports.

The process we have established for the Comprehensive Plan follows your request for proposals and ERM's response. I believe the process we have established allows for plenty of opportunity for public input and review at all stages, including extensive opportunities once the Plan is drafted.

I would appreciate it if you could forward this memo to the County Commissioners, the Planning Commission, the County Administrator and any other individuals you think appropriate.

August 24, 2006

John E. Nelson, Director  
Office of Planning and Land Development  
Garrett County Courthouse  
203 South Fourth Street  
Oakland, MD 21550

Dear John:

Thank you for forwarding the response Mr. Graham sent you regarding comments made by Mr. Browning at the public hearing in June and concerns about ERM I expressed in my letter to you dated July 12, 2006.

Let me first explain why I copied my letter to the Republican. I attended the public hearing on the comprehensive plan process in June and left relatively comfortable with the process laid out and comments made by long-time residents. I did not make any comments then about lingering concerns I had with the work ERM did for DNR.

But on the Thursday following the Monday night meeting, the Republican ran a story about the public hearing and a meeting the following Tuesday morning with the commissioners, yourself, and representatives from the consultants. In that meeting on Tuesday morning Commission Gregg was quoted as saying

“I think it was rather evident last night that we’re dealing with the last man syndrome where people want to move in, but they don’t want any additional change.” [p. 4]

That did not accurately describe the meeting I attended Monday night and I was extremely concerned that the statement was made in front of the other commissioners, you (as the person directing the development of the comprehensive plan) and the consultant hired to do the work. In my view, it undermined the credibility of the consultative process that had been set up for citizen input into the development of the comprehensive plan because it sent a signal to basically ignore such comments.

Since it did not accurately describe the tenor of the meeting I attended, I asked in my letter of July 12 that the Republican print a clarification or retraction. That is why I sent them a copy of the letter, because I expressed concern about the accuracy of the comment and asked them to clarify or retract the statement. I actually went and visited the reporter who wrote the story saying I could not believe the Monday night meeting was described in such an inaccurate manner. She stood by the story.

Now I would like to address the letter from Mr. Graham. I agree entirely with his observations in the fourth paragraph of his letter. Integrity is key to any consultant working in the public arena. I know, I have been doing so for 20 years now. I also agree that there can be honest disagreement, *based on facts and reasoned discussion and debate*. (emphasis added)

I also want to make it clear that my concerns about past work of ERM are related to the carrying capacity study they did for DNR, not the watershed growth study they did for your office. I never read the watershed study.

It is water under the bridge (no pun intended), but the concerns raised about the carrying capacity study were never adequately addressed when raised at one of the public hearings referred to by Mr. Graham – I am not sure if it was the April or June hearing. I, along with others at the hearing, raised concerns about several key decisions made by the researchers – all of which tended to bias the results in one direction. And our frustration was exacerbated when the young fellow representing ERM sort of blew off the concerns. In other words, there was serious disagreement over key decisions made by the researchers, but when they were raised by the public there was no reasoned discussion or debate. There was no explanation or justification given for those decisions, which further undercut the credibility of the research effort.

It does not matter now, and it has been more than 2 years so I am not clear on all the details, but examples of issues raised include:

1. in the carrying capacity report, reference was made to a book from which the researchers obtained data on the area that certain lake activities take – e.g., canoeing, fishing, pleasure boating, water skiing, etc. Tubing, which is the big activity on the lake was not included, and should have been. But the important point is that the book they referenced in their report also recommends that the configuration of the lake be considered when examining the carrying capacity. For example, Lake Tahoe and Deep Creek Lake have approximately the same shoreline, but the configuration is much different and has significant implications for the carrying capacity of each lake. The ERM researchers made the decision NOT to make any adjustments for the configuration of the lake, as recommended by the book they reference. This has the effect of increasing the number of boats that could be on the lake. When asked about this decision at the public hearing no justification was given. There was no “reasoned discussion and debate” so we could understand why this decision was made, against the advice and guidance of the book they reference in their report.
2. the researchers constructed a profile of use for the lake using the area estimates from the book for various uses. Their profile included so many canoes, fisherman, pleasure boats, etc. They then added the number of different uses up and characterized that as the carrying capacity of the lake. They then compared that number to aerial photographs taken by DNR at peak periods on the 4<sup>th</sup> of July weekend and other peak periods. The researchers then compared the carrying capacity number they generated from their profile to the number of boats on the lake in the DNR photographs and concluded there was not much a problem. Of course, this is comparing apples and oranges because the profile of boats using the lake during those peak periods does not in anyway correspond to the profile assumed to generate the carrying capacity number. Anyone who has visited Deep Creek Lake knows that no canoe will be out during the peak periods, the water is just too rough from tubers. Similarly, fisherman will not be out during peak periods. When asked to explain the reasons for comparing apples and oranges, again there was no “reasoned discussion and debate”
3. finally, researchers wanted to project boat usage going forward. They presented a regression in their report that was a time series regression with the number of boats as the dependent variable and nothing but time on the right hand side as explanatory variables. They had information on building permits, visitors and could have easily gotten information on weather and other factors that influence the number of visitors to the lake. But they did not. Instead they relied on this time series regression. But the regression had virtually no explanatory power. That is, time does not explain the variation in the number of boats on the lake from year to year. The regression had an R-squared of only about .2 which is terrible for a time series regression. It basically says there is not

relationship. But when the question was raised why they used the results of this regression to forecast future use, again, there was no "reasoned discussion and debate."

I have gone on too long about a report that has already been completed. But there were several critical decisions made by the researchers which were not explained to the public at the hearing I attended. There can be honest disagreement, but Mr. Graham is right, they must be based on facts and reasoned discussions. The decisions were not well reasoned and have never been, and probably cannot be, adequately explained and justified. It left the impression with me and others at the public hearing, the readers, that the researchers must have had a result in mind and they were bending over backwards to make the empirical analysis fit those results. This is not the kind of impression that promotes the trust that Mr. Graham correctly recognizes is critical for a policy researcher in the public arena.

The rest of Mr. Graham's letter focuses on process issues, he does not address any of the substantive issues raised in my July 12 letter. However, my concern with the development of the comprehensive plan is that there be a process in place which allows for proactive input from the citizens of Garrett County so that the product will be credible and have legitimacy with the citizens and voters of the county.

To me, the comment attributed to Commissioner Gregg undermines the credibility of the consultative process currently envisioned for citizen input as part of the development of the comprehensive plan. That is why I am trying to find a way to involve citizens in a proactive manner in the process so the outcome of that process has credibility.

I was very interested in the statement by Mr. Graham that the watershed study he did for your office in fact had a policy review board and citizens task force involved in the process. This is exactly what I am advocating for the comprehensive plan development process. An advisory board, or citizens task force, of long-time Garrett County citizens to help the planning commission review the work of the consultants and develop recommendations for consideration by the commissioners. If it was done for the watershed study, why can't it be done for the development of the comprehensive plan? This would bring different expertise and perspectives to the table which would only strengthen the process.

My concern is to find a way to bring credibility and legitimacy back to the process of developing the comprehensive plan. I think you do that by finding a more proactive way for citizens to participate. The citizen task force and policy review board set up for the watershed study in 2004 are exactly what we need now.

If you do not have the authority to create such a body on your own, who do we have to go to in order to create such a body?

Thank you again for your patience and understanding.

Sincerely,

Michael Bell  
P.O. Box 869  
Mc Henry, MD 21550  
Tel. 301.387.9030



League of Women Voters of Garrett County  
PO Box 115  
Oakland, Maryland

*Letter via email*

Michael Bell  
PO Box 869  
McHenry, MD 21541  
[information@celd.org](mailto:information@celd.org)

Dear Mr. Bell,

It was my pleasure to be introduced to you at the recent Candidates' Forum.

Your letter to the editor in the August 31, 2006, edition of *The Republican*, in which you suggested the LWVGC participate in the Comprehensive Plan (CP) process, more specifically to facilitate an independent task force, has been discussed by the organization's board of directors. As you likely know, the League of Women Voters historically studies issues which impact citizens; land use is at the top of the list. The LWVGC is slated to study the issue of affordable housing this year, and as you will surely agree affordable housing planning overlaps with and should be integral to the CP.

We wholeheartedly concur with the inference of your comments in the letter regarding the significance of the CP as a public policy instrument. There can be no doubt about the CP's impact on long-term economic, human and social capital resource development.

We took the time to contact Mr. Pagenhardt, county administrator, to ascertain the status of the plan under development. It is our understanding that utilizing the public session process which will be duly posted as required by open meeting laws, as well as monitoring the County Planning Commission with oversight responsibilities, will be the primary avenue for input on the CP. Further it is our understanding that the CP schedule is anticipated to be slated over a 2-year timeline. The one thing we do not want to do is compromise or get in the way of the work that needs to get done by the highly qualified staff of our county Department of Planning and Land Development.

Our analysis of the current situation regarding the CP is that additional information pertaining to the planning timeline and tentative schedules of public sessions is warranted. We are assuming that best practice standards will dictate that the CP process be iterative allowing for constructive input along the development phases.

A special task force may or may not be a feasible mechanism for democratic involvement; although depending upon the diversity and expertise of the members selected, there is certain merit to the proposition. The LWVGC has previously made recommendations to County officials that they maintain a master list of qualified volunteers and institute term limits for board and advisory group appointments. We believe lifelong appointments **not** to be in best interest of the public. They do not reflect cultural diversity and under represent women and minorities; make it nearly impossible to observe arms length and nepotism requirements; and, stifle potential innovation.

We recommend that you consider contacting the following people for additional information regarding planning and land use;

- ✧ John Nelson, Director, Garrett County Planning Office
- ✧ Duane Yoder, CEO, Community Action Committee.
- ✧ John Bambacus, Western Maryland Coordinator, Reality Check

We look forward to working with you and others in efforts that bring empirically driven information to the process so that we may collectively embrace the concepts and strategies that promote the greatest good for Garrett County in its entirety.

On behalf of the LWVGC,

Susan Athey-Oxford  
President

c. Monty Pagenhardt  
John Nelson  
Duane Yoder  
John Bambacus

GARRETT COUNTY DEPARTMENT OF PLANNING AND LAND DEVELOPMENT

Planning, Zoning & Licensing Division

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Oakland, Maryland 21550

301-334-1920 • FAX 301-334-5023

E-mail: [planninglanddevelopment@garrettcountry.org](mailto:planninglanddevelopment@garrettcountry.org)

October 27, 2006

Mr. Michael Bell  
P O Box 869  
McHenry MD 21541

Dear Mr. Bell:

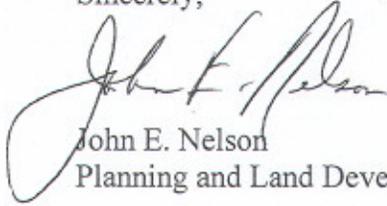
I am finally responding to your letter dated August 24, 2006, regarding your suggestion and support for the formation of a citizen's task force to be involved in the preparation of the Garrett County Comprehensive Development Plan. My apologies for the delay in responding to your letter, however, your suggestion has prompted considerable discussion among the Board of County Commissioners on this issue. As I understand your proposal, such a citizen task force would serve as an advisory role to the Planning Commission by reviewing the work of consultants contracted by the County and develop recommendations for the Planning Commission's consideration.

The Board of County Commissioners have been discussing this initiative and have considered the formation of such an advisory board on various occasions over the past several months. The Commissioners have considered the advantages and disadvantages of injecting a separate citizens steering committee into the planning process and on Tuesday, October 24, the Commissioners concluded that such a citizen's advisory board would not be appointed. The Commissioners believe that numerous opportunities exist for citizens and organizations to provide input into the planning process and that organizations such as the Chamber of Commerce, Deep Creek POA, Watershed Associations, farming interests, forestry interests, environmental interest, development interests and individual citizens have ample opportunity to inject their opinions, recommendations and concerns in the development of a Comprehensive Planning document.

The enabling statute (Article 66B) provides that the Planning Commission for a given jurisdiction is assigned the authority to prepare, approve and recommend a comprehensive plan to the local legislative body for adoption. The Commissioners believe that the Garrett County Planning Commission can fulfill this obligation with the assistance of citizens of the County. The commissioners further believe that through the monthly public meetings of the Planning Commission and future public workshops that will be scheduled, adequate opportunity will exist for citizen and interested organizations to provide input. We appreciate your interest and hope that you will continue to voice your ideas, opinions and concerns on relevant planning issues either individually or through an existing organization collectively.

Thank you for your continued interest and participation.

Sincerely,

A handwritten signature in cursive script that reads "John E. Nelson". The signature is written in dark ink and is positioned above the printed name and title.

John E. Nelson  
Planning and Land Development Director

cc: County Commissioners  
Planning Commission



# GARRETT COUNTY BOARD of REALTORS, INC.

434 Weber Road, Oakland, MD 21550

Telephone 301-334-8405

Fax 301-334-1876



January 2, 2007

John Nelson  
Garrett County Planning Commission  
County Courthouse  
203 South Fourth Street  
Oakland, MD 21550

REF:Comprehensive Plan and Growth Analysis

Dear Mr. Nelson and Members of the Planning Commission:

The Garrett County Board of Realtors® has reviewed both the ERM and MDP development capacity analyses that were presented at your recent public meeting. We are submitting several comments and recommendations for your consideration before you proceed to further policy development and the drafting the Comprehensive Plan.

By way of background, our Board is affiliated with the National Association of Realtors®. Part of the vision of both of our organizations, both on the national and local levels, is to facilitate the research and exchange of information for the purpose of preserving the free enterprise system and the right to own, use, and transfer real property. The policy implications of the county's new Comprehensive Plan, especially as it might call for changes to land use regulations, affect the fundamental rights and values of landowners and are of interest to our member Realtors®.

We have examined the two referenced reports very closely. It is our understanding that recent regulation now requires planning to address certain growth issues in the county. Before including any recommendations in the new plan, it is imperative that there is a thorough understanding of growth in the county and that the projections being made are complete and accurate.

1. While both reports are good preliminary tools for you to use, we believe that the information is insufficient to draw any policy conclusions on whether or not Garrett County, or certain areas within Garrett County, are experiencing or will experience a "growth problem" between now and 2030. What are the benchmarks for determining whether growth is a problem?

