



Maryland DEPARTMENT OF PLANNING

December 7, 2023

Rebecca Friend, Planning Commission Chair
Loch Lynn Heights
211 Bonnie Blvd
Loch Lynn Heights, MD 21550

Dear Ms. Friend:

Thank you for the opportunity to comment on the Loch Lynn Heights Comprehensive Plan Draft (Draft Plan). The Maryland Department of Planning (MDP) believes that good planning is important for efficient and responsible development that adequately addresses resource protection, adequate public facilities, housing, community character, and economic development. Please keep in mind that MDP's attached review comments reflect the agency's thoughts on ways to strengthen the Draft Plan, as well as satisfy the requirements of Maryland's Land Use Article.

The Department forwarded a copy of the Draft Plan to several state agencies for review, including: the Maryland Historical Trust and the Departments of Transportation, Environment, Natural Resources, Commerce, and Housing & Community Development. To date, we have received comments from the Departments of Natural Resources, Environment, and Housing & Community Development. These comments have been included with this letter. Any plan review comments received after the date of this letter will be forwarded upon receipt.

MDP respectfully requests that this letter and accompanying review comments be made part of the county's public hearing record. Furthermore, MDP also asks that the county consider state agency comments as revisions are made to the Draft Plan, and to any future plans, ordinances, and policy documents that are developed.

Please feel free to contact me at chuck.boyd@maryland.gov or Joe Rogers, Western Maryland Regional Planner at joseph.rogers@maryland.gov.

Sincerely,

Charles W. Boyd, AICP,
Assistant Secretary, Planning Services

Enclosures: Comments on the Loch Lynn Heights Comprehensive Plan Draft.

cc: Siera Wigfield, Garrett County Senior Planner
Brandi Rosselli, Mackin Engineering
Joseph Griffiths, Manager, Local Assistance and Training
David Cotton, Director, Western MD Regional Office



**Maryland Department of Planning
Review Comments
December 7, 2023**

**Loch Lynn Heights Comprehensive Plan
Draft: Sept 14, 2023**

The Maryland Department of Planning (MDP) received the Loch Lynn Heights Comprehensive Plan Draft (Draft Plan) from Loch Lynn Heights on October 6, 2023. These comments are offered as suggestions to improve the Draft Plan and better address the statutory requirements of the Land Use Article. Other state agencies, as noted below, have contributed comments and others may submit comments separately. If comments are subsequently received by MDP, the department will forward them to the town.

Draft Plan Summary

Loch Lynn Heights is a small jurisdiction located in the southern part of Garrett County. It borders the town of Mountain Lake Park and lies near the state of West Virginia, which is located to the south and west of the town. Though the town is small in population, with less than 500 residents, the Draft Plan highlights all the characteristics and benefits the town has to offer. This is a complete update to the 2009 comprehensive plan for Loch Lynn Heights and was completed by Mackin Engineering with the help of a special projects grant through the Department of Housing and Community Development (DHCD.)

This Draft Plan differs from the 2009 plan, which was also written by an outside consultant, and breaks the elements into four chapters – an introduction, existing conditions, action plan, and an implementation section that includes all state required elements for a comprehensive plan. The Draft Plan lists strategies and goals and includes a matrix of outcomes with the partners, fundings sources, and other measurables listed at the rear of the document in the implementation chapter on page 61. The Draft Plan does a great job connecting planning documents and cross references to the town’s zoning and land development ordinances, as well as other pertinent county planning codes.

Many Maryland legislative updates concerning comprehensive plans have occurred since the 2009 plan was adopted. The Draft Plan addresses the expanded 12 visions of the state as well as the other required elements, which include a Housing Element resulting from HB 1045. This element and the 12 state visions are expanded upon in the corresponding sections of the Draft Plan.

Plan Implementation Progress

The Draft Plan updates past goals and objectives and sets new benchmarks in the “Implementation” section located towards the end of the document. This section clearly details how this planning document overlaps with other land development ordinances and stresses the importance of measuring success in each plan element. Each element is examined in detail and delineates measures of success. The state commends the town on the submission of the five-year implementation reports as required by

Land Use Article Section 1-207(c)(6) and encourages the town to continue to submit these implementation reports to update the status of the Draft Plan's goals and objectives.

Maryland State Visions – Synopsis

Land Use Article Section 1-201 requires Maryland jurisdictions with planning & zoning authority to implement the state's twelve planning visions (visions) through a comprehensive plan. The visions reflect the state's ongoing aspiration to develop and implement sound growth and development policy. The visions address: quality of life and sustainability; public participation; growth areas; community design; infrastructure; transportation; housing; economic development; environmental protection; resource conservation; stewardship; and implementation approaches.

Plan Analysis

Loch Lynn Heights lists the state visions and describes their role within the Draft Plan on page 10, which focuses on the purpose of the comprehensive plan. This section illustrates how the state visions play into desired plan objectives and details how they are incorporated into the Draft Plan. The section also details how the visions work in concert with the plan's goals and outcomes.

The following is an analysis of each of the visions and comments relating to the Draft Plan's relationship to each vision.

(1) Quality of life and sustainability: a high quality of life is achieved through universal stewardship of the land, water, and air resulting in sustainable communities and protection of the environment;

The Draft Plan contains many references for providing a continued quality of life for all residents. The Community Facilities Element helps detail what current water and sewer resources exist, and projections correspond with future growth patterns. Sensitive areas are delineated on the map on page 25, which shows existing lots and their location related to the sensitive areas in town. The Housing Element on page 54 lists goals and strategies to promote and expand fair housing and seeks partnerships with organizations such as Garrett County Community Action to expand and create housing opportunities in town, as noted on page 55.

(2) Public participation: citizens are active partners in the planning and implementation of community initiatives and are sensitive to their responsibilities in achieving community goals;

The Draft Plan matrix on page 61 lists goals and outcomes, with partners listed for each in a table format. This chart clearly demonstrates community involvement and shows how future projects will come together with the help of supporting partners and agencies. The town was involved in hosting public meetings in hybrid format during the Draft Plan's completion. Public input was sought via these meetings and through public surveys that were available to be completed and dropped off at the town hall. This allowed for public input and interaction during the planning process and allowed flexibility in how residents could respond and be involved during the comprehensive plan update.

