

THE IMPLEMENTATION REPORT

STREAMLINING MONTGOMERY COUNTY'S  
DEVELOPMENT AUTHORIZATION PROCESS

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## THE IMPLEMENTATION REPORT

### STREAMLINING MONTGOMERY COUNTY'S DEVELOPMENT AUTHORIZATION PROCESS

#### Introduction

Montgomery County's development authorization process (DAP) has long been the subject of much discussion and debate. The process can be long and is admittedly quite complex. At the same time, the process has been recognized as playing a major role in contributing to the quality of life enjoyed by Montgomery County residents and businesses.

In recent years the combination of new requirements and the economic recession have focused even more attention on the DAP. Earlier this year the County Council, County Executive and Planning Board all agreed that it was timely to review this process with a goal of reducing the time required to obtain approvals while maintaining other public objectives such as compatibility of development, environmental protection, provision of public amenities and adequacy of public facilities (see Appendix A for Council resolution and Executive and Planning Board statements). For the purposes of this review, the process is defined as the period of time between submittal of a preliminary plan of subdivision and issuance of a building permit.

An interagency Steering Committee was formed to guide this assessment. Its members represent the Maryland-National Capital Park and Planning Commission Planning Department (M-NCPPC), the County Departments of Environmental Protection (MCDEP) and Transportation (MCDOT), and the Washington Suburban Sanitary Commission (WSSC). County Council staff and the Office of Legislative Oversight (OLO) have also participated in several of the discussions and worksessions involved in the preparation of this report.

The Steering Committee's first product was a "Policy Level Report" released on April 15, 1992. The Policy Level Report identified problems which inhibit streamlined development approvals and made ten recommendations for improving the development authorization process. The first twelve pages of the Policy Level Report and Appendix A from that report (Jurisdiction and Responsibilities in the Development Process) are included in this report as Appendix B.

This Implementation Report is organized around the ten recommendations from the Policy Level Report. The Steering Committee has focused most of its efforts on Recommendation A - Clear Assignment of Responsibilities, Recommendation C - Successive Review Process Design, and Recommendation F - Certainty of Review Times. The Committee believes that Recommendations "A"

and "C" are the most critical for addressing the current obstacles to a streamlined DAP. Recommendation "F" proposes the implementation of Recommendations "A" and "C". Many of the other recommendations are related to these two and some of the others, such as development of guidelines and submission requirements, require resolution of these two first.

The Steering Committee believes that significant progress has been made on all ten recommendations, and in particular on "A", "C", and "F". However, this Report is only the beginning of the implementation phase. While the Report discusses possible solutions, there are some areas where specific details were not finalized, pending review of the general proposal and further discussion with the development community and citizen groups. If the findings and recommendations of this Report are accepted, the Committee will continue to develop the concepts outlined herein and will begin to implement the suggested changes. Although much has been accomplished, much remains to be done.

## Recommendation A. Clear Assignment of Responsibilities

One issue emphasized in the Policy Level Report was the need for unambiguous assignment of responsibilities among agencies. This recommendation covers two basic issues. The first is that of potential duplication between agencies; the second concerns the designation of lead agencies when reviews are shared.

As part of assessing the duplication issue in July 1992, each agency prepared a description of its role in the DAP (see Appendix C). After reviewing this information, the Steering Committee concludes that the current roles played by the various agencies are beneficial and should be continued. Although there is some overlap of responsibilities in a few areas, the Committee believes that minimal overlap is necessary to ensure consistency in moving from master and functional plans to the regulatory review stage to construction. However, the Committee does recognize the need to establish a lead agency for each functional area in order to eliminate confusion and to reduce delay. The designation of lead agencies will also reduce the potential for duplication between agencies.

The need for a lead agency is most apparent in situations where there is disagreement between agencies. Normally, inter-agency issues will be resolved through negotiation, particularly with increased use of team reviews. If the agencies cannot come to agreement, however, it is important that one agency be in a position to "call it."

The lead agency is responsible for reviewing and approving certain activities, including coordinating comments with other agencies and resolving conflicts. The designation of a lead agency does not mean that other agencies will lose their opportunity for input. It does mean, however, that comments from other agencies must be directed to the lead agency rather than to the applicant. As a result, the applicant will no longer be faced with potentially conflicting requests from different agencies. The burden for resolving inter-agency conflicts is shifted from the applicant to the government.

Steering Committee members spent a great deal of time in "one-on-one" discussions before finally coming to agreement on lead agency designations and responsibilities. These discussions were quite frank and involved many turf issues. The Committee finds this agreement to be a significant accomplishment that should result in major improvements in the DAP. The lead agency responsibilities are shown in Tables 1 - 3 (pages 4 - 6 of this report) and are discussed on the following pages.

Table 1

<b>LEAD AGENCY DESIGNATIONS</b>		
Environmental Reviews		
	M-NCPPC	MCDEP
1. Stormwater Management		L
2. Sediment Control		L
3. Floodplains		L
4. Stream Buffers	L	
5. Steep Slopes	L	
6. Wetlands		L
7. Forest conservation	L	
8. Noise	L	

While the designation of lead agencies will significantly affect the staff review process, it will not change the public review process through the Planning Board. If the Planning Board, after hearing public testimony, believes that a particular recommendation is not workable, it may decline to approve the plan and return it to the appropriate lead agency for modification. The importance of an independent, citizen member planning commission overseeing the review process cannot be overstated. This arrangement also provides ample opportunity for public participation. At the same time, the Planning Board recognizes that approved plans must be consistent with the requirements of permitting agencies in order to be implementable.

As Planning Board staff, the Planning Department will continue to be responsible for packaging preliminary plan and site plan reviews and preparing recommended conditions of approval. These recommendations will be consistent with the Planning Department's responsibility for overall site layout and design and will reflect the lead agency recommendations for the various functional responsibilities discussed below.

Table 2

<b>LEAD AGENCY DESIGNATIONS</b>		
Non-APF Transportation Reviews		
	M-NCPPC	MCDOT
1. Overall Site Layout and Design	L	
2. Street Classifications	L	
3. Design Speed, Construction Standards and Cross Sections		L
4. Access Points and intersections		L
5. Speed Mitigation Measures		L
6. Street Interconnections with Adjacent Properties	L	
7. R-O-W Dedications	L	
8. Slope Easements for Highways		L
9. Length of cul-de-sacs	L	
10. Sidewalks, bikeways, transit stops and shelters, entry gates, noise walls, streetscape, street furniture, lighting, etc. in R-O-W		L
11. Pedestrian paths, bikeways, access to transit, lighting, noise walls, parking garages, etc. not in R-O-W.	L	
12. Truck routes through parking and loading docks.		L
13. Curb parking and vehicle stacking		L
14. Crosswalks and under/overpasses		L
15. Driveways and garages	L	
<p>-----</p> <p>* Where State highways are involved, SHA would be the lead agency in lieu of MCDOT.</p>		

Table 3

<b>LEAD AGENCY DESIGNATIONS</b>		
<b>APF Transportation Reviews</b>		
	M-NCPPC	MCDOT
1. Determine staging ceiling for the area (AGP)	L	
2. Determine need for a Local Area Transportation Review (LATR)	L	
3. Review Trip Assignments	L	
4. Inform developer of background/pipeline (Approved but not Built)	L	
5. Determine which intersections to evaluate	L	
6. What are existing traffic counts	L	
7. Review trip generation	L	
8. Review traffic study - 3 parts:		
• For completeness	L	
• Actual Review of the study	L	
• Operational feasibility and solutions		L
9. Determine if developer-suggested recommended improvements are technically feasible (MCDOT has final word on technical feasibility)		L
10. Coordinate existing CIP road/transportation projects (ARP) with proposed development	L	
11. Traffic mitigation proposals (planning and negotiating)		L
12. Traffic mitigation proposals (operational and technical)		
<p>-----</p> <p>* Where State highways are involved, SHA would be the lead agency in lieu of MCDOT.</p>		

## 1. ENVIRONMENTAL ISSUES

The clear delineation of agency responsibilities in the areas of stormwater management, sediment control, floodplains, and nontidal wetlands has been identified as a need by the development community. Frustration has been expressed due to ambiguous roles, overlap of responsibilities, conflicts in requirements, and lack of predictability in the review process. All these have contributed to the necessity of identifying a "lead agency" in each of the areas of water resources management as a major part of the implementation process.

The Department of Environmental Protection, Division of Water Resources Management (DEP-DWRM) and the Maryland-National Capital Park and Planning Commission, Environmental Planning Division (MNCPPC-EPD) are the two principal agencies with direct involvement in stormwater management, sediment control, floodplain, and nontidal wetlands reviews and approvals. Each agency is interested in the protection of natural resources in accordance with their respective mandates while striving to improve the quality, responsiveness, and efficiency of the development authorization process.

The agency responsibilities in the development process can be linked to their respective roles. DEP-DWRM has a regulatory permitting and protection role while the MNCPPC-EPD has a planning, resource identification, and protection role. These roles have been discussed in detail by both agencies to help establish the following recommendations for clear assignment of responsibilities.

In the development authorization process, DEP-DWRM will be the lead agency for stormwater management, sediment control, floodplain management, and nontidal wetlands identification and permitting (pending state delegation). MNCPPC-EPD will be the lead agency in implementing its environmental guidelines for protection of stream buffers, steep slopes, and other environmentally sensitive areas identified in the guidelines, and for implementing and enforcing regulations regarding forest conservation. These guidelines are entitled "Environmental Management in Montgomery County, Maryland" (December, 1991), and are periodically updated and amended by the Planning Board.

MCDEP's lead agency (permitting) responsibilities recognize the role of the Planning Board in implementation of the Subdivision Regulations and Zoning Ordinance. In particular, the Planning Board must find through approval of the preliminary plan and site plan that site layout options for avoidance or minimization of disruption to environmentally sensitive areas have been satisfactorily considered. Avoidance (preservation) or minimization are the primary methods of protection of environmentally sensitive areas identified in the guidelines for "Environmental Management in Montgomery County", and in master and functional plans. These areas include but are not limited to wetlands,

floodplains, springs, seeps, steep slopes, and rare, threatened, and/or endangered species. The issuance of any necessary permits for proposed disruption in these areas would occur only after Planning Board approval of the preliminary plan and site plan, if required.

DEP-DWRM will be responsible for the final approval of the stormwater management concept plans and stormwater waiver requests. MNCPPC-EPD will comment on all waiver requests through an administrative referral process. The concept plans required by DEP-DWRM will identify the needed stormwater controls for the site while considering upstream and downstream impacts, and other environmental constraints such as nontidal wetlands, forests, and stream quality. An appropriate stormwater management strategy will be identified to control the quantity and quality of runoff with the goal of protecting the overall watershed integrity using watershed plans where they are available. Final detailed stormwater plans will be approved by DEP-DWRM to ensure compliance with all design criteria and regulatory requirements. MNCPPC-EPD will continue to provide comments and coordinate with DEP-DWRM to ensure that projects are consistent with the environmental goals of the General Plan, functional plans, and master plans, and that there are no conflicts in areas where MNCPPC-EPD has the lead.

DEP-DWRM will also be responsible for the final approval of sediment control plans. This will include approval of the design details such as the size and type of sediment basins, location of traps, and specific devices used. Close coordination with MNCPPC-EPD will be needed to ensure that sediment control plans and forest conservation plans are consistent with one another, and that specific references to best management practices in master, functional, and sector plans are considered.

Both agencies have a specific mandated role in the area of floodplain management. DEP-DWRM will review, approve, and permit all floodplain district activities including mitigation plans when necessary. Where an accurate floodplain delineation does not exist, DEP-DWRM will require and review a floodplain study to define the 100-year floodplain limits. MNCPPC-EPD floodplain protection functions will also continue, but are focused on developing watershed floodplain studies and restricting new development from occurring within floodplains in its review of preliminary and site plans and by using conservation easements and building restriction lines. Any updates to the County's floodplain maps will be closely coordinated by both agencies so that the maps are kept current.

DEP-DWRM does not currently have nontidal wetlands permitting authority, but intends to seek the necessary delegation from the State next year. The purpose of local delegation is to expedite reviews and to identify wetlands issues early in the process, thus avoiding later delays and costs due to extended reviews or site redesigns. Wetlands will then be considered concurrently with other considerations and constraints in the

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plan review process. Another alternative to achieve these purposes is county funding of a dedicated position on the state staff, whose primary function would be to address wetland issues of importance to Montgomery County. WSSC has used a similar approach for waterway construction and forest conservation permits with great success, assuring both timely and objective review and approval.

MNCPPC-EPD will continue to review plans for new development to ensure that the overall site design, including lot layout, internal roadway alignments, utility locations, recreational facilities and other ancillary features responds positively to the preferred approach to avoid or minimize wetland disturbance. MNCPPC-EPD will seek to develop comprehensive wetland management plans as part of an ongoing program integrated with master plan preparation. The combined effect of early identification of potential wetland issues in master plans and development review, and a local permit process that is more responsive than state or federal programs, will help to prevent avoidable impacts, delays, costs, and conflicts between development and wetlands goals.

MNCPPC-EPD will be the lead agency for its role in the implementation of environmental guidelines related to stream valley buffers, steep slopes, and other environmentally sensitive areas identified in the guidelines, the implementation of master and functional plan recommendations not under the purview of another lead agency, and the implementation of the new forest conservation requirements. A person must submit to the MNCPPC-EPD a forest stand delineation and forest conservation plan for regulatory review and approval. A forest stand delineation identifies the character of existing forest resources, and prioritizes them according to their value. A forest conservation plan is intended to govern conservation, maintenance, and any afforestation or reforestation requirements applicable to the site.

MNCPPC-EPD will also be the lead agency for natural resource inventory, identification, protection, and prioritization of environmental resources conducted as part of developing a master plan, functional master plan, or technical watershed study. The goal is to provide a detailed inventory of environmental parameters, including but not limited to floodplains, nontidal wetlands, forests, streams, buffers, steep slopes, etc., and to balance these parameters with the development goals of the plan. The desire to achieve other policy objectives (e.g., housing, employment, transportation, etc.) inherent in the master plan process may result in the need for more stringent and cohesive environmental protection than normally required, in order to offset the environmental effects of more intense development. The proper blending of resource protection, best management practices, and minimization of the effects of development through selection of appropriate land uses and densities is an integral part of the master plan process. These efforts ultimately contribute to greater success in the achievement of environmental objectives in the development authorization process.

The designation of water and sewer service areas is a function of the Comprehensive Water Supply and Sewerage Systems Plan (Ten Year Plan). The water and sewer service designations are a mapping of the availability and priority of service to properties within the County. These maps are a part of the Ten Year Plan. As such, DEP-DWRM is the lead agency responsible for coordinating changes to water and sewer service area designations and responsible for the administration of the Ten Year Plan. Under the proposed changes to the water and sewer service category change process (see Recommendation "E"), M-NCPPC will continue to be the lead agency for developing land use recommendations and staging priorities during the master plan process. Information from WSSC on the technical, economic, and environmental feasibility and life cycle costs of alternative methods of providing water and sewer service shall be considered in the master plan process. Using this information, DEP-DWRM will develop a draft amendment to water and sewer service designations for the master plan areas in conformance with the proposed land use, staging and Ten Year Plan policies. These draft designations will be sent to all coordinating agencies for discussion during the master plan process, but will not be approved as part of the master plan. Once the master plan is adopted by the County Council, the County Executive will submit the new comprehensive water and sewer service designations to the Council for consideration as an amendment to the Comprehensive Water Supply and Sewerage Systems Plan. This sequential action is important since the Ten Year Plan is a functional plan that must follow the guidance provided in the master plan.

For category change requests for parcels outside of areas where master plans are being updated, the Committee supports WSSC's proposal for a more rigorous analysis of potential environmental, economic, engineering, and community impact issues up front prior to approval of a category change. In this manner, lengthy delays can be averted later in the process. WSSC's proposal to address this issue is Appendix D of this report.

## 2. TRANSPORTATION ISSUES

The Policy Level Report also identified the need for a clear delineation of agency responsibilities in the areas of on-site and adequate public facilities-related transportation reviews. Many of the same problems described in the environmental section apply to the transportation arena as well.

The Department of Transportation, Division of Transportation Engineering, Division of Traffic Engineering, and Office of Planning and Project Development, and the Maryland-National Capital Park and Planning Commission, Transportation Planning Division are the two principle agencies involved in transportation reviews. Each agency is interested in the development of an

adequate, safe and efficient transportation system while attempting to improve the quality, responsiveness and efficiency of the DAP.

As with the environmental issues, the agency responsibilities in the development process are linked to their respective roles. MCDOT has a regulatory permitting role while M-NCPPC has a planning and adequate public facilities (APF) determination role. After a number of discussions, the agencies have agreed on the following recommendations for clear assignment of responsibilities:

M-NCPPC will be the lead agency for most aspects of the APF review, including determination of when a traffic study is required, trip generation and assignments, background traffic, intersections to evaluate, traffic counts, completeness of study, and conformity with Annual Growth Policy and Subdivision Ordinance requirements. The traffic study will identify improvements necessary for an application to pass the APF test.

MCDOT will comment on the traffic study through an administrative referral process. MCDOT will be the lead agency for determining whether the proposed improvements are feasible from an engineering, constructability and operational perspective. MCDOT is also responsible for coordinating CIP projects with proposed development.

For on-site transportation reviews, the lead agency delineation essentially follows a planning/engineering distinction. For example, M-NCPPC is responsible for overall site layout including street classifications, interconnections with adjacent properties, right-of-way (ROW) dedications, length of cul-de-sacs, and issues associated with paths, bikeways, lighting, noise walls, etc. that are located outside of the ROW.

MCDOT is the lead agency for design speed, construction standards, cross-sections, intersection locations, speed mitigation measures, slope easements, routing trucks through parking lots, curb parking and vehicle stacking, crosswalks and under/overpasses and issues associated with sidewalks, bikeways, transit stops, noise walls, streetscape, lighting, etc. that are located within the ROW.

MCDOT will also be the lead agency for addressing storm drain issues within a public right-of-way. This requires coordination with MCDEP and M-NCPPC. The agencies have agreed that there is a need to develop additional guidelines for consideration of environmentally sensitive areas in the preparation of storm drainage plans.

### 3. ZONING ISSUES

With regard to interpretations of zoning regulations, MCDEP will be the lead agency for resolving interpretive issues as part of their building permit review authority. For interpretation of those zoning regulations and procedures applicable to development plan, project plan and site plan approvals (Article 59-D of the Zoning Ordinance), M-NCPPC will be the lead agency. This is basically how interpretations presently occur. Where there is a disagreement between the agencies concerning interpretation of a zoning standard, the legislative intent of the regulation should be ascertained in cooperation with staff of the County Council and the County Attorney. A formal interpretation should then be prepared by MCDEP and distributed to other agencies with copies made available to the public.

### 4. CONCLUSION

Perhaps the best way to summarize the lead agency responsibilities is with several examples. The purpose of the lead agency is to make the final determination in its particular functional area. For example, DEP is the lead agency for both stormwater management and wetlands. If there was a conflict between the location of a stormwater management pond and the preservation of an area of wetlands on a particular development proposal, DEP and M-NCPPC would evaluate the situation and discuss alternatives, but the final decision as to which takes precedence on the plan presented to the Planning Board would be up to DEP.

On the other hand, if the conflict was between the location of a stormwater management pond and a proposed highway, the situation would change because two different lead agencies are responsible for the competing priorities. In this case, M-NCPPC, in its role as overall packager, would determine which function took precedence. If it became necessary to identify a new stormwater management location, M-NCPPC would ask DEP, as the lead agency for that function, to do so.

The Steering Committee believes that the delineation of these lead agency responsibilities will be a significant step in eliminating confusion and delay in the DAP.

**Recommendation B. Clear, Current and Consistent Published Development Standards, Guidelines and Submission Requirements**

Staff has compiled a list of the present standards, guidelines and submission requirements for the various plan application processes involved in the DAP. The Committee has not yet focused specific attention to consolidating and updating the materials because the assignment of agency responsibilities and changes to the successive review process must first be resolved. Once these decisions have been finalized, development manuals and flow charts will be prepared to document the entire process.

Independently, some of the agencies/departments have been working toward consolidating and updating their submission requirements and guidelines. The Planning Board has approved guidelines entitled the "Environmental Management of Development in Montgomery County, Maryland." This consolidated a number of different environmental guidelines (i.e., steep slope, stream buffer, floodplain, wetlands guidelines, etc.) that had been enacted over the last ten years. On Thursday, September 10, 1992, the County Council approved Planning Board regulations for implementing the Montgomery County Forest Conservation Law. On September 24, 1992, the Planning Board held a public hearing on proposed traffic mitigation guidelines to facilitate the submission and review of traffic mitigation programs and agreements. As part of the Planning Department's approved work program for this fiscal year, site plan guidelines are to be developed for approval by the Planning Board.

The DEP-DWRM has contracted the Council of Governments to prepare a comprehensive stormwater management specification and design manual in response to this recommendation. This manual will be a comprehensive document that will guide developers, engineers, and citizens through all phases of the stormwater management process. The manual should be in a final draft form by the spring of 1993. Additionally, the Maryland Department of the Environment has completed its final draft of the statewide standards for sediment and erosion control. These new standards may reduce the need to identify extraordinary control measures in the master plan process, and should be ready for distribution soon.

Clear, current and consistent standards, guidelines and submission requirements are essential if the time lines for governmental review shown in Recommendation "F" are to be accomplished. The Committee strongly believes that the submission of complete plans is an important element for the timely review of development projects.

## Recommendation C. Successive Review Process Design

The April "Policy Level Report" stated that the existing sequential review process has attracted criticism because decisions made early in the development approval process (DAP) can be contradicted or changed at later phases resulting in time delays and additional planning costs for project applicants. Such changes occurring later in the process arise from conflicts between public agencies based on differing agency priorities and goals. The "Policy Level Report" recommended that a progressive, "funnel" review process should be designed and implemented so that each subsequent plan review narrows the issues that need to be resolved.

The Committee has evaluated the present DAP in light of sequential review issues and has identified two alternative approaches for addressing these concerns. The first involves relatively minor changes to the current process. The second introduces the concept of combining preliminary plan and site plan into a single review.

### 1. OPTION I: EXISTING PROCESS MODIFIED

The present preliminary plan and site plan review and approval procedures represent two important phases in the overall County DAP. These sequential plan approval processes require separate staff reviews, separate Planning Board public hearings and separate Planning Board decisions. The preliminary plan process includes the submission of a development plan which focuses on basic development concepts with moderate engineering of a site. Until recently, there was little constraint definition early in the process unless an applicant chose to submit a pre-preliminary plan to address a particular issue or problem.

A recent change which has required limited constraint definition early in the preliminary plan process has been the adoption of State and County forest conservation legislation. Implementation of this legislation requires the submission of a natural resources inventory/forest stand delineation (NRI/FSD) early in the process before submission of a forest conservation plan.

The subsequent site plan phase of the process involves more complete engineering of a site with the approval of detailed site design. After a site plan is approved, a signature set of the final site plan is submitted for staff approval which adheres to approval conditions and an enforcement agreement required by the Planning Board.

Site plan review procedures were established to provide public control over the greater flexibility and creativity provided to applicants by the floating zones and the optional methods of development in euclidean zones (e.g., cluster, MPDU, and TDR options). Site plan review procedures are intended to assure that a proposed development project meets the stated purposes and

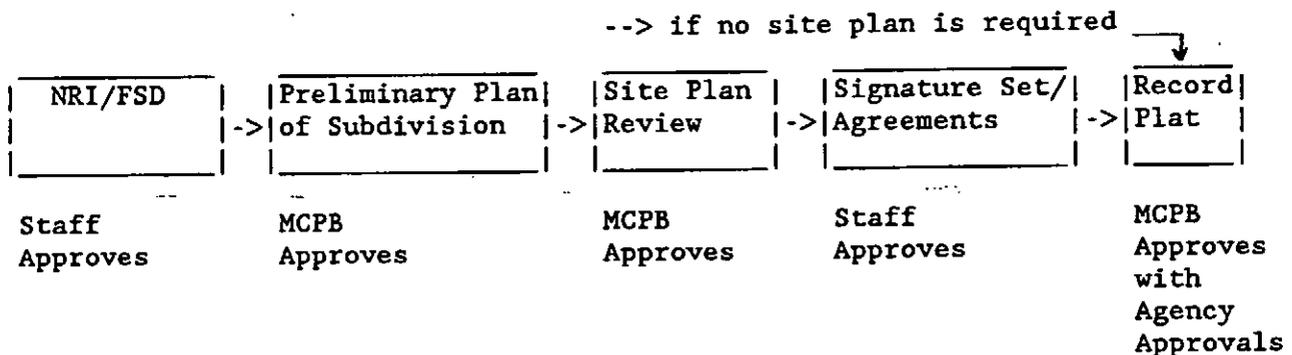
standards of the zone; provides adequate, safe, and efficient vehicular and pedestrian circulation; protects and preserves natural features; and is compatible with adjacent properties through appropriate siting of structures, open space, and landscaping.

The subdivision and site plan phases are followed by the approval and recordation of a record plat which encompasses conditions and requirements of both the subdivision and site plan approvals. The record plat completes the subdivision process. The ensuing phases of DAP involve several permit reviews and approvals prior to initiation of construction.

It is important to note that not all development is subject to site plan approval. A site plan is required only in those zones which specifically specify that a Division 59-D-3 site plan is required prior to the issuance of a building permit or where an optional method of development is proposed in a euclidean zone. For development where a site plan is not required, detailed engineering occurs as part of the record plat, sediment control permit, and building permit phases of the DAP. There is no detailed compatibility review of site design and building layout in non-site plan development.

The subdivision and site plan phases of the DAP both require multi-agency reviews of plans before they are submitted to the Planning Board. Both processes have grown to be quite complex with resolution of many regulatory issues prior to Planning Board review of the plans.

The existing process can be diagrammed as follows:



The growing complexity of the existing process has been a matter of concern to both the private and public sectors. Sequential approvals of certain detailed engineering and design issues reviewed at site plan, or as part of subsequent permit reviews, has sometimes resulted in significant changes in the approved preliminary plan of subdivision. Such changes can lead to project delays; increased project costs; questions concerning the consistency of agency reviews; and conflicts between agencies. One line of argument suggests that under the present sequential process, some site plan issues which affect the final

plan of development should be identified and resolved earlier in the process. On the other hand, earlier decisions on certain issues could unnecessarily limit design and flexibility needed at site plan. Also, changes may occur later in the DAP, after site plan and record plat approval, as a result of environmental or other permitting reviews by local, state, or federal agencies. These problems have created a sense of uncertainty and unpredictability in the subdivision and site plan processes which are valid concerns that need to be addressed.

An important administrative change in the present process that can help to implement the "funnel" concept would be to provide additional input regarding site plan issues at the preliminary subdivision plan phase of the process in order to identify and resolve these issues earlier in the process, prior to preliminary plan approval. This change, which the Planning Department is now implementing, responds to the criticism by developers and other County agencies that, too often, preliminary plan approvals are changed during site plan review, or during subsequent permit processing. Earlier identification of site plan concerns will help to implement a "progressive funnel" review process where each subsequent review narrows the issues. It is important that decisions made earlier in the process are not changed at later stages, except under extraordinary circumstances. The Committee believes that implementation of the "funnel" concept will require a commitment by all involved in the DAP to honor decisions reached earlier in the process, including the permitting agencies.

The Committee believes, however, that minor changes to the current process will not solve all of the concerns identified earlier. Even with these changes, staff will still be in the position of reacting to an applicant's proposal rather than helping to identify the parameters upon which the design should be based. Also, as long as there is a two-step preliminary and site plan process, there will be the potential for new issues to be raised or previous decisions questioned during the second review. For these reasons the Committee has developed a second alternative that involves more significant changes to the current process. It features early agreement between agency staffs and applicants on constraints and issues and the combination of preliminary plan and site plan into one step.

