

GARRETT COUNTY PLANNING AND LAND DEVELOPMENT OFFICE

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MINUTES

The Garrett County Planning Commission held its regular monthly meeting on Wednesday, September 10, 2008, at 1:30 pm, in the County Commissioners Meeting Room. Members and guests in attendance at the meeting include:

Tim Schwinabart	Fred Holliday	Dr William Pope
Joe McRobie	Dennis Glotfelty	Clive Graham
Tony Doerr	William DeVore-staff	David Maust
Troy Ellington	John Nelson-staff	Sarah Moses
Gary Fratz	Karen Myers	Duane Yoder
George Brady	Paul Durham	Donald Riley
Ernest Gregg	Chad Everett	David Moe

1. Call to Order – By Chairman, Troy Ellington at 1:30 pm.
2. The August minutes were unanimously approved as submitted.
3. Report of Officers – none
4. Unfinished Business – none
5. New Business-
 - A. **Review Comment Matrix on the Comprehensive Plan- Identify and Decide Draft Plan Modifications.** Chairman Ellington noted that this part of the meeting would be a joint meeting with the County Commissioners, in order to review all comments received on the draft Garrett County Comprehensive Plan. Based upon this joint review, the Planning Commission would then decide upon what modifications should be made to the draft plan. The joint meeting will allow the Commission to vote on the final version of the Plan at the next regular meeting of the Commission on October 1. The Commission will then forward the Plan to the Board of County Commissioners.

Clive Graham of ERM, consultant for the Plan, provided an overview of a 17-page “Review of Comments on April 2008 Garrett County Comprehensive Plan Update” along with the five-page “Additional Comments Received September 3-5, 2008” to the Commissioners, the Planning Commission and the attendees of the meeting. Both of these comment matrixes, assembled by ERM and Mr. Nelson, are attached to these minutes. Mr. Graham explained that two versions

were necessary to accommodate comments that were more recently received. Both comment packets are divided into tables labeled “Table 1-Major Comments” and “Table 2-Additional Comments”. Mr. Graham notes that the “additional comments” are more technical in nature, while the “major” comments suggest significant changes. Mr. Graham reviewed each of the “major” comments one by one, along with the staff recommendation for each, to see if there is agreement or disagreement by the Commission for each of the “major” comments. Consensus or opposition from the County Commissioners is also noted.

Upon completion of review of the major comments, the Commission agreed with the staff recommendation for each of the comments, by unanimous vote of 6 to 0.

A comment in the matrix from Scott Johnson, representing the Deep Creek Property Owners Association, included a recommendation to leave the specific reference to the Sensitive Areas Chapter including protection of scenic ridgelines and ridge tops as written. There was some discussion regarding the location of the ridge tops that would be protected and that there was no definition of “ridge top” in the Plan. It was also noted that the term “view shed” would be difficult to define. The County Commissioners expressed their disagreement with this particular comment regarding Chapter 7, Sensitive Areas Element, including the protection of ridgelines and ridge tops by use of the Sensitive Areas Ordinance or any other framework of regulatory control. Instead, the Commissioner’s noted that they are unanimously opposed to this particular language in the Comprehensive Plan. Commissioner Glotfelty stated that the Commissioners would seek State legislation for authority to impose setback restrictions on wind turbines in order to assure public safety, however, he suggested that the current language regarding a framework of regulatory control in the Plan should be removed. The Planning Commission, however, endorsed Chapter 7 as written.

The group also discussed the Housing Element of the Plan. Commissioner Glotfelty noted that the proposed housing units on the White Farm are for “work force housing”, not “public or low income” housing. Discussion ensued regarding the details of this housing plan. The Planning Commission and the Commissioners endorsed the text relating to work force housing as written.

Karen Myers suggests that Housing Section 9.6 goes to far when it states, “...considering measures for businesses creating new jobs to contribute to the provision of the affordable housing needed for the employees of these jobs.” Ms. Myers feels that this wording creates a disincentive for business. At the suggestion of the Commission, Mr. Graham will modify this wording to clarify that this suggested housing contribution from business would be more voluntary, not mandatory. The change was approved by a unanimous 6 to 0 vote of the Commission.

The group also extensively discussed the potential impacts of large-scale natural gas drilling in the County. The Commission unanimously agreed with the staff recommendation to work with other state and local agencies to ensure protection of public health and environmental resources and to address traffic impacts related to natural gas exploration in the Comprehensive Plan.

Chairman Ellington asked if the Commission members had any objections to the recommendation of the staff for Table 2, Additional Comments. Hearing no objection, the Planning Commission endorsed the staff recommendation for each of the “additional comments” by a unanimous vote.

Mr. Nelson plans to have the draft plan ready for adoption by resolution at the October meeting of the Planning Commission. Mr. Nelson thanked everyone involved for his or her hard work and participation in the update of the Garrett County Comprehensive Plan, especially ERM and the Planning Commission. Mr. Graham noted that the comments received throughout the development of the Plan were very worthwhile and constructive.

B. Review of the 2007 SHA Projects and Concerns List. A summary showing the 2007 List is attached to these minutes. The Commission added several projects and concerns to the list to develop the 2008 List for the Secretary of Maryland Department of Transportation Annual Tour. The following changes were made to the 2007 list:

- 1) Eliminate No. 12 on the 2007 list regarding US Route 40 and the town of Grantsville drainage improvements. Joe McRobie is currently working with the state on the project and requests that it be eliminated from the list.
- 2) MD Route 135 at the base of Backbone Mt.; improve signage to delineate the road turning movements for west bound traffic to prevent traffic from entering the wood yard.
- 3) US 219 Sang Run Road intersection needs geometric improvements to allow left and right turning movements when exiting Sang Run Road.
- 4) MD Route 42- Continued upgrades are needed including an extended truck climbing lane and turning radius improvements.
- 5) Garrett Transit System is in need of funding due to increased operation costs associated with salaries and fuel. Funding for these operating costs has remained flat for many years and the County would encourage increased funding for this necessary service.
- 6) The Recreational Trails Committee for Garrett County is ready to begin development of a trails network. The County would encourage funding

for construction of the Meadow Mountain Trail connecting Deep Creek State Park with the Comfort Inn in Grantsville and the Deep Creek Trail connecting the Wisp Resort with the Visitors Center.