(3) Growth areas: growth is concentrated in existing population and business centers, growth areas adjacent to these centers, or strategically selected new centers;

A Municipal Growth Element is discussed on page 52 of the Draft Plan and describes strategies for future expansion. It highlights creative reuse strategies for existing properties inside the city limits and mentions future growth and expansion opportunities that may arise on the town boundaries. A primary goal of this element is to promote infill development in the existing town center buildings and reuse of existing commercial sites by expanding or creating needed service-based uses.

(4) Community design: compact, mixed-use, walkable design consistent with existing community character and located near available or planned transit options is encouraged to ensure efficient use of land and transportation resources and preservation and enhancement of natural systems, open spaces, recreational areas, and historical, cultural, and archaeological resources;

Existing land use and demographics are referenced on page 39 of the Draft Plan. This chapter talks about existing conditions and how to plan for future growth based on what currently exists in the community. The zoning ordinance and zones must be considered when looking at future growth trends and are discussed later in the land use chapter. Harmony between existing and future zoning must be planned to account for growth and to protect existing neighborhoods in town. This element and the Transportation Element mention strategies to allow people to use existing facilities and to create walkable and drivable areas in and around Loch Lynn Heights.

(5) Infrastructure: growth areas have the water resources and infrastructure to accommodate population and business expansion in an orderly, efficient, and environmentally sustainable manner;

Projected growth is limited but the Community Facilities and Water Resource Elements (starting on pg. 27) account for existing conditions and help plan for future growth. These elements show how the town could grow and how this growth could be handled by existing water and sewer facilities, which are maintained by Garrett County. Potential funding sources are listed in these chapters and infrastructure upgrade projects funded by the Maryland Department of the Environment and others. These partners assist with upgrades to the town and county water and sewer systems, parks, and other facilities supportive of future growth.

(6) Transportation: a well-maintained, multimodal transportation system facilitates the safe, convenient, affordable, and efficient movement of people, goods, and services within and between population and business centers;

Existing transportation patterns are discussed on page 26 of the Draft Plan. With the town's location near rail service routes, the Transportation Element addresses their importance and plans for their preservation and enhancement. Public transportation and the ability to add/expand service is also discussed in the Draft Plan's Transportation Element. Route 135 and its connection with the State Highway Administration is also addressed, while plans for expanding SHA facilities to account for future growth are similarly included.

(7) Housing: a range of housing densities, types, and sizes provides residential options for citizens of all ages and incomes;

The Draft Plan highlights several policies that adequately address Loch Lynn Heights current housing market trends in the Housing Element on page 54. The Housing Element also details future needs to address both workforce and affordable housing. Different housing providers, lenders, and state agencies that assist with affordable housing in Loch Lynn Heights are referenced in the Housing Element and in

the implementation matrix of the Draft Plan. Continued partnerships with organizations, such as Garrett County Community Action, are referenced. Benefits associated with their developments should be expanded to help accommodate for future housing needs in Loch Lynn Heights.

(8) Economic development: economic development and natural resource-based businesses that promote employment opportunities for all income levels within the capacity of the State's natural resources, public services, and public facilities are encouraged;

Agriculture is listed as a historical economic development source for the town with the 12 acres of the Mattingly Farm being located within town limits, as discussed on page 23 of the Draft Plan. Preservation of existing resources and the ability to manage the land are discussed on page 21 in the Natural Resource Element. These areas are a planning priority of the town and preservation policies and practices are covered in both the existing and future planning chapters of the Draft Plan. Many residents work elsewhere in the county and do not rely heavily on the town to provide jobs for their economic benefit. The Draft Plan addresses the desire for restaurants and other day-to-day uses, and their importance is well noted as something the town needs to preserve, host, and expand upon to benefit both the local economy and residents.

(9) Environmental protection: land and water resources, including the Chesapeake and coastal bays, are carefully managed to restore and maintain healthy air and water, natural systems, and living resources;

The Draft Plan addresses Loch Lynn Heights' existing sensitive areas and habitats in the Sensitive Areas Element on page 21. The town notes the importance of maintaining its streams and stream buffers and is host to wetlands that are preserved and maintained both at the local and state level.

(10) Resource conservation: waterways, forests, agricultural areas, open space, natural systems, and scenic areas are conserved;

A trail and boardwalk within town are available for residents and visitors to use. These trails showcase the wetlands, natural habitats, and species native to Western Maryland. The importance of preserving natural space and open space is something the town has planned for in their Sensitive Areas Element. Recreation sites and playgrounds are well used in the town, but the town also is host to natural trails and connected routes to other natural systems in the county. Preserving and expanding these trails and connections are helpful for preservation efforts and allow natural habitats to thrive in and around Loch Lynn Heights.

(11) Stewardship: government, business entities, and residents are responsible for the creation of sustainable communities by collaborating to balance efficient growth with resource protection; and

Partners, both public and private, are listed in the implementation matrix on pages 61-62 of the Draft Plan. These partners are responsible for the preservation of natural resources and help protect sensitive areas from future growth. Future growth and development are planned for and are listed in the matrix with measurable outcomes and partners listed under "recommendations." Collaborating with partners and organizations will help the town meet these benchmarks and will be key for sustainable growth.

(12) Implementation: strategies, policies, programs, and funding for growth and development, resource conservation, infrastructure, and transportation are integrated across the local, regional, State, and interstate levels to achieve these visions.

The Draft Plan notes that existing infrastructure and maintenance are key to smart growth. The implementation matrix on page 61 of the Draft Plan clearly defines recommendations and partners associated with the town’s future planning goals. The town has partnered with DHCD and the Appalachian Regional Commission (ARC) in the past and intends to continue the partnerships as tools for maintaining and upgrading infrastructure to fit the town’s needs. Collaboration with Garrett County on upgrades to the water and sewer systems will continue to be vital and is addressed in the Draft Plan’s future growth discussions.

MDP finds that all the visions have been integrated into the Draft Plan, making it clear that the town has considered each.

