

MEMORANDUM

February 19, 2015

TO: Planning, Housing, and Economic Development Committee
FROM:  Jeff Zyontz, Legislative Attorney
SUBJECT: SRA 13-03, Record Plats - Approval

Staff recommendation

Defer action on Subdivision Regulation Amendment (SRA) 13-03 to allow changes already in progress to affect the timelines for approval and ask the Department of Permitting Services (DPS) Director and the Planning Director to report back within 7 months on 1) consolidated metrics and dashboard for development approvals; and 2) the results on outreach to the industry to identify review items that can be moved up to certified site plan or earlier in the application process.

Background

SRA 13-03, sponsored by Councilmembers Riemer, Leventhal, and Floreen, was introduced on December 10, 2013. On September 10, 2014, the Council approved Resolution 17-1209, which established the October 14 public hearing.¹

SRA 13-03 would repeal the requirement that the Department of Permitting Services' (DPS) sign record plats to document the Department's approval. The Department would still be able, under more general provisions of County law, to review record plats and provide comments to the Planning Board before it approves them.

Councilmember Riemer believes that the split authority between the Planning Board and County Government increases the processing time for record plats. A single signing agency will decrease duplication and delay. As State law granted the exclusive authority to administer record plats to the Planning Board, it is the Planning Board who should sign plats.²

¹A resolution establishing a hearing date was attached to the December 10, 2013 introduction. Although that resolution was before the Council and there was no objection, no formal vote was recorded for the December 10, 2013 resolution.

On January 14, 2014, the Council approved resolution 17-977, which set a public hearing for February 4, 2014. On February 4, 2014, hearing and action on SRA 13-03 were postponed indefinitely.

²Maryland Land Use Article Section 20-202(b)(1)(i).

Public Testimony

The Planning Board recommended tabling SRA 13-03 so that it could be considered in the context of other record plat reforms in progress. The Board's comments mirrored the Planning Staff recommendation. Planning Staff questioned whether SRA 13-03 would result in any significant time savings. Planning Staff noted that the Planning Board would still be responsible for reviews conducted by outside departments and agencies, including DPS.

The Executive's testimony strongly opposed SRA 13-03. In the Executive's opinion, SRA 13-03 would not streamline or improve the process but would sacrifice important public protections for those using public rights-of-way and for the purchasers of lots sold during the development process. The current process avoids the proliferation of dedicated but unmaintained roads. Only the County retains the discretion of when to accept roads for public maintenance. Requiring a DPS signature ensures clear title and pre-recording bonding for public infrastructure. The Executive noted that Maryland regulations (COMAR) require a designated County Department to sign record plats, and DPS was designated by MOU with Maryland Department of the Environment (MDE) to be this signer.

Representatives of the Maryland Building Industry Association and the Montgomery County Chamber of Commerce supported SRA 13-03. In their opinion, the SRA would improve efficiency and remove confusion concerning record plat approval.

Recent time trends on record plat approval

On July 29, 2014, the Office of Legislative Oversight completed a study titled "Review and approval times for Preliminary Plans, Site Plans, and Record Plats". The study found, for the 2 years it examined, that the median time for a record plat to be approved was 299 days. The OLO sample of 19 plats is the only available published data on the time taken by DPS.

The OLO Report includes the following:

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.

It is notable that applicants took longer to respond to agency comments than the time it took for the agencies to review the plat.

The average review time for record plats has been increasing in the past 2 ½ years.³ Some plats submitted on or after July 1, 2014 have been approved far more quickly than those averages. In FY13, the average time for a record plat application to be approved (based on submission date and Planning Board approval date, without knowing who caused the delays and excluding the time taken to record in the courthouse thereafter) was 328 days. The average was 382 days for plans approved in FY14 and 396 days in the first half of FY15. The median time to approval for FY15 to date is 302 days.

The full capabilities of processing software were not used by Planning Staff before FY15. It is not possible, without significant effort, to determine if Planning Staff, DPS, or the applicant was responsible for delays.