John Nelson will compile the new **2008 SHA Projects and Concerns List** that will be available for the Secretaries Tour in October. The pre-tour meeting is scheduled some time, on the week of September 15.

B. Public Commentary- None

C. Miscellaneous

1. Deep Creek Watershed Zoning Appeals Cases –

- a. SE-393-** an application submitted by St. Moritz Properties, LLC, for a Special Exception permit to construct three, indoor boat storage buildings on property owned by the Bill's Marine Service. The property is located at 683 Harvey's Peninsula Road, tax map 59, parcel 607, and is zoned Lake Residential.

The Commission has no comment regarding the request.

- b. SE-395-** an application submitted by Geoffrey Clingman, for a Special Exception permit for an eight-bedroom Transient Vacation Rental Unit. The property is located at 201 Highline Drive, tax map 49, parcel 119, Lot 48 and is zoned Lake Residential.

The Commission has no comment regarding the request.

- c. VR-649** an application submitted by Douglas B. Henderson for a Variance to allow the construction of an accessory building that would come within 5.0 feet of a rear property line, instead of the required 40.0 feet. The owner has purchased the buy-down from the State of Maryland. The property is located at 132 Sorbus Lane, tax map 66, parcel 416, Lot 14 and is zoned Lake Residential.

The Commission has no comment regarding the request.

- 2. Minor Subdivisions –** Approved minor subdivisions have been included in the packet that was mailed to the Commission members, prior to the meeting.

3. Waivers Requests-

- a. **David Maust-** Mr. Maust requested a waiver from Section 302 of the Subdivision Ordinance requiring a maximum density of one dwelling unit per three acres in an Agricultural Resource land classification. Mr. Maust has proposed a two-acre subdivision on his property designated tax map 17, parcel 13 located off of Bittinger Road. The parcel already contains two existing homes. After discussion, the Planning Commission granted conditional approval of the waiver request by a vote of 6 to 0. The approval was conditioned upon the residual acreage of the subdivision must remain in agricultural use and providing the request is also approved by the Garrett County Health Department.

4. Discharge Permit Applications - None

E. Action on Planned Residential Developments (PRD) and Major Subdivisions

1. **Wisp Resort Phase 11B & C, Sandy Shores Estates, Section 2.** The developers, DC Development, submitted Record and Final Plats of Section 2 showing a total of 13 lots located off Sandy Shores Road. The property is part of the Wisp Resort Planned Residential Development and is located on Map 57, Parcel 618 in a Lake Residential zoning district. The lots are some of the 51 lots that the Planning Commission approved, preliminarily, during their December 5, 2007 meeting. The Planning Commission granted approval of these Record and Final plats by a unanimous vote of 6 to 0.
2. **Final Plat- Slaters Knoll-** The developer, Dirk Yoder, submitted a Final Plat for a 22-lot subdivision located off an extension of Salt Block Mountain Road. The property is located on Map 18, Parcel 127 in a Rural land classification. The developer requested conditional final approval contingent on approval of the homeowner's documents by the County Attorney. The Planning Commission granted conditional approval of this Final plat by a unanimous vote of 6 to 0.
3. **Final Plat- Weber's Crossing-** The developer, Lost Land GC, LLC submitted a Final Plat for a 7 lot subdivision located off of Weber Road. The property is located on Map 78, Parcel 725 in a General Commercial land classification. The developer requested conditional final approval contingent on the final approval of the Grading permit. The Planning Commission granted conditional approval of this Final plat by a unanimous vote of 6 to 0.

F. Next Scheduled meeting - The next regular meeting of the Planning Commission is scheduled for Wednesday, **October 1, 2008**, in the County Commissioners Meeting Room, at 1:30 pm.

G. Adjournment- 3:45 pm.

Respectfully submitted,

William J. DeVore
Zoning Administrator

attachments

**Secretary's 2007 Annual Tour
State Highway Administration
MD Department of Transportation**

Projects and Concerns of Garrett County Officials

1. Garrett County is pleased with the progress and allocation of funding for the US Rt. 219 Oakland By-Pass. We appreciate SHA's cooperation in refining the design of this project and look forward to working with SHA on the final design and construction on this project.
2. Garrett County is also pleased with the progress on project planning for the US 219 North project. The County looks forward to determination of selected alignment on this project this fall.
3. Continue to evaluate the existing US Rt. 219 Corridor and continue to emphasize planning for improvements to the existing corridor throughout the entire county including the Accident by-pass and additional traffic safety improvements as they are identified.
4. We understand that the sidewalk project between Southern High School & Mt. Lake Park has been placed under a street-scape project and engineering is proceeding (what is the status on this project?)
5. MD 495 and New Germany Road intersection needs to be considered soon for geometric upgrades and be improved for a perpendicular intersection. (SHA/County partnership)
6. MD 495 and Spring Lick Road intersection; County supports Option A. This project is scheduled for summer construction and the County encourages completion of this project as a SHA/County partnership as soon as possible.
7. US 219 and Kings Run Road – Southbound left turning lane suggested even though some geometric constraints exist.
8. US 219 and Mayhew Inn Road Intersection – Northbound left turning lane.
9. US 219 – In-road signage for crosswalk or flashing lights on sign – Traffic must yield to pedestrians.
10. MD 42 – Town of Friendsville requests improvements including truck-climbing lane, signage for steep grade, mandatory truck pull-off and water run-off improvements.
11. Assess the need and obstacles to upgrading MD 495 in order to alleviate a portion of the traffic especially truck traffic within the Deep Creek Lake area.
12. US 40 – Town of Grantsville requests improvements to drainage near Casselman Restaurant and east of Town. The project may entail re-routing stormwater to the south side of US 40 at the east end of Town.

