

Deep Creek Lake Watershed Economic Growth and Planning Analysis Study

Evaluation of Plans, Programs, and Regulations

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This Evaluation of Plans, Programs, and Regulations discusses the extent to which current plans, programs, and regulations are adequate to address the planning issues for the Deep Creek Watershed set forth in the Issues Summary, April 2004, and whether other plans, programs, or regulatory mechanisms are needed to address the issues.

The Study Task Force is scheduled to discuss this Evaluation on June 14, 2004.

Summary of Findings

Issue #	Issue	Adequacy of Current Plans Programs, and Regulations	Need for other plans, programs, or regulatory mechanisms
1	Lack of/loss of community	Do not address this issue directly.	Generally not needed to address this issue. Best addressed at neighborhood level.
2	What direction is the Deep Creek Lake community going in? What will it be when it grows up?	Do not address this issue directly in the terms this issue is framed.	New plans, programs, or regulatory mechanisms are needed to address this issue.
3.	Fear/ concern that there is too much growth	The County envisions the Deep Creek Lake watershed as a development area and sees this development as an overall positive for the County that is to be encouraged.	Potential effects of growth need to be better understood. Growth needs to be managed. New plans, programs, or regulatory mechanisms are needed to address this issue.
4.	Loss of “traditional” waterfront businesses like restaurants	County plans and programs do not address this issue.	New programs may be needed to address this issue, but the issue is not easily addressed.
5.	Insufficient opportunity for commercial (retail and employment) development	Current plans, programs, and regulations are generally adequate to address this issue.	Generally not needed to address this issue.
6.	Unappealing development character in the Town Center zoning districts	Current plans, programs, and regulations do not adequately to address this issue.	New plans, programs, or regulatory mechanisms are needed.
7.	Environmental quality of the Lake	Overall, Deep Creek Lake’s water quality is good. Current plans, programs, and regulations may not be adequate to address this issue for the future.	New plans, programs, or regulatory mechanisms are needed to address this issue.
8.1	Roads are not well designed for their function	Traffic levels in the watershed are currently at acceptable levels. Current plans, programs, and regulations address this issue to a limited extent only, and may not be adequate to address future traffic needs.	Other plans and programs, or regulatory mechanisms are needed to address this issue.
8.2	Lack of safe places to walk or bike	Current plans, programs, and regulations are not adequate to address this issue, though Garrett County has begun to address the issue with a Countywide Recreational Trails Plan.	Other plans, programs, or regulatory mechanisms are needed to address this issue.

Issue #	Issue	Adequacy of Current Plans Programs, and Regulations	Need for other plans, programs, or regulatory mechanisms
8.3	Traffic slowdowns caused by visitors having difficulty finding their way around	Current plans and programs do not address this issue directly.	New plans or programs are not needed to address this issue.
9.1	Parking residential	Current plans, programs, and regulations are generally adequate to address this issue, but some adjustments may be needed.	Revisions to regulatory mechanisms and enforcement are needed to address this issue.
9.2	Parking commercial	Current regulations appear to require excessive amounts of parking for some commercial uses and mixes of uses.	Revisions to regulatory mechanisms are needed to address this issue, mostly to allow some more flexibility into the parking requirements.
10.1	Loss of scenic views	Current plans address this issue, but programs, and regulations do not.	Changes to regulatory mechanisms are needed to address this issue. The current regulations are not providing sufficient protection for the Deep Creek Lake watershed's scenic qualities, especially its woodlands, wooded slopes, and viewsheds.
10.2	New building, residential and commercial, not in keeping with the character of the community	Current plans programs, and regulations address this issue to a very limited degree.	For residential building, regulatory mechanisms are needed to address this issue. For commercial, a program could ensure that new commercial architecture is compatible with the style that is emerging.
11	Signage not in keeping with mountain resort atmosphere	Current sign regulations are neither excessively restrictive nor excessively liberal.	Adjustments to the sign regulations are needed to address some specific aspects of this issue.
12	Need for better enforcement of laws and management of basic services	Current enforcement programs are limited.	Adjustments to programs and regulatory mechanisms are needed to address this issue.
13.1	Representation. County boards and commissions are not sensitive to the watershed's needs; people lack a voice in the planning process.	Current plans programs, and regulations do not address this issue to a limited extent.	Other programs and regulatory mechanisms would help address this issue.
13.2	Need to educate areas of the county outside the watershed about the benefits of the watershed to the County as a whole	Current plans programs, and regulations do not address this issue.	New plans, programs, or regulatory mechanisms are generally not needed to address this issue.
13.3	Need for affordable (workforce) housing for service workers	A number of plans and programs address this issue.	New plans, programs, or regulatory mechanisms are not currently needed in the Deep Creek Lake watershed to address this issue.

Issue 1. Lack of/loss of community. Feeling that this was/is a unique community whose uniqueness is being eroded by change.

Implied or stated objectives to address the issue: Increase the full time population; attract retirees, attract more “professional” jobs rather than “tourist service jobs”.

Evaluation

Current plans and programs do not address this issue directly.

The County Comprehensive Plan (1995) does include a Community Facilities and Services Plan but this is a plan for physical facilities such as schools, and water and sewer facilities. “Community development” in the broadest sense of the term, as expressed in the Economic Development Strategic Plan, 2002 to 2008 and in the work of Garrett County Community Action, is directed at *community improvement* through attracting quality jobs, and housing, recreation, and cultural and living conditions – a rising tide raises all boats approach.

This issue is passionately felt by some, mostly older members of the community, who grew to care deeply for their neighbors and their neighborhoods before Deep Creek Lake became more accessible and popular in the 1980s with the completion of I-68, and now, especially with the growth of vacation rental units in their neighborhoods, “no longer know their neighbors”.

The issue is not, however, a major issue of concern for many other people. These other people i) see change as inevitable, ii) see that change, overall, has been good, especially in that it has brought services and opportunities to the community that were not available previously, and iii) note that while some neighborhoods may have lost year-round residents, other neighborhoods are increasing their share of year-round residents. Census data show that the watershed’s year-round resident population has increased; from 3,174 in 1990 to 3,845 in 2000, an increase of over 20 percent in ten years.

By most standards Deep Creek Lake has a strong sense of community: people care; people know each other; there is great interest in Deep Creek Lake and its future as evidenced by the intense interest in current plans and studies; people care passionately about the lake area and want to ensure that growth and change do not diminish its special qualities.

Need for other plans, programs, or regulatory mechanisms

New plans, programs, or regulatory mechanisms are generally not needed to address this issue. The current “community improvement” programs are succeeding in attracting a larger year-round population, and seek to attract professional as well as service jobs. Improvements in the range and quality of services that are available will make Deep Creek Lake more attractive to a broader range of people including retirees.

Programs and events that increase communications between people “getting to know you” reduce the feeling of strangeness and promote community togetherness that help to overcome the effects of growth and change. Planning itself is a way of adjusting to community change – foreseeing change, working out ways to accommodate it, bringing some predictability to the future, adding a vision of the future community that acknowledges change.

It may be possible to provide some protection from change for existing neighborhoods by ensuring that the size, style, and layout of new development is generally consistent with the physical character of the existing neighborhood (see below, Issue 10.2).

Change at the neighborhood level is best addressed at the neighborhood-specific level rather than by watershed-wide program regulations. For example, if a particular neighborhood has a particularly high proportion of vacation rentals, it may be that year-round residents are “voting with their feet”, moving to neighborhoods with higher proportions of year-round residents. If so, efforts might be made to attract more

year-round residents as a counterbalance, including regulatory mechanisms along the lines of guidelines in the transient vacation rental unit regulations (see below Issue 2).

Issue 2. What direction is the Deep Creek Lake community going in? What will it be when it grows up? Concerns that it is going: too commercial; too busy; and is no longer family-oriented.

Implied or stated objectives to address the issue: Limit additional commercial development; control/protect remaining land; better enforcement of regulations; limit the number of vacation rental units; require rental units to be physically more like “standard” units.

Evaluation

Current plans and programs do not address this issue directly in the terms this issue is framed. The current plan for the Deep Creek Lake area is the 1995 Garrett County Comprehensive Plan, *A New Development Plan for Garrett County*. This plan replaced the 1986 *Plan for the Deep Creek Lake Area*, which was an update to the 1972 *Plan for the Deep Creek Lake Area*.