On July 1, 2014, the Planning Department began using eplans to process record plats. There were only a limited number of plans from which to develop statistics. **For the 10 plats for which Staff has completed reviews with mylars submitted, the process took, on average, a total of 76 days. The 7 record plats for which the entire process was completed through Planning Board approval took an average of 119 total days.** It remains to be seen how eplans will affect median and average times on a longer-term basis.

Recent Events

A number of events since the introduction of SRA 13-03 may affect the Council desire to proceed at this time. The following summarizes the activities and agreements documented in a joint memorandum from the Directors of DPS and the Planning Department (attached at © 7-13):

- 1) On July 1, 2014, DPS starting signing record plats before the Planning Board signs them, and Planning Staff started using eplans (Project Docs) to process record plats. This latter change allows for simultaneous reviews of plans and for each department to see the comments of the other department.

³ Averages can be distorted by a few applications that take an extraordinary amount of time. The total time is not in the control of either the Planning Department or DPS. The applicant may not respond to required changes or may delay recording to avoid higher taxes. Only the OLO report recorded self-imposed delays by the applicant. The extensions the Council has given since the 2009 recession for APF approval and recording approved preliminary plans allows for longer approval times by the applicant.

- 2) The Department of Permitting Services and the Planning Department have redefined their tasks to avoid a duplication of effort. The OLO report identified 8 tasks where both DPS and Planning Staff had the same review responsibility:

- Bearing/distance/line table
- Surveyor's certificate
- Owners certificate
- Adjoining property reference
- General notes
- Covenants – open space
- Ingress/egress easements
- Release/relocation conflicting easements

The agencies split each of these tasks to avoid future duplication. This is addressed in the attachment from the Planning and DPS Directors.

- 3) The Council directed the Office of Legislative Oversight to develop metrics for measuring performance by mid-April. The results are expected to be a topic of discussion at the Planning Board's Semi-Annual Report.
- 4) DPS simplified the required notes on a plat and developed subordination of easement forms for use with the Washington Suburban Sanitary Commission (WSSC).
- 5) Planning Staff is undertaking the drafting of a complete rewrite of Chapter 50 of the County Code – Subdivision Regulations. The Council expects the Board to transmit its recommended proposed Code in May 2015.

Recent Council Directives

Since the introduction of SRA 13-03, the Council has taken other actions regarding record plats. On December 2, 2014, the Council requested OLO to develop a recommended set of agency review performance standards for record plats and other land development processes.⁴

The Council expects that at the April 2015 Semi-Annual Report of the Planning Board, OLO will present to the Council for review and approval the proposed set of review time targets and a performance reporting template based on the specific targets. The template should allow for performance tracking over the most recent period, as well as cumulative performance.

Beginning with the Fall 2015 Semi-Annual Report of the Planning Board (and repeating at each following Semi-Annual Report), OLO is expected to present to the Council a performance report that compares actual versus target timeframes for preliminary plan, site plan, and record plat reviews. The Planning Department and DPS should also update the Council on the specific steps and actions implemented to improve the communication and information delivery processes for record plats in the fall of 2015 and at reports thereafter.

⁴ The Council specifically requested that OLO, working with DPS and Planning Staff, develop a recommended set of agency review time targets, applicant response time targets, and agency performance standards for each review component and/or step in the process for preliminary plans, site plans, and record plats consistent with establishing metrics for review cycles, phases, and periods within each process.

Department Discussions

DPS and Planning Staff are trying to change the record plat process to make it more administrative without legislation. This may involve increased involvement of DPS in the site plan process.

Staff Recommendation

Defer action on the SRA to allow changes already in progress to affect the timelines for approval and review any alternative amendments that may be proposed by DPS or the Planning Director.

The following material is not relevant if the Committee agrees with Staff's recommendation to defer action.

Possible Amendments

It is possible to aid streamlining without stripping DPS of its signatory authority. Strict timelines can be established for DPS actions, which can be mandated by law.