Recommendation - Conduct further analysis of specific geographic areas of concern and consider the following listed issues within that analysis. Establish benchmarks or indicators that reliably predict or define negative growth conditions.

2. The ERM analysis projects growth through various scenarios by watershed area. The MDP document evaluates density scenarios by land use classifications.

Recommendation - Before the Commission can make a reasoned evaluation of growth projections in specific areas or land use zones, we recommend that all scenarios need to be presented and examined in the same data and geographic format.

3. There appears to be interest on the part of some Commission members and other parties to reduce residential densities in agricultural areas. The reports before you provide no indication that agricultural lands in Garrett County are under threat of overdevelopment between now and 2030. The reports do not parse out agricultural lands from the broader watershed data nor do they provide a specific analysis of growth on strictly agricultural lands.

Recommendation - We recommend that this be specifically studied before any changes are considered to land use regulations for agricultural lands.

4. The information presented in both reports should include a discussion in relative or percentage terms. For example, ERM projects that the Deep Creek Lake Influence Area might gain an additional 4050 housing units over the next 25 years in a "moderate growth" scenario. The total capacity of this area is 27,300 units. The result is 9,733 units by 2030 or only 35% of overall capacity. A similar calculation for the Pawn Run watershed shows that only 15% of overall capacity will be reached by 2030.

Recommendation - A relative or percentage presentation of the data within each watershed and for the various land use classifications (e.g. LR, AR and RR) would be very helpful to the Commission and to the public.

5. In ERM's report, the dominant areas of growth in the Lake Influence Area are Marsh Mountain/Wisp Resort and Thousand Acres. These areas represent 54% to 59% of the growth in the lake influence area and are planned or pipeline projects. The size of these projects tends to skew the growth data for the lake area.

Recommendation - Parsing out these two developments from the calculations of available capacity that remains in other lake areas would help understand growth rates in areas that are experiencing more traditional and smaller scale development patterns. An example would be the southern/Green Glade portion of the lake.

6. The Commission should examine data on how other physical factors limit growth. As was done with steep slope considerations, the projections for areas not served by public sewerage service should be adjusted downward based on historical and anecdotal evidence on the limitations of Garrett County soils to support on-site septic systems. Experience suggests that as much as 50% of soils in the county, particularly in agricultural areas, does not perc. The projections before you presume that they do.

Recommendation - As was done for steep slopes, soil and perc limitations should be given greater weight and included in the final growth analysis. We recommend that ERM

consult with the Resource Conservation Service or the county Health Department for further insight into this effect and include that in their projections. This effect is fundamental to a proper understanding of growth over the next 25 years.

7. The reports do not include an analysis of the growth or impacts of non-residential land uses. In some cases, these uses could have as much or more impact on the quality of life as do housing densities. This is especially relevant under the current subdivision regulations which do not control land use categories. There appears to be interest in further regulating residential densities. This needs to take place along with an analysis of non-residential use impacts.

Recommendation - We recommend that the regulation and impact of commercial, industrial and other non-residential land uses on homeowners be thoroughly considered before altering existing residential densities.

8. The scenarios for reducing residential densities that were made by the MDP do not include an analysis of the success that similar minimum densities have had at controlling sprawl and residential growth, or of protecting agricultural lands, in other areas of the state. In fact, there are examples from other counties where these actions did not have the desired effect.

Recommendation - Before considering any changes to residential densities, the Planning Commission must review and evaluate the results that have been experienced in other counties with similar regulations and conditions.

From a policy perspective, it is very important that the Planning Commission know and understand the relative rates of growth in Garrett County over the next 25 years and whether indeed we have a "growth problem", in all respects. Again, establishing benchmarks or indicators that reliably predict or define negative growth conditions is important.

There are additional factors that should be presented in the county's plan. These should be given additional weight and consideration in your discussions before any changes to land use regulations are contemplated. These include:

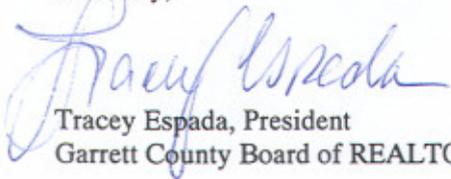
- a. The relative merits of adopting alternative land use policies and regulatory frameworks, rather than focusing on residential densities. For example, what incentives can the county employ to further wise land use? Are existing incentives that further cluster development and agricultural or land preservation adequate? What flexibility and options do landowners need to protect their investment and agricultural legacies? Are there other regulatory or zoning mechanisms available, other than density regulation, that further the goals of the plan?
- b. The county's subdivision ordinance guides land development throughout most of the county. However, it does not control land uses. The commission should examine the consequences of reducing residential densities when there are little if any controls on incompatible uses in residential areas.

- c. Any discussion on growth must consider the availability and sustainability of open space. Urban and suburban counties in the state experience growth related issues and controversy, in part, because they lack sufficient open space. In Garrett County, we have from 30% to 40% of our acreage protected as "inherent" open space due to the state owned forests, parks and the steep slopes, waterways, wetlands and floodplains that naturally exist and are currently well regulated. After factoring in the aforementioned limitations on septic systems, the space available for development may indeed only be as much as one-half of what may be presumed to exist. The comprehensive plan should capitalize on our open space asset and reflect its mitigating effect on growth in the county.
- d. There are numerous examples where reducing densities to preserve farmland actually encouraged the unintended consequence of sprawl. Market forces and the supply and demand for residential lots in agricultural areas in Garrett County needs to be given consideration in any discussion dealing with reducing densities. The Board of Realtors® can provide you with expertise in this regard.
- e. The plan should also take into account the impact of regulatory changes on housing affordability. At a recent planning commission meeting, it was noted that some changes being considered might have the result of increasing the costs of land. Each recommendation made in the plan that effects affordability should include a written discussion on the financial impact it will have on home buyers in Garrett County.
- f. Garrett County's circumstances cannot and should not be compared to the growth of suburban Washington and Baltimore area counties. This appears to be a tendency in some of the comments being made to you, i.e. that we stand to experience similar growth issues. Since Garrett County is not a commuter county in or near the Baltimore-Washington metropolitan corridor, nor do we have their population growth, we will not experience the demands that those counties face. Our land use policies should reflect our unique conditions.
- g. There is a tendency to see growth from a "one size fits all" perspective. This is reflected in the methodology employed by the MDP in the way that they structure the growth analysis, using the methodology derived from the state's Development Capacity Task Force. MDP admitted in their report that steep slopes needed to be factored in to the analysis. The remaining methodology does not consider the other unique aspects of Garrett County's geography and growth patterns. The reports can only be helpful when they are expanded to reflect local geography, population and conditions.

The Board of Realtors® offers you its services and involvement in further work on the Comprehensive Plan and in your discussions on residential growth.

We look forward to the opportunity to work with you and the county staff to arrive at a plan that works and is the best fit for our environment.

Sincerely,



Tracey Espada, President  
Garrett County Board of REALTORS®



Paul Durham, Government Affairs Director  
Garrett County Board of REALTORS®

# Memorandum

Environmental  
Resources  
Management

**To:** John Nelson, Director

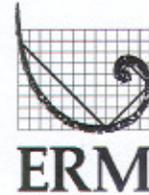
**Company:** Garrett County Planning and Land Development  
Office

**From:** Clive Graham

**Date:** January 12, 2007

**Subject:** Comprehensive Plan 2030 Board of Realtors Letter  
January 2, 2007

200 Harry S. Truman  
Parkway, Suite 400  
Annapolis, MD 21401  
(410) 266-0006  
(410) 266-8912 (fax)



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Thank you for forwarding us the letter from the Board of Realtors dated January 2, 2007 regarding the growth analysis. ERM appreciates the Board's thorough, thoughtful, and constructive comments. Our comments follow the numbers in the Board's letter.

1. The criteria ERM plans to use for determining whether growth is a problem are impacts on i) water and sewer ii) traffic and transportation iii) water quality (in Deep Creek Lake), and iv) agricultural and natural resources. These criteria will be evaluated specifically for Garrett County's situation and circumstances.

ERM is not aware of "benchmarks or indicators that reliably predict or define negative growth conditions." In ERM's experience, negative growth conditions are situation-specific, and are impossible to predict through benchmarks. In other words a negative growth condition in one county may not be a negative growth condition in the county next door, and a negative growth condition at one time period may not be viewed as negative in another.

2. Noted. Whenever relevant, data will be presented in "apples to apples" format. For example, in ERM's growth projections MDP's build-out data are presented by watershed. Similarly, Table 6 of MDP's analysis presents MDP Scenarios 1 and 2 data by Deep Creek Lake subwatershed.
3. Recommendation noted.
4. Recommendation noted. We can add a percent of capacity column to the final growth projections.

5. Recommendation noted. The percent of capacity column in #4 will help show this.
6. Comment noted. Recognizing that the yield factor (realized density) of the zoning district should reflect, on average, these types of concerns, we understand from MDP that its model does not account well for physical and infrastructural conditions (such as water and sewer). Steep slopes being so prevalent in Garrett, MDP made special adjustments its model. Notwithstanding these limitations, the model has been accepted as robust.

I do not know whether MDP can incorporate perc limitations more directly into its model. If it cannot, the Board is correct that these limitations must be taken into account when we consider the policy implications of the model results.

7. Recommendation noted. We are adding estimates of future non-residential development to our growth projections. We would be very interested in the Board's estimates of future non-residential development absorption in Garrett County, especially in the Deep Creek Lake Watershed, through the Comprehensive Plan's horizon (2030).
8. Recommendation noted.

#### Additional recommendations

- a. ERM agrees that the plan should not focus only on residential densities, but consider other land use policies and frameworks.
- b. Noted. However, would not reducing residential densities also help reduce the potential for incompatible uses in residential areas?
- c. Noted. There is indeed a large amount of protected open space in Garrett County. As you know this land was not considered as available for development in MDP's capacity analysis.
- d. ERM would be very interested in reviewing examples of where reducing densities to preserve farmland encouraged sprawl. We would be grateful if you could ask the Board to forward that information.

- e. Noted. While we cannot commit to a written discussion of the impacts of every recommendation in the plan that might affect affordability, we are aware of the importance of the issue and will factor it in throughout the Comprehensive Plan.
- f. Noted – see comment #1 above.
- g. Noted – see comment #1 above.

The Board kindly offers its services and involvement in further work on the Comprehensive Plan. ERM would be interested to receive any studies or reports the Board has developed regarding development in Garrett County that would be relevant for the Comprehensive Plan. Two specific areas in which we would be particularly interested are: i) estimated future non-residential development absorption (see #7 above, and ii) trends in the numbers of new seasonal versus year-round housing units.

GARRETT COUNTY DEPARTMENT OF PLANNING AND LAND DEVELOPMENT

Planning, Zoning & Licensing Division

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Oakland, Maryland 21550

301-334-1920 • FAX 301-334-5023

E-mail: [planninglanddevelopment@garrettcountry.org](mailto:planninglanddevelopment@garrettcountry.org)

January 16, 2007

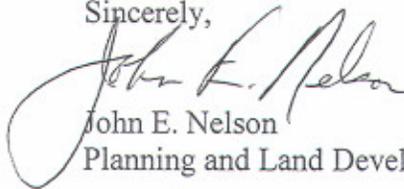
Ms. Tracey Espada, President  
Garrett County Board of Realtors  
434 Weber Road  
Oakland MD 21550

Dear Ms. Espada and Members of the Garrett County Board of Realtors:

Thank you for your letter dated January 2, 2007, outlining constructive comments and suggestions with regard to the Growth Projections and Capacity Analysis that have been prepared for the Garrett County Planning Commission's consideration. I have shared your comments with both the Planning Commission and Clive Graham, principal consultant with ERM and Clive has prepared the attached memo replying to each of the points raised in your letter. We agree that many of your comments have merit and we would like to take advantage of your offer to provide assistance in further work on the plan. Please see the attached memo for what I personally consider appropriate response to each of the points raised in your letter. The Planning Commission will evaluate both your comments and Clive's reply during their regular meeting on February 7, 2007.

We look forward to working with you as we proceed in this planning process.

Sincerely,



John E. Nelson  
Planning and Land Development Director

JEN:lew



REALTOR®



EQUAL HOUSING  
OPPORTUNITY

## GARRETT COUNTY BOARD of REALTORS, INC.

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July 17, 2006

John Nelson, Director  
Dept. of Planning and Land Development  
203 South Fourth Street, Room 210  
Oakland MD 21550

RE: Comprehensive Plan Update

Dear John:

The Garrett County Board of Realtors® is thankful for the opportunity to submit recommendations to you for issues and areas that should be included in the upcoming revision of the county's comprehensive plan.

The Board of Realtors® feels that it is important to continue to promote wise planning to facilitate appropriate growth and development in the county. Preserving and enhancing property values and promoting home ownership are things that strengthen Garrett County as a community and which the plan should address and promote.

We ask that the new plan include discussion and recommendations in the following areas.

1. Home ownership and real property represents a significant positive economic impact to Garrett County. Attached is a copy of a report commissioned by the Board of Realtors on *The Contribution of Real Estate to the Garrett County Economy*. Copies of this report were shared with the County Commissioners and other county offices earlier this year. It would be appropriate for the Comprehensive Plan to consider and include this information.
2. Include a discussion and examination of growth and development in areas immediately bordering the Deep Creek watershed zoning district. Evaluate and discuss methods available to manage growth and development in those areas and whether expansion of the zoning district is appropriate. How can growth and development along traffic corridors leading to and from the lake be better managed to avoid strip development?
3. Water resources component – we believe that the plan should analyze and address the issue of future demand for water resources associated with Deep Creek Lake and other lakes, ponds and tributaries in the county. Potential uses include public drinking water supplies and other consumptive and non-consumptive uses, some which are recreation related. For Deep Creek Lake, how can these demands be provided for while balancing the needs of the power company? Are there any laws that would prohibit using waterways for drinking water purposes while still allowing boating and other forms of surface recreation?
4. Adequate public facilities and utilities – Are the current policies, plans and strategies for sewer and water service adequate to support future growth and demand? Have growth areas been properly delineated and have public service plans included those areas?

Does the county have a road plan that addresses the impacts of growth and development and which provides for upgrading and improving traffic flow to and from growth areas?