Minimum Planning Requirements

Land Use Article Section 3-102 describes the required and optional elements for non-charter Town and municipal comprehensive plans but does not mandate how they are to be addressed. The following checklist identifies required plan elements and how the Draft Plan addresses them.

Checklist of Maryland Code (Land Use Article) Element Requirements for Non-Charter Counties and Municipalities			
Comprehensive Plan Requirements	MD Code Reference	Additional MD Code Reference	Loch Lynn Heights Comprehensive Plan Draft Reference
(1) A comprehensive plan for a non-charter Town or municipality must include:	L.U. § 3-102(a)		
(a) a community facilities element	L.U. § 3-102(a)(1)(i)	L.U. § 3-108 -- Community facilities element.	49-51
(b) an area of critical state concern element	L.U. § 3-102(a)(1)(ii)	L.U. § 3-109 -- Areas of critical State concern element	45-46
(c) a goals and objectives element	L.U. § 3-102(a)(1)(iii)	L.U. § 3-110 -- Goals and objectives element	14
(d) a housing element	L.U. § 3-102(a)(1)(iv)	L.U. § 3-114 -- Housing element SB-687(2021)	54-57
(d) a land use element	L.U. § 3-102(a)(1)(v)	L.U. § 3-111 -- Land use element	52-53
(e) a development regulations element	L.U. § 3-102(a)(1)(vi)	L.U. § 3-103 -- Development regulations element	52-53
(f) a sensitive areas element	L.U. § 3-102(a)(1)(vii)	L.U. § 3-104 -- Sensitive areas element	21-23
(g) a transportation element	L.U. § 3-102(a)(1)(viii)	L.U. § 3-105 -- Transportation element	47-48
(h) a water resources element	L.U. § 3-102(a)(1)(ix)	L.U. § 3-106 -- Water resources element	27-29
(i) a mineral resources element,	L.U. § 3-102(a)(2)	L.U. § 3-107 -- Mineral resources element	21-23

Maryland Department of Planning Review of Loch Lynn Heights Comprehensive Plan: Public Draft

Checklist of Maryland Code (Land Use Article) Element Requirements for Non-Charter Counties and Municipalities			
Comprehensive Plan Requirements	MD Code Reference	Additional MD Code Reference	Loch Lynn Heights Comprehensive Plan Draft Reference
IF current geological information is available			
(j) for municipalities only, a municipal growth element	L.U. § 3-102(a)(3)	L.U. § 3-112 -- Municipal growth element	52-53
(k) for counties only if located on tidal waters, a fisheries element	L.U. § 3-102(a)(4)	L.U. § 3-113 -- Fisheries element	N/A
Optional: (2) A comprehensive plan for a non-charter Town or municipality MAY include: (a) a community renewal element; (b) a conservation element; (c) a flood control element; (d) a natural resources element; (e) a pollution control element; (f) information concerning the general location and extent of public utilities; and (f) a priority preservation area (PPA) element	L.U. § 3-102(b)	L.U. § 3-102(b)(2)(i)	N/A
(3) Visions -- A local jurisdiction SHALL through the comprehensive plan implement the 12 planning visions established in L.U. § 1-201	L.U. § 3-201(c)	L.U. § 1-201 -- The 12 Planning Visions	10
Optional: (4) Growth Tiers -- If the local jurisdiction has adopted growth tiers in accordance with L.U. § 1-502, the growth tiers must be incorporated into the jurisdiction's comprehensive plan	L.U. § 1-509		N/A Will include in final draft

Conformance with Section 3-102 of the Land Use Article

The following analyzes whether the Loch Lynn Heights Comprehensive Plan Draft meets the requirements of non-charter town comprehensive plan elements, in accordance with the Land Use Article.

1. Development Regulations Element – Synopsis

The element is required to include the planning commission’s recommendations for land development regulations to implement the plan. Regulations are required to be flexible to promote innovative and cost saving site design, protect the environment and identify areas of growth. The areas identified for growth are required to encourage flexible regulations, which should further promote economic development using innovative techniques, streamlining the review of applications, including permit review and subdivision processing.

Plan Analysis

The Development Regulations Element is discussed under the Demographics and Land Use section of the Existing Conditions Chapter on page 32. This section clearly projects future growth and development and adequately addresses goals and objectives for the future. Existing land use and zoning are also addressed in this chapter and focus on properly shaping future land use trends and zoning recommendations in Loch Lynn Heights. Redevelopment and reuse of specific properties are a priority of the town and infill development is listed as a goal for future development.

- Specific sites, such as the Mustang Property, are discussed as needing to be reused. MDP recommends that additional strategies could be inserted to show how to properly zone for these reuses. This could include flexible zoning or floating zones to allow for a wide variety of uses to eventually take the place of former undesirable sites in town.
- The development regulations could include recommendations to improve the current standards to allow for creative reuse of properties in town. Site design standards could be developed or recommended to accommodate future zoning needs to fit into existing sites that may be dated and not conform with older zoning standards.
- Zoning incentives or density bonuses could be developed and recommended in the land development regulations section to incentivize more desirable development in town. Providing flexible and creative zoning strategies will help entice future developers and may make older sites more desirable for future development. This is especially true in residential zones where successful projects similar in scope to the Pleasant View Apartments, developed by the Garrett County Community Action Committee, have proven to be successful in and around Loch Lynn Heights.

2. Housing Element - Synopsis

The housing element is required to address the need for housing within the jurisdiction that is affordable to low-income and workforce households. The housing element is required to also assess fair housing and ensure that a jurisdiction is affirmatively furthering fair housing through its housing and urban development programs.

Plan Analysis

The Housing Element is located on page 54 of the Draft Plan in the Action Plan Chapter. This element examines housing trends and details the need for a variety of housing based on current and future population projections. Creative housing strategies and partnerships are listed inside of this element and successful partnerships should continue to be explored to accommodate future housing needs. Zoning

properly to accommodate for growth trends can assist the town in managing its future residents' housing needs. Links between the development regulations and zoning ordinance should continue to be explored to allow for flexibility in future developments.