**Planning Commission & County Commissioner Work Session
September 10, 2008**

**Review of Comments on April 2008 Garrett County
Comprehensive Plan Update**

**Additional Comments Received
September 3-5, 2008**

Summary of Comments Received on the Garrett County Comprehensive Plan, draft April 2008.

Additional Comments

Table 1: Major Comments

4. Deep Creek Lake Master Plan	Karen Myers	Section 4.6.2: More discussion must take place regarding the proposed Deep Creek Lake Influence Area Transportation Improvement Fund; many of the proposed funding mechanisms are simply unacceptable and will serve to retard development of this area.	No change. The transportation system improvements are necessary, and must be funded in some manner. The Plan presents funding options for consideration by the County. Consider adding the following language to Policy 7: The final funding mechanism would be designed to balance the need for improvements with considerations of economic development.	
9. Housing	Sweitzer, Ringer, Browning, and multiple signatories to a petition	Opposed to White Face Farm for housing and employment center.	See earlier response under Major Comments.	
	Jessica Ringer	Concerned about suitability of Bumble Bee Road for development (White Face Farm)	See earlier response under Major Comments.	
9. Housing		Section 9.6: Considering measures for businesses creating new jobs to contribute to the provision of the affordable housing needed for the employees of these jobs. It seems like this statement is a disincentive for businesses to create new jobs. What kind of economic development incentive is that?	No change. Provision of employee housing will provide a more steady supply of labor for Garrett County businesses, and will reduce travel time and cost.	

10. Mineral Resources	Allegheny Highlands Conservancy	Need to address the potential problems that may accompany the expected surge in the exploration and extraction of deep natural gas reserves in the County.	Noted: Additional language on natural gas exploration is recommended for Chapter 10. See recommendation from staff under Major Comments.	
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Table 2: Additional Comments

Element	From	Comments	Staff Response/Recommendation	Planning Commission Recommendation
2. Background	Karen Myers	Table 2.3: Housing Unit Projections by Watershed and Subarea Footnote 3: The last sentence is incorrect. A bonus density was not requested nor approved for the Wisp development.	Agree. Revise text to read: The projected development exceeds the "capacity" because the densities for the Wisp Resort development were set through the Planned Residential Development (PRD) provisions of the Zoning Ordinance. These PRD densities were higher than the assumed average density used by MDP for the Development Capacity model.	
3. Land Use	Garrett County Board of Realtors	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.	Noted.	
	Garrett County Board of Realtors	Incorporate a public educational component into the plan regarding land regulation 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.	No change. County undertakes public education regarding planning through its public processes on planning processes. Some elements of the recommendation would be better conducted by private or non-profit organizations.	
	Karen Myers	Section 3.1.10: How would you go about encouraging "high quality building and site design?"	No change. This chapter and the entire plan are designed to set the conditions that will encourage high quality building and site design.	

Element	From	Comments	Staff Response/Recommendation	Planning Commission Recommendation
3. Land Use (cont'd)	Karen Myers	<p>Section 3.4.1, last bullet: This plan supports consideration of private property interests when potentially incompatible activities such as snowmobiling and all-terrain vehicle routes are sited or permitted on state lands.</p> <p>What is meant by this statement? A great deal of effort was expended to assemble a Winter Trails Plan so that snowmobiles could be accommodated.</p>	No change. This plan language is directed toward activities on <i>state-owned</i> land only.	
	Karen Myers	Section 3.4.10: Wisp Resort should have both words capitalized. (Resort)	Change text as requested.	
4. Deep Creek Lake Master Plan	Karen Myers	Page 4-17: Wisp Resort discontinued use of the Garrett College parking lots for the very reason listed in this paragraph and has used the parking areas constructed in the future Mountain Village on top the mountain for overflow parking. In this manner, traffic is simply directed straight ahead at the Wisp entrance to the overflow parking lots—there is no back-tracking.	Existing text was drafted prior to this overflow parking system. Change text to reflect current parking operations, as per comment.	
	Karen Myers	Section 4.7.1 should indicate that other wells and water sources will also be sought to expand the McHenry water system (in addition to those on Wisp Resort property). Add a bullet: other wells and water sources will also be explored.	Change text as requested, and based on updated information about the McHenry system (see primary comments sheet).	

