

MEMORANDUM

October 2, 2014

TO: PHED Committee

FROM: ^{CH} Craig Howard, Senior Legislative Analyst
^{SA} Sue Richards, Senior Legislative Analyst
Office of Legislative Oversight

SUBJECT: **Worksession on OLO Report 2014-10: Review and Approval Times for Preliminary Plans, Site Plans and Record Plats**

On October 6th, the PHED Committee will meet to discuss OLO Report 2014-10 which was released by the Council on July 29, 2014. The Council asked OLO to compile data to address some key unanswered processing time questions so that the Council could use this information to strengthen its oversight of the development approval process.

Overall, OLO found that obtaining a regulatory approval for new preliminary plans, site plans and record plats typically took from 9 to 15 months during the timeframes reviewed. Within each approval type, processing times vary widely. OLO found examples of other jurisdictions that regularly publish development review process metrics that compare actual review time against pre-established benchmarks.

OLO will provide a short PowerPoint presentation summarizing the report and its recommendations, and agency representatives from MNCPPC and County Government will be available to provide their comments on the report and answer Councilmember questions. Agency representatives planning to attend the worksession include:

- MNCPPC – Planning Board Chair Casey Anderson; and Director Gwen Wright, Rose Krasnow, and Mark Pfefferle from the Planning Department.
- County Government – Director Diane Swartz Jones, Atiq Panjshiri, Ehsan Motazedi, and Mark Etheridge from the Department of Permitting Services; and Emil Wolanin and Greg Leck from the Department of Transportation.

Representatives from the building/development industry that participated in the study also plan to attend the worksession.

Committee members are asked to bring their copy of report 2014-10 to the meeting. The report is available on-line at <http://www.montgomerycountymd.gov/olo/reports/2008.html>. The remainder of this packet provides an overview of OLO's findings and recommendations.

A. Summary of OLO Report 2014-10

OLO Report 2014-10 provides a summary of previous streamlining efforts; an analysis of actual processing times for new site plans, preliminary plans and record plat approvals using available data; perspectives about these data from agency staff and industry representatives; and research about performance metrics and measurement systems in other jurisdictions. The Executive Summary for this report is attached at ©1. Key findings from the report include:

- Efforts to streamline Montgomery County's development approval process are not new, and a desire to reduce approval timeframes has been a consistent theme.
- For preliminary and site plans approved by the Planning Board since FY10, a typical new plan takes 12 to 15 months to complete the process and a typical amendment takes between four to 12 months.
- An analysis of Planning Department/Development Review Committee review time and applicant response time (based on limited data) indicates that new site plan applications spend 71% of approval days undergoing staff review versus 44% for new preliminary plans.
- The median time to complete the post-Development Review Committee (DRC) was 129 days for new site plan and 315 days for new preliminary plan applications. The median time for new site plan applications to complete plan certification was 110 days.
- Actual processing time data for new preliminary and site plans phases exceeds various processing time assumptions in County law, the Planning Board's procedural rules, or agency memorandums of understanding.
- Data on record plats approved during FY12 and FY13 indicates that the review and approval process lacks reliable and consistent timing. The median elapsed time from application acceptance to recordation was 299 days, with the range extending from a low of 65 days to a high of 2,383 days.
- Actual record plat review and approval timeframes during FY12-13 substantially exceed published agency guidelines. However, the total elapsed time data combines active agency review time with applicant revision/resubmittal time.
- Record plat review process data from 19 case studies indicate a high degree of variability within review cycle timeframes and the amount of time the application is with reviewing agencies versus the applicant. The case study data also shows variability for review cycle time at each stage and for each participant of the process.
- There is little overlap among the issues and items reviewed by the Planning Department and DPS during the record plat review process.
- The record plat review process lacks consistent coordination between the approving agencies. Implementation of ePlans for record plat review provides an opportunity to improve inter-agency coordination.
- Feedback from agency staff and representatives of the building/development industry identify several factors that can impact the timeline for preliminary plan, site plan, and record plat reviews. A review of the data confirms many of these observations.
- Surrounding County jurisdictions have different approaches to development review timeframe goals and requirements. Additionally, multiple approaches exist for ongoing reporting of development review performance metrics.

