

Public Policy Statement



REALTOR®

Garrett County Board of REALTORS®

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Universal Statement of Public Policy

GCBR believes that private ownership of real property is the foundation of our nation's free enterprise system. We commit ourselves to helping every citizen who desires to realize the American Dream of Homeownership. Every person should have the right to acquire real property with confidence and certainty that the value of such property will not be unduly diminished or jeopardized by governmental action at any level-without just compensation or the owner's expressed consent.

GCBR is dedicated, within the framework of a democratic free enterprise system to support and protect property rights and to place home ownership within reach of all who desire it. The widespread ownership of real property positively impacts neighborhoods, communities, and Garrett County's economic stability.

GCBR believes that it is the fundamental right of all private property owners working through local government to determine the highest and best use of their land. GCBR maintains that planning for the classification and use of land must adequately consider the needs of housing, agricultural, commercial and industrial growth, as well as quality of life and a healthy local economy. We urge that when the issue of agricultural land protection is addressed, all economic factors and private property rights be fully considered before government agencies impose any restrictions on the conversion of agricultural land to nonagricultural purposes.

The burden of high closing and homeownership costs has been shown to have a negative impact on the expansion of development, homeownership and economic growth. Therefore, the GCBR supports reducing these costs to encourage homeownership. High closing costs discourage housing opportunities for first-time homebuyers and others from making their home in our community. As a result, the County loses the opportunity to attract new business investment to respond to the increased demand for goods and services. Reducing closing costs will eliminate a major hurdle faced by homebuyers and will make the County competitive with surrounding jurisdictions.

GCBR supports growth policies which encourage new and diverse housing opportunities, economic development and the necessary education, transportation, and communications infrastructure, while protecting the quality of life that has made Garrett County Maryland a desirable place to live.

GCBR supports Fair Housing law and we are committed to the proposition that all persons, regardless of race, color, religion, national origin, familial status, disability, gender, sexual orientation, or socio-economic status have a right to own real property. The "dream of homeownership" should be an achievable goal that is affordable for all.

GCBR believes that equal opportunity in housing can best be achieved not only through observance of the law but through education, and mutual cooperation of the real estate industry and the public in a free and open housing market.

GCBR supports generation of broad-based general tax revenues to meet the cost of necessary government services to provide for individual and community needs which cannot be provided by individuals or private organizations.

GCBR opposes imposition of narrow-focused fees and taxes such as, impact fees, excise taxes, real estate transaction taxes, department-generated user fees, and other 'hidden taxes' that increase the cost of housing and reduce opportunities for homeownership.

In order to keep all taxes at a minimum level, the GCBR strongly urges government at all levels to adopt the fiscal responsibility necessary to limit or reduce budgets of the various divisions of government and to eliminate unnecessary governmental agencies.

GCBR believes that economic growth is critical to the long-term health and vibrancy of Garrett County. Government should consistently pursue policies which will attract the economic opportunities necessary to expand our tax base, provide housing choices and employment, and deliver necessary services. GCBR is committed to the proposition that economic growth can take place while simultaneously protecting the environment and quality of life.

GCBR continues to favor and encourage the development of greater energy efficiency in all real property and to oppose any legislation that would take away any of the property rights of an individual buyer or seller of real property.

Log of Historical Positions Taken

Year 1997 to date

SB 501/HB 801 – State Lakes Protection and Restoration Fund

(February 21, 20018) – The GCBR Board of Directors voted unanimously to support SB501/HB 801 (cross filed). The bill would provide a dedicated funding source of \$3 million annually which would benefit maintenance and restoration of state owned lakes, e.g. Deep Creek Lake. This would help to stabilize and promote quality communities and property values.

HR 3294 - The HUBZone Uniformity and Business Stability Act of 2017

(August 2, 2017) – The GCBR Board of Directors voted to support HR 3294 which would provide for the continuing support designation of business HUBZones in Garrett County. An email expressing support was sent to the respective House committee and Congressman John Delaney.

SB0273 (2017 legislative session) - State Forest, State Park, and Wildlife Management Area Revenue Equity Program

(February 2, 2017) – The GCBR Board of Directors voted to support this bill sponsored by Senator George Edwards. I provided for a method for restoring “payment in lieu of taxes” back to counties for real property tax revenue lost from DNR lands. A letter of support was sent to the Senate’s Education, Health and Environmental Affairs committee.