The Comprehensive Plan delineates growth areas, rural areas, and environmentally sensitive areas within the Deep Creek Lake watershed sufficient to accommodate future potential growth, but does not provide a vision for “the direction the Deep Creek Lake community is going in”. The plan sees almost the entire Deep Creek Lake watershed as a development area. Even outside the areas that are specifically defined in the Comprehensive Plan as growth areas, such as town centers, and commercial and resort areas, most of the watershed is designated Lake Residential, which although defined as a “rural area”, is “intended to accommodate population increases that are compatible with the lake’s recreational capacity” (page II-6). Beyond this, the Plan does not offer a vision that might better define “where the community is going”, towards which end more detailed implementation policies could be developed.

Garrett County’s 2002 Economic Development Strategic Plan contains a broad countywide vision for economic development together with goals, strategies and strategic initiatives. The plan notes that county revenues from upscale expensive properties around Deep Creek Lake allow the County’s residents to enjoy a level of services and quality of life that would not otherwise be available. Among the plans’ strategic initiatives is to “Grow year-round tourism, including recreation, hospitality, cultural, and adventure-sports activities”. This initiative is supported by the Comprehensive Plan’s goal E. “Improve the attractiveness of Garrett County as a year-round location for recreation and tourism” (page I-8).

Both plans, then, clearly envision Deep Creek Lake as a development area and see this growth as an overall positive for the County that is to be encouraged. The challenge is to define more specifically how, where, and in what form this growth should occur so that it is compatible with resident values and other County values.

Vacation rental units

Vacation rental units are viewed by many people as a commercial activity. In thinking about “where the community is going”, many people differentiate them from seasonal homes that are used by the same families year after year.

Are the number of vacation homes increasing? There are three vacation rental management companies: Railey Mountain Vacations, Long and Foster, and Coldwell Banker. As of April 2004, these three companies had 668 homes on their books. In 1999, the total was 570¹. As a share of all homes in the watershed, vacation rental homes has not increased since 2000. The 668 homes represent a little over 11 percent of the homes in the watershed as of 2004, the same share as in 2000 (see Table 1)

¹ Economic Significance of Garrett County’s Second Home Market, Nancy Railey and George Volsky, 2000.

Table 1 Vacation rental units compared to total units in the Deep Creek Lake

	2000	2004
Total units	5,009	5,785 ¹
Vacation rental units	570	668
Vacation rental units as a share of the total	11.3%	11.5%

¹ 776 building permits for new homes issued between 2000 and 2003

Are there too many vacation rental units? The 11 percent share does not seem excessive on its face. Clearly there are some neighborhoods with concentrations (Glendale and Waterfront Greens, for example). Most of the concern over vacation rental units seems to derive from issues such as excessive size compared to nearby homes, the high visibility of some of the homes, and their impacts on scenic values, parking, noise, and trash. The County responded to many these concerns in August 2003 by amending the Deep Creek Watershed Zoning Ordinance to address “transient vacation rental units”, differentiating them from single-family dwelling units. Key provisions under the ordinance for future homes include:

- Maximum of eight bedrooms (five by right in the LR district, up to 8 by special exception)
- Maximum overnight occupancy of two persons per bedroom plus four.
- Plan for controlling noise.
- Evaluation of compatibility and effect on the neighborhood.

Vacation rental units are an important component of the local economy. Limiting vacation rental units overall would be inconsistent with the Comprehensive Plan’s and the Economic Development Strategic Plan’s development objectives for the watershed. A better approach is to manage the potential negative impacts such units can cause (size, visibility, parking, noise, and trash) so that they blend better within their neighborhoods.

Need for other plans, programs, or regulatory mechanisms

New plans, programs, or regulatory mechanisms are needed to address this issue, particularly with respect to vision and vacation rental units:

Vision

The Deep Creek Lake watershed is at the point at which it would be useful to develop a detailed vision statement to better define “where the community is going”. Different parts of the watershed have evolved in different ways, and now have a different character and different issues. Some people are clearly concerned about the trends they see occurring.

The vision statement might comprise a series of policy statements both for the area as a whole and for “sub-areas” of the watershed. The vision statement needs to be more than a list of “mom and apple pie” goals and objectives, that everyone agrees with. It should reflect the choices the community has made and be clearly articulated so that residents and visitors can read it and understand how the County intends the community as a whole and its constituent parts to grow and develop. The vision might be prepared as part of a detailed master plan for the watershed, See below Issue # 3.

Vacation rental units.

The transient vacation rental unit ordinance (August 2003) went a long way to addressing the concerns over vacation rental units. The ordinance applies only to homes built after August 2003, however, and it is a little early to be able to fully evaluate its effectiveness.

Managing the potential negative impacts of homes built prior to August 2003 needs to be done through enforcement of a rental ordinance, which the County has said it will prepare.

Through a watershed-wide vision plan or master plan, particular areas or neighborhoods might be identified where more specific provisions for vacation rental units might apply.

The provisions for compatibility and neighborhood effect for homes with five bedrooms or less need to be reconsidered (Section 304B.20.e). Since homes with five or less are permitted by right, these provisions have no effect.

Issue 3. Fear/ concern that there is too much growth. At what point do you “kill the goose” that laid the golden egg, change the community irrevocably from the beautiful, scenic place that attracted people in the first place.

Implied or stated objectives to address the issue: Limit or at least manage or control growth better. Greater contributions from developers towards covering effects of development on infrastructure.

Evaluation

As noted above, the County envisions the Deep Creek Lake watershed as a development area and sees this development as an overall positive for the County that is to be encouraged.

The overall amount of growth that could occur in the watershed is limited through a combination of the Deep Creek Lake Zoning Ordinance and a variety of other regulations including the County’s Sensitive Areas Ordinance, the Subdivision Regulations, and state and local health department regulations. However, this growth limit is quite high. A land capacity study conducted in 1987 concluded that the Deep Creek Lake area had the capacity to accommodate between 10,000 and 15,000 dwelling units², which would be a two to threefold increase over the number of dwelling units in 2000.

County plans do not address the issue of whether growth is excessive or whether growth should be capped below the limit set by the development regulations.

The year-round population and the number of seasonal dwelling units in the watershed have been growing steadily (Table 2):

- The year-round population increased by nearly 700, or 20 percent between 1990 and 2000.
- The number of dwelling units increased by over 1,000 during the same period.
- Between 1981 and December 2003, a total of 3,026 permits were issued or, an average of 131 per year. Between January 2000 and the end of 2004, 776 building permits for new homes were issued, for an average of 194 per year. In 2002, 237 permits were issued, the highest number since 1988.

Deep Creek Lake saw a spike in development after 2000, which can be attributed to two factors: investor interest in real estate following the fall in the stock market in the late 1990s, and the events of September 2001 that resulted in renewed interest in areas perceived as safe and secure within driving distance.

People are divided about how much additional growth the Deep Creek Lake area will support. Deep Creek Lake attracts visitors from a large geographic area including the Baltimore, Washington and Pittsburgh

² Recreational Carrying Capacity Study and Management Guidelines for Deep Creek Lake Natural Resources Management Area, Final Report, October 31, 1988.

metropolitan areas. With such a large, populous area to draw from, the number of potential vacation, second home, and vacation homeowners and visitors and is very large.

Table 2 Population and Housing for the Deep Creek Lake Watershed and Garrett County¹

	1990	2000	Change 1990-2000	
			Number	Percent
Deep Creek Lake Watershed				
Population	3,174	3,845	671	21.1
Housing Units	3,970	5,009	1,039	26.2
Occupied	1,252	1,618	366	29.2
Owner	1,093	1,343	250	22.9
Renter	159	275	116	72.9
Vacant	2,718	3,391	673	24.8
Seasonal/recreational/occasional use	2,394	3,007	613	25.6
Garrett County				
Population	28,138	29,846	1,708	6.1
Housing Units	14,119	16,761	2,642	18.6
Occupied	10,110	11,476	1,366	13.5
Owner	7,998	8,945	947	11.8
Renter	2,112	2,531	419	19.8
Vacant	4,009	5,285	1,276	31.8
Seasonal/recreational/occasional use	3,022	3,996	974	32.2

Source: US Bureau of the Census 1990 and 2000

¹ Please note that census data is not collected for the exact area of the Deep Creek Watershed. The data in the table are for Census tract 0005, which nearly approximates the Deep Creek Watershed. A small area between Foxtown Road and Accident Bittinger Road is outside tract 0005 but is inside the watershed.