5. Traffic in and around the Deep Creek Lake area – is there a future need for a new north-south corridor around Deep Creek Lake? Is there a need to consider eminent domain to improve and widen existing or future county roads?
6. Discuss the need for affordable housing in the county. Discuss options and incentives for developers and others to provide affordable housing. Research areas around the country that have been successful in doing this and report out on what works. What role should county and state government play in this area?
7. Include discussion and recommendations on alternative transportation needs and opportunities – biking, walking and other non-vehicular transportation.
8. McHenry Planning Workshop – include whether sewer, water and road planning that is needed to not only support change in the McHenry area but also the area immediately adjoining it. Growth is occurring to the north of McHenry, outside of the zoning district. What can be done to better manage and coordinate this growth?

The Board of Realtors® is available to assist in the development of the new plan and will be actively participating in that process. We look forward to working with you and your staff over the next few years toward a functional and visionary plan for the future of our county.

Sincerely,

A handwritten signature in black ink, appearing to read "Frederick L. Washburn". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Frederick L. Washburn  
President

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 19, 2006

Mr. Frederick L. Washburn  
Garrett County Board of Realtors Inc.  
12703 Garrett Highway  
Oakland MD 21550

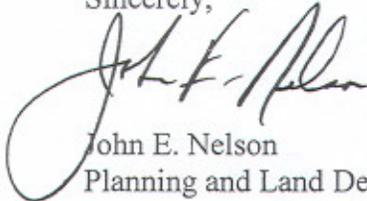
Dear Mr. Washburn:

Thank you for your letter dated July 17, 2006 regarding suggestions and ideas for issues to be addressed in the upcoming re-write of the Garrett County Comprehensive Development Plan. Many of the issues that you have included in your letter are right on target and are already planned to be incorporated into the draft document. For instance, your suggestions for evaluation for adequate public facilities management, affordable housing, and water resources component are all issues we have outlined in our contract with Environmental Resources Management. We are also concerned with the rapidly developing area north of McHenry that is outside the Deep Creek zoning district and the plan will examine ways of further controlling and managing growth in this vicinity.

By copy of this letter I am forwarding your suggestions to Mr. Clive Graham with Environmental Resources Management Consulting Firm. Clive and I will be discussing ways of incorporating your suggestions into the Plan and, of course, the Planning Commission will be the advisory board responsible for overseeing progress on the Plan and providing direction to the consulting firm and promoting public participation in this planning process. The Planning Commission meetings are, of course, open to the public and are conducted on the first Wednesday of each month beginning at 1:30 p.m. in the Economic Development Department meeting room.

Once again, thank you for your letter of recommendations. If you have any questions please contact me.

Sincerely,



John E. Nelson  
Planning and Land Development Director

JEN:lew

cc: Clive Graham  
County Commissioners

**Property Owners' Association of Deep Creek Lake, Inc.**  
**P. O. Box 816**  
**McHenry, MD 21541**

John Nelson, Director  
Garrett County  
Planning and Land Development Department  
Courthouse  
203 S. Fourth St.  
Oakland, MD 21550

December 29, 2006

**Re: ERM Preliminary Draft Housing Unit Projections**

Dear Mr. Nelson:

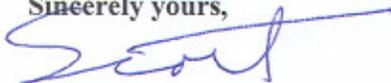
The Board of Directors of the Property Owners' Association of Deep Creek Lake, Inc., has reviewed ERM's preliminary draft of housing unit projections through the year 2030 insofar as it affects the Deep Creek Lake Watershed and influence area.

Of initial concern is: what data were utilized and by what methodology has ERM calculated its projections? Will the data and an explanation of the methodology be made available to the Board and to the public prior to finalization?

ERM's projected moderate growth and rapid growth numbers for the Deep Creek Watershed, as stated, yield a total of 8,336 and 9,386 housing units respectively through 2030, and reveal a higher growth rate than is applicable anywhere else in the County. While growth is expected and economically beneficial both for the Watershed and the County generally, the impact on the carrying capacity of the surface of the Lake, the buffer strip itself and the infrastructure of the Watershed area is of real concern. The POA Board suggests and requests that the final Comprehensive Plan recognize the impact of the projected growth rate and provide for a means of managing and controlling that growth in the Deep Creek Watershed to a number of housing units less than the projected moderate growth rate number.

The Board would be pleased to participate in establishing guidelines for growth in the Deep Creek Watershed and to assist ERM's endeavors to prepare the final Plan.

Sincerely yours,



Scott Johnson, President

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)

January 16, 2007

Scott Johnson, President  
Deep Creek Lake Property Owner's Association  
P O Box 816  
McHenry MD 21541

Dear Scott:

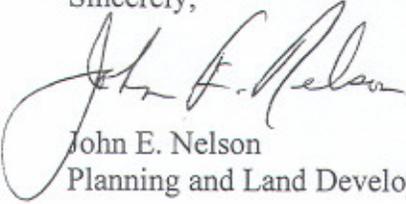
Thank you for your letter dated December 29, 2006, commenting on the draft Residential Growth Projects for Garrett County. The projections have not yet been finalized by the Planning Commission, however, we hope to endorse a final version of the projections at the February meeting of the Planning Commission.

To assist you and the Board, I have attached a paper copy of the Growth Projections memo providing an explanation of the methodology used to calculate these projections. As you will see, I have highlighted relevant sections of the memo explaining the basis and assumptions used in projecting new housing unit counts through the year 2030. The total number of new housing units for the County as a whole are 6,750 units for the moderate growth level over a period of 25 years and a total of 8,750 units under the rapid growth level. The projected number of units just for the Deep Creek Watershed alone is 2,777 units under the moderate growth level and 3,827 units under the rapid growth level for the same 25-year period. As a separate projection, we have created an area in the tables as the DCL Influence Area. When you include that portion of the Youghiogheny River Watershed that includes units from the planned DCD, Wisp Resort Development, we have a significantly higher number of units for the combined Deep Creek Lake influence area at 4,050 units under the moderate growth level and 5,250 units under the rapid growth level. I have highlighted the text that explains the basis for these numbers.

If you wish to have a further explanation, I would be glad to meet with you or the Board to reach a better understanding of the projections. As always, we welcome and appreciate the POA's input on all aspects of the Planning Program in Garrett County. Also, we tentatively have scheduled another public information and visioning meeting planned for February 26, 2007, in the auditorium at Garrett College. We would encourage the POA's participation and comments regarding the establishment of appropriate guidelines for managing growth in the watershed at that meeting or any regular meeting of the Planning Commission.

Thank you for your continued interest.

Sincerely,

A handwritten signature in cursive script, appearing to read "John E. Nelson". The signature is written in dark ink and is positioned above the printed name.

John E. Nelson  
Planning and Land Development Director

JEN:lew

January 19, 2007

Ernest J. Gregg, Chairman  
Board of Garrett County Commissioners  
203 South Fourth Street  
Oakland, Maryland 21550

Dear Mr. Gregg,

The Garrett County Emergency Services Board would like to provide input and suggestions during the information gathering process for the draft of the revised Garrett County Comprehensive Development Plan. Our goal would be to insure that the Comprehensive Plan outlines the need for adequate Community facilities and that infrastructure be available or planned. (i.e. fire, rescue and EMS services). Also, the funding resources for Community Services and infrastructure should be addressed.

Our Board has been charged by you, the County Commissioners, to effectively promote the delivery and the highest quality of emergency fire and EMS services to the citizens of Garrett County. We collectively feel as a Board that Garrett County can meet these challenges on condition that adequate preplanning is implemented within the Garrett County Comprehensive Plan. Any assistance we can provide to you will further our obligation to the citizens of Garrett County. Please contact Brad Frantz at 301-334-7619.

Sincerely,

  
G. Edward McLellan, Chairman  
Emergency Services Board

cc: John Nelson  
Brad Frantz

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)

January 22, 2007

Ed McLellan, Chairman  
Emergency Services Board  
Courthouse  
Oakland MD 21550

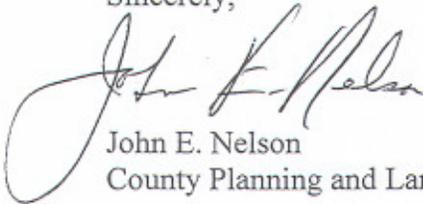
Dear Mr. McLellan:

Thank you for your letter dated January 19, 2007, regarding the Emergency Services Board offer to provide input and suggestions during the information gathering process for the County Comprehensive Plan. We appreciate your offer and fully anticipate inclusion of your ideas and opinions within the Community facilities element of the new Plan draft. Brad Frantz has already been interviewed by the consultant preparing our plan to gather initial information regarding existing conditions and projections for needed services and facilities. We will also have additional opportunities for review and exchange of information within the schedule of contract with our consultant. The specific issues for funding of resources for such community service and infrastructure may not be specifically addressed in our Plan, however, the basis and the needs for such facilities shall be addressed.

We look forward to working with the Board through the Emergency Services Office and Brad Frantz during the preparation of our Draft Comprehensive Plan.

Thank you for your assistance.

Sincerely,



John E. Nelson  
County Planning and Land Development Director

cc: County Commissioners  
Brad Frantz  
Clive Graham, ERM

September 19, 2006

Dear Sir(s):

My background like many who spoke the night of 6/26/06 is deep in Garrett County history. I am 67 years old; my family ran Oakland Hardware and Furniture in what is now the District Court building.

There are many issues that should be addressed in the Comprehensive Development Plan. I am a member of the Garrett County Forestry Board. Timberland must be a part of this plan. In 1890 the logging of Western Maryland began. John and Robert Garrett donated 2000 acres of forest land in 1906 to the state. This prompted the creation of a State Forestry Department. In 1909 lumber production peaked at 268 million board feet. In 1917 lumber production fell to 68 million board feet.

The Country came to its senses, Teddy Roosevelt and Gifford Pinchot created the U.S. Forest Service, Federal Parks and Forests and we began to manage our forest resources.

Garrett Counties heritage rests in its public and private timberland. The air we breathe and the water that sustains life depends on these lands. This watershed sustains life to the North, South, East, and West. Maryland has lost roughly 219,000 acres of forestland since the first U.S. Forest Survey in 1953. The Maryland Department of Planning estimates that 187,000 acres of forestland will be lost to development between 1997 and 2020. The overall rate of conversion of resource land to developments projected to be 13,845 acres per year. Along with this loss the Maryland Forest Service has identified several other factors which include forest fragmentation, native and introduced pests, poor management of forestlands, a large deer herd, fire, air pollution and weather. Remember almost all of Maryland's forestlands are privately owned. The actions of many individuals will determine the quality and quantity of the State's forestland. These individuals need incentives, motivation, and assistance to maintain healthy, viable, and productive forestland for the future.

The Native Americans never could understand the "White Man's" concept of owning land. Truly we are not owners but we must be good stewards using the land wisely, protecting and maintaining its ability to sustain future generations.

#### **PLANNING POINTS TO CONSIDER**

1. Stop mountain topping.- ie. Building houses on mountain tops "killing the goose for its golden eggs"
2. Quiet time on the Lake. Minnesota and Canada have no motor boats during certain times.
3. Manage the aquifer, runoff and wetlands..
4. Simplified recycling- combine all paper and cardboard-combine cans, bottles and glass. LET'S RECYCLE!!
5. Bypass the Lake- run 219 south on 495
6. Manage our wildlife – work on habitats for bear turkey grouse deer etc.
7. Manage timber- private and public tax incentives? Deferment until harvest?

Sustained yield every 80 years –need help! Easements? Make attractive for future generations to maintain forests.

8. Protect our forests-demand more funding for forest management, wildlife management, fisheries management, fire protection, insect damage, watershed management, and money for private management plans.

Sincerely,

Carl Mc Intire  
46 Lef Lane  
Mchenry, MD

GARRETT COUNTY DEPARTMENT OF PLANNING AND LAND DEVELOPMENT  
Planning, Zoning & Licensing Division  
203 S. Fourth St. - Rm. 210  
Oakland Maryland 21550  
301-334-1920 - FAX 301-334-5023

October 6, 2006

Mr. Carl McIntire  
46 Lef Lane  
McHenry MD 21541

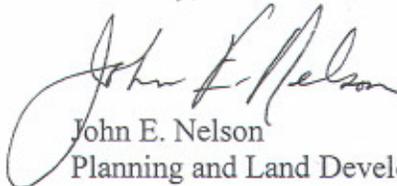
Dear Mr. McIntire:

Thank you for your letter dated September 19, 2006, regarding your interest to include forest conservation and the heritage of logging in western Maryland within our up-coming Comprehensive Plan. I agree that many of the points you have included in your letter are worthy of discussion within the Comprehensive Plan. As a matter of fact, a new Bill entitled HB 1141 adopted in the 2006 General Assembly now requires all county's to address agricultural and forest land intended for resource protection or conservation in all local plans by the year 2009. We intend to include such an element within our current updating effort and we encourage your participation as well as the Garrett County Forestry Board's participation in the planning process. That planning process will include the monthly meetings of the County Planning Commission. Those meetings are scheduled the first Wednesday of each month at 1:30 p.m. in the County office building. Additional special public meetings and workshops will be scheduled and advertised beginning in the summer of 2007 to facilitate additional public input into the planning process. The final step required before the Comprehensive Plan is adopted is a public hearing conducted jointly by the Planning Commission and the Board of County Commissioners to hear and review comments by all concerned citizens. Such a public hearing would tentatively be scheduled for April or May in 2008.

By copy of this letter I am forwarding your letter to our Consultant so that he is aware of the points that you raise and that these comments will be considered in the planning process.

Thank you for your interest.

Sincerely,



John E. Nelson  
Planning and Land Development Director

JEN:lew

# *Savage River Watershed Association, Inc.*

*PO Box 355, Frostburg, MD 21532*

January 26, 2007

Garrett County Planning Commission  
c/o John E. Nelson, Director  
Office of Planning and Land Development  
Garrett County Courthouse  
203 South Fourth Street  
Oakland, MD 21550

Dear Planning Commission Members:

I am writing you on behalf of the Savage River Watershed Association, a fledgling organization that formed in March of 2006. The Savage River Watershed Association is a group of local landowners and other citizens dedicated to preserving and enhancing the rural nature and natural resources of the Savage River watershed by assisting interested landowners and public land managers with environmental stewardship efforts and educational outreach.