- The Housing Element is correct in stating in the first paragraph on page 54 that HB 90 requires housing elements to promote fair and affordable housing. However, it also appears to state that HB 90 required a housing element to address affordable and low-income housing. 2019's HB 1045 inserted the affordability requirements in Land Use Article Section 3-114, while HB 90, which inserted the fair housing requirements separately, became effective in 2023.
- Page 55 of the Housing Element addresses the housing affordability needs for Loch Lynn Heights, including household incomes and affordable monthly payments based on the town's 2022 Area Median Income, as required by Land Use Article Section 3-114 (a-c).
- Though fair housing is defined in this element, a more detailed fair housing assessment as required by [Land Use Article Section 3-114 \(d\)\(2\)](#) could be added to further breakdown racial, financial, and geographic details that would better support fair housing.
- Through either or both quantitative and qualitative analysis, your housing element should assess the state of fair housing in your community and any impediments to it, even if Loch Lynn Heights is a community with limited diversity, as described on page 33 of the Draft Plan. Below are some guidance/examples on how data and stakeholder input could inform a fair housing assessment, as well as some options for the analysis itself. For more information, please visit MDP's [Affirmatively Furthering Fair Housing](#) webpage, which includes resources for both quantitative and qualitative analyses.

Our research into affirmatively furthering fair housing (AFFH) has shown that a traditional US HUD assessment of fair housing includes an analysis of the following four housing issues in a community. But MDP notes that the Land Use Article does not state that a Housing Element's fair housing assessment must include these components. MDP shares them here only as examples or options:

1. Patterns of segregation/integration: Areas within the jurisdiction that are residentially segregated by protected class
 2. Racially or Ethnically Concentrated Areas of Poverty (R/ECAPS): US HUD defines r/ecaps in metropolitan areas as census tracts with a non-white population of 50 percent or more and a poverty rate of 40 percent or more (or a poverty rate that is three or more times the average tract poverty rate for the metropolitan area, whichever threshold is lower). For rural areas, HUD lowers the non-white percentage threshold to 20 percent.
 3. Disparities in access to opportunity: Areas within the community/jurisdiction that provide access to opportunity, such as good schools, medical facilities, employment centers, positive public health outcomes, and low crime rates. A fair housing assessment would consider if protected classes have less access to such areas.
 4. Disproportionate housing needs: An analysis considering whether certain areas or populations within a community, particularly protected classes, have disproportionate housing needs than other areas or populations.
- DHCD has developed an "Affirmatively Furthering Fair Housing" survey that can help counties address fair housing in their communities. [AFFH survey](#). MDP recommends taking part in this survey and incorporating the results into the housing element.

3. Sensitive Areas Element – Synopsis

The sensitive areas element is required to include the goals, objectives, principles, policies, and standards designed to protect sensitive areas from the adverse effects of development (more recently referred to as climate change impacts). The Land Use Article also assigns sensitive areas element data provision and review responsibilities to the Maryland Departments of the Environment and Natural Resources.

Plan Analysis

The Natural Resources section of Action Plan Chapter addresses the Sensitive Areas Element. This section touches on climate, hydrology, streams and buffers, the floodplain, soils, topography, agriculture, endangered species, steep slopes, and mineral resources in Loch Lynn Heights. Existing conditions are examined, and future goals for the sensitive areas in town are established later under the action plan on pages 45-46. Sensitive area projects and potential partners are listed as future goals under the implementation matrix on page 60 of the Draft Plan.

- The Draft Plan does not address climate change adaptation. The topic noted below may provide an opportunity for such incorporation:
 - (Pg. 45) Natural Resources - Address flooding along the Loch Lynn Town Trail - The Draft Plan notes that flooding from the Little Youghiogheny River currently occurs throughout the year and impacts the popular Loch Lynn Town Trail. While the Draft Plan does not include the cause, additional flooding events could be expected due to changes in precipitation events associated with climate change. This is an opportunity to address measures to adapt to additional flooding events.
- The town should continue to work with the Forest Service to plant additional trees in Loch Lynn Heights as well as maintain the trees that exist. DNR, which issues permits for pruning or removal of trees, completed a tree inventory for Loch Lynn Heights in 2003. Along with the map of the trees in town, Loch Lynn Heights should work with DNR to update the inventory. If possible, the inventory should be updated annually to identify areas in need of trees as well as address or remove trees that are dead or dying.

4. Transportation Element - Synopsis

The transportation element is required to reasonably project into the future the most appropriate and desirable location, character, and extent of transportation facilities to move individuals and goods, provide for bicycle and pedestrian access and travelways, and estimate the use of proposed improvements.

Plan Analysis

The Transportation Element is located on page 26 of the Draft Plan. Due to Loch Lynn Heights unique geographic location, aspects of rail, road, public, and air transportation are examined in this element. The Action Plan Chapter on Pg. 47 examines the town's transportation priorities in future planning cycles and supports partnerships that encourage connectivity between the town and other areas in Garrett County. Paving projects, pedestrian connectivity, and bypass projects are all future concerns and

these projects have been carefully considered and are referenced in the action plan section of the Draft Plan.

- The Draft Plan should include a recommendation to support the transit service provided to the town's residents, especially for low-income people and seniors. Local policy support for transit service helps to secure state and federal funding for current and potential service improvement.
- The Draft Plan should include a recommendation for creating a roadway maintenance plan to address on-going roadway maintenance and improvement needs. The Draft Plan only identifies the need for paving Aryle Street. Are there any other short- to long-term roadway maintenance needs?
- The town may consider developing a roadway classification and include the roadway classification map in the Draft Plan. A roadway classification identifies different roadways' access and mobility needs and helps address different roadways' maintenance and improvement needs.
- The town should consider including a recommendation to address safety design features for land uses near the CSX railroad.

5. Water Resources Element – Synopsis

The Water Resources Element (WRE) is required to consider available data provided by the Maryland Department of the Environment (MDE) to identify drinking water that will be adequate for the needs of existing and future development proposed in the plan, as well as suitable receiving waters and land areas to meet stormwater management and wastewater treatment and disposal needs. MDE and MDP are available to provide technical assistance to prepare the water resources element, ensuring consistency with MDE programs and goals. MDE and MDP jointly developed WRE guidance to demonstrate how local governments can ensure compliance with the WRE requirements. Local jurisdictions are expected to implement the most important aspects of the MDE/MDP WRE guidance (please see attached checklist).