Deep Creek Lake itself, however, is relatively small (3,900 acres), and the lakefront is largely developed. We identified a total of four lake front properties with significant additional development potential, meaning the potential to create more than two to three new development lots through subdivision³. Combined, the four properties total more than 1,200 acres with an estimated potential for several hundred lots. Of the four properties, only one, Thousand Acres, is in active development.

Away from the immediate vicinity of Deep Creek Lake, there is a large amount of undeveloped and underdeveloped land. Known future development in this area totals almost 2,500 dwelling units 2,000 of which are at the DC Development Adventure Sports Center property⁴.

Based on the 1981 to 2003 annual average of 131 building permits per year, it would take 40 to 80 years to reach the growth level of 10,000 to 15,000 additional units. Some people believe this level of growth will never occur in Deep Creek Lake. Others believe that societal changes, including security concerns after September 2001, could prompt more rapid growth than has occurred to date.

What is not known is how such growth might affect the “beautiful, scenic place that attracted people in the first place”. *At what point do you “kill the goose”, change the community irrevocably from the beautiful, scenic place that attracted people in the first place?*

There is no absolute number at which there is too much growth. Places do not grow to a point and then suddenly become unattractive, rather they tend to change and attract different people; perhaps people more tolerant of different or more crowded conditions. This ultimately can lead to a slow decline or a reinvention as a new place.

The county’s goals include promoting year-round tourism. Clearly a large increase in the area population would not all be focused on the Lake, but be spread out, as is occurring with the Adventure Sports Center.

³ Thousand Acres, Ann Blakeslee Smith, Holy Cross, and Carnegie Institute

⁴ Based on current planning for the water and sewer plan update.

Need for other plans, programs, or regulatory mechanisms

New plans, programs, or regulatory mechanisms are needed to address this issue. The County does not know, for example, what the effects of an additional 10,000 units would be on the Deep Creek Lake area. Growth may increase or slow, but the County needs to be prepared in case growth does increase.

A study could explore the implications of different future growth levels on the environment (lake water quality, scenic quality), as well as on public services such as roads and schools. The results of such a study could be a future carrying capacity for dwelling units in the Deep Creek Lake area, comparable to the DNRs carrying capacity study for boats on Deep Creek Lake. This carrying capacity could then, in turn, be a component of a plan to manage the watershed to ensure its future environmental health and development character.

Issue 4. Loss of “traditional” waterfront businesses like restaurants people can boat to.

Implied or stated objectives to address the issue: Provide tax breaks or incentives to enable these uses to continue; zone waterfront business uses so that if they close they are replaced with other commercial uses; Improve business conditions by allowing Sunday liquor sales; County purchase of commercial sites and lease for commercial use.

Evaluation

County plans and programs do not address this issue. Nearly all waterfront businesses are in the Town Center (TC) zoning district that allows both business and residential uses. The high value of waterfront land for residential use at the density permitted in the TC district (up to nine dwelling units per acre) means that such land can be more valuable for residential uses than for business uses.

The loss of waterfront businesses appears to be the result of a combination of the desires of the individual property owners and of the land market. Do the property owners want to stay in business or, if they do not and want to sell, who will offer more for the land, the residential or business developer?

The good news is that several waterfront businesses remain, including seven eating establishments. Red Run may reopen, and the owners of the Point View Inn are exploring redevelopment options that would retain business use. The bad news is that there is no assurance that the others will remain.

Need for other plans, programs, or regulatory mechanisms

New programs may be needed to address this issue, but the issue is not easily addressed. Few people would disagree that businesses on the waterfront are desirable. The question is how important is this issue to residents and visitors to Deep Creek Lake and to Garrett County, and how far is the community prepared to go to retain waterfront businesses?

Some people care passionately about this issue. They regard the waterfront businesses as a key element of what has made this community special, and that it would be a ‘tragedy’ if waterfront businesses were to disappear. Other people are more dispassionate. They say that a very small percentage of sales is generated from people coming to businesses by boat, and that the Deep Creek Lake area will not be hurt if waterfront businesses disappear.

Since the current zoning allows both residential and business uses, changing the regulations to disallow residential uses on the land or reduce potential residential density would likely be seen by the property owners as reducing their choices and their equity. Voluntary restrictions on future development are possible, and could offer financial advantages, but such restrictions are unusual in commercial settings.

Since there is a lot of land along US 219 is zoned TC, there may be opportunities for new waterfront businesses to be established, either on land that is currently undeveloped or through redevelopment of land currently in residential use.

Do other lake resorts have waterfront businesses?

Issue 5. Insufficient opportunity for commercial (retail and employment) development in the watershed.

Implied or stated objectives to address the issue: Zone more land for commercial use; allow residential in commercial-only zones to offset the unprofitability in developing commercial.

Evaluation

Current plans, programs, and regulations are generally adequate to address this issue.

Four zoning districts permit commercial uses: TC Town Center, C General Commercial, CR1 Commercial Resort 1 and CR2 Commercial Resort 2.

A complete inventory of developed and undeveloped non-residential land does not exist. While undeveloped commercially zoned land is not abundant, some areas do exist, including, but not limited to:

- Some CR-2 land by the fairgrounds in McHenry.
- Undeveloped land around the movie theater in Thayerville.
- An approximately 160-acre area on the west side of US 219 in Thayerville that was rezoned in 1997 to CR-1 (a commercial zone with limited residential potential). This site has considerable potential. A proposed County Exhibition Center is proposed here as well as a Performing Arts Center. The Keystone Lime Company is exploring development opportunities for the remainder of the site.
- Undeveloped TC land north of Thayerville, on the west side of US 219 (though this area is somewhat access limited).

The lack of an abundance of commercially zoned land in the watershed is not necessarily a bad thing. Large expanses of commercial land tend to dilute the market for non-residential uses, lowering values and resulting in scattered commercial sites that contribute to sprawl. The Garrett County Comprehensive Plan (1995) strongly discourages strip commercial development. Excessive commercial growth in the Deep Creek Lake area could also draw potential away from surrounding towns like Oakland.

Need for other plans, programs, or regulatory mechanisms

In general, new plans, programs, or regulatory mechanisms are not needed to address this issue.

Many of the requests for increasing non-residential development potential seemed to come from people wanting small offices on or near the lake. A lot of land along US 219 in McHenry, Thayerville, and along US 219 between the two is zoned TC. This goes back to 1975 when zoning was first adopted in the watershed and the planners delineated districts based on the then-existing uses. Much of this land is in residential use for waterfront homes, but could be used for non-residential use. The TC district might be looked at from two perspectives:

- Is there TC zoned land that would be inappropriate for non-residential use? Such land might be given a residential zoning designation, such as Town Residential;
- Should the TC district regulations be adjusted to encourage mixed use development, or live-work units that might allow the type of office development some people want? For example, this might be achieved by reducing or eliminating the lot area per dwelling unit requirement for more than one dwelling unit built in association with a principal non-residential use (the zoning code currently permits one dwelling unit as an accessory use).

Issue 6. Unappealing development character in the Town Center zoning districts

Implied or stated objectives to address the issue: Change zoning regulations to promote a less dense character; form a central place that could be the “community center” for Deep Creek.

Evaluation

Current plans, programs, and regulations do not adequately to address this issue.

The Town Center TC zoning district was created in 1975. The objective of the district is, in part,

“to recognize the core areas of existing towns. To provide for higher-density, more compact village or small-town settlements where central water and sewer service exist”.

While the zoning district name is Town Center, the resulting development is not what one expects to see in a “typical” town center. Except in McHenry, development does not feel at all urban or town-like: uses are generally not interconnected, there is quite a lot of “strip commercial” development, and no areas are pedestrian friendly.

The TC zoning district runs along much of the stretch of US 219 between McHenry and Thayerville, and, as such, is highly visible. Much of this TC zoned area is in low- or medium-density single-family residential use.

True town centers should be dense. Dense development can have an appealing character as in Garrett County’s traditional towns such as Oakland and Accident. The perception of unappealing character in McHenry is fueled by the design of the development rather than by the density itself. McHenry is largely developed and change will take a long time.

