

Deep Creek Lake Watershed Economic Growth and Planning Analysis Study

Issues and Options

draft July, 2004

Environmental Resources Management
200 Harry S. Truman Parkway, Suite 400
Annapolis, MD 21401
www.erm.com



Deep Creek Lake Watershed Economic Growth and Planning Analysis Study Issues and Options

This Issues and Options paper lists options to address the identified issues for the Deep Creek Lake Watershed. The paper follows on from three previous reports,

1. Issues Summary, Final April 2004,
2. Evaluation of Plans, Programs, and Regulations, draft June 2004, and
3. Case Studies of Lakes and Resorts, draft June 2004.

The Issues and Options are scheduled to be discussed at a public meeting on August 7, 2004 and at the Study Task Force meeting on August 9, 2004.

The list of options is not all-inclusive, and does not contain all possible options to address the issues. The included options are those i) viewed as needed based on the Evaluation of Plans, Programs, and Regulations and ii) feasible in terms of being able to be implemented.

Issue #	Issue	Options	Comments
1	Lack of/loss of community	<p>a. Work to further increase the year-round population in the watershed</p> <p>This might be achieved through:</p> <ul style="list-style-type: none"> Marketing, targeting certain population groups (e.g., seniors). Creating incentives such as tax abatements for year round residents. Creating disincentives for part-time residents/absentee property owners. 	<p>Year-round population is already increasing both in absolute numbers and proportionate shares. Working more proactively to further increase the year-round population would fall under the aegis of the Department of Economic Development, Chamber of Commerce.</p>
		<p>b. Identify specific neighborhoods where lack of/loss of community is a problem. Target these neighborhoods for specific land use regulations.</p> <p>For example, create zoning overlay districts for these neighborhoods with measures such as caps on the number of transient vacation rental units, special controls on the size, style, and layout of new development.</p>	<p>An “overlay district” is a mapped area where regulations apply in addition to the requirements of the underlying district. The district might be called LR-O, for example, Lake Residential Overlay.</p>
		<p>c. Increase efforts to “build community” through personal interactions</p> <p>Create places where people can meet (recreation center, performing arts center, walkable streets).</p> <p>Programs and events that increase communications between people.</p>	<p>See also Issue 13.1.</p> <p>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.</p>

Issue #	Issue	Options	Comments
2	<p>What direction is the Deep Creek Lake community going in? What will it be when it grows up?</p>	<p>a. Develop a detailed vision statement to better define “where the community is going”. The vision statement might comprise a series of policy statements both for the area as a whole and for “sub-areas” of the watershed.</p> <p>The vision might be prepared as part of a detailed master plan for the watershed, See Issue # 3 (Too much growth).</p> <p><i>As guidance for development of a vision statement in the Deep Creek Lake Watershed, see discussion and examples of vision statements at the end of this paper (page 23).</i></p>	<p>Existing plans clearly envision Deep Creek Lake as a development area and see development 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.</p> <p>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.</p>
	<p>Transient vacation rental units</p>	<p>b. Manage the potential negative impacts of transient vacation rental homes built prior to August 2003 through enforcement of a rental ordinance.</p> <p>See also Issue 12.</p>	<p>The County has said it will prepare an ordinance.</p>
		<p>c. Identify neighborhoods/areas where proliferation of vacation rental units is a problem. Target these neighborhoods/areas for specific land use regulations to address vacation rental units</p>	<p>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. See also , Issue 1 (lack of/loss of communiy)</p> <p>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.</p>

Issue #	Issue	Options	Comments
2	Transient vacation rental units, cont.	<p>d. Reconsider the provisions for compatibility and neighborhood effect for homes with five bedrooms or less (Zoning Ordinance, Section 304B.20.e).</p> <p>These provisions could be of use if, for example, new transient vacation rental homes were limited in overlay districts.</p> <p>See also Issue 1 (lack of/loss of community), and Issue 10.2 (development character)</p>	<p>Since homes with five or less are permitted by right, these provisions are not currently used or factored into the approval process.</p>
3	Fear/ concern that there is too much growth	<p>a. Study the implications of different future growth levels on the environment (especially lake water quality), as well as on public services such as roads, emergency services, and schools.</p> <p>The results of such a study could be a future carrying capacity (overall density) for dwelling units in the Deep Creek Lake area, comparable to the DNR's carrying capacity study for boats on Deep Creek Lake.</p>	<p>Garrett County Department of Public Utilities is preparing a master plan for delivering public sewer service to the area around the lake (the Deep Creek Lake Sanitary Service area).</p>
		<p>b. Develop a watershed management plan for the Deep Creek Lake watershed to ensure its future environmental health (see also Issue 7 environmental quality).</p> <p>c. Develop a master land use and development plan to guide future development in the watershed.</p> <p>A master land use and development plan would be a more comprehensive version of the plans and regulations currently in place, but incorporating many of the recommendations of this economic growth and planning analysis study.</p>	<p>Studying the implications of different future growth levels should be a precursor of both a watershed management plan and a master plan, thereby determining what we are managing and planning for.</p>