Plan Analysis

The WRE is included within the same section as the Community Facilities Element on pages 27-29. The WRE is further examined on pages 49-51. Since these facilities are managed by the county, many of the data sets and projections have been provided by Garrett County and were inserted into the Draft Plan with their assistance.

- The Draft Plan does not appear to establish a planning horizon, project a population, nor discuss whether growth/development are projected. The Draft Plan notes that the town lost population between the 2010 and 2020 census counts. Given Loch Lynn Heights' small population size, MDP understands that a projection of population growth or loss may not be possible in the Draft Plan. However, it would still be helpful to establish the anticipated impact of potentially continued population loss or lack of growth, as demonstrated on page 32, on water and sewer demand. This could include the impact from and on both future residential and future non-residential uses. One option the town may consider for accomplishing this is to estimate future water/sewer demand that would result from the build-out of the municipal growth area. This is a valuable analysis to conduct since it will enable the town to determine if they will need to begin planning for additional measures to enable service to their municipal growth area.

The following recommendations are based on the [2022 Water Resources Element \(WRE\) Guidance Update](#).

- A checklist of best practices to identify and plan for suitable receiving waters is within the 2022 WRE Guidance at <https://planning.maryland.gov/Pages/OurWork/envr-planning/water-resources-mg/2022/02/framework-checklist.aspx>. The state requests that local governments meet the best practices in this WRE Guidance Update as best as they can within the limitations of cost and time. The town has addressed some of these elements in the Draft Plan, such as discussing flooding along the Loch Lynn Town Trail, explaining the Water-Wise conservation landscape certification program that can be promoted to residents to help improve water quality and promote stormwater best management practices, explaining that the Little Youghiogheny River is located along the northwest town boundary and an unnamed tributary is located along the western boundary, and mentioning that a wetland area is also located in the town. Some examples of best practices from the checklist that the town should consider implementing include explaining the Water Use Class and assessment status (including TMDLs) for waters within the Town's development areas (if applicable); Pollution Risk Assessment; load reduction tracking; strategies for ensuring a higher-than-minimum-requirements-level of water quality restoration and protection; and identification of recurrent flooding areas and evaluation of whether climate change and planned development will worsen those conditions, along with changes to the land use plan where warranted.
- All local jurisdictions in Maryland are and will continue to experience climate change impacts on water resources and water infrastructure (water, sewer, and stormwater), as well as water impacts on communities. The Community Facilities water/sewer sections should be adjusted to include strategies focused on improving local understanding of current or expected water-related climate change impacts at the local level, and if sufficient information exists, the chapter should add strategies to address these impacts. Best practices for integrating water-related climate change adaptation into the comprehensive plan are listed at <https://planning.maryland.gov/Pages/OurWork/envr-planning/water-resources-mg/2022/03/climatechange-checklist.aspx>.
- If the land use changes (if applicable) in the town's comprehensive plan are planned in a watershed(s) prone to riverine or urban flooding, then the Community Facilities water/sewer sections should be adjusted to incorporate the flooding-related components of the 2022 WRE guidance. See <https://planning.maryland.gov/Pages/OurWork/envr-planning/water-resources-mg/2022/02/framework-cwa-wqfloodmgmt.aspx>. At a minimum, the WRE should indicate the extent of current local knowledge concerning flood-prone areas and should discuss whether implementation of the land use plan (if applicable) will increase, decrease, or have no effect on those flood-prone areas. If the local government does not know what type of impact implementation of the land use plan will have on flood-prone areas, then at a minimum, the WRE should call for a study to determine this.

6. Goals and Objectives Element - Synopsis

This element requires that comprehensive plan goals, objectives, principles, policies, and standards guide the development, economic growth, and social well-being of the community.

Plan Analysis

Draft Plan goals are listed on page 14. This section lists a goal for each plan element and lists twelve goals in total. Chapter 4 (pg. 58) of the Draft Plan is the “Implementation Chapter”, detailing what comes next and hosting the implementation matrix. This matrix shows a recommendation, timeframe, potential partner, cost, funding source, and on what page of the Draft Plan each recommendation can be found. This matrix successfully details the future action plan and delineates how to accomplish the listed goals for each element.

- The town should continue to update their goals and outcomes as they become available or completed. MDP encourages the town to submit these updates during the five-year reporting update that is submitted to our department.
- A goal for each element is detailed in the Draft Plan but hot topic areas or any additional goals that arise should be expanded and included later in the implementation matrix.
- Partnerships that exist currently, how to maintain or expand them, and how to create new partnerships should continue to be a Draft Plan goal. Successful partnerships are key to goals and outcomes and the expansion of these partnerships should continue to be explored for future planning cycles.

7. Land Use Element - Synopsis

The land use element is required to reasonably project into the future the most appropriate and desirable patterns for the general location, character, extent, and interrelationship of the uses of public and private land.

Plan Analysis

The Demographics and Land Use Elements are in the same chapter of the Draft Plan, located on pages 32-43 (Existing Conditions). This chapter details demographic characteristics for Loch Lynn Heights and shows the zoning and land use maps for the town. The University of Maryland worked with the health department and town to provide health related data, which was inserted into this chapter of the Draft Plan. This partnership was successful, and it was great to see health data incorporated.

- The Zoning Districts map also shows the park and recreation land, as well as the agricultural land, zoned for Town Residential. The park and recreation land are publicly owned, but if the town wishes for the agricultural land to remain undeveloped or minimally developed, the Draft Plan should state this goal. If development is anticipated for the agricultural land, perhaps the town should allow or encourage garden plots or other agricultural uses as part of new subdivisions.
- The Existing Land Use map on Pg. 41 shows two vacant parcels amid recreation land in the northwest corner of the town (below left). The map of zoning districts on Pg. 42 shows one of

the vacant parcels and some of this recreation land zoned as Employment Center (below right). Is development here needed or desired? In addition to the loss of recreation land, development here looks like it would affect the Little Youghiogheny River.