Deep Creek Lake lacks a “center”, a downtown where people can walk to shops and services and where there are public gathering places. Many resorts have such a place and work hard to cultivate them, improve them, and reinvent them so they continue to attract visitors and residents. Examples are City Dock in Annapolis, boardwalk areas and associated public/quasi-public areas at beach resorts, or Canal Place in Cumberland.

As Deep Creek Lake grows, the need and demand for such a center will grow. Thayerville offers the most potential:

- It is at the center of the Deep Creek Lake area.
- It already has some of the functions of a center with uses such as the Honi Bar, Unos, and the movie theater.
- Additional developable land is available.
- The County is proposing two new public uses; an Exhibition Center, and a performing arts center.

Currently, however, little thought is being given to how an integrated whole can be created from these different uses in Thayerville. Little land in the area is publicly owned, but we believe it is in the public interest to integrate this area into a cohesive whole. With the current development interest in the area, now is a great opportunity to engage the interested parties in discussing how to create a central place that can serve Deep Creek Lake for the future.

Need for other plans, programs, or regulatory mechanisms

New plans, programs, or regulatory mechanisms are needed to address this issue.

It is time to reevaluate whether the TC district is working the way it should in different areas, and to make adjustments accordingly. The reevaluation might be accomplished through the vision plan/master plan mentioned under Issues 2 and 3.

Mechanisms need to be put in place to take advantage of the development opportunities in Thayerville.

Issue 7. Environmental quality of the Lake

Implied or stated objectives to address the issue: Regulate to address causes; limit development on steep slopes; more/better enforcement of sediment/erosion control regulations.

Evaluation

A number of federal, state, and local plans, programs, and regulations address environmental quality. Current plans, programs, and regulations may not be adequate to address this issue for the future.

Overall, Deep Creek Lake's water quality is good. The Garrett County Health Department has 21 sampling points around the lake and tests for pH (acidity), fecal coliform, turbidity, and nitrate and phosphate. The sampling results are all within the standards the state of Maryland considers acceptable for boating and swimming. The Department's data go back to 1988 for pH and to the early 1990s for other data.

In 2002, Deep Creek Lake was listed by the state as impaired for mercury contamination based on mercury concentrations in fish tissue. As a result, the Maryland Department of the Environment (MDE) has issued an advisory to limit eating fish from Deep Creek Lake to a maximum of four meals per month of small or largemouth bass and eight meals per month of bluegill. Because the impairment is inconsistent with recreational fishing use, MDE has issued a total maximum daily load (TMDL)⁵ of mercury in Deep Creek Lake. The objective of the TMDL is to reduce mercury loads to levels that will meet water quality standards for the use III-P designation (natural trout waters and public water supply). This will also ensure that concentrations in fish tissue are at a level where people can safely eat at least four meals per month of fish from Deep Creek Lake. The TMDL was approved by the Environmental Protection Agency in February 2004.

The source of mercury in Deep Creek Lake is air emissions (primarily power plants, and waste incinerators from outside the Deep Creek Lake watershed). There are no surface or groundwater sources in the Deep Creek Lake watershed. Implementation of the TMDL is to be accomplished over time through the federal Clean Air Act.

Need for other plans, programs, or regulatory mechanisms

New plans, programs, or regulatory mechanisms are needed to address this issue.

Deep Creek Lake is the golden egg; the primary reason there is a tourism industry and economy. People are justifiably concerned about the lake's water quality. Should the lake become impaired, the economy could suffer irreparable harm. This primary asset needs to be protected and maintained in pristine condition.

Aside from supporting state and federal efforts on clean air, nothing can be done locally about the mercury contamination as this is the result of emissions from outside the watershed. The level of contamination is well below the threshold for concern in regard to drinking water, so that boating and swimming are not affected⁶.

There are known problems from sewer overloads and from areas with failing septic systems (mostly older subdivisions), but the Garrett County Department of Public Utilities has plans in place or underway to address them.

Other plans, programs, or regulatory mechanisms may be needed so that as growth continues in the watershed, nutrient loads, pollutants, and sediments do not increase to a level where the lake's water quality

⁵ A TMDL (Total Maximum Daily Load) establishes the maximum amount of an impairing substance or stressor that a waterbody can assimilate and still meet water quality standards, and allocates that load among pollution contributors. TMDLs are a requirement, found in §303(d), of the federal Clean Water Act (CWA) that became law in 1972.

⁶ Mercury concentrates in fish tissue, which is why eating fish is a concern.

might be impaired. The potential effects on water quality of adding in the watershed 5,000 to 10,000 dwelling units plus additional non-residential development, are not understood (see also Issue #3).

Protection may require increased levels of inspection and enforcement. Responsibility for stormwater management and sediment and erosion control is shared between the County Roads Department, the Garrett Soil Conservation District and the Maryland Department of the Environment. Staff from these agencies have expressed concerns over i) builders not using best management practices, ii) lack of inspectors, and the fact that they generally respond only on a complaint basis, iii) the cumulative effects of many small poorly designed projects, especially on steep slopes, on the landscape and on water quality.

Issue 8.1 Roads are not well designed for their function

Implied or stated objectives to address the issue: Limit development to reduce traffic; selectively widen, straighten roads; bypasses around bottlenecks; capacity increases at intersections.

Evaluation

Traffic levels in the watershed are currently at acceptable levels. Current plans, programs, and regulations address this issue to a limited extent only, and may not be adequate to address future traffic needs.

US 219

US 219 is the major road through the area. For most of its length through the watershed it has one travel lane plus a shoulder in each direction. The State Highway Administration (SHA) was very helpful in providing extensive traffic count data for US 219 for this evaluation⁷. Average annual daily traffic (AADT) on US 219 in 2003 was 10,600. Traffic is heaviest in July and August; the 2003 AADT in these months was around 14,500. On Saturday August 30, 2003 (Labor Day weekend), the daily traffic count was 16,925. The north-south split is generally fairly even. Between 1993 and 2003 traffic on US 219 increased an average 3.1 percent a year.

There are two signalized intersections at US 219 and Mosser Road and at US 219 and Glendale Road. As of December 2003, both intersections were operating at level-of-service A. Summer of 2004 will be the first summer for the US 219 – Mosser Road intersection.

The traffic volumes on US 219 are well within the capacity of the roadway. Further, US 219 has sufficient right-of-way to make capacity increases (by adding a lane, for example) should this be needed in the future. Some controls/improvements may be needed in the future to address difficult/dangerous left turn movements in the McHenry area.

County Roads

Garrett County owns and maintains most of the other roads in the watershed. These roads are nearly all two-lane roads some with and some without shoulders. Some key roads around the lake such as Marsh Hill Road, Glendale Road, State Park Road, and Rock Lodge Road are narrow and/or winding and have limited rights-of-way. All or portions of these roads are also scenic and contribute greatly to the character of the area.

Average daily traffic volumes on these roads are generally low (Table 3), but some congestion may occur on some segments or at some intersections at peak periods such as summer weekends.

⁷ The State Highway Administration (SHA) has a permanent traffic recording station at the Deep Creek Bridge between McHenry and Thayerville.

Table 3 Average Daily Traffic on County Roads

Location	Year ¹	ADT
Glendale Road US 219 end	1998	2,574
Glendale Road MD 495 end	1998	1,906
Lake Shore Drive, Rt. 219 end	1998	526
Lake Shore Drive, Mayhew Inn Road end	1998	454
Mosser Road	1995	1,503
Marsh Hill before Wisp entrance	1999	2,440
Marsh Hill after Wisp entrance	1999	1,626
North Glade Road	1998	1,068
Sand Flat Road Rt. 135 end	1998	3,180
Sand Flat Road US 219 end	1998	3,312
Steiding Church Road	1997	614

¹ Most recent year available.

Source: Garrett County Roads Department.

Widening most County roads in the watershed is largely infeasible due to lack of right-of-way and proximity of residences to the roadway and topography. Further, in most cases, widening would also not be desirable because it would detract from the roads' scenic qualities and encourage higher traffic speeds. Safety and capacity concerns need to be addressed but carefully on a case by case basis. The many curves and ups and downs currently provide a beneficial traffic calming effect.