Element	From	Comments	Staff Response/Recommendation	Planning Commission Recommendation
5. Water Resources	MDE	Provide a summary of key findings and recommendations from the MDE Source Water Assessments (SWA)	<p>Add the following text to the Comprehensive Plan:</p> <p>SWAs were conducted in 2004 for all public water systems in Garrett County except Deer Park. The four common recommendations of these SWAs were:</p> <ul style="list-style-type: none"> • Create a Source Water Protection team • Improve resident awareness of source water issues. • Follow MDE monitoring requirements • Communicate with County land use officials about future planning and land use <p>The County's Source Water Protection Plan (SWPP, 2007) is based directly on the SWAs, and reiterates these four recommendations.</p> <p>In addition to implementing the SWPP's recommendations, the County should:</p> <ul style="list-style-type: none"> • Delineate a source water protection area for Bloomington, the only County-operated system covered by the SWA that is not directly addressed by the SWPP. • Coordinate with municipalities on planning and land use, particularly in cases where land use changes could impact water quality. 	
	Karen Myers	Source Water Protection Areas: explain more.	No change. See response above. County Source Water Protection Plan is part of the Plan Appendix.	
	Karen Myers	Section 5.2.4: Do the new methods of drilling and extracting natural gas resources have impacts on water supply and water quality at or below the 5,000 foot depth?	As part of recommended revisions to Chapter 10 (see Table 1 on primary comments sheet), provide readily available information about impacts on aquifers, or highlight the need to research this information.	

Element	From	Comments	Staff Response/Recommendation	Planning Commission Recommendation
6. Transportation	Karen Myers	Section 6.5, Transit Existing Conditions: Please add an additional paragraph to indicate that Wisp Resort also has one or more vehicles used for shuffle service as a precursor to an expanded on-site Resort shuttle service.	Add text, as requested.	
	Karen Myers	Section 6.6.3 should be corrected to reflect that the runway has already been extended to 5,000 feet (not will be).	Draft was written prior to completion of this project. Change text, as requested.	
	Karen Myers	Section 6.7 1. Amending the Subdivision Regulations to require traffic impact studies, requiring access consolidation and requiring pedestrian facilities as part of new development. More detail is required.	No change. Details to be developed as part of ordinance revisions, subsequent to Comprehensive Plan adoption.	
7. Sensitive Areas	Allegheny Highlands Conservancy	Consider additional strengthening of the provisions concerning sediment in streams and rivers.	No change: discussion and recommendations for sediment in Chapter 7 are adequate together with additional text recommended for Chapter 5.	
	Allegheny Highlands Conservancy	Encourage more stringent, mandated buffering of wetlands and streams, and the minimization of impervious surfaces.	Noted: Additional language on wetlands is recommended for Chapter 7.	
	Karen Myers	What exactly are the protections needed for public wellhead resource areas?	No change. See response above regarding source water protection.	

**Planning Commission & County Commissioner Work Session
September 10, 2008**

**Review of Comments on April 2008 Garrett County
Comprehensive Plan Update**

Summary of Comments Received on the Garrett County Comprehensive Plan, draft April 2008.

The following tables summarize comments received on the Garrett County Comprehensive Plan, draft April 2008. Most of the comments were generated following distribution of the draft Plan to the state on April 23, and to the municipalities on June 10, 2008. The full text of the comments is available from the Department of Planning and Zoning.

The comments are organized by topic following the order of the chapters in the Comprehensive Plan. Major comments that reflect significant issues to be addressed by the Comprehensive Plan are listed in Table 1. Table 2 lists additional comments and responses, which staff consider to be more minor in nature, although several will require changes to the Comprehensive Plan. Oral comments from the joint Planning Commission/Board of County Commissioners public hearing on August 21, 2008 are summarized in this document if they differed significantly from other comments received in writing. Each comment is followed by staff comments or recommendations. Recommendations that would result in changes in the next draft of the Plan, the Planning Commission's Recommended Draft, are indicated in yellow highlight.

The Planning Commission will act on the April 2008 draft by adopting a Planning Commission Recommended Draft that incorporates some or all staff recommended changes (in response to comments).

Abbreviations: MDP Maryland Department of Planning
MDE Maryland Department of the Environment
MDOT Maryland Department of Transportation

MTA Maryland Transit Administration
MAA Maryland Aviation Administration

Table 1 Major Comments

Element	From	Comments	Staff Response/Recommendation	Planning Commission Recommendation
3. Land Use	MDP	The County should consider zoning rural resource and conservation areas to no more than one house per 20 acres.	Retain AR and RR provisions as written in the existing draft. Plan is making substantive recommendations in support of rural and conservation policies.	
5. Water Resources	MDP, MDE	Include an additional section that considers the suitability of current streams to assimilate the combined future pollution impact of WWTP discharge, septic tank pollution, and stormwater runoff.	Agree; add discussion to section 5.4.2. Clarify that septic tanks are already part of the NPS model.	

Element	From	Comments	Staff Response/Recommendation	Planning Commission Recommendation
5. Water Resources (cont'd)	MDP	Discuss whether there is (or will be) sufficient water supply to support planned expansions of Gorman and McHenry.	<p>Revise Tables 5.1 and 5.2 and section 5.2.1.</p> <ul style="list-style-type: none"> • Show existing/future water production for Gorman at 40,500 gpd. This includes the water line installed by Mettiki. • Existing water production in McHenry is at 215,000 (reflecting recently approved expansion of the Villages at Wisp well, and a new well on Deep Creek Drive). • Future water production in McHenry would be 1,000,000 gpd. Existing and requested water appropriations for this area are approximately 530,000 gpd. An additional 470,000 gpd would come from other sources, including Wisp Resort, and would serve existing residences and businesses on individual wells 	
6. Transportation	MDP	Capacity increase on MD 495 would require assessment of direct and secondary land use impacts in rural areas (where there is no zoning)	Agree. Add additional text to section 6.2.5, under MD 495	
	MDP	Provide explanation for policy opposing use of US 219 south of I-68 as the primary link to Corridor H (Item 6, pg 6-18)	Add text to Section 6.2.3, referring to the already-constrained nature of the US 219 South corridor, the economic and natural resources at risk in the Deep Creek Lake area, and the scenic, rural character of the US 219 corridor, especially south of Oakland and north of McHenry.	