SB0396 and HB 0477 (2017 legislative session) - State Lakes Protection and Restoration Fund

(February 2, 2017) – The GCBR Board of Directors voted to support these companion bills sponsored by Senator George Edwards and Delegate Wendell Beitzel. The bills provided for a special fund to be utilized for state response to environmental issues which would benefit Deep Creek Lake. Letters of support were sent to the respective legislative committees.

HB0449 and SB0409 (2015 legislative session) – Marcellus Shale Drilling Moratorium

(March 9, 2015) – The GCBR Board of Directors held a special meeting to discuss SB 409 – Protect our Health and Communities Act and HB 449 – Environment - Hydraulic Fracturing - Protect Our Health and Communities. These bills would establish a moratorium on shale gas drilling in Maryland until such time as a health study was conducted. The Board voted to support both bills and to notify the respective legislative committees accordingly.

Gas Drilling in the Deep Creek Lake Watershed

(December 3, 2014) – The GCBR Board of Directors reviewed the status of the issue of potential gas drilling in the Deep Creek Lake watershed. Its policy position (see below) has been conveyed to county officials. The Board adopted the position that no further GCBR involvement is needed on this matter and that it should be dealt with in the Comprehensive Plan process.

Proposed Deep Creek Lake Watershed Plan

(August 6, 2014) – The GCBR Board of Directors examined the proposed draft Deep Creek Lake Watershed Plan. The plan had been developed by a joint DNR/county steering committee. Several proposals in the plan concerned GCBR's Board. The Board voted unanimously to adopt the following positions.

1. **GCBR opposes gas drilling in the Deep Creek Lake watershed.** The plan called for continuing the practice of gas drilling, which is currently permitted under the county's zoning ordinance. Recent research shows up to a -22% devaluation in property values for properties in close proximity (1km to 1.5km) to gas wells. Horizontal drilling now allows gas wells to be located outside of the watershed and still capture gas under properties within the watershed.
2. **GCBR opposes the governance structure outlined in the plan.** The plan is unclear as to exactly what is being proposed, but the language suggests that there will be a new unproven government entity with authority over regulations, revenue and management in the watershed. The language in the plan contradicts details about the county's intentions, which were provided to us by Deb Carpenter from the county zoning office.
3. **GCBR opposes a mandatory "eligibility report" at closing.** This proposal raises serious legal questions in the area of real estate and contract law, areas outside of the jurisdiction of the DNR and county. Current REALTOR® managed real estate contracts in Garrett County provide a formal notice regarding docking, lake issues and conditions. The contract documents direct buyers to DNR if they have questions. There are also practical implications, and limitations, of administering this proposed obligatory act.

The Board also provided commentary on aspects of the plan dealing with shoreline erosion and sedimentation, architectural standards, and recreational issue.

Local Regulation of Marcellus Shale Gas Development

(March 5, 2014) – The Garrett County Board of REALTORS® voted to send a letter to the County regarding the development of the Marcellus Shale natural gas resource. The Board adopted the following policy position “Garrett County government and our elected representatives should not promote or endorse shale gas development, nor should it occur, until the effects of shale gas development are evaluated and an effective local government regulatory framework is put in place to protect the rights of property owners and the investments they have made.”

Legislation and County Ordinances Dealing With Setbacks

(December 4, 2014) – The GCBR Board of Directors recognized that several new laws and ordinance proposals are establishing setbacks from existing land improvements (e.g. wells, structures, homes etc.). This creates two classes of property owners with different setback protections. The matter has arisen in ordinances and proposals dealing with Marcellus Shale gas development and industrial wind turbines. The BOD adopted a public policy statement that unimproved property owners need to be protected as well as the improved property owner. Setbacks distances should be from the property line when it comes to ordinances and codes and not an existing structure.

Marcellus Shale Gas Commission – effect of shale gas development on real estate

(May 1, 2013) – The Garrett County Board of REALTORS® voted to send a letter to the state’s Marcellus Shale Safe Drilling Initiative Advisory Commission requesting that the pending socio-economic impact study that the state is commissioning includes the effect of shale gas development on real estate values in a resort environment.