Issue #	Issue	Options	Comments
3	Fear/ concern that there is too much growth, cont.	<p>d. Revisit the way grandfathered lots are treated with respect to minimum lot size in the zoning ordinance.</p> <p>Section 402 of the ordinance allows lots created prior to 1975 to not have to meet the current required minimum lot size. Many such lots currently cannot meet the Health Department's 60,000 sf minimum lot size requirements for development on well and septic. 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.</p> <p>i. Research the extent of the issue – how many too-small lots exist.</p> <p>ii. Require lot consolidation for too-small lots</p> <p>Lots that are too small would have to combine with an adjoining undeveloped lot or lots to get as close as possible to meeting the current minimum required lot size.</p> <p>iii. Require lot consolidation to meet the average lot size based on prevailing neighborhood character</p> <p>As a refinement to i) above, require that undeveloped lots combine to get as close as possible to meeting the average lot size of the community.</p> <p>iv. Create specific criteria for approval of variances on grandfathered lots</p> <p>Lots that cannot combine with other lots must seek a variance from the Board of Appeals to the minimum lot size requirements under Section 1005 of the Ordinance.</p> <p>Specific criteria for this type of variance could be added to the general variance criteria to guide the Board of Appeals in deciding whether to approve a variance.</p>	<p>This is of concern as public sewer is planned to reach more areas around the lake, especially the southern part of the lake.</p> <p>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.</p> <p>It will not be possible to get a definitive number because the number of deeded lots is unknown, but it should be possible to get a good approximation of the number of lots that are on recorded plats.</p> <p>Many different communities around the lake are in the same Lake Residential (LR) zoning district, but have a different character with respect to the typical size of lots in that community. Examples include Hazelhurst, Turkey Neck and Green Glade. Arguably, new lots that would be developed in these communities would be more compatible if they were consistent in size with the prevailing lot size in the community.</p> <p>The specific criteria might include, for example, considering the effect on community character in granting the variance (comparable to the specific criteria in Section 1005.E.).</p>

Issue #	Issue	Options	Comments
4	Loss of “traditional” waterfront businesses like restaurants	<p>a. Adjust the zoning regulations to provide an incentive for mixed business and residential use development in certain areas – such as where there are existing waterfront businesses, or where it would be desirable to develop new waterfront businesses.</p> <p>This might be achieved by reducing or eliminating the additional 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 only one dwelling unit as an accessory use).</p>	<p>The incentives would need to be designed so that they apply only if waterfront businesses were included in the development.</p> <p>However, see below under Issue 5, where the same option could be used to increase opportunity for commercial (retail and employment) development.</p>
		<p>b. Work with individual waterfront businesses “at risk” of being lost.</p>	<p>A sub committee of a watershed organization (see Issue 13.1) could be created to monitor and work with these businesses.</p>
		<p>c. Explore whether changes in the way property assessment values are prepared for waterfront businesses, would change these businesses’ financial picture when considering a change of use.</p>	<p>This option would need to be explored with the local tax assessor.</p>
		<p>d. Explore whether voluntarily restricting future development to business use would offer financial advantages from a property tax perspective.</p>	<p>Such restrictions are unusual in commercial settings.</p>

Issue #	Issue	Options	Comments
4.1	Lack of public access to Deep Creek Lake	<p>a. Create more places where the public can access the lake to sit, walk, fish or launch a boat; trails.</p> <p>There are limited opportunities for public access. The state owns a strip around the lake perimeter, that is open to the public, but for most of its length it runs in front of privately owned land.</p> <p>Because of the private nature of much of the lake, privately owned facilities (restaurants, marinas) that offer access to the lake by the public need to be factored into the number of access points.</p> <p>i. Encourage the creation of private/public access points through developer agreements (see Issue 6).</p> <p>These are envisioned as access points in association with non-residential development, and are not intended to modify Section 510 of the zoning regulations.</p> <p>ii. Provide a small cartop boat put-in for canoes and kayaks on one of the coves in the northern or southern lake zones</p> <p>This was a recommendation of DNR’s 2004 Deep Creek Lake Boating and Commercial Use Carrying Capacity Study.</p>	<p>When the state bought the lake in 2000, the understanding was that the pre-purchase status quo with respect to public access was to be maintained.</p> <p>Efforts to significantly increase “public access” would be a policy change requiring approval by the Deep Creek Lake Policy and Review Board.</p> <p>Section 510 addresses common use areas for (primarily residential) developments with common (shared) access to Deep Creek Lake.</p>
5	Insufficient opportunity for commercial (retail and employment) development.	<p>a. Adjust the TC district zoning regulations to provide an incentive for mixed business and residential use development in areas where it would be desirable to provide more opportunity for commercial development.</p>	<p>This option is a variant on Option 4d, except it would be geared to office/mixed use development in areas currently zoned TC (not necessarily on the waterfront) but where residential use is outbidding non-residential use.</p> <p>Possible candidate areas include the TC zoned area north of Thayerville.</p>