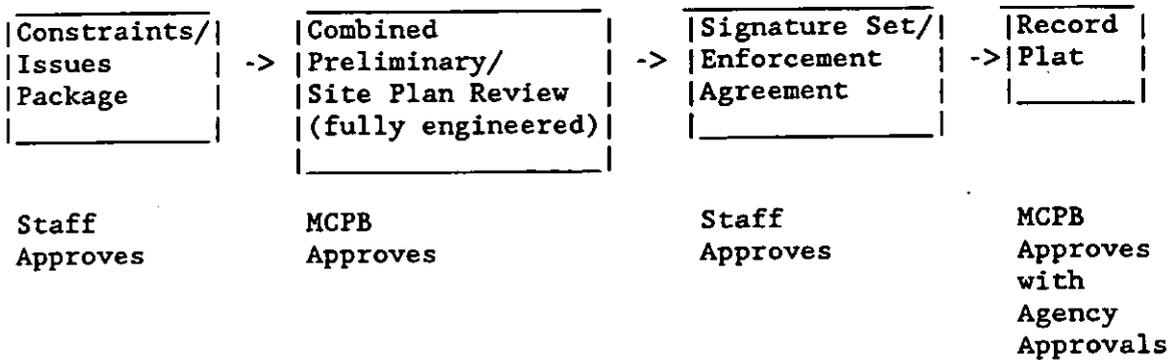
## 2. OPTION II: A SINGLE, COMBINED PRELIMINARY/SITE PLAN PROCESS

An alternative to the present sequential review that would combine the present preliminary plan and site plan into one plan submission, reviewed in a single process, is recommended by the Steering Committee. Under this option, a constraints/issues package would be submitted, for staff review only, prior to the plan submission. The purpose of the constraints analysis is to identify site constraints and major issues which the applicant should take into consideration in the subsequent plan design.

The constraints/issues package is described herein in Section 4, beginning on page 18. Following staff approval of the constraints analysis, the applicant would submit a single plan for Planning Board approval which would include all remaining requirements for preliminary plan and site plan review.

A variation on this recommended option exists today where applicants request that the preliminary plan and site plan be reviewed together and scheduled together for Planning Board review. However, an applicant must still submit a separate preliminary plan and a separate site plan with Board action on each plan. A clear advantage of a single concurrent preliminary/site plan is that only one plan will be reviewed by staff and only one Planning Board public hearing is required. It is important to understand that the plan must satisfy all requirements for preliminary plan approval and site plan approval. Only one report would be prepared and presented to the Planning Board.

Option II can be diagrammed as follows:



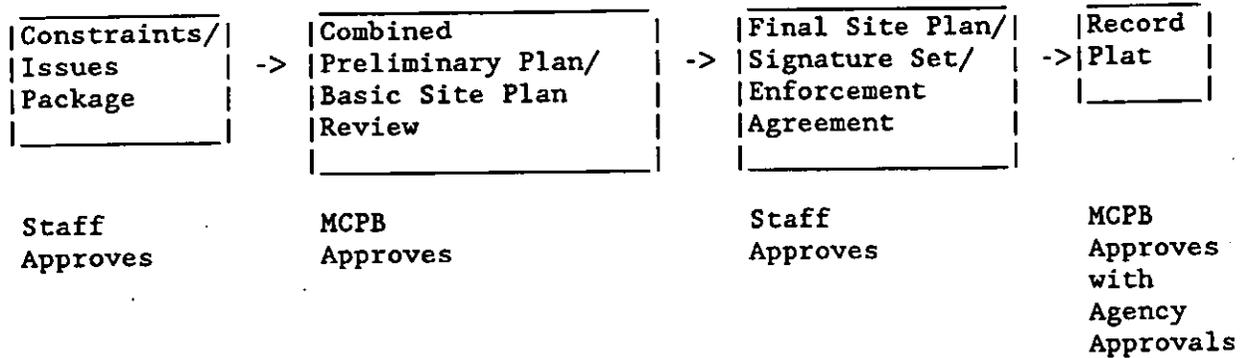
**3. OPTION IIA: COMBINED PRELIMINARY/SITE PLAN PROCESS WITH STAFF APPROVAL OF FINAL SITE PLAN DETAILS**

A variation of Option II would be a combined submission that would contain all required preliminary plan information with some site plan detail. Final site design and engineering, including such features as plant schedules, lighting specifications and details, recreational equipment specifications, detailed grading, and streetscape details could be reviewed and approved by staff after the combined preliminary/site plan is approved by the Planning Board. The combined submission approved by the Planning Board would have to contain enough information to allow the Planning Board to make all findings currently required for preliminary plan and site plan approvals.

One aspect of staff review and approval of the final site plan details would be the development of specific guidelines and regulations that would provide for consistency of staff review and certainty as to what can be required for final site plan approval. The Planning Board, however, must retain the authority to require that the final site plan be presented to them for

final action if issues are identified, in the course of public review, that warrant Planning Board consideration of final site plan details. This variation could help save additional up front cost and streamline the Planning Board's review of combined preliminary/site plans.

Option IIA can be diagrammed as follows:



#### 4. FULL CONSTRAINTS AND ISSUES PACKAGE

This would be a preparatory stage prior to a combined preliminary/site plan submission in which all constraints are defined and all major issues are identified. In the existing process, prior to the forest legislation, this stage did not exist. Required forest stand delineations now identify most environmental constraints prior to preliminary plan submission. A preliminary plan of subdivision is not scheduled for the Subdivision Review Committee until the NRI/FSD is submitted and approved by the Environmental Planning Division. Few other constraints or issues are identified at this point in the process; most are left to later stages. The lack of adequate definition of constraints and issues early in the review process has been identified as a problem which contributes to changes being made to prior approvals, plan delays, frustration, and extra planning and review costs. Submission of a constraints/issues package early in the process should promote better review and result in less redesign later in the process. If such problems are to be avoided, then the resolution of site development issues needs to occur earlier in the process, before site design starts.

The constraints should include factors which are absolutely inviolable, such as easements; dedications; zoning development standards; and those factors which are negotiable, such as which trees to save or the location of stormwater management ponds; and other issues which will affect site design decisions such as compatibility or preservation of natural or historic features. The constraints and general issues that should be identified at this stage fall into the following general categories:

- o Legal description of boundaries, dedications, easements
- o Development standards in the zone
- o Environmental constraints
- o Transportation constraints
- o Urban design issues and constraints
- o Master plan requirements

Legal Description of Boundaries, Dedications, and Easements

- \* Define mandatory roadway dedications, park taking lines, scenic easements, conservation easements, utility easements, access easements, and other components of a record plat.

Development Standards in the Zone

- \* Minimum lot size requirements.
- \* Minimum building setbacks and yard requirements.
- \* Maximum height limits.
- \* Maximum floor area ratio or density standards.
- \* Other standards as may be appropriate for each zone.
- \* MPDU/TDR requirements.

Environmental Constraints

- \* Establish limits of non-buildable areas, and areas of severe and moderate constraints.

The County forest legislation (Chapter 22A) requires submission of a natural resource inventory (NRI) map featuring environmental factors affecting development, along with the forest stand delineation (FSD) prior to detailed plan review. The NRI/FSD includes at a minimum information on: steep slopes; streams and their buffers; wetlands, springs, seeps and their buffers; floodplains and associated BRL's; severely constrained soils; limiting geologic conditions; and forest stand descriptions and prioritization. County law presently allows 30 days for approval of the forest stand delineation by M-NCPPC staff; this is done prior to or with submission of preliminary plans.

Other environmental issues that should be determined at this early stage include: water and sewer categories; environmental functional plan recommendations; opportunities and methods for storm water management control; potential air quality and/or noise impacts; potential for rare, threatened or endangered species, energy saving opportunities; etc. A description of the proposed stormwater management approach including general location(s), waivers, and facility description would be appropriate.

### Transportation Constraints

- \* Specify potential points of access into the property as well as a necessary access through the property to provide access to landlocked parcels.
- \* Identify and eliminate potential through traffic routes that could develop on primary residential, secondary residential, and tertiary residential roads within the development.
- \* Identify all transportation-related facilities provided for in the master plan, such as roads, sidewalks, bicycle routes, and transit facilities that could affect the proposed development, with necessary rights-of-way.
- \* Identify area-wide staging ceiling capacity constraints from the current Annual Growth Policy.
- \* Determine when a local area transportation review (LATR) is required and provide information to the developer on background development that must be included in the LATR as well as critical intersections that must be studied.

### Urban Design Constraints and Issues

- \* Identify compatibility issues, internal and external.
- \* Identify cultural/historic/natural features and their settings.
- \* Identify design parameters from Master Plans, design studies, transportation constraints, guidelines, standards, etc.

### Master Plan Guidelines and Issues

- \* Highlight master plan guidance or directives affecting development of the property.
- \* Identify applicable elements from Functional Master Plans, such as road classifications, dedications, transit/bike/pedestrian routes and nodes, SWM system components, parklands, etc.

## 5. CONCLUSION

The Steering Committee believes that it is possible to bring about substantial improvements in the existing preliminary plan and site plan phases of the overall DAP. These could serve to streamline the review by creating more of a funnel-type process where major decisions can be made earlier in the process. The key to accomplishing this is early definition of all constraints

and issues, thus avoiding costly revisions later. This definition of constraints and issues will directly affect what is ultimately proposed and approved for a given site.

While minor modifications to the existing process can begin to accomplish this goal, the Committee believes that the real solution lies with the new process described in Options II and IIA. This process would allow early definition of issues and, as a result, permit the combination of preliminary plan and site plan into a single step. A streamlined, combined preliminary/site plan process as proposed in Option II appears to be particularly appropriate for smaller scale projects or where time may be a more critical issue for an applicant. Option IIA will likely appeal to applicants for larger scale projects that will be developed in sections. The Steering Committee notes that increased emphasis on early resolution of issues will require greater interagency review and coordination earlier in the process. This may result in a need for additional staff resources earlier in the process. The Committee believes that this increase of staff resources will be offset by the streamlining of latter phases of DAP review time brought about by earlier issue resolution, and the combination of preliminary plan and site plan into one step.

It should also be noted that the new process proposed in Options II and IIA may require applicants to submit some information earlier in the process than the current system. Preliminary discussions with consultants indicate that this will not be a significant burden since most of the information is already developed as part of the consultant's initial work. To the extent that it may slightly increase up-front costs, the Committee believes that the costs will be more than offset by the later savings in time and money gained from early issue identification and the combination of preliminary plan and site plan.

#### Recommendation D. Concurrent Reviews Where Feasible

Sequential reviews were identified as a problem in the April report because it is believed that they contribute to an increase in the length of the overall review time and increase the chance of a project being caught up in interagency or inter-departmental loops. The Steering Committee has reviewed the existing DAP with a view towards accommodating concurrent reviews where appropriate. The lead agency concept is intended to promote cooperative team reviews which should enhance interagency and inter-departmental coordination and reduce policy conflicts. The lead agency approach will provide a means for better decision making with less conflict in the process.

The recommendation for a combined preliminary plan/site plan process option, as identified in Recommendation C, is an attempt to provide concurrent review for two significant phases of the overall DAP. While a combined preliminary plan/site plan may not be suitable for all projects, it should be an option available to applicants who desire an accelerated, concurrent review process for their projects.

Under the combined preliminary plan/site plan option, a constraints/issues package is required to facilitate the early identification of and resolution of issues. A "team approach" is recommended in the review of this package to facilitate effective, concurrent review.

MCDEP and the Montgomery County Department of Fire and Rescue Services (MCDF&RS), Bureau of Fire Prevention (BFP) have initiated a cooperative effort of concurrent review for building code and fire code requirements for commercial construction. The concurrent review of non-Fast Track commercial plans was conducted as a test for the period of June 15, 1992 through July 15, 1992. During this period 50 non-Fast Track commercial building permit applications were received. The key findings are:

- \* 73 percent of the plans were judged incomplete or incorrect
- \* 43 percent of the plans were suspended
- \* 25 percent of the plans were approved in less than 20 days

The results have been sufficiently promising that the concurrent review process will be retained and enhanced to include the prescreening of applications by technical staff. The department believes that prescreening of plans prior to application submitted will drastically reduce the number of plan suspensions and likewise reduce plan review time. At a minimum two weeks should be eliminated from the plan review approval time, and the goal is to further reduce this time.

This effort was distinguished from previous attempts to streamline the plan review process because, in the spirit of empowering employees, the suggestions came from within the staff instead of the administrative hierarchy. The building, fire code, electrical and structural plan reviewers offered a series of recommendations which they felt would speed-up the commercial plan review process. To test the validity of their recommendations and measure the outcomes, it was decided to conduct a test commencing on June 15th to run thirty days. The test was not publicized as the goal was to test the concept before changing application procedures. A mid-stream adjustment meeting was held July 2nd to fine-tune the process.

The intake of building permit applications and plans by the Permits staff was not appreciably altered. After intake was successfully completed, Permits staff disbursed 5-6 site plans to the Land Use Compliance unit, M-NCPPC, et al. Concurrent with this distribution, two sets of building plans were sent to the engineers who would permit the screening. The two engineers, assigned to the Fast Track Unit, screened plans for incompleteness and incorrectness. The screening involved BOCA (building), NEC (electrical), and NFPA (fire safety) code compliance, and handicapped accessibility requirements. The existing "Plan Submittal Guidelines" were revised to incorporate items pertinent to the test namely the NFPA code.

Plans were assigned by the respective supervisory engineers and a fire code reviewer. The building reviewers performed routine checks for code conformance to BOCA and handicapped accessibility requirements. The fire code reviewers did likewise for code conformance with NFPA. The code reviews were performed concurrently. The building and fire code reviewers then compared their findings. If the plans contained significant code violations, a joint suspension notice was prepared and mailed. Once the plans were acceptable, they were forwarded to the structural engineer and a set to the electrical reviewer. At this point the structural and electrical reviews were concurrent. A final review occurred when the senior engineer assigned an approved set of plans to the mechanical engineer. Finally, the application and plans were delivered to the Permits section for building permit issuance.

Although statistical data was maintained, the test period was inadequate to provide accurate statistical sampling. It is the consensus opinion of DEP and BFP that the time involved in the plan review process was reduced significantly during the test period. MCDEP and BFP have recommended that the concurrent review process be maintained for a statistically significant period of six months. The effective date of this extended period will be on or about October 1, 1992 and continue through March 1, 1993. Although the "winter" months are historically a slower period for development permits, this will allow them to address the problems identified during the current test period as well as

those which occur during the six-month test. It is staff's goal to provide a user-oriented process which will provide predictability and timeliness while maintaining the professional standards which they currently employ. To this end, staff is resolved to adjusting the process with the expectation of creating a permanent change that will provide a faster and better quality plan review.

**Recommendation E. Procedural Changes to Promote Effectiveness and Efficiency**

There is concern that the present DAP has evolved over time rather than resulting from a specific system design. The Steering Committee has evaluated the present process to determine where requirements exist which are duplicative, unnecessarily bureaucratic or serve no useful purpose.

As stated earlier under Recommendation A, each agency was charged with the task of preparing a description of its role in the DAP. The Steering Committee finds that the current agency functions or roles are beneficial and are not duplicative. Where there is some overlap in responsibilities, it is usually based on the need for consistent review in moving from planning functions to regulatory functions.

As identified in the April Policy Level Report, the Steering Committee is recommending a restructuring of the water and sewer service area change process to allow regular updating of service areas as part of the master plan process. The details of such a process will require coordination of Council staff, M-NCPPC, DEP-DWRM, and WSSC. The complexities that must be addressed relate to the coordination of master plans and the comprehensive evaluation of these planning areas to reflect appropriate water and sewer categories on the Comprehensive Water Supply and Sewerage System Plan (Ten Year Plan) maps.

Several meetings on this subject have occurred with staff representatives of the affected agencies. It is proposed that this new process begin on a planning area basis during the update or development of master plans as scheduled by the County Council. Coordination of the land use issues with water and sewer policies and staging criteria will add to the value of the functional aspect of the Ten Year Plan. The greatest efficiency this will offer is to minimize the need to have planned development go through a separate category change process for each property. At the present time there is no process to comprehensively update the water and sewer category maps. Consequently nearly all new development must go through the formal public hearing process for a category change before WSSC can begin project evaluation and before preliminary plans can be scheduled for Planning Board review. The proposed master plan coordinated process should eliminate the need for this extra development approval step when a proposed development is consistent with the master plan.

Conceptually, this new comprehensive process will involve DEP-DWRM early in the staff draft development of master plans to coordinate on land use decisions that relate to the provision of water and sewer service. This information will be used by DEP-DWRM to develop draft water and sewer category maps that will undergo review by the agencies that have been involved in development of the staff draft master plan.

M-NCPPC will continue to be the lead agency for developing land use recommendations and staging priorities during the master plan process. In a similar manner to the current comprehensive rezoning or sectional map amendment process, the water and sewer category mapping effort will be conducted in parallel with master plan preparation, but not be approved as part of the master plan. This is due to the fact that the mapping is an integral part of the State required Comprehensive Water Supply and Sewerage Systems Plans, a functional plan administered by DEP-DWRM. It is envisioned that once the master plan has been adopted by the Council, the Executive will submit the draft water and sewer maps to the Council as an amendment to the Comprehensive Water Supply and Sewerage Systems Plan.

It is important to point out that this new comprehensive process will take time to become fully functional. If each planning area is done at the time of master plan development or update, then the schedule for the completion of a comprehensive amendment to categories in all master plan areas will be dependent on the master plan update/development schedule adopted by the Council and implemented by the Planning Board. Accordingly, the present development application driven process will continue to address both the present backlog of category change requests and new requests from planning areas not yet addressed in the new comprehensive process. However, once the comprehensive map update process has been developed for a planning area, it is believed that this change will promote a more effective and efficient means of approving development projects and for planning extensions of water and sewer facilities.

One of the other recommendations of the Policy Level Report was the establishment of a mechanism to "advance fund" local area review improvements which would then be repaid upon subsequent development of the property. Such a mechanism was approved by the Council as part of its adoption of the FY 93 Annual Growth Policy and is ready for implementation.

As the roles of individual agencies are being redefined (lead agency, support agency, etc.) procedural changes must be implemented to provide the most efficient and effective means of delivering services. The Committee believes that employees should be encouraged to suggest changes to enhance the process. Several county departments and the M-NCPPC planning department have provided employees with specialized training in total quality management (TQM) and a customer service orientation in dealing with applicants, the public, and other agencies/departments. At present, the staff is being asked to recommend changes which will enhance the development authorization process. Not only is this improving customer service and satisfaction, it is also giving the employees more of a sense of being part of the decision making process. This leads to greater job satisfaction, improved productivity, improved moral, and better attitudes.

In an effort to create options for the development community to expedite the review process, the submission of a constraints/issues package early in the DAP will allow for an accelerated review. The constraints/issues package is identified as a requirement with the combined preliminary plan/site plan option described in Recommendation C. However, an applicant will also have the option of submitting a constraints/issues package with a preliminary plan application that does not require site plan review. As previously mentioned, many engineers develop such a package for their clients as part of their early plan preparation.

Improvements in providing public education about the DAP to facilitate timely and relevant community input is another important consideration to improve effectiveness and efficiency. Implementation of such improvements will occur once all of the changes to the present DAP are decided.

## Recommendation F. Certainty of Review Times

The Steering Committee believes that the changes in the DAP recommended in this report will result in significant reductions in the overall review time. The changes should also help to bring about more predictable time frames for each step in the process. With the development of a comprehensive development manual, review times should be shorter since standards, guidelines, and application procedures will be more clearly defined. At present, much time is lost in the process when plans are submitted but are found to be incomplete or inadequate. Part of the problem is the lack of, or inadequacy of, submission guidelines and a concise statement of an agency's purpose sufficient for an applicant to follow and submit complete plans.

The M-NCPPC Development Review Division (DRD) has recently implemented a new automated development review monitoring system (DRMS) to determine the status of individual preliminary plan applications. This system can be easily accessed by staff to answer public inquiries and to assist applicants and engineers concerning where their application is in the process. This system could be expanded in the future to help track a project all the way through the DAP system. This system could be expanded in the future to include activities in the process that occur after preliminary plan approval; be used to help identify problem areas where projects tend to be delayed; and, to help determine appropriate time frames for each step in the DAP.

The Appendices of the April 15th Policy Level Report contained two charts which provided an overview of the planning process and base time lines for project approvals. One chart was for a small residential subdivision, and the second was for a large-scale residential subdivision. The charts are included in Appendix B of this report on pages B-22 and B-23. These charts have served as the basis for significant discussion of the length of time that it takes to go through the existing DAP. The charts depict a process that takes approximately three years to complete, including both public and private time lines.

In reviewing these charts in February 1992, the Council requested that the Steering Committee evaluate the DAP with a goal of reducing the amount of time for project approvals to approximately one year for a minor project and two years for a major project. As part of the February discussion, the Council concluded that the DAP begins with the submission of a preliminary plan of subdivision and concludes with the issuance of a building permit.

The Steering Committee has reviewed the process in significant detail since last February and concludes that the revised DAP recommended in this Report can result in the approval of a minor project in approximately one year and the approval of a complex project within the two-year time frame requested by the County Council.

Although improvements will be implemented, it must be pointed out that review times cannot be totally guaranteed. Many of the delays in the DAP occur because an applicant requests more time to negotiate a solution to a particular issue raised by staff or the community. The alternative would likely be denial or deferral if the plan went to the Planning Board. While this alternative would provide more certain review times, it does not produce a desirable result.

In considering which activities should be included in the base time line, the Steering Committee concluded that time spent in applying for a sewer and water category change and time spent in an APFO moratorium should not be counted in the base time lines for project approvals. These two categories are threshold issues that, procedurally, must be resolved prior to a preliminary plan of subdivision being presented to the Planning Board for action. The Committee discussed this recommendation with the County Council at the July 10, 1992 status briefing where it was emphasized that such threshold issues should be resolved outside of the DAP because they involve planning and policy issues. Except for minor amendments to the sewer and water plan, most sewer and water category changes require approval by the County Council. The changes proposed in Recommendation "E" of this Report, to directly link the sewer and water category change process to the master plan process, recognize the important threshold policy decisions involved in sewer and water category changes and will allow these changes to be made prior to beginning the DAP.

One of the most common APFO problems involves deficit staging ceiling, as established in the Annual Growth Policy (AGP), which prevents a preliminary plan from being approved. Again, this problem is a threshold policy issue that is normally resolved by the County Council as part of the annual AGP process. The Steering Committee believes that APFO constraints that effectively preclude the approval of a project should not be counted as review time in the DAP.

Another threshold APFO approval issue involves septic approvals by the County Health Department. A property that is located in an area not to be served by public sewer service must receive septic field approval by the Health Department prior to receiving preliminary plan approval by the Planning Board. The Committee recommends that pre-preliminary plans should be filed for projects that require septic approval so that testing can be completed and Health Department approval secured prior to submission of a preliminary plan of subdivision. Staff of the Health Department concurs with this recommendation.

By not including projects in the time line that require a sewer and water category change; that are in a APFO moratorium area; or that require Health Department approval, a more predictable DAP emerges. The deletion of sewer and water category

changes and APFO moratoriums, by themselves, will result in approximately 16 months of delay in the process being removed from the base time line as depicted in the charts shown in the April 15th Policy Level Report. In addition, the provision of concurrent reviews, more clearly defined standards and guidelines, implementing lead agency review and creation of a more clearly defined "funnel" process, as recommended in this report, will result in additional streamlining of the DAP. The Committee estimates that an additional 4 - 6 months of public review time can be reduced by the changes recommended in this Report.

The three charts shown on pages 31, 32 and 33 depict the DAP for a minor project (Figure 1); a complex project involving preliminary plan and site plan approval (Figure 2); and a complex project with combined preliminary plan/site plan review (Figure 3). The time lines shown are intended to depict only the public review time for each major activity or phase in the DAP. The charts are based on the submission of a complete application with the timely submission of required information and analyses for each identified activity on the time line. Additional time that applicants may take between the phases in the process are not shown because they are not generally known in advance. For example, after preliminary plan approval, an applicant has three years to record the required record plat. There is no certainty that a record plat application will be submitted soon after preliminary plan approval.

The Steering Committee notes that required State/Federal permits are not shown on the time lines. While these permits can involve substantial periods of time, they are not under any local control. Montgomery County will be seeking State delegation of wetlands permitting authority for projects in the County, but no decision on this request is expected for some time. Staff estimates that securing State/Federal permits can take 6 to 12 months of additional time that Montgomery County has no control over.

The time lines represent realistic agency goals for accommodating adequate review of each phase of project review in the DAP. Concurrent reviews as part of the record plat and construction plans/permit phases are encouraged as an additional means for providing a streamlined approach to project review.

The following discussion explains each of the three charts shown on pages 31 - 33 in greater detail:

1. DEVELOPMENT AUTHORIZATION PROCESS - MINOR SUBDIVISION

The minor subdivision is intended to include projects that would generate fewer than 50 peak hour trips (no local area transportation review required) and projects where site plan approval is not required. A forest stand delineation is required at the beginning of the process for all three time line charts. This four-week review period is mandated by State and County forest conservation legislation.

# DEVELOPMENT AUTHORIZATION PROCESS

Minor Subdivision\*  
Public Water and Sewer

	YEAR 1			YEAR 2			LEAD AGENCY
Forest Stand Delineation	<u>4 wks</u>						M-NCPPC
Preliminary Plan	<u>10 wks</u>						M-NCPPC
Street Grade Establishment		<u>6 wks</u>					MCDOT
Record Plat			<u>18 wks</u>				M-NCPPC & MCDOT
Construction Plans/Permits - Final SWM/Sediment & Erosion Control Permits - Street Grading Permit - Paving & Storm Drainage Plans/Permits		<u>6 wks</u>	<u>6 wks</u>	<u>8 wks</u>			MCDEP MCDOT MCDOT
Water & Sewer Design			<u>24 wks</u>				WSSC
Building Permit			<u>6 wks</u>				MCDEP

\* A minor subdivision involves fewer than 50 peak hour trips (no local area review required) and does not require site plan review.

**Total Time: 44 Weeks**

Figure 2

<b>DEVELOPMENT AUTHORIZATION PROCESS</b> Complex Subdivision* Public Water and Sewer Site Plan & APFO Review							
	YEAR 1			YEAR 2			LEAD AGENCY
Forest Stand Delineation	<u>4 wks</u>						M-NCPPC
Preliminary Plan	<u>12 wks</u>						M-NCPPC
Resolve APFO Constraints	<u>8 wks</u>						M-NCPPC
Site Plan		<u>8 wks</u>					M-NCPPC
Street Grade Establishment			<u>6 wks</u>				MCDOT
Record Plat				<u>26 wks</u>			M-NCPPC & MCDOT
Construction Plans/Permits							
- Final SWM/Sediment & Erosion Control Permits				<u>10 wks</u>			MCDEP
- Street Grading Permit					<u>9 wks</u>		MCDOT
- Paving & Storm Drainage Plans/Permits					<u>12 wks</u>		MCDOT
Water & Sewer Design					<u>24 wks</u>		WSSC
Building Permit						<u>6 wks</u>	MCDEP

\* A complex subdivision involves 50 or more peak hour trips (local area review required) and requires site plan approval.

**Total Time: 62 Weeks**

# DEVELOPMENT AUTHORIZATION PROCESS

Complex Subdivision\*  
Public Water and Sewer  
Combined Preliminary Plan/Site Plan

	YEAR 1			YEAR 2			LEAD AGENCY
Full Constraints/Issues Package (including Forest Stand Delineation)	<u>8 wks</u>						M-NCPPC
Combined Preliminary Plan/Site Plan	<u>10 wks</u>						M-NCPPC
Resolve APFO Constraints	<u>8 wks</u>						M-NCPPC
Street Grade Establishment		<u>6 wks</u>					
Record Plat			<u>24 wks</u>				M-NCPPC
Construction Plans/Permits - Final SWM/Sediment & Erosion Control Permits - Street Grading Permit - Paving & Storm Drainage Plans/Permits			<u>10 wks</u>	<u>8 wks</u>	<u>10 wks</u>		MCDEP MCDOT MCDOT
Water & Sewer Design				<u>24 wks</u>			WSSC
Building Permit				<u>6 wks</u>			MCDEP

\* A complex subdivision involves 50 or more peak hour trips (local area review required) and requires site plan approval.

**Total Time: 54 Weeks**

The preliminary plan approval process for a minor subdivision involves a number of concurrent reviews which include storm-water management (SWM) concept/waiver approval by MCDEP; an environmental assessment and identification of street dedication requirements by M-NCPPC; and, access and public road improvements required by MCDOT and/or SHA.

The time lines in the construction plans/permits phase reflect concurrent agency reviews with two reviews for each plan submission. This provides for an initial 4 - 5 week review with a follow-up 2-3 week review of a final plan/permit for each of the activities identified. Again, this assumes submission of a plan that adequately meets the standards and guidelines for plan/permit approval that need only minor changes or modifications.