Garrett County – DRAFT Land Use Management Ordinance

(June 6, 2012) – “The Garrett County Board of REALTORS® adopts the following position on the county’s DRAFT Land Use Management Ordinance. A letter was forwarded to the county commissioners accordingly.

1. The draft ordinance is consistent with GCBR's prior recommendation to the county to develop and implement a performance based ordinance under its authority in Article 66B.
2. GCBR encourages the county commissioners to continue on the process of public input and review of the proposed ordinance and to solicit input on other land uses that might require regulation.
3. GCBR supports the idea of focusing on specific land uses for regulatory standards, such as gas drilling and industrial wind turbine development. “

Garrett County – Real Property Tax Rate for FY 2013.

(May 2, 2012) – “The Garrett County Board of REALTORS® adopts the position to hold the current tax rate at \$.99 as it has the following advantages:

- Affordable Homeownership
- Attracts Homebuyers to Garrett County
- Continues to heal the real estate market
- Encourages job growth
- Over the long term, increases the revenue based on continual growth in sales ”

Marcellus Shale Gas Issue – Governor’s Gas Commission

(May 2, 2012) –support the following issues related to Marcellus Shale gas development in Garrett County.

1. GCBR should continue its position on natural gas development as neither "pro" or "anti". Our focus is on issues that affect the buying and selling of real estate, real estate transactions, and property rights issues.
2. Continue to support the idea that gas/oil lease instruments should be easily accessible by the public from a government entity. The new intake sheet requirement now helps this moving forward. For existing instruments, support administrative remedies that provide for a collection of the relevant parcel and lease data and that makes that information available and searchable by the public.
3. Support in concept the idea of registering "land men". Entities or individuals that negotiate gas leases should be registered to do business in Maryland.

Support HB1172– Gas and Oil Lease Registry bill

(February 14, 2012) - support and produce a positive committee report on HB 1172, a bill sponsored by Delegates Mizeur, Bobo and Frush to create a gas and oil lease registry in Maryland. This bill provides a way for the public to obtain important gas and oil lease information before choosing to purchase a home or other property, especially if the property is on or near a gas well site. Lenders will also have the ability to better appraise properties for mortgage eligibility.

Support HB403/SB471 – Gas and Oil Lease Intake Sheet Required

(February 6, 2012) - support and produce a positive committee report on HB 403 and SB471, two bills sponsored by Delegate Wendell Beitzel and Senator George Edwards to require County Clerks to only accept a gas or oil lease for recordation when it includes a complete intake sheet.

Marcellus Shale Gas Lease Registry – proposal for state Marcellus Shale Gas Commission

(November 2, 2011) – As a result of the county commissioners’ vote to not have a gas lease registry as a county function, the BOD voted to recommend it to the Governor’s Marcellus Shale Safe Drilling Initiative/Commission. In addition to the prior position on the county level, the BOD included a statement that “The existence of a gas lease on an adjoining property might also affect mortgage eligibility”.

PlanMaryland (DRAFT #2) – Position on version #2 drafted by Maryland Department of Planning

(November 2, 2011) – GCBR adopted a position modeled after NAR’s land Use Initiative comments (Robinson and Cole) for submission to the department of Planning. The comments opposed various aspects of the redraft of the plan.

- PlanMaryland reached beyond the historic scope of authority granted to local governments to control local planning, zoning and land use.
- The revised Plan does not adequately explain the transition between PFA areas and the new “Designated Places” or what criteria and decision processes will be utilized.
- The revised Plan does not adequately address the question of why existing PFAs have failed, especially in rural jurisdictions.
- If PlanMaryland is not a substitute for local planning and land use authority, the State should include in its Designated Places criteria not only the Goals and Objectives of PlanMaryland, but also the outcomes of the comprehensive planning processes in local jurisdictions.
- The Plan should be revised to acknowledge the differences between various regions and jurisdictions and modify it to conform to their special growth needs.
- The Plan assumes that an adequate supply of developable land will in fact be available for purchase in Designated Places to accommodate the intended growth.
- PlanMaryland undercuts its own message by giving an overly negative portrayal of the State’s recent growth and development patterns.
- State agencies and functions should instead be aligned with and directed to the need for greater growth and development in our region. They should not direct or limit growth in ways that are detrimental to local economic conditions.