Issue #	Issue	Options	Comments
		<p>b. Rezone TC zoned land that would be inappropriate or undesirable for non-residential use to a residential zoning designation, such as Town Residential.</p> <p>This is the flip side of 5a. County plans strongly discourage strip commercial development, and this option would help concentrate commercial development in suitable areas.</p>	<p>A lot of land along US 219 in McHenry, Thayerville, and along US 219 between the two is zoned TC. Much of this land is in residential use for waterfront homes, but could be used for non-residential use.</p> <p>Possible candidate areas include portions of the TC zoned area between Thayerville and the Deep Creek Bridge.</p>
6	<p>Unappealing development character in the Town Center zoning districts – density too high, houses on top of each other</p>	<p>a. Take advantage of the development opportunities in Thayerville to create a “center”, a downtown where people can walk to shops and services and where there are public gathering places.</p> <p>This option involves a proactive approach on the part of County government to ensure that private development in Thayerville also meets public goals.</p> <p>This approach might include allowing some flexibility in the CR-1 district in Thayerville to allow more residential development than would currently be permitted, provided it was part of a well-designed mixed-use development.</p> <p>b. Retain higher density in McHenry and Thayerville, but require lower density elsewhere in other areas zoned TC (per option 5b).</p> <p>c. Allow for Developer Agreements in the zoning code.</p> <p>Under a developer agreement, a jurisdiction conditions its approval of a development on the developer providing certain benefits to the jurisdiction.</p> <p>d. More attention to urban design (public spaces, pedestrian friendly, greater interconnectivity between sites) in TC regulations.</p> <p>e. Design review board for projects in TC district (per issue 13).</p>	<p>Do not believe there is consensus that TC development is unappealing.</p> <p>The highest density in TC is nine dus/acre (townhouses or apartments), which is not dense for a town center. If development is unappealing, it is due to factors other than density.</p> <p>Developer agreements are authorized under Maryland state law (Article 66.B Sec 13), which sets out a formal process, including a public hearing, for approval of such agreements.</p>

Issue #	Issue	Options	Comments
7	Environmental quality of the Lake	<p>a. Study the possible effects on water quality (nutrient loads, pollutants, and sediments) of adding in the watershed 5,000 to 10,000 additional dwelling units plus non-residential development.</p> <p>Factor the results of the study into a watershed management plan to ensure continued environmental quality, and into a Deep Creek Lake master development plan.</p> <p>A watershed management plan might include recommendations for forest conservation ordinance within all or portions of the Deep Creek Lake Watershed.</p>	<p>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 units which would be a two to threefold increase over the number of dwelling units in 2000.</p> <p>The study should reevaluate whether 5,000 to 10,000 are still reasonable numbers given changes in the development market and in the regulatory environment since 1987.</p> <p>Garrett County does not have a forest conservation or tree protection ordinance. Because a high proportion of the County as a whole is forested, the County is exempt from forest conservation requirements that apply to most other counties in Maryland.</p>
		<p>b. Increase inspection and enforcement for stormwater management and sediment and erosion control, especially for development on steep slopes.</p> <p>i) Become a County that is delegated authority by MDE for enforcement of sediment & erosion control.</p> <p>ii) Develop an understanding whereby the MDE contracts with the Garrett Soil Conservation District to conduct inspections.</p>	<p>The Maryland Department of the Environment (MDE) has one inspector, based in Frostburg, handling sediment and erosion control for almost all of Garrett County. This inspector also has other responsibilities.</p> <p>Just adding one inspector would have a significant effect</p> <p>The closest delegated county is Frederick.</p> <p>MDE has a memorandum of understanding with Allegany County and with the City of Frederick to handle inspections for “minor soil disturbances”</p>
		<p>c. Connect areas with failing septic systems to public sewerage systems.</p>	<p>Garrett County Department of Public Utilities has plans in place or underway to address these areas.</p>

Issue #	Issue	Options	Comments
7	Environmental quality of the Lake, cont.	<p>d. Support state and federal efforts to enforce the Clean Air Act to reduce mercury contamination from air emissions from outside the watershed.</p>	
8.1	Roads are not well designed for their function	<p>a. Study the possible effects on traffic of adding in the watershed 5,000 to 10,000 additional dwelling units plus non-residential development.</p> <p>This study is envisioned as a traffic impact <i>assessment</i> rather than as a complex traffic modeling effort.</p> <p>Specifically the traffic study should focus on the types of traffic improvements that will be needed to accommodate future growth. These might be new roads, intersection improvements or, perhaps, segment improvements.</p> <p>The results of this study should be factored into i) the master development plan and watershed management plan (see Issue 3, Too much growth), and ii) deciding the appropriate growth management techniques for traffic.</p>	<p>The effects of traffic on Glendale Road should be a special focus of the study. Glendale Road is important as the only true east-west road in the Deep Creek Lake area¹, and also carries traffic to Deep Creek Lake state park. It has a narrow right-of-way, and widening it is probably not feasible.</p>

¹ Rock Lodge Road is also east-west, but is less direct.