B. OLO Recommendations

The Office of Legislative Oversight's analysis of preliminary plan, site plan, and record plat approvals in Montgomery County shows lengthy and highly variable completion times. Despite numerous sustained efforts to streamline the development approval process, achieving shorter approval timeframes has been an elusive goal. Current initiatives hold promise for improvement in several areas; however, ongoing Council oversight and attention to development approval processing is warranted, particularly given Montgomery County's multi-agency governance structure for administering development approvals.

OLO has four recommendations for Council action in two parts. Part I proposes an enhanced Council structure for oversight of development approvals and Part 2 proposes an enhanced communication and information delivery structure for record plats.

OLO circulated a draft of this report to the Montgomery County Planning Department and the County Government's Chief Administrative Officer (CAO). Written comments from the Deputy Director of the Planning Department and the CAO are attached beginning at ©5.

PART I: COUNCIL OVERSIGHT STRUCTURE FOR DEVELOPMENT APPROVALS

OLO recommends that the Council use a performance management approach to convey clear expectations for development approval outcomes and commit to periodic results monitoring with agency staff and industry representatives.

Recommendation #1: Establish pre-set development approval timeframes and targets for record plat, preliminary plan, and site plan approval processes - including metrics for review cycles, phases, and periods within each process.

The Council should request that DPS and the Planning Department's new metrics include agency review time targets for each review component, applicant response time targets, and performance standards for each component of the process.

Recommendation #2: Establish a data system that captures and reports accurate agency and applicant review times.

With the move toward electronic plan submission and review under ePlans, the Council should request that the review agencies ensure that the data systems are set up to collect and track data on each component of the review process and that staff are trained to implement data fields consistently.

Recommendation #3: Create a regular reporting structure to the Council and the public to enhance transparency of and accountability for the development review processing data.

The Council should hold a performance improvement worksession every six months with agency staff and industry representatives to address issues related to the design and implementation of this data oversight structure; to review the actual performance results; and to address the relationship of the oversight structure to other ongoing efforts. Similar to other jurisdictions, the Council should also request that the reviewing agencies develop a single, online location to publish detailed data on review timeframes.

PART II: ENHANCED COMMUNICATION AND INFORMATION STRUCTURE FOR RECORD PLATS

Recommendation #4. Request that DPS and the Planning Department jointly improve communication and information delivery processes for record plats, including a coordinated online presence.

The Council should request that DPS and the Planning Department enhance the communication and information delivery structure for record plats by: consolidating all information into a single website or mirrored sites; eliminating the need for multiple applications; establishing and publishing a clear checklist of materials/information that will be required; and committing to a proactive communication structure for notification of changes in review policies or guidelines.

LIST OF ATTACHMENTS

Item	Begins at:
Executive Summary of OLO Report 2014-10 – <i>Review and Approval Times for Preliminary Plans, Site Plans, and Record Plats</i> July 29, 2014	©1
Memorandum from Rose Krasnow, Deputy Director, Montgomery County Planning Department, July 23, 2014	©5
Memorandum from Timothy Firestine, Chief Administrative Officer, July 24, 2014	©8