Marcellus Shale Gas Lease Registry – proposal for County Commissioners

(October 5, 2011) – GCBR adopted a resolution to recommend to the Board of Garrett County Commissioners that the county create a local gas lease registry that would be readily accessible to the public. GAD Paul Durham met with County Commissioner Monty Pagenhardt and later emailed details of the proposal to him for consideration by the county commissioners.

GCBR members are confronted with a disclosure challenge as the number of gas leases increases in the county and as buyers become more knowledgeable of the issue. While we can deal with disclosing gas

leases on the listed property, without a title search it is almost impossible to determine whether gas leases exist on adjoining or nearby properties.

Our board's attorney advises us that initial gas leases should be recorded in the county land records. However, if the lease is subsequently transferred or assigned to a third party that information may not be readily available. Over time these conveyances may result in problem similar to dormant mineral rights, i.e. difficulty in determining who the leaseholder is.

We propose that the county consider as a matter of local policy, or potentially as a state function (within the Marcellus Shale Advisory Commission deliberations), establishing a gas shale lease registry. Those who hold gas leases would be required to register them with the county and identify the parcel, liber and folio of the property and the recorded lease. The county would maintain the information and maintain a map (tax map based) for public viewing. If the lease is transferred or assigned that would also have to be registered.

This would not only benefit buyers and sellers in real estate transactions but provide the county with a way to start documenting and tracking leases. Those who are seeking to acquire land with or without gas leases would also benefit. It could also be a potential revenue source to fund the county's efforts to deal with the gas issue.

The County Commissioners responded through County Administrator Monty Pagenhardt "The maintenance of the land records by the Clerk's office is a very expensive operation and one that is dictated and controlled by State not local law. The "registry" that is being suggested is being presented as a function of the "County". The costs related to this as some stand alone function of County Government could be astounding. The maintenance of all property records to my knowledge has been and should remain the obligation of the State. Therefore, this request for legislation will not be considered further."

County Tax Increase Proposals – proposed legislation to increase real property related taxes on the county level

(September 7, 2011) – GCBR adopted a position in response to several legislative proposals put forward by the County Commissioners to increase various taxes on real property and real property sales transactions.

Knowing our need to maintain competitive position and to further encourage homeownership, especially to lower income and first-time buyers, we believe that Garrett County government should look elsewhere for revenue after first continuing to tighten its fiscal belt, focus on ways to enhance the appeal of Garrett County to homebuyers and investors, and also look at ways to protect and enhance property values.

A letter outlining GCBR's position in detail was sent to the county commissioners on September 8, 2011.

PlanMaryland – Position on plan drafted by Maryland Department of Planning

(August 3, 2011) – GCBR adopted the following position which was forwarded to the MD Department of Planning:

- The Plan appears to be silent on planning for major recreational resort communities, such as Deep Creek Lake in Garrett County. Land use and development in resort communities is driven by public demand for environmental, social and living environments that may be quite different than

those envisioned in the plan. The plan should include a section dealing specifically with resort environments and MDP should consult specifically with resort communities in its drafting.

- The conclusions on statewide land use trends do not reflect growth and development patterns observed in Garrett County or in similar remote rural counties. Assumptions on rates of growth do not consider recent changes in the housing market and the ongoing rural area recession. Data driven by the recent housing bubble should not be relied on as an accurate indicator of future trends in rural areas.
- *"The intrusion of nonresource-based development into the rural parts of Maryland has hurt the sustainability of agriculture and other resource-based industries, and continues to do so. These facts notwithstanding, some of these areas accommodate significant population."* (page 4-41)
Growth and development in Garrett County has by and large not hurt the sustainability of these types of land uses as it has in more suburban settings. In rural areas with very slow growth conditions, the highest and best use of farm and resource lands should by right be best decided by the few landowners who might want to convert them to another use.
- Conclusions on the impacts of septic systems on the environment and public health should be made on a local watershed basis. Restrictions and regulations should be linked to measured and observed local environmental conditions and not subject to a statewide one-size-fits-all approach.
- Rural areas like Garrett County lack the suite of services and facilities in PFAs to meet some planning visions (e.g. multi-modal public transportation, walkable design, housing density). These visions have a typically urban or suburban appeal and are not catered to the lifestyles and demands of our rural communities. Garrett County's rugged winter environment also precludes many of these concepts.
- As we understand the new state aid and funding scenarios and requirements in the plan, the layered effect of "Designated Places" seems to result in a very small percentage of land in Garrett County being linked to typical PFA state or other funding resources.
- Rural areas like Garrett County should understand what specific financial incentives will be available to adopt the state's Smart Growth prescriptions. They should also have the opportunity to evaluate their success under local economic conditions before adopting new PlanMaryland policies. In light of the state's longstanding structural deficit, and current economic conditions, we wonder whether the state will be able to honor some of the financial incentives and commitments the plan calls for.
- As was often expressed in prior planning workshops and meetings with MDP, the state plan needs a special rural component that reflects counties that have a problem with lack of growth.