Issue #	Issue	Options	Comments
8.1	Roads are not well designed for their function, cont.	<p>b. Authorize the County to require new development to mitigate for the effects of additional traffic on roadways and intersections.</p> <p>Traffic impact assessments would be required as part of subdivision requirements and as part of “site location plans” (Section 902 of the zoning ordinance²).</p> <p>i. Adopt Adequate Public Facilities requirements for roads.</p> <p>The requirements would vary depending on the number of trips that would be generated from the development. Washington County, for example, only applies the full suite of requirements to residential subdivisions that generate more than 25 peak hour trips, and commercial/industrial developments that generate 16 or more peak hour trips.</p> <p>ii. Adopt traffic impact fees</p> <p><i>The decision of whether to adopt either or both of the above should be informed by the traffic study (Option 8.1a.). For example, APF would likely be the better option if intersection improvements will be needed. Impact fees would likely be the better option if segment improvements will be needed.</i></p> <p><i>Some jurisdictions have both APF and impact fees.</i></p> <p>c. Allow the SHA to comment on its needs if a project on a county road will affect a state road. No mechanism is currently in place to allow this.</p>	<p>See also the detailed evaluation of roads in Evaluation of Plans, Programs, and Regulations (June, 2004).</p> <p>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.</p> <p>Adequate Public Facilities requirements (APF) require that “facilities” such as water, sewer, roads, and schools will be in place before development is approved for construction. APF requirements do not stop development; if facilities are adequate or can be made adequate, development can proceed. Washington County is the closest county to Garrett with APF requirements.</p> <p>Impact fees are charges used to help government cover the costs for new capital improvements that are needed because of new development. The fee is typically broad based, and could be applied, say, to all new building permits in the designated area – perhaps the Deep Creek Lake Watershed (or a somewhat larger area since, arguably, development outside the watershed affects roads inside the watershed).</p>

² Many jurisdictions call these site development plans.

Issue #	Issue	Options	Comments
8.2	Lack of safe places to walk or bike	<p>a. Complete the portions of the Recreational Trails Plan in the Deep Creek Lake Watershed.</p> <p>b. Require pedestrian and bicycle facilities and connections (sidewalks, walkways, crossings etc.) as part of site location plans in designated areas.</p> <p>McHenry and Thayerville should be designated areas. Others could be identified through a watershed master plan.</p>	<p>The Countywide Recreational Trails Plan was updated in 2003.</p> <p>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.</p> <p>In other cases the planned recreational trails may provide better facilities than on-road facilities that might be obtained through the development process. Examples are a route between the Glendale Bridge and Thayerville and a route between Wisp and McHenry.</p>
8.3	Traffic slowdowns caused by visitors having difficulty finding their way around	<p>New plans, programs, or regulatory mechanisms are generally not needed to address this issue (see Evaluation of Plans, Programs, and Regulations).</p> <p>See Recommendation 12b.</p>	
9.1 9.2	Parking residential Parking commercial	<p>a. Reduce the parking requirements for transient vacation rental units that are in townhouse, multi-family, or condominium developments, as opposed to being on single lots.</p> <p>A reasonable requirement might be one space per 1.5 bedrooms in developments of four or more transient vacation rental units</p>	<p>One space per bedroom is required (since August 2003). This requirement is high, but is the same as for hotels/motels which is not unreasonable for units on single lot.</p> <p>However, units that are in developments should derive some benefit from shared parking.</p> <p>Some developments are currently in design with one space per bedroom and 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.</p>

Issue #	Issue	Options	Comments
9.2	Parking commercial, cont.	<p>b. Allow alternative parking standards to be determined administratively (by the Zoning Administrator) on a case by case basis.</p> <p>Any adjustments to standards in the ordinance would have to be based on documentation provided by an applicant, including parking generation studies, previous experience with similar uses, or other information.</p>	<p>The Deep Creek Lake zoning ordinance does not permit adjustments to the parking requirements except through the variance process. Because parking needs are so variable and can be affected by site specific or use-specific circumstances, some communities permit some flexibility by allowing parking standards to be adjusted administratively.</p> <p>Any such adjustment would be a decision by the Zoning Administrator and could be appealed to the Board of Zoning Appeals.</p>
		<p>c. Issue citations for illegal parking on public streets.</p>	<p>Little if any parking enforcement occurs currently. This issue was raised specifically in relation to parking during snow emergencies</p>
		<p>d. Require parking lot landscaping.</p>	
		<p>e. Delete Section 604 of the zoning regulations. This allows a parking space reduction if landscaping and pervious pavers are provided.</p> <p>Landscaping and planting should be a requirement of any development, not an incentive to reduce needed parking.</p>	<p>According to staff, this provision has never been used.</p>
		<p>f. Improve bicycle parking facilities.</p> <p>Reference the American Association of State Highway and Transportation Officials (AASHTO) 1999 guide for the development of bicycle facilities in Section 602.I of the Zoning Ordinance.</p>	<p>The ordinance requires “a suitable area for parking of bicycles” for any use that has more than 10 parking spaces. But the term “suitable” is not defined.</p> <p>This Section should be renumbered as 602.J as there are two 602.Is.</p>