If plans are submitted that do not meet the requirements for approval or information is not submitted in a timely way, then the DAP will take longer. However, the time lines shown for staff review are intended to remain the same. For example, a delay in submitting information will not increase the amount of staff review required; it merely delays onset of the review. The Committee believes that the time lines for a minor subdivision satisfies the goal set by the County Council for a one-year review of such projects. The Committee estimates that a minor subdivision could be processed from preliminary plan to building permit in about 44 weeks.

## 2. DEVELOPMENT AUTHORIZATION PROCESS - COMPLEX SUBDIVISION

The complex subdivision is intended to include projects of more than 50 peak hour trips (local area transportation review required) and projects that require site plan approval. A forest stand delineation is required as part of the preliminary plan process, the same as for a minor project. The preliminary plan process is the same except that the analyses associated with APFO approval is included. In addition, more emphasis will be placed on identifying potential site plan issues or problems that can be resolved as part of the preliminary plan.

The site plan process also involves concurrent review by a number of agencies who review detailed plans for compliance with various regulations, guidelines, and zoning standards. In addition, a determination is made concerning the compatibility of the project with the surrounding neighborhood. It is expected that greater staff involvement earlier in the process, as part of the preliminary plan, will facilitate faster resolution of issues at site plan. It is important to note that a complete application will be important to facilitate meaningful review as part of the preliminary plan phase of the DAP.

As shown on the chart in Figure 2, more time will be needed for the record plat process because of the increased complexity of applications. Again, through an emphases on concurrent reviews of plans/permits, the proposed time lines will be an improvement over the present process.

3. DEVELOPMENT AUTHORIZATION PROCESS - COMPLEX SUBDIVISION WITH CONCURRENT PRELIMINARY PLAN AND SITE PLAN REVIEW

Recommendation "C" describes the proposed process for combined preliminary plan/site plan submission. Under this option, the applicant must submit a full constraints/issues package (including the forest stand delineation) prior to submission of the combined plan. The review of the constraints/issues package would be conducted by staff of the affected agencies with final comments to the applicant within eight weeks. It is anticipated that this package will set the stage for a more streamlined preliminary plan/site plan review process (18 weeks for a combined plan, including constraints/issues package, versus 24 weeks for a separate preliminary plan and site plan). The Committee believes that the full constraints/issues package should accommodate streamlined review for the record plat and construction plans permits as well; but this cannot really be quantified until staff has experience working with the constraints/issues package and combined plans.

## Recommendation G. Effective System for Resolving Conflicts

Under the present DAP, the burden for resolving inter-governmental conflicts has fallen on the applicants. This is not appropriate in that it creates significant hardship for an applicant to resolve issues that rest in the agencies/departments of government. As discussed under Recommendation A, the Steering Committee believes that with more clearly defined responsibilities; with lead agencies assuming a coordinating role; and with a team approach to solving conflicts that emerge, the burden will be shifted from applicants to government.

Under the lead agency concept, the lead agency will be responsible for resolving conflicts within its designated functional area. If there is a conflict between functional areas and more than one lead agency, the Planning Department will decide which function takes precedence and ask the lead agency for the other function to develop an alternative solution.

It is also important that the DAP be properly sequenced and that concurrent reviews occur wherever practical. The changes to the DAP recommended in this report will help to bring about a better process for resolving conflicts without delaying the overall project review.

Related to proper sequencing is the need for issues to be identified early in the overall process so that they can be resolved without the need to make changes to a project later in the process. The changes that are proposed in Recommendation "C" should help to reduce this problem in the future.

The present Subdivision Review Committee (SRC) process is being examined by the Steering Committee to see if it can be changed to become a more effective entity for resolving issues/conflicts early in the DAP. The April "Policy Level Report" identified the importance of ensuring that employees assigned to interagency review activities have the authority to make appropriate decisions in conflict situations. Again, the lead agency approach with a strong emphasis on team reviews will help to resolve issues that emerge, particularly interagency conflicts.

The April report also noted the need to create incentives for applicants to adhere to guidelines and constraints identified by staff. One of the best incentives that can be provided is the assurance of a predictable process wherein agency reviews and recommendations will be made in a timely manner. The cooperation of applicants in providing all necessary information as early in the process as possible is important if early issue resolution is to occur. The opportunity for concurrent reviews is another important incentive for applicants to provide more information earlier in the process.

**Recommendation H. Efficient Means to Assimilate, Track and Share DAP-Related Information**

Recently, a number of initiatives have been taken to improve the sharing of DAP-related computer applications between the M-NCPPC and the Executive Departments. Both the County Executive and the M-NCPPC are implementing electronic mail systems ("E Mail" systems). This effort has been coordinated through the interagency technology coordinating committee, "ITCC," and it is planned that both systems will be able to communicate with each other. Other initiatives include:

MC:MAPS LAN Connection (MC:MAPS -- Montgomery County Map Preparation and Automation System) Funds are included in the M-NCPPC's budget to implement in FY 93, a high speed LAN connection to the Executive Branch to ensure that Executive Department's can make ready use of the MC:MAPS products as they are developed by the M-NCPPC.

Montgomery County Building Permit System provides direct on-line access to the Executive Departments, as well as M-NCPPC. This system is being redesigned in the Executive Department of Information Systems and Technology (DIST). DIST has actively sought and received recommendations from the M-NCPPC.

The M-NCPPC has a number of DAP-related systems which are now shared by outside agencies and Executive Departments. Use of these systems could be extended to other Departments with only a minor budget impact. Database management systems exist both for Subdivision and Site Plan Review. These detailed systems provide information on the applicant and the conditions of approval for the application once it is approved. In addition, systems exist for tracking the current status of pending Subdivision plans. One recently completed system is called the Development Review Monitoring System (DRMS). This is an easy to use system which readily tells the user whether comments have been received from the review agencies, and if there are items not yet submitted which are required for a complete application. Access to the DRMS could possibly be extended to the private sector.

The Steering Committee fully supports the recommendation to develop a plan to use an automated Geographic Information System to prepare master plans, track zoning, etc. For FY 93, the County Council approved the Planning Department's proposal to develop an automated mapping system which would provide the basic data required for a geographic information system (MC:MAPS).

Currently, there is sufficient funding to develop the two primary layers required for a GIS system, planimetrics and property maps for both the Eastern Montgomery County and I-270 Corridor areas. Both the planimetric and property layers for the Eastern Montgomery County area are projected to be completed by March of 1993.

While the Steering Committee obviously supports the use of GIS to improve DAP, it would be unrealistic to assume that the development of the GIS system could be accelerated to the extent that it could help improve the DAP process in the short term. Past experience shows that complex computer systems are subject to quality control problems when they are rushed.

M-NCPPC is investigating the possibility of following each stage of the basic MC:MAPS development with additional layers showing preliminary plans, site plans, historic sites, and zoning. It would also be possible for the Executive Departments to begin implementing additional layers that would help in the DAP process, for example, sewer service areas. M-NCPPC has established a technical committee with representation from Montgomery County DIST and WSSC. The technical committee could provide technical support to departments who are interested in getting additional layers.

Given that it will take from three to five years to develop the MC:MAPS system, it would be impractical at this time for developers to submit plans in an automated format. However, M-NCPPC agrees that it may be appropriate at this time to begin to establish a committee to plan for the future submission of automated plans for review and storage, etc. There is little doubt that the most effective way from an automation point of view of improving the DAT system would be the development of a GIS system for Montgomery County. Such a system would provide the same data for topography, wetlands, rights-of-way, zoning, historic sites, etc. to all government agencies. In addition, the private sector would have the potential of receiving all of the above information at one location. The private sector has, for many years, been purchasing "topography maps" from M-NCPPC. Once the MC:MAPS system is complete, they would be able to purchase, at various scales, both property, topographic, historic site and other information as discussed above.

**Recommendation I. An On-Going Framework and Effort to Maintain an Efficient System**

The Steering Committee recognizes that it is very important that an on-going effort and procedural framework be established to assure that the DAP operates efficiently. There needs to be a permanent institutional arrangement wherein additional changes to laws, regulations and guidelines can be formulated to respond to future changes in the DAP. To accomplish this objective, the Steering Committee proposes that it continue to meet to review progress on streamlining the DAP and consider possible future changes. The Committee also proposes that each Department meet periodically with representatives of the development community to discuss any problems with the process.

Employee training and development are critical to the implementation of an effective DAP. Recent training in TQM and customer service by Executive Departments and M-NCPPC has already proven to be beneficial in improving the effectiveness of agency staffs. MCDEP continually provides technical training to employees through individual and group training sessions. The complexity of training topics varies depending on job duties and experience. Cross training of technical and administrative duties is done to insure that all functions of the process can be completed regardless of employee leave or absence. This cross training is also used when development activity increases. Other agencies/ departments will emphasize cross training as a means of addressing sudden upturns in a particular area of the DAP.

The Steering Committee will propose an on-going training program once changes to the DAP are finalized. Particular emphasis will be given to providing employee cross training to assure adequate staffing for specific functions. Training will also be provided so that staff from each agency are familiar with the roles and responsibilities of other agencies. In addition, the Committee will propose training for engineers/architects so that they will better understand the overall development authorization process.

### Recommendation J. Self-Supporting Fee Structure

The Policy Level Report recommended that the governmental costs of the development authorization process be further analyzed and that fees be established to recoup the appropriate costs. The Steering Committee believes the user fee mechanism is appropriate since service recipients are limited and easily identified.

Additional information on fees, revenues collected, and costs incurred related to the DAP was collected in July 1992, as part of the material prepared by each agency describing its current functions and responsibilities in the DAP (see Appendix C). The revenue collected (from fees, charges, and assessments), the associated work years, and the expenditures incurred relating to the DAP for FY 90 and FY 91 were presented in the draft report (see page C-92 of Appendix C). So as to present the most current revenue and expenditure data, the agencies submitted updated information for FY 92 (actual) and FY 93 (budget). That information is presented in a table at Appendix E.

The Steering Committee agrees with the recommendation of the Economic Advisory Board that a new fee schedule should not be instituted until after the effectiveness of the modified review process can be evaluated.

## Implementation Framework

As mentioned in the Introduction, this report marks the beginning of the implementation phase. While some recommendations can be implemented immediately, others will require additional time and effort. The following discussion summarizes the implementation status of the major recommendations.

The most significant recommendation, lead agency designations, will be implemented at once. So will the portion of Recommendation "C" that calls for more site plan level input into preliminary plan review. The Planning Department has recently reorganized to help accomplish this objective, moving the site plan review function into the Development Review Division with preliminary plan review. Another major recommendation that will be implemented soon is the linkage of the water and sewer category change process to the master plan process. This recommendation will be followed for all future master plans.

Recommendations that will require more time to fully implement include the option for combining preliminary plan and site plan; the development of additional guidelines and process manuals; further training; and improved tracking of applications. Staff is continuing development of the combined plan option. Additional discussion with the development community and citizen groups will be necessary to finalize the details of this new process. It will be in place by February 1993.

The development of new guidelines, better tracking systems, and improved training will require additional staff time and consultant resources. Work on these recommendations will continue in FY 93, and future needs will be identified in FY 94 budget proposals.

On October 1, 1992, the Maryland Economic Growth, Resource Protection, and Planning Act of 1992 became effective. There are several short-term and long-term actions that will be necessary by Montgomery County Government to respond to the requirements of this new State law. This Planning Act requires that by January 1, 1993, the local legislative bodies must send to the Governor a schedule which provides for actions that Montgomery County will take regarding, among other things, encouraging the streamlining of the development review process in areas designated for growth and the achievement of consistency between zoning, subdivision, and other County regulations with approved County plans.

The 1992 Planning Act requires that local jurisdictions must take specific action to streamline their development processes for projects located in designated growth areas. The State is primarily concerned that development standards are more restrictive in developed areas which cause developers to propose projects in more rural areas where development standards are less restrictive. The present streamlining effort, which is the

subject of this Report, has been prepared in part to address the State's objective to encourage development in designated growth areas. A more streamlined process as recommended herein is intended, in part, to satisfy the State's mandate for streamlining the development process.

In conclusion, the Steering Committee believes that the implementation of the proposals contained in this Report will accomplish the goal of streamlining Montgomery County's development authorization process and making it more predictable. To ensure that these recommendations are carried out, the Steering Committee will continue to meet periodically to review the progress being made.

A P P E N D I X   A

Resolution No. 12-532  
Introduced: December 10, 1991  
Adopted: January 28, 1992

COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND

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By: Council President Bruce Adams, Vice President Marilyn Praiser  
and the Planning, Housing and Economic Development Committee

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Subject: Initiative to Streamline Development Review Process

Background

1. The development review and approval process in Montgomery County is very complex and time consuming requiring the participation of several departments and agencies.
2. The development review process has achieved positive public objectives in flexibility of uses and housing types, compatibility, environmental protection, safety, timing, and provision of public amenities and facilities.
3. In addition to County regulations, there has been an increase in state and national regulations and it is likely this will continue.
4. According to County government prepared materials, Montgomery County has the most time-consuming development authorization process in the region.
5. The need for streamlining government procedures is reinforced by the current fiscal situation.

Action

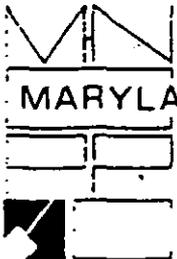
The County Council for Montgomery County, Maryland, approves the following resolution:

1. The County Council recognizes the need to streamline the permitting and development process and accordingly amends the Montgomery County Planning Board's workprogram to include a review and streamlining of the development review process as its highest priority.
2. Such review should consider at least the following areas:
  - a. identification and elimination of duplication among and between agencies;
  - b. identification of steps that can be done concurrently and procedures to achieve the goal;
  - c. procedures or requirements that can be eliminated or modified;

- d. development of a process for resolving conflicts among and between regulatory agencies;
  - e. time limits for government review;
  - f. clarification and simplification where possible of the rules and regulations on which regulatory agencies base their decisions in an effort to improve understanding and compliance;
  - g. possible expanded use of technology;
  - h. state and local functions and possibilities for modifications.
3. In order to ensure a comprehensive review, the Planning Board with the cooperation of the County Executive should convene a working group which includes representation from all the agencies having a role in development review.
  4. The review should also include consultation, as appropriate, with the development industry and civic and environmental groups.
  5. The goal of this effort will be to reduce by at least 50% the time required for the Montgomery County development review and approval process, with a target of a one-year time frame for completing the process for noncontroversial projects (which have the applicable zoning and water and sewer category) and two years for controversial projects (which have zoning but may require a sewer and water or other change).
  6. A policy-option report from the working group which identifies potential alternatives for streamlining the development process and describes the budget implications of each alternative should be presented to the County Council by April 15, 1992. An implementation report with detailed recommendations is due by September 15, 1992 so that the new process can be implemented by January 1, 1993.

This is a correct copy of Council action.

  
Kathleen A. Freedman, CMC  
Secretary of the Council



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

October 29, 1991

William Hussmann  
Chief Administrative Officer  
Executive Office Building  
101 Monroe Street  
Rockville, MD 20850

Dear Mr. Hussmann: *Bill*

As we have previously discussed, we have for some years now been involved in establishing progressively more complex development regulations. These changes have occurred for good reasons, but we frequently lose sight of their cumulative relationship to the overall objectives of the public interest. In light of these more complex regulations and review processes, we need to reassess our present procedures. We need to create the opportunity to define development, whether through the zoning, subdivision or site plan process, that is creative and meets the County's necessary objectives while still adhering to the basic development standards and ordinance requirements.

The Planning Department and Planning Board believe this is a timely opportunity to look at the situation. The Planning Department will, in cooperation with DEP and other County departments, organize and manage a program assessment of the overall process of development review. This effort is designed to assess issues and problems of the entire development approval process from zoning to building permit, and not just the subdivision review process. I want to emphasize an incremental approach due to the limited resources available in these difficult times.

The first phase is to begin immediately and involves a series of meetings and information sessions with the County and public agency staff and the development community to discuss contemporary issues as they relate to the development review process. A second phase would include a detailed assessment of the issues raised in the first phase. A third phase involves the preparation of process and regulatory changes that may grow out of the first two phases.

The issues definition effort should define areas needing detailed assessment in order to provide for improved development. It will be necessary to define goals for development on a coordinated basis. Currently, these reviews are typically carried out through independent action on the part of the various partic-

icipating agencies, each with its own unique standards and requirements. The purpose is to investigate two questions: what we are trying to accomplish through the review processes, and what it means to encourage creative development while meeting all the basic standards and requirements.

The Planning Department staff proposes to manage the issues definition and program reassessment using DEP as the liaison with County government. After the initial meeting with staff persons responsible for administering various aspects of the County Code relative to development approvals, an additional effort will involve outreach to the development community and financial community to establish issues that need to be addressed concerning time and cost constraints in the development process and where efficiencies can be introduced.

Following the information sessions and meetings to define the issues, subsequent meetings involving policy level personnel will be convened to address the goals of the development process. Staff from the following County Departments and agencies would be included: DOT, DEP, MCPS, Health Department, WSSC, SHA, HOC, as well as the Planning Board. Representatives from the development community would be designated by the SMBIA and other organizations. The culmination of the basic goals definition process will be a report on action necessary to implement any efficiencies, flexibilities, or other changes in the review process.

We will be contacting the various County agencies to invite them to an issues forum on the Development Review Process shortly. Tentative dates for the forum are Wednesday, December 4 and Monday, December 16. We look forward to working with you in undertaking this important effort. If you see any reason we should not proceed, please call me immediately.

Sincerely,



Robert W. Marriott, Jr.  
Montgomery County  
Planning Director

RWM:DJP:ds/arh

cc: Edward U. Graham  
Planning Board

# MEMORANDUM

December 6, 1991

TO: Marilyn Praisner, Vice President  
Montgomery County Council

FROM: Neal Potter, County Executive 

SUBJECT: Council Resolution to Increase the Development Review Process Speed

I understand from Jon Gerson you are interested in sponsoring a resolution calling for simplifying and shortening the permitting and development process. Your resolution is very timely and will support a proposed multi-agency initiative (see attached letter). I strongly support this initiative and am directing the appropriate Executive Branch Departments to cooperate fully in a "development process review team".

The additional costs resulting from the length of our process is an unnecessary burden, resulting in more costs to County firms, and impeding responses to market demands. In drafting your resolution, you might consider incorporating the following:

- o Identify and eliminate duplication in the review process, including State and Federal requirements.
- o Identify review steps that can be done concurrently and develop a system for this to occur.
- o Set up a process for resolving conflict among regulatory agencies in a timely fashion when more than one agency has authority. For example, there are many overlapping responsibilities between M-NCPPC, DOT, and SHA on transportation issues.
- o Delegate "authority" to resolve regulatory issues when consensus is not reached in normal review process.
- o Tighten up time limits for government review.
- o Encourage M-NCPPC and County personnel to present a more positive attitude toward helping applicants complete the process "ASAP".
- o Clarify and simplify where possible the rules and regulations on which the regulatory agencies base their decisions. This is particularly important for new regulations, such as environmental protections which will be new to everyone involved.

The attached letter from William Hussmann to Robert Marriott expands on these ideas and offers some additional suggestions on specific areas such as subdivision review, transportation and overlapping state and local responsibilities, and to his list I would add the Fire Marshal. We need to establish an effective multi-agency review team to address duplication, delays and other development obstacles. We can achieve a process that is efficient and user-friendly while providing responsible protection for Montgomery County citizens and the environment.

cc: Bill Hussmann, CAO  
Ted Graham, DEP  
Jon Gerson, OED  
Bob Marriott, M-NCPPC



# Montgomery County Government

ROCKVILLE, MARYLAND 20850

November 27, 1991

Robert W. Marriott, Director  
Montgomery County Planning Board  
The Maryland National Capital Park  
and Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Dear Mr. Marriott:

Thank you for your recent letter concerning the proposed multi-agency assessment of the development process. I strongly support this initiative and assure you of the full cooperation of the Executive Branch.

Over the years, increased development regulations have resulted in a very complex review and approval process. I anticipate that the trend toward greater controls will continue, including, for example, more attention to wetlands, water quality, air quality and site plan review. Without a comprehensive review and appropriate overhaul of the process, including a careful assessment of future requirements, the current complexities, problems and inefficiencies are likely to be greatly magnified.

According to data compiled by the County's Office of Planning Policies (see attached), Montgomery County has the most time-consuming development authorization process in the region. Since carrying costs make up a substantial part of the costs of development, unnecessary delays represent avoidable development costs. Accordingly, one of the fundamental challenges will be to structure the regulatory process to achieve both high quality and efficiency. I recommend that early in the evaluation process you set a specific goal for substantially reducing the elapsed time of development review.

These tight financial times underscore the need to be especially sensitive to process efficiencies. The process evaluation team should pay particular attention to consolidation of overlapping functions, that can boost productivity and to conducting simultaneous reviews where appropriate and feasible. It is important that functions by different agencies or departments complement, rather than duplicate each other. It is also advisable to assess what may be better accomplished by the private sector.

Robert W. Marriott  
- November 27, 1991  
Page 2

I look forward to a thorough assessment of the appropriate use of new technology. For example, intuition suggests that the process could be substantially improved if proposed subdivision plans were submitted and distributed for review in electronic format. If properly crafted, this should reduce paper handling and communication time and should ease the burden on staff involved in mapping.

There are a number of very specific problems that relate directly to the subdivision review process. Your team's assessment should ensure that they are addressed. Some of them seem to be systemic and can probably only be solved by redesigning the system. This may involve transferring functions among our several departments.

Many of these problems relate to transportation issues. Traffic impact analyses tend to be too time consuming, are subject to changing conditions and are often difficult to bring to timely resolution. It has also been my experience that conditions imposed by the street layout often conflict with other goals such as site plan quality, tree preservation and stormwater management. Such difficulties are compounded by the lack of an effective mechanism for resolving conflicting agency demands.

There are also cases where state and local functions overlap. In areas such as protection of water resources, the coordination between the state and local agencies can be quite cumbersome. These should be well documented, and corrective actions identified through, for example, delegation or better program coordination.

I view this effort as a close partnership between the Planning Board and the Executive Branch. I envision the outcome to be concurred in by both the Planning Board and the County Executive, with joint "ownership" of the results. The Department of Environmental Protection will serve as the lead agency for the County. I have instructed Ted Graham to keep me fully apprised as the effort proceeds. This is one of my highest priorities and I look forward to excellent results.

Sincerely yours,

William H. Hussmann  
Chief Administrative Officer

WHH:bjb

Attachment

A P P E N D I X   B

**POLICY LEVEL REPORT**

**STREAMLINING MONTGOMERY COUNTY'S  
DEVELOPMENT AUTHORIZATION PROCESS**

**Prepared By:**

**The Development Review Steering Committee**

**Richard Cheney, WSSC  
Stephen B. Farber (Observer)  
Edward U. Graham, DEP, Co-Chair  
Robert W. Marriott, Jr., M-NCCPC, Co-Chair  
Graham J. Norton, DOT**

**April 15, 1992**

## STREAMLINING MONTGOMERY COUNTY'S DEVELOPMENT AUTHORIZATION PROCESS

### I. BACKGROUND

Montgomery County is justifiably proud of its role in planning and regulating development so that it is rational, supported by adequate infrastructure, environmentally responsible and sensitive to neighborhood impacts. This systematic development has been possible due to a myriad of regulations and review requirements that are authorized by the County Council and carried out by the Planning Board and County Executive. While these development requirements are comprehensive, complex, and time consuming, more development proceeded in Montgomery County in the 1980's than in any other jurisdiction in Maryland.

The economic decline of the 1990's has brought the realization that the very Development Authorization Process (DAP), which served the growth economy of the 1980's has become a barrier to sustaining economic viability now that the "boom" years have ended. Neither professional developers nor individual builders can comfortably bear the carrying costs associated with the considerable time currently required to obtain development authorization in Montgomery County. (An overview of the existing process is presented in Appendix A.) The County Council, the County Executive and the Planning Board all agree that it is both necessary and possible to reform the process while preserving its desired results (see Appendix B).

To that end, an interagency Steering Committee was formed with a mission to examine the current process and to recommend reforms that would reduce the overall processing time without sacrificing the quality of the process. The Steering Committee members represent the Maryland-National Capital Park and Planning Commission's Planning Department (M-NCPPC), the County's Council and the Departments of Environmental Protection (MCDEP) and Transportation (MCDOT), and the Washington Suburban Sanitary Commission (WSSC).

The Committee's direct challenge was to recommend DAP reforms so that "uncomplicated" development projects take no more than one year; more complex projects no more than two. The base time line (representing prototypical experiences offered by the private sector) is shown in Appendix A. DAP, for the purpose of this effort, has been defined as beginning when a project has proper zoning approval and ending upon issuance of the building permit.

Initially, the Committee identified four areas deserving special attention by virtue of their length on the time line and/or multiple agency involvement:

- o Water and Sewer Category Changes;
- o Environmental Reviews;
- o Transportation Reviews; and
- o Water and Sewer Approval, Design and Construction.

Staff papers were prepared for each of these under the direction of an "uninvolved" Steering Committee member. They are presented in Appendices C, D, E, and F, respectively. Assignment of an "uninterested third party" was intended to facilitate an independent examination of the subject area, as well as its underlying assumptions. Because of the limited time frame, the goal was to focus the issues as they lead to the policy recommendations in this report rather than to document or verify each detail. The papers should be read with that caveat.

The Committee also solicited comments and suggestions from a wide spectrum of the community, via a mass mail-out. 235 responses were received with approximately 400 individual comments/suggestions on the DAP. (A summary of the survey results and respondent categories are presented in Appendix H.) The most prevalent areas of concern included:

- o need to improve employee attitudes and training;
- o need for standards and guidelines;
- o need for non-duplicated, clearly designated "lead agencies"; and
- o need for process "predictability".

Finally, several individual agencies examined their own internal processes and requirements to determine further opportunities for streamlining. Reforms to those processes do not, for the most part, rely on interagency coordination and are already underway. They are outlined in Appendix G.

The Steering Committee's work is to be presented in two phases. The first, embodied in this "Policy Level" report, identifies those areas where streamlining can best be accomplished and provides recommendations and options for reform. The second, an "Implementation Level" report, due in September, is intended

to define the specifics for implementation including detailed agency budgetary implications.

## II. PROBLEMS WHICH INHIBIT STREAMLINED DEVELOPMENT AUTHORIZATION

As a result of its examination of the public comments, the individual issues papers, and considerable internal discussion, the Steering Committee recognized that the current DAP is constrained by a variety of problems which contribute unnecessary complexity and/or delays. To a large extent, these problems are the result of parallel responsibilities between the M-NCPFC and the Executive Branch which have evolved over time.

Although the missions of these agencies are different, their closely related activities can and have resulted in some overlap, duplication and/or conflicting policies. Generally speaking, the mission of M-NCPFC is land use planning and the execution of zoning and subdivision authorities to ensure proper concomitant land use. The Executive Branch is concerned with the provision and maintenance of infrastructure through programs and regulatory activities that ensure the integrity of the development and its impact. As regulatory issues have grown in complexity in recent years, so too has grown the coordination burden on the agencies. Conflicts and process complications have been an almost inevitable result. The Steering Committee finds that almost all of the problems underlying the current DAP's inefficiencies can be summarized by one or more of the following:

- o Lack of consistent guidelines and standards for either applicants or reviewers;
- o Duplication, inconsistencies and/or conflicts both within and among agencies with no effective mechanism for resolution;
- o Time-consuming consecutive reviews which are improperly sequenced such that issues get re-examined rather than narrowed;
- o Variability and uncertainty in review times;
- o Employee stress as well as attitude problems which focus on process and control rather than service; and
- o Nearly non-existent use of effective automation, specially where agencies are physically separated.

### III. RECOMMENDATIONS TO IMPROVE THE DEVELOPMENT AUTHORIZATION PROCESS

To address the current obstacles to a streamlined DAP, the Steering Committee identified ten major policy-level recommendations. Although some are generally similar to proposals of earlier studies by a number of outside groups, it is significant to note that this time the involved agencies themselves have directly embraced them. The Steering Committee finds this a notable achievement which should assist in their ultimate implementation. To streamline Montgomery County's development authorization process, it is recommended that there be:

- A. Unambiguous assignment of responsibilities including a lead agency when reviews must be shared;
- B. Clear, current, and consistent published development standards, guidelines and submission requirements;
- C. Successive reviews that continue to narrow issues and sustain prior approvals;
- D. Concurrent reviews where feasible;
- E. Procedural changes to promote effectiveness and efficiency;
- F. Establish reasonable expected review times which provide certainty at each stage of the approval process;
- G. An effective system for resolving inter-governmental conflicts;
- H. An efficient means to assimilate, track and share DAP related information;
- I. An on-going effort and framework to maintain an effective system; and
- J. Move toward a more ~~x~~ self-supporting funding mechanism, i.e. fees, so that investments in process improvements can be made and are supported by those who benefit.