Review and Approval Times for Preliminary Plans, Site Plans, and Record Plats

OLO Report 2014-10

July 29, 2014

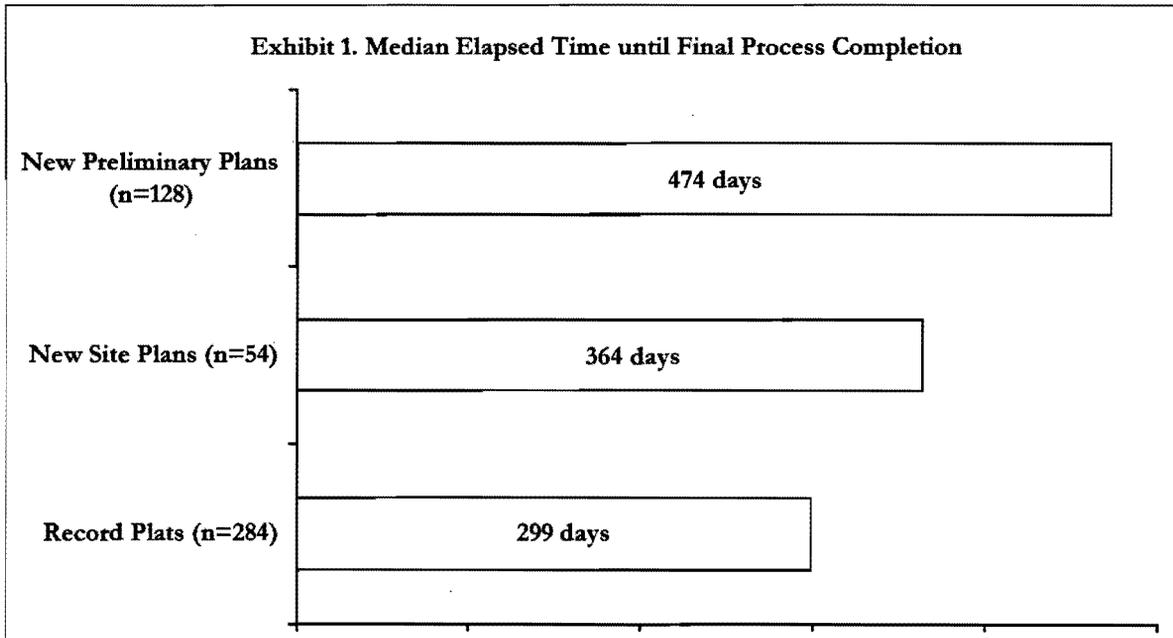
EXECUTIVE SUMMARY

This OLO report examines review and approval time for preliminary plans, site plans, and record plats in Montgomery County. It responds to the County Council's request for a better understanding of how long it takes to receive certain types of approvals and some of the factors that influence the predictability of the County's regulatory land use processes. OLO recommends the Council create an online system of benchmarks and processing time metrics to strengthen its oversight of regulatory land use approvals and shorten approval timeframes.

Median Approval Times for Preliminary Plans, Site Plans, and Record Plats

A regulatory land use approval is a structured administrative review that achieves compliance with multiple sets of codified development standards. OLO compiled a dataset of 415 preliminary and site plan applications (both new applications and amendments to existing approvals) completed between FY10 and mid-year FY14, and a dataset of 284 record plats approved by the Planning Board and DPS during FY12 and FY13 and subsequently recorded.

Exhibit 1 shows these reviews typically take 15 months for a new preliminary plan; 12 months for a new site plan and 9-10 months for a record plat. Approvals for a project that requires all three reviews could take over three years. OLO found that, for each type of approval, a relatively small number of "outliers" with the longest approval timeframes disproportionately affect the average. As a result the median is a better measure of a "typical" timeframe.



Process Predictability. Ranges for the County's regulatory approval processes are large, indicating a more variable and less predictable process. Approval timeframes ranged from 119 to 3,128 days for new preliminary plans; 151 to 3,128 days for new site plans; and 65 to 2,383 days for record plats.

Allocation of Agency Staff Review and Applicant Response Time within Review Processes

The elapsed time data for each approval type shown above captures both time attributable to agency staff (i.e., the amount of time an application is with staff either awaiting or undergoing review) and applicant response time (i.e., the amount of time it takes the applicant to make requested revisions and formally resubmit an application after agency review). How much review time is attributable to each party is a frequent source of discussion.

Preliminary and Site Plans. The Planning Department uses "stop days" to track the period(s) of time when an applicant's revisions are pending and Planning staff is not actively reviewing a plan. Despite some data limitations, these data show higher shares of agency staff review days for site plans (71% staff review days and 29% applicant response days) than for preliminary plans (44% agency staff review days and 56% applicant response days.)

Table 1. Estimated Distribution of Approval Time Data

Application Type	% Agency Staff Review Days	% Applicant Response Days
New Site Plans	71%	29%
New Preliminary Plans	44%	56%

Record Plat Case Studies. Since the reviewing agencies do not regularly collect and report data that measures the activity that occurs during the record plat review process, Planning Department and DPS staff provided detailed information from case files on the actual review process for 19 case studies. OLO used this information to create timeline charts for 17 of the case studies that estimate the percent of time a record plat was under review by Planning and/or DPS compared to with the applicant for response/revision. Notably, among the case studies:

- The estimated percent of time a record plat was with a review agency ranged from 8% to 97%. Similarly, time assigned to an applicant ranged from 3% to 92%.
- The 10 plats below the median approval timeframe of 299 days all had agency review time exceeding 50%, while the seven plats above the median timeframe all had applicant time exceeding 50%.

Timeframe Data Within the Preliminary Plan and Site Plan Review Processes

OLO also calculated processing times for the phases or review cycles within each process.