Overall Network and Future Traffic

The overall road network in the Deep Creek Lake watershed is good:

- There is more than one way to get in and out. In particular, MD 495 provides an alternative to US 219, and roads such as Glendale Road and Rock Lodge Road connect to both state roads. This situation compares favorably to other resorts (such as Ocean City) where there is essentially only one way in and one way out.
- For the most part, roads interconnect and provide alternative routes to get to different parts of the watershed. This spreads the traffic load and eases pressure on bottlenecks.
- While nearly all the roads have only one travel lane in each direction, there are relatively few intersections. Intersections are generally the cause of traffic back ups and the lack of intersections means that the roads can carry higher traffic volumes than would otherwise be the case.

Increased growth in the watershed will increase traffic. This is a consequence of growth and, as noted above, the County wants to encourage development in the Deep Creek Lake area. Limiting development to reduce traffic would be contrary to this policy. The key question is how to manage future growth so that it does not create levels of traffic congestion that deter people from wanting to live in or visit Deep Creek Lake.

For development that requires access onto a state road such as US 219, the SHA has authority to require a traffic impact assessment as the basis for requiring improvements needed to handle increased traffic. While the County could require such assessments on County roads, it currently does not.

A slightly more complex situation occurs when access onto a county road will bring traffic to a state road. An example is the expansion of the Foodland development in McHenry. Access is onto Pysell Road, a County road, but there is no mechanism currently in place for the SHA to comment on the proposal even though the traffic will affect the Pysell Road – US 219 intersection.

The County does not have a standalone transportation plan. The 1995 Comprehensive Plan contains a transportation element but it addresses future traffic needs only indirectly by listing planned and recommended road improvements. The recommended improvements in the Deep Creek Lake area are:

- Prioritizing the US 219 Corridor and promoting a planning effort for a dual lane corridor. The SHA's Highway Needs Inventory includes this project.

- Realigning US 219 between Glendale Road and the Deep Creek bridge on the west side of Roman Nose Hill. The SHA’s Highway Needs Inventory does not include this project.
- Replacing the Glendale Bridge (this project was completed in 1997).
- Widening and/or resurfacing North Glade Road and a portion of Rock Lodge Road.

As discussed above, the 1987 land capacity study concluded that the Deep Creek Lake area had the capacity to accommodate between 10,000 and 15,000 dwelling units. The County does not know what the effects on traffic would be of adding this number of dwelling units. In addition, the watershed has additional commercial development capacity that could further increase traffic. Depending on the extent to which growth is concentrated or dispersed, it could have very different effects on traffic. New roads or intersection capacity improvements might be needed. If so, an important question is how such improvements would be funded.

Neither the Zoning Ordinance nor the Subdivision Regulations give the County the authority to require traffic studies or traffic impact assessments for new development. Such studies can provide the basis for requiring developers to upgrade roads or intersections to accommodate increased traffic that will occur as a result of new development. The County does not have Adequate Public Facilities requirements for roads⁸.

A few roads have specific problems:

Marsh Hill Road is narrow⁹ and carries Wisp Resort-related traffic in addition to its own residential traffic. The County is moving forward with studies to determine i) whether and how this road can be made safer and ii) whether a planned connection between Hoyes Run Road and Wisp Mountain Road will be sufficient to relieve traffic on Marsh Hill Road.

Glendale Road is important the only true east-west road in the Deep Creek Lake area¹⁰, and also carries traffic to Deep Creek Lake state park. It has a narrow right-of-way, and widening it is probably not feasible. Between US 219 and the Glendale Bridge one sharp turn was straightened, and another straightening is proposed (see also below under Issue 8.2).

State Park Road and Rock Lodge Road. These roads both have narrow rights-of-way. Widening is probably not feasible.

Need for other plans, programs, or regulatory mechanisms

Other plans and programs, or regulatory mechanisms are needed to address this issue. The County needs to understand the potential effects of adding 5,000 to 10,000 units plus additional non-residential development in the watershed.

A mechanism needs to be put in place to allow the SHA to comment on its needs if a project on a county road will affect a state road – example is the Foodland expansion with access onto Pysell Road.

A mechanism needs to be put in place to allow the County to evaluate the effects of traffic from new development onto the area road network, and to require road improvements if warranted.

Issue 8.2 Lack of safe places to walk or bike

Implied or stated objectives to address the issue: Limit development to reduce traffic; build/develop trails, hiker/biker routes; make State Park Road one way.

⁸ Adequate Public Facilities requirements require that “facilities” such as water, sewer, roads, and schools will be in place before development is approved for construction.

⁹ 30-foot right-of-way for first 4,800 feet from Sang Run Road.

¹⁰ Rock Lodge Road is also east-west, but is less direct.

Evaluation

Current plans, programs, and regulations are not adequate to address this issue.

Deep Creek Lake lacks safe places to walk or bike. This was less of an issue years ago when vehicle traffic volumes were lower than today, but the issue is now more important. More people are living year-round in the watershed. More people are coming to visit, and when on vacation people like to walk and bike. All around the U.S. places of all kinds are paying greater attention to walking and biking, and people are increasingly expecting to find these facilities, especially at resorts.

Even without sidewalks or designated bicycle routes, people are walking and biking on busy roads such as US 219, Marsh Hill Road, and Glendale Road causing safety concerns.

Garrett County has begun to address this issue. In 1999, the County, working through the Chamber of Commerce, initiated a Countywide Recreational Trails Plan. This plan was completed in 2000 and updated in 2003. It has on-road and off-road components and includes connections to the countywide trails network (see next page for the plan for the Deep Creek Lake area).

Components of the plan in active implementation and planning are:

- i) Pedestrian bridge over on the wetlands west side of US 219 in Thayerville (complete);
- ii) Pedestrian activated crossing at US 219-Glendale Road signal (complete, not energized);
- iii) Striping and signing US 219 for bikes, especially between Sang Run Road and Sand Flat Road;
- iv) Off-road trail along Glendale Road between US 219 and the Glendale Bridge.
- v) Off-road trail between Wisp Mountain Resort and US 219 in McHenry.

These plans are an important start to improving conditions for pedestrians and bicyclists.

Need for other plans, programs, or regulatory mechanisms

Other plans and programs, or regulatory mechanisms are needed to address this issue.

Even if the Countywide Recreational Trails Plan were fully implemented, Deep Creek Lake would be insufficiently pedestrian friendly. Even with a striped bicycle lane on US 219 many people will not feel safe walking or biking. McHenry and Thayerville are the two key places in Deep Creek Lake that should be walkable and bikeable. Current plans, programs, or regulatory mechanisms are not in place to encourage this to happen. The zoning ordinance discusses pedestrian connections only in the context of planned residential developments or mobile home parks. The subdivision regulations do not address pedestrian or bicycle needs at all.

It will not be possible to make every road in Deep Creek Lake pedestrian and friendly. State Park Road and Rock Lodge Road, for example, have too narrow a right-of-way to permit a sufficiently wide shoulder or a parallel off-road trail. Experienced bicyclists will be able to bike these roads, as they do today, especially at off-peak times.

Issue 8.3 Traffic slowdowns caused by visitors having difficulty finding their way around

Implied or stated objectives to address the issue: Wayfinding signage program.

Evaluation

Current plans and programs do not address this issue directly. It is not known how many traffic slowdowns are caused by this issue, though it likely causes frustration on the part of year-round residents. Street maps of Deep Creek Lake are widely available, although it would be useful if they also included subdivision names. The vacation rental home signs are designed to make these homes easily recognized (see below under Issue 11). Some delays caused by visitors unsure of where they are going is inevitable in a resort area, and it is difficult to say how helpful a wayfinding signage program would be.

Need for other plans, programs, or regulatory mechanisms

In general, new plans or programs are not needed to address this issue. A wayfinding signage program might help visitors getting around Deep Creek Lake. Such signage programs are frequently a component of an overall resort “management program”.

Issue 9.1 Parking residential. When there is snow, parking “overflows” onto public streets”, Rental parking is not always well controlled.

Implied or stated objectives to address the issue: Revise (increase) parking requirements; better enforcement (e.g., parking citations); provide relief from stringent parking requirements.

Evaluation

Current plans, programs, and regulations are generally adequate to address this issue, but some adjustments may be needed. Excessive parking is a waste of valuable land, aesthetically displeasing, and contributes to runoff and pollution.