Our members have attended the various comprehensive plan meetings that have been held at Garrett College and elsewhere since June of 2006. We are well aware that the new Garrett County Comprehensive Plan will impact land use, growth, and development not only within the Savage River watershed but throughout our county. As a watershed group we are especially concerned about impacts to the quality and quantity of surface and ground water resources in Garrett County for both people and wildlife. This is not a new issue. In *A Second Close Look at Garrett County, Background Study to a Development Plan (1993)* the authors stated:

*Future water resource planning will have to address a number of issues including:*

- *Quantification of ground water resources*
- *Protection of surface and ground water quality*
- *Allocation of water resources for various purposes*

With this in mind we offer the following recommendations:

1. Despite the fact that over 50% of the water used in our county is from wells, it has been over 26 years since a comprehensive plan of groundwater resources has been done, according to the *1995 Garrett County Development Plan*. It's crucial that a "seasonal analysis" of surface and groundwater resources throughout the county be initiated as soon as possible. This work should be carried out by an independent agency such as the Interstate Commission for the Potomac River Basin or United States Geological Survey.
2. More attention must be given to the water bearing properties of the geologic formations within Garrett County prior to permitting new wells. As just one example, well yields within the Hampshire and Jennings formations within the Savage River watershed range from 0.2 to 60 gallon per minute. New wells in an area can (and often do) impact existing wells due to various factors (geologic formation, cone of depression, etc.). In addition, a review of existing well recharge data for an area would assist planners in deciding whether a certain area can sustain additional development and if so, how much. Just because an area is rated at one dwelling unit

# *Savage River Watershed Association, Inc.*

*PO Box 355, Frostburg, MD 21532*

January 26, 2007

Garrett County Planning Commission  
c/o John E. Nelson, Director  
Office of Planning and Land Development  
Garrett County Courthouse  
203 South Fourth Street  
Oakland, MD 21550

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per three acres does not mean that there is sufficient water available for that development. If useful water quantity data can be collected from test wells prior to subdivision lots being sold, then developers should be required to install them. Existing homeowners and farmers should not be faced with the loss of their water supply or the expense of drilling deeper wells to accommodate new growth in an area.

3. Roughly half of the well samples analyzed in the 1980 ground water study contained iron and manganese levels that exceeded State and Federal recommended levels, according to *A Second Close Look at Garrett County (1993)*. Sufficient funding must be provided for environmental health inspectors to conduct water analysis tests in private wells and cisterns on a regular schedule for these and any items (pH, nitrates, arsenic, turbidity, etc.) that in excessive amounts could impact the health of people and livestock.
4. Water quality inspections of surface and ground water resources are especially critical in areas where high density subdivisions have been constructed without public sewage systems. "Sewerage has been a major source of pollution which is in part due to the somewhat impermeable and/or shallow soils which occur throughout the county. Properly sited domestic septic systems are generally adequate in rural areas where population densities are low, but not in more densely populated areas where public sewage treatment facilities are necessary" (*A Second Close Look, 1993*). Unfortunately due to the construction of more subdivisions in rural areas (as well as the development of small parcels that are "grand-fathered in" despite not meeting current subdivision ordinance size requirements) the likelihood of pollutants from failing and improperly installed septic systems increases significantly. Without regular inspections for bacteria, improperly disposed of household chemicals and medicines, etc. the health of our citizens is at risk.
5. It's estimated that 70% of the pollution in our streams and rivers is carried by stormwater runoff. Increased impervious surfaces from development increase the quantity of stormwater runoff and therefore the likelihood of sediments, nutrients, and thermal discharges entering our waterways. This severely degrades water quality, as well as habitat for fish and wildlife. Our cool mountain streams and lakes are one of our greatest assets for both our residents and visitors. Various low impact development techniques (including permeable pavements, downspout diversions, rain barrels, etc) should be required to treat stormwater on-site so that it can be more slowly released into the ground, where it can be cleaned of pollutants and recharge groundwater supplies.
6. With the exception of fire control, water appropriations above 1000 gallons per day from ground and surface water resources (wells, springs, streams, ponds, etc) that do not require MD Department of the Environment review, should still be permitted and monitored by the County on an annual basis. Large scale water appropriation projects for municipalities and businesses that do require State permits should include a written public notice to landowners within the impacted watersheds. We are especially concerned about any increased appropriations to areas outside of our county (for example, Frostburg). Water availability is obviously a key limiting factor to development throughout this region. Land planners must take this into account and not encourage expansion under the assumption that they can always get more water from Garrett County. Significant water conservation initiatives must be enacted here and elsewhere.
7. It is our understanding that new Maryland State regulations regarding the management of water resources are currently being written and become effective in 2008. The new Garrett Comprehensive Plan should incorporate these (and any other new State or Federal regulations) that protect the health and well-being of our citizens.
8. On a final note, the current "Land Classification Map" that delineates areas as *Agricultural Resource*, *Rural Resource*, *Rural*, etc. should be revised. We are aware of several areas within and outside of the Savage River watershed currently mapped as *Rural*, that should actually be mapped as *Agricultural Resource* or *Rural Resource*. Since large, intact blocks of designated *Agricultural Resource* and *Rural Resource* areas are needed to provide protection for working

farms and forests, any gaps within these areas should also be classified as *Agricultural Resource* or *Rural Resource* areas. Also, to provide a clearer picture of land classification this map should be digitized so it can be overlaid on property tax maps, aerial photos, etc.

We hope that you will give thoughtful consideration to our recommendations. Like you, we are very concerned about the quality of life for current and future residents of Garrett County. With respect to this, the importance of our surface and ground water resources cannot be underestimated. We implore you to immediately initiate on-going, seasonal monitoring studies on water quantity and quality throughout the county. This data is critical for any future planning and wise permitting decisions.

Please feel free to contact me if you need any clarification regarding the contents of this letter. In addition to the above mailing address, you may reach me by email at [mikedean@pennswoods.net](mailto:mikedean@pennswoods.net) or by phoning me at home in the evening at 301-245-4381.

Sincerely,

Mike Dean, President SRWA



cc. Board of Garrett County Commissioners  
203 South 4th Street, Room 207  
Oakland, MD 21550

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)

January 30, 2007

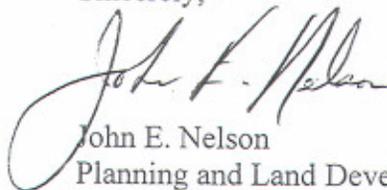
Mike Dean, President  
Savage River Watershed Association, Inc.  
P O Box 355  
Frostburg MD 21532

Dear Mr. Dean:

Thank you for your letter dated January 26, 2007, providing comments and recommendations for inclusion of policies within our upcoming Comprehensive Plan update. Your letter has been forwarded to the Planning Commission, the Board of County Commissioners and our Consultant, Clive Graham, for their information and review. Your comments are comprehensive and many of the items contained in your suggestions will in fact be included in a new "water resources element" that was mandated by HB-1141 adopted in last year's legislative session. Guidelines are currently being prepared by the Maryland Department of State Planning and Maryland Department of the Environment for preparation and inclusion of this element in local comprehensive plans. This element is due by October 1, 2009. Your comments and suggestions are generally in line with the basic issues that we anticipate will be included in this element.

Once again, the Planning Commission thanks you for your comments on water quality and quantity issues related to the Comprehensive Plan. Your comments are both welcomed and appreciated to help us move forward in this process.

Sincerely,



John E. Nelson  
Planning and Land Development Director

JEN:lew



RECEIVED  
01/29/07

MONTY

WILL YOU GIVE THIS & ATTD CLIPPING TO ERNIE & JOHN NELSON. THE CLIPPING IS FROM OUR LOCAL PAPER. WE ARE JUST INSIDE OF GA. - 20 MINS FROM FERNIDINA FL. - JACKSONVILLE AIRPORT + 30 MINS FROM DOWNTOWN JACKSONVILLE.

THIS IS A REAL PROGRESSIVE GATED COMMUNITY WE ARE IN AND SO IS THE AREA OF KINGSLAND GA. & ST. MARYS GA.

THEY HAVE THE VISION TO SEE WHAT THE FUTURE HOLDS FROM THE FLA. SPILLOVER THAT HAS ALREADY STARTED <sup>INTO CAMDEN CO. GA.</sup> AND THEY HAVE DONE SOME PLANNING & REMEDIAL WORK. WHAT IMPRESSES ME IS SEC. 502 RESIDENTIAL-AGRICULTURAL DISTRICT (A-2).

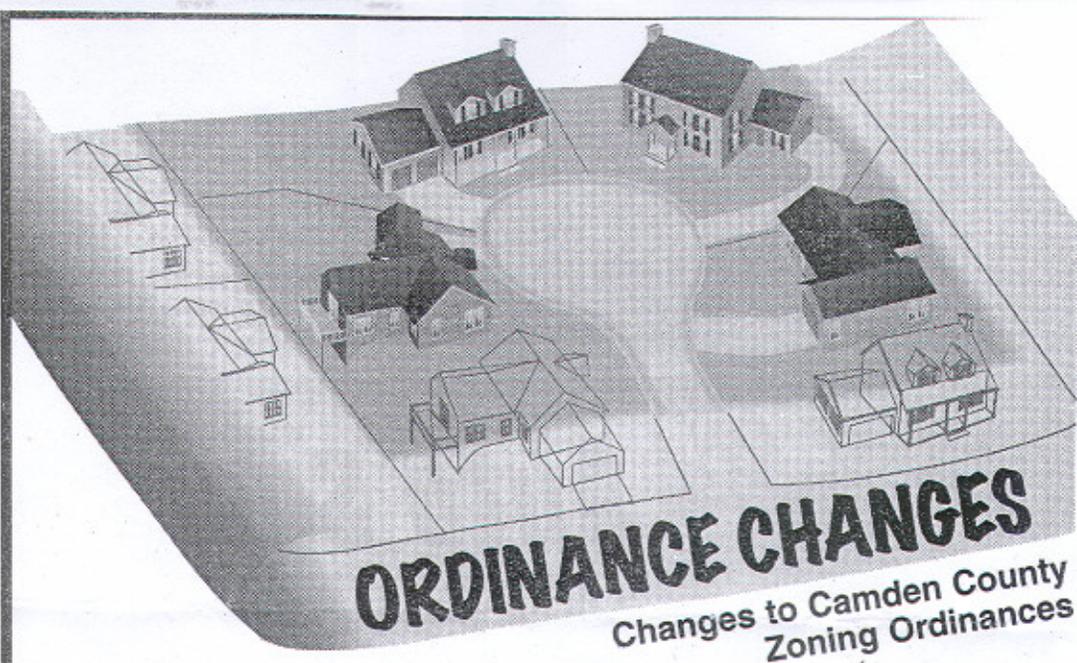
REFER TO MY "WHITE PAPER" I GAVE TO ERNIE & NELSON AND THIS CONCEPT EXACTLY DOVETAILS INTO WHAT I WAS ENDEAVORING TO EXPLAIN ABOUT OUR GEOGRAPHIC LOCALE IN THE SOUTH END OF DCL.

WE NEED TO AMEND OUR ZONING ORD. TO REFLECT AN A-2 DIST. WITH MIN OF 2 ACS. THAT I PROPOSED LAST YR. (2006). I WILL PONTIFICATE MORE WHEN I RETURN 1ST OF MAY.

CC: JEU  
EJB

REGARDS

Paul Winter



**Appendix A, Article Three, Section 302: Streets**

New: All streets shall be paved in accordance with the design standards as set forth in Article Three, Section 301 of the subdivision regulations.

**Appendix B, Article Five, Section 502: Residential-Agricultural District (A-R)**

New: Unless otherwise specified in this ordinance, uses permitted in the A-R residential agricultural districts shall conform to the following requirements:

- ✓ • Minimum lot area: two acres
- Minimum lot width, at building line: 150 feet

**Appendix B, Article Five, Section 503: Single-Family Residential District (R-1)**

New: Unless otherwise specified in this ordinance, uses permitted in the R-1 single-family residential districts shall conform to the following requirements:

- Minimum lot area with both public water and public sewer system: 10,000 square feet
- ✓ • Minimum lot area with private or public water and/or septic system: two acres with a minimum of one acre of upland area.
- Minimum lot width, at building line: 75 feet with both public water and public sewer system; 100 feet with either public water or public sewer system; 150 feet with private well and individual sewage disposal system.

**Appendix B, Article Five, Section 504: Multi-Family Residential District (R-2)**

New: Unless otherwise specified in this ordinance, uses permitted in the R-2 multi-family residential districts shall conform to the following requirements:

- Minimum lot area with both public water and public sewer system: 1/4 acre for each single-family residence. An additional 2,000 square feet for each dwelling unit more than one in multi-family dwellings, apartments or boarding houses shall be required.
- Minimum lot area with either public water or public sewer system: two acres for each single-family residence. An additional 5,000 square feet for each dwelling unit more than one in multi-family dwellings, apartments or boarding houses shall be required.
- Minimum lot area with private well and individual sewage disposal system: two acres for each single-family residence. An additional 5,000 square feet for each dwelling unit more than one in multi-family dwellings, apartments or boarding houses shall be required.
- Minimum lot width, at building line: 75 feet with both public water and public sewer system; 100 feet with either public water or public sewage system; 150 feet with private well and individual sewage disposal system.

**Appendix B, Article Six, Section 601: Accessory uses and structures**

New: Swimming pools must be enclosed with a minimum four-foot high fence, chain link, solid wood or vinyl and secured with a locked gate. Latching device shall be in accordance to the International Residential Code for Swimming Pools, Spas and Hot Tubs. Approved screened-in enclosures are allowed in lieu of fence. Screened-in enclosures shall meet all building code requirements.

**Appendix A, Article Two, Section 202, Item Nine: Definition of terms**

New: Minor subdivision- The division of land into no more than ten (10) lots. All lots within a minor subdivision must front on either a public or dedicated private road and meet the requirements of the designated zoning classification.