- MDP recommends that the town consider updating and revising the income information for the town, Garrett County, and the State. Please refer to the Maryland Department of Planning - State Data Center's [American Community Survey \(ACS\)](#) data for the most recent income information (2017-2021 ACS.)
- Please cite the years for the data listed on page 36.
- The town may want to use a colorless base map so that the legend colors would better match with the map colors for different land use categories. The same base map issue exists with the zoning map.
- Future land use is discussed and planned for, but a future land use map is not included in the Draft Plan. A future land use map could make it easier for readers to grasp the goals planned for in this draft and could help illustrate goals and outcomes for both the reader and the town.

8. Community Facilities Element - Synopsis

The community facilities element is required to propose, as far into the future as is reasonable, the most appropriate and desirable patterns for the general location, character, and extent of public and semipublic buildings, land, and facilities. These facilities may include, but are not limited to fire stations, libraries, cultural facilities, hospitals, places of worship, school and education facilities, and parks.

Plan Analysis

The Community Facilities Element is included on pages 27-31 of the Existing Conditions Chapter and under the action plan on pages 49-51. This element is combined with the WRE and does a great job of planning for both current and future residents in Loch Lynn Heights. Safety, recreation, water, sewer, and government facilities are all examined in this chapter. Upgrades and future goals are detailed in the action plan and the town sets attainable goals for both existing and future community facilities in these chapters.

- Pages 49-50 describe and discuss needs/recent improvements to parks and recreation facilities. Loch Lynn Heights appears to lie within the catchment areas for all the park/recreation facilities shown in Garrett's Land Preservation Parks and Recreation Plan (LPPRP) proximity maps. The

Loch Lynn Heights plan does what most other town plans do not: emphasizes cooperation with the county when the LPPRP is created and lists to the town projects contained in the county's most recent LPPRP:

- Lighting Fields Phase II (2023)
- Modernize Play Equipment (2025)
- Maintain Boardwalk (2026, 2030 and 2034)
- Community Building/Center (2032)
- After reviewing the Capital Improvement Plan of the LPPRP, these projects are included, and it calls for other improvements that could be added to the plan:
 - Redevelop the Town Park according to community needs.
 - Develop a Community Center
 - Continue to work with the appropriate entities to publicize Loch Lynn Heights' recreational amenities.
- MDP encourages the town to continue exploring options and partnerships for the community center on the former school site. Funding may be available through DHCD for these types of community partnerships and these options should be explored and updated in future planning cycles.

9. Municipal Growth Element - Synopsis

The municipal growth element (MGE) is only required in Maryland municipal comprehensive plans. The MGE is required to plan for and describe the municipality's past growth patterns, the capacity of land available for new and infill development, and areas outside of the existing corporate boundaries into which the municipality wishes to grow. The MGE is required to calculate the land area needed to satisfy the demand for growth based on population projections and desired densities. The MGE needs to consider and include any rural buffers, transition areas, and sensitive areas to be protected. MGEs are also required to consider and plan for the community facilities and public infrastructure, as well as their financing mechanisms, required to accommodate desired growth. If a municipality wishes to annex land, such areas are required to be included and described in the MGE.

Plan Analysis

The Municipal Growth Element (MGE) is referenced on pages 32- 43 of the Draft Plan under existing conditions and again under the action plan on pages 52-53. MDP understands the hardships the town has in expanding and applauds the creative planning efforts put forward in this Draft Plan. By examining possible sites for municipal expansion with the understanding that readily available options for annexation do not exist, the town demonstrates its willingness to address long range growth opportunities without predetermination. Creative strategies show that the town remains open to growth and possible opportunities may arise which could benefit the town and future residents should the opportunity to annex arise.

- Page 53 lists potential annexation opportunities but notes that the options are currently limited due to physical and political constraints. MDP recommends that the town clarify whether these areas are intended for municipal growth under the Draft Plan, for example, if any constraining factors change during the plan horizon. If so, MDP recommends the town identify these areas on a map to clarify where municipal growth is proposed and inform inter-jurisdictional planning efforts.

- A future land use map showing municipal growth areas may be a tool the town could insert to better illustrate future land use patterns and constraints. This visual could help readers see how land locked the town is and could help readers visualize what limited options may exist in short, mid, or longer-range planning scenarios.

10. Areas of Critical Concern Element - Synopsis

The critical state concern element is required to include planning commission recommendations to determine, identify, and designate areas that are of critical state concern.

Plan Analysis

Areas of Critical State Concern are discussed in the Natural Resources chapter of the Draft Plan on Pgs. 21-23. These areas are discussed in the same chapter as the Mineral Resource and Sensitive Areas Elements.

MDP encourages the Town of Loch Lynn Heights to review the list of designated areas, plans, studies, and programs in the State Development Plan, [A Better Maryland](#), and address areas of critical state concern that should be considered in their comprehensive/master plan and its implementation.

11. Mineral Resources Element - Synopsis

If current geological information is available, a comprehensive plan is required to include a mineral resources element. It should identify land that remains undeveloped to provide a continuous supply of minerals, which are defined in the Environment Article. They include clay, diatomaceous earth, gravel, marl, metallic ores, sand, shell, soil, and stone. The element is required to further identify post excavation land uses and incorporate strategies that balance resource extraction with other land uses and prevent, as much as possible, preempting mineral extraction in the jurisdiction.

Plan Analysis

The Mineral Resource Element is located on pages 21-24 under existing conditions and on pages 45-46 under the action plan chapter. This element focuses on natural gas and wells located inside town limits but notes presently that all the gas wells are abandoned. The Draft Plan notes a total of 12 wells were drilled inside of town limits but that only 8 produced natural gas.

- The town should confirm with the Maryland Department of Natural Resources (DNR) that special sites or conditions related to minerals do not exist in at any location in town other than the well sites for natural gas. Former coal and other mineral mining sites may be abandoned but their location or presence should be noted in this element of the plan if applicable.

12. Growth Tiers - Synopsis

A growth tiers map is not considered adopted until it is incorporated into a comprehensive plan. Therefore, a growth tiers map is required to be included in a jurisdiction's comprehensive plan if the jurisdiction wants to plan for major residential subdivisions with on-site septic systems.

Plan Analysis

This Draft Plan currently does not have a growth tier map. The Garrett County growth tier map has been provided by MDP staff to the consultant working on the Draft Plan for Loch Lynn Heights for its insertion into the final draft.