These policy-level recommendations span the full range of development review activities. The Steering Committee further identified an extensive set of specific program issues and needs which must be addressed in order to achieve the recommended improvements.

Recommendation A. Clear Assignment of Responsibilities

The Steering Committee identified five major areas where shared review responsibilities are the source of applicant frustration. In order to eliminate confusion or delay due to ambiguous assignments of responsibility, each of these aspects of the DAP must be reviewed. Every distinct step should be identified along with its authority and a determination of necessity. An justification must be made as to why they cannot be performed by a single agency. In those cases where there is reason for shared review, a Memorandum of Understanding will be executed specifically detailing responsibilities, including the designation of the "lead" agency.

Need A1 - Define the process and respective responsibilities of MCDEP, MCDOT and M-NCPPC in the areas of stormwater management, sediment control, storm drains, floodplains and wetlands.

Need A2 - Define the process and respective responsibilities of MCDEP and M-NCPPC with respect to Water and Sewer Service Area designations. (See also Need E1, below.)

Need A3 - Define the process and respective responsibilities of M-NCPPC and MCDOT with respect to on-site transportation-related reviews.

Need A4 - Define the process and respective responsibilities of M-NCPPC and MCDOT with respect to off-site (APF) reviews.

Need A5 - Define the process and respective responsibilities of M-NCPPC and MCDEP with respect to zoning interpretation of existing regulations.

Recommendation B. Clear, Current and Consistent Published Development Standards, Guidelines, and Submission Requirements

This need was cited on numerous occasions by many representatives of the private sector. A number of examples and models exist nationally and in our region. To develop such a document for Montgomery County, existing materials will first be consolidated and updated to reflect current status and the reforms in this effort. The remaining "gaps" will be detailed. Resource and staffing requirements will be identified and assigned to complete the effort. Advice and involvement of the private sector will be included throughout.

Need B1 - Design and prepare a Development Guidelines Manual for Montgomery County which reflects guidelines and standards formally adopted and coordinated by each regulatory agency for each subject matter. The DAP should be fully described, including agency responsibilities, fee structures and submission requirements and predicted review processes and time frames.

Need B2 - Establish a schedule and mechanism for regular up-dates and communications regarding interpretations and amendments as required.

Need B3 - Establish a fee structure for the purchase of the manual which will recover its costs of development and production.

#### Recommendation C. Successive Review Process Design

This issue was frequently cited as a source of frustration and unnecessary time delays and cost. The problem is most apparent when preliminary plan approvals are contradicted or reversed during site plan review or even raised again during permit processing. For each aspect of the DAP it will be necessary to determine the "critical path" of review issues in order to properly sequence them. The individual aspects must also be evaluated with respect to their sequential impacts on each other.

Need C1 - Design and implement a progressive "funnel" review process where each subsequent review narrows the issues. Approvals early in the process should be sustained at later stages except in extraordinary cases.

Need C2 - Develop procedures to effectively accommodate public review and comment while preserving the "funnel" concept of narrowing issues with each subsequent review.

Need C3 - Determine how to accommodate State reviews and those of other outside agencies (e.g. WSSC, utilities) without compromising the "funnel" principle.

#### Recommendation D. Concurrent Reviews where Feasible

Unnecessary sequential reviews contribute to long overall review times and increase the chances for getting caught in an interagency or interdepartmental loop. Early opportunities to resolve conflict are missed and the possibility of inordinate

delays is increased. Reviews by all agencies (including Health Department, Fire Marshal, WSSC, utilities, M-NCPPC Parks Department, and State entities) should be included.

Need D1 - Review the entire DAP for serial review functions that can be made concurrently.

Need D2 - "Dissolve" organizational lines of demarcation and utilize team reviews throughout the DAP to enhance coordination, promote the exchange of ideas, and reduce policy conflicts.

Recommendation E. Procedural Changes to Promote Effectiveness and Efficiency

In a development review environment which has evolved, rather than been specifically designed, out-dated processes, methods and requirements are often preserved long after they've outlived their usefulness. The DAP should be evaluated in detail to determine where requirements exist which are duplicative, unnecessarily bureaucratic, or serve no public purpose.

Need E1 - Restructure the Water and Sewer Service Area change process so that the service areas are regularly updated as a part of the Master Plan process. (Note: the Steering Committee unanimously endorses the early implementation of the recommendations in Appendix C.)

Need E2 - Adopt bonding procedures that provide safeguards without unnecessarily delaying development activity.

Need E3 - Establish a mechanism to "advance fund" local area review improvement which could be repaid upon subsequent sale of developed property.

Need E4 - Encourage employees to recommend and make changes which enhance the review process, improve services and increase satisfaction.

Need E5 - Create options for the development community to expedite the review process, such as more detailed "up-front" submission requirements (and costs) which allow accelerated review.

Need E6 - Improve public education about the DAP so that community input is timely and relevant.

#### Recommendation F. Certainty of Review Times

While the need to reduce the overall time of the DAP was the first desire of its users, there was nearly equal interest that the time frames be predictable.

Need F1 - Consolidate and improve automated status information systems to make them easily accessible by applicants to track project status, including those times when the DAP is "on hold" due to applicant delays.

Need F2 - Establish reasonable expected time frames for each step of the process. Communicate this information directly, including identification of factors which may compromise them - e.g. State reviews.

Need F3 - Establish and report regularly on an "on-time" measurement system for evaluating review agencies' performance against established time frames.

#### Recommendation G. Effective System for Resolving Conflicts

In a DAP as complex as Montgomery County's, conflicts among and between agencies and private and public interests are inevitable. Historically, the burden of resolving conflicts has fallen on the applicant. It is anticipated that more clearly defined responsibilities, proper sequencing, increased team work and a Guidelines Manual will reduce the occurrence of conflicts. Nonetheless, when they do occur, the burden of resolving policy conflicts should be shifted to the government.

Need G1 - Design and implement a process whereby the public agencies and ultimately the Planning Board will assume the responsibility for conflict resolution, within a specified time.

Need G2 - Ensure that employees assigned to interagency review activities have the authority to make appropriate decisions in conflict situations.

Need G3 - Create incentives for applicants to follow and adhere to guidelines and constraints.

#### Recommendation H. Efficient Means to Assimilate, Track and Share DAP-related Information

Montgomery County has not taken full advantage of computer applications in support of the DAP. Computerization is

generally scarce, out-dated and devoid of the technology enhancements applicable to planning and design functions. There is little coordination among agencies in planning and implementing such applications.

Need H1 - Prepare a multi-agency strategic automation plan in support of the DAP.

Need H2 - Develop a plan to use the GeoMaP geographic information system to:

- o prepare master plans;
- o track zoning;
- o support water and sewer service areas;
- o support the subdivision and record plat processes;
- o support environmental planning and infrastructure maintenance functions; and
- o support the transportation planning and infrastructure maintenance functions.

Need H3 - Investigate the potential applications benefit of automated plans submission, review, and storage.

Need H4 - Determine funding mechanism and fee impact of automation vs process improvements.

Recommendation I. An On-Going Framework and Effort to Maintain and Efficient System

In order to stay effective, the DAP will have to change as laws, regulations, practices, institutions and knowledge change. A set of institutional arrangements should be designed so that requisite changes can occur expeditiously.

The resource summary table in Appendix J highlights that the County's greatest investment in the DAP are its employees. Unfortunately, a most prevalent complaint surfaced in the solicitation for comments and suggestions by the public was about employee attitudes and capabilities. It would follow that the DAP employees have been hindered and frustrated by the same problems which otherwise complicate the process and a high priority must be put on maximizing their utilization, training, and satisfaction.

Need I1 - Develop personnel plans and policies to be able to respond quickly to increases or decreases in development activity or priorities.

Need I2 - Identify where staffing efficiencies can be realized through cross-training and/or sharing of responsibilities through team review activities or assignments.

Need I3 - Conduct on-going training and staff development as required to ensure positive service-oriented attitudes and behavior.

Need I4 - Establish formal technical training sessions for all staff and a certification process for both plans reviewers and plans preparers.

Need I5 - Evaluate the utility of establishing a formal entity to foster communication between the public and private sectors. (See example in Appendix I.)

Need I6 - Continue to monitor DAP time frames and outcomes relative to these recommendations. Evaluate all proposed regulatory policies and procedures in light of their impact on the overall process.

#### Recommendation J. Self-supporting Fee Structure

The table in Appendix J summarizes the FY 92 budgeted resources allocated to the development review process by each of the major agencies along with revenue estimates. It is recommended that costs be further analyzed and fees be established to recoup the appropriate costs of the reformed DAP. The user fee mechanism is appropriate since service recipients are limited and easily identified. Fees should be prominently advertised and adjusted on a predictable and regular basis.

Need J1 - Perform a detailed analysis of all costs associated with the DAP including those of other involved agencies (e.g. Health Department - Wells and Septic, the Fire Marshal, etc.).

Need J2 - Determine mechanism for establishing fees for each step of the process, designed to recover associated costs (including water and sewer category change requests; subdivision applications; building permits; stormwater management and sediment control permits, etc.).

Need J3 - Evaluate the use of "incentive" fee structures which reward quality submissions (e.g. additional fees for excessive corrections) or capture additional costs of intensified, accelerated reviews.

## V. PHASE TWO WORK PROGRAM: IMPLEMENTATION REPORT

The Steering Committee has identified ten recommendations with thirty-eight individual program needs which form the basis of its work plan for the next phase of this effort. To improve the DAP, each of these will be examined in terms of feasibility, utility, and budgetary implications.

In preparing its "Implementation Report" the Steering Committee will have either identified explicit implementation policies, procedures, methods and steps for each of the "Needs" identified above or it will have eliminated the recommendation from further consideration, with justified cause. Implementation on those recommendations which do not require additional study will begin immediately, as will work on the internal improvements identified in Appendix G.

To accomplish this considerable work program by September 15, 1992, and allow for the continued and formalized involvement of interested parties outside the County government, it is proposed that the Steering Committee conduct two public meetings to provide a forum for discussion, input and involvement in this effort. The first will be held in early May in order to receive feedback on this Phase One Policy-level Report. The second will occur at the end of summer when the specific implementation recommendations are drafted.

Specific task forces or working groups with wider membership and expertise will be formed to focus on particular issues as appropriate. Periodic interim reports will keep the County Council, County Executive and the Planning Board informed and provide opportunity for continuing feedback and discussion.

## VI: SUMMARY

The goal of streamlining Montgomery County's development authorization process now has definition, is deemed possible by the responsible agencies and will be largely achieved during FY 1993. By implementing the eleven recommendations made by the Steering Committee, time frames are expected to be significantly reduced and should approach the targeted time frames established in this effort's mandate. At the same time, the process will be clearer, more predictable, and less taxing on the applicants, communities, and employees.

Specific budgetary savings have yet to be detailed. However, it is assumed that except for automation, the current resource levels may well be adequate to achieve the dramatic productivi-

ty and efficiency gains mandated resulting in significant cost avoidance savings. It is anticipated that it may be necessary to redirect resources among activities or agencies and every effort will be made to minimize overall system costs. Further, it should be possible to adopt fee structures which recover costs. It is anticipated that the development community would be better able to bear increased fees for a streamlined process than continue to absorb the carrying costs associated with the current, subsidized process.

Like all change, the process of reexamining the DAP has not been easy. Turf has been invaded, professional sensitivities trampled and some egos bruised. The implementation phase promises to be even more difficult and potentially threatening to the individuals involved. However, the Steering Committee is committed to rising above parochial interests and will continue to focus on the ultimate goal of a quality, responsive and efficient development authorization process.

#### APPENDICES

- A. Overview of the Planning Process and Base Time Line
- B. Council, Executive and Planning Board Endorsements of the Streamlining Effort
- C. Issue Paper: Water and Sewer Category Changes
- D. Issue Paper: Environmental Reviews
- E. Issue Paper: Transportation Reviews
- F. Issue Paper: Water and Sewer Extensions
- G. Internal Improvement Efforts
- H. Tabulation of Mail-Out Results
- I. Description of the ESI Concept
- J. The FY 1992 Agency Costs and Revenues of the DAP, by Function

## JURISDICTION AND RESPONSIBILITIES IN THE DEVELOPMENT PROCESS

I. PRE-REVIEW AUTHORIZATIONS

- Water and Sewer Category Changes: Category change requests are submitted to MCDEP who then refers the request to planning staff and WSSC staff for review and comment. The requests are presented to the Planning Board which provides a recommendation to the County Executive and County Council. The County Council makes a final decision and forwards its request to the State for approval. Water and sewer category changes can also be processed under the administrative delegation provisions where MCDEP holds a public hearing for certain types of category change requests with Council involvement in a "consent calendar" format. In either process, the Planning Board makes a recommendation, with final approval required by the State.
- General Plan/Master Plan: Planning staff prepares an Issues Report with review by Executive staff. With community and public agency participation, the staff prepares the Staff Draft Plan. The Planning Board reviews the staff draft and modifies as necessary prior to releasing the Preliminary Draft Plan for public hearing. After public hearing, Planning Board adjusts the Preliminary Draft to become the Final Draft Plan. The County Executive reviews the plan and forwards it to the County Council with the Executive's Recommended Revisions. The Council acts on the Final Draft Plan by approving, disapproving, or revising it. The approved Final Draft is forwarded to M-NCPPC for adoption as an Approved and Adopted Master Plan.
- Zoning: Zoning is determined by the County Council after review of recommendations from the Planning Board and staff. A sectional map amendment (SMA) is the comprehensive zoning of an area, usually to implement master plan zoning recommendations. A local map amendment is the rezoning of specific properties for which an application has been filed by the owner or a contract purchaser. A local map amendment differs from an SMA in that a hearing examiner holds the public hearing, and he makes a recommendation on the application to the County Council. Various public agencies and departments review different aspects of the proposed rezoning applications and submit comments to planning staff for inclusion into the technical staff report.

Another aspect of zoning is the special exception process. Special exceptions are special land uses which are allowed in certain zones upon approval by the Board of Appeals. The planning staff (with input from other agencies/departments), and Planning Board at its option, review special exception applications and submit recommendations to the Board of Appeals.

- Annual Growth Policy (AGP): The AGP provides policy guidance to various government agencies and to the public on matters concerning land use development, growth management, and related issues. The AGP approval process requires the planning staff to release a Staff Draft AGP by October 15. The Planning Board holds worksessions and a public hearing on the Staff Draft before submitting the Final Draft AGP to the County Executive by December 1st of each year. On January 1st of each year, the County Executive transmits the proposed AGP with proposed amendments to the County Council for review. The County Council holds a public hearing on the AGP which is followed by Council worksessions to discuss the issues and to review the recommendations contained in the AGP. The Council enacts the AGP in June to be effective for the next fiscal year beginning on July 1st.

The AGP contains guidelines for the administration of the Adequate Public Facilities Ordinance contained in Section 50-35 of the Subdivision Regulations. These guidelines describe the methods and criteria that the Planning Board and staff must use in determining the adequacy of public facilities for preliminary plans of subdivision. The MCDOT reviews/evaluates proposals in the annual growth policy for consistency with the Executive's Transportation Policies.

## II. OFF-SITE REVIEWS

- Adequate Public Facilities:

- Transportation:

1. Policy Area Transportation Review: The FY '92 AGP has established 22 different policy areas with capacity allocations that set the transportation capacity for jobs and housing for each policy area. The planning staff is required to maintain a record of the status of the development pipeline, including the remaining capacity or amount of deficit in each area, and should periodically update the queue list of pending preliminary plans in each policy area. When the approved subdivision pipeline meets the established ceiling

in a given policy area, the Planning Board may not approve new subdivisions unless in strict accord with special circumstances described in the AGP (i.e., affordable housing provisions, developer participation project, etc.) The planning staff in conjunction with MCDOT staff works with developers, on a case-by-case basis, to try and develop solutions to ceiling capacity deficits. Solutions can include developer participation projects for road construction and/or traffic mitigation agreements/programs.

2. **Local Area Transportation Review (LATR):** A local area transportation review is a test that is applied to subdivision applications to assure that the proposed development will not cause congestion at nearby critical intersections. LATR is required for all proposed subdivisions that are expected to generate 50 or more peak hour auto trips. When a LATR is required, the transportation staff in conjunction with MCDOT staff provides information to the developer concerning the scope of the LATR. The Planning Board must not approve a subdivision application if it finds that an unacceptable peak hour level of service will result after taking into account existing roads, programmed roads, available or programmed mass transportation, and improvements to be provided by the applicant. The Montgomery County Approved Road program (ARP) identifies County and State roads that can be considered for a local area review. In order to be considered available for LAR, proposed roads must meet the criteria established in the ARP. MCDOT is responsible for preparing the ARP.

If the congestion at a nearby intersection or road link is already at an unacceptable level, then a subdivision may be approved only if its trips are mitigated so as not to worsen the situation. The Planning Board operates under the Local Area Review Guidelines that were enacted to implement the requirements of the AGP. The traffic study for LATR is reviewed by the planning staff and MCDOT staff with a decision made by the Planning Board as part of the subdivision process.

- Community Water and Sewer Service: Determination of adequate or available capacities to serve development with community water and sewer is made

by WSSC staff. WSSC makes its decision on the economics of providing service by either extending or building necessary facilities or denying service where cost prohibitive. Prior to subdivision approval, a sewer/water category must be either W/S-1, 2, or 3 to receive community water and sewer service.

- Schools: Under the present AGP, school facilities are considered to be operating at adequate levels for purposes of the APFO. The AGP divides the County into 21 separate school clusters. The County Council annually evaluates the available student capacity in each cluster and compares that with the projected enrollment for the following four fiscal years. If school capacity is not sufficient in a particular cluster, then adjacent clusters are examined for sufficient capacity to cover the projected capacity deficit. If there is a capacity problem that cannot be resolved, then the AGP may restrict future subdivision approvals until the capacity problem is resolved. Staff of the Montgomery County Public Schools advise as to capacity levels for individual schools and will identify need for new school sites as shown on approved and adopted master plans.
- Utilities: PEPCO and C&P have representatives on the Subdivision Review Committee. They advise as to the availability of utility services to serve a proposed development, the need for easements, and the possible relocation of utilities (if necessary).
- Capital Improvements Program (CIP): Transportation projects contained in the approved Six-Year CIP are considered timely for subdivision approvals if 100% of expenditures for construction are estimated to occur within the first four years of the program. Transportation projects in the State Transportation Program and the Cities of Rockville and Gaithersburg CIP projects may also be counted under the same criteria. At this time, other types of CIP projects (i.e., parks, fire stations, stormwater facilities, etc.) are not considered as part of the subdivision approval process.

### III. ON-SITE REVIEWS

- Subdivision Review: The subdivision review process is a multi-agency review that assures that various development regulations and public policies are satisfied before a subdivision can be approved. The authority to approve subdivision applications (and record plats) rests with the Planning Board. The applications are

filed with the planning staff who refers them to other public agencies/departments for review and recommendations.

The Subdivision Review Committee (SRC), which is comprised of representatives from various public agencies/departments, meets on a regular basis to advise applicants concerning requirements for the final review of their plans. Subsequent agency/department recommendations are forwarded to the planning staff to be included in the public record and project file. When final agency/department recommendations are received, the planning staff prepares recommendations and conditions on the application and schedules it for a Planning Board public hearing and action. Public notices are mailed to adjacent property owners and civic associations notifying them of the scheduled public hearing.

When an application is approved, the applicant must submit an original tracing of the subdivision plan that will be marked by the staff to indicate the action of the Planning Board. In addition, the Planning Board's opinion on the application is prepared and mailed to parties of record. WSSC requires that a preliminary plan be approved before it will formally issue a water/sewer authorization.

- Site Plan Review: The site plan review process is the process by which the Planning Board takes final action on plans for property located in zones requiring detailed, qualitative review. Site plans are reviewed by the Urban Design Division for consistency with requirements of the zone, published guidelines for site plan review, and any design requirements or objectives stated in the master plan. Like preliminary plans, site plans are referred to the Subdivision Review Committee to obtain comments from other County agencies. To approve a site plan, the Planning Board must make certain findings that the proposed plan meets the requirements of Division 59-D-3 of the Zoning Ordinance. Among these are consistency with prior approvals and zoning requirements, adequacy, safety, efficiency, compatibility, and attractiveness.

- Urban Design: As part of the urban design review on a site plan, the planning staff may comment on the following specific design elements as stated in the Zoning Ordinance: location, height and coverage of structures; the number, type, and density of dwelling units including MPDU's; the floor area ratios of nonresidential buildings and spaces; location of green areas, recreation facilities, and open space including plazas; number and location of parking spaces; landscaping and coverage for parking; the location and dedication of

space for public facilities including parks; the location and design of roadways and other transportation elements, driveways, bikeways, sidewalks, and pathways; grading plan; delineation of trees and conservation areas; stormwater management drawings and plans for sedimentation and erosion control; a landscaping plan showing specifics of all landscaping improvements; an exterior lighting plan; signage details and a development program showing the sequence in which all these elements are to be developed. Upon approval of all design elements included in the site plan, an agreement is executed with the Planning Board requiring the applicant to execute all features in accordance with the development program. Constructed site plans are subject to inspection by the Urban Design staff. Legal documents indicating in detail the manner in which all land in common ownership will be held and maintained are also required prior to building permit.

- Zoning/Use: As part of the subdivision approval process, the planning staff checks plans to assure that the uses and development proposed comply with the permitted uses and, where appropriate, the development standards of the zone in the Zoning Ordinance. At site plan review, the development proposal is checked for more detailed conformance with the development standards of the zone.
  
- Streets: During the subdivision and site plan process, the location of streets and the size of the required rights-of-way are determined by planning staff. Staff of MCDOT and MDSHA review the plans to assure that streets can be accommodated as proposed and that required storm drains, slope easements, access points, and lane configurations meet code requirements. At site plan review, detailed street designs are integrated with other plan elements. The MCDOT has the responsibility for reviewing and approving roadway profiles and paving and storm drainage plans including developer participation projects. In addition, MCDOT issues permits for roadway construction work including grading, paving, storm drainage, driveways, street lights, and utilities. This includes the processing of performance bonds and permit fees. Permit issuance ensures that work in the public right-of-way will be done in accordance with the Montgomery County Code.
  
- Water and Sewer: During the subdivision process, WSSC advises the planning staff concerning the adequacy of sewer and water capacities to serve a project. During site plan review, the location of water and sewer lines is coordinated with other design elements. After subdivision approval, WSSC must approve sewer and water authorizations for a project to move forward to building permit.

- Well and Septic: Prior to subdivision approval, the Montgomery County Health Department (MCHD) must approve septic field locations and proposed well locations. Permits for wells (ground water withdrawal) are approved by the Water Resources Administration of the Maryland Department of Natural Resources.
- Trees: The County Council recently approved new legislation for the conservation of forests and trees. This legislation implements, at the local level, legislation enacted by the State legislature in 1991 to protect forest land. The law will be implemented as part of subdivision, site plan, mandatory referral, and in some cases the special exception and sediment and erosion control permit processes. The law requires the submission of a forest stand delineation and a forest/tree save plan. The plans will be reviewed by planning staff with a decision made by the Planning Board. Review of these plans will require coordination with other agencies/departments including MCDEP, MCDOT, and WSSC.
- Wetlands and Floodplains: These environmentally sensitive areas must be delineated on subdivision plans and site plans in accordance with requirements of the Zoning Ordinance, Subdivision Regulations, and planning staff environmental management guidelines. In addition, the Maryland Department of Natural Resources, Corps of Engineers, and Maryland Department of the Environment may require permits for any development affecting wetlands. MCDEP reviews building permit applications to ensure that no construction occurs in protected environmentally sensitive areas.
- Stormwater Management (SWM): MCDEP has the responsibility for reviewing and approving on-site stormwater management and/or approving "waivers" to allow tie-ins with off-site facilities. Planning staff provides recommendations to MCDEP prior to their action on SWM applications. Coordination of SWM concepts with overall environmental and site design objectives for review of subdivisions and site plans is important in shaping development on individual sites.

#### IV. POST-REVIEW AUTHORIZATIONS

- Codes Compliance: Compliance with building, electrical, mechanical, and fire code requirements is the responsibility of MCDEP and does not involve review by planning staff, except that planning staff reviews building permits for appropriate zoning and compliance with the approved preliminary plan, the approved site plan, and developer agreements such as traffic or noise

mitigation and site plan enforcement. Administration of the Zoning Ordinance in this phase of the process is primarily the responsibility of MCDEP.

- Grading: There is no grading ordinance, per se, in Montgomery County. Conceptual grading plans are sometimes required as a condition of subdivision plan approval by the Planning Board. Typically, a conceptual grading plan is required where development is in close proximity to environmentally sensitive areas such as stream buffers, steep slopes, tree save areas, etc., or indicates the potential for excessive grading on the site.
- Sediment Control: Sediment control plans must be shown on all development undergoing site plan review. Design review of the facility and enforcement are the responsibility of MCDEP.
- Use-and-Occupancy Permit: Use-and-occupancy permit applications are reviewed and issued by MCDEP. Issuance of the permit is contingent on compliance with all zoning and building permit requirements and inspections.
- Homeowner Warranty: The Office of Consumer Affairs (OCA) is the primary agency for reviewing and resolving disputes that arise concerning problems with new construction.

#### V. IMPLEMENTATION

- Infrastructure Construction: Roadway grading, paving, storm drainage, driveways, street lights, and utility construction is performed under permit to the MCDOT.
- Inspections: Site plan enforcement staff inspects sites at the beginning of construction, during, and at final completion to assure compliance with site plan and/or subdivision conditions of approval. Roadway grading, paving, storm drainage, driveways, street lights, and utility construction inspection is performed by the MCDOT. MCDEP provides both routine and complaint-generated inspections to determine compliance with building, electrical, and mechanical codes; storm-water and sediment control requirements; and zoning regulations.

# Development Review Process

## Large Residential Subdivision Public Water & Sewer

Time Periods Shown are Approximate—Actual Times Vary Considerably From Project to Project  
Time Periods Are Combined Public/Private Times

	Year 1			Year 2			Year 3			Year 4			Lead Agency
Water/Sewer Category Change	██████████												DEP
Preliminary Plan		██████				██████							P&P
Resolve AGP Constraints			██████████										Council
Boundary/Topo						██████							
Site Plan								██████					P&P
Wetlands/ Storm Water Management Plans/Permits		██				██		██████████					DEP
Grade Establishment Plan		██				██		██	██				DOT
Record Plat								██████████					P&P/ DOT
Sediment Control Plan/ Grading Permit		██				██		██	██				DEP
Paving & Storm Drainage Plans/Permits		██				██		██████████				██	DOT
Water & Sewer Plan		██				██		██████████	██████████				WSSC
Obtain Building Permit												██	DEP

# Development Review Process

## Small Residential Subdivision Public Water & Sewer

Time Periods Shown are Approximate—Actual Times Vary Considerably From Project to Project  
Time Periods Are Combined Public/Private Times

	Year 1			Year 2			Year 3			Year 4			Lead Agency
Water/Sewer Category Change	████████████████████												DEP
Preliminary Plan			████			████							P&P
Resolve AGP Constraints			████████████████████										Council
Boundary/Topo						████							
Wetlands/ Storm Water Management Plans/Permits			████				████████████████████						DEP
Grade Establishment Plan			████				████	████					DOT
Record Plat								████					P&P/ DOT
Sediment Control Plan/ Grading Permit			████				████	████	████				DEP
Paving & Storm Drainage Plans/Permits			████				████	████		████			DOT
Water & Sewer Plan								████████████████████					WSSC
Obtain Building Permit									████				DEP

A P P E N D I X   C



# Montgomery County Government

## MEMORANDUM

July 29, 1992

TO: Robert W. Marriott, Jr., Montgomery County Planning Director  
 Edward U. Graham, Director, DEP  
 Robert Merryman, Deputy Director, DOT  
 Dick Cheney, Division Head, WSSC Service Application Division  
 Marshall S. Rea, Program Coordinator, M. C. Soil Conservation District  
 Chief Lowell Jackson, Fire Marshal

FROM: Andrew Mansinne, Jr., Director  
 Office of Legislative Oversight

SUBJECT: Streamlining Montgomery County's Development Authorization Process

At the request of the County Executive, and with the concurrence of the Chairman, Montgomery County Planning Board, the County Council adopted Resolution 12-710 amending the OLO work program to include a project to assist the Development Review Steering Committee in its study of the development review process.