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@garrettcounty.org](mailto:planninglanddevelopment@garrettcounty.org)

January 30, 2007

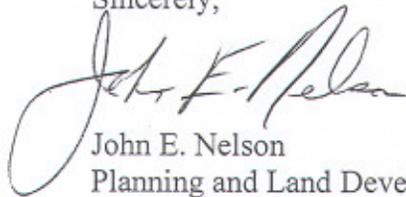
Fred Warther  
206 Osprey Circle  
St. Marys, Georgia 31558

Dear Fred:

Thank you for your letter that we received on January 29, 2007 regarding your recommendation to downzone the south end of Deep Creek Lake. I have provided copies of this letter to the Planning Commission and our consultant for their consideration in updating the Comprehensive Plan. As always we appreciate your comments and if there are other citizens in the southern area of the Lake that support your position we would encourage those folks to also write to the Planning Commission and the County Commissioners.

Thanks again for your comments.

Sincerely,



John E. Nelson  
Planning and Land Development Director

JEN:lew

## LAND USE, PLANNING & ZONING

### Annexation

Each Maryland county should have the authority to regulate all municipal annexations within the county. '05

### Growth Management

We urge local control of any growth management programs within our state. '97

We believe no program (or parts of a program) should be adopted until we review and evaluate the accumulative impact of all of our present programs. We need to know the inter-relationship of all the legislation and regulations dealing with growth management such as the Chesapeake Bay critical area law; the Nontidal Wetland Protection Act; federal, state, and local resource protection programs; the agricultural land preservation program; Program Open Space; and the reforestation law passed by the General Assembly. '05

The primary role of local planning must be acknowledged, as well as the significant differences throughout Maryland. There must be enough flexibility so the counties can address their individual needs and concerns.

Any comprehensive plan must recognize private property rights. If a landowner's property rights are diminished, he/she should be justly compensated. '06

We support public and private programs that improve the livability of urban areas and attract residents to those urban areas. '02

We encourage each county to develop an Adequate Public Facilities Ordinance (APFO) that would properly regulate the growth in each county. '05

### Permitting

We support the continued exemption of agriculturally zoned properties from building permits and inspections for agricultural uses as permitted in the zoning code. We further support the inclusion of specific language in the building code to permit public access to existing, structurally sound, nonresidential buildings without mandated upgrades to the full current codes. '05

### Reverse Set-backs & Buffers

We urge county planners to require protective measures for farmland, such as reverse setbacks, buffers, fencing, etc. for new non-agricultural uses occurring adjacent to existing agricultural operations. '06

**Zoning**

We recognize the concern of historical and environmental preservationists in their efforts to preserve such land areas against further development. However, the landowners involved should not be required to suffer a loss in the equity of their land to land-use criteria changes. Any change in zoning or regulations that would cause loss of equity in land shall provide for just compensation to the landowner. Therefore, there should be no down zoning on agriculture land.

Zoning regulations should be determined at the local, not state level.

Furthermore, these powers should not be delegated to the state by either legislation or default.

'97

**Garrett County Comprehensive Plan  
Notes from June 26, 2006 Public Meeting**

*~60-65 Attendees; All 3 County Commissioners; At least 2 Planning Commissioners; At least 1 BZA member.*

Meeting began with an introduction by John Nelson, Garrett County Director of Planning and Land Development, and a presentation by Clive Graham, of Environmental Resources Management. (See attached agenda and powerpoint presentation)

The following comments were made to the meeting following the presentations.

- Charlie Ross (Chair, Chamber of Commerce):
  - Business is “committed to good planning, but that is not the same as zoning.”
  - Also wants the recreation trails and Heritage Areas programs included in the Plan.
  - Continue the re-use and regeneration of towns and areas around the lake.  
Chamber also tries to achieve a net balance of developed land vs. preserved land (goal is to have equal amounts preserved and developed each year).
  - Greater Cumberland Committee is trying to address growth issues on a regional basis, and its efforts should be noted.
  - Emphasized affordable workforce housing as the highest priority to the Chamber.
- Bill Pope: Doesn’t know how to protect the County without zoning, especially with outside developers increasingly interested in the County.
  - The County dropped the ball on the Deep Creek area zoning—especially houses on ridgelines.
  - Doesn’t have to be called “zoning,” but needs to exist, nonetheless.
- Tom Myers, Property Owners Association (Deep Creek Lake):
  - County needs to give ERM the information from Reality Check—County representatives at that forum developed a set of guidelines.
  - Municipalities have to be in synch with this plan, and it’s unclear how they’re included. [John Nelson clarified that ERM is not responsible for the municipality plans. The municipalities themselves will develop their own plans. The County will work with the municipalities to help preliminarily identify the growth areas.]
- Mort Dean, President, Savage River Watershed Association: Watershed Associations generally address brook trout and habitat areas. County development plan should be written in a way that understands that any development in a watershed has impacts on the entire system. Recommend that the County hire an on-staff environmental engineering staff to help developers develop in a way that better protects the watersheds. Garrett County lost more green space than any other county in 2004, but has tremendous tax revenues. Expressed displeasure at the seeming increasing pace of development for tourists and visitors, which is turning the County into more of an urbanized place. Said that the County should remain rural (general applause).
- Will Hibdon: Brought up TMDLs for creeks; concerns about odors, gasses, and runoff of landfills.
- Don Hirschfeld: Development in the Hoyes Run watershed has greatly diminished the watershed—far fewer fish, etc.

- Bob Browning, board of zoning appeals: Expressed displeasure at the changes between the draft and final versions of the Boating Study. Wants to make sure that his group(s) gets adequate time for study.
- L. Beers(?), child and family group (?): Annual polls identify a heavy need for recreational facilities. Requested a new Parks and Recreation department. Parents want recreation and supervision for their children.
  - Asked why McHenry is not incorporated.
- Jen Naylor, recreational trails task force: Need to make bike-riding safe in Garrett County. Needs to be part of the plan, specifically to design trails that are not adjacent to roads.
- Duane Yoder, community action committee: Reminded the audience that there has been a dramatic improvement in the County's economy (jobs, unemployment, housing condition) since the last plan. As we try to preserve the rural portions, must remember that we must also provide for the economic health of County residents.



March 19, 2007

Mr. John Nelson  
Director,  
Garrett County Planning and Land Development Office  
Public Service Center  
2008 Maryland Highway  
Mountain Lake Park, Maryland 21550-6349

Dear John:

This is to provide comment on the DRAFT Deep Creek Lake Assessment of Water Quality Impacts from Potential Land Development as requested, by March 27, 2007. The attached report, *A Public Service Report: Mercury Contamination in Garrett County Lakes*, represents my formal comments and recommendations.

I want to thank you for the opportunity to provide comments, and I especially want to thank you and ERM for the excellent presentation that was made at Garrett College on the *Assessment*. It is obvious the time and effort that you and your team have put into the process, and the level of participation that you are achieving should be professionally satisfying to all of you.

If you have questions, please do not hesitate to contact me at 410-428-2198 (cell) or [jrstanton@INSIGHTsolns.com](mailto:jrstanton@INSIGHTsolns.com)

Thank you again for the opportunity to participate and comment.

Sincerely,

James R. ("Smokey") Stanton  
President and Chief Executive Officer

Enclosure: *A Public Service Report: Mercury Contamination in Garrett County Lakes*



**CENTER FOR PUBLIC POLICY SOLUTIONS**

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**A PUBLIC SERVICE REPORT:  
MERCURY CONTAMINATION IN GARRETT COUNTY LAKES**

**Prepared by**

**James R. Stanton  
INSIGHT Center for Public Policy Solutions**

**March 19, 2007**

**INSIGHT CENTER FOR PUBLIC POLICY SOLUTIONS ● James R. Stanton, President and CEO ●  
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*A Public Service Report: Mercury Contamination in Garrett County Lakes* was prepared by James R. Stanton for use by public officials to broaden discussion and to assist with decision making in the public interest. James M. Stanton assisted with development and preparation of this report.

This report is intended as a policy document. While every effort has been made to assure accuracy, readers should understand that there are underlying technical and scientific principles that are limited in presentation and discussion. Therefore, footnotes and references are included in the text to enable an interested reader to access additional information, descriptions, or data.

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## **I. Purpose of this Report**

This report is prepared as a public service by the INSIGHT Center for Public Policy Solutions for the Garrett County Planning Commission, the Garrett County Commissioners, and other local and state government panels that have authority in planning and development activities in and around Garrett County.

This report follows up discussions held February 26 and 27, 2007 as part of the Garrett County Planning Commission's efforts to obtain comments on future directions of the Garrett County Comprehensive Plan. An overarching theme of the February 26 public comments were environmental concerns, while the February 27 meeting was a specific discussion of water quality at Deep Creek Lake and the Deep Creek Lake Watershed.

While Mercury contamination was briefly discussed at the February 27 meeting, the specific purpose of the meeting was to hear a presentation on and discuss the draft *Deep Creek Lake Water Quality Impacts Assessment*.

The *Deep Creek Lake Water Quality Impacts Assessment* and the discussion were, therefore, limited in three ways:

- The engagement by the County of the consultant focused only on Deep Creek Lake and the water quality of that body of water;
- The *Assessment* does not cover mercury contamination in Deep Creek Lake; and
- The *Assessment* does not cover any other lakes or reservoirs that have recreational or water supply roles in the County.

This report, *Mercury Contamination in Garrett County Lakes*, is intended to broaden the knowledge base for decision makers from the *Deep Creek Lake Water Quality Impacts Assessment*, and presents additional information to that available in the public meeting.

## **II. Background: Garrett County Comprehensive Planning**

Comprehensive planning in Garrett County has largely focused on land use and development. With increased development taking place in the Deep Creek Lake area, comprehensive planning implicitly takes on economic development aspects for all of Garrett County because of the economic impact of Deep Creek Lake on residential development, second and vacation homes, business, tourism, traffic, increased overall activity, tax revenues, and quality of life.

As part of the comprehensive plan update, the Garrett County Planning Commission and the Garrett County Commissioners determined it important to focus in on the Deep Creek Lake Watershed and Deep Creek Lake.

On February 21, 2007, the draft *Deep Creek Lake Water Quality Impacts Assessment* report was released and posted on the County's website. The *Assessment* is in response to a 2004 Deep Creek Lake Watershed Economic Growth and Planning

Analysis Study. That study acknowledged Deep Creek Lake's importance to the tourism industry and economy in Garrett County. The study "noted the concern about the lake's water quality" and recommended a careful analysis of the potential effects of development on the lake's water quality.

*The Deep Creek Lake Water Quality Impacts Assessment and the presentation by the Environmental Resources Management (ERM) consulting team meets the objective of the Planning Commission and the County Commissioners.*

### III. Mercury Contamination in Garrett County Lakes

#### 1. What is Mercury contamination?

The Maryland Department of Environment (MDE) estimates the major statewide sources of mercury air emissions are: 43% attributed to power plants, 31% municipal waste combustors, 19% medical waste incinerators, 6% Portland Cement plants, and 1% other (e.g., landfills, oil-fired power plants, other industries).<sup>1</sup>

Mercury pollution affecting Garrett County is released primarily by distant, up-wind coal-fired power plants, with airborne mercury deposited onto land surfaces (soil, roadways, roofs and other non-permeable surfaces and into waterways. As trees and other vegetation decrease, greater runoff occurs, with greater overall mercury deposit. When mercury arrives at an impound or reservoir, it is converted into methylmercury.

Methylmercury is more readily absorbed by animals and fish in water than is inorganic mercury and is more likely to accumulate in tissue. Animals acquire methylmercury directly from the water or through the food they eat. Methylmercury is difficult for fish to eliminate, resulting in **bioaccumulation**: i.e., a build-up in the tissue of each fish. **Bio-magnification** occurs as larger predatory fish, such as largemouth bass and pike, consume smaller fish that have accumulated contaminants, with these larger fish caught and eaten by humans.

At each step of the food chain, methylmercury becomes increasingly concentrated in animal tissue, such that large fish can accumulate significant amounts within their bodies enough to cause health problems for the birds and mammals (including people) that consume the fish. Methylmercury does not accumulate as significantly through the non-aquatic food chain. Fish and shellfish contain 1,000 to 10,000 times more methylmercury than other foods. As a result, fish consumption is the most important pathway for mercury exposure in humans.<sup>2</sup>

To protect people from mercury exposure through fish consumption, the U.S. Environmental Protection Agency (EPA) and the Food and Drug Administration (FDA) have established fish consumption guidelines. Though there is considerable evidence that those

<sup>1</sup> [www.mde.state.md.us/programs/landprograms/hazardous\\_waste/mercury/mercuryinfo.asp](http://www.mde.state.md.us/programs/landprograms/hazardous_waste/mercury/mercuryinfo.asp)

<sup>2</sup> Mercury Pollution in Maryland: A Comprehensive Look at Contamination of Fish in Local Waterways

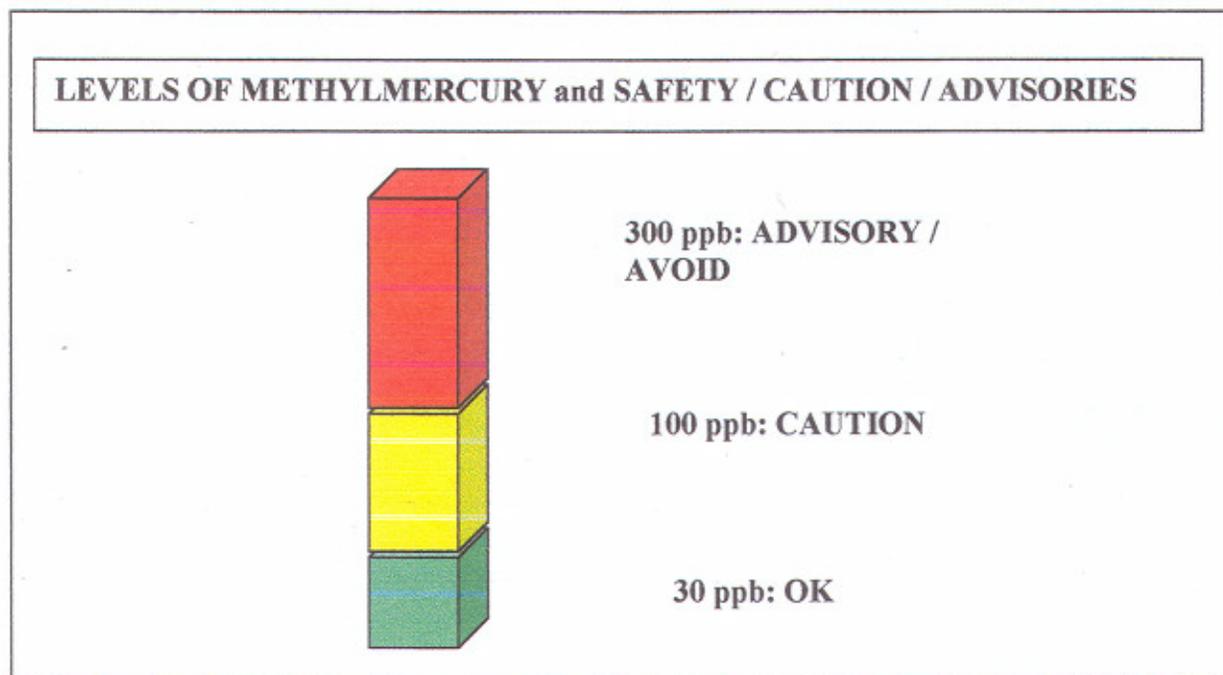
standards are not adequately protective of human health, they provide a starting point for evaluating how much mercury makes fish unsafe for human consumption.