DPS Policy Arguments against SRA 13-03

County Interests

There are distinct County interests in record plats that differ from the interests of the Planning Board. The Planning Board looks at development on a broad scale in its concern for subdivision layout and integration with surrounding development. DPS, as the County's representation, is concerned about implementation. The County requires clean title to areas it accepts in dedication. To this end, easements of limited concern to Planning Staff are critical to the County.

The existence of right-of-ways that were indicated on a recorded plat but not accepted by the County prompted the requirement for a County signature on the plat in the 1960s. These "orphan" unimproved rights-of-way create unrealized expectations and unknown title/liability problems.

The County wants to assure that roads are geometrically safe and are constructed to County standards. Only the County government has the capacity to check the engineering on a plat, including the provisions for handling stormwater and septic systems.

The County requires bonding before signature to retain the subdivider's responsibility to individual lot owners. Once a plat is recorded, individual lots can be sold. The County wants the access to those lots assured by bonds.

Legal Issues

DPS has an MOU with the Maryland Department of the Environment that requires the Department Director to sign plats. The purpose is to certify, as the "approving authority", that the plat conforms to

State requirements. The authority for the MOU is derived from an MDE regulation allowing MDE to designate an approving authority to sign plats on its behalf.⁵ The authority for the regulation is from the Maryland Code, which allows MDE to delegate its responsibilities in any manner it sees fit.⁶

Maryland Code grants to the Planning Board the exclusive authority to administer the subdivision process in Montgomery County.⁷ The authority for MDE to have its delegate sign plats is not law but is only in regulations. The regulation and the MOU under the regulation is therefore susceptible to challenge, at least as it applies to Montgomery and Prince Georges County.

In addition to the provision that would be revised under SRA 13-03, another section of Chapter 50 requires all property or easement owners to sign the plat. The existence of right-of-way dedication would continue to require DPS to sign plats to accept such dedications. This provision would require modification if the Council's intent is to avoid a signature by DPS.

⁵ COMAR 26.03.01.07.

⁶ Article – Environment §1-301.

- (a) The Secretary shall carry out and enforce the provisions of this article and the rules and regulations adopted under this article.
- (b) The Secretary may delegate duties, powers, and functions as provided in this article to a health officer for a county or to another county official authorized to administer and enforce environmental laws.
- (c) In those counties where a county official other than the health officer is authorized to administer and enforce State environmental laws under this section, the county shall establish minimum qualifications for that county official that include standards of education and experience related to environmental issues.

⁷ Maryland Code, Land Use §20-201(b)(1)

A County planning board has exclusive jurisdiction over

- (i) Local functions, including:
 - 1. The administration of subdivision regulations....

Practical considerations

SRA 13-03 would only remove the signature requirement; it would not move other Code requirements requiring review by County Departments and would not save any significant time. Specific Code requirements for review by County Departments are:

- §2-55(f) DOT functions include reviewing plans.⁸
- §19-21 Preliminary Plans defined as something approved by DPS.⁹
- §19-64-7 Water Quality Plans – split of authority between DPS, DEP, and the Planning Department.
- §22-6 The Fire Chief has the authority to administer fire safety codes.¹⁰
- §49-35(a) DPS grading and construction permits must conform to the plat approved by both DPS and the Planning Board.
- §50-24(i) The developer or subdivider must provide street lights under the standards required by DOT.
- §50-27(A) Before approving a subdivision, the Board shall consider the availability of water and sewage facilities or the lack thereof to the proposed subdivision. Determination shall be made upon the recommendation of WSSC and DEP, as applicable, for the proper type of water supply and sewage disposal to be required in each subdivision.
- §50-30(c)(3) The extent and width of water and sanitary sewer rights-of-way must be determined by WSSC. The extent and width of drainage rights-of-way must be determined by WSSC and DPS after receipt of drainage studies prepared by the applicant's engineer.
- §50-35(a) A preliminary Plan application must be distributed to DOT, DPS, FRS, WSSC, BOE, MDOTs, and municipalities (as appropriate).