Preliminary and Site Plans. These approvals have four parts: a pre-decision phase has a **pre-DRC period** (time from a completed application to the first DRC meeting) and a **post-DRC period** (time from the first DRC meeting to the hearing date); a post-decision phase has a **resolution period** (time from the hearing date to the resolution mailing date) and a **plan certification period** (time from the resolution mailing date to the certified plan signature date).

Table 2 shows that the post-DRC and plan certification periods are the most lengthy for site plans, while the post-DRC period is the longest for preliminary plans.

Table 2. Approval Timeframes by Review Period

Approval Type	Median
New Site Plans (n=54)	
Pre-Decision Phase	
Pre-DRC Period	39 days
Post-DRC Period	129 days
Post-Decision Phase	
Resolution Period	40 days
Plan Certification	110 days
New Preliminary Plans (n=128)	
Pre-Decision Phase	
Pre-DRC Period	40 days
Post-DRC Period	315 days
Post-Decision Phase	
Resolution Period	50 days
Plan Certification	41 days

Record plat case studies. Record plat reviews have one or more review cycles. Each cycle has both an agency review and an applicant's corresponding revisions. For each of the 19 record plat case studies, OLO calculated the number of days it took for each department and the applicant to complete a review cycle. The data in Table 3 show applicant response times can be as long (or longer) than agency review times.

Table 3. Median Record Plat Review Cycle Times from Case Studies

Action	MNCPPC Review		MCG Review	
	Planning Department	Applicant	DPS	Applicant
1st Review Cycle	47 days	43 days	33 days	99 days
2nd Review Cycle	21 days	35 days	20 days	64 days
3rd+ Review Cycle	2 days	20 days	11 days	47 days
Review Cycles Combined	37 days	35 days	26 days	79 days

For the Planning Department, 50% of the case studies required one review cycle, 33% required two review cycles, and 17% required three or more. For DPS, 32% of the case studies required one review cycle, 32% required two review cycles, and 36% required three or more.

Efforts to Streamline and/or Improve the Development Approval Process

Efforts to streamline or improve Montgomery County's development approval process are not new, as several different reports or initiatives have addressed this issue in the recent past and others are ongoing. Notable current efforts include:

- **Implementation of electronic plan review (ePlans).** ePlans was implemented for preliminary and site plans in March 2013 and record plats in July 2014. Agency staff report that ePlans will allow for greater data tracking and reporting as well as better coordination between reviewing departments.
- **Streamlining the Development Process Initiative.** This cross-agency initiative has identified and continues to work on a list of 67 potential streamlining improvements, including efforts to develop revised review timeframe and/or performance targets.
- **Process Time Reporting.** Under Resolution 17-859, the Council requested that the agencies began regular reporting of certain review time metrics.

Timeframes and Metrics in Other Jurisdictions

A review of preliminary plans, site plans, and record plats in surrounding County jurisdictions (Fairfax, Howard, Frederick, and Prince George's counties) show different approaches exist for managing approval processes. Examples include: agency and/or applicant review times established in law or policy, pre-set review and approval calendars, and specified definitions for how to count agency versus applicant time.

OLO also found examples of other jurisdictions that regularly publish development review process metrics and/or performance measures online. These systems include comparisons of actual review time against benchmarks.

Office of Legislative Oversight Recommendations

While current initiatives hold promise for improvement, ongoing Council oversight and attention to development approval processing is warranted. OLO's recommendations for Council action include two parts.

PART I: COUNCIL OVERSIGHT STRUCTURE FOR DEVELOPMENT APPROVALS

OLO recommends that the Council use a performance management approach to convey clear expectations for development approval outcomes and commit to periodic results monitoring with agency staff and industry representatives.

Recommendation #1: Establish pre-set development approval timeframes and targets for record plat, preliminary plan, and site plan approval processes - Including metrics for review cycles, phases, and periods within each process

The Council should request that DPS and the Planning Department's new metrics include agency review time targets for each review component, applicant response time targets, and performance standards for each component of the process.

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The Council should hold a performance improvement worksession every six months with agency staff and industry representatives to address issues related to the design and implementation of this data oversight structure; to review the actual performance results; and to address the relationship of the oversight structure to other ongoing efforts. Similar to other jurisdictions, the Council should also request that the reviewing agencies develop a single, online location to publish detailed data on review timeframes.

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MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MEMORANDUM

To: Sue Richards, Senior Legislative Analyst
Craig Howard, Legislative Analyst
From: Rose Krasnow, Deputy Director
Date: July 23, 2014
Subject: Review of Final Draft OLO Report 2014-10: Review and Approval Times for Preliminary Plans, Site Plans and Record Plats.