On November 7, 2012, the Town of Loch Lynn Heights notified MDP that it concurred with Garrett County's adopted tier map dated December 4, 2012, which established a growth tier map for Loch Lynn Heights under the Sustainable Growth and Preservation Act of 2012. As provided for in § 1-509 of the Land Use Article if a jurisdiction does not incorporate the growth tier map into the comprehensive plan at the time the jurisdiction was scheduled to conduct its 6-year comprehensive plan review under § 1-416(a) or § 3-301(a) of the Land Use Article, the growth tier map shall be considered not adopted for purposes of § 9-206 of the Environment Article.

- If Loch Lynn Heights intends for the tier map to remain adopted, the town should update the tier map to reflect changes to the proposed municipal growth area and incorporate the tier map into the comprehensive plan. The town may either ask the county to amend its tier map to reflect any revised growth boundaries and sewer service area changes since the initial tier map was adopted or adopt its own tier map. Planning generally recommends a Tier II designation for areas with county-planned sewer service and a Tier IIA designation for municipal growth areas planned for sewer service that are not yet in the County water/sewer plan. Under Section 1-504 of the Land Use Article, if Loch Lynn Heights amends its growth tier map, then the town must notify and provide MDP with all information necessary to allow for the department's detailed review required under Section 1-505 of the Land Use Article. If requested, MDP can complete a detailed review of any proposed tier map amendment before the plan is adopted.

Loch Lynn Heights is a Sustainable Community

Loch Lynn Heights has designated the Garrett County Municipalities Areas as a Sustainable Community. As part of the Sustainable Community designation, quality of life, environment, economy, transportation, housing, planning and land use, and local capacity are all subjects of the action plan. MDP suggests the town review the Garrett County Municipalities Area action plan for consistency with the Loch Lynn Heights Comprehensive Plan Draft and consider how the action plan and the financial incentives provided in the Sustainable Communities designation can support plan implementation.

Contact the Maryland Department of Housing and Community Development, Sustainable Communities Program for more information: <https://dhcd.maryland.gov/Communities/Pages/dn/default.aspx>

**Maryland Department of Planning Review Comments
Draft Plan**

STATE AGENCY COMMENTS

The following are state agency comments in support of MDP's review of the Draft Plan. Comments not included here may be submitted under separate cover, or via the State Clearinghouse. If comments from other agencies are received by MDP, the department will forward them to Loch Lynn Heights as soon as possible.

Attachments

Page 18: Maryland Department of the Environment

Page 19: Maryland Department of Housing and Community Development

Page 22: Maryland Department of Natural Resources

MDE Comments for the Loch Lynn Heights 2023 Comprehensive Plan

Maryland Department of the Environment Loch Lynn Heights Draft Comprehensive Plan Comments:

1. Any above ground or underground petroleum storage tanks, which may be utilized, must be installed and maintained in accordance with applicable State and federal laws and regulations. Underground storage tanks must be registered and the installation must be conducted and performed by a contractor certified to install underground storage tanks by the Land and Materials Administration in accordance with COMAR 26.10. Contact the Oil Control Program at (410) 537-3442 for additional information.
2. Any solid waste including construction, demolition and land clearing debris, generated from the subject project, must be properly disposed of at a permitted solid waste acceptance facility, or recycled if possible. Contact the Solid Waste Program at (410) 537-3315 for additional information regarding solid waste activities and contact the Resource Management Program at (410) 537-3314 for additional information regarding recycling activities.
3. The Solid Waste Program should be contacted directly at (410) 537-3315 by those facilities which generate or propose to generate or handle hazardous wastes to ensure these activities are being conducted in compliance with applicable State and federal laws and regulations. The Program should also be contacted prior to construction activities to ensure that the treatment, storage or disposal of hazardous wastes and low-level radioactive wastes at the facility will be conducted in compliance with applicable State and federal laws and regulations.
4. The proposed project may involve rehabilitation, redevelopment, revitalization, or property acquisition of commercial, industrial property. Accordingly, MDE's Brownfields Site Assessment and Voluntary Cleanup Programs (VCP) may provide valuable assistance to you in this project. These programs involve environmental site assessment in accordance with accepted industry and financial institution standards for property transfer. For specific information about these programs and eligibility, please Land Restoration Program at (410) 537-3437.
5. Borrow areas used to provide clean earth back fill material may require a surface mine permit. Disposal of excess cut material at a surface mine may require site approval. Contact the Mining Program at (410) 537-3557 for further details.

October 27, 2023

Joseph Griffiths
Manager of Local Assistance and Training
Maryland Department of Planning
301 West Preston Street, 11th Floor
Baltimore, MD 21201

Dear Mr. Griffiths,

Thank you for the opportunity to review and comment on the Loch Lynn Heights Comprehensive Plan (the “Plan”). When reviewing plans, the Maryland Department of Housing and Community Development (“DHCD”) comments on items for which political subdivisions can strategically leverage DHCD’s resources to accomplish their housing and community development goals. DHCD also reviews comprehensive plans for consistency with relevant statutes and, if appropriate, Sustainable Communities Plans.

Overall, DHCD staff were impressed with the quality of the Plan. Staff in the DHCD Division of Neighborhood Revitalization reviewed the Plan and provided the following comments, which are meant to help realize the Plan’s goals. We present the following in no particular order:

1. The housing and economic development components of the Plan are consistent with and build upon the Sustainable Communities Plan.
2. The Plan identifies a need to revitalize the community through redevelopment for which the DHCD’s Community Legacy Program grants could assist. Planning staff can learn more about Community Legacy online at <https://dhcd.maryland.gov/Communities/Pages/programs/CL.aspx> or contact Sara Jackson at (410) 209-5812 or sara.jackson@maryland.gov.
3. DHCD can further assist with home repairs that enable homeowners to age in place through its Special Loan Programs. Planning staff and residents can learn more about these programs at <https://dhcd.maryland.gov/Residents/Pages/SpecialLoans.aspx> or contact the program directly at 301-429-7409 or DHCD.SpecialLoans@maryland.gov.
4. DHCD’s Strategic Demolition Fund (SDF) grants could assist with redevelopment plans for vacant or blighted properties. Planning staff can learn more about SDF online at <https://dhcd.maryland.gov/Communities/Pages/programs/SDF.aspx> or contact Sara Jackson at (410) 209-5812 or sara.jackson@maryland.gov.