Element	From	Comments	Staff Response/Recommendation	Planning Commission Recommendation
7. Sensitive Areas	MDE	Add a provision for wetlands in the sensitive areas ordinance.	Add text to section 7.3.1 to describe the importance of contiguous wetlands, particularly in growth areas; importance of avoiding sensitive areas; and the need for mitigation.	
	MDE	Encourage maintenance of contiguous wetland/stream corridors in growth areas.	Recommend that the Comprehensive Plan include two additional policies:	
	MDE	Wetland/stream/floodplain impacts are likely with capital projects, and the County should emphasize avoidance of sensitive areas.	<ol style="list-style-type: none"> 1. Add new sections to the Sensitive Areas Ordinance for Wetlands and Floodplains. These sections would state that the County's policy is to conserve contiguous floodplains/wetlands (and buffers) whenever possible, consistent with the state and federal regulations governing development in wetlands and floodplains. The new Wetlands and Floodplain sections would then refer to the appropriate state/federal regulations. 2. Amend the subdivision ordinance to require that all major and minor subdivision proposals define the status of wetland delineation at both the preliminary and final plat stage. 	
	Scott Johnson	Please leave Chapter 7 intact (specific reference to regulation of wind power).	Noted. No change. The existing language in Chapter 7 is supportive of the Comprehensive Plan's goals and objectives for sensitive areas and land use.	

Element	From	Comments	Staff Response/Recommendation	Planning Commission Recommendation
9. Housing	Delegate Wendell Beitzel	<p>Commends the Planning Commission and John Nelson and his staff. Opposes reclassification of the White Face Farm to employment Center, including the proposed Lake Hill housing community proposed by Garrett Community Action Committee.</p> <p>Bear Creek has largely not changed. Comp Plan had a lot to do with it. Putting so many homes at White Face Farm will change the character of this area.</p> <p>Five other citizens made similar comments in opposition to the Lake Hill project.</p>	<p>Noted. No change recommended. Staff supports the Employment Center designation for White Face Farm, as it is supportive of the Comprehensive Plan's economic development and housing goals and objectives.</p> <p>Correct page 9-7 to reflect current total of 480 units planned by Garrett CAC: 250 at Lake Hill (White Face Farm) and 230 at River Hill (Oakland).</p>	
	Chris Keppel Chair, Garrett Co. Dev't Corp.	<p>County needs affordable housing. Supports the plan's expansion of PFAs to provide opportunities for affordable housing.</p> <p>White Face Farm project is not for low income housing but for affordable housing.</p>		
	Duane Yoder	<p>Supports the plan process and the public involvement. Glad to see growth areas around the towns in the plan. Area along MD 135 east of Mt. Lake Park makes sense as future growth area.</p> <p>Must figure out ways to allow young people to afford housing in this community.</p> <p>County goals in the plan are supportive of the county's efforts.</p> <p>White Face Farm/Lake Hill project is a couple of years out. Will follow a planning process including environmental reviews.</p>		

Element	From	Comments	Staff Response/Recommendation	Planning Commission Recommendation
10. Mineral Resources	Staff	The Comprehensive Plan should provide more detail about natural gas resources and the potential impacts of natural gas drilling.	Expand section 10.2.2 to characterize some of the potential economic, environmental, transportation, and social impacts of large-scale natural gas drilling activities. Revise Figure 10.3 to better characterize the Marcellus Shale in Garrett County. Revise Policy 3 to include working with other relevant state and local agencies, such as SHA, and the Garrett County Health Department, to ensure protection of public health and environmental resources, and to address traffic impacts.	

Table 2 Additional Comments

Chapter/ Element	From	Comments	Staff Response/Recommendation	Planning Commission Recommendation
1. Front matter	Staff	Add Acknowledgments page	Page to be added	
3. Land Use	MDP	SR land will be mapped as low density residential – the allowable density must be at least 3.5 units/acre to be classified as medium density, not 2	Noted. No change to draft plan needed; County acknowledges that SR lands do not meet priority funding areas criteria.	
	MDE	MDP wetland layer underestimates wetlands – MDE estimates there are 5,088 acres of mapped, vegetated nontidal wetlands. Use a combo of DNR and National Wetlands Inventory layers	Add a footnote to Table 3.1, indicating that there are 5,088 acres of vegetated wetlands in the County, and that the Land Use/Land Cover data in Table 3.1 are more generalized (based on satellite data).	
	MDE	Wetlands are regulated but not all are protected (page 3-3)	Add text to indicate that 121,000 acres are “regulated or protected.”	
	Town of Oakland	Projected growth in the Comp Plan is lower than the Town’s projections	No change, pending further response from Oakland to letter sent to the Town of Oakland June 4, 2008. Oakland may be including annexation of existing units in its projections.	
	Town of Mountain Lake Park	The growth area shown is inconsistent with the Town growth area, which is larger and incorporates lands to the east of the town, including Southern Garrett County Indust. Park	No change, pending further response from Mountain Lake Park.	
	Town of Loch Lynn Heights	Growth projections are about 55 units – 25 that are in the GCCP, an additional 30 for the Little Youghiogheny Watershed	No change; Comprehensive Plan reflects these numbers (page 2-4).	
	Town of Friendsville	Growth projections are about 30 units – 25 that are in the GCCP, an additional 5 for the Youghiogheny Watershed	No change; Comprehensive Plan reflects these numbers (page 2-4).	