## **2. How much is too much?**

Only when fish contain less than 30 ppb of mercury do agencies consider it safe for people to consume unrestricted amounts.<sup>3</sup>

The EPA has determined that people should not consume more than 0.1 microgram of methylmercury per kilogram of body weight per day. For a typical adult, this means consuming less than 2.5 ounces of fish with mercury levels of 100 parts per billion (ppb) each day. For comparison, a typical fish meal is eight ounces. People who eat more fish or eat fish with higher mercury concentrations may build up mercury in their bodies at unsafe levels.

Maryland issues a species-specific consumption advisory recommendation that consumers limit their intake of these fish beyond the EPA and FDA's default recommendation of one meal per week of noncommercial fish—when fish from a given water body have an average mercury contamination of 300 ppb or more.<sup>45</sup>



<sup>3</sup> Mercury Pollution in Maryland: A Comprehensive Look at Contamination of Fish in Local Waterways.

<sup>4</sup> Ibid.

<sup>5</sup> MDE provides in its "Recommended Maximum Meals Each Year for Maryland Waters" a breakdown of portion sizes at 8 oz for the general population, 6 oz for women, and 3 oz for children to avoid elevated exposure levels. Mercury converts to methylmercury and is a neurological toxin that slows development in children and in adults can impair the immune system and the cardiovascular system.

### 3. Does Garrett County have Mercury contaminated lakes?

Yes.

In the MaryPIRG report, seven lakes of interest for Garrett County are listed among the "Highest tested Mercury concentrations by water body" in Maryland. Those lakes are: Broadford Lake, Deep Creek Lake, Savage River Reservoir, Jennings Randolph Lake, Youghiogheny Lake, and for comparison, Frostburg Reservoir and Rocky Gap.

Herrington Manor Lake, New Germany Lake, and Little Meadows Lake, among others, are not listed in any sources used for this report.

Keeping in mind the 300 ppb as the level of mercury that triggers an advisory, the reported values for each lake, and the affected fish, are:

Lake	Fish	Mercury level / ppb
Broadford Lake	Largemouth Bass	616
Deep Creek Lake	Largemouth Bass	530
	Brown Catfish	104
	Channel Pickerel	169
Jennings Randolph Lake	Channel Catfish	677
	Yellow Catfish	129
Savage River Lake	Walleye	1,677
	White Sucker	531
	Rock Bass	845
Youghiogheny Lake	Walleye	422
Frostburg Reservoir	Largemouth Bass	968
	Bluegill	354
Rocky Gap Lake (comparison lake)	Largemouth Bass	198

Basic source for data: Mercury Pollution in Maryland: A Comprehensive Look at Contamination of Fish in Local Waterways, based on MDE and DNR sampling, combining data from MDE's mercury fish testing data with data from two DNR reports to create a full list of mercury contamination testing since 2000.

**Deep Creek Lake:** In *Total Maximum Daily Load of Mercury for Deep Creek Lake Garrett County, Maryland* by the Maryland Department of the Environment, February 18, 2004,

“Deep Creek Lake was identified on the State of Maryland’s draft 2002 list of Water Quality Limited Segments [303(d) list] as impaired by mercury contamination, based on data for mercury concentrations in fish tissue. Concentrations in the water are well below the threshold for concern in regard to drinking water. The Maryland water quality standards Surface Water Use Designation [Code of Maryland Regulations (COMAR 26.08.02.07)] for Deep Creek Lake is Use III-P - *Natural Trout Waters and Public Water Supply*. The Maryland Department of the Environment’s (MDE) current public fish consumption advisory to eat limited amounts of fish from Deep Creek Lake is not supportive of the recreational fishing use.<sup>6</sup>

**Savage River Reservoir:** *In Total Maximum Daily Load of Mercury for Savage River Reservoir Garrett County, Maryland* by the Maryland Department of the Environment, January 29, 2004, “Savage River Reservoir was identified on the draft State of Maryland’s 2002 list of Water Quality Limited Segments [303(d) list] (submitted October 4, 2002) as impaired by mercury contamination, based on data for mercury concentrations in fish tissue. Mercury concentrations in the water are well below the threshold for concern in regard for drinking water. The Maryland water quality standards Surface Water Use Designation [Code of Maryland Regulations (COMAR 26.08.02.07)] for Savage River Reservoir is Use III-P – *Natural Trout Waters and Public Water Supply*. The Maryland Department of the Environment’s (MDE) current public fish consumption advisory to eat limited amounts of fish from Savage River Reservoir is not supportive of this use.”<sup>7</sup>

Mercury Contamination by lake, by selected fish



The amount of mercury was also studied in fall 2000 in three species of fish in three lakes in Western Maryland, including Deep Creek Lake. This study found that the

<sup>6</sup> Total Maximum Daily Load of Mercury for Deep Creek Lake Garrett County, Maryland FINAL Prepared by: Maryland Department of the Environment

<sup>7</sup> Total Maximum Daily Load of Mercury for Savage River Reservoir Garrett County, Maryland FINAL Prepared by: Maryland Department of the Environment

largest largemouth bass had mercury concentrations that exceeded the consumption advisory that is used by many states and Canada, and that fish consumption advisories are needed for largemouth bass in Deep Creek Lake.<sup>8</sup>

MDE has placed specific advisories for largemouth bass in Savage Reservoir, for walleye in Jennings Randolph and Savage River reservoirs and Youghiogheny River Lake; and for yellow perch in Frostburg Reservoir, Deep Creek Lake and Youghiogheny River Lake.

Two potential concerns exist concerning the data that has been used by MDE in estimating the degree to which mercury contamination is taking place in Garrett County and its lakes.

- MDE air quality data does not appear to be data that necessarily applies to Garrett County. A review of the documentation indicates a listing of power plants and other pollution source points that are exclusively located in the Baltimore metropolitan area, except for one power plant located in Williamsport, MD.
- Five sites of the National Atmospheric Deposition Program – Mercury Deposition Network (NADP – MDN; <http://nadp.sws.uiuc.edu/mdn/>) were used to estimate mercury air deposition rates in Maryland: Maryland (Wye), Delaware (Lewes), and Pennsylvania (Valley Forge, Arendtsville, Holbrook). Mercury air deposition data was utilized to quantify the contribution of nonpoint air sources to mercury loads in impaired water bodies. Air deposition data provided total annual loads of mercury to various water bodies.

Therefore, the information used to anticipate air pollution deposits for Garrett County is not based on field samples; rather, conclusions reached by MDE are the result of calculations based on national, not local or regional, field samples or monitoring.

It is possible that methylmercury contamination in Garrett County is greater than the predictive modeling used would indicate due to the geographic location of Garrett County (on the western side of the eastern continental divide).

Contaminants generated in states west of Garrett County (e.g. WV, OH, etc.) may be deposited in Garrett County by prevailing winds and weather patterns, but do not travel further east of the Appalachians. The classic example of this is the annual snowfall caused by the Great Lakes effect on Garrett County, while the rest of Maryland experiences relatively moderate snowfalls. This may explain the lower contamination level of Rocky Gap Lake in neighboring Allegany County, despite the relative youth of Rocky Gap Lake compared to Garrett County lakes.<sup>9</sup>

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<sup>8</sup> M.S. Castro; E.N. McLaughlin; S.L. Davis, R.P. Morgan in "Total Mercury Concentrations in Lakes and Fish of Western Maryland": *Archives of Environmental Contamination and Toxicology*, Volume 42, Number 4, May 2002, Springer, New York

<sup>9</sup> "...This is the so-called "reservoir effect". With the "classic" reservoir effect, methylmercury production first increases then decreases following permanent inundation. To explain this general phenomenon, the hypothesis that

#### **4. Mercury contamination and the Deep Creek Lake Water Quality Impacts Assessment**

The *Deep Creek Lake Water Quality Impacts Assessment* did not cover mercury contamination, and its study area was intentionally limited to the Deep Creek Lake watershed to assist with determining the levels and effects of various scenarios of development and to assess the impact of potential land development in the Deep Creek Lake watershed on the water quality of Deep Creek Lake.

It is clear that Broadford Lake, Savage River Reservoir, Jennings Randolph Lake, Youghiogheny Lake, and Frostburg Reservoir, in addition to Deep Creek Lake, have unacceptable levels of mercury contamination.

Contamination levels in Herrington Manor Lake, New Germany Lake, and Little Meadows Lake, among others, are unknown.

It is unlikely that Garrett County watershed characteristics (local point sources) are having a direct impact on methylmercury concentrations in any of the Garrett County lakes.

Local water chemistry is an important factor in controlling bioaccumulation of methylmercury in fish at any one time and, therefore, biomagnification over longer periods of time. While pH and dissolved organic carbon (DOC) are probably the most important chemical variables for methylmercury accumulation, other important factors are water temperature, dissolved oxygen (DO), total suspended solids (TSS), particulate organic nitrogen (PON), and sulfate concentrations. A third, and likely lower, tier of variables includes ammonia, phosphates and chloride (from salt that is used for melting snow).

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has gained the widest acceptance is that the initial increase in methylmercury production can be traced to the liberation of inorganic mercury from its storage depots in flooded terrestrial plant material... and flooded soils... together with nutrients and plant decomposition products that stimulate the growth of aquatic microorganisms. The eventual decrease can be traced to the depletion of these labile pools over time, leaving an increasingly recalcitrant fraction behind which is less bioavailable for methylation. The increase in methylmercury production first manifests itself as an increase in the methylmercury concentrations in water and the one-celled plants and animals that form the base of the food chain. This increase then propagates up the food chain with biomagnification at each link, peaking in top-predator fish in the same age cohort (e.g., years 2 or 3) at up to five times typical concentrations in nearby lakes... within about two to five years after flooding... The concentrations in this reference age cohort then decline gradually back to concentrations more typical of surrounding natural lakes in about 5-10 years in small catchment reservoirs and longer in large catchment reservoirs... However, if one follows the same cohort as it ages, methylmercury residue levels will continue to increase with time until the cohort dies out. It then takes about one top-predator fish lifetime to clear this short-term increase of methylmercury production from aging fish at the top of the food chain... For largemouth bass with a mean life span of about five to seven years, this would mean that a system that reached its peak concentration in two years would begin to show a decline in the oldest fish in about seven to nine years and a system that peaked at five years would begin to show a decline in the oldest fish in 10 to 12 years. For longer-lived species like pike and sturgeon, the clearance time for the population is even longer... This clearance rate may be retarded by the tendency of older, larger fish to feed on older, larger prey species with time." Source: Everglades Interim Report South Florida Water Management District, 1999.

[www.sfwmd.gov/org/ema/everglades/interimrpt](http://www.sfwmd.gov/org/ema/everglades/interimrpt)

Maintenance of water clarity in Garrett County lakes is important not only for “cosmetic” and recreational / tourism purposes, but may have an important role to play in assisting with demethylation. Photodemethylation by sunlight at the water surface has been reported, but not at depth, probably because the high concentrations of dissolved organic matter strongly absorb the photoactive wavelengths of sunlight. (Methylmercury is also demethylated in sediment under anoxic conditions by carbon dioxide-producing or methane-producing bacteria.)<sup>10</sup>

The *Assessment* notes that there are several uncertainties in estimating water quality impacts resulting from development in the watershed, and that because Deep Creek Lake has been identified as impaired for nutrients and the Lake is moderately stressed, a forthcoming TMDL analysis will recommend increased watershed management plans. Therefore:

... in light of the uncertainty, caution and prudence dictate obtaining additional field observations and performing additional analyses before significant development proceeds (i.e., the Capacity Analysis scenario).

It is recommended that additional measurements be performed in Deep Creek Lake to better understand existing water quality and to provide the basis for accurate estimates of the trophic state for various development scenarios. A thorough bathymetric survey should be performed as well as a comprehensive water quality measurement program including all forms of nitrogen and phosphorus, chlorophyll *a*, total dissolved and suspended solids, dissolved oxygen, biological oxygen demand, sediment nutrient fluxes, and sediment oxygen demand. These measurements should be taken with lake-wide spatial coverage and depth. Bacteria measurements are currently limited and should be expanded to quantify year round loads, lake-wide values, and to quantify sources of bacteria (septic, avian, wildlife). Seasonal analyses should be performed along with monthly algal profiles to determine the species of algae present and their temperature sensitivities.

After further water quality studies are performed, it is recommended that CE-QUAL-W2 be calibrated to the observed datasets and used to provide more spatially detailed estimates of the water quality impacts of potential development in the watershed.

At a workshop, “Mercury in Maryland: Past, Current and Future Plans”<sup>11</sup> held in

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<sup>10</sup> Everglades Interim Report South Florida Water Management District, 1999.  
[www.sfwmd.gov/org/ema/everglades/interimrpt](http://www.sfwmd.gov/org/ema/everglades/interimrpt)

<sup>11</sup> “Mercury in Maryland: Past, Current and Future Plans” Organized by Dr. Mark S. Castro, University of Maryland, Appalachian Laboratory and Dr. John Sherwell, Maryland Department of Natural Resources, Power Plant Research Program at the Appalachian Laboratory, University of Maryland Center for Environmental Science, November 2 and 3, 2005. Participants were interested in source characteristics, atmospheric modeling, atmospheric deposition, ambient air measurements, TMDLs, policy issues and natural resource management. The primary goal of the workshop was to develop a long-range strategic plan to satisfy current and future mercury assessment needs of each group and to develop a collaborative network of mercury groups within Maryland. Report published in April 2006 at [http://esm.versar.com/PPRP/features/hg\\_rpt/2FinalReportHgWorkshop.htm](http://esm.versar.com/PPRP/features/hg_rpt/2FinalReportHgWorkshop.htm)

November 2005, several presentations were made and actions decided upon to better understand and mitigate the effects of mercury contamination in Maryland. Understandably, few of these presentations were oriented to Garrett County or its water bodies, however the recommendations included in the Workshop's final report illustrate the need for scientific information specific to Garrett County's lakes. Among the findings and recommendations:

There is a critical need for long-term, highly time-resolved, speciated data sets to provide model validation.