Thank you for the opportunity to comment on the Final Draft of OLO Report 2014-10. Planning staff sent technical comments on July 18, 2014, and this Memorandum is the agency's written response to the content of the report. I wish to address preliminary and site plan review times separately from record plat review times since the ways we have addressed these issues are different.

Preliminary and Site Plans.

The report does an excellent job of describing our process and establishing the fact that our review times are too long. However, it fails to take into account the many changes that have been put in place over the last two years that we believe have already improved the review times for preliminary and site plans as well as several ongoing changes that should continue to do so. First, using ePlans for the electronic submission and review of plans ensures that all reviewers are looking at the same set of plans, that they can see the comments made by other agencies to more quickly identify possible conflicts, and that applicants will receive a single, consolidated list of comments that can then be addressed all at once, instead of receiving comments piecemeal from each agency. Second, the new zoning ordinance should save additional time because it greatly simplifies the language, meaning that less time will be spent in trying to interpret the meaning of the code. It also calls for reviews to occur within a 120 day time period, which means that agencies will have to resolve their differences in a timely manner. We anticipate that this will result in the MOU which was signed by all of the agencies and sets forth who has Lead Agency authority for each issue and how to elevate certain issues to a higher level of management when staff cannot work out a solution in a timely manner being invoked on a regular basis. To meet the time frame called for by the code, the Planning Department will be publishing a schedule beginning in 2015 that will specify the dates that need to be met for each step in the process, from initial acceptance of an application to the Planning Board Hearing date. This will also include time frames for applicant resubmissions that address staff comments, something which does not exist today. The changes called for in the new code give us an excellent opportunity to launch further procedural changes to the development review process. Our Director, Gwen Wright, has made streamlining the review process one of her top priorities for FY '15, incorporating some of the ideas she put in place during her tenure as Development Review Chief in Alexandria. The Planning Department hopes to initiate new processes, such as asking applicants to voluntarily submit a concept plan prior to any formal

plan submission so that the reviewing Agencies can provide applicants with meaningful input about possible deal breakers. Working these issues out in advance of plan submittal should enable expedited reviews of preliminary plans. Of course, in order for this effort to be successful, we will need cooperation from all agencies and for review staff to be empowered to make decisions that will not be altered or questioned at later stages.

Record Plats

We strongly believe that our review times for record plats will be greatly improved with changes we have already implemented. Since 2012, and as part of the County's Streamlining efforts, the Planning Department and DPS have worked with representatives of MNCBIA to clarify the information that must be shown on record plats. A working group was formed that identified which notes need to be included on plats and then standardized all those notes. In addition, we have developed a format for multi-page plats, which developers have told us will be beneficial. The biggest change which we are in the process of implementing now is the electronic submission and review of record plats. We believe that ePlans will address many of the OLO staff concerns. The changes include:

1. Applicants submit plat applications, drawings, and all supporting documentation directly to the Planning Department.
2. Once the application is deemed complete, the Planning Department assigns the plat to appropriate agencies for review, thereby eliminating the need for applicants to make a separate submission to DPS.
3. All review agencies electronically review and comment on the same drawing with each reviewing agency being able to see other agency comments.
4. Once each reviewing Agency completes their reviews the Planning Department's lead reviewer sends consolidated comments to Applicants. Applicant receives all comments at the same time.
5. Applicant resubmits the revised record plat through ePlans and plats are reassigned to each review Agency to repeat the process until complete.
6. Since plats require the signature of both the Planning Board Chairman and DPS, we have instituted a requirement that all plats must be signed by DPS before the Planning Board hearing occurs. This will prevent plats from having to return to the Planning Board for the County Executive Agencies will have already concurred with the plat before the Planning Board approves the plat.

We believe these changes will make for greater transparency and accountability during the plat review process. The process changes enabled by ePlans will also allow the Planning Department to determine who is causing delays during the review process. Right now applicants receive comments separately from the review agencies, and they submit revised plats directly to the commenting Agency. Under the ePlans process there is only one entry portal and all applicants will be required to use this avenue to make initial submissions and resubmissions, which is an improvement from the previous system.

