

**Property Owners' Association
of
Deep Creek Lake, Inc.
P.O. Box 816
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**Troy Ellington
President**

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***VIA EMAIL AND
FIRST CLASS MAIL***

June 24, 2013

Hon. Robert G. Gatto, Chairman
Hon. Gregan T. Crawford, Commissioner
Hon. James M. Raley, Commissioner
203 South Fourth Street
Courthouse, Room 207
Oakland, MD 21550

Dear Commissioners Gatto, Crawford and Raley:

On August 20, 2012, I wrote a letter to you on behalf of the Property Owners' Association of Deep Creek Lake (POA) concerning an amendment to the Deep Creek Lake Watershed Zoning Ordinance adopted in June 2012 that established a new permitted use for certain zones in Section 157.024(C)23 entitled "Boat rental including boat rides and/or boat tours as a separate service business and not offering any other services associated with a marina." In that letter, the POA expressed concerns regarding the speed with which the amendment was adopted, the lack of significant time to study the full impact of the amendment, and the absence of a meaningful opportunity for organizations and agencies having an interest in Deep Creek Lake to comment and allow for better coordination of laws and policies affecting the lake.

The POA then urged you to take the following actions:

[1] initiate and complete within six months a comprehensive study of the amendment in consultation with DNR and other interested organizations to determine whether the amendment should be retained, modified or deleted;

[2] impose a six month moratorium on the issuance of any permits for any additional uses based on the recent amendment, pending the outcome of the study; and

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[3] adopt as a matter of County policy that no amendment to the text of the Deep Creek Lake Watershed Zoning Ordinance that may have an effect on the lake shall be approved until there has been notice of at least ninety days given to, and an opportunity to respond by, DNR, the State Department of the Environment, the POA, the Friends of Deep Creek Lake and the Garrett County Chamber of Commerce.

Although you decided not to impose a six-month moratorium on the issuance of any permits for any additional uses based on the amendment, you did authorize a study of the amendment by the Planning and Land Development Staff. You also adopted a policy of notification to interested groups before consideration is given to future amendments to the text of the Zoning Ordinance, an action that the POA sincerely appreciates.

At the end of last month, the results of the requested study were released. The study shows, and the map attached to the report graphically demonstrates, that at least 36 lakefront properties would qualify for the new use, 12 of which are undeveloped, with the remainder being fully or partially developed. This means that the lake could see a significant proliferation of this use, one which has major implications for use and enjoyment of the lake.

On June 18, 2013, Judge James Sherbin of the Circuit Court for Garrett County entered an Opinion and Order invalidating the recent amendment, as well as the permit issued pursuant to it. As a result of the decision, the amendment is no longer effective, and the POA believes that the court decision provides a good opportunity to avoid the adverse consequences that could result from a proliferation of this type of use.

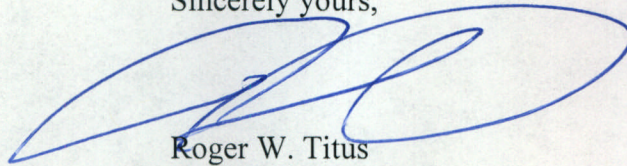
Therefore, the POA urges you not to appeal the decision of Judge Sherbin and not to reenact the recently invalidated amendment to the Zoning Ordinance. The recently completed study demonstrates the numerous locations where this use could be established in the future. While the amendment was well-intentioned and adopted for the benefit of a single applicant, its consequences go far beyond a single property, and the POA believes that no attempt should be made to reenact the law. Any additional changes to the Zoning Ordinance should be the result of a comprehensive study with notice to and input from all interested groups.

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This letter is being sent to you after a vote of the POA Board at its meeting held on June 15, and unanimous approval by the membership at its meeting held on June 22.

Thanking you for your attention to this matter, I remain,

Sincerely yours,



Roger W. Titus
Senior Vice President

RWT/cmc

cc: Mr. R. Lamont Pagenhardt, County Administrator
Mr. John Nelson, Director, Department of Planning and Land Development
Hon. Joseph Gill, Secretary, Department of Natural Resources
Eric Nall, Acting Manager, Deep Creek Lake Natural Resources Management Area