

PHED COMMITTEE #2  
October 17, 2005

**MEMORANDUM**

October 14, 2005

TO: Planning, Housing, and Economic Development (PHED) Committee

FROM: Marlene L. Michaelson, Senior Legislative Analyst  
Amanda White, Council Legal Analyst

SUBJECT: Oversight Session on Developmental Approval Issues

In early September, Committee Chair Silverman announced that the Planning, Housing, and Economic Development Committee will conduct biweekly oversight sessions through the fall on actions Park and Planning takes to identify and improve implementation and enforcement of approved residential and nonresidential projects throughout Montgomery County. This is the third of those biweekly Committee oversight sessions.

The following representatives from Park and Planning and the Department of Permitting Services are expected to brief the Committee:

Derick Berlage, Planning Board Chairman  
William Mooney, Acting Deputy Director, Department of Park and Planning  
Rose Krasnow, Chief, Development Review Division  
Robert Hubbard, Director, Department of Permitting Services

The briefing will focus on staffing plans by the Department of Permitting Services and the Department of Park and Planning to increase the number of personnel dedicated to site plan inspection and enforcement duties. Specifically, the Departments will provide information on:

- Existing personnel who have been redeployed and the effect on the departments' work programs;
- Status of recruitment of new personnel for inspection and enforcement duties;

- How and when fee structures will be modified to cover the costs of the new positions.
- Timetables for submitting appropriation requests for additional staff.

A copy of the staffing plan submitted by the Department of Permitting Services and M-NCPPC to the Council on August 2, 2005 is attached on ©1-10.

In addition, the Departments will provide an update on their review of site plans approved in the last two years. *The fifth Biweekly Report will be distributed when it is received.* Staff has not yet had the opportunity to review it before finalizing this memorandum. Staff has summarized the Committee members' requests for follow up information from the October 3 oversight session. (See © 11)

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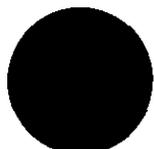
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OFFICE OF THE COUNTY EXECUTIVE  
ROCKVILLE, MARYLAND 20850

Douglas M. Duncan  
County Executive

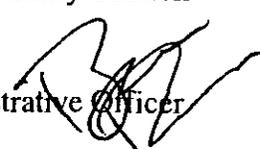


MEMORANDUM

August 2, 2005

016732

TO: Thomas E. Perez, President  
Montgomery County Council

FROM: Bruce Romer   
Chief Administrative Officer

SUBJECT: Department of Permitting Services (DPS) and Maryland National Capital Park and Planning Commission (MNCPPC) Staffing Plan As Required by County Council Resolution 15-1125 Short-Term Measures to Assure Compliance with Site Plans

The County Council adopted Resolution 15-1125 Short-Term Measures to Assure Compliance with Site Plans on July 26, 2005. The following action is one of the twelve actions listed in the resolution.

“Subject to Council approval, DPS and the Planning Board must submit to the County Council by July 30, 2005, a staffing plan to increase the number of personnel dedicated to site plan and other enforcement duties. The resources for additional personnel must come from increased fees on developers and builders, not from taxpayer-funded sources.”

Attached you will find staffing plans for both DPS and MNCPPC as required in the above section of the resolution.

If you have questions or need additional information please contact Robert Hubbard, Director DPS on 240-777-6363 or Charlie Loehr, Director MNCPPC on 301-495-4511.

Attachments

cc: Robert Hubbard  
Charles Loehr



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**STAFFING PLAN**

**DEPARTMENT OF PERMITTING SERVICES**

**MONTGOMERY COUNTY  
DEPARTMENT OF PERMITTING SERVICES  
STAFF PLAN  
JUSTIFICATION FOR SITE PLAN ENFORCEMENT STAFF**

In certain zones identified in article 59-C as requiring site plan approval, no sediment control permit and no building or use-and-occupancy permit for the construction or use of any building or structure may be issued until a site plan is approved by Maryland-National Park and Planning Commission unless it is in accordance with an approved site plan. In order to fulfill the requirements of enforcement of site plans currently mandated in Chapter 59 to the Maryland-National Park and Planning Commission, the following staff would be required. Staff would be classified as Permitting Services Inspectors and Permitting Service Specialists.