There is an important need to generate dry deposition measurements to assess how the models perform in this area that current and planned measurements do not address.

It appears that the Maryland TMDL program could be improved by working with the mercury modeling groups at ERM and NOAA.

Existing land-use and water quality databases should be synthesized for Maryland's reservoirs, including ratios of watershed to water areas.

Long-term records are needed to assess the impacts of reductions in atmospheric deposition.

Selected studies should be conducted to determine the lake and stream systems most likely to respond to changes in atmospheric mercury deposition.

#### **IV. Findings**

- Deep Creek Lake, Broadford Lake, Savage River Reservoir, Jennings Randolph Lake, Youghiogheny Lake, and Frostburg Reservoir have high enough mercury levels in several species of fish to cause advisories to avoid or severely limit consumption.
- Contamination levels in Herrington Manor Lake, New Germany Lake, and Little Meadows Lake, and other lakes in Garrett County, are unknown.
- While Information regarding advisories is noted in the Maryland 2007 Fishing Guide, that information is found on page 40 of a 42 page booklet: *"The Maryland Department of the Environment has issued revised fish consumption advisories that recommend limits to consumption of a number of species of recreationally caught fish, particularly for children and women who are or may become pregnant. Please contact the MDE web site at [www.mde.maryland.gov](http://www.mde.maryland.gov) for more information or call 410-5373906."*
- A call placed to MDE resulted in a knowledgeable person to answer questions; the web site has available a color chart describing affected fish, certain water bodies, and advisories. Both sources rely on an "active" and persistent approach by consumers.
- Air quality information and modeling specifically of interest and concern to Garrett

County and its soils and water may not accurately reflect prevailing winds and precipitation because of: 1. Garrett County's location on the western side of the eastern continental divide, and 2. Modeling appears to be based on source points that are located primarily in Central Maryland.

- The *Deep Creek Lake Water Quality Impacts Assessment* is limited to the Deep Creek Lake watershed and a capacity analysis. There are at least 8 additional lakes that strongly contribute to water supply, recreational uses, and / or tourism that must be included in a "system" study and analysis, including-but-not-limited-to development activities.
- The *Deep Creek Lake Water Quality Impacts Assessment* does not mention mercury contamination, however the consultant, Environmental Resources Management Atmospheric Sciences Integrator MDNR, participated in the 2005 "Mercury in Maryland Workshop" and likely has much information and data that should be available to the County Commissioners and the Planning Commissioners.
- The *Deep Creek Lake Water Quality Impacts Assessment* correctly recommends obtaining additional data and analyses before additional development proceeds to assure preservation and maintenance of water quality. Additional data activities should include mercury and methylmercury levels, in addition to other variables and contaminants to be measured.
- There is risk that the 6-year planning horizon envisioned by Maryland's comprehensive land use planning law (Art.66b) is too narrow and too time limited to adequately plan for and adopt a long range strategic development plan for both the Deep Creek Lake watershed and the County as a whole.
- The State of Maryland is embarking on an expanded Total Maximum Daily Load (TMDL) effort that provides an opportunity to collect vital and essential information on all Garrett County lakes, not just Deep Creek Lake. The County likely will have to advocate strongly for this local perspective.
- There is a wealth of information, data, and expertise available to assist Garrett County planners and decision-makers at the local, regional, state and national levels. These resources must be harnessed and coordinated in order to maximize their value.

## **VI. Recommendations**

- 1. The County and DNR should immediately assure that the MDE "Recommended Maximum Meals Each Year for Maryland Waters" be made available for distribution at fishing license outlets, at public notice areas at all Garrett County lakes, and in the Garrett County Vacation Guide.**

Comment: This resource is an excellent publication and covers all fish species in all Maryland waters. As such, it does not single out Garrett County or Deep Creek

Lake, and it provides needed, repetitive public health information to both residents and visitors.

- 2. Immediately following adoption of the Deep Creek Lake Watershed Plan, a subset of the Garrett County Comprehensive Plan, the Planning Commission should move to incorporate all lakes into an overall water quality and recreation strategy.**

Comment: Garrett County's natural and man made resources -- its lakes and rivers -- exist as both ecosystem and economic engine. Short-term strategies that look only to Deep Creek Lake will be potentially self-defeating for overall growth and development for the County. It is understood and given that some lakes are state owned, some are municipality owned, and some may be privately owned.

- 3. The County should view the Maryland comprehensive planning horizon of 6 years as the minimum acceptable. The Deep Creek Lake area, and the County development plan, will require a longer strategic view and a comprehensive approach (not limited to land use issues) if wise use of resources and investments are to be realized.**

Comment: By adopting planning horizons that encompass both strategic goals for 20-25 years but also meet the shorter 6-year horizon, longer range objectives can be maintained in addition to the flexibility of the 6 year cycle.

- 4. The County Commissioners should request and cause a "Garrett County Summit" of appropriate local, regional, state, and federal agencies and groups to determine current and desirable air and water quality data elements and measurement strategies.**

The Summit should include representatives of the Governors Office, the General Assembly, and the Maryland delegation to the US Senate and House to assist with educating these offices on the unique requirements of Garrett County, and to assist with funding.

Comment: In addition to County Government Departments and agencies, key state Departments include MDE, DNR, DEED, and Agriculture. Educational Institutions include the University of Maryland Appalachian Laboratory and the West Virginia University Environmental Program.

Comment: The County Commissioners should pull all publicly available information together prior to the Summit, such as the ERM Atmospheric Sciences Integrator work for DNR and MDE Air and Water Quality studies to assure data and information is available and coordinated.

- 5. The County Commissioners and the Planning Commission should work to assure that the expanded TMDL data collection and analyses program is broad enough to include essential information for Garrett County purposes, to include mercury contamination levels.**

Comment: This is a key recommendation for continued and enhanced water quality monitoring found within the *Deep Creek Lake Water Quality Impacts Assessment*.

6. **The County Commissioners and the Planning Commission should develop and perform the recommendations in the *Deep Creek Lake Water Quality Impacts Assessment* concerning measurements in Deep Creek Lake, and other water bodies in the County, before significant development proceeds.**

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Mercury Pollution in Maryland: A Comprehensive Look at Contamination of Fish in Local Waterways, April 2006 MaryPIRG, 3121 Saint Paul Street, #26, Baltimore, MD 21218 [www.marypirg.org](http://www.marypirg.org).

"Mercury in Maryland: Past, Current and Future Plans" Organized by Dr. Mark S. Castro, University of Maryland, Appalachian Laboratory and Dr. John Sherwell, Maryland Department of Natural Resources, Power Plant Research Program at the Appalachian Laboratory, University of Maryland Center for Environmental Science, November 2 and 3, 2005. Report published in April 2006 at [http://esm.versar.com/PPRP/features/hg\\_rpt/2FinalReportHgWorkshop.htm](http://esm.versar.com/PPRP/features/hg_rpt/2FinalReportHgWorkshop.htm)

*Draft* Total Maximum Daily Load of Mercury for Deep Creek Lake Garrett County, Maryland by the Maryland Department of the Environment, Montgomery Park Business Center, 1800 Washington Boulevard, Suite 540, Baltimore, MD 21230

*Draft* Total Maximum Daily Load of Mercury for Savage River Reservoir Garrett County, Maryland, Prepared by: Maryland Department of the Environment Montgomery Park Business Center 1800 Washington Boulevard, Suite 540 Baltimore, MD 21230

Everglades Interim Report South Florida Water Management District, 1999.  
[http://www.sfwmd.gov/org/ema/everglades/interimrpt\\_98/chpt1.pdf](http://www.sfwmd.gov/org/ema/everglades/interimrpt_98/chpt1.pdf)

*Final* Total Maximum Daily Load of Mercury for Deep Creek Lake Garrett County, Maryland Prepared by: Maryland Department of the Environment, Montgomery Park Business Center, 1800 Washington Boulevard, Suite 540 Baltimore, MD 21230. Submitted to: U.S. Environmental Agency, Region III, Watershed Protection Division, 1650 Arch Street, Philadelphia, PA 19103-2029

*Final* Total Maximum Daily Load of Mercury for Savage River Reservoir Garrett County, Maryland, Prepared by: Maryland Department of the Environment Montgomery Park Business Center 1800 Washington Boulevard, Suite 540 Baltimore, MD 21230 Submitted to: Watershed Protection Division U.S. Environmental Agency, Region III 1650 Arch Street Philadelphia, PA 19103-2029

Maryland Department of the Environment  
[www.mde.state.md.us/programs/landprograms/hazardous\\_waste/mercury/mercuryinfo.asp](http://www.mde.state.md.us/programs/landprograms/hazardous_waste/mercury/mercuryinfo.asp)

Maryland Department of Natural Resources Mercury and Methylmercury Concentrations in Water and Largemouth Bass in Maryland Reservoirs at [http://72.14.205.104/search?q=cache:ifTZciGyFYIJ:www.dnr.state.md.us/streams/pubs/ad-031\\_Hg\\_bass.pdf+Methylmercury+combinations+with+TSS+in+lakes&hl=en&ct=clnk&cd=5&gl=us](http://72.14.205.104/search?q=cache:ifTZciGyFYIJ:www.dnr.state.md.us/streams/pubs/ad-031_Hg_bass.pdf+Methylmercury+combinations+with+TSS+in+lakes&hl=en&ct=clnk&cd=5&gl=us)

Maryland Department of Natural Resources: Maryland 2007 Fishing Guide

Trasande, Leonardo; Landrigan, Phillip J, and Clyde Schechter "Public Health and Economic Consequences of Methyl Mercury Toxicity to the Developing Brain": Environmental Health Effects at <http://ehponline.org/members/2005/7743.html>



## Garrett County Permits & Inspections

Stormwater Management  
2008 Maryland Highway Suite 3  
Mt. Lake Park, Maryland 21550  
Phone (301) 334-7475  
Fax (301) 334-7469

Reginald J. Breeding  
Engineer/Inspector

February 26, 2007

Mr. Nelson,

I have reviewed the letter from the Savage River Watershed Association, Inc. dated January 26, 2007 and provide the following response to 5.

A grading permit requires a sediment and erosion control plan and a stormwater management plan for every disturbance above 5,000 square feet in Garrett County. The sediment and erosion control plan must meet specific state and federal criteria for control during construction. This plan is reviewed by the Soil Conservation District and enforced by the Maryland Department of the Environment. The grading permit also includes a stormwater management plan that must be installed prior to project completion for after construction stormwater control.

Specific criteria for stormwater controls required by MDE's Stormwater Design Manual and adopted by the Garrett County stormwater Ordinance in July 2001 mandate certain criteria be followed and proven prior to issuance of a stormwater plan via a grading permit. Increase of discharge from a development regardless of proposed impervious area is not approved in Garrett County.

Stormwater management plans require the developer to control runoff of the proposed development with at source controls on the site to reduce impacts to the environment. Developments with large parking areas require grit traps or oil and grit traps to control nutrient and sediment discharges from automobiles prior the water reaching the stormwater controls. All stormwater control facilities are designed using MDE's design manual and have a control orifice properly sized to prevent runoff increase, allow for recharge into the ground before reaching the stream below the site. These types of facilities provide erosion control, channel flood protection, decrease thermal discharges and velocities to the receiving stream, thereby preventing stream degradation. Existing sites (prior to 2001 ordinance adoption) that are redeveloped are required to upgrade to current standards.

Pervious pavers for parking lots are not utilized effectively in much of Garrett County for two reasons: (1) soil types not being pervious. Soil Permeability analysis are required for proposed infiltration practices for major plans submitted in Garrett County and (2) Winter (anti-skid) material clog the seams of impervious pavers greatly reducing the infiltration rate and increasing runoff from the impervious area.

Many different types of innovative controls are being utilized for stormwater and are continually, being developed to improve the quality and reduce the quantity of runoff for both urban and rural development sites. Some of the types of stormwater management controls utilized in Garrett County include, tree conservation areas, open channel, buffer strips, cultec chambers, rain gardens, vegetated swales, wetlands, ponds and dry wells just to name a few. The main focus of the stormwater plan is to reduce runoff, increase recharge into the ground and prevent stream degradation. Stormwater management is a very dynamic business. Garrett County is very aware of the constant and evolving changes of design and implementation of different control concepts on the national, state and local levels.

I hope the information provided above satisfactorily addresses 5 of the letter. Please do not hesitate to contact me with any questions you may have concerning this or any information related to stormwater management.

Sincerely,

Reginald J. Breeding  
Stormwater Management Engineer

cc: File

**From:** Edward.Buchak@erm.com [mailto:Edward.Buchak@erm.com]  
**Sent:** Monday, March 26, 2007 8:34 AM  
**To:** jrstanton@INSIGHTsolns.com  
**Cc:** Michael.Fichera@erm.com; Clive.Graham@erm.com; John Nelson  
**Subject:** Deep Creek Lake

Dear James,

I received your report on Deep Creek Lake mercury contamination and our water quality impact assessment on Friday. Thank you for taking the time to study the report, to attend the presentation, and to provide thoughtful comments.

As you noted, our assessment was limited to watershed development aspects that can be controlled at the county level and, since there are no direct mercury sources in the watershed, mercury control in Garrett County is occurring at the state, regional, and primarily national levels. You point out correctly that local water chemistry is an important factor in controlling the fate of methylmercury. The list of variables you provide on page 10 corresponds very closely to the suite of variables that will be modeled by MDE during their TMDL effort. Consequently, their modeling ought to be a springboard for additional calculations on the mercury issue. As you are aware, there is uncertainty in quantifying many of the processes in the deposition-runoff-water column-sediment-uptake-bioaccumulation chain so that detailed calculations, while useful, may not be entirely reliable.

