



ALLEGANY COUNTY'S *Regulatory Reform Commission*

July 11, 2019

Jacob C. Shade, President
Board of County Commissioners of Allegany County
701 Kelly Road
Cumberland, Maryland 21502

Dear Commissioner Shade,

Thank you for appointing us to co-chair Allegany County's Regulatory Reform Commission. On behalf of the entire Commission, we thank you for establishing the Commission and for the opportunity to influence positive change for land development, planning and permitting in Allegany County.

We are pleased to present the enclosed Final Report, which includes Recommendations 1-12 in consecutive order with key performance indicators and target effective dates through December 2020. Recommendation #6 will track progress by reconvening the Commission in January 2020.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "M. S. Brewer", with a long horizontal flourish extending to the right.

Matthew S. Brewer
Co-Chair

A handwritten signature in blue ink, appearing to read "Jeremy G. Irons", with a long horizontal flourish extending to the right.

Jeremy G. Irons
Co-Chair

Enclosure

CC: Brandon Butler, Allegany County Administrator
Angela Patterson, Allegany County Director of Planning & Growth



ALLEGANY COUNTY'S *Regulatory Reform Commission*

FINAL REPORT – June 12, 2019

Allegany County's Regulatory Reform Commission was established by Resolution 18-20 on June 21, 2018 by the Board of County Commissioners with a purpose to examine policies and practices relating to permits, planning and land development. Commission members were appointed by the Board of County Commissioners on July 12, 2018.

Commission Members

Matt Brewer (Co-Chair) – serving as professional designer with project experience

Jeremy Irons (Co-Chair) – serving as business representative

Donny Carter – serving as commercial realtor

Larry Wolfe – serving as representative of union or trade organization

Steve Langan – serving as representative of the Home Builders Association of Western Maryland

Steve Jenkins – serving as member of the public at large

Danny Malamis – serving as member of the public at large

Commission's Charge

1. Undertake a comprehensive review of the policies and procedures within Allegany County Government concerning land development, permitting and planning;
2. Identify areas that pose the greatest barriers and burdens to business growth, attraction and retention in the County relating to land development, planning and permitting; and
3. Formulate substantive solutions to identified problems that will remove barriers or alleviate burdens to businesses in Allegany County.

Meeting #1 – August 13, 2018

The main theme of the open discussion was a need for updated processes and improved communication rather than any specific regulatory recommendations. The discussion continually emphasized that process and communication are the barriers to an efficient permitting process. The following specific barriers and burdens and potential solutions were discussed:

Permitting Process Barriers and Burdens	Permitting Process Potential Solutions
Permit applicants are confused and overwhelmed with the number of different requirements and unsure how to efficiently navigate the process	<ul style="list-style-type: none"> - Improve web presence to more clearly and concisely communicate the process and requirements and to provide easy access to relevant guidance resources such as submittal checklists, public input processes and legal agreement templates - Establish a business liaison to assist applicants through the inter-agency permitting process
In-person paper application process was described as cumbersome in today's digital age	<ul style="list-style-type: none"> - Implement a web portal for permitting that would allow online applications and digital plan submittals
Permit applicants are dissatisfied with the unknown of review status and how long the permitting process will take	<ul style="list-style-type: none"> - Implement a web portal for permitting that would provide transparency as to the status and timeline of the review process
Inconsistencies in process and requirements between the County and the municipalities within the County are not desirable	<ul style="list-style-type: none"> - Engage municipalities in resource sharing, where appropriate, to promote consistency

Meeting #2 – September 24, 2018

The discussion centered on the barriers and potential solutions that had been identified in the first meeting and some follow-up research that had been done.

Neighboring Counties Permitting Processes

The results of some online research of neighboring counties (Garrett, Washington, Frederick, Bedford, Somerset, Mineral, Hampshire, Morgan) were shared, including:

- None have online permitting except Washington County to the east, which utilizes Accela.
- None indicate permitting timeframes on their websites

Good Example: City of Tacoma, Washington

The results of some additional online research were shared, including the appealing web presence and permitting portal for the City of Tacoma, Washington:

- Average timeframes for reviews are generated by the web portal and displayed on website.
- Website interface is organized by permit “step” to simplify and compartmentalize communication of the complex process.
- Utilizes Accela for online permitting portal

Strategies for Increasing Efficiency in the Land Development Approval Process

An example list of strategies to “cut red tape” was taken from a report of the National Association of Home Builders, which reinforced the initial broad solutions identified by the Commission, including:

- Overhaul permitting approval process
- One-stop permit system
- Increase inter-agency coordination
- Standardize interpretation of codes across geographical areas
- Online submission of building plans and real-time inspection progress updates
- Report average approval times
- Online permit progress tracking
- Customer satisfaction surveys
- Limits on review times
- Comprehensive checklists of requirements
- Create development assistance liaison

Business Liaison

Allegany County is already in the implementation stage of this solution, having gradually engaged the Director of Economic & Community Development in the permitting process over the last few years. With repetition, this resource will become more and more valuable to developers, as it provides the developer with someone “on the inside” who will facilitate the resolution of any inter-agency permitting obstacles and delays.