**Permitting Service Inspector Duties**

- At least two field investigations of properties to ensure height and setbacks of newly constructed buildings are in compliance with the signature set of the site plan approved by Park and Planning.
- Field investigations of complaints received by DPS about alleged violations of the site plans.
- Attend Administrative Appeal hearings on the issuance of Notices of Violations or appeals of building permits
- Represent DPS in District Court on complaints that are not resolved without court intervention.

**Permitting Services Specialist Duties**

- Provide zoning information to the public through telephone calls and written communication about enforcement
- Conduct zoning plan reviews for construction to a site plan approved by park and Planning for residential and commercial buildings
- Conduct plan review on use and occupancy permits
- Provide zoning and site plan information to the public through telephone calls and written letters.
- Provide technical and administrative support to the Sign Review Board
- Attend administrative appeals related to zoning matters on building permits issued.
- Liaison between DPS and Park and Planning at Development Review meetings, Planning Board Hearings and other meetings pertaining to site plan enforcement.

The full scope of the number of plans that would need to be reviewed and the number of inspections that would need to be conducted is unclear. Approximately 1,700 building permits subject to MNCPPC site plan review are received by DPS each year. Each permit will require a minimum of 1 plan review and 2 inspections. When the initial plan review or inspection is denied, subsequent plan reviews and inspections are scheduled until each is in compliance with the code.

**MONTGOMERY COUNTY  
DEPARTMENT OF PERMITTING SERVICES  
STAFF PLAN  
JUSTIFICATION FOR SITE PLAN ENFORCEMENT STAFF**

**Requirements for Site Plan Enforcement**

	<b>Qty.</b>	<b>Cost</b>	<b>Total</b>	<b>One Time Costs</b>
Permitting Services Inspector III*	6	\$ 45,635	\$ 273,810	
Sr. Permitting Services Specialist*	2	\$ 52,488	\$ 104,976	
4x4 Vehicles	6	\$ 19,000		\$ 114,000
Equipment Cost	6	\$ 500		\$ 3,000
Est. Maintenance Cost/Year	6	\$ 1,100	\$ 6,600	
Est. Fuel Cost/Year	6	\$ 900	\$ 5,400	
Est. Replacement Cost/Year	6	\$ 2,755	\$ 16,530	
Vehicle Laptop Mounts <sup>1</sup>	6	\$ 1,180		\$ 7,080
Laptop Computers	6	\$ 4,000		\$ 24,000
Laptop Connection/year	6	\$ 780	\$ 4,680	
Desktop Computer	2	\$ 2,750		\$ 5,500
Cell Phones	8	\$ 150		\$ 1,200
Phone Service	8	\$ 60	\$ 480	
Desk Phone	2	\$ 300		\$ 600
Phone Service/year	2	\$ 420	\$ 840	
Cubicles/Office Space/elec. Power/Furniture				\$ 23,500
Zoning Code, Supplies, etc.	8	\$ 250	\$ 2,000	
			<b>\$ 413,316</b>	<b>\$ 178,880</b>

\*Minimum salary (FY06 w/GWA) of a grade 23 for the PSI III and minimum salary of a grade 26 for the SPSS.

<sup>1</sup>Union Contract requires DPS to provide laptop mounts in all inspector vehicles for FY07. This is an estimated amount for the laptop mounts.

The above figures are preliminary and may be adjusted due to such factors as the unavailability of County vehicles for the initial months therefore requiring the rental of vehicles and the actual costs of laptop mounts to be determined in FY07.

**STAFFING PLAN**

**MARYLAND NATIONAL CAPITAL PARK AND  
PLANNING COMMISSION**

JUSTIFICATION FOR NEW STAFF IN THE DEVELOPMENT REVIEW DIVISION  
OF PARK AND PLANNING (MNCPPC-MC)

Development Review has worked diligently to resolve numerous issues related to project and site plans so that the Montgomery County Planning Board can act upon them in an expeditious manner. However, after projects have received approval, numerous steps remain that require attention including the issuance of opinions, review of signature sets, preparation of record plats, building permit review, and field inspections.