⁸ Review and approve transportation elements of development plans, including storm drainage and paving plans; grade establishment plans; record plats; utility plans; pre-preliminary, preliminary and site plans; and construction permits for any work in public space;

⁹ Preliminary project approval: An approval as part of the Department's preliminary development or planning review process that includes at least:

- (a) the number of planned dwelling units or lots;
- (b) the proposed project density;
- (c) the proposed size and location of all land uses for the project;
- (d) a plan that identifies:
 - (1) the proposed drainage patterns;
 - (2) the location of each point of discharge from the site; and
 - (3) the type, location, and size of each stormwater management measure based on site-specific stormwater management requirement computations; and
- (e) any other information required by the Department, including:
 - (1) the proposed alignment, location, and construction type and standard for any road, access way, and area of vehicular traffic;
 - (2) a demonstration that the methods by which the development will be supplied with water and wastewater service are adequate; and
 - (3) the size, type, and general location of all proposed wastewater and water system infrastructure.

¹⁰ The Fire Chief must administer this Chapter. The Fire Chief must perform any other duty assigned under this Chapter or any other applicable law. The Fire Chief may delegate any power or duty under this Chapter to any other County fire official.

...The decision of the Fire Chief in any matter relating to fire safety is final. Within 30 days after any remaining conflict has been resolved, the Fire Chief and the head of the agency responsible for enforcing the conflicting law or regulation must forward to the County Executive a joint proposal to amend a law or regulation to eliminate the conflict. ...22-3(e).

- §50-35(d) Before the Board finally approves a preliminary plan, the subdivider must furnish road and pedestrian path grades and a street profile approved in preliminary form by the DOT.
- §50-35(e) Before the Board approves a plan for lots with individual wells or septic systems, the plan must be approved by the Department of Permitting Services.

Arguments in Favor of SRA 13-03

The idea of a one-stop shop is a practice in other jurisdictions (e.g., Fairfax). Then-County Executive Duncan tried to emulate the one-stop shop model to some degree when the current Department of Permitting Services was established. The Department of Permitting Services is not a one-stop shop. There was opposition to incorporating all review functions in a single department. Any effort to make DPS a complete one-stop shop (and assume the authority of the Planning Board) would require a change to Maryland law.

Under current Maryland law, the only way to create a one-stop shop for preliminary plan and record plat approvals would be to give that authority to the Planning Board and to the Planning Department Staff.¹¹

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¹¹ Maryland Code, Land Use, §23-102. [Subdivisions] In general.

- (a) Subdivision plat approval required by county planning board. --
 - (1) Except as provided in subsection (c) of this section, a subdivision plat of land in the regional district may not be admitted to the land records of Montgomery County or Prince George's County, or received or recorded by the clerks of the courts of the respective county, unless:
 - (i) the plat has been submitted to and approved by the applicable county planning board; and
 - (ii) the chair of the county planning board and the secretary-treasurer of the Commission endorse an approval in writing on the plat.

Subdivision Regulation Amendment No.: 13-03
Concerning: Record Plats – Approval
Draft No. & Date: 1 – 12/4/13
Introduced: December 10, 2013
Public Hearing:
Adopted:
Effective:
Ordinance No:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

By: Councilmember Riemer, Council Vice-President Leventhal, and Councilmember Floreen

AN AMENDMENT to the Subdivision Regulations to:

- (1) limit the number of agencies that are required to approve a record plat; and
- (2) generally amend the provisions relating to the approval of record plats

By amending the following sections of County Code Chapter 50:
Sections 50-36 and 50-37

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by introduced Subdivision Regulation Amendment.</i>
[Single boldface brackets]	<i>Deleted from existing law by introduced Subdivision Regulation Amendment.</i>
<u>Double underlining</u>	<i>Added to the Subdivision Regulation Amendment by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the Subdivision Regulation Amendment by amendment.</i>
* * *	<i>Existing law unaffected by Subdivision Regulation Amendment.</i>

OPINION

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following Ordinance:

1 **50-36. Record plats-Specifications and supporting data.**

2 * * *

3 (d) *Drawing.* The Subdivision Record Plat must be accurately drawn to a
4 scale approved by the Planning Board. The Mylar drawing should not
5 be submitted until paper prints of the subdivision record plat,
6 submitted with the application, have been reviewed by the
7 [appropriate Departments and agencies] Planning staff and have been
8 returned to the licensed land surveyor. The subdivision record plat
9 drawing must include the following items:

10 * * *

11 (6) **Approval Box.** An approval box in a form required by the
12 Board must be provided. The box must provide approval space
13 for [the then authorized and applicable County agencies, such
14 as] the [County] Planning Board[, and the County Department
15 of Permitting Services] and any other agency expressly required
16 to approve a record plat.

17 (e) *Road and street profile plans.*

18 (1) **County Roads.** Complete road and crosswalk profile plans in a
19 manner acceptable to the applicable County agency[, such as
20 the County Department of Permitting Services,] must
21 accompany each Subdivision Record Plat submitted to the
22 Board, except [in cases] where the grades of the roads or streets
23 have already been established.

24 * * *

25 **50-37. Record plats-Procedure for approval and recording.**

26 * * *

27 (f) *Signing and reproducing [of] plats.*

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(1) [All plats shall] Each plat must be signed by the authorized officers of the Board as soon as the Board has acted to approve [them] it, or [in cases of conditional approval] if the plat was conditionally approved, as soon as [such] all conditions have been complied with to the satisfaction of the Board.

(2) After a finally approved record plat is signed by the authorized officers of the Board [and by the Department of Permitting Services], the staff may complete [the] processing [of] the plat.

* * *

Sec. 2. Effective date. This ordinance takes effect 20 days after the date of Council adoption.

Approved:

Isiah Leggett, County Executive

Date

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council

Date

Memorandum

To: Council President Craig Rice
Council Vice-President George Leventhal
Council Members Phil Andrews, Roger Berliner, Marc Elrich, Valerie Ervin,
Nancy Floreen, Nancy Navarro
From: Council Member Hans Riemer
Re: Legislation on Record Plats
Date: December 2, 2013

During my time on the council, I have heard many concerns about the complexities, confusion, delays and expense of the county's development review process. I know all of you have heard about this too, as has the administration. Accordingly, the Executive Branch began a "development streamlining process" in January 2012.

Last spring, Council Member Marc Elrich and I requested that Marlene Michaelson, Jeff Zyontz and Jacob Sesker prepare their own recommendations for how the development review process could be improved. Their memo, dated October 17 and previously distributed, is attached. It contains many excellent recommendations on management, assigning responsibilities among departments, metrics and deadlines and process changes. It also contains one item to be addressed through legislation. The memo states:

There appears to be no reason to have both M-NCPPC and DPS review record plats, as is currently required by law. State law authorizes the Planning Board to sign and approve record plats.¹ County law requires the DPS Director's signature in addition to that of the Planning Board Chair.²

The memo recommends:

Amend County law so that DPS is no longer required to approve record plats or recommend that the state legislature amend the Land Use Article so that the Planning

¹ Land Use Article, Division II § 23-102. In general.

(a) Subdivision plat approval required by county planning board. —

(1) Except as provided in subsection (c) of this section, a subdivision plat of land in the regional district may not be admitted to the land records of Montgomery County or Prince George's County, or received or recorded by the clerks of the courts of the respective county, unless:

(i) the plat has been submitted to and approved by the applicable county planning board; and
(ii) the chair of the county planning board and the secretary-treasurer of the Commission endorse an approval in writing on the plat.

(2) The recordation of a subdivision plat without the approval of the county planning board is void.

² §50-36(d)(6). Approval Box. An approval box in a form required by the Board must be provided. The box must provide approval space for the then authorized and applicable County agencies, such as the County Planning Board, and the County Department of Permitting Services.

§50-37(f)(2). After a finally approved record plat is signed by the authorized officers of the Board and by the Department of Permitting Services, the staff may complete the processing of the plat.