Meeting #3 – March 18, 2019

Preliminary Report

The Draft Preliminary Report summarizing Meetings #1 and #2 was reviewed, discussed and accepted, followed by a discussion of various ideas that are being evaluated for improved communication and process.

Communication of Process/Web Presence

A commercial development review process flow chart was developed that demonstrates the complexity of the process and the difficulty in presenting the information in a simple format. Discussion concluded that the complex process needs to be broken down into categories (i.e. subdivision, floodplain, building codes, etc.) rather than by type of project which could include any combination of categories. The County has consulted with McClarran & Williams Advertising Agency for assistance in developing a website presentation of categorized processes and modernization of guidance documents.

Web Portal for Permitting

County staff have initiated research of web portals for permitting and a comparison table of six (6) permitting software companies was presented to the Commission, including Accela, Citizenseve, iWorQ, New World, Projnet and Central Square. Comparison criteria included public access ability, online application ability, integrated GIS/mapping, use by neighboring jurisdictions, other available modules, and web-based/cloud-based. Packages identified for further evaluation are Accela (currently utilized by Washington County) and Citizenseve (chosen by the City of Cumberland but not yet implemented). The Commission recommended soliciting feedback from the jurisdictions utilizing these software packages, as well as the end-users, as part of our evaluation process.

Review of Land Use Codes

The Commission was given the opportunity to identify and discuss any issues by ordinance, as follows:

Subdivision Ordinance

Barriers and Burdens	Potential Solutions
Process for lot line adjustments (“lot splits”) is not well defined and lacks follow-through to ensure property gets merged, versus creating a new parcel.	Evaluate current process with Maryland Department of Assessments & Taxation and identify potential solutions to ensure a seamless and complete process without unnecessary delays or red tape.
Development rights are currently on a first come first serve basis, which creates opportunity for great conflict between property owners whose properties have been subdivided from the same Lot of Record.	Research how other jurisdictions address development rights and develop potential solutions to distribute development rights fairly.

Sediment and Erosion Control Ordinance

Barriers and Burdens	Potential Solutions
Projects can get caught in unnecessary delays with State review processes requiring local SEC and SWM approval.	Continue to strengthen relationships with State reviewers and communicate effectively to meet common sense objectives without unnecessary delays.

Stormwater Management Ordinance

Barriers and Burdens	Potential Solutions
Bonding is financially burdensome and causes delays in permitting. Accepting a contractor's bond rather than requiring a separate stormwater bond was discussed; however, it was also acknowledged that this may not provide the protection the County needs.	Improve bonding forms and processes to address unnecessary delays.

Zoning Ordinance

Barriers and Burdens	Potential Solutions
No specific issues were identified by the Commission. A text amendment package is currently being evaluated by the Planning Commission. The amendments will address errors and omissions from the merging of County and LaVale ordinances in 2017 and further improve user-friendliness of the code.	Adopt text amendment package.

Floodplain Ordinance

Barriers and Burdens	Potential Solutions
MDE's requirements for "substantial improvement" can be contradictory to building code exemptions; e.g. commercial renovations are exempt from building permit, yet substantial improvement requirements are to be applied if in the floodplain.	Evaluate substantial improvement requirements as part of the 2019 Floodplain Ordinance revision process. Develop potential solutions to address contradictions.
Upcoming 2019 Floodplain Ordinance revision will provide the opportunity to require or incentivize a 2 ft.+/- freeboard above the base flood elevation (current freeboard requirement is 1 ft.), which would create a more resilient community by reducing flood risk and reduce flood insurance premiums across the County.	Evaluate the impact of increasing the freeboard requirement with respect to both residential and commercial projects. Develop a strategy that will increase resiliency and reduce insurance premiums without unfair burden on owners of property in the floodplain.

Building Construction Ordinance

Barriers and Burdens	Potential Solutions
The only topic of discussion was current exemptions in our building code, which were implemented in the past to remove “red tape”, but may or may not provide for a resilient community.	Further discussion may be warranted.