The staff identified below are those deemed necessary to ensure that plans are consistent with one another from project plan through site plan, that all conditions are accurately captured in all subsequent documentation, and that the project is then built in compliance with all the specified conditions.

Site Plan Reviewers (Two)

Duties:

- Review project and site plans for consistency with one another
- Work with applicants to ensure compliance with development regulations and to improve development quality
- Check to ensure that all conditions set forth in staff reports are accurately captured in the legal opinion
- Review signature set documents to ensure that all conditions are accurately reflected. Determine that plan drawings are consistent with approved development standards.

Building Permit Reviewer (One)

Duties:

- Review building permit applications for accuracy, completeness, and compliance with all applicable codes and conditions of approval.
- Review the Planning Board opinions for the approved site plan and preliminary plan to determine if there are any approval conditions which limit issuance of building permits, such as completion of recreation facilities or road improvements.
- Communicate regularly with the Department of Permitting Services to ensure timely review of all applications.
- Enter all necessary information into Hansen for tracking purposes.
- Working with plan reviewers, update development standards and conditions as amendments to plans are made.

Regulatory Inspectors (Two)

Duties:

- Monitor and enforce development plans through site inspection
- Participate in pre-construction meetings
- Insure compliance with site plans at a specified point during the construction process
- Conduct project completion site visits to verify the timely provision of all required amenities, roads, and other project conditions.
- Investigate citizen complaints in a timely manner through on-site investigation, negotiation and issuance of civil citations.

Attorney (One)

Duties:

- Work with staff in preparation of staff reports to insure that conditions imposed comply with all applicable zoning regulations
- Prepare opinions that accurately reflect all conditions imposed by the Board.
- Assure that Signature Set documents accurately capture all conditions set forth in the opinion and that such conditions are fully enforceable
- Issue citations in all instances where plan conditions are not met.

Compliance Officer (One)

Duties:

- Provide oversight of all follow-up documentation, including opinions, signature sets, and record plats, to insure accuracy and consistency
- Respond to citizen inquiries concerning specific plans as they go through the approval process, providing information as needed and insuring that citizen concerns are thoroughly addressed by planning staff in a timely manner
- Follow-up on complaints from citizens with respect to projects under construction. Assign complaints to the appropriate field inspector. Communicate findings promptly to the complainants.
- Serve as a liaison to Department of Permitting Services.

Information Technology Consultant (One)

(Note: Needed for six months to a year)

Duties:

- Determine how to ensure that the full capabilities of Hansen are being utilized as part of the development review process in order to improve record keeping, give citizens easy access to timely and accurate information related to development plans, and allow for the tracking of all conditions tied to building permit issuance.

## Information Technology Specialist (One)

### Duties:

- Coordinate with the Department of Permitting Services to ensure compatibility of Hansen system between the two departments.
- Work with staff to enter all necessary information relating to plans into the Hansen system. This includes the scanning of all documents, signature set drawings, record plats, and pertinent information.
- Enter archival information from plans approved prior to implementation of Hansen.
- Provide *ongoing training* to staff

DEVELOPMENT REVIEW NEW POSITIONS, JULY 2005

1. Regulatory Inspector (Senior Planner), Grade H, Mid point of \$56,222
2. Regulatory Inspector (Planner), Grade G, Mid point of \$49,594
3. Site Plan Reviewer (Senior Planner), Grade H, Mid point of \$56,222
4. Site Plan Reviewer (Planner), Grade G, Mid point of \$49,594
5. Senior Planning Technician, Grade F, Mid point of \$43,791
6. Associate General Counsel I or II, Grades I/J, Mid point of \$69,352
7. Compliance Officer, Grade to be determined, for purposes of determining salary impact use Senior Planner/Planner Coordinator, Grades H/I, Mid point of \$59,986
8. Technology Specialist I/II, Grades G-IT/H-IT, Mid point of \$55,554
9. Technology Consultant to be determined