Board no longer needs to approve record plats. This should depend both on the revised requirements for record plats (see below) as well as a judgment as to the likelihood of being able to amend State law.

In line with our council staff's recommendation, I have prepared the attached two bills that remove DPS's authority to approve record plats and prevents the county's Department of Transportation from assuming that authority. M-NCPPC will then have sole authority to approve record plats, as it does now in Prince George's County.

Why is this an important issue worthy of legislation? Approval of record plats is an essential part of subdivision. Any owner seeking to subdivide a large parcel into smaller ones must record each plat before selling them.

In FY12, M-NCPPC reported that the county took an average 431 days to review a record plat. In FY13, the county took an average 328 days. Of that time, actual review of the application itself took just 16.5 hours (in FY12) and 23 hours (in FY13). What happened to the application for the other ten to fourteen months? The data does not say.

Compare this performance to our neighbors.

- Virginia: § 15.2-2259 of the Code of Virginia states, "The local planning commission or other agent shall act on any proposed plat, site plan or development within 60 days after it has been officially submitted for approval by either approving or disapproving the plat in writing, and giving with the latter specific reasons therefore... The failure of a local planning commission or other agent to approve or disapprove a resubmitted plat for plan within the time limits required by this section shall cause the plat or plan to be deemed approved."
- Prince George's County: While county and state agencies may be sent referrals on plats, and the county's Department of Environmental Resources must verify the existence of public water and sewer, M-NCPC approves the applications. Their process time goal is 70-140 days.
- Howard County: Title 16 of the Code of Howard County lays out many deadlines for different elements of the development review process. Sec. 16.144(n)(1) states, "Within 60 days of active processing time from submission of the final plan, or if additional information was requested, within 45 days of receiving the information, the Department of Planning and Zoning shall indicate to the developer in writing whether the final plan is approved, approved with modifications or denied."

In short, among our neighbors, a period of two to five months is considered normal for recording plats. Our county now takes an average of ten to fourteen months. One reason for this is that we rely on two agencies, not one, to approve this step of the process. And

we gain no offsetting benefit from this, only delays, wasted money and a less attractive investment climate.

I ask you to co-sponsor and support the attached bills.



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

February 18, 2015

To: Councilmember Nancy Floreen, Chair, PHED Committee
Jeff Zyontz, Senior Legislative Analyst

From: Diane Schwartz Jones, Director *Diane Schwartz Jones*
Montgomery County Department of Permitting Services

Gwen Wright, Director *Gwen Wright*
Montgomery County Planning Department

Subject: Update on Record Plats

In preparation for the February 23rd PHED Committee meeting on bills submitted that relate to the record plat process, we are pleased to provide this update on 1) continuing improvements made to this process; and 2) new initiatives to further streamline review and approval of record plats.

Beginning with the Cross-Agency Streamlining Initiative, numerous areas for improvement have been identified and implemented including:

1. Simplification of plat notes

Beginning with the Cross-Agency Streamlining Initiative, a need was identified to simplify plats and plat notes. The Record Plats Committee (a stakeholder workgroup comprised of representation from the building industry including builders and engineering firms, Montgomery County Planning Department, and the Department of Permitting Services) has reviewed the standard general notes on plats and reduced the number by eliminating nearly 50 general notes. The number has gone from **62** general notes to **15** notes. This has resulted in simplification for those who prepare plats as well as for the reviewers.

2. Single general notes page for multiple page plats

As mentioned above, in public sessions of the Cross-agency Streamlining Initiative, the building industry requested simplification for multiple page plats. The Record Plats Committee reviewed this recommendation which has resulted in an elimination of the requirement for general notes on each page of multiple page plats. A single general notes page is now required and incorporated by reference on successive pages. As in item 1 above, this has resulted in simplification for those who prepare plats as well as for the reviewers.