Parking requirements in the zoning ordinance are as follows:

- i. Most types of dwellings (single family detached, townhouse, condominium): one half space per bedroom.
- ii. Transient vacation rental units (rental homes): one per bedroom.

The requirements for item i) above are fairly standard compared to other places.

The requirements for transient vacation rental units were instituted in August, 2003 in response to the concerns over the parking impacts of these types of units. Prior to August, 2003, the parking space requirement for vacation rental homes was the same as for non-rental homes. The new requirement is high, but is the same as for hotels/motels which is not unreasonable, at least for units on single lot.

On the other hand, the one space per bedroom requirement may be resulting in overly high amounts of required parking in some rental developments. Examples of projects currently in the design phase include 96 parking spaces for 24 dwelling units in one development (part of Deep Creek Mountain Resort), and 48 spaces for 12 dwelling units in another (on Mosser Road). It would be very instructive to monitor the actual parking activity at these developments during peak periods to see if much of the parking is unused.

The Deep Creek Lake zoning ordinance does not permit adjustments to the parking requirements except through the variance process which has strict approval criteria that would be difficult to meet with respect to parking. Because parking needs are so variable, some communities allow alternative parking standards to be determined administratively on a case by case basis, based on thorough documentation provided by an applicant, including parking generation studies, previous experience with similar uses, or other information.

Need for other plans, programs, or regulatory mechanisms

Revisions to regulatory mechanisms and enforcement are needed to address this issue.

Parking rules of thumb and comparisons with other places are useful but ultimately cannot replace local experience. Each place has unique patterns and considerations. Deep Creek Lake's parking requirements may need to change over time in response to changes in activity and use levels.

Little if any parking enforcement occurs currently, for example, issuing citations for parking on public streets during snow emergencies. Enforcement will likely need to take place as Deep Creek Lake continues to grow.

Issue 9.2 Parking commercial. For many uses the regulations require too much parking, which is a waste of valuable land.

Implied or stated objectives to address the issue: Revise the parking standards in the zoning regulations.

Evaluation

Current regulations appear to require excessive amounts of parking for some commercial uses and mixes of uses.

The current parking standards in the Deep Creek Lake zoning ordinance are not low. For example, in addition to employee parking, for retail, one space is required per 100 square feet, and, for office, one space per 200 square feet is required. A more common retail requirement is one space per 200 square feet. The office requirement is fairly standard, although many places have higher requirements for medical offices.

As noted under residential parking, the Deep Creek Lake zoning ordinance does not permit adjustments to the parking requirements except through the variance process.

More flexibility in the parking standards appears to be warranted. For example, the Deep Creek Lake ordinance permits two or more uses to provide parking in a common parking lot (such as a shopping center), but a reduction in the overall amount of parking is only permissible in the case of uses such as theaters and churches that have very different operating hours. Actual parking needs should account for local conditions such as shared parking, patrons walking to businesses, or, in the case of Deep Creek Lake, coming by boat.

As discussed under residential parking, some communities permit alternative parking standards to be determined on a case by case basis, based on parking generation studies, previous experience with similar uses, or other information.

The zoning regulations do not require parking lot landscaping. Section 604 allows a parking space reduction if landscaping and pervious pavers are provided, but according to staff, this provision has never been used.

The Deep Creek Lake zoning ordinance is progressive in requiring bicycle parking. The ordinance requires "a suitable area for parking of bicycles" for any use that has more than 10 parking spaces. The term "suitable" may need further definition. Currently the typical proffer is a bicycle rack. The American Association of State Highway and Transportation Officials (AASHTO) produced a guide for the development of bicycle facilities in 1999 that could serve as a useful reference for bicycle parking facilities.

Need for other plans, programs, or regulatory mechanisms

Revisions to regulatory mechanisms are needed to address this issue, mostly to allow some more flexibility into the parking requirements.

Issue 10.1 Loss of scenic views. Houses on ridge tops, clear cutting/tree loss

Implied or stated objectives to address the issue: Limit building on certain parts of the slope; ridge top development ordinance; require tree preservation and/or replanting; protect certain designated views, regulate color.

Evaluation

Current plans address this issue, but programs, and regulations do not.

Scenic quality is a key element of what attracts residents and visitors to the Deep Creek Lake area. Deep Creek Lake is a development area for the County but if growth is allowed to severely impact this quality, new residents and visitors will no longer be attracted and the area and the economy will be negatively impacted.

The 1995 County Comprehensive Plan, pages II-37 to II-38, identifies scenic vistas in the County, including five in the Deep Creek Lake watershed, and offers guidelines for watershed protection under the topics of site planning, architecture, landscape architecture, and signage. The guidelines are quite strong. For example:

- Avoid placing buildings on cleared ridgelines.
- Match scale and character of buildings and other uses with the scale and character of the site and the surrounding environs.
- Cluster development to preserve open space.

Very few of the guidelines were incorporated into the zoning or subdivision regulations. The cluster development guideline was adopted, but the rest of the regulations are almost completely silent on the matter of scenic views¹¹.

As a result of lack of regulation, development has been permitted on cleared slope crests such as on Marsh Hill and Roman Nose Hill. These provide wonderful views for the residents of the homes, but are visible from large areas of the watershed and do detract from the beauty of the area.

Is clustering succeeding with respect to “preserving scenic character”? Not as currently implemented. The Highline, Boulder Ridge and Highlands West developments, for example, are all cluster developments that are on cleared slope crests and are highly visible. Only four cluster developments have been developed to date: Thousand Acres; Waterfront Greens; Stillwater; and the Highlands West section of the Villages of Wisp. Highline and Boulder Ridge are part of the Wisp Planned Residential Development.

Garrett County adopted a Sensitive Areas Ordinance in 1997. The ordinance sets forth requirements for protecting steep slopes, stream buffers, habitats of rare, threatened and endangered species, and floodplains. Under the ordinance, disturbance of slopes of over 30 percent grade is generally not permitted. Arguably, while the steepest slopes have been protected, development has occurred in the most visible locations.

¹¹ See Section 304 of the Subdivision Regulations and Section 513 of the Zoning Ordinance. One small section of the Planned Residential Development section of the Zoning Ordinance does talk about incorporating scenic views into open space areas “whenever possible”.



Homes on slope crests



Homes on Marsh hill Road



Vacation rental home signs



Visitor center in McHenry, Foodland, Unos



Garrett County does not have a forest conservation or tree protection ordinance. Because a high proportion of the County a whole is forested, the County is exempt from forest conservation requirements that apply to most other counties.

Need for other plans, programs, or regulatory mechanisms

Changes to regulatory mechanisms are needed to address this issue. The current regulations are not providing sufficient protection for the Deep Creek Lake watershed's scenic qualities, especially its woodlands, wooded slopes, and viewsheds.

Plans and mechanisms are also needed to replant or replace trees in previously cleared areas.

Portions of several mountains that are currently visually intact could be affected or compromised by development including: Little Snaggy Mountain, Roman Nose Mountain, Meadow Mountain, and Negro Mountain.

Issue 10.2 New building, residential and commercial. Architecture not in keeping with the character of the community; residential structures that are too large (out of scale) for their lots, and not in character with the neighborhoods ; commercial building materials, roof styles that do not fit.

Implied or stated objectives to address the issue: tie dwelling unit size to size of lot; add floor area ratio requirements to the zoning regulations; architectural controls, guidelines.

Evaluation

Current plans programs, and regulations address this issue to a very limited degree.

Residential

The trend around Deep Creek Lake Area towards larger dwellings is very evident. The number of housing units in the Deep Creek Lake area with seven, eight, and nine or more rooms increased from 814 in 1990 to 1,696 in 2000 (2000 Census). Although the trend towards larger dwellings is a national phenomenon, the increases in the Deep Creek Lake area have been far greater than the percent changes for Garrett County or for the State of Maryland.

The County Comprehensive Plan does not address this issue directly. As discussed under Issue 10.1, however, the Plan does address it in the context of scenic vistas, and recommends, for example, matching the scale and character of buildings and other uses with the scale and character of the site and the surrounding environs.

The Zoning Ordinance does not regulate the size or style of buildings. A building may be as large or bulky as the owner wishes provided the height is no taller than 35 feet and the minimum dimensional requirements (lot width, and setbacks from property lines) are met.