Chapter/ Element	From	Comments	Staff Response/Recommendation	Planning Commission Recommendation
4. Deep Creek Lake Master Plan	Barbara Beeler	<p>Supports the Plan process. Applauds the plan information. Speaking as a lake owner, not a resident.</p> <p>Sec 12 action plan has no references to Deep Creek—aren't there more items that could be added (such as the Advisory body recommended in the 2004 study)?</p> <p>Supports including wetlands in the sensitive areas ordinance.</p> <p>Concerned about impaired water quality of the Lake. The lake and its tributaries need to be better managed.</p>	<p>Numerous action items corresponding to Chapter 4 are present in Chapter 12 (Implementation). These recommendations are largely based on the 2004 study and subsequent County actions and decisions.</p> <p>Add policy in Deep Creek Lake Master Plan (Chapter 4) to recommend continued monitoring of water quality.</p>	
5. Water Resources	MDP	Provide more details on possible solutions to future deficits in the “Unmet Future Demand” section (where and how water can be obtained, p. 5-8).	Add a sentence to refer to sections 5.2.5 and 5.2.6, which catalogue potential water sources.	
	MDP	Note whether the policy on water conserving fixtures, etc (5-28) would be part of the possible solutions.	In section 5.2.4 mention water conservation as an important aspect of meeting future needs.	
	MDP	Grantsville: New annexations don't appear to be captured – water deficit could be larger. Table 5.2 does not tie to text on demand increase – where does .138MGD come from? (5-6)	No change. Table 5.2 and its footnotes adequately explain the source of the total future volume.	
	MDP	Areas shown on Figure 5.1 do not correlate with all information on Table 5.1. Extension on map but not chart – Friendsville, Deer Park, Mountain Lake Park. Expansion on chart, but not map for Grantsville and Gorman	Revise to read “existing and proposed” public water service areas. Update Table 5.1 to more accurately reflect future growth areas and service area extensions.	

Chapter/ Element	From	Comments	Staff Response/Recommendation	Planning Commission Recommendation
5. Water Resources (cont'd)	MDP	Loch Lynn Heights: Indicate whether the supply from new wells at London's Dam are part of the permitted withdrawal – if not list potential additional supply provided	Revise Tables 5.1 and 5.2 and Section 5.2.1 to indicate that the new wells at London's Dam are not included in current appropriation. The County estimates that these wells could produce as much as 275,000 gpd, and that Spring #1 could produce 50-72,000 gpd. Also indicate that the County and Towns plan to rehabilitate the Mountain Lake Park/Loch Lynn Heights water distribution system to correct high system water loss (as much as 50% of produced water).	
	MDP	Gorman: Note whether the new water line added by a coal company provides additional supply to help address the existing deficit	See Major Comment table.	
	MDP	Piney Run Reservoir (5-11): Describe the treatment needs for the raw water and if this can be provided by the county. May be expensive to pump treated water from Frostburg to Finzel.	Add language to this section describing the challenge of pumping treated water, and the need for treatment of raw water for Finzel, if Piney Run Reservoir is to be used.	
	MDP	Accident: add a sentence to point out need for balancing water and wastewater capacities, to ensure proper operation. (p. 5-8)	Add this language to the end of the existing text on page 5-8: "Such increased water supplies would also be necessary to ensure proper flushing of the expanded wastewater system."	
	MDP	Table 5.2: Add footnote to indicate whether "Existing Water Production" represents the MDE groundwater appropriation limits or current design capacity of WWTP.	Add footnote to indicate the more restrictive of either MDE groundwater appropriations permit or design capacity.	

Chapter/ Element	From	Comments	Staff Response/Recommendation	Planning Commission Recommendation
5. Water Resources (cont'd)	MDP	Nonpoint Source Loading section could consider the impact of inflow and infiltration (I/I) and sewage overflows on pollutant loading.	No change. The plan discusses I/I in sections 5.3.1 and 5.3.2. The Plan assumes that these issues will be addressed in the short/med term.	
	MDP	Discuss whether the private systems (p. 5-7) are susceptible to pollution. Include in future source water protection plans?	Revise Section 5.2.2 to indicate that private systems are susceptible to pollution from septic systems and other sources, especially where wells and septic systems predate current health regulations related to parcel size and system design.	
	MDP	Nonpoint Source Loading section could describe addition of sand and salt on roadways	Add text to describe this issue qualitatively in Section 5.4.2., indicate that it could not be quantitatively added to the nonpoint source (NPS) model.	
	MDP	Follow-up statement (5-26, 27) that “Because Scenario 1 converts...” by noting “there are other environmental impacts from development such as air pollution, wastewater discharge, and impervious surface that could alter this equation; however, a comprehensive analysis of these impacts is difficult”.	Agree. add text as suggested.	
	MDP	Typo (5-13), 1 st para, last 2 sentences – “water systems” should be “sewer systems”	Change text as suggested.	
	MDP	Table 5.4: Add footnote to indicate whether “Existing Treatment Capacity” represents the MDE wastewater discharge permit limits or current design capacity of WWTP.	Add footnote to indicate that the capacity is governed by the lesser of: discharge permit limits, nutrient cap limits, or design capacity.	