Recommendations of the Regulatory Reform Commission

1. Capitalize on the Role of Business Liaison

Continue to foster an inter-agency culture of friendly and helpful customer service that meets common sense objectives through the leadership of Allegany County's business liaison.

Target Effective Date: Immediately

Key Performance Indicators: Survey feedback, inter-agency permitting issues addressed

2. Engage Key Partner Agencies in Development of Improved Processes

Reach out to primary partner review agencies, namely Allegany Soil Conservation District, State Highway Administration District 6 and Allegany County Health Department and invite them to participate in the development of improved inter-agency coordination and a more efficient process.

Target Effective Date: July 2019

Key Performance Indicators: Meeting agendas and notes, policy change correspondences

3. Customer Service Survey

Develop and launch a customer service survey to gain information about the experience of permit applicants. Distribute the survey to permit applicants from the past 5 years, as well as the Chamber of Commerce and other appropriate outlets. Advertise the survey on social media and at Commissioners public business meetings.

Target Effective Date: July 2019

Key Performance Indicators: Survey launched, feedback received

4. Improve Communication of Permitting Process and Requirements

Improve web presence to more clearly and concisely communicate permitting process and requirements by category and provide direct access to relevant guidance resources such as submittal checklists, public input processes and legal agreement templates. Update and/or develop new guidance resources to support each category, including bond and maintenance agreements, submittal checklists, FAQ's, etc.

Target Effective Date: December 2019

Key Performance Indicators: Web presence changed, guidance documents posted, survey feedback, staff feedback

5. Recommend a Web Portal Option for Permitting

Gather more information about software options with pricing that would allow online permit applications, digital plan submittals, tracking and transparency. Interview jurisdictions and end-users of software options as part of the evaluation process. Develop a recommendation to be included in FY21 budget request.

Target Effective Date: December 2019

Key Performance Indicators: Software package proposals, notes from jurisdiction and end-user interviews, software package comparison chart, Staff Report to RRC

6. Track Progress

Report back to Regulatory Reform Commission with survey results, web portal recommendation, and other key performance indicators for each recommendation.

Target Effective Date: January 2020

Key Performance Indicators: Staff Report to RRC, meeting agenda and notes

7. Engage Municipalities

Meet with each municipality within Allegany County to discuss opportunities for resource sharing. Update resolutions, as appropriate, to address County technical support for land use ordinance reviews.

Target Effective Date: March 2020

Key Performance Indicators: Meeting agendas and notes, updated resolutions

8. Evaluate Inconsistencies between Building Code Exemptions and Floodplain Requirements

Evaluate “substantial improvement” requirements as part of the 2019 Floodplain Ordinance revision process. Develop potential solutions to address inconsistencies between building code review exemptions and substantial improvement requirements.

Target Effective Date: March 2020

Key Performance Indicators: Floodplain Ordinance Review Committee meeting agendas, notes and recommendations

9. Consider Increasing Floodplain Freeboard Requirement to Improve Community Resiliency

Identify pros and cons of increasing floodplain freeboard requirement as part of the 2019 Floodplain Ordinance revision process. Develop a strategy that will increase resiliency and reduce insurance premiums without unfair burden on owners of property in the floodplain. Evaluate residential and commercial separately. Have the Floodplain Ordinance Revision Committee make a recommendation to the County Commissioners.

Target Effective Date: March 2020

Key Performance Indicators: Floodplain Ordinance Review Committee meeting agendas, notes and recommendations, 2019 Floodplain Ordinance

10. Address Lot Line Adjustment Process Deficiencies

Identify deficiencies in the existing process that results in newly created parcels rather than merged parcels. Meet with Maryland Department of Assessments and Taxation to discuss process and develop any needed solutions. Implement policy and/or regulatory solutions, as needed.

Target Effective Date: June 2020

Key Performance Indicators: Meeting agenda, notes and recommendations; policy and/or regulatory updates as recommended

11. Evaluate and Address Development Rights Inequalities

Research how other jurisdictions address development rights and develop potential solutions to distribute development rights equitably. Implement policy and/or regulatory solutions, as needed.

Target Effective Date: June 2020

Key Performance Indicators: Notes of interviews with other jurisdictions and Maryland Department of Planning; policy and/or regulatory updates as needed

12. Implement Web Portal for Permitting

Implement the recommended web portal for permitting.

Target Effective Date: December 2020

Key Performance Indicators: Use of web portal