ERM has done a considerable amount of work on the mercury deposition issue in its support work for the Maryland Power Plant Research Program. I'm not yet familiar with their scope of work, but I'll ask my air modeling colleagues here in Exton if there is a comprehensive report on the issue.

Regards,  
Ed

**Edward M. Buchak**  
*Manager, Surfacewater Modeling Group*  
Environmental Resources Management, Inc. (ERM)  
350 Eagleview Boulevard, Suite 200  
Exton, PA 19341-1180  
Tel 610.524.3650  
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[edward.buchak@erm.com](mailto:edward.buchak@erm.com)



## GARRETT COUNTY BOARD of REALTORS, INC.

434 Weber Road, Oakland, MD 21550

Telephone 301-334-8405

Fax 301-334-1876



March 26, 2007

John Nelson  
Garrett County Planning Commission  
203 South 4<sup>th</sup> Street  
Oakland, MD 21550

Subject: Comments on Rural Growth and Development

Dear Mr. Nelson and Members of the Planning Commission:

On behalf of the Garrett County Board of Realtors®, I want to thank you for the time that you have given the community to comment on rural growth and development and other aspects of the comprehensive plan. You have truly made this revision of the comprehensive plan a public process.

By way of background, on the national, state and local levels Realtors® are actively involved in issues that affect homeownership, the protection of real property rights and housing affordability. The National Association of Realtors® is encouraging its' local affiliates to be proactive, to work with their local jurisdictions to overcome barriers to homeownership and to participate in planning processes where changes to property rights might be effected.

Our board has reviewed the growth analyses that you have prepared and we are encouraged by the results that show minimal county-wide residential growth over the next 25 years, i.e. only 7% of existing capacity in a rapid growth scenario. This, combined with the fact that approximately 40% to 50% of the land in Garrett County is precluded from development, (due to state ownership, steep slopes, wetlands, flood plains and perc limitations – “inherent open space”), shows us that, at most, only 4% to 5% of the total county area will be subject to development during this time period. Garrett County is not under the threat of over-development and almost all of our open space will remain untouched over the next 25 years. Our plan should reflect this very positive reality.

We do understand that recent changes in planning law, in particular HB 1141, require the county to include provisions in its' plan to protect forest and agricultural

resource areas. However, we also know that the law does not prescribe the methods by which counties can accomplish that requirement. The Garrett County Board of Realtors® would like to offer a number of recommendations on proven ways that these areas can be preserved, while providing flexibility and equity protection for agricultural and forest landowners.

The Board of Realtors® places significant importance on what rural landowners, especially farmers, express as their vision for their areas and properties. We believe that they are in the best position to choose land use measures that reflect their individual goals. Also, we firmly believe that changes to our current regulatory structure must reflect local conditions and have a proven record of accomplishment so as to meet our objectives. Solutions should be for real and not perceived problems and they should provide landowners with flexibility based on individual circumstances.

We agree with the Farm Bureau that there should be no reduction in residential land densities. According to Mr. Nelson and the state Office of Planning, densities under one home per 25 acres will not work to protect agricultural lands. The county's own Preservation Plan states "...permissive density allowances under the subdivision regulations that yield one lot per 10 to 20 acres will increasingly ineffective in protecting farmland." We also know that the county values property under the Rural Legacy program such that prime residential density in some areas is as much as one-unit per 6-acres. Thus, the densities that have been suggested to you, ranging from 1-unit per 6-acres to 1-per-10, although they sound good, are ineffective at preserving rural landscapes.

Therefore, adjusting rural densities should be the county's last prescription for ag land preservation. We know that reductions in rural residential densities, especially those suggested by various interest groups in the range of 6 to 10 acres do little to preserve rural and farm lands. In fact, these densities have been shown to actually encourage sprawl.

The Planning Commission should focus on the following proven methods that provide a suite of flexible options for agricultural and forest landowners to protect their property while maximizing their investment and equity. A "one size fits all" approach cannot work in Garrett County due to the diversity in landscapes, size and configuration of properties, and individual financial and personal circumstances. In order to protect landowner equity, these options should only be implemented using existing rural densities.

1. **Purchase of Development Rights (PDRs) and Easements** – Similar to Rural Legacy and other easement programs, the county should consider ways that it can implement a local PDR program through tax funding, creative tax incentives and credits, or through local private sector foundations and conservancy grants. If the aesthetic of the rural landscape is a community

resource, then we believe that there should be compensation programs in place to ensure that rural landowner equity is protected.

2. **Transferable Development Rights (TDRs)** – In Maryland, TDRs have been shown to be a very positive and workable solution to preserving rural lands while protecting landowner equity. We understand that there has been some discussion on ways that our Priority Funding Areas can be expanded to refocus residential development away from rural areas. Allowing these PFAs to be the receiving zone for TDRs would dovetail nicely with the various objectives of the plan. Some Maryland counties have a proven track record with this type of program.
3. **Incentive-based Cluster Development** – The current real estate market does not yet support the existing cluster provisions and incentives found in the subdivision ordinance. In fact, those incentives appear to primarily work when lands are in proximity to PFAs and can benefit from central sewer and water systems. We recommend that the county provide for better incentives that would provide landowners with the clustering option, especially when the clustering protects working farms. For example, and as a start, the incentives for clustered conservation subdivisions could be the same as if the landowner had central sewer and water opportunities. We do not support the idea of downzoning agricultural lands (i.e. reducing residential densities) and then incentivizing clustering by restoring it to the existing density. If the current cluster density standards are not appealing in the marketplace, then certainly that approach would yield little if any benefits.
4. **Tax Incentives for Preservation and Conservation Subdivisions** – land development brings with it a hefty tax, infrastructure and capital investment, often in the beginning of the project. The county should examine tax incentives that reward developers and landowners who implement sound conservation practices in their development plans.
5. **Coordination with Towns and Local Jurisdictions** – as rural lands become further protected, the county and the towns need to aggressively coordinate their strategies for growth and development. Towns and PFAs will need to better absorb the demand for rural housing. There is currently an affordable housing problem in Garrett County brought about, in part, by a limited inventory of residential properties. Since rural growth is not currently in crisis, we recommend that there be no additional restrictions or limitations on rural growth until residential growth areas and inventory are available to absorb the demand for owner-occupied housing. Bringing competition into the marketplace by enhancing the availability of appealing homes and homesites in and near existing towns helps to relieve pressure on rural land development.

Again, we want to emphasize our position that rural density changes should be the last, not first, prescription for rural protection. We want to emphasize the positive realities of our expansive and inherent open space resources that will always remain protected, and also the very limited growth that we will experience over the next 25 years. Finally, rural land preservation should provide flexible options to landowners so that their hard work and equity is protected and where they can be encouraged in positive ways to continue to use and keep their land in forestry or agriculture.

We look forward to continuing our dialogue with you and our committee would like to meet with you again in the near future to hear your response to these recommendations.

Sincerely,



Tracey Espada  
President, GCBR



Paul Durham  
Government Affairs Director

**DRAFT**

March 1, 2007

Mr. John Nelson  
Garrett County Planning & Land Development  
Garrett County Courthouse - Room 210  
203 South 4<sup>th</sup> Street  
Oakland, MD 21550

Dear Mr. Nelson:

As a member of the Garrett County Farm Bureau and a landowner in Garrett County, I am writing to voice my opposition to any change to the county's comprehensive plan that would increase the required minimum lot size for rural and agricultural land.

I believe that an increase in the minimum lot size would:

- unfairly impact the value of the land to its owners,
- make it next to impossible for full time county residents, especially those with low or middle income resources, to afford to purchase land upon which to build a home,
- not protect against the loss of rural or agricultural land, and
- limit the options available to a landowner when considering the possible sale of land to supplement their income.

I encourage the county to pursue the use of land preservation programs to compensate landowners at a level that encourages land preservation. I also encourage the county to focus its human and financial resources on initiatives that help make farming more profitable, which will help preserve land.

Thank you for this opportunity to comment.

Sincerely,

*Carl Bender*

**To:** Garrett County Commissioners  
Mr. Ernie Gregg  
Mr. Fred Holiday  
Mr. Denny Glotfelty  
Garrett County Department of Planning and Land  
Development  
Mr. John Nelson

**From:** Garrett County Farm Bureau – Board of Directors  
Mr. Delmar Yoder, President *Delmar R. Yoder*

**Date:** April 18, 2007

**RE:** Garrett County Comprehensive Plan Land Use Issues

The Board of Directors of the Garrett County Farm Bureau has been closely following the discussions related to the review of the county's comprehensive plan that is currently underway. Farm Bureau Board members and officers have attended public meetings held on the subject to both offer comments on behalf of agricultural land owners and farmers, as well as to hear comments being made by other groups and individuals. Additionally, the Farm Bureau Board of Directors met with Planning and Land Development staff as well as members of the Rural Development Commission to discuss this matter.

Following careful consideration of the issues, the Garrett County Farm Bureau is making the following recommendations regarding potential changes to the comprehensive plan and subdivision ordinances:

1. The Garrett County Farm Bureau is requesting that the Garrett County Commissioners and Planning and Land Development office conduct a study to determine the impact that potential changes to various land use management tools (like minimum lot size, density, clustering, etc.) may have on a land owner's equity and agricultural enterprises.
2. Pending the results of this study, Farm Bureau is recommending that the current provisions of the comprehensive plan and subdivision ordinances remain in effect.
3. Farm Bureau supports continued efforts to protect farmland through preservation efforts associated with the Ag Land Preservation and Rural Legacy Programs, and encourages state and local officials to establish funding levels in these preservation programs that create a true incentive for agricultural land owners to preserve their land.
4. Believing that the best way to preserve farmland is to create and sustain profitable agricultural enterprises, Farm Bureau is recommending that the use of all available financial and human resources be utilized to assist farmers in identifying and establishing new production and market

**opportunities intended to create profitable, sustainable agricultural enterprises.**

**As the elected voice its 191 members, Garrett County Farm Bureau Board of Directors values the opportunity to participate in the current process. Farm Bureau is committed to remaining actively engaged throughout the process for the purpose of insuring that the perspective of the agricultural landowners and farmers is adequately represented.**

**Please feel free to contact me, or any Farm Bureau Board member, should you have any questions or need clarification of any point presented in this memo. I have included a list of the Farm Bureau Board Members for your convenience.**

April 18, 2007  
415 Bishoff Road  
Friendsville, MD 21531

Garrett County Planning and Land Development  
Garrett County Courthouse  
203 S 4<sup>th</sup> Street, Room 210  
Oakland, Maryland 21550  
Attention: Mr. John Nelson

Dear Mr. Nelson:

Discussion and debate continues over possible changes to Garrett County's comprehensive plan and subdivision ordinances. As I follow the related events it seems fairly obvious to me that land owners who have not already sold their land or the development rights to their land, are the people who are ultimately going to bear a significant share of the impact that changes currently under consideration are going to create. From my perspective, far too little consideration has been given to the issue of land owner rights and the looming question about how proposed changes are going to impact a land owner's equity.

My sense is that a time table has been established for the work associated with the possible revisions to the plan, and as various deadlines approach, decisions are likely to be made in haste, without fully examining the potential impact of those changes on land owners. You know from our prior discussions that our family is actively engaged in farming, and as such are among the landowners that are positioned to feel the impact of these changes.

On a personal and emotional level, our family would like nothing better than for our farming enterprise to continue for an additional four generations or more. As much as my husband and I value having been raised on a farm, and having raised our children on a farm, we are also realists. Things change – it is an inevitable truth. The average age of farmers is increasing. This signals the trend that young people are not “following in their parents’ foot steps” and are opting to pursue different career paths. One could probably cite a host of reasons why, but economics – not the lack of available of land - is a central force driving the current, and future generations away from agriculture as an livelihood. And when the time comes for a family to make the decision to stop farming, their land remains the single biggest asset that they can point to for their years of hard work and sacrifice.

Under the provisions of the current comprehensive plan and subdivision ordinances, restrictions already exist that significantly limit a landowner's ability to manage their land in a way that maximizes their access to the equity that they have accumulated over time. Now it seems that is not enough. My impression of the current discussions regarding potential changes to the plan is that additional restrictions that further limit land owner rights in a way that will ultimately impact a land owner's equity are a very real possibility. While I appreciate and can support the concept of everyone making sacrifices for the common good, rural and agricultural landowners are already doing their fair share. I do

not support, nor will I sit idly by, while landowners are asked to contribute more than their fair share or to be the solution to a problem that they did not create.

I suspect that at least some people who read this letter or have heard my previous comments on the issue have drawn the conclusion that we are planning to sell our farm and reap the financial benefit. While our family has no plans to stop farming, I am fairly certain that time will come. Perhaps my husband and I will make that decision. Perhaps our children will make that decision. Perhaps it will be a generation not yet born, but most likely it will happen. And when it does, my firmly held belief is that we, the landowners, will have earned the right to maximize the return on the investment that we have made through years of hard work and personal and financial sacrifice.

Throughout this process I have grown weary of friends, family, neighbors, acquaintances, and sometimes total strangers, making suggestions about what restrictions should be placed on my rights as a landowner, and the rights of other landowners. In my experience, there is rarely a shortage of opinions from people that will feel no personal impact from the suggestions they make. For the record, my husband and I have no interest in seeing the land classification designation changed for our property, nor do we support any changes to the current Comprehensive Plan and Subdivision Ordinances at this time. As 4<sup>th</sup> generation landowners and farmers, we feel our opinion regarding our land is equally, actually more valid, than those who feel they have the right to speak on our behalf, or on behalf of any other landowner.

We feel that the fevered pitch of activity centered around the notion that changes must be made to the comprehensive plan and subdivision ordinances at this moment in time is not supported by data that is available related to the projected rate of population growth in the county. There is time to step back and do the right thing. Doing the right thing involves avoiding the temptation to drive through changes for the sake of making changes. Doing the right thing involves not asking landowners to be the solution to a problem they have not created. Doing the right thing means not limiting the rights of landowners to the point that they cannot reap the well deserved benefit of their years, and generations, of hard work. I ask that you take seriously the concerns raised by landowners and organizations representing landowners. This is a critically important issue to the landowners of the county. In many cases these are the same families that have been here for generations, through good times and bad.

Sincerely,



Terri Rodeheaver