On a more general note, we again want to stress how much the outliers can affect the average

review times. If you review 10 plans in 60 days each, but one plan takes 1500 days, the average for all of the plans goes up to 190 days. Although the report states that it is better to look at the median rather than the average times, we are concerned that this still does not capture our more usual review times. As we discussed when we met with you, in almost every case, there is a perfectly good explanation for the extremely long amounts of time involved in completing reviews for these outliers. In one case in Clarksburg, for example, the area went into moratorium due to a lack of school capacity so even though the plan had been submitted, we could not take it to the Board. In the case of record plats, the Council has tried to protect the entitlements of developers during these difficult economic times by extending their validity periods for up to six years. This means that many developers have approved record plats that they have not yet recorded, so the calculated time between submission and recordation stretches on and on. It would be a worthwhile endeavor to eliminate the outliers to get a better snapshot of our usual processing times.

We also would like to point out that while you include the schedules and time frames of other jurisdictions, we do not have any evidence that they actually meet these time frames. As a search of the literature indicates, every jurisdiction seems to be looking for ways to streamline their review process.

Once again, we thank you for the opportunity to comment on the Final Draft, and we look forward to instituting changes that will improve review times for all regulatory plans and record plats.



OFFICES OF THE COUNTY EXECUTIVE

Isiah Leggett
County Executive

Timothy L. Firestine
Chief Administrative Officer

MEMORANDUM

July 24, 2014

TO: Chris Cihlar, Director, Office of Legislative Oversight

FROM: Timothy L. Firestine, Chief Administrative Officer *Timothy L. Firestine*

SUBJECT: OLO Draft Report 2014-10: Review and Approval Times for Preliminary Plans, Site Plans, and Record Plats

Thank you for providing a copy of OLO Draft Report 2014-10, which examines challenges in the development review process. It is exactly these challenges that led the County Executive to launch the recent Cross-Agency Streamlining Initiative in cooperation with the County Council and the Montgomery County Planning Board (MCPB).

While the OLO report focuses on the discreet areas of preliminary plans, site plans, and record plats, it did not capture the many improvements that have resulted from the Cross-Agency Streamlining Initiative over the past two years. Nonetheless, we agree with the recommendations and believe that the performance measure and metric recommendations of your report, if adopted, will provide useful predictability and help us measure the progress that has been made since the initiative began as well as future progress.

Per Report 2014-10, the data analyzed for preliminary plans and site plans dates back to 2010 through mid Fiscal Year 2014 and the data reviewed for record plats pertains predominantly to residential plats in FYs 2012 and 2013 (July 1, 2011 through June 30, 2013). The timeline analysis is a good start and is helpful, but due to the way the data set is aggregated, it does not reflect: time savings resulting from streamlining improvements that have been made in 2013 and 2014; delays resulting from economic relief legislation at both the State and County levels that extended the life of applications by effectively allowing them to be dormant with the agencies during portions of the study time; and the impact of staff reductions during extremely poor revenue years and staff restoration in recent years. It is also notable that both public and private sectors contribute significantly to the time that it takes to get through the approval process.

Models identified in the report require performance timelines for the private sector as well as the public sector. This makes sense for more effective predictability of the review process. To implement all four of the report recommendations, I urge the non-Executive Branch agencies to utilize CountyStat to help agencies with the development of coordinated

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performance measures and reporting. CountyStat is already in place and is well-used as a centralized location to report, measure, access, and understand government performance. It is a best practice and it makes sense to optimize our use of this centralized tool.

The information from other jurisdictions is very useful and can help the Council, the agencies, and the stakeholders work out an approach that will provide better predictability in the County. However, the information needs to be fully understood for an “apples to apples” comparison. For example, Fairfax County advises that it has a very different site plan and preliminary plan process with preliminary plan and site plan reviews being made by a plans reviewer and manager and not the planning commission. So, where a target is 60 days, that target time does not arise until after the concept has been through the zoning process which adds materially more time.

As you note in your draft report, many different studies have been undertaken over the years. Each of these studies has resulted in meaningful improvements. A common challenge recognized in these studies is the structure of governance and the myriad of overlapping regulations that apply to development. It is clear that improvements continue to be needed and these improvements can and should take a variety of forms. While performance metrics, measures, and reporting are critical for a responsible and accountable government, the County Executive believes it is necessary to explore further changes to the development review process, including the structuring of agencies involved in the process.

Comments concerning the report findings and recommendations are found below.