Support Garrett County Comprehensive Plan Amendments for Ridgeline Protection:

(March 2, 2011) – GCBR took a position to support amendments to the Comprehensive Plan that would restore language that provides for ridgeline protection in the county. The language had been omitted in 2008 by the previous Board of County Commissioners when the plan was approved.

Oppose HB1107 – The Sustainable Growth and Agricultural Preservation Act of 2011:

(March 2, 2011) – GCBR took a position to oppose HB1107 because of the negative effects the legislation would have on rural growth and development in Garrett County.

Endorse Performance Zoning on a County-wide Basis

(December 1, 2010) – GCBR took a position to endorse the concept of implementing Performance Zoning in all of Garrett County. This specialized form of zoning allows the county to balance the protection of property rights, and the enjoyment of property, with the real and pressing need to regulate the adverse effects of industrial development. We also see the need for the county to initiate a public education effort to help people understand how implementing performance standards differs from conventional zoning, which we acknowledge has been controversial in the past. Some groundwork for a performance standard code has also been laid within the existing comprehensive plan and the subdivision ordinance, each of which includes land classifications through county-wide mapping.

Support NAR's Position Regarding FHFA Guidance on Private Transfer Fees

(October 6, 2010) – GCBR took a position to support the Federal Housing Finance Agency's (FHFA's) proposed guidance on the use of private transfer fees for the Federal Home Loan Banks (FHLBs) and the government sponsored enterprises (GSEs) Fannie Mae, Freddie Mac. The US Department of Housing and Urban Development (HUD) General Counsel confirmed that private transfer fees clearly violate HUD's regulations which prohibit legal restrictions on conveyance and require lenders to convey clear marketable title. A letter on this position was mailed to the Acting Director of FHFA.

2010 Legislative Session

HB366 - a bill introduced by a number of Delegates, including our local Delegate Wendell Beitzel, to reduce the cap on Homeowner's Property Tax Assessments from 110% to 105% for State property taxes. February 3, 2010 – GCBR took a position to support this bill

Bill status – bill did not come out of committee

HB390 - a bill introduced by Delegate Wendell Beitzel to provide the Board of Garrett County Commissioners with the authority to enact local ordinances to establish setback standards for commercial wind turbine facilities and to set fees for decommissioning them. February 3, 2010 – GCBR took a position to support this bill

Bill status - Unfavorable Report by Economic Matters committee

SB158 - submitted by Senators Brochin and Muse, to limit the ability of local jurisdictions to force a tax sale or foreclosure because of unpaid utility fees and assessments. February 3, 2010 – GCBR took a position to support MAR position and efforts

Bill status – floor motion to postpone indefinitely 24/23

SB200 - a bill introduced by Senator George Edwards to provide the Public Service Commission (PSC) with the authority to establish decommissioning and restoration regulations and surcharges/bonding to facilitate such decommissioning. February 3, 2010 – GCBR took a position to support this bill

Bill status – bill did not come out of committee

SB301 - a bill introduced by Senator George Edwards to provide the Board of Garrett County Commissioners with the authority to enact local ordinances to establish setback standards for commercial wind turbine facilities and to set fees for decommissioning them. February 3, 2010 – GCBR took a position to support this bill

Bill status – bill did not come out of committee

Comprehensive Plan – position on proposed ordinance changes

(September 15, 2009) – GCBR adopted the following position which was submitted by letter to the Planning Commission.