To facilitate fulfillment of its mission, OLO requested each agency submit information under ten specific categories on that agency's current functions and responsibilities in the development authorization process. Those submissions have been received by OLO and are, by this memorandum, being circulated to the appropriate agencies as reflected in the attached distribution chart.

OLO now requests that each agency review the functions and responsibilities submitted by the other agencies, and identify any area of disagreement or confusion between your agency's understanding of responsibility and authority in the development review process and another agency's understanding of its responsibility and authority.

OLO is not requesting that an agency submit to OLO comments concerning another agency's submission. If, upon reviewing another agency's submission, there is disagreement with that submission, OLO would presume that the agencies would resolve the matter through direct communication. However, should resolution not occur, OLO should be invited to join the discussion to assist in resolving the issue(s).

Since OLO's entry into this matter last June, there have been a series of meetings among agency principals to reach agreement on an "unambiguous assignment of responsibility to include assignment of a lead agency when reviews must be shared". To the extent that these meetings result in agreements on sole responsibility and/or lead agency responsibility, OLO's role in this process will be reduced or even disappear.

AM/cca  
605/32

Attachment: Distribution Chart

Enclosures: Selected Agency Submissions

cc: (Less enclosures)

Victor Brescia, Deputy Director, DECD  
Robert Carty, Chief, Licensure and Regulatory Services Division,  
Health Department  
Steve Farber, Council Staff Director  
Donald Cochran, Director, Montgomery County Parks Department  
Anne Hoey, Deputy Director, DEP  
Charles Loehr, Deputy Director, M. C. Department of Planning  
Ralph Wilson, Senior Legislative Analyst, County Council  
Glenn Orlin, Senior Legislative Analyst, County Council  
Deborah Snead, Assistant for Audits and Evaluations

Distribution of Agency Submissions

TAB	Agency's 10-Category Submission	(Number of) (Functions)	Mr. Marriott Planning Dir.	Mr. Graham Dir., DEP	Mr. Merryman Dep. Dir., DOT	Mr. Rea SCD	Chief Jackson Fire Marshal	Mr. Cheney WSSC Appl. Div.
A	Health - Well & Septic	(1)	X	X	X	X		
B	DHCD - MPDUs	(1)	X	X				
C	Fire Marshal	(3)	X	X				
D	Soil Conservation Dist.	(1)	X	X				
E	DEP - Stormwater Mgmt.	(2)	X		X	X		X
F	DEP - Plan Review-Const.	(1)	X			X	X	X
G	DEP - SM Pond Const.	(1)	X		X	X		X
H	DEP - Floodplain	(1)	X		X	X		X
I	DEP - Zoning & Permits	(3)	X			X		X
J	DEP - Sediment Control	(2)	X		X	X		X
K	DOT - Traffic Engineering	(10)	X	X				
L	DOT - Transp. Engineering	(16)	X	X				
M	DOT - Plan & Proj. Devel.	(2)	X	X				
N	WSSC - Water/Sewer	(5)	X	X	X			
O	M-NCPPC - Subdivision Review, Site Plan Review, Forest Conservation Program, and Building Permit	(4)		X	X	X	X	X

# Health - Well & Septic

## CURRENT AGENCY FUNCTIONS IN THE DEVELOPMENT AUTHORIZATION PROCESS

### Montgomery County Health Department Well & Septic Section

- I. The Well and Septic Section regulates the development of property which is served by on-site water supplies or sewage disposal systems. Plan review, testing, inspection, sampling and complaint investigation activities are performed
- II. The regulation of on-site water supply and waste disposal systems is based on State Regulations found in the Environment Article, COMARS 26.04.02, 26.04.03, and 26.04.04, Chapter 27A of the Montgomery County Code, Executive Regulation 64-91, and a delegation agreement from the Secretary of the Environment naming the Health Officer as his designee.
- III. The timing of specific responsibilities varies. The plan review for proposed new subdivision lots occurs as part of the preliminary plan process. Permit issuance activity for on-site systems occurs prior to building permit approval for new structures but after record plat approval. Sampling will occur at the construction of new wells. Inspections occur on two occasions for septic systems, open trench and after system is installed but still uncovered. Developers influence the timing as they respond to plan changes on the basis of their own needs. (See attachment "A" for additional detail.)
- IV. Water table tests for new development on septic systems must occur during the annual wet season which normally occurs between February 1st and April 15th. Percolation tests for unrestricted soils can occur at any time after water table testing. When percolation retesting becomes necessary, rescheduling must occur within 7 days (ER 64-91, Sec. VII-D). Approval of sites for on-site water supply systems must occur within 30 days of the completion of required testing and consultation with other agencies (COMAR 26.04.03.02.I). Note: Staffing has not been sufficient to allow actual retesting or plan approval within the time frames noted on a regular basis.
- V. Coordination occurs with the following agencies:

Maryland Department of the Environment  
Maryland Department of Natural Resources  
Maryland Nation Capital Park & Planning  
Montgomery County Department of Environmental Protection  
Montgomery County Department of Transportation

VI. Copies of the following documents are found in attachment "B".

Percolation Test Guidelines

List of Excavators

List of Well Drillers

Submittal Steps for Churches Interested in Record Plat Approval or Well and Septic Permits (there is an almost identical document for the general public)

Note: The manual referenced in the executive regulations has never been published. Use of the regulations and the handouts noted above has been substituted.

VII. Well and Septic Costs (County Executive's Recommended)

	<u>FY90</u>		<u>FY91</u>
Personnel	422,877		537,601
	\$490,440	(9.7 WY)	\$520,490
Operating Expense	49,500		55,900
Capital Outlay	48,230		52,350
Other	0		0
TOTAL	\$ 599,940*		\$ 576,410*
	\$ 465,608		\$ 609,951

Corrected by  
Bob Cooley

\* About \$60,000 (conservative estimate) in costs is incurred in public health work that benefits the general public and for which fee collection is inappropriate (complaints, public information, etc.) (Included in above totals)

VIII. Well and Septic Revenues (see attachment "C" - Fee Schedule)

	<u>FY90</u>		<u>FY91</u>
Permit and Fee Revenue	\$148,270		\$144,540
Case Formula Funds	65,280	64,720	70,290
TOTAL	213,450		223,830
	\$ 212,990		226,240

IX. The approval of on-site water supply and sewage disposal systems is necessary to allow development of property in the County when public water supply and sewage disposal systems cannot be provided. The review and regulatory activities protect the public health and assure that drinking water taken from the ground to serve development without a public supply is potable.

The Health Department should continue to perform the review and approval activities for on-site water and sewage disposal systems for the following reasons:

- 1) Authority to enforce the State Regulations is delegated to the Health Officer as part of his responsibility as a Deputy State Health Officer.

- 2) No real gain by shifting activities to another agency. DEP/MCHD development staff are colocated in Metro Center. There would not be any real improvement in review time for permit approvals. Primary delays are in the testing process, especially when waiting for wet season. Changing agencies will not alter that delay.

X. None

Attachments: "A" Development Process Outline for Subdivisions and Existing Lots  
"B" Document Copies  
"C" Fee Schedule

1152/39

## WELL AND SEPTIC - DEVELOPMENT AUTHORIZATION PROCESS

### New Subdivisions

1. Preliminary or pre-preliminary plan received from Planning Board (PB).
2. W & S conducts initial review of plan to include lot & block layout, location of an initial & 2 alternate well sites, a proposed absorption field for each lot, well radii locations up grade of the absorption field and other information required by the subdivision regulations.
3. Results of 2 provided to the Developer/Engineer at PB Subdivision Review Committee (SRC) meeting. Essentially, input from W & S consists of approval of or modification of water table & percolation test sites for each lot and set backs from lot lines, buildings, etc.

Note: There may be more than one meeting of the PBSRC depending on the information submitted on the plan.

4. Developer/Engineer reviews & incorporates requirements from the PBSRC into the work schedule/preliminary plan.
5. Developer/Engineer hires excavator to prepare water table & percolation tests.
6. Meetings & dialogue between W & S, Developer/Engineer & Excavator to schedule: Water Table Tests (Must be conducted only February 1 - April 15) - Percolation tests. W & S schedules water table test with the excavator & then percolation tests.
7. Excavator prepares WT test sites.
8. W & S conducts tests & notifies Excavator, Engineer, or Developer of the results.
9. Developer/Engineer may revise the plan to compensate for failed WT tests & request other tests. Essentially a repeat of #8 & #9.
10. Revised plan w/WT tests. W & S approves to proceed to percolation tests.
11. Excavator prepares percolation test sites.
12. W & S conducts tests & notifies Excavator, Engineer, or Developer of results.

13. Developer/ Engineer may revise the plan to compensate for failed tests & request other tests. Essentially a repeat of #12 & #13.
14. Revised plan, submitted to W & S for review.
15. Review by W & S; comments to Engineer/Developer.
16. Final preliminary plan submitted for approval. Info. required by Chapter 50 and Executive Regulation 64-91. Essentially house location, septic tank location, well sites, absorption field.
17. Preliminary plan approval sent to PB.
18. PB processes preliminary plan with appropriate agencies. Health Dept. sends approval as do other agencies. PB approves preliminary plan.
19. Developer prepares & forwards record plat to PB for review & distribution. Proof positive at same scale as preliminary plan sent to W & S. Record plat approved by Health Dept. (normally last signatory).

Notes:

1. Existing lots which do not meet current County standards in terms of size of absorption field and adequacy of water table and percolation tests may require additional testing (which involves some of the steps above) before permits for on-site systems can be issued.

2. Permits for on-site systems are issued after plat approval and before building permits are issued. The water table and percolation testing data is available from the preliminary plan phase. A larger scale drawing (1"-30 feet versus 1"-100 feet for subdivision) accompanies the permit application. (COMAR 26.04.02 prohibits the issuance of building permits before on-site permits are issued. The well permit is issued and the well drilled before issuance of building permits; the septic and building permits are issued simultaneously.)

1152/39

# DHCD - MPDU'S

## Current Agency Functions/Responsibilities in the Development Authorization Process (DAP)

### FOR EACH FUNCTION/RESPONSIBILITY OF YOUR AGENCY IN THE DEVELOPMENT AUTHORIZATION PROCESS:

- I. Prior to issuance of the first building permit for a subdivision of 50 or more units on land which is zoned for R-200 or smaller lots, DHCD must approve an MPDU construction agreement. The agreement must specify the number of MPDUs to be constructed, the construction schedule, and a statement of all other land owned by the developer which is subject to the MPDU ordinance.

DHCD is responsible for making a recommendation to the Planning Board or to the Director of DEP, as appropriate, on requests for a waiver of the MPDU requirement for a particular subdivision.

- II. Moderately Priced Housing Law, Montgomery Code Section 25A-5(a) for agreement and 25A-6(b) for MPDU waiver requests.
- III. The responsibilities described in Section I for entering into an MPDU agreement are imposed prior to the issuance of the first building permit in a subdivision, and during the preliminary plan stage for MPDU waiver requests.
- IV. No specific processing time is contained in the legislation for either responsibility; however these actions are performed promptly.
- V. Discretionary coordination with the MNCPPC Subdivision Development Section to ensure MPDU requirement is correct and that the construction schedule is in accordance with the site plan staging agreement. Mandatory coordination with Planning Board staff is required on waiver requests; Executive Regulation 151-85 Section (5F). DEP sends a copy of their building permit application log to DHCD so that DHCD can keep account of the number of building permits issued in a subdivision and when the first building permit is issued in a subdivision. This coordination is discretionary. The building permit application form contains a section that asks the applicant to indicate if the subdivision contains MPDU and requests that a copy of the MPDUs construction agreement be submitted with the permit application.
- VI. Executive Regulation 151-85

VII. The costs associated with the development authorization activities involves only a portion of the work load of one person to review and make a recommendation to the Department's Deputy Director. Approximately 20 agreements per year are negotiated. Review and processing takes approximately one half to one hour for each agreement. Several times each year developers will submit agreements that request waivers of the construction schedule requirements. These requests take approximately 2-3 hours of time to resolve.

Waivers of the MPDU requirements are seldom requested; probably less than one every two years. In the past, the processing of a waiver has taken approximately a total of 15 to 20 hours to resolve.

VIII. No fees are charged for these functions.

IX. The functions described above with the exception of the sign-off requirement for the first permit in a subdivision, related to monitoring compliance with the Moderately Priced Housing Law rather than with the development authorization process. The MPH Law designates DHCD with the responsibility for this function.

X. None

/4891m

# Fire Marshal

## BUREAU OF FIRE PREVENTION FUNCTIONS/RESPONSIBILITIES IN THE DEVELOPMENT AUTHORIZATION PROCESS

- I. **SPECIFIC FUNCTION/RESPONSIBILITY.**  
Fire Prevention Plans Review of all construction including fire sprinkler plan review for detached one and two family dwelling units.
- II. **AUTHORITY.**  
Montgomery County Code, Chapter 2, Section 2-39A (a).
- III. **WHERE DOES RESPONSIBILITY OCCUR IN THE DAP?**  
At preliminary consultations, building permit application and during construction when revision submittals are necessary.
- IV. **SPECIFIC PROCESSING TIME LIMIT AND AUTHORITY.**  
There is no specific time requirement. DEP and the Division of Fire Code Enforcement are working to streamline the process.
- V. **COORDINATION WITH OTHER AGENCIES?**  
The building plan is reviewed simultaneously with DEP. Individual fire protection system plans within the building are reviewed exclusively at the Division of Fire Code Enforcement.
- VI. **LIST ANY PUBLISHED MANUAL PERTAINING TO THE FUNCTION.**  
Plans are reviewed in accordance with State and local fire codes.
- VII. **COSTS ASSOCIATED WITH THE FUNCTION.**

Personnel expense	FY 90 \$363,215	Work years 8.9
	FY 91 \$367,690	Work years 7.9
Operating expense	FY 90 \$6,990	
	FY 91 \$7,800	
Capital outlay	FY 90 \$6,740	
	FY 91 -0-	
Other	-0-	

(2)

**VIII. FEES CHARGED/AUTHORITY.**

No fees are charged for building plans reviewed at the Division of Fire Code Enforcement. The fee for this service is included in the building permit fee paid to DEP. Fire protection system plan review fees are contained in Executive Regulation 29-91AM.

**IX. HOW DOES FUNCTION CONTRIBUTE TO THE DAP?**

The building plan review by the Division of Fire Code Enforcement is essential for fire code compliance. The expertise for this function has been developed within this division since 1977 with the hiring of the first fire protection engineer. Having this expertise and close ties with the fire departments ensures a fire safe structure for the user and the fire service.

**X. OTHER INFORMATION.**

**BUREAU OF FIRE PREVENTION  
FUNCTIONS/RESPONSIBILITIES  
IN THE  
DEVELOPMENT AUTHORIZATION PROCESS**

- I. **SPECIFIC FUNCTION/RESPONSIBILITY.**  
Participation in the Subdivision Review Committee process.
- II. **AUTHORITY.**  
Subdivision Regulations for Montgomery County, Chapter 50 of the Montgomery County Code.
- III. **WHERE DOES RESPONSIBILITY OCCUR IN THE DAP?**  
The Subdivision Review Committee process occurs in the review portion of the project plan review process. The Division of Fire Code Enforcement receives preliminary plans.
- IV. **SPECIFIC PROCESSING TIME LIMIT AND AUTHORITY.**  
Agencies receiving a preliminary plan must respond within 30 days. Meetings are held at park and planning weekly or as necessary.
- V. **COORDINATION WITH OTHER AGENCIES?**  
The Subdivision Regulations require that the Planning Board establish a Subdivision Review Committee consisting of staff of the Planning Board and of other regulatory agencies. Each agency to which a preliminary subdivision plan is referred, names a representative to the Subdivision Review Committee. These agencies include the Montgomery County Departments of Transportation, Environmental Protection, Fire and Rescue Service, Recreation, and Police; the board of Education; and the Soil Conservation District. It also includes the State Highway Administration, PEPCO and the C&P Telephone Company.
- VI. **LIST ANY PUBLISHED MANUAL PERTAINING TO THE FUNCTION.**  
Each agency reviews the plan in accordance with their laws, codes or regulations. The Division of Fire Code Enforcement applies the Montgomery County Fire Safety Code and where appropriate the Maryland Fire Prevention Code.

(2)

**VII. COSTS ASSOCIATED WITH THE FUNCTION.**

Personnel expense	FY 90	\$ 4,625	Work years	.1
	FY 91	\$ 4,900	Work years	.1
Operating expense	FY 90	\$ 50		
	FY 91	\$ 64		
Capital outlay		-0-		
Other		-0-		

**VIII. FEES CHARGED/AUTHORITY.**

No fees are charged by the Bureau of Fire Prevention for this service.

**IX. HOW DOES FUNCTION CONTRIBUTE TO THE DAP?**

This committee meets with applicants to facilitate agency review of the plan or to reconcile conflicting requirement of different agencies.

**X. OTHER INFORMATION.**

The Division of Fire Code Enforcement assigns one engineer to attend the meetings and to review the preliminary plan. Meetings often take one half day or more per week which excludes the engineer from performing their regular duties of building plan review. At this stage of the DAP fire code requirements and comments few.

**BUREAU OF FIRE PREVENTION  
FUNCTIONS/RESPONSIBILITIES  
IN THE  
DEVELOPMENT AUTHORIZATION PROCESS**

- I. SPECIFIC FUNCTION/RESPONSIBILITY.**  
Fire Safety Code, Construction Enforcement Inspections.
- II. AUTHORITY.**  
Montgomery County Fire Safety Code (Chapter 22, Montgomery County Code).
- III. WHERE DOES RESPONSIBILITY OCCUR IN THE DAP?**  
In the project phase. During construction and at occupancy.
- IV. SPECIFIC PROCESSING TIME LIMIT AND AUTHORITY.**  
There are no time limits. Inspections occur during construction to assure building plan comments concerning the fire code are adhered to. Inspections continue until the building is turned over for occupancy.
- V. COORDINATION WITH OTHER AGENCIES?**  
During the construction inspection no mandatory coordination is required. Near completion of the project, DEP forwards the occupancy sign off to the Division of Fire Code Enforcement for sign off when the property meets the fire code. When completed the form is returned to DEP.
- VI. LIST ANY PUBLISHED MANUAL PERTAINING TO THE FUNCTION.**  
The fire code is applied by referencing the building plan comments and the fire code with all referenced documents.
- VII. COSTS ASSOCIATED WITH THE FUNCTION.**
- |                   |       |           |            |    |
|-------------------|-------|-----------|------------|----|
| Personnel expense | FY 90 | \$615,250 | Work years | 11 |
|                   | FY 91 | \$582,020 | Work years | 11 |
| Operating expense | FY 90 | \$12,850  |            |    |
|                   | FY 91 | \$13,300  |            |    |
| Capital outlay    |       | -0-       |            |    |
| Other             |       | -0-       |            |    |

(2)

**VIII. FEES CHARGED/AUTHORITY.**

No fees were charged in FY 90 or 91. Executive Regulation 29-91AM authorizes fees for inspection of fire protection systems, permits, licenses, certificates and exception fees. Fees vary according to complexity of system and size of building.

**IX. HOW DOES FUNCTION CONTRIBUTE TO THE DAP?**

The construction inspection for fire code items ensures the building is being built according to the approved plans and that fire protection systems are being installed correctly. Both are essential to ensure the life safety of the occupants and fire safety of the building throughout its life.

**X. OTHER INFORMATION.**

The inspections conducted by the Division of Fire Code Enforcement are at the end of the DAP and often control the occupancy of the building. In the past the Fire Marshal was accused of being arbitrary and inflexible when the unresolved fire code deficiencies prevented occupancy. Unrealistic completion dates set by the builder are usually to blame.



Montgomery Soil Conservation District  
18410 Muncaster Road - Derwood, MD 20855 - Phone (301) 590-2855

June 22, 1992

To: Andrew Mansinne, Jr., Director, OLO  
From: Marshall Rea, District Program Coordinator *M. Rea*  
Subject: Development Authorization Process

Provided below is the requested information relative to the County's Development Authorization Process. Please keep in mind that my responses only pertain to those developments occurring within the County's (DEP's) jurisdiction and not the Cities of Gaithersburg and Rockville.

I offer the following for your consideration:

Function/Responsibility

I. Small Pond Approval Process - The District must approve all small ponds as per state law. Through an MOU DEP performs the technical review of SWM ponds up to a pre-determined size. Those reviews above this size are performed through the District's various levels of technical review. All designs, once technically sound, are approved by the District.

II. The overall authority is established by Maryland Natural Resources Article 8-803. Also, Chapter 19 of the County Code identifies the District's approval authority.

III. The District's responsibility enters into DAP prior to the issuance of building permits. MSCD approvals are placed on the development's SWM plan (when applicable).

IV. Those pond designs submitted to the District from DEP for approvals (technically sound) are stamped within 24 hours. Those designs submitted to the District from DEP for additional technical reviews (approximately 25%) can experience a 4-week turnaround time. Once these designs are sound then approvals are obtained within 24 hours.

V. Coordination is mainly with DEP. This is mandatory per an MOU. During this past state legislative session a revision was made to the State's Small Pond Law. This revision will require those ponds with a potential for property damage or loss of life (Class "B" and "C") to be reviewed and approved by the Maryland Water Resources Administration. The coordination with the state is a new mandatory function.

VI. I have not attached any standards, manuals, etc., as I assume DEP will take care of this. Anything I attached would be redundant.

VII. During FY-91 there were 45 ponds approved by the District; in FY-90 there were 32 ponds approved by the District. Approximately 75% of these ponds were approved within the same day. Very little expense is associated with this. The remaining 25% required additional MSCD/SCS technical review prior to approvals. I estimate these costs to be approximately \$1,000/FY.

VIII. N/A

IX. The District has a small role in DAP. Prior to the issuance of a building permit by DEP the proposed land improvement must have an approved SWM plan (or waiver). It would be difficult to consolidate this responsibility within DEP as ponds are also approved for farmers. The local SCD is the only agency that provides this service to farmers.

X. N/A

MSR/bjb

# DEP - Stormwater Mgmt.

## DEP'S ROLE IN THE DEVELOPMENT AUTHORIZATION PROCESS STORMWATER MANAGEMENT DESIGN PLAN REVIEW AND APPROVAL

- I. As a part of the sediment control permitting process, stormwater management concept plans are finalized into detailed design/construction plans to assure that construction of specific facilities will be done in accordance with laws, regulations, and specifications. Reviews may include detailed studies of hydraulics, hydrology, soils characteristics, structure routings, and construction techniques, as well as agronomic and biological requirements. Easements and covenants for future maintenance are also reviewed and recorded at this time.
- II. The overall authority is established by State Law, Environmental Article, Title 4, Sub-Article 2, Stormwater Management (MDE) and Comar 26.09.02. Applicable County Law is Chapter 19, Article II; Sections 19-20, 19-25.
- III. Application for stormwater management plan review is usually concurrent with sediment control plan review. The process may be initiated any time after preliminary plan approval; but, the plan can not be approved until site plan approval has been obtained. For non-subdivision plans applications are accepted after stormwater management concepts are approved.
- IV. There is no specific processing time limit. Some generalized time limits have evolved into an informal policy. These limits are dependent on the size and complexity of development and the stormwater management facilities.
- V.
  - MNCPPC - discretionary, unless required as a specific site plan condition
  - MCDGT - discretionary
  - MSCD - discretionary
  - MDE - mandatory Comar 26.09.02
- VI.
  - TR-55. Urban Hydrology - (SCS)
  - Stds. and Specs for Infiltration Practices (MDNR)
  - Executive Regulation No. 5-90, Stormwater Management
  - MCDEP Stormwater Management Design Checklists
    - Stormwater Management Pond
    - Infiltration System
    - Underground Facility
    - Oil/Grit Separator

VII.	Costs:		
	<u>Personnel</u>	<u>FY 90</u>	<u>FY 91</u>
	<u>Work Years</u>		
	4.5 CCA X .3	1.35	1.35
	1 Engr. X .3	.3	.3
	1 Sr. Engr. X .5	.5	.5
	1 Engr. Aide X .1	.1	.1
	1 Mgr. X .3	.3	.3
	1 PAA X 2	.2	.2
	TOTAL	2.75	2.75
	Expense	\$120,730	\$126,330
	Other Op. Expenses	\$ 4,400	\$ 4,600
	TOTAL	\$125,130	\$130,930

VIII. Stormwater Management Plan Review Fees are included within the sediment control permit fees. See Executive Regulation No. 40-91, "Schedule of Fees related to Sediment Control, Stormwater Management and Floodplain Districts." See Sediment Control Permit Function.

Additional Revenues:

-	State Stormwater Management Grant*
	<u>FY 90</u> \$133,320
	<u>FY 91</u> \$ 87,270

\* A small portion of Grant monies is utilized for stormwater management construction inspection.

IX. Effective stormwater management plans preserve and improve the water quality of the County's streams, creeks, rivers and ultimately the Chesapeake Bay. They also protect private and public property from flooding and erosion. Timely review expedites DAP for the development community. Effective and clear plans are of great assistance to field inspection staff with the Department.

Advantages of continuing to perform function:

1. All other functions of the stormwater management process are carried out in this agency - planning, permitting and construction inspection.
2. Stormwater management planning, plan review and construction inspection is intimately interwoven with that of sediment control, floodplain permitting and small pond review and approvals which also reside with, or are delegated to, MCDEP.
3. MCDEP has broad base of practical and technical experience spanning two decades in the area of stormwater management plan review. MCDEP maintains close ties with MDE, MSCD/SCS, MNCPPC and other jurisdictions to stay abreast of the latest stormwater management technologies.

There are no disadvantages to continuance.

- X. - Coordination with MNCPPC will increase with implementation of Forest Conservation requirements July 1, 1992.
- Since wetlands mitigation planning and design use the same hydrologic, hydraulic, and biological principles as stormwater management designs, DEP should seek delegation of this process from DNR.

SMDDESCPL.DOC-7-13-92

**DEP'S ROLE IN THE DEVELOPMENT AUTHORIZATION PROCESS**  
**STORMWATER MANAGEMENT CONCEPTS**

- I. Must be addressed for any development activity which is not specifically exempt by law. As a part of the subdivision or other preliminary development process, stormwater management concepts are reviewed and approved. Stormwater management concepts must address both the control of the quantity of runoff created by new development as well as methods of maintaining or improving the quality of the runoff. Concepts may consist on onsite or offsite controls or waivers thereof. Enough data must accompany concept submissions to insure that specific controls are feasible and properly placed to provide the most protection with the least adverse impact. Concepts may be further refined at the site plan stage of development. As a part of this process, regional participation pond locations are evaluated; and, if feasible, agreements are made with developers to construct them as a part of the site construction process.
- II. Overall legal authority is provided in State Law - Environmental Article, Title 4, Subtitle 2 - and Comar 26.09.02. Locally the authority is in Chapter 19, Article II, Sections 19-20, 19-23, 19-24, 19-25, 19-26, 19-27, and 19-28.
- III. A stormwater management concept must be submitted along with the necessary supporting data for review by DEP of the preliminary plan stage. The preliminary plan cannot be approved without DEP approval of the concept.

If a site plan is required, DEP will review the previously approved stormwater concept to ensure that any changes to the site plan will not affect stormwater management. Also, refinements to the concept may be required at this stage.

For any development not subject to subdivision review through MNCPPC, DEP reviews and approves the stormwater management concepts prior to applications for sediment control permits.

- IV. For activities requiring M-NCPPC approval, time limits are imposed by Chapter 50 of the County Code. For other development, there is no time limit for stormwater management conceptual approval. However, it is a goal of DEP to provide a turn around time of four (4) weeks.
- V. Agencies with which DEP coordinates with during the stormwater management concept review, are:

MNCPPC - Mandatory Section 19-23, 19-24, 19-25, 19-26  
MCDOT - discretionary  
MSCD - discretionary  
MDE - mandatory - Environmental Articles, Title 4, Subtitle 2

- VI.
  - 1. Stormwater management concept plan requirements at preliminary plan stage.
  - 2. Stormwater management waiver application/check list.