3. Development of subordination forms for Washington Suburban Sanitary Commission (WSSC)

Public rights-of-way are created for the public's perpetual use and enjoyment. The County, on behalf of the public, controls the right-of-way to ensure the safety and well-being of the public making use of the right-of-way. Any disruption of the public's use and enjoyment must be done in an orderly manner under a permit from the County which ensures that any disruption to the right-of-way will be coordinated with assurances of restoration and protection of the public. While WSSC has a right to locate within County road rights-of-way, it must do so under permit. Where projects have obtained prior easements from WSSC the uninterrupted right of the public and proper coordination and restoration is no longer assured. To address this situation, WSSC and the Department of Permitting Services (DPS) have agreed upon form language for subordination of these rights. This resolution is a significant accomplishment to assure protection of the public while also enabling projects to proceed.

4. Revamp of plat signature process

The Planning Department and DPS cooperated with the Office of Legislative Oversight during its recent study of various development approval processes (preliminary plan, site plan and record plat). In connection with that work, the reviews and approvals of record plats was mapped. One of the items noted was that the signature process entailed plats going to the Planning Board for final approval and signature and then to the DPS Director for final review and signature before being returned to the Planning Board. The Planning Department and DPS revised that process late last Spring which eliminates back and forth and shaves time off the overall process. When the DPS reviews are satisfied, the DPS Director signs the plat (most times the same day) and the plat is then forwarded to the Planning Board for final action.

5. Launch of ProjectDox for record plats

The Planning Department launched ProjectDox (electronic plans) for record plat processing on or about July 1, 2014. The agencies are finding this a much more efficient process. The average days for completion of first reviews is 34 for the 80 plats submitted electronically. For the 10 plats that have completed the reviews with mylars submitted, the process took on average a total of 76 days. The 7 record plats that completed the entire process through Planning Board approval took an average of 119 total days. A summary of electronic reviews of plats is attached as Attachment 1.

In response to the recent OLO report on the development review process, additional ideas for improvements and streamlining have been generated. DPS and the Planning Department are working cooperatively to implement these new procedures:

6. *Review of checklist and clarification of roles and responsibilities to ensure no review overlap*

The Planning Department and DPS have met and reviewed the checklist of review items necessary for record plats to ensure that there are no duplicate reviews. While there were 8 areas that were noted by OLO as being reviewed by both agencies, upon further discussion, it was determined that generally the agencies were looking at the items for different things. The agencies have reviewed and clarified their respective roles to eliminate and avoid any duplication. A copy of the revised checklist is attached as Attachment 2.

The Departments have also met to look at ways that the record plat reviews done by each Department can be done simultaneously instead of sequentially. Specifically, we are identifying reviews that can be moved to earlier in the process to occur in connection with certified preliminary plans and/or certified site plans to ensure that critical path items are not first coming up at the end of the entitlement process. A preliminary list of items is set out in Attachment 3. The building community is an essential part of this discussion and the Departments will be meeting with the industry in the imminent future to discuss how moving certain items to earlier in the process may impact the industry.

7. *Mutually agreeable metrics*

The Planning Department and DPS have a meeting scheduled with CountyStat staff on February 27, 2015 to discuss creation of a dashboard for the various elements of the entitlement process that will be accessible via a single portal and that reflects the various roles of MNCPPC, Executive agencies and others in the development process.

8. *Other information for consideration*

As has been previously mentioned, OLO Report 2014-10 looked at record plat examples that predated many streamlining measures. As noted above, there have been many improvements to the record plat process.

We recommend that the PHED committee schedule another briefing later this year for a report back on 1) consolidated metrics and dashboard for development approvals; and 2) our outreach to the industry and identification of review items that can be moved up to certified site plan or earlier in the application process.

ATTACHMENT 1

This chart shows the total number of plans that have been submitted using ePlans (80). The average number of days shown is cumulative, i.e. 34 days for the first review, 76 total days for all reviews to be completed, and 119 days from submission to Board approval. The times shown are inclusive of all agency reviews.