- Scenic protection Overlay District – no retrospective application of regulations, provide flexibility to developers to devise appropriate protection standards that reflect local site conditions and which protects the enjoyment of views from homes in the subdivision, give developer the option of establishing selective building envelopes, subject to minimum vegetative protection, that allows a lot buyer to balance the value of certain views while enjoying the remaining natural conditions in a community, provide reasonable but significant tax incentives, no pre-timbering restrictions.
- Size compatibility of homes in older subdivisions – recommendation that the county forego any changes to the existing regulations dealing with size compatibility until it can be shown that property owners affected by the change are by and large in favor of it.
- New commercial development design standards – If the county moves forward to impose design standards on commercial buildings, those same standards should be applied across the board to all non-residential land uses.
- Scenic Byway design criteria / adjacent lands – GCBR generally supports reasonable open space protection on lands immediately adjoining state road scenic byways, however these design criteria should in no way reduce the lot density or yield of the parcel being subdivided.

HB604 – County Commissioner Authority to Establish Setback Standards for Commercial Grade Wind Turbines

(March 4, 2009) - GCBR will take no position on HB 604.

Statewide Legislation for Industrial Wind Turbine Siting

(December 3, 2008) – GCBR adopted the following position:

- GCBR appreciates the county's willingness to work to protect private property rights and value by seeking this legislation. GCBR is willing to work with the county and our legislative delegation to arrive at a good law that provides sufficient authority to properly regulate commercial wind turbine siting.
- GCBR sees this proposal as a good step forward in developing county regulations and policies that preserve and enhance property values, and which protect the tourism and aesthetic resources of the county from the negative effects of commercial wind turbine development. This will enhance the county's economy and its tax base.
- GCBR supports the purpose of this legislation, *in concept*, but plans to review the legislation after it is drafted before taking a more formal position. GCBR requests an open line of communication with our elected officials as the bill proceeds through the legislature with updates on its status as that becomes known.
- GCBR believes that setback regulations can address many problems and conditions inherent to industrial wind turbines, such as noise, safety, light and the general health and welfare of the community. GCBR is interested in reviewing the enabling language to ensure that it is indeed comprehensive and enumerates the problem areas that setbacks will address.
- GCBR encourages the county commissioners to continue to monitor the commercial wind turbine industry and evaluate the need for additional regulation and policies that protect the value and enjoyment of property affected by such development.

Comments on Comprehensive Plan

(September 3, 2008) – Motion made and carried that the GCBR Board of REALTORS® offer the following additional comments on the plan:

1. We endorse Chapter 7 “Sensitive Areas” of the draft plan.
2. We recommend that the County give strong consideration to the recommendations and comments from the agricultural community with regard to the proposed changes in the AR and RR land classification areas.
3. We recommend that the County incorporate a public educational component into the plan regarding land regulations and issues, methods that can protect community and property values, methods that protect the health and safety of the community and the rights of property owners and their neighbors.

Realtor® representation on Sign Ordinance Committee

(July 2, 2008) - Realtors® should be represented on the county committee that is reviewing the sign ordinance. That message was conveyed to county Government.

Industrial Wind Turbines on Private Lands

(February 6, 2008) - “The Garrett County Board of REALTORS® asks that the Garrett County Commissioners develop standards as to the appropriate location for wind turbines in Garrett County.” This position was conveyed to the County Commissioners.

Industrial Wind Turbines on Public Lands

(January 30, 2008) – GCBR is strongly opposed to the idea of using Maryland’s public lands as sites for industrial wind farm development.

Use of the Word “Family” in the TVRU Ordinance

(December 5, 2007) – Garrett County proposed taking the definition of a TVRU from the TVRU Ordinance and put it in the Zoning Ordinance. The county wants the Zoning Ordinance to conform to the TVRU rather than the TVRU Ordinance conforming to the Zoning Ordinance. The way to solve the problem is to remove the “single family” language so those who own homes can rent to any group of people. Motion made and carried to support amendments to the Zoning Ordinance that would remove the family language from the definition of the TVRU.

Sales Tax on property Management Services

(October 3, 2007) - A letter signed by President Espada was sent to Senator Edwards and Delegate Beitzel expressing GCBR’s strong opposition to the legislation imposing a sales tax on property management services. Support of MAR’s campaign on this issue.

Comments on Comprehensive Plan – Rural Growth

(March 27, 2007) – GCBR provided written comments to the county on the issue of rural growth and the comprehensive plan.