General Comments: The development process would benefit from further changes such as: a more focused one stop shop which may result in realignment of responsibilities; clear, transparent regulations to address matters that are currently left to time consuming negotiations of development-related contracts; expansion of categories of minor plans subject to simplified process to encourage minor investment in properties; and expanded County oversight.

The report does a very nice job of summarizing a complicated process. It reflects an understanding of the balance between the need for efficient processing of development applications and the importance of County laws and requirements. As additional changes are pursued, care must be given so that substantive protections for orderly development that achieve project commitments to communities and end users are not sacrificed in the pursuit of more predictable timelines and reviews for development. These protections include:

- A. Ensuring that roads and sidewalks are constructed and completed by the developers and not shifted to homeowners or businesses for construction at a later time. Development must provide safe access and egress both for the community and the public safety responders who may need to serve them.

For this reason, reviews to ensure that elevations and engineering lines match is critically important, as is knowing that the grading and paving permits and necessary bonds to ensure completion of infrastructure and amenities are in place.

- B. Permanent, undisturbed public access to roads and sidewalks is also critically important. Reviews ensure that pre-existing easements and rights of others cannot up-end the permanent public interest that is required to be provided.

- C. Reviews assure orderly development to ensure compliance with laws adopted by the County Council and assure consumers that amenities and infrastructure will be completed.

Additionally, it is not clear from the report who in the private sector was consulted. For example, while it is clear that single family interests were consulted, much of the development occurring now is mixed use/multi-family. Projects have moved forward in White Flint under the new White Flint Sector Plan and experience has shown that approvals were achieved in a much shorter time frame than what is indicated in the report. It may be helpful to understand how projects have moved through the process utilizing sketch plans before moving to site plan; however, this would not change the need for defined time frames for performance.

In addition to what has already been said, we have a concern with the confusing way that the data is presented. The timelines in the tables do not reflect review times for the Department of Permitting Services, which for FY14 averages 14 days.

As noted above, the Cross-Agency Streamlining Initiative is one of the most recent efforts at reforming the development review process. Notable accomplishments include, but are not limited to the following:

- Consolidating fire alarm and fire protection systems inspections, reducing the time to schedule an inspection by as much as six weeks
- Eliminating MCPB's requirement for a Forest Conservation pre-construction meeting prior to issuance of a building permit, reducing building permit issuance time by approximately two weeks
- Modifying MCPB's bond approval process, reducing lag time by up to two weeks
- Creating a weekly report of DPS expedited/green tape applications for agencies
- Posting Context Sensitive Road Design Standards online
- Updating certain DOT design standards for cul-de-sacs and temporary turnarounds Modifying the Planning Board resolution process so that most are the same day the application is approved, saving as much as four to six months of time
- Initiating a WSSC program for requested releases of permits prior to project completion
- Waiver of MCPB signoff on recorded lot rebuilds to eliminate redundancy
- Posting common design mistakes lists to improve the quality of submissions
- Changes to the Development Review Committee (DRC) for preliminary/site plan processing include:
 - Sharing of comments with the applicant in advance of DRC
 - DRC timelines, issue resolution ownership, and agency participation reports
 - Hearing dates established at the end of DRC
 - Traffic studies distributed at the beginning of DRC instead of at the end
 - ProjectDox has been launched with improved access to agency comments
 - Special Protection Area monitoring changes have been adopted
 - Metrics created by DPS for processing stormwater management as-builts; record plats, etc.
 - Signature authority on all development documents required to be signed by the County has been delegated to the Director of DPS eliminating steps in process and movement of documents between departments in the County
 - Record Plat changes have been implemented
 - DPS has mostly eliminated backlog
 - Signature sequence has changed with DPS signing plats before they go to the Planning Board for signature
 - Plats Committee has reviewed and simplified notes on plats

- Cover page with notes has been created for multi-page plats and will be published as a DPS Policy 30 days prior to taking effect
- MCPB is working on review/revision of Chapter 50
- MCPB launched ePlans for Record Plats on July 1, 2014
- Zoning Rewrite has been adopted and simplifies and reduces approach to special exceptions including intake which will occur at MCPB
- Office of Zoning and Administrative Hearings is revising its rules of procedure to simplify for conditional uses and special exceptions; hearings to be assigned within 4 months of completion of application
- Design and construction standards for several Environmental Site Design practices have been published and Maryland Department of the Environment also recently issued design guidance

Responses to Selected Findings

Finding # 1: Efforts to streamline Montgomery County's development approval process are not new, and a desire to reduce approval timeframes has been a consistent theme.

