



Maryland Department of Planning

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December 18, 2007

Mr. Philip R. Hager
Executive Director
Planning and Zoning Commission of Allegany County
701 Kelly Road
Cumberland, MD 21502

Mr. Hager:

The Maryland Department of Planning has completed the coordinated review of the 2007 Draft of the LaVale Region Plan with additional amendments. Thank you for your participation in the plan review process. The State of Maryland is committed to fighting the high financial, social, and environmental costs of sprawl development through effective Smart Growth and Neighborhood Conservation strategies, which truly enhance the quality of life for everyone in Allegany County.

The Maryland Department of Planning has reviewed the 2007 Draft of the LaVale Region Plan as amended and determined that, although some of the requirements of HB 1141 have been sufficiently addressed, the plan in its current state does not meet all of the requirements of this legislation. Several modifications must be made to comply with this legislation. It is important to recognize that the County has until October 1, 2009, to include the required elements of HB 1141 into the Comprehensive Plan. If the County cannot incorporate all of these requirements into this regional plan update, elements can be added later.

The Maryland Department of Planning strongly encourages the County to remove the mentioning of Planned Unit Development and Planned Residential Development within the Residential Estate District. The definition of this district is for high quality, low density residential development; a Planned Unit Development or Planned Residential Development would not meet the standards of this definition.

Attached are comments and recommendations from the Maryland Department of Planning and the Maryland Historical Trust.

Thank you for the opportunity to review the 2007 Draft of the LaVale Region Plan with additional amendments. If you have any questions and/or require assistance, please contact the review coordinator David V. Cotton at 301-777-2161.

Sincerely,

Stephanie Martins
Director, Land Use Planning and Analysis

**Maryland Department of Planning
Review Comments
Draft La Vale Regional Plan**

Development Capacity Analysis

We did not see a development capacity analysis in the draft plan. Maryland's local governments committed to performing this analysis as part of their comprehensive plan updates via the Development Capacity Analysis Local Government MOU (signed by the Maryland Municipal League and Maryland Association of Counties in August, 2004) and the Development Capacity Analysis Executive Order (signed by Governor Ehrlich in August, 2004).

These agreements were commitments to implement the recommendations made by the Development Capacity Task Force, which are outlined in their July, 2004 report (the full report is available at: http://www.mdp.state.me.us/develop_cap.htm)

MDP has conducted development capacity analyses for several jurisdictions and is willing to assist with developing a Development Capacity Analysis.

See the report mentioned above for a full description of the analysis' methodology and its caveats. MDP's analysis, while not perfect, was endorsed by the Development Capacity Task Force and many local governments. This analysis produces estimates of the number of dwelling units built by build-out based on existing zoning, land use, parcel data, sewer service, and information about un-buildable lands. This analysis does not account for school, road, or sewer capacity. The estimates are focused on the capacity of the land to accommodate future growth based on zoning and other information.

Completing a Development Capacity Analysis would assist La Vale in several ways. It would assist in:

- analyzing the relationship between population projections and current capacity.
- assessing the actual water and sewer capacity needs for future development
- assessing the potential capacity for redevelopment and infill

Priority Funding Areas

Page 2-13 of the draft plan states under Policy and Implementation Actions, that the LaVale Priority Funding Area should be expanded. A map and discussion of LaVale's Priority Funding Areas should be included in the plan. Also a statement concerning all possible future expansion(s) to the current PFA would also aid in subsequent reviews for determining "consistency with the comprehensive plan."

Population Projections

Page 1-8 of the draft plan states that "the State of Maryland projects modest population growth in Allegany County over the next 20 years.." This statement should be revised; the Maryland Department of Planning's projections fluctuate over time with an overall loss in population of

1,680 between 2000 and 2030. For more information please see http://www.mdp.state.md.us/msdc/dw_popproj.htm

The Water Resources Plan Element

Page 4-1 of the draft plan addresses some of the requirements of HB 1141, as related to the water resources element, but does not meet all of the requirements. In order to fully comply with this requirement, the Department's guidance document related to the Water Resources Element should be reviewed. This new planning element addresses the relationship of planned growth to water resources for both waste disposal and safe drinking water. It will be required of all county and municipal governments in the State. The element must identify drinking water and other water resources adequate for the needs of existing and future development proposed in the land use element of the comprehensive plan. It must also identify suitable receiving waters for both wastewater and storm water management to meet the needs of existing and projected development proposed in the land use element of the comprehensive plan. The Maryland Department of the Environment will provide available data to identify these resources. Resource issues expected to be addressed in these elements include water resource protection areas, groundwater resources, water quality standards and Total Maximum Daily Loads (TMDLs). The guidance document, Models and Guidelines 26, entitled "Managing Maryland's Growth, the Water Resources Element," can be downloaded from the Department's website at <http://www.mdp.state.md.us>.

The Land Use Section

The mentioning of planned unit developments and planned residential developments within the Residential Estate district should be removed. It should not be feasible to create a PUD in this district as a Special Exception use. The definition of this district is for high quality, low density residential development; a PUD would not meet the standards of this definition.

Relationship between Future Land Use Classifications and Future Zoning, in this section recommended densities should be listed (example: 1 unit per 10 acres), as well as general suitable uses. Specifics which are customary to Zoning Ordinances, such as special exception uses should not be listed within the plan. The land use section and proposed zoning section should guide the County in the development of the new Zoning Ordinance. The Zoning Ordinance should be crafted after the adoption of the Comprehensive Plan utilizing the Plan as a guide for the establishment of Zoning Districts and each districts uses.