Issue #	Issue	Options	Comments
10.1	Loss of scenic views	<p>a. Do not allow buildings in highly visible locations (slope crests)</p> <p>i. Designate scenic protection areas where building would have to meet scenic protection criteria. Areas should be shown on maps.</p> <p>ii. Require a viewshed analysis for new development in the designated areas– to determine how visible a building will be on a case by case basis. Computer modeling (digital elevation model from USGS topography) allows a visibility analysis to be developed quite easily. A model was run for this study, but would need to be tested to determine if modeling is sufficiently sensitive to actual field conditions (see illustration at end of this report, page 24).</p>	<p>The main problem in Deep Creek Lake appears to be houses on cleared slope crests.</p> <p>Many jurisdictions regulate to protect views especially from scenic roads and in scenic landscapes. State enabling legislation authorizes such regulation in general terms only. Therefore jurisdictions need to designate (in their code or in their Comprehensive Plan) the areas in need of protection.</p> <p>Garrett County’s Comprehensive Plan identifies pages II-37 to II-38, identifies scenic vistas in the County, including five in the Deep Creek Lake watershed</p>
		<p>b. Require view protection <i>(Please see illustrations at end of this report, page 25)</i></p> <p>i. Locate buildings below slope crest (if possible)</p> <p>ii. Locate buildings behind slope crest.</p> <p>iii. If locating on the slope crest:</p> <ul style="list-style-type: none"> • Retain an 80 percent (summer) screen around buildings; • Building no taller than trees to rear of building. • Retain trees at rear of building. • Agreement to retain trees 	<p>Somewhat complex to administer but would not constitute a total ban. Without a protective agreement tree clearing could take place after development.</p>

Issue #	Issue	Options	Comments
10.1	Loss of scenic views, cont.	<p>c. Seek ways to replant or replace trees in previously cleared areas, including those that are highly visible.</p> <ul style="list-style-type: none"> i. Adopt a goal to achieve this– so that it is a clear county policy. ii. Work one on one with property owners to achieve tree replanting/replacement. iii. Require planting when a building permit is needed, such as for an addition. 	A model for this would be Mount Vernon ladies that protect the views from Mount Vernon.
10.2	New building, residential and commercial, not in keeping with the character of the community	<p>Commercial</p> <p>a. Adopt some form of site design and architectural review for commercial development in the Deep Creek Watershed, or, perhaps, a smaller area within (such as Mchenry and Thayerville.</p> <p>Review would be by some form of design review panel, and would be written into the site location plan review process (Zoning Ordinance Section 902).</p>	See also Issue 13.1
		<p>b. Develop design guidelines to encourage/discourage certain building styles/architectural practices.</p> <p>Guidelines would be needed to guide decisions by the panel.</p>	Guidelines without some form of approval process would be advisory only and have no teeth.

Issue #	Issue	Options	Comments
10.2	New building, residential and commercial, not in keeping with the character of the community, cont.	<p>Residential</p> <p>c. Identify areas or communities where special regulations on size or bulk would apply (See also Issues 1 and 3)</p> <p>Identify these areas through master plan process. The areas would show as zoning overlay areas on the zoning map</p> <p>d. Regulate the size and bulk of new homes in designated areas</p> <p>A number of options are possible. The options would need to be tested to determine the best approach:</p> <p>i. Height. Require a new house to be similar in height at the front and the sides to nearby houses. Allow full height behind the ridge line.</p> <p>ii. Size. Establish a maximum structure square footage for house sizes based on the size of the lot.</p> <p>For example, a base house size of 2,000 square feet might be allowed for a minimum lot size of up to a quarter acre (10,890 square feet). For each 1,000 square feet of additional lot size, the size of a house could increase up to 250 square feet.</p> <p>iii. Floor Area Ratio (FAR) – A new house could have only, say, a 30 percent greater FAR than average of houses on either side (see column to right for explanation).</p> <p>See also issue 3d – Deeded lots</p>	<p>Few people are against large homes per se, and large vacation homes make important contributions 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.</p> <p>See Issue 10.1 for homes on slope crests.</p> <p>Design review for residential projects was not identified as an issue.</p> <p>FAR is the ratio of building square footage to the area of the site. FAR of 0.2 on a one-acre (43,560 square foot) site would permit 8,712 square feet of building (43,560 x 0.2=8,712). FAR of 0.2 on a 1/4 acre (10,890 square foot) site would permit 2,178 square feet of building (10,890 x 0.2= 2,178).</p>

Issue #	Issue	Options	Comments
11	Signage not in keeping with mountain resort atmosphere	<p>a. Reduce the size of vacation rental home signs. They are currently permitted to be up to six square feet. Two square feet would be more in keeping with the residential neighborhoods.</p>	
		<p>b. Amend the sign regulations to disallow scrolling message board signs.</p>	Three of these signs have been approved recently in McHenry. A narrow line may have been crossed here since Section 704.D. of the regulations prohibits “flashing or rotating flashing illumination of a sign”.
		<p>c. Amend the sign regulations to disallow very large signs such as billboards.</p>	<p>The zoning regulations refer to these as “off-premise business advertising signs”.</p> <p>State law prohibits billboards on US 219 (a state-designated scenic route), but the regulations do allow them, and they could be erected if not visible from US 219.</p>
12	Need for better enforcement of laws and management of basic services	<p>a. Adopt a more proactive stance on the part of County government towards management and enforcement.</p> <ul style="list-style-type: none"> i. Hire a zoning inspector ii. Issue citations for parking on public streets during snow emergencies (see also Issue 9.2). iii. Noise and nuisances 	<p>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.</p> <p>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.</p>
		<ul style="list-style-type: none"> iv. Adopt a rental license ordinance. v. Sediment and erosion control, stormwater management (see also Issue 7) 	The County had started to draft a rental license ordinance.