CAO Response: We agree and further point out that many of the recommendations of the various efforts have been implemented and the County continues to seek ways to improve. It is worth noting that the County has continued to enjoy significant development activity. While there is room for improvement, there are many success stories in Montgomery County.

Finding # 6: Feedback from agency staff and representatives of the building/development industry identify several factors that can impact the timeline for preliminary and site plan reviews.

CAO Response: As a result of the Cross-Agency Streamlining Initiative, the Development Review Process has been revisited with several changes implemented. The recommendations for review times and performance metrics discussed later in the report will provide additional improvements. It may be worthwhile to understand recent complex projects that have obtained site plan approval in White Flint as these projects have shown some significant improvements.

It also may be worthwhile to flesh out projects that are submitted and that do not adhere to adopted master plans, road design standards or other regulatory requirements. These projects need more time to review what is required to achieve compliance.

Finding #13: Surrounding County jurisdictions have different approaches to development review timeframe goals and requirements. Additionally, multiple approaches exist for ongoing reporting of development review performance metrics.

CAO Response: Understanding how other jurisdictions have tackled review timelines is informative, as long as relative similarities and differences are kept in mind. As pointed out, Fairfax County has a very different approach and the referenced timelines are for different processes than in Montgomery County. We note that per the report, "published timelines" is not the same as "performance timelines," and while we do not have anecdotal benchmarking information from jurisdictions outside of the Metropolitan area, we know that other jurisdictions in this area also struggle to efficiently processing applications. The need for timelines and related performance measures is clear.

Responses to Recommendations

Recommendation #1: Establish pre-set development approval time frames and targets for record plat, preliminary and site plan approval processes, including metrics for record plat review cycles and preliminary and site plan phases and periods.

CAO Response: We agree with this recommendation. Permitting Services has incorporated, and in some cases improved, the metrics targets agreed to as part of the Cross-Agency Streamlining Initiative into its performance measures. As mentioned earlier, CountyStat could be very helpful in establishing performance measures for all agencies involved in the development approval process and provides a known site for accessing performance reports.

We find the data assembled very telling with respect to new preliminary and site plans as opposed to Amendments. The Zoning Rewrite has further simplified some of the processes. Following implementation of the Zoning Rewrite, periodic reviews should be undertaken to determine if there are additional categories of applications that could be processed through more simplified reviews, less costly studies, and with simplified plans.

Recommendation #2: Establish a data system that captures and reports accurate agency and applicant review times.

CAO Response: We agree with this recommendation. MCPB and DPS both utilize Hansen and the ProjectDox software for ePlans. DPS has also developed a plans tracking program to track review times as plans move through the review process for permits. The benefits of identifying types of applications that have reduced process requirements merits further exploration as well. The agencies should continue to collaborate and work together to determine a single reporting approach and a means for applicants to readily access information.

Recommendation #3: Create a regular reporting structure to the Council and the public to enhance transparency of and accountability for the development review processing data.

CAO Response: We agree with this recommendation and urge the agencies and the Council to consider bringing other non-County agencies into the CountyStat framework.

Recommendation #4: Request that DPS and the Planning Department jointly improve communication and information delivery processes for record plats, including a coordinated online presence.

CAO Response: The launch of ePlans for record plats should accomplish the objective of this recommendation for improved coordination, a single point of submission and distributions for reviews. Furthermore, as part of ePlans, a single, combined checklist will be utilized for record plats. A strategy should be developed to require submissions via ePlans.

We do not agree that policy changes have been adopted without advance notice to the industry. Nonetheless, we agree that advance notice and ongoing positive communications among stakeholders and regulators is very important. There is a long established Record Plats Committee that meets monthly and is comprised of agency and private sector representatives. This Committee has been very helpful in instituting some of the recommendations coming out of the Cross-Agency Streamlining Initiative.

You and your staff have done a very commendable job of presenting an analysis of the review timelines involved in preliminary plan, site plan, and record plat approvals. We look

Chris Cihlar, Director, Office of Legislative Oversight
July 24, 2014
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forward to working with you and the Council as further steps are taken to improve the development process. Thank you for the opportunity to review the draft report and present our comments.

TLF:dj

cc: Fariba Kassiri, Assistant Chief Administrative Officer
Bonnie Kirkland, Assistant Chief Administrative Officer
Diane Jones, Director, Department of Permitting Services