The zoning ordinance refers to architectural drawings only in relation to Planned Residential Developments (PRDs), which the Planning Commission has authority to approve. To date there have only been two PRDs, the Villages of Wisp and Carmel Cove. The regulations for transient vacation rental units adopted in 2003 require consideration of "compatibility of design with other improvements in the neighborhood". This language is vague, however, and might not withstand a legal challenge.

The issue is one of context. Few, if any, people are against large homes per se, and large vacation homes make an important role to the local economy and to government revenues. The concern is where such homes are juxtaposed against and overwhelm adjacent or nearby smaller, older homes, or where large homes are particularly visible such as on cleared slope-crests. This has occurred in several places, such as on Marsh Hill Road and on some of the mountains.

Commercial

The Comprehensive Plan does not address commercial architecture at all.

Commercial architecture is important. A place's commercial areas are generally its most visible. Deep Creek Lake has few truly "public" places, so its commercial areas are a key part of the watershed's "public" realm. These areas help set the "tone" for any area and are particularly important for a resort.

The zoning ordinance refers to architectural style only in relation to Commercial Resorts, such as Wisp, where the Planning Commission approves the site plan.

Commercial architecture in the watershed is eclectic (a mix drawn from different sources), reflecting largely the periods when the buildings were erected. Much of the architecture is modest and utilitarian (Point View Inn, Post Office, Deep Creek Outfitters). Much of the recent architecture Unos, Visitor's Center, Foodland, Black Bear restaurant shares a similar, exterior architectural "vocabulary": steep pitched roofs often broken up to form small roof areas, exposed wood, some use of stone, small towers at roof ends, awnings, frequent use of shades of green, red, and tan. As a result, it can be said that a somewhat consistent kind of "mountain" architectural character has been emerging. Against this backdrop a new utilitarian building such as the new steel clad, shallow pitch roof kit building in McHenry has had a jarring effect.

Need for other plans, programs, or regulatory mechanisms

For residential building, regulatory mechanisms are needed to address this issue. The potential for additional residential buildings that are not in character with neighborhoods either from new construction or from the "redevelopment" of older, smaller homes is large.

For commercial building, a program could ensure that new commercial architecture is compatible with the style that is emerging. Without dictating a specific style to be followed slavishly, certain building styles/architectural practices could be encouraged or discouraged. See also below under Issue 13.1 for how such a program might be implemented.

Issue 11 Signage not in keeping with mountain resort atmosphere; too many signs too big and too many; flashing illuminated signs, unnecessary vacation rental unit signs.

Implied or stated objectives to address the issue: Regulate

Evaluation

Sign regulations are in the Deep Creek Lake zoning ordinance. The sign regulations in the ordinance are neither excessively restrictive nor excessively liberal. The key provisions, generalized, are as follows:

- Building-mounted signs may be up to 10 percent of the building face, not to exceed 100 square feet for all signs combined (was 200 square feet prior to 1997).
- Freestanding signs may be one square foot per lineal foot of property road frontage up to 100 square feet per side (was 200 square feet prior to 1997).
- Maximum sign height is 20 feet (was 35 feet prior to 2001).

Two provisions only are found rarely in modern sign codes:

- i) Allowing building mounted signs to extend above a roof (Sec 704). Signs are permitted to extend three feet above. They must still meet the 20-foot height restriction, so presumably, this provision is only used on low, flat roofed buildings.

- ii) Commercial advertising signs – billboards. Increasingly jurisdictions are regulating out new billboards, especially in scenic areas such as Deep Creek Lake. The Deep Creek Lake Zoning Ordinance permits them in the C district and as a special exception in the TC and CR1 districts.

There appear to be very few billboards in the watershed. US 219 is a state-designated scenic route and under state law billboards are not permitted where they would be visible from a scenic route. The billboards at the intersection of US 219 and MD 42, are just outside the Deep Creek Lake watershed and, presumably, predate the scenic road designation.

According to staff, there are few requests for variances to the sign regulations (particularly since amendments were made in 1997 and 2001¹²), which is one indication that the regulations are working fairly well.

Overall the existing signage in the Deep Creek Lake watershed is not excessive; and as a visitor one does not feel bombarded. The regulations appear to allow more signage than is actually erected – particularly in the case of freestanding signs; the 100 square foot allowance is still generous in spite of the reduction from 200 square feet.

Two specific sign issues were raised:

- i) The proliferation of vacation rental home signs. These are covered under Section 707.D.1. of the regulations, which allow temporary signs up to six square feet. This regulation is intended to cover the typical real estate “For Sale” signs. Indeed, the signs are to be “removed immediately upon final settlement or renting of the property. The problem with the vacation rental home signs is that they are not really temporary; they remain up year-round.
- ii) Scrolling message board signs. Three of these signs have been approved recently in McHenry, one at Smileys and two at banks. A narrow line may have been crossed here, since Section 704.D. of the regulations prohibits “flashing or rotating flashing illumination of a sign”.

Need for other plans, programs, or regulatory mechanisms

The trend in many communities, including resort communities, is towards muted signage. Adjustments to the Deep Creek Lake watershed sign regulations are needed to address some specific aspects of this issue.

- The regulations appear to allow more signage than is actually erected, which means that the community risks getting more and larger signs in the future.
- State law prohibits billboards on US 219, but the regulations do allow them, and they could be erected if not visible from US 219. If the community does not want more billboards, the regulations should be amended.
- The proliferation of vacation rental home signs.
- Reducing the number/amount of sign illumination, if the community desires.

It is useful to “test” sign regulations to determine the actual signage on sites compared to the permitted signage. Photo-documentation along with the test results can allow a community to fairly easily set “reasonable” standards” for signage.

¹² Prior to 2001, signs along US 219 had to be set back 20 feet behind the right-of-way line. Variances to this regulation were frequently requested. Signs may now have a zero setback (Section 704).

Issue 12 Need for better enforcement of laws and management of basic services:
trash, speeding, noise, nuisances, parking,

Implied or stated objectives to address the issue: Proactive rather than reactive stance on the part of government; enforcement department; rental licensing ordinance; noise ordinance; manage trash.

Evaluation

Current enforcement programs are limited. Table 4 shows the key enforcement agencies with their responsibilities with respect to the issues in this study.

Table 4 Key Enforcement Agencies and Responsibilities

Agency	Responsibilities
Department of Planning and Zoning	Zoning regulations: parking; signs; some aspects of vacation homes such as number of occupants,
Garrett County Sheriff	Traffic, speeding, nuisances, disturbances
Maryland Department of the Environment	Sediment and erosion control, wetlands, noise
Maryland State Police	Traffic, State laws
County Engineer	Building Code, stormwater management, trash
Garrett County Health Department	State and local health laws: water and sewerage, trash
Maryland Natural Resources Police	Natural resources laws, Deep Creek Lake and Deep Creek Lake State Park

Few of these agencies maintain full-time staff in the Deep Creek Lake watershed. The Maryland State Police has a barrack in McHenry, at the intersection of US 219 and MD 42. The Garrett County Sheriff’s Office patrols the County with 12 active road patrol units, but has no station in the watershed.

For the most part, under departmental policies, the agencies respond to potential violations on a complaint basis. Some agencies report that they have insufficient staff to conduct routine inspections. The Department of Planning and Zoning does not have a zoning inspector. The Maryland Department of the Environment has one inspector, based in Frostburg, handling sediment and erosion control for almost all of Garrett County. This inspector also has other responsibilities.

In the past the smaller population in the watershed allowed less proactivity in enforcement without causing serious consequences; fewer people were around and there was more space per individual. Today, at peak times, the Deep Creek Lake community is now quite crowded, with perhaps 25,000 to 30,000 people in the watershed on a busy weekend. Garrett County has a tradition of limited regulation in the area of land use, but the economic importance of Deep Creek Lake to Garrett County as well as individuals’ personal investments are now so great that more proactive management of the Deep Creek Lake area including a more visible government presence is needed to protect the goose.

Competition in the resort field is intense, and visitor expectations are at an all-time high. Resorts that survive among the competition and surpass their competitor do so by paying attention to all of the drivers of success, including the management of basic services and enforcement of basic regulations.

Need for other plans, programs, or regulatory mechanisms

Adjustments to programs and regulatory mechanisms are needed to address this issue, including a more proactive stance on the part of County government towards management and enforcement. The County is currently drafting a rental license ordinance, though reportedly this effort has stalled.