Issue #	Issue	Options	Comments
12	Need for better enforcement of laws and management of basic services, cont.	<p>b. Hire a manager or community development coordinator to work on a variety of management issues in the watershed.</p> <p>Such a person would work on a variety of issues such as:</p> <ul style="list-style-type: none"> - working with the trash haulers to minimize trash accumulations, - coordinating on issues with the vacation rental management companies - Developing a wayfinding signage program to help visitors getting around Deep Creek Lake. 	
13.1	County boards and commissions are not sensitive to the watershed's needs; people lack a voice in the planning process.	<p>a. Create a new organization within the watershed's decision-making structure to provide a formal voice for residents, businesses and property owners.</p> <p>Under state law since the watershed is not incorporated, a Planning Commission separate from the Garrett County Planning Commission cannot be created. There are other ways, however, to give these interests' a voice:</p> <ul style="list-style-type: none"> i. A "Review Commission" along the lines of Prince George's County (see column to right). Design review could be part of the functions of such a Commission (see Issue 10.2). ii. Standing committee advisory to the Planning Commission (a less formal approach than i. above) iii. Create ad-hoc advisory groups to oversee implementation of this study's recommendations. 	<p>Prince George's County has Development District Review Commissions. Established in the zoning ordinance and in the subdivision regulations for specific areas of the County, Commission members are appointed by the County Executive and confirmed by the County Council. The Commission reviews plans and development proposals and is intended to represent the community. Legally, the Commission is a party of record to development proceedings and has standing.</p> <p>Prince George's County staff report that the Commission works quite well, providing alternative viewpoints and perspectives in the development process.</p>

Issue #	Issue	Options	Comments
13.2	Need to educate areas of the county outside the watershed about the benefits of the watershed to the County as a whole	New plans, programs, or regulatory mechanisms are generally not needed to address this issue (see Evaluation of Plans, Programs, and Regulations).	
13.3	Need for affordable (workforce) housing for service workers	New plans, programs, or regulatory mechanisms are not currently needed in the Deep Creek Lake watershed to address this issue. (see Evaluation of Plans, Programs, and Regulations).	
	Specific concerns/ comments regarding zoning, subdivision, and design regulations	A total of 12 comments/concerns were listed in the Issues Summary (April 2004) and evaluated in the Evaluation of Plans, Programs, and Regulations (July, 2004). Listed below are the comments/concerns we recommend considering as options or need more information on in order to assess.	
		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.
		3. Minimum required lot area for a marina (two acres) is too high. We agree, especially for a marina that was not full-service.	
	Specific concerns/ comments regarding zoning, subdivision, and design regulations, cont.	4. No provision for boat/rv sales location on less than two acres whereas RV sales have a 10,000 sf minimum. We agree	

Issue #	Issue	Options	Comments
		<p>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.</p> <p>We agree. Should also consider adding criteria for approval.</p>	
		<p>9. Steep slope ordinance permits some disturbance of slopes over 30%. Grandfathering provisions allow disturbances to occur to a greater extent than desirable.</p> <p>We agree.</p>	
		<p>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).</p> <p>We agree.</p>	
		<p>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.</p> <p>Extensions should be permitted.</p>	<p>This could be handled administratively, with ability for Director of Planning and Zoning to refer to Board of Appeals if deemed necessary.</p>
		<p>12. Zoning regulations: Section 402: grandfathering for minimum lot size.</p> <p>See above Issue 3, option d.</p>	
	<p>Other issues</p>	<p>Light pollution. Managing the level of illumination at the Lake and surrounding areas.</p>	<p>This issue was raised during the options development element of the Study.</p>

Issue 2 Examples of vision statements

Many communities have found it helpful to develop vision statements as a refinement of the traditional planning exercise of listing goals and objectives. As discussed under Issue 2, a vision statement needs to be more than a list of “mom and apple pie” goals and objectives, that everyone agrees with. A vision statement 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.

In the Case Studies of Lakes and Resorts (final July, 2004) prepared for this Study, we found that vision statements to guide future development usually express expectations for the type of lake experience desired by most residents. Lacking such statements, lake areas are left to drift in the current of whatever happens. Among our five case studies, only Lake Tahoe has crafted a vision statement for lake-area development. The essence of this vision is maintaining and even improving water quality in Lake Tahoe through careful development and redevelopment.