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5. Water Resources (cont'd)	MDP	Accident and Friendsville WWTPs: Reference data source confirming reduction in I/I reduces flows to levels below WWTP capacity. If no data, note that additional flow reduction measures should be considered	Reference is DPU. Add text to refer to 2008 CDBG funds for Friendsville I/I.	
	MDP	Deep Creek Lake WWTP: provide clarity whether the system is expected to be expanded by 2030	No change. Section 5.3.2 already discusses the need to expand this facility.	
	MDP	Provide details on possible solutions to future deficits at Gorman and Deep Creek Lake WWTPs (5-19)	<p>Revise Table 5.4 and section 5.3.1 to indicate:</p> <ul style="list-style-type: none"> Gorman design capacity of 8,500 gpd, ADF 5,000 gpd, and minimal projected new demand. New assumption is that sewer demand would not outstrip supply, reflecting the very limited infill opportunities within the sewer district. Future (2030) deficit at Deep Creek Lake WWTP to be resolved by expansion to 3.9 MGD. Long-term (beyond 3.9 MGD) deficits would be resolved through other means not yet considered. 	
	MDP	Indicate where a treatment upgrade would allow for capacity expansions for larger WWTPs	Add text to further discuss the results of Table 5.5. Add column to Table 5.5 indicating potential volume increase.	
	MDP	Refer to other efforts throughout the Comprehensive Plan to reduce pollution and how they may improve water bodies, e.g. conservation subdivisions (3-15)	In Section 5.4.1, add references to other Comprehensive Plan initiatives (RR and AR provisions, etc.). Rename Section 5.4.1 to Programmatic Assessment of Nonpoint Source Pollution Policies	

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5. Water Resources (cont'd)	MDP	Note that urban stormwater retrofits, septic denitrification units and sprawl prevention are ways the county can contribute towards implementation of the Chesapeake Bay Tributary Strategy	Add this information, in the form of bullets, to Other Nonpoint Source Management Techniques section of Section 5.4.1.	
	MDP	Include a discussion of septic tank pollution (5-26) and note whether it is included in nonpoint source pollution forecast	Add text to Section 5.4.2 to indicate that septic systems are included in the state's nonpoint source model.	
	MDP	Refer to nonpoint source pollution forecasts in discussion of land use plans by watershed (3-19) and indicate whether forecasts affected choices	At the beginning of section 3.5, indicate that nonpoint source forecasts are in Chapter 5. State that countywide Nonpoint Source forecasts were a factor in the choice of countywide future land use plan.	
	MDP	In section 3.2.2, discuss specific ways that previous development patterns have impacted water resource, e.g. septic tanks, air pollution, impervious surfaces.	Include references to water resources, septic systems, impervious cover, and forest loss in section 3.2.2 (already described on page 3-3).	
	MDP	Mention whether the proposed growth areas are within PFAs, and benefits of being located there	Clarify PFA status. Additional description of benefits of PFA is not necessary.	
	MDE	Provide a summary of key findings and recommendations from the MDE Source Water Assessment Plans (SWP)	MDE to provide Source Water Assessment Plans. Summarize key findings in section 5.2.1 and/or the Plan Appendix as appropriate.	
	MDE	Provide maps indicating source water and well-head protection areas	No change. County SWP Plan (and maps) is in the appendix.	
	MDE	Provide specific recommendations to ensure the protection of source waters and well-head areas	No change. Recommendations already exist in the SWP Plan and Section 5.2.7.	

Chapter/ Element	From	Comments	Staff Response/Recommendation	Planning Commission Recommendation
5. Water Resources (cont'd)	MDE	Provide more detailed maps of the existing and future water and sewer service areas and distribution/collection systems.	No change. Existing maps are sufficient for the Comprehensive Plan's generalized level of analysis. Detailed maps will be included in the Water and Sewer Master Plan.	
	MDE	Recommend a more thorough analysis of the impacts of development on the water quality of Deep Creek Lake	No change. Section 5.2.6. already refers to ERM's technical report, and an ongoing DNR study.	
	MDE	More detailed information concerning the Nonpoint Source (NPS) Analysis should be provided (land use, point source loads, septic loads, forest cover, agriculture)	These were developed. Add the detailed comparisons of the land use scenarios in the Water Resources section of the Plan appendix.	
	MDE	Consider including a commitment in the Plan to refine the NPS Analysis in the future	Add a policy in Chapter 5 to commit to refined NPS analysis in the next Comprehensive Plan update, reflecting changes to the state's model, and changes in Land Use/Land Cover. Will not require County development of a new NPS model.	
	MDE, DNR	Consider including changes in permitted discharges and any other activity that adversely affects water quality to statement about anti-degradation policy.	Revise language in section 5.3.3, to provide a corrected definition of the state's antidegradation policies.	
	MDE	Include more information about the proposed plans for a Keysers Ridge WWTP	Revise Section 5.3.1 to indicate that wastewater from the Keysers Ridge area will be treated by on-site systems for the foreseeable future. Development of a Keysers Ridge WWTP is a long term goal that is dependent on occupancy at the Keysers Ridge Business Park. Because there is only one occupant of the Business park, there are no active plans to build a new WWTP.	

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5. Water Resources (cont'd)	MDE	Address the Total Maximum Daily Load (TMDL) written for sediments in the Youghiogheny River watershed.	State guidance for the WRE does not discuss sediments. Add text to section 5.3.3 to indicate that a sediment TMDL exists. Describe how Comprehensive Plan policies and actions would help achieve this TMDL through sediment and erosion control, stormwater management facilities, riparian buffers, and other measures.	
	DNR	Address expanded snowmaking at Wisp, specifically in the Youghiogheny River watershed.	Consult with Wisp to add detail, if possible (section 5.2.3).	
	DNR	Address consumptive uses of Wisp and other planned golf courses.	Both Wisp golf courses are included in nonpoint model. Consult with Wisp to address groundwater use (Section 5.2.3), if possible.	
	DNR	Include better language regarding link between groundwater and surface water, as well as the vulnerability of individual wells to contamination.	Add language to section 5.2.5 to better characterize the groundwater-surface water linkage, as well as the vulnerability of private wells to pollution from septic systems, road sand, and other sources.	
	DNR	Define where new water treatment facilities would be required (Deep Creek Lake is especially impaired). Identify all entities that own potential surface water sources. "Useable capacity" needs to be defined, or leave in acre-feet.	Add further detail about the nature of DCL's impairments and the difficulty of treating its water for consumption. In section 5.2.6, define "usable capacity" only in acre-feet (with a footnote to indicate the general relationship between acre-feet and production capacity), and indicate ownership of surface water bodies where possible.	
	DNR	Treatment of surface water from mines should not be dismissed as an option for drinking water.	Add this point to the end of the Rivers and Streams paragraph in section 5.2.6., and refer to Chapter 10's discussion of Acid Mine Drainage.	