VII. Costs

<u>Personnel</u>	<u>FY90</u>	<u>FY91</u>
<u>Work Years</u>		
4.5 CCA x .25	1.125	1.125
2 Engineer x .75	1.5	1.4
2 Engineer Tech. x .8	1.6	1.6
1 Sr. Engineer x .75	.75	.75
1 PPA x .6	.6	.6
1 Manager x .4	<u>.35</u>	<u>.35</u>
	5.9	5.8
 Personnel Expenses	 \$277,900	 \$286,700
Other Operating Expenses	<u>\$10,080</u>	<u>\$10,380</u>
TOTAL	\$287,980	\$297,080

VIII. Fees and Charges

See Executive Regulation 40-91, "Schedule of Fees Related to Sediment Control, Stormwater Management, and Floodplain Districts". Prior to FY92 only sediment control permit fees were collected (see Sediment Control Permit Process). Beginning July 1, 1991, fee collection commenced for stormwater management concept plans.

For regional participation ponds funding reimbursements from the Capital Improvements Program totaled \$27,450 for FY90 and \$25,000 for FY91.

When a stormwater management waiver is granted "In Lieu" fees are required. These fees are used to fund stormwater management capital improvements projects. Fees collected in FY90 and FY91 were \$651,982 and \$783,972 respectively.

IX. Effective stormwater management planning preserves the quality of the County's streams, creeks, rivers and, ultimately, the Chesapeake Bay. It also protects private and public property. Timely review expedites the DAP for the development community. Advantages of continuing to perform function:

1. All other functions of the stormwater management process are carried out in DEP - design review, permitting, and construction inspection.
2. Stormwater management planning, plan review, and construction inspection is intimately interwoven with that of sediment control, small pond review and approvals, and floodplain district permitting, which also reside with, or are delegated to, MCDEP.
3. DEP collects waiver fees as a part of the building permit process. This provides for collection of fees in an orderly manner.
4. DEP staff has a broad base of expertise and practical experience in stormwater management planning, design, and construction. A workable SM concept at the planning stage is needed for a smooth transition to later phases of the process.

5. All development activity in the County must address stormwater management. This includes those developments that are not required to go through the subdivision process.
- X.
1. Coordination with MNCPPC will increase with the implementation of the Forest Conservation Law on July, 1992.
  2. Since wetlands permitting mitigation involves the same hydrologic, hydraulic, and biologic principals as stormwater management planning and design, DEP should request delegation of the function from the Maryland Department of Natural Resources.

1/12/92  
ND

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July 06, 1992

# DEP - PLAN REVIEW CONSTR.

## PLAN REVIEW SECTION FUNCTION/RESPONSIBILITY IN DEVELOPMENT AUTHORIZATION PROCESS

### I. Specific current function/responsibility.

Plan review construction documents (plans, specifications, engineering reports/computations) for conformance to building, structural, electrical, mechanical, energy and handicap accessibility codes.

### II. Authority under which the section performs function/responsibility.

Montgomery County Code, Chapter 8 (Buildings)

#### Article II (Administration)

Sec. 8-12 (Duties and Responsibilities)

Sec. 8-13 (Regulations)

Sec. 8-14 (Standards Applicable)

Sec. 8-15 (Modifications)

#### Article III (Permits)

Sec. 8-24 (Application for Permit)

Sec. 8-26 (Conditions of Permit)

Sec. 8-29A (Residential Fire Sprinklers)

### III. Where in D.A.P. does function/responsibility occur?

During building permit process

### IV. Time limit for function/responsibility.

Single family additions/alterations - (aka Walk-Thru) 5 days

Single-family and Townhouse - 20 days

Commercial alterations - (aka Fast Track) 5 days

Commercial - 30 days

There is no legislative authority for turn-around times. Turn-around times are contained in the unit's S.O.P.'s.

### V. Other agencies requiring coordination for function/responsibility.

- Division of Environmental Policy and Compliance, Department of Environmental Protection
- Division of Fire Code Enforcement, Department of Fire and Rescue Services. In both instances coordination is not mandated by law, but is discretionary.

VI. Codes; Executive Regulations and Procedures relating to function/responsibility.

BOCA National Building Code (1990)  
BOCA National Mechanical Code (1990)  
CABO One and Two Family Dwelling Code (1989)  
National Electrical Code (1990)  
Maryland Handicapped Code (1980)  
Americans with Disabilities Act (1992)

Montgomery County Executive Regulation 17-90AM  
Montgomery County Executive Regulation 3-90

Suspended and Disapproved Plan Procedures  
Residential Plan Review "Walk-Thru" Unit  
Handicapped Waiver Exceptions  
Construction Codes Exceptions  
Commercial Fast Track Unit  
Tents  
Industrialized Buildings (aka Trailers)  
Preliminary Plan Review/Consultation

VII. Costs associated with function/responsibility.

	<u>FY 90</u>	<u>FY 91</u>
Personnel Costs (Salaries/benefits)	866,623	1,026,848
Operating Expense	17,731	14,208
Capital Outlay	1,352	0

VIII. Fees and charges associated with function/responsibility.

Residential fees are 0.0024 times the BOCA square footage valuation for one and two family dwellings.

Commercial fees are 0.00576 times the BOCA square footage valuation.

Code Exceptions and Interpretations - CABO Code \$50.00  
- BOCA Code \$100.00

Preliminary Plan Review/Consultation fee - \$100.00 per session

The revenue produced by the above fees and charges generated in FY 90 and FY 91 are not applicable relative to the Plan Review Section. They will be reported by the Permit Section.

**IX. Justification for contribution to the function/responsibility to D.A.P.**

**A. Pros**

1. Serves public by ensuring a safe environment through technical plan review and approval of construction documents.
2. Serves architects/engineers/developers by ensuring that code violations, if any, are corrected before construction, thus eliminating costly corrections after construction has begun.
3. Serves Field Inspection Section by providing a critically important tool; namely, a set of technically reviewed construction documents which constitute a basis for evaluation and approval of building construction.
4. The Plan Review Section is the only entity in the County which performs building, structural, mechanical and electrical code reviews and enforces standards for handicap accessibility. In the context of public safety there can be no justification for eliminating it.

**B. Cons**

1. Code enforcement generates applicant complaints ranging from "delayed processing" and unnecessary "bureaucracy" to excessive stricture and regulation.

**X. Other information relating to this specific function/responsibility.**  
None

# DEP - SM POND CONSTR.

## DEP'S ROLE IN THE DEVELOPMENT AUTHORIZATION PROCESS SMALL POND APPROVAL PROCESS

- I. By State law, the Maryland Department of Natural Resources or the Montgomery County Soil Conservation District (MSCD) must approve all Small Ponds constructed in the County. Through an MOU with MSCD, DEP performs the technical design review and approval of stormwater management ponds up to a pre-determined size. For ponds above this size, DEP still provides initial technical review; however, MSCD has the final technical approval. All designs, once technically sound, are administratively approved by the MSCD.
- II. The overall authority is established by Maryland DNR Article 8-803. Also, Executive Regulation 5-90 identifies the MSCD's approval authority.
- III. Application for Small Pond approval is usually concurrent with sediment control and stormwater management design approval processes.
- IV. There is no specific processing time limit. Some generalized time limits have evolved into an informal policy. These limits are dependent on the size and complexity of development and the stormwater management pond.
- V.
  - MNCPPC - discretionary
  - MCDOT - discretionary
  - MSCD/SCS - mandatory by M.O.U.
  - MD DNR - mandatory for certain ponds
- VI.
  - MD-378, Stds. and Specs for Ponds (SCS)
  - M.O.U. regarding Stormwater Management Small Ponds
  - Stormwater Management Pond Design Checklist

VII. Costs:

	<u>FY 90</u>	<u>FY 91</u>
<u>Personnel</u>		
<u>Work Years</u>		
4.5 CCA X 2 =	0.9	0.9
+ 1 Engr. III X 2 =	0.2	0.2
+ 1 Sr. Engr. X 2 =	<u>0.2</u>	<u>0.2</u>
TOTAL	1.3	1.3
Expense	\$52,000	\$54,600
Other Operating Costs	<u>- 0 -</u>	<u>- 0 -</u>
TOTAL	\$52,000	\$54,600

- VIII. Fees for Small Pond review are included within sediment control permit fees as required by Executive Regulation No. 40-91, "Schedule of Fees related to Sediment Control, Stormwater Management, and Floodplain Districts". See Sediment Control Permit Function.

**IX. Proper Small Pond review provides insurance for the long-term integrity of the structures and protects against loss of life and/or property damage due to potential dam failure. Timely review expedites the DAP for the development community. Effective and clear plans are of great assistance to field inspection staff within the Department. Advantages of continuing to perform function:**

- 1. All other functions of the Small Pond approval process are carried out in DEP - planning, permitting and construction inspection.**
- 2. Small Pond planning, plan review, and construction inspection is intimately interwoven with that of stormwater management, floodplain district, and sediment control reviews and approvals, which also reside with, or are delegated MCDEP.**
- 3. MCDEP has been delegated Small Pond approval authority via MOU with the MSCD.**
- 4. MCDEP has a broad base of practical and technical experience spanning two decades in the area of Small Pond review. MCDEP maintains close ties with the MSCD/SCS to stay abreast of the latest Small Pond technologies.**

There are no disadvantages to continuance.

**X. N/A**

SMPONDAP.DOC-7-13-92

# DEP - FLOODPLAIN

## DEP's ROLE IN THE DEVELOPMENT AUTHORIZATION PROCESS FLOODPLAIN DISTRICT ACTIVITIES

- I. Permits are required for any disturbance or construction activities with 100 year floodplains unless specifically exempt by law. Legislation for this activity was adopted by the County Council in FY89. However, initial funding for the program was not approved until FY91. Because of the economic downturn, resulting in less general fund revenue, funding for this program was frozen in FY91 and FY92. Therefore, program activities have been limited. For this exercise specific functions were addressed separately; but, funding and revenues were addressed for the program as a whole.

Specific functions of this program are:

- A. Official Floodplain Map and Floodplain District - An Official Floodplain Map is maintained and improved using floodplain delineations shown on flood insurance rate maps, flood boundary and floodway maps, M-NCPPC ultimate development 100 year floodplain maps, and individual studies provide to DEP. The floodplain district includes all areas subject to inundation by the waters of a 100 year storm.
- B. Floodplain Delineations for Unmapped Areas - DEP reviews and approves flood plain delineations for individual developments, both proposed and existing, that are not within the boundaries of the Official Floodplain Map. Studies are provided for review. Floodplain delineations are incorporated into the Official Floodplain Map. Also, DEP reviews and comments on watershed floodplain studies done by M-NCPPC and the Federal Emergency Management Agency (FEMA) and incorporates these studies into the official floodplain map.
- C. Elevation Verifications for Building Standards and Floodplain Insurance - DEP verifies the existence or absence of floodplains to citizens of the County to determine the need for floodplain insurance for existing dwellings, to prevent construction of new buildings within the Floodplain District, and to determine the need for a Floodplain District Permit for other construction or development activities within the floodplain.
- D. Floodplain District Permit - DEP processes applications and issues floodplain district permits. Applications include hydrologic studies that show the affects the proposed changes may have on the floodplain as well as mitigation when necessary. Permit requests are denied when appropriate.
- II. Overall authority is in the National Flood Insurance Act of 1968, the Flood Disaster Protection Act of 1973, and the Housing and Community Development Act of 1987. Conformance with these Federal laws is required for participation in the National Flood Insurance Program (NFIP). Authority is also in the Maryland Flood Control and Watershed Management Act, Natural Resource Article, Sect. 8-9A-01 et seq.

Local authority for each specific function is as follows:

- A. Official Floodplain Map and Floodplain District - County Code Chapter 19, Article III., Sections 19-36 and 19-43b, and Executive Regulation 24-89 AM, Section 3.
- B. Floodplain delineations of unmapped areas - County Code Chapter 19, Article III, Section 19-36 and 19-43b and Executive Regulation 24-89 AM, Sections 3.B.2 and 4.B.
- C. Elevation verifications - County Code Chapter 8, Section 8-29; Chapter 17, Section 17-38; Chapter 34, Section 34-3A; and, Chapter 19, Article III, Sections 19-36, 19-37, and 19-45, as well as Executive Regulation 24-89 AM, Section 4.
- D. Floodplain District Permit - County Code Chapter 19, Article III, Sections 19-38 through 19-46 and Executive Regulation 24-89 AM, Sections 4, 5, and 6.

III. The following reviews occur during various steps of the Development Authorization Process (DAP):

At the pre-preliminary and preliminary plan stage DEP reviews and approves floodplain studies that delineate floodplains for individual developments. Any applicable dam breach analyses for ponds are also reviewed a part of the floodplain review. The approved delineations are incorporated into the Official Floodplain Map. Applicants are informed of the need to apply for Floodplain District Permits at the building permit stage.

For those developments that require site plan approval DEP reviews for changes to the proposed plan that may affect floodplain delineations.

For any developments not subject to subdivision review, DEP reviews and approves floodplain delineations prior to sediment control plan submittal.

Elevation verifications and technical reviews for floodplain district permits are normally done at the sediment control and/or building permit phase of the authorizations process. Sediment control and building permits are not released until floodplain district permits have been issued.

IV. There is no specific processing time limit associated with these activities except for those imposed in the subdivision and site plan process.

V. Agencies with which DEP coordinates with during the floodplain review process.

M-NCPPC (mandatory) - Sect. 19-36 and 1943b.

Maryland DNR (Mandatory) - Natural Resources Article, Sect. 8-9A-01.

FEMA (Mandatory) - various Federal laws

MCDOT - (Discretionary)

VI. Guidelines for Floodplain District Permit submittal.

VII. Because of a freeze in funding, costs for prior FY's have been held to a minimum. Beginning FY91 Floodplain District Permits were required for all floodplain disturbances shown on sediment control applications which were submitted for review after 1/1/91. Other activities involving floodplain delineations were also initiated at that time to improve the previously existing Official Floodplain Map. All funding for these activities came from other programs.

# DEP - ZONING & PERMITS

## DEVELOPMENT AUTHORIZATION PROCESS

### ZONING INFORMATION AND INTERPRETATION

- I. **DESCRIPTION:** Provide zoning information and zoning ordinance interpretations to the public and other agencies concerning land use, development standards, permitted and special exception uses, and off-street parking. This information is provided at a public service counter, by telephone, or at a special meeting.
- II. **AUTHORITY:** Montgomery County Code, Chapter 59, Zoning, Section 59-A-2.2(b), General rules of interpretation; other sections of the chapter as required.
- III. **WHERE THE FUNCTION OCCURS:** Zoning interpretations are provided to homeowners, developers, builders, real estate agents and land use attorneys prior to application for a building permit.
- IV. **TIME LIMIT:** No time limit is imposed. Most responses can be given immediately. Interpretations will take more time and the time will depend on the specific issue.
- V. **COORDINATION:** There is frequent coordination with MNCPPC, the Board of Appeals and the County Attorney.
- VI. **PUBLISHED INFORMATION:** There are no published guidelines or procedures, other than the Zoning Ordinance, Chapter 59.
- VII. **COSTS:**
- |                | FY90     | FY91     |
|----------------|----------|----------|
| Personnel      | \$72,800 | \$83,200 |
| Work Years     | 1.5      | 1.5      |
| Operating Exp  | N/A      | N/A      |
| Capital Outlay | N/A      | N/A      |
- VIII **FEES:** No fees are charged for zoning information or interpretation
- IX. **JUSTIFICATION:** Providing zoning information and interpretation to the potential building permit applicant before the application is submitted speeds the development authorization process. A more informed applicant will tend to submit a more complete building application with fewer errors, resulting in a quicker review and approval of the application.

The zoning information and interpretation function is located in the same physical area where the building permit application is submitted, where the building

permit is reviewed and where the building permit is issued. The same staff members who will be reviewing a building permit application are the ones who take turns responding to zoning inquiries at the counter and over the phone. Consistent application of the zoning regulations and an efficient development process is enhanced by this close working relationship

Prepared by DEP/LUC, 7/8/92

DEVELOPMENT AUTHORIZATION PROCESS

**BUILDING PERMIT SITE PLAN REVIEW**

- I. **DESCRIPTION:** Review and approval of all site plans submitted as part of the building permit application for euclidean zones. This review includes a determination that the proposed building meets all Zoning Ordinance regulations, including setbacks, lot coverage, landscaping and parking requirements. Some zoning regulations that cannot be met by the building permit applicant are referred to the Board of Appeals, who may grant a variance. Certain parking requirements may be waived by DEP.
- II. **AUTHORITY:** Montgomery County Code, Chapter 59, Zoning, Section 59-C, Zoning Districts; Regulations; Section 59-A-3.1(b), Building Permits issued for proposed work that conforms to uses and amount of development under Chapter 59.
- III. **WHERE THE FUNCTION OCCURS:** During processing of the building permit application.
- IV. **TIME LIMIT:** No processing time limit is imposed. Processing normally can be completed in 1 - 3 days and is concurrent with building code review.
- V. **COORDINATION:** All external agency coordination is discretionary and is exercised on an as-needed basis. Depending on the property and the zoning issue, there is coordination with MNCPPC and the Board of Appeals. Site plans submitted with a building permit in floating zones are sent to MNCPPC for determination of compliance.
- VI. **PUBLISHED INFORMATION:** There are no published guidelines or procedures, other than the Zoning Ordinance, Chapter 59.
- VII. **COSTS:**
- |                | FY90     | FY91     |
|----------------|----------|----------|
| Personnel      | \$32,200 | \$35,500 |
| Work Years     | 0.8      | .0.8     |
| Operating Exp  | N/A      | N/A      |
| Capital Outlay | N/A      | N/A      |
- VIII **FEES:** The building permit fee covers the <sup>site plan</sup> zoning review function. No separate fees are associated with zoning review of the building permit.
- IX. **JUSTIFICATION:** The building permit site plan review function occurs simultaneously with the review of the plans for building code compliance. This review provides assurance that the proposed building meets the Council

approved zoning regulations for that property.

The building permit site plan review function is located in the same physical area where the building permit application is submitted, where the building permit is reviewed for building, electrical and structural compliance and where the building permit is issued. The simultaneous processing of such applications is facilitated through close cooperation between all disciplines in the plan-review function. Having these functions performed within the same Division of the Department of Environmental Protection and on the same floor of the same building is integral to a consistent and timely review of permits prior to issuance. The removal of this function from a close working relationship with other building permit functions would certainly jeopardize the continuing goal of further streamlining the DAP.

Prepared by DEP/LUC, 7/8/92

# DEP - SEDIMENT CONTROL

## DEP'S ROLE IN THE DEVELOPMENT AUTHORIZATION PROCESS SEDIMENT CONTROL PLAN REVIEW AND APPROVAL

- I. Prior to permit issuance (except for Small Land Disturbing Activities) a sediment control plan is reviewed and approved to insure that erosion and sediment transport from the construction site is minimized and that other environmental features are disturbed to the least extent as practical. Statewide standards and specifications (with local modifications) are used as design guidelines for basins, traps, dikes, swales and other structures as well as for agronomic requirements.
- II. The overall authority is established by State Law, Environmental Article, Title 4, Sub-Article 1, Erosion and Sediment Control (MDE) and Comar 26.09.01. Plan review and approval authority has been delegated by the MSCD to MCDEP via MOU. Applicable County Law is Chapter 19, Article 1, Section 19-4.   
↑ Soil Cons. Dist.
- III. An application for sediment control plan review may be accepted and the process initiated any time after preliminary plan approval; but, the plan can not be approved until site plan approval has been obtained. For sites that are not required to go through the subdivision process, plans can be submitted only after a stormwater management concept has been approved.
- IV. There is no specific processing time limit. Some generalized time limits have evolved into an informal policy. These limits are dependent on the size and complexity of development.
- V. MNCPPC - mandatory, Section 19-3A  
MCDOT - discretionary  
MSCD - mandatory as per M.O.U. and Section 19-4.  
MDE - mandatory, Comar 26.09.01
- VI.
  - 1983 Maryland Standards and Specifications for Soil Erosion and Sediment Control.
  - Executive Regulation No. 36-90, Erosion and Sediment Control Rules and Regulations.
  - MCDEP Erosion and Sediment Control Plan Review Checklist.
  - M.O.U. Regarding Sediment Control Plan Review and Approval
- VII.

Costs:	<u>FY 90</u>	<u>FY 91</u>
<u>Personnel</u>		
4.5 CCA's X .25	1.125	1.125
1 Sr. Engr. X .25	.25	.25
1 Mgr. X .15	.15	.15
1 PAA X .20	.20	.20
1 Engr. Aide X .1	<u>.1</u>	<u>1.83</u>
TOTAL	1.83	1.83
Expense	\$73,170	\$76,830
Other Op. Expenses	<u>\$ 2,740</u>	<u>\$ 2,870</u>
TOTAL	\$75,910	\$79,700
- VIII. Sediment Control Permit Fees as required by Executive Regulation No. 40-91, "Schedule of Fees related to Sediment Control, Stormwater Management, and Floodplain Districts". See Sediment Control Permitting Function.

**IX. Effective sediment control plans preserve the quality of the County's streams, creeks, rivers and, ultimately, the Chesapeake Bay. They also protect private and public property from sediment damage. Timely review expedites the DAP for the development community. Effective and clear plans are of great assistance to field inspection staff within the Department. Advantages of continuing to perform function:**

- 1. All other functions of the sediment control process are carried out in DEP - planning, permitting, and construction inspection.**
- 2. Sediment control planning, plan review, and construction inspection is intimately interwoven with that of stormwater management and small pond review and approvals, which also reside with, or are delegated to, MCDEP.**
- 3. MCDEP has been delegated sediment control plan approval authority via MOU with the MSCD.**
- 4. MCDEP has broad base of practical and technical experience spanning two decades in the area of erosion and sediment control plan review. MCDEP maintains close ties with the MSCD/SCS to stay abreast of the latest erosion and sediment control technologies.**

**There are no disadvantages to continuance.**

**X. Coordination with MNCPPC will increase with implementation of Forest Conservation Requirements on July 1, 1992.**

**S/CPLANREV.DOC-7/13/92**

**DEP'S ROLE IN THE DEVELOPMENT AUTHORIZATION PROCESS**  
**SEDIMENT CONTROL PERMITS**

- I. Required for all land disturbing activities unless specifically exempt by law. Permit processing and issuance includes application intake, administrative reviews for completeness, determination of required fees and bonds, and permit issuance when all requirements have been met. Two types of permits may be issued. The first is the Small Land Disturbing Activities Permit that is generally used only for single lot residential development with a land disturbance of less than 30,000 square feet. The second is the Sediment Control Permit for Engineered Plans that is issued for all other applicable land disturbing activities.

Performance bonds, letters of credit, cash bonds, or certificates of guarantee are required to insure the faithful performance of erosion, sediment control, and stormwater management measures as specified on approved plans and issued permits. Processing and tracking of bonds includes calculating required amounts, forwarding to the County Attorney's Office when required, and insuring that these instruments remain valid. If a bond expires, the sediment control permit is revoked. Maximum bond amount is \$10,000.00 for sediment control. Stormwater management bonds are for the full cost of construction.

- II. Overall authority is from State Law, Environmental Article, Title 4, Subtitle 1 and Chapter 19, Montgomery County Code as annotated.

19-2	Permits required (a) - (c)
19-3	Application of permit (a) - (d)
19-4	Engineered plans (a)(1)(A)(B)(C), (b)(3)
19-5	Modification of plans (Revisions) (a)
19-6	Fees
19-7	Permit conditions
19-8	Permit expiration and renewal
19-10	Performance Bond (Sediment Control)
19-32	Performance Bond (Stormwater Management)

- III. An application for Sediment Control Permit may be accepted and the process initiated any time after preliminary plan approval; but, the permit can not be issued until site plan approval has been obtained. For sites that are not required to go through the subdivision process, applications can be submitted only after a stormwater management concept has been approved unless arrangements are made for pre-application.

- IV. No specific processing time limit.

*Coord req.*

- V. MDE (mandatory) - Environmental Article, Title 4, Subtitle 1  
 MNCPPC (mandatory Sec.19.3A) - to comply with Chapter 22A and Chapter 50.  
 Montgomery Soil Conservation District (mandatory) Sec. 19.4  
 Circuit Court - (mandatory) for verification of Powers of Attorney and Attorneys in Fact; Sec. 19.3, Sec. 19.10, Sec. 19.32  
 County Attorney's Office - (mandatory) for approval of bonds (other than cash bonds).  
 Sec. 19.10, Sec. 19.32

- VI. 1. Sediment control permit applications for engineered plans and small land disturbing activities.  
 2. Checklist for administrative acceptance of applications  
 3. Montgomery County Code Chapter 19, Articles I and II  
 4. Executive Regulations 40-91 (Fees), 13-90 (Certificate of Guarantee), 36-90 (Sediment Control), 5-90 (Stormwater Management)

VII. Costs	<u>FY 90</u>	<u>FY 91</u>
<u>Personnel expenses:</u>		
<u>Work Years</u>		
2 PAA X 1.0	2.0	2.0
1 OSM X 1.0	1.0	1.0
1 Mgr. X 0.15	0.15	0.15
1 Sr. Engr. .05	<u>0.05</u>	<u>0.05</u>
TOTAL	3.20	3.20
Expenses	\$110,480	\$116,000
Op. Expenses	\$ 3,870	\$ 4,060
TOTAL	\$114,350	\$120,060

VIII. See Fee Schedules, Executive Regulation 40-91 - Authority County Code Sec. 19-6 - Sediment Control Permit Fees are for sediment control and stormwater management plan reviews as well as permit processing, fees collected in FY 90 and FY 91 are \$215,294 and \$223,194 respectively.

IX. It is an orderly way to insure that stormwater management and sediment control requirements are met. This permit function is interrelated with the other DEP permit and review functions in the development process. It is time-efficient for the permittee to have this aspect of the process geographically and administratively convenient to most of the other parts of the permitting and approval process.

X. N/A

DEVPROW.PRO-7/13/82

# DOT- TRAFFIC ENGINEERING

## DEVELOPMENT AUTHORIZATION PROCESS

### Division of Traffic Engineering

- I. FUNCTION/RESPONSIBILITY: Preliminary plan review (on-site)
- II. AUTHORITY: Chapter 49 and 50 of the County Code
- III. WHERE IN DAP: Preliminary Plan stage.
- IV. TIME LIMIT & AUTHORITY: Set by Planning Board Staff (less than 30 days).
- V. COORDINATION/AGENCIES: Office of Planning and Project Development, Subdivision Development Section, Design Section, MNCP&PC
- VI. PUBLICATIONS:  
AGP and County Code (Subdivision Regulations in Chapters 49 & 50).  
Parking, Weant & Levinson  
Traffic Engineering: Theory & Practice, Pignatro  
Transportation & Traffic Engineering Handbook, ITE
- VII. COSTS: FY92 Personnel \$9,285 (0.1 WY) \$715 Operating.
- VIII. FEES: None
- IX. JUSTIFICATION: The circulation of traffic on site, the provision for truck circulation and storage while loading or unloading, the interface of the site access to the adjacent public street and the physical condition of the fronting street or highway must be reviewed by traffic engineering professionals to assure safe and reasonable operation of traffic directly related to the site. The Division of Traffic Engineering staff provides the needed expertise to provide this review. This review results in the input necessary to assure that attention is given to these matters both in the preliminary stage and the site plan stages to follow.
- X. OTHER:

2. I. FUNCTION/RESPONSIBILITY: Preliminary Plan review (off-site)
- II. AUTHORITY: Subdivision Regulations Chapter 49 and 50 of the County Code
- III. WHERE IN DAP: Preliminary Plan stage.
- IV. TIME LIMIT & AUTHORITY: 30 days for action by Planning Board (Ch 50) and 21 days for MCDOT review by MNCP&C policy.
- V. COORDINATION/AGENCIES: Office of Planning and Project Development, Subdivision Development Section, Design Section, MNCP&C.
- VI. PUBLICATIONS:  
AGP, and Subdivision Regulations  
Residential Street Design & Traffic Control, ITE  
Road Code, MCDOT  
Traffic Engineering: Theory & Practice, Pignatro  
Transportation & Traffic Engineering Handbook, ITE  
Trip Generation Tables, MNCP&C  
Trip Generation, ITE
- VII. COSTS: FY92 Personnel \$27,900 (0.4 WY) \$2,100 operating.
- VIII. FEES: None
- IX. JUSTIFICATION: The review of Traffic Impact Studies (TIS) for accuracy, feasibility of recommendations and for success of recommendations in mitigating impacts is a function that staff of The Division of Traffic Engineering must be involved in so as to assure quality of the TIS and the overall best interest of the traveling public.
- X. OTHER:
3. I. FUNCTION/RESPONSIBILITY: Site plan review (Urban Design)
- II. AUTHORITY: Chapter 49 and 50 of the County Code.
- III. WHERE IN DAP: Site Plan stage.
- IV. TIME LIMIT & AUTHORITY: 30 day for Planning Board (Chapter 50) and about 15 days for MCDOT by MNCP&C policy

V. COORDINATION/AGENCIES: Office of Planning and Project Development, Subdivision Development Section, Design Section, MNCP&PC

VI. PUBLICATIONS:

A Policy on Geometric Design of Streets and Highways, AASHTO  
MCDOT Design Standards  
Traffic Engineering: Theory & Practice, Pignatro  
Transportation & Traffic Engineering Handbook, ITE  
Residential Street Design & Traffic Control, ITE

VII. COSTS: FY92 Personnel \$9,300 (0.1 WY) and \$700 operating.

VIII. FEES: None

IX. JUSTIFICATION: See justification for on-site preliminary review for item #1.

X. OTHER:

4. I. FUNCTION/RESPONSIBILITY: Site Plan Reviews (DEP/building permits)

II. AUTHORITY: Chapter 49 and 50 of the County Code.

III. WHERE IN DAP: after Preliminary, Site plan, Zoning and/or Special Exception stages.

IV. TIME LIMIT & AUTHORITY: 15 days by MCDEP policy (?)

V. COORDINATION/AGENCIES: Office of Planning and Project Development, Subdivision Development Section, Design Section, MNCP&PC, Department of Environmental Protection Division of Codes Enforcement (organization recently changed?)