As an example of a more detailed vision statement that might be developed for the Deep Creek Lake watershed, we offer the vision for the Bryans Road – Indian Head area in western Charles County, MD that appears in the master development plan for that area. Each statement in the vision reflects a policy position that is reflected in implementing plans, programs, and regulations

A Vision for the Bryans Road-Indian Head Sub-Area

The Bryans Road-Indian Head Sub-Area is a vital component of Charles County’s Development District. With its abundant open spaces, focus on small-town atmosphere, community-oriented development, employment opportunities, and well-designed housing in rural settings, Bryans Road-Indian Head is an attractive community and destination just 30 minutes from the nation’s capital. The vision for Bryans Road-Indian Head incorporates the following goals:

Development Character

- Development is focused on the Sub-Area’s two centers, Indian Head and Bryans Road.
- Outside the towns, the open, green, rural feel of the area is maintained.
- Well-designed, quality housing attracts people in a broad range of income brackets who help support the local economy.
- The Bryans Road Town Center Core becomes an attractive retail destination, and a focus for the community.
- Strip commercial development, especially along MD 210, is precluded.
- Recreation opportunities are increased and are readily accessible to residents.
- Schools, the transportation network, utilities, and other public facilities are adequate and support and enhance the Sub-Area’s development.

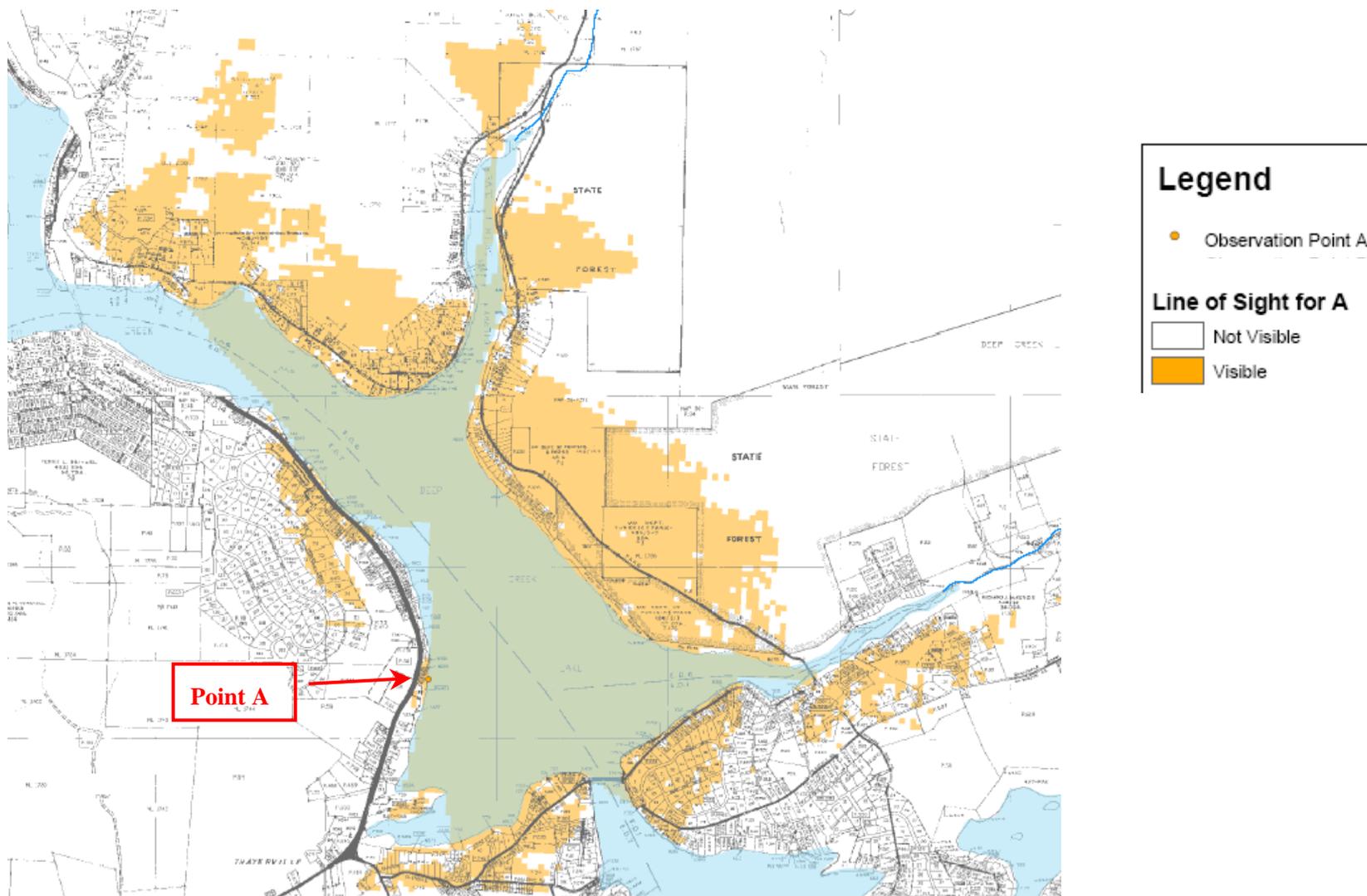
Economic Development

- Bryans Road and Indian Head support and complement each other rather than compete.
- Land is set aside to allow job creation to benefit residents.
- Economic assets such as the Naval Surface Warfare Center and Maryland Airport are protected and supported.

