

Why the farmland owned by Whalou Properties LLC and Michael Foster should not be rezoned as requested by the owners

1. The requests submitted by Whalou Properties LLC and Michael Foster were evaluated as “inconsistent” with the updated 2010 Comprehensive Plan by the Planning Commission and an unfavorable recommendation forwarded to the County Commissioners.
2. State law (Article 66B of the State Code) prohibits approval of rezoning if the proposed change is determined to be “inconsistent” with the Comprehensive Plan.
3. The Code of Queen Anne’s County requires all land use designations and zoning be consistent with the Comprehensive Plan.
4. The Planning Commission has the authority to determine whether a rezoning request is consistent with the Comprehensive Plan, not the County Commissioners.
5. During the update of the Comprehensive Plan in 2010 the Wye Mills area was not included as a Growth Area and the land use designations in place at that time were not changed.
6. The several prior attempts to alter the land use and zoning were rejected by the Planning Commission.
7. The reason why the owners of the two properties want to change the zoning is the land’s location on US Route 50. They want to capitalize on the traffic that passes by that location.
8. The two properties are not suitable for development because of the following factors, all of which were cited during earlier attempts by the owners:

1. TRAFFIC:

The intersection of US Route 50 and MD Route 213 is not capable of handling larger quantities of traffic that would be generated by development:

- a. There isn’t any funding available at the State level to create the kind of overpass that would be needed, and probably won’t be for years to come.
- b. The intersection has been the scene of many fatal accidents. It would be irresponsible to increase the odds of additional accidents by adding more vehicles that must use that intersection.
- c. There is a great deal of congestion at the intersection during the warmer months because of the ever-increasing quantity of “beach” traffic.

2. INFRASTRUCTURE:

There isn’t any public water or sewer available on either owner’s land. The owner of the Whalou properties have said they could use spray irrigation to handle the sewer issues, but that would still require building a treatment facility to treat the sewage prior to spray application. The Owner has said at various times that he would build a treatment plant, but our County law requires that the County own all sewage treatment facilities, so ultimately the County would have to acquire and operate such a facility, increasing the cost to taxpayers.

3. ENVIRONMENTAL CONCERNS:

The Wye River, whose headwaters are located in this area, is already an impaired river. The EPA has

created a measurable limit of pollution (The TMDL – Total Maximum Daily Load) that can be present in the river from all sources. Since the river is already impaired, not only can no new sources of pollution be added, the amount presently in the river must be reduced to the acceptable levels. This restriction will significantly limit the number of new sources of sewage discharge that will be permitted.

4. HISTORIC HERITAGE:

- a. The Village of Wye Mills is a historic colonial area, with several important 18th century buildings listed on the National Register of Historic Places, including Wilton, the Old Wye Mill, the Miller's House and the Old Wye Church. Additional historic colonial buildings include the Wye Mills Methodist Church, the Little School at Wye Oak State Park, Cloverfields, an early blacksmith shop and several other private homes. Commercial development with ½ mile of these historic resources will permanently alter the character of the area.
- b. Farming has been the primary industry in the area for several hundred years. The land surrounding Wye Mills is predominantly agricultural, which contributes to its beauty and scenic value, as does the Wye Mill Pond and the Wye River. If commercial development is allowed along the highway, it will be only a matter of time before the farm fields are also developed.

5. REGIONAL IMPACTS AND PLANNING:

- a. The residents of Wye Mills have repeatedly stated that they do not want to see development in their area.
- b. Neither of the owners of the land parcels in question lives on that land. They are absent owners with no connection to the Village of Wye Mills and no concern for the community or its welfare.
- c. The Village of Wye Mills falls into two counties – Queen Anne's County and Talbot County. The portion in Queen Anne's County is smaller than that in Talbot County. The County government of Talbot County has stated unequivocally that they are firmly opposed to development in the Wye Mills area. The Talbot County Comprehensive Plan identifies Wye Mills as a village – not a growth area.
- d. If these land parcels are rezoned, it will usher in further development along Route 50 from the Queenstown outlets to the Talbot County line. Various developers have clearly been working towards that very goal for some time.
- e. To allow development in this area is to encourage SPRAWL, something the State of Maryland's Department of Planning has been trying diligently to impress on the Counties. The negative effects of sprawl negatively impact the quality of life for everyone. If some intelligence and restraint are not exercised in local land use issues some of the most beautiful and scenic areas in Maryland may be permanently lost. It is imperative that we all act as responsible stewards of the remaining natural resources around us and not allow thoughtless, unnecessary development to take those resources away from future generations.

6. ECONOMIC CONSIDERATIONS:

- a. The owners seeking the rezoning, the Economic Development Commission, and various other real estate agents, builders, banks and construction trades are touting the development of these land parcels as having economic benefit to the County. In fact, as several recent analyses have shown, not only will there not be any significant benefit to the County, it will cost the County money if these parcels are developed – for increased roads maintenance, for sewer maintenance, and additional fire and EMS services, at minimum.
- b. The requests for rezoning by Whalou Properties LLC and Michael Foster are motivated by speculative interests. Both owners are entitled under County law to build a certain number of homes on their property, but they have chosen not to. They are hoping to “cash in” on creating

the kind of ugly, random highway uses that mar highways everywhere unfettered development is allowed. Kent Island clearly demonstrates the results of such development.