Issue 13.1 Representation. Sense that County boards and commissions are not sensitive to the watershed’s needs; people lack a voice in the planning process.

Implied or stated objectives to address the issue: Clearer set of “rules” to govern decision making; A Planning Commission for the watershed.

Evaluation

Current plans programs, and regulations do address this issue to a limited extent.

The issue of representation and who decides what in an area is always sensitive. The Deep Creek Lake watershed is an unincorporated area of Garrett County and, as such, is represented by countywide boards and commissions. For the issues in this study, the key boards are the County Commissioners, the Planning Commission, and the Board of Appeals.

Currently, of seven Planning Commission members, two are from the watershed, plus one alternate member who frequently sits as a member. The Planning Commission’s role is advisory on most matters and its decision-making authority is, in reality, quite limited.

The issue of representation was raised in large part in response to decisions over the past few years that some people feel were not decided with the *watershed’s* best interests at heart. In some of these cases the more likely fault, if the decision was faulty, is with how the law/regulation being decided on was written, such as the standards that have to be met to approve/disapprove an application. The Board of Appeals, for example, may feel it has no alternative but to approve an application if it has no legitimate grounds for denial.

Under state law¹³, since the watershed is not incorporated, a Planning Commission separate from the Garrett County Planning Commission cannot be created. In some communities, groups become influential simply by being around over the long haul and being strong watchdogs for their interests¹⁴. There are other ways, however, to allow residents, businesses, and property owners to have a more formal voice in the planning and decision making process. These range from ad-hoc advisory groups, such as the Task Force for this study, to “standing” groups or committees with more formal, defined roles.

Need for other plans, programs, or regulatory mechanisms

Other programs and regulatory mechanisms would help address this issue.

Adjusting the wording of the standards for approving special exceptions, and/or providing more objective standards for specific uses, would help address the concerns that are currently attributed to the Board of Appeals. In the case of transient vacation rental units, more careful mapping of where this use is permissible might also be helpful (see Issue #2).

Creating a new organization within the watershed’s decision-making structure could provide a more formal voice for people who currently feel their interests are underrepresented. This will be explored further in the Options component of this Study.

¹³ Article 66B of the Maryland Code.

¹⁴ Examples in Garrett County are the Chamber of Commerce and, increasingly, the Deep Creek Lake Property Owners Association.

Issue 13.2 Need to educate areas of the county outside the watershed about the benefits of the watershed to the County as a whole.

Implied or stated objectives to address the issue: Getting the word out about the watershed's contributions to the economy and government.

Evaluation

Current plans programs, and regulations do not address this issue.

Clearly, development of Deep Creek Lake has changed the County. While some people may regret the changes, development has brought economic development and many other opportunities to what was a somewhat isolated County with limited economic development options.

The County is using the revenues from development at Deep Creek Lake to provide countywide benefits, such as road upgrades, roads department service garages, the proposed public recreation center to be run by Garrett College, a countywide trail system, an Exhibition Hall and Performing Arts Center in Thayerville, and a county detention center. This is a wise strategy.

Over time, as the year-round population in the watershed grows and there is more use of services in the watershed by Garrett Countians from outside the watershed, the "us versus them" attitudes one hears will likely lessen.

Need for other plans, programs, or regulatory mechanisms

New plans, programs, or regulatory mechanisms are generally not needed to address this issue.

Issue 13.3 Need for affordable (workforce) housing for service workers

Implied or stated objectives to address the issue: Programs or provision for workforce housing.

Evaluation

Affordable housing is an issue in Garrett County as in much of Maryland. A number of plans and programs address the issue. The Comprehensive Plan's land use and housing goal is to assure that adequate housing is available to every family and individual, with special emphasis on meeting the needs of low and moderate income groups (page I-1). Garrett County's Economic Development Commission has a Community Support Services subcommittee. One of the subcommittee's initiatives is to build and sustain local capacity to produce affordable housing for households at or below 80 percent of median income.

While most of the recent housing in the Deep Creek Lake watershed has been upscale housing, geared to the vacation and rental market, the zoning allows for different types of housing. For example, the Town Center district allows for residential units in association with retail uses but this provision has been used rarely. Garrett County Community Action Committee (CAC) is the County's primary agency for developing affordable housing. The CAC is currently developing a project on Pysell Road in McHenry; first phase 30 units, with future potential up to 80 units.

There is a need for workforce housing in the Deep Creek Lake watershed, especially for the hospitality and service industries, and this need will likely increase in the future. The need in Deep Creek Lake, however, is not as acute as in some resort communities, such as in western U.S. where the next community is far away, prompting serious safety concerns if emergency workers cannot reach the resort. Several of these resort communities (Aspen, Colorado Springs) have adopted special affordable housing programs. In Garrett County, there are housing opportunities within the Deep Creek Lake Watershed, and towns like Oakland, Accident, and Deer Park are quite close to Deep Creek Lake providing additional housing opportunities.

Need for other plans, programs, or regulatory mechanisms

New plans, programs, or regulatory mechanisms are not currently needed in the Deep Creek Lake watershed to address this issue.

Specific concerns/comments regarding zoning, subdivision, and design regulations

1. Too many uses are permitted only by special exception. Bd of Appeals needs more direction on how to apply/interpret the law. More specific standards to guide the Board of Appeals are needed.

A review of the Table of Use Regulations (Sec. 304) does not reveal an overwhelming number of uses requiring special exception approval. It would be helpful to receive more specific recommendations for special exception uses that people think should be permitted by right. The Transient vacation rental unit regulations, with two levels – one by right, and one special exception, may be a good model.

2. Need more careful meshing of docking permits with zoning regulations. Is DNR's issuance of docking permits consistent with the intent of the zoning regulations regarding development with access to public recreation land?

The two sets of regulations are well meshed.

3. Minimum required lot area for a marina (two acres) is too high. Likely prevents development of a new marina. Some boat storage could take place off site.

Agree, especially for a marina that was not full-service.

4. No provision for boat/rv sales location on less than two acres whereas RV sales have a 10,000 sf minimum.

Agree.

5. CR2 residential density at one du/acre is too low.

CR2 is envisioned as an essentially commercial-only district, though mobile home parks are permitted. Recommend no change, given the limited amount of commercial-only zoned land.

6. Consider allowing heights in excess of 35 feet or three stories as a special exception in the CR1 and CR2 districts. Would allow for a four story building at Wisp, for example. This type of special exception is currently permitted in the TC district.

Use seems reasonable. Should it require a special exception? Should consider adding criteria for approval.

7. Wisp Hotel (CR2) may not add units with full kitchens – a popular type of unit at resorts. Question, should such “units” be treated as hotel rooms or dwelling units for calculating permitted density? Consultant comment; the

Agree with current Dept of Planning and Zoning interpretation that treats them as dwelling units if they have “full” living facilities.

8. CR1 district permits only one du per non-residential use to complement commercial uses, such as apartment units above commercial. Recommendation is for same density as TC zoning: 9 per acre. Note: this district was created in 1997 as an essentially commercial-only district.

CR1 is envisioned as an essentially commercial-only district. This issue may come up with the Keystone Lime plan which has some residential. I would support some residential in a well-designed mixed-use development.

9. Steep slope ordinance permits some disturbance of slopes over 30%. Grandfathering provisions allow disturbances to occur to a greater extent than desirable.

Agree.

10. Review design standards for one-lane bridges to allow them on very low volume roads. Per AASHTO guidelines (2001) for very low-volume roads (less than 400 ADT).

Agree.

11. Building permit having to be exercised within one year of a special exception approval is not long enough. Current process requires a reapplication for a special exception; extensions are not allowed for.

Extensions should be permitted. Administrative, with ability for Director to refer to Board of Appeals if deemed necessary..

12. Zoning regs: Section 402: grandfathering for minimum lot size. This is of concern as public sewer reaches more areas around the lake. Owners of deeded lots that do not meet the minimum lot size for development on well and septic have expectations of being able to develop such lots on public water and sewer. As currently drafted, the regulations will allow lots that do not meet current minimum required lot area to be developable on public water and sewer, without having to recombine.

Agree. Issue needs to be addressed in context of watershed-wide master plan, and neighborhood conservation considerations.