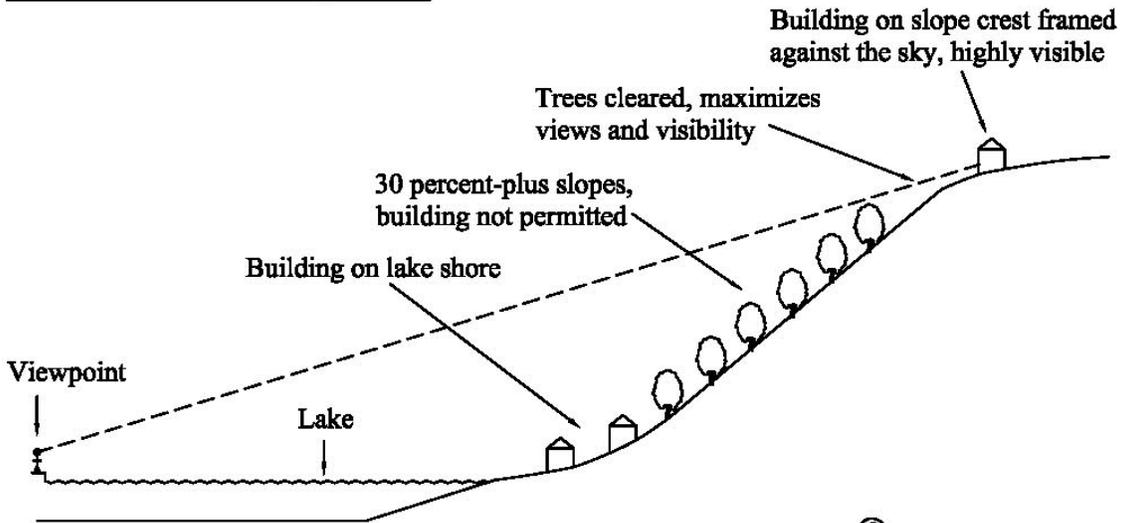
Environment

- The area’s sensitive resources, especially its rivers, forests, floodplains, and wetlands, are key elements in setting the character for the Sub-Area.
- Public access to open spaces is increased, especially to the Potomac River and Mattawoman Creek, providing health, educational, economic, and recreational benefits.

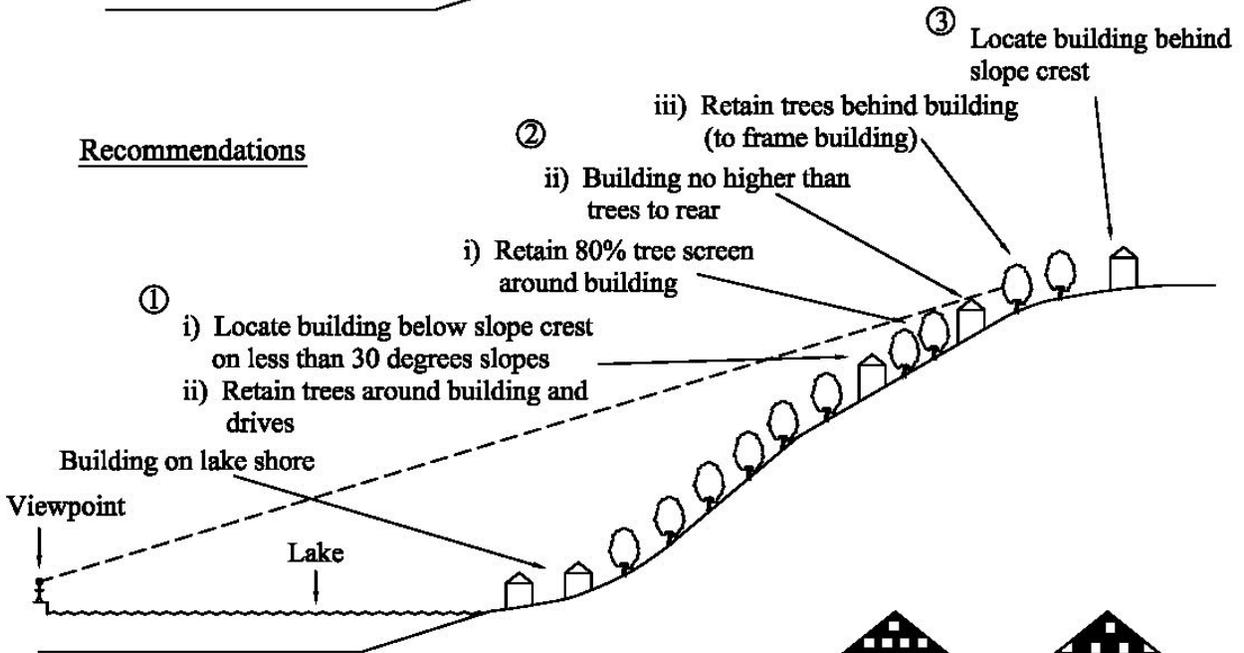
Issue 10.1 Illustration of visibility analysis based on topography. This image is best viewed in color.



Situation under current regulations



Recommendations



60% tree screen 80% tree screen
 (Shading indicates screened area, white indicates visible area)