Total of mid points for 8 positions is: \$440,315

**Development Review  
Budget Estimates for New Staff**

<b>Description</b>	<b>Yearly Budgets</b>	<b>One Time Costs</b>
One (1) Site Plan Reviewer @\$56,222 +\$16,866 (health cost and benefits 30% of the salary)	\$73,088.60	
one (1) Site Plan Reviewer @\$49,594 +\$14,878 (health cost and benefits @30% of the salary)	\$64,472.20	
One (1) Building Permit Reviewer @43,791 + \$13,137(health cost and benefits @ 30% of the salary)	\$56,928.30	
One (1) Regulatory Inspector (Senior Planner) @ \$56,222 +\$16,866 (health cost and benefits 30% of the salary)	\$73,088.60	
One (1) Regulatory Inspector(Planner) @ \$49,594 +\$14,878 (health cost and benefits @30% of the salary)	\$64,472.20	
One (1) Attorney @\$69,352 +\$20,806 (health cost and benefits 30% of the salary)	\$90,157.60	
One(1) Compliance Officer @ \$59,986 +\$17,995 (health cost and benefits 30% of the salary)	\$77,981.80	
One(1) IT Consultant salary + benefits		\$75,000.00
One(1) Information Technology Specialist @ \$55,554 +\$16,666 (health cost and benefits 30% of the salary)	\$72,220.20	
Office rental space (2200 sq.ft @\$19.50 sq.ft)	\$42,900.00	
Computer and Printer for 8 employees @\$1500/each		\$12,000.00
Office equip(desk, chair, filing cabinets, phone, etc)		\$12,000.00
Two(2) Four Wheel Hybrid Vehicles @\$25K/car		\$50,000.00
Gas and Mileage (20,000 miles a year per vehicle for 2 vehicles)	\$3,333.33	
<b>Total Cost</b>	<b>\$618,642.83</b>	<b>\$149,000.00</b>
<b>Total Request</b>	<b>\$767,642.83</b>	

**Follow Up Items from October 3, 2005 Oversight Session on Developmental Approval Issues – Moderately Priced Dwelling Units (MPDUs) and Other Issues**

(Agency or Department responsible for follow up is identified in parentheses)

1. Councilmember Silverman requested Park and Planning, DPS, and DHCA to present options for penalties to developers that fail to build MPDUs as required. Mr. Silverman requested the penalties be proportionate to the profitability of the market rate units to be built. **(MNCPPC, DHCA, DPS)**
2. Councilmember Silverman requested DHCA present a succinct report of what the procedures are for staging of MPDUs with market rate units and MPDU agreements. **(DHCA)**
3. Councilmember Knapp requested a PHED committee update in six months regarding implementation of the revised MPDU approval process outlined by DHCA, DPS, and M-NCPPC **(Council staff)**
4. Councilmember Praisner requested more detailed information regarding how the MPDU Agreement relates to the signature set of documents or the site plan enforcement agreement at Park and Planning and how the agencies ensure enforcement of the MPDU agreements with the signature set. Ms. Praisner further requested copies of the MPDU agreements for the sites alleged to have MPDU violations. **(DHCA AND MNCPPC)**
5. Councilmember Silverman requested an update on the income levels of MPDU purchasers for the first half of 2005. **(DHCA)**
6. Councilmember Silverman requested Park and Planning and DPS update the Site Plan chart located on ©30-31 of the Staff packet. Ms. Praisner requested a definition for “TPF” as located on the same chart. Mr. Silverman further requested information about the project “Residents at Rosedale.” **(MNCPPC AND DPS)**
7. Councilmember Floreen requested to know how many building permits DPS has approved since July. **(DPS)**
8. Councilmember Floreen requested information about the number of people within DPS and Park and Planning that are being assigned to oversight functions. **(DPS AND MNCPPC)**
9. Councilmember Praisner requested information about whether or not M-NCPPC intends to amend or modify their fee structure. **(MNCPPC)**
10. Councilmember Silverman requested M-NCPPC be prepared to discuss staffing issues, particularly as it relates to the Master Planning process, at the next update. **(MNCPPC)**
11. Councilmember Knapp requested an update on the status of the checklists Park and Planning are creating. Mr. Knapp further requested an update on records management. **(MNCPPC)**