VI. PUBLICATIONS:

Traffic Engineering: Theory & Practice, Pignatro  
Parking, Weant & Levinson  
Transportation & Traffic Engineering Handbook, ITE  
Loading Space Policy, MCDOT

VII. COSTS: FY92 Personnel \$11,160 (0.15 WY) and \$840 operating.

VIII. FEES: None

IX. JUSTIFICATION: See justification for items 1 and 3.

- X. OTHER:
5. I. FUNCTION/RESPONSIBILITY: Rezoning Cases
- II. AUTHORITY: Chapters 49 and 50 of the County Code.
- III. WHERE IN DAP: Pre-preliminary stage.
- IV. TIME LIMIT & AUTHORITY: 30 days for Planning Board and less than 21 days for MCDOT review, Chapters 49 and 50 of the County Code.
- V. COORDINATION/AGENCIES: Office of Planning and Project Development, Subdivision Development Section, Design Section, MNCP&PC.
- VI. PUBLICATIONS:
- Traffic Engineering: Theory & Practice, Pignatro  
Transportation & Traffic Engineering Handbook, ITE  
Trip Generation, ITE  
Trip Generation Report, MNCPPC
- VII. COSTS: FY92 Personnel \$4,650 (0.05 WY) \$350 Operating.
- VIII. FEES: None
- IX. JUSTIFICATION: Changes in zoning effect changes in type, quantity and distribution of traffic on the Transportation Infrastructure. Thus these effects must be reviewed by competent Traffic Engineering personnel to assure that this input is included with other import facts that influence decisions regarding zoning and re-zoning.
- X. OTHER:
6. I. FUNCTION/RESPONSIBILITY: Special Exceptions
- II. AUTHORITY: Chapter 49 and 50 of the County Code
- III. WHERE IN DAP: This can occur anywhere in the process but normally before preliminary plan.
- IV. TIME LIMIT & AUTHORITY: 30 days for Planning Board and less than 21 days for MCDOT review, Chapter 50 of County Code.
- V. COORDINATION/AGENCIES: Office of Planning and Project Development, Subdivision Development Section, Design Section, MNCP&PC.

VI. PUBLICATIONS:

Traffic Engineering: Theory & Practice, Pignatro  
Transportation & Traffic Engineering Handbook, ITE  
Trip Generation, ITE  
Trip Generation Report, MNCPPC

VII. COSTS: FY92 Personnel \$4,650 (0.05 WY) \$350 Operating.

VIII. FEES: None

IX. JUSTIFICATION: Special Exceptions to existing zoning can effect changes in type, quantity and distribution of traffic on the Transportation Infrastructure. Thus these effects must be reviewed by competent Traffic Engineering personnel to assure that these inputs are included with other important facts that influence decisions regarding Special Exceptions.

X. OTHER:

7. I. FUNCTION/RESPONSIBILITY: Master Plan reviews

II. AUTHORITY: Chapter 49 and 50 of the County Code

III. WHERE IN DAP: Master Plan

IV. TIME LIMIT & AUTHORITY: 7 to 30 days as provided by Planning Board Staff at (several) stages of the Master Plan process.

V. COORDINATION/AGENCIES: Office of Planning and Project Development, Subdivision Development Section, Design Section, MNCP&PC.

VI. PUBLICATIONS:

-- Master Plan of Highways, MNCPPC  
Approved Road Program, MCDOT  
County Code, Chapters 49 & 50

VII. COSTS: FY92 Personnel \$4,650 (0.05 WY) \$350 Operating

VIII. FEES: None

IX. JUSTIFICATION: The Master plan is the most basic tool to control the condition of traffic on our streets and highways in terms of both safety and efficiency. Thus it is imperative that Traffic Engineering professionals have detailed input into the Master Plan process.

- X. OTHER:
8. I. FUNCTION/RESPONSIBILITY: Sector Plan reviews
- II. AUTHORITY: Chapter 49 and 50 of the County Code
- III. WHERE IN DAP: Master Plan
- IV. TIME LIMIT & AUTHORITY: 7 to 30 days as provided by Planning Board staff.
- V. COORDINATION/AGENCIES: Office of Planning and Project Development, Subdivision Development Section, Design Section, MNCP&PC.
- VI. PUBLICATIONS:
- Master Plan of Highways, MNCPPC  
Approved Road Program, MCDOT  
County Code, Chapters 49 & 50
- VII. COSTS: FY92 Personnel \$4,650 (0.05 WY) \$350 Operating
- VIII. FEES: None
- IX. JUSTIFICATION: A Sector plan is a micro portion of a Master Plan and thus also an essential tool used to control the condition of traffic on our streets and highways in terms of both safety and efficiency. Thus it is imperative that Traffic Engineering professionals have detailed input into the Sector Plan process.
- X. OTHER:
9. I. FUNCTION/RESPONSIBILITY: Abandonments
- II. AUTHORITY: Chapter 49 and 50 of the County Code
- III. WHERE IN DAP: This can occur at any point in the DAP
- IV. TIME LIMIT & AUTHORITY: 30 days maximum allowed by County Code, generally allowed 14 to 21 days for MCDOT actions.
- V. COORDINATION/AGENCIES: Office of Planning and Project Development, Subdivision Development Section, Design Section, MNCP&PC.

VI. PUBLICATIONS:

Master Plans, MNCPPC  
Traffic Engineering: Theory & Practice, Pignatro  
Transportation & Traffic Engineering Handbook, ITE

VII. COSTS: FY92 Personnel \$4,650 (0.05 WY) \$350 Operating

VIII. FEES: None

IX. JUSTIFICATION: The Division of Traffic Engineering is in a good professional position to evaluate the potential need both present and future for various rights of way that may be petitioned for abandonment. Thus the Division's involvement in this function is imperative.

X. OTHER:

10. I. FUNCTION/RESPONSIBILITY: Construction Plan Reviews (paving permits and traffic control plans).

II. AUTHORITY: Chapter 49 and 50 of the County Code.

III. WHERE IN DAP: After Record plats coincident with Building permits.

IV. TIME LIMIT & AUTHORITY: Generally less than 30 days for responses to Office of Property Acquisition, DOT.

V. COORDINATION/AGENCIES: Office of Planning and Project Development, Subdivision Development Section, Design Section, MNCP&PC.

VI. PUBLICATIONS:

BOCA CODE  
Manual on Uniform Traffic Control  
Transportation & Traffic Engineering Handbook, ITE  
Traffic Engineering, Theory & Practice, Pignatro  
A Policy on Geometric Designs of Highways and  
Streets, AASHTO

VII. COSTS: FY92 Personnel \$55,400 (1.1 WY) \$2,000 Operating.

VIII. FEES: None

IX. JUSTIFICATION: This is the point where quality is assured in terms of geometric design for safe efficient and responsive traffic operation both during and after construction takes place. It is extremely important

that plans are approved by competent traffic engineering personnel.

X. OTHER:

Other: [Faint, illegible text]

DAP2 vps  
D921541:wpf

Handwritten signature and date: 7/15/92

I. SPECIFIC CURRENT FUNCTION/RESPONSIBILITY:

- (A). PRE-PRELIMINARY PLAN REVIEW - An optional plan showing the conceptual subdivision, submitted for informal reviews by those agencies and utility companies which comprise the subdivision review committee. Our office provides engineering review comments on behalf of this department. These comments include identified preliminary plan requirements, potential required improvements to the public right of way, site access concerns, etc.
- (B). PRELIMINARY PLAN REVIEW - A required submission showing the proposed subdivision in moderate detail. Our office provides departmental review comments on the engineered drawing with respect to required improvements within the public right-of way (streets, sidewalks, bikeways, storm drainage, etc.), sight accessibility issues, identify DOT record plat and building permit approval requirements, etc.
- (C). SITE PLAN REVIEW - An engineered drawing, sometimes required by Zoning or Planning Board decisions, which shows the proposed development in great detail. Our office reviews the plan to confirm our preliminary plan comments have been satisfied. We also provide departmental comments with respect to additional needed improvements in the public right of way, access to private open space areas, reaffirmation of record plat and building permit approval requirements, etc.
- (D). RECORD PLAT/PUBLIC IMPROVEMENTS AGREEMENT REVIEW/APPROVAL - A record plat is an engineered, legal drawing used to subdivide property which is eventually recorded in the County Land Records. A Public Improvement Agreement is a written agreement between the developer and the County (processed along with many record plats) whereby the developer agrees to construct the required improvements to the public right of way. We use the record plat approval process to ensure previous plan review comments have been satisfied. We review record plats and PIAs for form and sufficiency with respect to departmental needs.
- (E). GRADE ESTABLISHMENT REVIEW/APPROVAL - A grade establishment is an engineered drawing used to determine a roadway profile. Our office reviews grade establishments for vehicular safety and sight distance in accordance with departmental standards.
- (F). PAVING AND STORM DRAIN PLAN - REVIEW/APPROVAL/RESOLUTION OF FIELD CONFLICTS - An engineered drawing showing the proposed paving and storm drain to be constructed in the public right of way. Our office must review and approve this plan prior to issuing the applicable permit.
- (G). GRADING PERMIT ISSUANCE - A grading permit is a permit issued by this office which allows the permittee to do grading within the public right of way.

- (H). GEOTECHNICAL REPORTS REVIEW - This report is the result of a sub-surface investigation which identifies various qualities of the existing soil within a proposed roadbed. Our office reviews the report to determine areas of unsatisfactory soils and identify the roadway pavement section.
- (I). PAVING/STORM DRAIN/STREET LIGHT PERMIT(S) ISSUANCE - This/these permit(s) are issued by this office to allow the permittee to construct/install the appropriate improvement(s) within the public right of way.
- (J). DRIVEWAY PERMIT ISSUANCE - A driveway permit issued by this office allows the permittee to construct a driveway apron within the public right of way.
- (K). UTILITY PERMITS - Our office issues permits to the public following utility companies for utility construction within the public right of way or in the adjacent public utility easements:
- (1.) Washington Suburban Sanitary Commission
  - (2.) Potomac Electric Power Company
  - (3.) Chesapeake & Potomac Electric Power Company
  - (4.) The Potomac Edison Company
  - (5.) Baltimore Gas & Electric Company
  - (6.) Washington Gas Light Company
  - (7.) Cable TV - Montgomery
- (L). ABANDONMENT CASE REVIEWS - Our office reviews and comments on requests to abandon the existing public right of way with respect to site access, storm drainage needs and pedestrian facilities.
- (M). SIDEWALK CLOSURES - Our office reviews and permits sidewalk closures in conjunction with utility and paving/storm drainage permits.
- (N). RURAL/RUSTIC ROAD PROGRAM - This program is intended to preserve the existing characteristics of certain rural (and/or rustic) roads determined by Council resolution. Our office field investigates utility and driveway permit requests to ensure the program goals are being satisfied and works with the applicant to identify acceptable alternative solutions (when the original proposal creates an unacceptable impact).
- (O). BUILDING PERMITS SIGN-OFF - Our office reviews building permit requests to ensure the site has a permitted driveway apron or entrance and to confirm the terms and provisions of the Public Improvements Agreement (if applicable) have been implemented.

- (P). DEVELOPER PARTICIPATION PROJECTS - Our office administers this program whereby developers and the County join forces to construct major road and storm drain systems under County C.I.P. projects. These efforts include preparation and approval of the developer/County funding agreement, construction drawings, contract document; advertise/bid/award of the construction contract; overseeing remuneration to the developer, etc.

II. STATUTORY AUTHORITY:

- A. Chapter 50 (Subdivision of Land) of Montgomery County Code
- B. Chapter 50 (Subdivision of Land) of Montgomery County Code
- C. Chapters 49 (Road Code) and 50 (Subdivision of Land) of Montgomery County Code and Bill No. 42-70 (Tertiary Roads)
- D. Chapter 50 (Section 37-f.2)
- E. Chapter 49 and Bill No. 42-70
- F. Chapter 49, Annotated Code of Maryland (House Bill No. 629) (Storm Drain only)
- G. Chapter 49
- H. Chapter 49
- I. Chapter 49
- J. Chapter 49
- K. Chapter 49
- L. Chapter 49 (Article V)
- M. Chapter 49 (Bill No. 21-91)
- N. Chapters 49-76 et seq and 50-35 (Pending Council Legislation)
- O.
- P. Chapter 49 (Article IV)

III. Where in DAP?

- A. Subdivision Plan Review Stage
- B. " " " "
- C. " " " "
- D. " " " "
- E. Grading/paving permit stage
- F. " " " "
- G. " " " "
- H. " " " "
- I. " " " "
- J. Building permit sign-off stage
- K. Grading/paving permit stage
- L. Subdivision Plan Review stage
- M. Grading/paving permit stage
- N. Subdivision Plan Review & Building Permit sign-off stages
- O. Building permit sign-off stage
- P. Subdivision Plan Review and Building Permit sign-off stages

IV. SPECIFIC PROCESSING TIME LIMIT (FOR SPECIFIC CURRENT FUNCTION/  
RESPONSIBILITY):

- (A). Pre-preliminary plan review - 30 days per Section 50-33-A.2.
- (B). Preliminary plan review - 30 days per Section 50-35(c).
- (C). Site Plan Review - No set time frame under Section 59-D-3.4\*
- (D). Record Plat/PIA Review - No set time frame by Section 50-37.f.2

\*Planning Board must act on a site plan within 45 days of its receipt.

V AGENCY COORDINATION

FUNCTION/RESPONSIBILITY	MNCPPC	MSHA	MCDEP (MCHD)	MCDFS	MCPS	Local Jurisdiction
A. Pre-Preliminary Plan Review	M-1	D	D	D	D	D
B. Preliminary Plan Review	M-1	D	D	D	D	D
C. Site Plan Review	M-1	D	D	D	D	D
D. Record Plat/PIA Review/Approval	M-1	D	D	D	D	D
E. Grade Establishment Review/Approval	M-2	D	D	D	D	D
F. Paving & Storm Drain Plan - Review/Approval/Resolution of Field conflicts	D	D	D	N/A	N/A	N/A
G. Grading Permit Issuance	N/A	N/A	N/A	N/A	N/A	N/A
H. Geotechnical Reports Review	N/A	N/A	N/A	N/A	N/A	N/A
I. Paving/Storm Drain/Street Light- Permit Issuance	D	D	D	N/A	N/A	N/A
J. Driveway Permit Issuance	N/A	N/A	N/A	N/A	N/A	N/A
K. Utility Permits	N/A	N/A	N/A	N/A	N/A	N/A
L. Abandonment Case Reviews	D	N/A	N/A	N/A	N/A	N/A
M. Sidewalk Closures	N/A	N/A	N/A	N/A	N/A	N/A
N. Rural/Rustic Road Program	D	N/A	N/A	N/A	N/A	N/A
O. Building Permits Sign-off	D	N/A	M-3	N/A	N/A	N/A
P. Developer Participation Projects	D	D	N/A	N/A	N/A	N/A

RESPONSE KEY:

- (1.) M-1 : Mandatory Coordination, per Chapter 50
- (2.) M-2 : Mandatory Coordination, per Chapter 49
- (3.) M-3 : Mandatory Coordination, per Chapter 8
- (4.) D : Discretionary Coordination
- (5.) N/A : Coordination is discretionary, usually unnecessary

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VI. PUBLICATIONS AND PROCEDURES:

<u>FUNCTION</u>	<u>REFERENCE # (see below)</u>
(A.) Pre-preliminary plan review	1-13, as appropriate
(B.) Preliminary plan review	1-13, as appropriate
(C.) Site plan review	1-13, as appropriate
(D.) Record plat/PIA review/approval	2, 13
(E.) Grade establishment review/approval	1, 6
(F.) Paving & storm drain plan - review/approval/resolution of field conflicts	1,2,4-12
(G.) Grading permit issuance	1
(H.) Geotechnical reports review	4
(I.) Paving/storm drain/street light - permit issuance	1, 7
(J.) Driveway permit issuance	1, 4, 8/9
(K.) Utility permits	1, 4, 7, 8/9, 13
(L.) Abandonment case reviews	1
(M.) Sidewalk closures	1, 7, 12
(N.) Rural/rustic road program	1, 8/9
(O.) Building permits sign-off	2, 3
(P.) Developer participation projects	1, 2, 4-6, 10-12

PUBLICATIONS & PROCEDURES REFERENCE NUMBERS

- ( 1.) Montgomery County Code Chapter 49
- ( 2.) Montgomery County Code Chapter 50
- ( 3.) Montgomery County Code Chapter 8
- ( 4.) Montgomery County Department of Transportation "Design Standards"
- ( 5.) Montgomery County Department of Transportation "Storm Drain Design Criteria"
- ( 6.) Bill 42-70 (Tertiary streets & roadway profiles)
- ( 7.) Bill 21-91 (Sidewalk closures)
- ( 8.) Montgomery County Council's "Proposal for a Rural/Rustic Roads Program (March, 1990)
- ( 9.) Draft Bill on Rustic Roads Program (introduced June 16, 1992)
- (10.) Pending sidewalks legislation (Bill 46-91)
- (11.) Montgomery County Code Chapter 22A (Montgomery County Forest Conservation Law; Bill 48-91)
- (12.) Americans with Disabilities Act
- (13.) Terms and Provisions of Public Utilities Easements agreement (filed in the Land Records of Montgomery County in Liber 3834 at Folio 457)

**VII. F.Y. 90 Cost**

**F.Y. 91 Cost**

	Gross Personnel Expenses	Work Year	Operating Expenses	Capital Outlay	Sub-Total	Gross Personnel Expenses	Work Year	Operating Expenses	Capital Outlay	Sub-Total
A.										
B.										
C.										
D.										
E.										
F.										
G.										
H.	\$1,186.21	(38.6 hrs.) 0.0175	\$0.00	\$0.00	\$1,186.21	\$1,465.80	(34 hrs.) 0.0163	\$0.00	\$0.00	\$1,165.80
I.										
J.										
K.										
L.										
M.										
N.										
O.										
P.		1.5					1.63			
<b>TOTALS</b>	<b>\$847,543.21</b>	<b>17.0175</b>	<b>\$44,894.00</b>	<b>\$0.00</b>	<b>\$892,237.21</b>	<b>\$917,756.80</b>	<b>17.0163</b>	<b>\$30,383.00</b>	<b>\$951.00</b>	<b>\$947,819.80</b>

7

I. FY90, 91 and 92 Fees/Revenue

	<u>FY 90</u>	<u>FY 91</u>	<u>FY92</u>
A.	0	0	0
B.	0	0	0
C.	0	0	0
D.	0	0	0
E.	0	0	0
F.	0	0	0
G.	113,715.00	43,155.00	100,196.50
H.	0	0	0
I.	835,110.00	459,804.00	832,769.00
J.	99,008.00	122,354.00	110,462.63
K.	0	0	0
L.	0	0	0
M.	0	0	0
N.	0	0	0
O.	0	0	0
P.	0	0	0
TOTALS	\$1,047,833. <sup>00</sup>	\$625,313. <sup>00</sup>	\$1,043,428.13

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IX. JUSTIFICATION

The Department of Transportation's mission is to provide effective services to meet Montgomery County's transportation needs. Of paramount importance to us is the safe movement of vehicular traffic as well as pedestrian traffic on all subdivision streets and County roads. The justification or explanation of how each specific function/responsibility contributes to the DAP is contained in Items I through VII above. The justification for our specific involvement is self-explanatory. We are an integral part of the DAP and perform an implementation as well as a regulator function. DOT, unlike some other agencies, remains involved in the process through the construction codes enforcement stage and maintains all of the public County roads. It is therefore critical and imperative that we be involved in the planning phase of the process. We are where the rubber meets the road. We receive the criticism from the public for poorly planned roads, bridges, and storm drains. We implement what others plan on paper. If we are not a full partner in the process, the County citizens are the ones who suffer. By including us in the process "early on," time is saved later on and better coordination with the permitting function is achieved.

Our agency has not had sufficient time to prepare a list of pros and cons to study whether we should continue to perform the specific functions/responsibilities. To provide a list of pros and cons without having "brainstormed" would not be very meaningful and could "prejudice the jury," so to speak. Besides, some of the pros and cons have already been provided to the Task Force and are contained in its preliminary report.

X. OTHER INFORMATION:

MCDOT's involvement in the development process does not end at the permit issuance phase. It continues in the construction codes enforcement phase.

**-- WATER/SEWER AUTHORIZATION --**  
**(Engineering Feasibility Reports)**

I FUNCTIONAL RESPONSIBILITY	II LEGISLATIVE LINK	III DAP STAGE	IV GENERAL PROCESSING TIME	V AGENCY COORDINATION	VI PUBLISHED DOCUMENT	VII	VIII COSTS/FEEES	IX DAP RELEVANCY
Process/Prepare W/S Engineering Feasibility Reports.	Annotated Code of Maryland, Article 28, Section 9-101 (a) (b).	After, or concurrent with, preliminary plan process.	6 to 7 weeks (non-specific)	MNC&PC; MC-DEP	W/S Staging Process Manual.		Applicants are charged report fees that recover staff investments. Fees are reviewed annually and revised via WSSC's formal budget process and is subject to a public hearing.	Completion of reports makes it possible to make an economic and engineering assessment of potential construction of facilities to serve a site (following site layout approval by MNC&PC). Builders, developers, and WSSC Commissioners make yes/no decisions on the ramifications of feasibility reports. Commission approves or denies authorizations.

**WSSC - WATER + SEWER**

-- PRE-DESIGN/DESIGN OF WSSC PROJECTS --

I FUNCTIONAL RESPONSIBILITY	II LEGISLATIVE LINK	III DAP STAGE	IV GENERAL PROCESSING TIME	V AGENCY COORDINATION	VI PUBLISHED DOCUMENT	VII	VIII COSTS/FEEs	IX DAP RELEVANCY
Design, or cause to be designed, w/s pipeline projects, and/or other attendant facilities. Conduct related and necessary field surveys, rights-of-way arrangements and/or land acquisition.	Annotated Code of Maryland, Article 29, Sect 3-101(a) & (b); Sect 3-102(a); Sect 4-110(a); Sect 7-103.	Project Development Stage.	Processing time varies with the progress of the development itself. A project where review comments are responded to promptly is 6 to 7 months. Acquisition of off-site R/W's can delay project up to 2 years (or longer if Court route is necessary).	Variety of County/State agencies.	W/S Staging Process Manual; W/S Design Manual; WSSC Standard Details; WSSC General Conditions & Standard Specifications; Facility Planning & Environmental Assessment Manual.		All WSSC expenses for pre-design and design work for non-CIP projects are recovered via the front foot assessment of properties. (Examples: plan preparation, design review, surveys, construction, right-of-way acquisition, etc.) Majority of builders/developers pay private firms to prepare plans - leaving only review investment by WSSC.	Timely design completion, and permitting approvals, results in timely site build-outs - thereby reducing the carrying cost impact on applicants for WSSC services.

-- CONSTRUCTION OF WSSC SYSTEMS --

I FUNCTIONAL RESPONSIBILITY	II LEGISLATIVE LINK	III DAP STAGE	IV GENERAL PROCESSING TIME	V AGENCY COORDINATION	VI PUBLISHED DOCUMENT	VII	VIII COSTS/FEEES	IX DAP RELEVANCY
Construction contract advertisement, bid award and actual construction.	Annotated Code of Maryland, Article 28, Sect 3-102; Sect 3-203(a); Sect 4-101(a); Sect 4-110(a); Sect 7-102.	Site Grading; Plat Recordation.	8 weeks for ad, bid & NTP. Construction time varies with the size of the project. Minimum of 25 days.	Various Federal, State, County and Local Agencies, e.g., MCDOT, SHA, COE, DNR, DOE, WRA.	W/S Staging Process Manual; W/S Design Manual; WSSC Standard Details; WSSC General Conditions and Standard Specifications.		All WSSC expenses for construction on non-CIP pipelines are recovered via the front foot assessment of properties. (Example: contract cost, material costs, advertising expenses. Bonds sold to construct water mains larger than 18" and covers larger than 10", and other CIP projects are repaid thru rates.	Timely construction completion, results in timely site build-outs - thereby reducing the carrying cost impact on applicants for WSSC services.

**-- PLUMBING (GASFITTING) PERMIT INSPECTIONS --**

I FUNCTIONAL RESPONSIBILITY	II LEGISLATIVE LINK	III DAP STAGE	IV GENERAL PROCESSING TIME	V AGENCY COORDINATION	VI PUBLISHED DOCUMENT	VII	VIII COSTS/FEEES	IX DAP RELEVANCY
Following street/road construction work, but before beginning on-site plumbing, (or gasfitting) work, plumbing permits must be obtained from WSSC. Hook-ups to w/s lines are prohibited until plumbing permits are applied for, and approved.	Annotated Code of Maryland, Article 29, Sect 9-101; Sect 9-101; 9-102.	Final	1-Day to acquire permit; inspection scheduling done day after request for inspection.		WSSC Plumbing & Gasfitting Regulations.		\$280.00 per new single family (\$285 T.H.) or \$40 for 1st fixture and \$8 each additional fixture.	Completed, final plumbing-gasfitting inspections are pre-requisite to U & O approvals.

**— COST RECOVERY OF NEW WSSC SERVICES —  
(Benefit Assessments)**

I FUNCTIONAL RESPONSIBILITY	II LEGISLATIVE LINK	III DAP STAGE	IV GENERAL PROCESSING TIME	V AGENCY COORDINATION	VI PUBLISHED DOCUMENT	VII	VIII COSTS/FEEES	IX DAP RELEVANCY
<p>Subsequent to the completed construction of w/s lines, all properties abutting or served by the lines are levied a front foot benefit assessment; this recovers the WSSC's expenses for footing the cost of (small diameter) pipeline construction.</p>	<p>Annotated Code of Maryland, Article 29, Sec 5-101.</p>	<p>Final (after occupancy)</p>	<p>FFBA levies made in spring, for tax bill issuance in July.</p>	<p>MC-Assessment Office; MC-Treasurer's Office.</p>	<p>W/S Staging Manual; Assessment Manual.</p>		<p>Per foot fees are \$1.50 for water &amp; \$3.71 for sewer - varies annually depending upon previous year's costs.</p>	<p>Except for water/sewer bills based on metered consumption which each premise pays after all hook-ups, the front foot benefit process completes the cycle for extending or expanding WSSC's system to serve applicant(s). FFBA's are added to property tax bills for 23 years.</p>

# DOT- PLAN + PROJ. DEVEL.

1) Reviews and makes recommendations on traffic impact studies during subdivision review.

I. MCDOT/DPPD reviews and makes recommendations on traffic impact studies. OPPD's involvement occurs during the Local Area Transportation Review process which must be undertaken for subdivisions that generate 50 or more peak hour automobile trips. A traffic study is required if the development is located near a congested area or the total approved development is within 5 percent of the policy area ceiling.

II. Montgomery County Code, Chapter 50, Subdivision of Land, Article III, Section 50-35, Preliminary Subdivision Plans - Approval Procedure. See also the County Council's resolution adopting the FY 93 Annual Growth Policy under Local Area Transportation Review (LATR) which states "In its administration of Local Area Transportation Review, the Planning Board shall give careful consideration to the recommendations of the County Executive concerning the applicant's traffic study and proposed improvements or any other aspect of the LATR."