Chapter/ Element	From	Comments	Staff Response/Recommendation	Planning Commission Recommendation
5. Water Resources (cont'd)	DNR	Discuss any other plans for new impoundments (including out of state), as well as the potential use of SWM facilities and cisterns.	There are no known plans for new impoundments in Garrett County or nearby states.. Revise Section 5.4.1 to list SWM, cisterns, and similar nonpoint source pollution controls, and to point out their potential value as water supplies.	
	DNR	In DCL, why are septic systems failing?	Revise Section 5.3.1 to indicate that failing septic systems in the Deep Creek Lake watershed are typically due to small lots and geology that is unsuitable for septic systems (developed prior to current health regulations).	
	DNR	In DCL, what is “ADF”?	Clarify that ADF stands for Average Daily Flow, section 5.3.1.	
	DNR	What kind of increased “limits” for DCL WWTP (page 5-19)?	Add text to section 5.3.2 to clarify that these increases would apply to nutrient load and flow volume.	
	DNR	Parts of Garrett County are in the Mississippi River watershed. As the state’s headwaters representative to the federal Mississippi River/Gulf of Mexico federal task force, Garrett County should monitor developments from this task force. Through the task force they can take advantage of potential funding opportunities for implementing point and nonpoint source nutrient control programs that the County is not eligible for through the Chesapeake Bay Program.	In section 5.4.1, add text to describe the County’s relationship to the Mississippi/Gulf basin and task force, as well as the opportunities presented by the federal task force. Add a policy/action to monitor developments by the federal task force.	

Chapter/ Element	From	Comments	Staff Response/Recommendation	Planning Commission Recommendation
	DNR	Increased discharge volumes (from WWTP upgrades) could still be limited by stream flow.	Agree; add this observation to section 5.3.4, particularly for Trout Run, which is constrained by flows on the Little Youghiogheny River. This limiting factor requires large storage capacity (lagoons) for treated wastewater.	
5. Water Resources (cont'd)	DNR	No discussion of potential solutions to Trout Run problems.	Revise Section 5.3.1 to indicate that the Towns of Mountain Lake Park and Loch Lynn Heights are pursuing I/I remediation. After such remediation, the County will be better able to judge whether system expansion is necessary. The Plan should continue to recommend eventual upgrade to BNR.	
6. Transportation	MDP	Bicycle and pedestrian facilities should be provided and connected throughout the community	No change. Already discussed in Chapter 4.	
	MDP	Amend the Subdivision Ordinance to allow the County to require access management on major roads, to preserve major road capacity	No change. Already discussed in Policy 1, Chapter 6. The County does not regulate access management on state roads.	
	MDP	Require pedestrian facilities as a part of new development	No change. Not appropriate as a broad Countywide policy. Chapter 4 defines pedestrian systems and funding sources for improvements in the Lake Area. These are also discussed in Section 6.4.	
	MDP	Explore funding mechanisms (impact fees or excise taxes) to address transportation facility improvements	No change. Discussed in Chapters 4 and 6.	

Chapter/ Element	From	Comments	Staff Response/Recommendation	Planning Commission Recommendation
	Coursey Bolden, Garrett Co. Smart Growth Group.	Oakland bypass. Plan says it is to relieve truck traffic. Mountain Lake Park opposes the bypass –because of truck traffic that will go to the industrial park. Supports– upgrade of MD 495 (Meadow Mountain Parkway from 1974 Plan)	No change. County supports the bypass project.	
7. Sensitive Areas	MDE	Wetlands named on page 7-5 are also formally designated as Nontidal Wetlands of Special State Concern by MDE, and have 100’ regulated buffers with more stringent regulations.	Noted. Add this information to the end of section 7.2.3.	
	MDE	Revise text to include wetlands (7-16): “Ensure that new clustering...conserves contiguous areas of <u>wetlands</u> , agricultural and forest land”	Agreed; add recommended text.	
	MDE	A Wetland of Special Concern, Hammel Glade, appears to be located in the new LR2 area (7-6)	No change. State protections would override the provisions of LR2.	
	MDE	Identify potential wetland and stream mitigation sites during the master plan process	Assume that this refers to the subdivision process. No change necessary. Wetlands are regulated by state and federal law.	
	Jean Avery	Update windpower information in the appendix (e.g. CPCN date, number of megawats).	No change, the document is a state report dated February 2008 and is the latest available report.	

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8. Community Facilities	Staff	Since publication of the draft Comprehensive Plan, the County Commissioners have decided not to proceed with development of a new detention center on former Roads Department Property in Oakland. This land to be sold, once the Roads Department has moved to its new facility.	Revise Section 8.6.3 to reflect this change.	
10. Mineral Resources	MDE	Encourages inclusion of a map of the known acid mine drainage sites as well as the sites that have been reclaimed (10-4)	Include a map of AMD sites and reclaimed sites, if provided by MDE (multiple requests already submitted).	
11. Economic Development	Mr. & Mrs. Lattanzi	Request inclusion of Camp Deep Creek in the employment center category of Plan to facilitate expansion of public water and sewer service.	No change. Retain SR land use for this area. EC designation would not be required for expansion of water and sewer service.	

* Additional consultation with county agencies needed prior to finalizing this recommendation.