RECORD PLAT REVIEW IN EPLANS		
Milestone	Number of Plats	Average Days
Plats Submitted	80	
First Review Complete	57	34
Submit Mylar (All Reviews Complete)	10	76
Planning Board Approval of Plat	7	119

Attachment 2

Record Plat Review Responsibilities

Record Plat Review Items by Responsible Reviewing Department

Review Item	Reviewing Department:			Required by:		Required for Legal Title
	Planning	DPS	DEP	Law	Policy	
Verify inclusion of standard, required Record Plat elements						
Vicinity map	✓					X
Coordinates/North arrow	✓					X
Scale	✓					X
Tax map reference	✓					X
Election district	✓					X
Street names	✓					X
Bearings/Distances/Line tables	✓					X
Surveyors certificate	✓					X
Owners certificate	✓					X
Review for compliance with prior Planning Board approvals						
Preliminary/Site Plan references	✓					X
Planning Board conditions of Project, Site, Preliminary Plans	✓					X
DOT/DPS conditions of Preliminary, Site Plans		✓				X
Review the completeness and accuracy of the subdivision plan drawing						
Lot configuration	✓					X
Zoning category/Dimensional requirements	✓					X
Subdivision name/Block designation/Lot number	✓					X
Horizontal alignment of new public roads; curve data	✓					X
Reservations for future rights-of-way	✓					
Park trails/Acquisition	✓					
Rural Open Space requirements	✓					
Non-standard building restriction lines	✓					X
Child lot notes	✓					
Cluster/Minor subdivision notes	✓					X
Road right-of way width (dedication)	✓					X
Adjoining property reference	✓					X
General notes	✓					
Existing rights-of-way references		✓				X
Floodplain delineation and notes		✓				X
Road/Driveway access notes		✓				
Denial of access notes		✓				
Owner's deed reference		✓				
Verify water and sewer category			✓			
Well/Septic notes			✓			X

Record Plat Review Items by Responsible Reviewing Department, Continued

Review Item	Reviewing Department:			Required by:		Required for Legal Title
	Planning	DPS	DEP	Law	Policy	
Review for compliance with existing and proposed easements, agreements, covenants, etc.						
Rural Density Transfer covenants/Affidavits	✓					
Conservation easements and notes	✓					X
Transfer of Development Rights easements and notes	✓					X
Public utility easements (Copy Sent to PEPCO)	✓					X
Covenants - open space	✓					X
Ingress/Egress easements	✓					X
Release/Relocate conflicting easements	✓					
Public improvement easements		✓				X
Public improvements agreements		✓				X
Permit and bond for the required public improvements		✓				X
Grade establishment plan review and approval		✓				X
Paving & storm drainage plan review and approval		✓				X
Subordination right-of-way agreements		✓				
County Council road abandonments		✓				
Slope easements		✓				X
Storm drain easements		✓				X
Storm water management easements		✓				X
Dimensions and associated line tables for ROW dedication areas		✓				
Survey Data		✓				
Owner Responsibilities for dedicating streets or easements to the public and certification of property markers		✓				
Property Mosaic		✓				
Montgomery County Notes		✓				
Common Driveway Easement		✓				
Quality of Title to the County		✓				
Covenant for Prorata share of future construction		✓				

Illustrative List of items to move up in the process

1. Public Improvement Easement Documents
2. Utility Subordination
3. Easements (establish them by deed and show them with dimensions on site plan, then just reference on the plat)
4. Well and Septic Areas
5. Slope Easement
6. Requirements in MCDOT Preliminary Plan letter, such as TMAg, Sight Distance, etc.
7. Grade Establishment Plan
8. Paving and Storm Drainage plans
9. Permit and Bond
10. Cluster development, TDR notes
11. Amount of bedrooms allowed for septic area
12. Certified plan approval (no changes to the preliminary pan at site plan)
13. Easements and covenant recordation:
 - a. Open space covenants
 - b. PUE, PIE and common access (language predetermined, just sign and record)
 - c. Public access for private, master plan roads
 - d. Park trail maintenance easement
 - e. Off-site well/septic easement
14. Final FCP approval and pre-recording of conservation easement
15. Utility plan signed/stamped by all utility providers
16. Permit and bond of improvements (public and private)