5. The Plan does not show that Loch Lynn Heights has conducted a point-in-time count to identify the total number of people experiencing homelessness in Loch Lynn Heights, and the Plan does not identify goals or actions regarding services for people experiencing homelessness. For information on DHCD's programs addressing homelessness, please see more online at <https://dhcd.maryland.gov/HomelessServices/Pages/GrantFunding.aspx> or contact the Homelessness Solutions Program Manager, Suzanne Korff, at 410-209-5850 or Suzanne.Korff@maryland.gov. Persons experiencing homelessness who need assistance should call 301-334-9431.
6. The Plan identifies the community's needs with respect to income and poverty. Loch Lynn Heights or non-profits active in Loch Lynn Heights may be eligible to apply for discretionary Community Services Block Grant (CSBG) funds administered by DHCD in order to provide services for low-income individuals and families at or below 125% of poverty. Planning staff can learn more about CSBG programs online at <https://dhcd.maryland.gov/Communities/Pages/programs/CSBG.aspx> or contact the Poverty Solutions Team at 301-429-7525 or csbg.dhcd@maryland.gov.
7. The Plan identifies a need for affordable housing, including workforce and low-income housing. If planning staff want to support further affordable housing development with Low-Income Housing Tax Credits (LIHTC) or other DHCD programs, information is available online at <https://dhcd.maryland.gov/HousingDevelopment/Pages/lihtc/default.aspx> or contact Edward Barnett, Director of Rental Lending, at 301-429-7740 or edward.barnett@maryland.gov.
8. All of Loch Lynn Heights is within a Maryland Mortgage Program ("MMP") target area and residents therefore have enhanced eligibility for the state's homeownership incentives. Planning staff and residents may learn more about Maryland's homeownership programs at <https://mmp.maryland.gov/pages/default.aspx>.
9. The Plan identifies a need to support businesses in the town's core. Info on DHCD's support for businesses can be found online at <https://dhcd.maryland.gov/Business/Pages/SmallBusinesses.aspx> or by contacting Mike Haloskey, Director of Business Lending Programs, at 301-429-7523 or Michael.Haloskey@maryland.gov.
10. The Plan identifies a need for infrastructure improvements that increase the town's overall safety. DHCD's Community Health and Safety Works program is a potential resource to support these projects. More information on the program can be found online at <https://dhcd.maryland.gov/Communities/Pages/csw/default.aspx> or by contacting Eric Borchers, Project Manager, at 410-209-5833 or eric.borchers@maryland.gov.
11. The Plan identifies a need to fill the former location of Loch Lynn Restaurant, a recently closed business. DHCD's Project Restore can be leveraged to attract and retain businesses that occupy vacant properties. More information on the program can be found



online at <https://dhcd.maryland.gov/Pages/ProjectRestore/default.aspx> or by contacting Kristin Dawson at 410-209-5847 or kristin.dawson@maryland.gov.

12. The Plan's Housing Element acknowledges its requirement to assess fair housing but does not include a comprehensive assessment or identify strategies to achieve fair housing. Maryland House Bill 90 (2021) requires, effective January 1, 2023, that comprehensive plans include an assessment of fair housing. For technical assistance in development of the Plan's Housing Element, please contact staff at the Maryland Department of Planning.

We in the Division of Neighborhood Revitalization look forward to continuing our productive partnership with Loch Lynn Heights in its future initiatives. Again, thank you for the opportunity to comment on the Plan. If you have any questions regarding the comments above, please contact me at carter.reitman@maryland.gov or 410-209-5849.

Sincerely,

Carter Reitman
Project Manager, State Revitalization Programs

Cc: Joe Rogers, Maryland Department of Planning
Sara Jackson, DHCD Division of Neighborhood Revitalization
John Papagni, DHCD Division of Neighborhood Revitalization





Wes Moore, Governor
Aruna Miller, Lt. Governor
Josh Kurtz, Secretary
David Goshorn, Deputy Secretary

Maryland Department of Planning
301 West Preston Street
Suite 1101
Baltimore, MD 21201

November 1, 2023

Memo: DNR comments on the Loch Lynn Comprehensive Plan

To: Joe Roger
cc: Rita Pritchett

On behalf of the Department of Natural Resources, thank you for the opportunity to comment on the Draft Loch Lynn Comprehensive Plan. The Draft Plan was distributed to appropriate contacts at the Maryland Department of Natural Resources and reviewed. DNR offers the following comments:

Loch Lynn Heights is bordered to the north and west by the Little Youghiogheny River and from the south by an unnamed tributary to the Little Youghiogheny. Based on current data, there are no known rare, threatened, or endangered aquatic species in these streams. However, the Little Youghiogheny River is a stream that is stocked by MDNR providing an important recreational trout fishery.

- On Page 22: The plan describes the importance of protecting both streams and forested buffers along those streams as a source of recreation and vital habitat for plant communities and wildlife in the area.
- On Page 45: The plan describes the intent to work with the State to encourage tree planting and maintenance.

MANTA (Maryland Biological Stream Survey) recommends that the Loch Lynn Heights Planning Commission combines these two goals - encouraging planting and maintenance of trees everywhere, but also along stream corridors - creating riparian buffers along Little Youghiogheny River and its tributaries with currently no buffer and widening existing riparian buffers in areas where possible. These efforts would help to reduce erosion, filter runoff and nutrient inputs to these waters, and, in time, provide canopy shade to these recreational coldwater trout streams.

Land Acquisition and Planning reviewed the Loch Lynn Heights (Garrett County) comprehensive plan and found it in accordance with conserving, preserving and acquiring recreational opportunities. The plan addresses challenges and strengths as well as goal planning.

Thank you for the opportunity to review this document and provide feedback. If you have any questions about these comments or would like further information, please do not hesitate to contact me at 443-534-4151 or christine.burns1@maryland.gov.

Best,
Christine Burns