1. Purchase of Development Rights (PDRs) and Easements – Similar to Rural Legacy and other easement programs, the county should consider ways that it can implement a local PDR program through tax funding, creative tax incentives and credits, or through local private sector foundations and conservancy grants.
2. Support for the implementation of a Transferable Development Rights (TDRs) program.
3. Incentive-based Cluster Development – GCBR recommends that the county provide for better incentives that would provide landowners with the clustering option, especially when the clustering protects working farms.
4. Tax Incentives for Preservation and Conservation Subdivisions - The county should examine tax incentives that reward developers and landowners who implement sound conservation practices in their development plans.
5. Coordination with towns and local jurisdictions - There is currently an affordable housing problem in Garrett County brought about, in part, by a limited inventory of residential properties. Since rural growth is not currently in crisis, we recommend that there be no

additional restrictions or limitations on rural growth until residential growth areas and inventory are available to absorb the demand for owner-occupied housing.

Support of Candidates Running for Office

(September 6, 2006) - The MAR contribution check was presented to support the Edwards Campaign Fund. Motion made, seconded and approved to take a position against GCBR endorsements of candidates running for office.

Support of George Edwards Senatorial Bid

(August 9, 2006) – The Board moved and carried a motion to submit a letter to MAR Trustees supporting Senate Candidate George Edwards.

Proposed Deep Creek Watershed Zoning Amendments

(August 9, 2006) – The Board moved and carried a motion to submit a letter to the Garrett County Commissioners to request leaving a comment period open for 30 days after the 8/22/06 Public Hearing as GCBR is conducting an analysis on the plan.

Comprehensive Plan – Water Resource Component

(July 12, 2006) – On the recommendation of GCBR's legal counsel, the Board sent a letter to the Department of Planning and Land Development expressing that the plan should analyze and address the issue of future demand for water resources associated with Deep Creek Lake and other lakes, ponds and tributaries in the county. Additional comments expressed.

1. The plan should consider the contribution of real estate to the county economy.
2. Include a discussion and examination of growth and development in areas immediately bordering the Deep Creek watershed zoning district. Evaluate and discuss methods available to manage growth and development in those areas and whether expansion of the zoning district is appropriate.
3. Discuss the need for affordable housing in the county. Discuss options and incentives for developers and others to provide affordable housing. Research areas around the country that have been successful in doing this and report out on what works.
4. Include discussion and recommendations on alternative transportation needs and opportunities – biking, walking and other non-vehicular transportation.
5. McHenry Planning Workshop – include whether sewer, water and road planning that is needed to not only support change in the McHenry area but also the area immediately adjoining it.

Draft Deep Creek Transient Vacation Rental Unit Ordinance

(January 6, 2006) – A letter was sent to the County Commissioners asking that the proposed TVRU ordinance be sent back to the ad hoc committee for further work in the following areas:

1. Remove the administrative gap and provide for a transfer of the license when properties change hands.
2. Concern about the parking provisions and that the parking standards in the zoning ordinance are sufficient.
3. The fire evacuation plan requirements do not provide a standard for the unit owner to comply with or for the county to enforce.
4. Bear proof community dumpsters are particularly problematic.
5. Rather than imposing a default standard of UV protection on a rental unit, the ordinance should simply state that drinking water shall be tested and must conform to a certain standard. There is also concern that the solenoid-cutoff provisions place an undue hardship and inconvenience on the renters of a unit.

Critical Items Facing Garrett County

(September 26, 2005) – The Garrett County Board of Realtors® sent a letter to the County Commissioners outlining nine critical items of concern to the Board.

1. Real estate taxes
2. Closing expenses on real estate transactions
3. Affordable housing for our citizens
4. Expansion of public water and sewerage
5. Zoning (both lake and county-wide)
6. TVRs
7. Traffic and road issues
8. Lake area trash issues
9. What is our (Garrett County) future?

Support for a Housing Study in Garrett County

(September 25, 2003) – “The Garrett County Board of Realtors® supports a housing study for Garrett County.” A letter of support was sent to Garrett County Community Action as part of a grant request from the Maryland Community Development Block Grant Program.

Timing of County Public Meetings

(July 2, 2003) - The Garrett County Board of Realtors® sent a letter to the County Commissioners asking them to reconsider their scheduling of any public meeting being held in the future that effect property owners at Deep Creek Lake to weekends in an effort to make it easier for those people to attend.

