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County Planners Propose Changes

Montgomery Council May Tighten Controls

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The two Montgomery County agencies that supervise development say they have worked out a way to prevent lapses in oversight and allow the county to quickly lift a freeze and resume issuing building permits.

But some County Council members say they are hoping to use a session today to impose tighter controls on the system that allowed widespread building violations in Clarksburg to go undetected. The proposals could slow the pace of residential and commercial development once the freeze is lifted.

Council member Steven A. Silverman (D-At Large) wants to strip planners of their authority to make changes, no matter how small, once the Planning Board approves a proposal. Silverman would instead have the board vote on all changes until early next year, when a permanent solution could be considered.

"We got a situation right now where planners are signing off on amendments without the community knowing about it," said Council member Steven A. Silverman (D-At Large), who plans to run for county executive.

The county's planning and permitting departments, both at the center of the Clarksburg controversy, will try to head off the council by offering their own reforms.

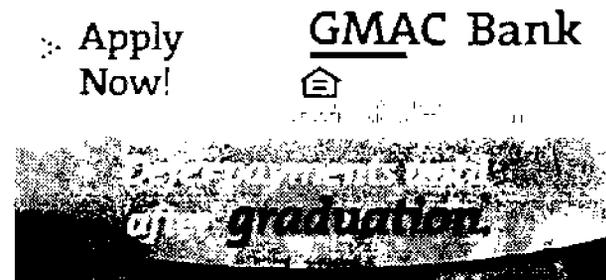
"What happened in Clarksburg was a fairly narrow gap in the net where the height and setbacks were not checked, said Derick Berlage, chairman of the Planning Board. "That is the gap that these violations drove through, and that is the gap we closed."

In Clarksburg Town Center, a senior planner changed a site plan for northern Montgomery community after it was approved. Some Clarksburg residents said the process allowed the developers to make wholesale changes to the project without first getting public input.

County officials have been scrambling to address growing concerns arising from the controversy in Clarksburg, which began after a group of residents unearthed information showing that the builder, Newland Communities, had erected buildings taller and closer to the sidewalk than allowed in a site plan. Residents also found that a Planning Board employee had altered the plan to match the building height.

The Planning Board has delayed until September a decision on whether sanctions should be issued against the developer and builders involved in the project.

Under the agencies' proposal, the permitting department will require building permit applicants to include information about the project's height and setback. The data, which an independent engineer will verify, will then be sent to the planning department for further review.



If the application matches approved plans, the permitting department will issue a building permit. The agency will then be responsible for following up to check on the project after it is built.

Until this week, building permits based on site plans were issued without either agency checking height or setback information. Both agencies said they thought the other was responsible for checking after the structures were built, even though the county code appears to suggest it was planning department's responsibility.

To implement the changes, the two agencies will ask the council to authorize the hiring of nearly 20 additional staffers.

Robert C. Hubbard, director of the permitting department, said it is conceivable that the issuing of some building permits, which County Executive Douglas M. Duncan (D) suspended last week, could resume in a few days. But it is expected to take at least a few weeks to clear out a backlog from the freeze on permits in site-plan zones.

Some on the council and some civic leaders may want to go further.

Council member Michael L. Subin (D-At Large) is proposing that Berlage and Hubbard, the agency chiefs, personally approve building permits before they are issued.

Silverman, who heads the council committee overseeing land-use policies, will also propose that the county inspector general extensively review the county's planning process for the next two years.

"It doesn't do anything to solve these problems," said Tom Perez (D-Silver Spring), the council president.

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