Environment - Water Management Fees, Penalties, and Cost Recovery

(March 16, 2002) – HB294 and SB241 dealt with providing the state the right to impose specified penalties for violations of sediment control, stormwater management, water pollution, water appropriation and use, waterway construction and obstruction, and nontidal and tidal wetlands provisions; expanding the use of the Maryland Clean Water Fund. GCBR set a letter to Delegate Edwards and Senator Hafer to express “The Directors and Officers of the Garrett County Board of Realtors® reviewed the proposed SB241/HB294. The Directors and Officers of the Garrett County Board of Realtors® feel that the proposal would adversely effect Maryland homeowners, therefore we strongly urge the committee to vote against the passage of any bill that would impose any undue hardship against Maryland homeowners.” Both bills received unfavorable reports in their respective committees.

Buydown/Setback Ordinances

(May 17, 2000) “The GCBR is recommending there be no change to the Deep Creek Watershed Zoning Ordinance with regard to setback with an effort to maximize procedure of buydown and existing property values.”

Subdivision Ordinance / Sensitive Areas Ordinance

(March 25, 1997) - The Board of Realtors in meeting on March 17, 1996 resolved to request the Planning Commission’s consideration of the following changes and additions:

1. (Article 9 - Recording of Final Plat 901.A.3.) We request that the word "Logical" be deleted. We feel that it is subjective and what may 'seem logical to a developer may appear illogical to someone else, and vice versa. We request that "may allow" be changed to "shall allow" so that it is clear that an approved plat may be recorded in phases at the option of the owner/developer. We request that "within 10 years" be changed to "within 20 years". This would be consistent with the 20-year time frame granted to a PRD.
2. (Article 1 General Provisions - 105.A.4) We request that the 10 year limit be changed to a 20 year limit.
3. (Article 10 - Design Standards) We agree with the right-of-way width requirements provided the utility easements and rights-of-way can be included within the 50 feet. We understand that Allegheny Power and Bell Atlantic may be requiring the utilities to be installed outside the road right-of-way. If that is true, we recommend that the County government work pro-actively with the utility companies to insure that the utilities can be installed within the 50' right-of-way. It is our objective to avoid 70 foot wide cleared swaths through developments.
4. (Article 3, Section **304** Single Family Cluster Options) There are two possible situations which give concern regarding Protected Open Space. One situation exists when the developer retains possession of the open space and requests a revision in the maintenance or use of the open space. We believe that in this instance the owners of the lots within the cluster development should have some input into the decision. To that end, we request that the following language be added to the end of 304.D.1: "following public hearing with notice provided to owners of lots within the cluster development.

The other situation exists in the event the developer retains possession of the open space and fails to maintain the open space in the manner approved by the Planning Commission and therefore expected by the owners of lots in the development. To deal with that concern we request that language be added to 304.D.4 that assures that the required legal documents specify the remedy available to the Home Owners Association in the event the open space is not maintained or used in accordance with the written representations made to the lot owners within the cluster development. We believe that purchasers of lots

within a cluster development should receive notice in writing, prior to entering into a purchase agreement, of the intended use of the Protected Open Space. If that is not clear in the current draft of the Ordinance, we request that it be modified to make that clear.

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(Sensitive Areas Ordinance 5.A) We request that the language in this paragraph be modified to permit the Planning Commission to make exception to the 50' minimum stream buffer in an area not designated as a Growth Area if the area to be involved is small and if the developer/engineer demonstrates to the Commission that the exception will be more environmentally sound or enable a road design to meet a minimum curvature or grade limit.

(Sensitive Areas Ordinance 4.B.2) We request that the wording be changed to reflect that only 5 % of the area exceeding 30% slope could be covered by buildings, paving and stone surfaces rather than 5% of the total lot. Five percent of 4 acres is something over 8000 square feet and a long meandering driveway on a four acre lot could by itself use up that 8000 square feet.

Assessment of unsold recorded lots:

The fact that recorded unsold lots are assessed at full retail market value, combined with the fact that the slow absorption time for lots in Garrett County means that developers avoid recording lots for as long as possible. This is not in the best interest of orderly and efficient planning. We request the support and cooperation of the Planning Commission in an effort to pass legislation at the next General Assembly session that would exempt Garrett County from any requirement to assess unsold lots recorded lots at retail market value.