III. Preliminary Plan stage.

IV. Generally this office is given at least seven days by the Maryland-National Capital Park and Planning Commission (MNCPPC) to comment on criteria for Local Area Transportation Review and twenty-one (21) days to review and comment on traffic impact studies submitted for Local Area Transportation Review.

V. Coordinate with the Transportation Planning Division of the Maryland-National Capital Park and Planning Commission. The Adequate Public Facilities Ordinance (Chapter 50-35 (k)), Subdivision of Land, Montgomery County Code, states that "The planning board must consider the recommendations of the county executive and other agencies in determining the adequacy of public facilities and services in accordance with the guidelines and limitations established by the county council in its annual growth policy or established by resolution of the district council after public hearing." See also the County Council's resolution adopting the FY 93 Annual Growth Policy which states that "the Planning Board shall give careful consideration to the recommendations of the County Executive concerning the applicant's traffic study and proposed improvements or any other aspect of the LATR." The coordination is therefore mandatory.

VI. Local Area Transportation Review Guidelines, adopted October 4, 1990 by Maryland-National Capital Park and Planning Commission. See attachment.

VII. Estimated costs for the review of traffic impact studies in FY 90 are \$34,000 for salary, 1,144 work hours (.55 work years), and operating expenses of \$100. In FY 91 they were \$35,500 for salary, 1,144 work hours (.55 work years), and \$100 for operating expenses.

VIII. "N/A"

IX. This activity provides direct input into determining the adequacy of roads and public transportation facilities before a preliminary plan of subdivision is approved as set forth in the County's Adequate Public Facilities Ordinance. MCDOT/DPPD is directly involved in the transportation planning process for roads and public transportation facilities in the county and should continue to perform this function.

X. This agency (MCDOT/DPPD) has been involved in the APFO process since its inception.

2) Reviews and makes recommendations concerning roads, sidewalks, bikeways, and other public transportation facilities during the subdivision review process.

I. MCDOT/OPPD reviews and makes recommendations concerning roads, sidewalks, bikeways, and other public transportation facilities during the subdivision review process.

II. Montgomery County Code, Article II, Road Construction Code, Chapter 49, and Article III, Chapter 50, Subdivision of Land, Article III, Section 50-35, Preliminary Subdivision Plans - Approval Procedure. Section 50-35 requires that two copies of preliminary subdivision plans be submitted to the Department of Transportation as to "roads, streets, crosswalks, paths and storm drainage." The Office of Planning and Project Development provides input on road alignments, sidewalks, bikeways, transit related infrastructure, master plan issues, etc.

III. This type of review may occur at pre-preliminary, preliminary, development, and site plan review.

IV. OPPD work is done within time constraints of the overall subdivision review process. Recommendations from MCDOT are due in thirty (30) days but can be extended thirty (30) more days by the planning board. MCDOT representative sits on the subdivision review committee as specified in Section 50-35 of the County Code.

V. Development Review Division, Transportation Planning Division, Urban Design Division, and Parks Department, Maryland-National Capital Park and Planning Commission.

VI. Follow standards and specifications of Montgomery County Road Construction Code and Montgomery County Design Standards (Department of Transportation).

VII. Estimated costs for subdivision review in FY 90 are \$25,000 for salary, 1,040 work hours (.50 work years), and operating expenses of \$400. In FY 91 they were \$26,000 for salary, 1,040 work hours (.50 work years), and \$400 for operating expenses.

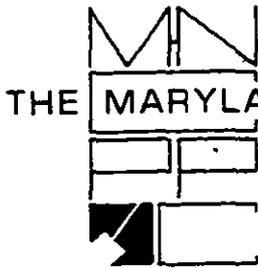
VIII. "N/A"

IX. Ensures that preliminary and final site plans for development conform to county road codes, design standards, master plan of highways, master plan of bikeways, area master plans, etc.

X. OPPD staff generally provides support and recommendations to the Department of Transportation representative who sits on the subdivision review committee at MNCPPC.

8575U:ECJ:ecj

M-NCPPC



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

July 28, 1992

MEMORANDUM

TO: Andrew Mansinne, Jr., Director  
Office of Legislative Oversight

FROM: Charles R. Loehr, Deputy Planning Director 

SUBJECT: Planning Department Response to OLO Request for  
Information Concerning Montgomery County's  
Development Authorization Process

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Attached is our detailed responses to the ten categories of information concerning the Planning Department's current functions and responsibilities in the development authorization process. I apologize for the length of time that it has taken us to respond to your request, but the nature of the plan procedures/processes that we are involved in required a significant amount of time to coordinate the responses from different staff in the Planning Department.

The major functions/responsibilities that we are involved with include the subdivision process; site plan process; forest stand delineations/forest conservation plans; and building permits. We will submit copies of the documents enumerated under Category VI by a separate memorandum in the next few days.

Please contact me at 495-4500 or Joseph Davis, our Subdivision Coordinator, at 495-4585 if you have questions concerning the attached material.

CRL:JRD:ds

Attachments

Current Agency Functions/Responsibilities in the  
Development Authorization Process (DAP)

A. FUNCTION - SUBDIVISION (PRE-PRELIMINARY PLAN, PRELIMINARY PLAN, AND RECORD PLAT) REVIEW.

I. Describe the specific current function/responsibility.

A. General Description of the Subdivision Review Process as Described in Attachment #1 of the April 15, 1992 Policy Level Report:

"Subdivision Review: The subdivision review process is a multi-agency review that assures that various development regulations and public policies are satisfied before a subdivision can be approved. The authority to approve subdivision applications (and record plats) rests with the Planning Board. The applications are filed with the planning staff who refers them to other public agencies/departments for review and recommendations."

"The Subdivision Review Committee (SRC), which is comprised of representatives from various public agencies/departments, meets on a regular basis to advise applicants concerning requirements for the final review of their plans. Subsequent agency/department recommendations are forwarded to the planning staff to be included in the public record and project file. When final agency/department recommendations are received, the planning staff prepares recommendations and conditions on the application and schedules it for a Planning Board public hearing and action. Public notices are mailed to adjacent property owners and civic associations notifying them of the scheduled public hearing.

"When an application is approved, the applicant must submit an original tracing of the subdivision plan that will be marked by the staff to indicate the action of the Planning Board. In addition, the Planning Board's opinion on the application is prepared and mailed to parties of record. WSSC requires that a preliminary plan be approved before it will formally issue a water/sewer authorization."

The record plat is the final subdivision plan which must be approved by the Planning Board and designated public agencies prior to being recorded in the County Plat Books. The record plat shows all boundaries of the property under application; all street lines and lot lines; provides specific lot and block or

parcel identifications; shows exact locations and widths of all streets, alleys, easements, and rights-of-way for public services and utilities; areas reserved for common open space or dedicated for public use are shown on the record plat. The applicant must also provide road and street profile plans, storm drain plans, and water and sewer service approvals by WSSC and/or the County Health Officer.

B. Detailed Function/Responsibilities:

1. Development Review Division (DRD)

- DRD staff accepts applications for pre-preliminary plans, preliminary plans, and record plats; collects fees; enters application data into development information monitoring system (DIMS) and the development review monitoring system (DRMS); refers applications to agencies; schedules applications for the Subdivision Review Committee (SRC).
- DRD staff chairs the SRC meetings on pre-preliminary and preliminary plans and prepares minutes of meetings which are distributed to applicants, agencies, and other interested parties.
- DRD staff, in cooperation with other departments/agencies, identifies issues to be resolved prior to Planning Board consideration of application; answers public inquiries concerning application status; meets with

applicant, department staff, other agency staffs, and any interested parties to help resolve issues affecting applications.

- DRD staff schedules applications for Planning Board review; determines whether or not applications satisfy all requirements of the Zoning Ordinance, Subdivision Regulations, and applicable plans and policies; packages other staff findings and recommendations; prepares necessary conditions to be applied to the application as part of the staff recommendation; and presents staff recommendations to the Planning Board.
- DRD staff (and/or Legal Department staff, depending on application) prepares and mails opinions; enters final site approval information into the DIMS and DRMS programs; and signs the preliminary plan tracing noting Planning Board conditions.

2. Transportation Planning Division (TPD)

- As part of the Adequate Public Facilities Ordinance review, the adequacy of transportation facilities must be determined. Findings must be made by the Planning Board that there is adequate staging ceiling capacity to accommodate a proposed project and that the

project meets the local area transportation review criteria.

- A copy of a preliminary plan is forwarded to the TPD as soon as it is filed. In preparation for the Subdivision Review Committee, the TPD determines if a Local Area Transportation Review (LATR) is required and, if so, whether one has been submitted with the application. TPD initiates preliminary review of the LATR to determine if it is complete. If a LATR or a traffic statement was not submitted, the preliminary plan is not considered complete. The TPD determines if staging ceiling capacity is available for the proposed development. If staging ceiling capacity is not available, the preliminary plan can be processed under the De-Minimis provisions of the Annual Growth Policy (AGP) or the developer is required to come up with a traffic mitigation program (TMP) that is acceptable to both MCDOT and TPD. This effort is done concurrent with the preparation of the LATR. The development review clock will not start until the developer can demonstrate that the staging ceiling problem can be overcome.

- If a LATR is needed, TPD provides the background or pipeline development that must be included in the LATR. TPD also identifies the critical intersections that must be analyzed. This information is sent to MCDOT for their concurrence and then sent to the developer. When the developer submits a LATR, it is reviewed for completeness by TPD. If complete, the LATR is sent to MCDOT and, if appropriate, SHA. All appropriate agencies then review the LATR including all necessary improvements proposed by the developer. If MCDOT and/or SHA agree with proposed improvements then they send their report to TPD who prepares the final transportation recommendations which are forwarded to the DRD and serves as the basis for Planning Board conditions necessary to address APFO requirements. The TPD reviews traffic mitigation agreements when a record plat is submitted for final subdivision approval.

3. Environmental Planning Division (EPD)

- EPD reviews stormwater management (SWM) waivers and concept plans as part of the pre-preliminary, preliminary, and site plan review process. The emphasis of EPD review is to ascertain how a particular SWM concept

plan will provide the needed stormwater controls relative to other environmental features of a site and/or adjacent sites in a planning area or watershed. The impacts of a proposed facility on steep slopes, tree cover, wetlands, natural trout streams, etc., are considered and, when unacceptable, recommendations are made to MCDEP for alternative sites and/or concepts. MCDEP staff then gives final approval to all SWM concept plans and waiver requests. SWM concept plans and/or waiver requests must be approved prior to preliminary plan approval.

It should be noted that the authority to approve or deny a SWM waiver request rests with MCDEP. As required by County SWM law (Chapter 19 of the County Code), MCDEP submits all SWM waiver requests directly to EPD for review and comment. MCDEP has established a four-week turnaround time to receive M-NCPPC comments. After considering EPD comments, MCDEP has the authority to issue or deny a given waiver request.

EPD also reviews wetlands delineations as part of the natural resources inventory submitted at preliminary/site plan stage to ensure that lots are outside wetlands, flood-

plain, steep slopes, and other environmentally sensitive areas. The purpose of the review is to shape development so as to avoid, minimize, and mitigate the impacts to wetlands. The greatest potential for minimizing the conflicts between wetland protection and development occurs during the master plan and development review process. Significant delays and plan revisions may occur late during the permitting process if wetlands are not protected at the earlier subdivision stage.

- EPD provides technical noise analyses and reviews all master, sector, and development plans for compatibility of land uses with noise emanating from transportation noise sources. This proactive or preventative role seeks to prevent or minimize adverse noise impacts before it occurs. The M-NCPPC "Staff Guidelines for the Consideration of Transportation Noise Impacts in Land Use Planning and Development" (June 1983) provide guidance for appropriate land use/noise compatibility standards and priorities in use of noise mitigation measures. The best options for encourage noise compatible land uses and implementing effective low-cost noise mitiga-

tion measures are available for consideration during the master plan and development review process.

- EPD reviews conservation easement agreements and other environmental-related site agreements when a record plat is submitted for final subdivision approval.

**II. Explain under what specific authority your agency performs the function/responsibility and cite the relevant section(s) of the State Code, County Code, Ordinance, Council Resolution, Planning Board Directive, other.**

The Planning Board's authority to approve preliminary plans and record plats derives from Article 28 of the Annotated Code of Maryland (Maryland-Washington Regional District Act). The subdivision procedures are contained in Chapter 50 of the Montgomery County Code being the Montgomery County Subdivision Regulations. The APFO is based on Section 50-35(k) of the Subdivision Regulations and guidelines contained in the Annual Growth Policy adopted each fiscal year by the County Council and the LAR guidelines, adopted by the Planning Board. Environmental standards and guidelines derive from the Montgomery County Zoning Ordinance, the Montgomery County Subdivision Regulations, and the Planning Board Guidelines for Environmental Management in Montgomery County, Maryland.

With regard to stormwater management concept/waiver applications, the Maryland-Washington Regional District Act specifies in Article 28, Section 7-116(a)(6) that "the (subdivision) regulations may provide for . . . (6) the preservation of the location

of and the volume and flow of water in and other characteristics of natural streams and other waterways, including the establishment of a storm water management program in Montgomery County which would allow the county to accept monetary contributions, the granting of an easement, or the dedication of land. . . ."

III. Describe where in the Development Authorization Process (DAP) the specific function/responsibility occurs (Pre-preliminary, preliminary, project, subdivision, site plan, other).

Subdivision phase involving pre-preliminary plans, preliminary plans, and record plats.

IV. Indicate whether there is a specific processing time limit associated with the function/responsibility, and cite the authority for the time limit.

A. Preliminary Plans: Section 50-35(f) provides the following time limit for presentation of a preliminary plan to the Planning Board:

"Presentation of the Plan to Board. Every preliminary plan shall be presented to the Board for its review and action at the earliest regular meeting after the staff has completed its study and is ready to make its recommendation or communications received concerning such plan; provided, that the staff shall present the plan to the Board not later than the first regular meeting which occurs after sixty days have elapsed from the date of receipt of said plan, plus any extension of time granted for review by other agencies. The Board shall act to: . . . ." [emphasis added]

The Planning Board's Rules of Procedure clarify that the statutory review time does not begin until all supporting materials and reports are submitted to staff and determined to be complete by the Subdivision Coordinator.

B. Record Plats: Section 50-37(c) provides the following time limit for Planning Board action on a record plat application:

"Board to Act Within Thirty Days. The Board shall approve or disapprove a final (record) plat within thirty days after submission thereof or after resubmission; otherwise, such plat shall be deemed approved and on demand a certificate to that effect and the original record plat signed in form for recording shall be issued by the Board; provided, that the applicant may waive this requirement and consent to an extension of such period. If the plat is disapproved, the reasons therefor shall be stated in the minutes of the Board and shall be promptly transmitted in writing to the applicant."

The Planning Board's approval is a conditional approval in that the plat must also be signed by MCDOT and MCDEP (or the County Health Officer) prior to actual recordation.

- V. List all other agencies with which you coordinate for this specific function/responsibility, and indicate whether the coordination is mandatory (cite requirement) or discretionary.

The following agencies are required to be notified concerning submission of a preliminary plan in accordance with Section 50-35(a) of the Subdivision Regulations:

- Washington Suburban Sanitary Commission
- Montgomery County Department of Transportation
- Montgomery County Department of Environmental Protection
- Maryland State Highway Administration
- Appropriate federal agencies for review of federal projects.
- Any municipality that requests the right to review a preliminary plan within such municipality.
- Montgomery County Public Schools

In addition to the above, the following agencies and utilities serve on the Subdivision Review Committee:

- Montgomery County Fire and Rescue Services
- Montgomery County Office of Consumer Affairs
- Appropriate M-NCPPC technical staff such as Environmental Planning Division (EPD) and Transportation Planning Division (TPD).

VI. List any published manual, standard, guideline or procedure that relates to this specific function/responsibility, and attach one copy of the document.

The Subdivision Process involves a number of manuals, standards, guidelines, and procedures which include the following:

- Montgomery County Subdivision Regulations (Chapter 50 of the County Code)
- Montgomery County Zoning Ordinance (Chapter 59 of the County Code)
- Planning Board Rules of Procedures
- All appropriate master and sector plans
- Environmental Management Guidelines
- Forest Conservation Manual and Chapter 22 of the County Code
- Annual Growth Policy
- Local Area Review Guidelines
- Montgomery County Road Code
- Montgomery County Stormwater Management Regulations
- Staff Guidelines for the Consideration of Transportation Noise Impacts in Land Use Planning and Development (1983)

VII. Enumerate all costs associated with this specific function/responsibility for FY90 and FY91. List separately as follows: personnel expenses and work years, operating expenses, capital outlay, other.

<u>Fiscal Year</u>	<u>PRELIMINARY PLANS</u>	
	<u>Work Years</u>	<u>Personnel Expenses</u>
FY 90	8.0	\$452,000
FY 91	8.4	\$475,000
FY 92	7.4	\$418,000

<u>Fiscal Year</u>	<u>RECORD PLATS</u>	
	<u>Work Years</u>	<u>Personnel Expenses</u>
FY 90	1.4	\$ 60,000
FY 91	1.4	\$ 60,000
FY 92	1.3	\$ 56,000

VIII. List all fees and charges currently associated with this specific function/responsibility and the authority for the fee/charge; and enumerate all revenues these fees and charges generated in FY90 and FY91.

Fees for submission of Preliminary Plans of Subdivision:

Single-Family                      \$120 & \$12 per lot for first 50 lots;  
over 50 lots, \$6 per lot.

Multi-Family and Commercial/Industrial \$240 & \$24 per acre or any portion thereof for first 50 acres, \$12 per acre over 50 acres

Amendments/Revisions Same basic fee (no per lot/acreage charge)

Fees for Subdivision Record Plats: \$160 per application.

Revenues for Submission of Preliminary Plans and Record Plats:

<u>Fiscal Year</u>	<u>Preliminary Plans</u>	<u>Record Plats</u>
FY 90	\$124,995	\$ 74,240
FY 91	\$ 69,645	\$ 44,640

IX. Justify how this specific function/responsibility contributes to the DAP; and enumerate the pros and cons of your agency continuing to perform the function/responsibility.

The subdivision process is an integral part of the development approval process. This stage of the process involves the location of building lots; roads, street, and utilities; access to the site; open spaces (including environmentally sensitive areas); provision of stormwater management; and a determination of whether public facilities are adequate to serve the amount and types of development proposed. In addition, development agreements between applicants and the Planning Board associated with traffic mitigation, conservation easements, and other issues, and homeowner association documents for common open space, are implemented as part of the record plat process.

M-NCPPC is the lead agency for the subdivision process. This is appropriate in that the Planning Board conducts necessary public hearings in accordance with adopted Rules of Procedure. The agency is an independent governmental entity that can review plans and projects in a politically neutral environment. The

subdivision process is an open process in which the community can become involved and is welcome to participate in the process.

X. Submit any other information relating to this specific function/responsibility.

No comments.

B. FUNCTION - SITE PLAN REVIEW.

I. Describe the specific current function/responsibility.

A. Find Site Plan Consistent With Prior Approvals:

1. Schematic Development Plan (59-D-3.4.a.1)
2. Project Plan for Optional Method of Development (59-D-3.4.a.1)
3. Special Exception Approved by Board of Appeals
4. Preliminary Subdivision Plan
5. Supplementary Plan Required in Town Sector Zone
6. Other

B. Find Site Plan Conforms With Requirements of Zone (59-D-3.4.a.2):

1. Development Standards
2. Moderately Priced Dwelling Units
3. Transfer Development Rights Calculations
4. Environmental Findings
5. Compatibility Findings
6. Purpose Clauses

C. Find Adequacy, Safety, Efficiency of Locations of: (59-D-3.4.a.3)

1. Building & Structures - See V. for key to agencies
  - a. Main Building UD
  - b. Garage/Carport UD
  - c. Bus Shelter UD/DOT
  - d. Transit Station UD/TP/DOT/CP
  - e. Recreation Building UD
  - f. Entry Gate UD/DOT
  - g. Retaining Wall UD/EP
  - h. Stormwater Pond UD/EP/DEP/DOT
  - i. Sediment Basin UD/EP/DEP/DOT
  - j. Noise Mitigation Wall UD/EP/DOT/SHA
  - k. Screen Berm UD
  - l. Transformer or other Vault UD/PEPCO/C&P/WMATA/1
  - m. Public Art UD
  - n. Signage UD
  - o. Parking Structure UD/DOT

2. Open Spaces
  - a. Floodplains EP
  - b. Steep Slopes EP
  - c. Yard Setback UD
  - d. Compatibility Buffer UD
  - e. Tree Save Area UD/EP
  - f. Conservation Area EP/UD
  - g. Stream Valley Buffer EP/UD
  - h. Wetland EP/DEP
  - i. Greenway UD/PARKS/EP
  - j. Multipurpose Court UD
  - k. Public Use/Amenity Space UD
  - l. Public Park UD/PARKS
  
3. Landscaping
  - a. Trees, Shrubs, etc. - Sizes UD
  - b. Trees, Shrubs, etc. - Species UD
  - c. Trees, Shrubs, etc. - Details UD
  - d. Compatibility Screening UD
  - e. Lighting Compatibility UD
  - f. Signage UD
  - g. Street Furniture UD
  - h. Pedestrian Paving UD/DOT
  - i. Fences/Walls/Gates UD
  - j. Retaining Walls UD/EP
  - k. Steps/Stairs/Ramps UD
  - l. Landscape of SWM Ponds EP/UD
  - m. Reforestation EP/UD
  - n. Afforestation EP/UD
  - o. Tree Save Areas EP/UD/TV
  - p. Transplant Areas EP/UD
  - q. Streetscape Plans UD/DOT
  
4. Pedestrian/Bicycle Circulation System
  - a. Sidewalks UD/DOT/TP/DEP/MCS
  - b. Bikeways UD/TP/DOT/MCS
  - d. Greenways UD/EP
  - e. Pedestrian Paths UD
  - f. Hiker/Biker Trails UD/TP/DOT
  - g. Handicapped Access UD/DOT
  - h. Bus Stop UD/DOT
  - i. Bike Storage UD
  - j. Crosswalks UD/DOT/MCS
  - k. Overpasses/Underpasses UD/TP/DOT
  - l. Transit Stop Accessibility UD
  - m. Lighting UD
  
5. Vehicular Circulation System
  - a. Streets/Roads UD/TP/DOT
  - b. Parking Lots/Garages UD/DOT/TP
  - c. Bus Stops DOT/UD
  - d. Transit Stops DOT/UD/TP
  - e. Driveways/Garages UD
  - f. ROW Dedications TP/DOT/DR/UD

- g. Slope Easement DOT/SD
- h. Curb Radii DOT/UD
- i. Loading Docks DOT/UD
- j. Truck Routes thru Parking UD/DOT
- k. Fire Truck Access UD/F&R
- l. SWM Pond Access EP/DEP/UD
- m. Drive-in Window Stacking DOT/UD
- o. Cul-de-sac Length/Waiver DOT/UD
- p. Curb Parking UD/DOT
- q. Street Interconnections DR/UD/TP/DOT
- r. Street Classification TP/DR/UD/DOT
- s. Design Speed DOT/TP/UD
- t. Traffic Noise Generation EP
- u. Traffic Noise Mitigation EP/UD
- v. Parking Lighting UD
- w. Street Lighting UD/DOT
- x. Speed Mitigation Measures UD/DOT/TP

6. Recreation

- a. Play Lots UD
- b. Picnic Areas UD
- c. Courts and Fields UD
- d. Hiker Biker Trail Syst. UD/PARKS
- e. Natural Areas UD
- f. Pools UD
- g. Fitness Facilities UD
- h. Community Rooms UD
- i. Community Gardens UD

D. Find Compatibility of Each Structure and Use With (59-D-3.4.a.4):

- 1. Other Uses - (Internal Compatibility)
- 2. Other Site Plans - (Internal Compatibility)
- 3. Existing Adjacent Development - (External Compatibility)
- 4. Proposed Adjacent Development - (External Compatibility)

E. Find That Development Would Achieve a Maximum of:

- 1. Compatibility (Board makes qualitative judgments
- 2. Safety based on advice of trained profes-
- 3. Efficiency sional staff, input from community)
- 4. Attractiveness

F. Processes of Site Plan Review:

Preapplication Conference	Professional Staff/Applicant
Receive Application and Fee	Support Staff/Applicant
Check Application for Completeness	Support Staff

Notify Applicant of Incompleteness	Support Staff
Receive Completed Application	Support Staff/Applicant
Content Check for Conflicts/Issues	Professional Staff
Start SPR Review Clock (45 days)	Professional Staff
Tentative Schedule Set	Professional Staff
Notify Adjoining Property Owners of Application	Applicant
Determine Citizen Association's Affected	Support Staff
Notify Citizen's Associations of Application	Support Staff
Confirm Place on SRCM Agenda	Support Staff
Transmit Plans to SRCM Agencies	Support Staff
Notify Applicant of Hearing Date	Support Staff
Subdivision Review Committee Meeting (SRCM)	Professional Staff
Produce and Distribute SRCM Minutes	Professional & Support Staff
Notify APO/CA List of Hearing Date	Support Staff
Review Proposal, Refine Details	Professional Staff & Applicant
Produce and Distribute Staff Report	Professional & Support Staff
Planning Board Hearing	Professional Staff & Applicant
Finalize Opinion	Professional Staff
Mail Opinion	Support Staff
Revise Proposal Per Opinion	Applicant
Produce Signature Set	Applicant
Check Signature Set Against Opinion	Professional & Support Staff
Route Signature Packet for Depart- ment Approvals	Professional & Support Staff
Mail Approved Documents to Applicant	Support Staff
Check Permit Application Against Signature Set	Support Staff
Pre-construction Inspection	Professional Staff
Construction Inspection	Professional Staff
Plan of Compliance	Professional Staff
Site Plan Violation Hearing	Professional Staff
Final Inspection	Professional Staff
Corrections as needed	Professional Staff

- II. Explain under what specific authority your agency performs the function/responsibility and cite the relevant section(s) of the State Code, County Code, Ordinance, Council Resolution, Planning Board Directive, other.**

Codes which are applicable to Site Plan Review:

- Zoning Ordinance
- Subdivision Regulations
- Building Codes
- Americans with Disabilities Act
- Administrative Procedures Act
- Maryland Forest Conservation Act of 1991
- Montgomery County Code Chapter 22A: Forest Conservation
- Montgomery County Code Chapter 49 (Road Code)
- Montgomery County Code Chapter 24 (MPDU's)
- Maryland Building Code for the Handicapped

- III. Describe where in the Development Authorization Process (DAP) the specific function/responsibility occurs (Pre-preliminary, preliminary, project, subdivision, site plan, other).**

Site Plan Review normally follows preliminary plan approval and precedes record plat approval.

- IV. Indicate whether there is a specific processing time limit associated with the function/responsibility, and cite the authority for the time limit.**

Processing Time Limit: 45 days, Montgomery County Code, Division 59-D-3.

- V. List all other agencies with which you coordinate for this specific function/responsibility, and indicate whether the coordination is mandatory (cite requirement) or discretionary.**

Agencies Which Coordinate on Site Plan Review:

- MCDOT (Montgomery County Department of Transportation)
- MCDEP (Montgomery County Department of Environmental Protection)
- MDOT (Maryland Department of Transportation)
- SHA (State Highway Administration)
- MCFRS (Montgomery County Fire & Rescue Service)
- MCOCA (Montgomery County Office of Consumer Affairs)
- PEPCO (Potomac Electric Power Company)
- C & P (Chesapeake and Potomac Telephone)
- Potomac Edison Power Company
- WSSC (Washington Sanitary Sanitary Commission)

WGL (Washington Gas Light Company)  
 PARKS (M-NCPPC Parks Department)  
 NPS (National Park Service)  
 Assessors - Md & MC?  
 DHCD (Montgomery County Department of Housing & Community  
 Development)  
 HOC (Housing Opportunities Commission)  
 MCSCD (Montgomery County Soil Conservation District)  
 TV (Montgomery County Cable)  
 WMATA (Washington Metropolitan Area Transit Authority)  
 MCS (Montgomery County Schools)  
 HPC (Historic Preservation Commission)  
 MDECD (Maryland Department of Economic and Community  
 Development)  
 City of Rockville  
 City of Gaithersburg  
 City of Takoma Park  
 Village of Friendship Heights  
 District of Columbia  
 Frederick County  
 Howard County  
 Prince George's County  
 Maryland Department of Natural Resources  
 Maryland Department of Economic and Community Development

**VI. List any published manual, standard, guideline or procedure that relates to this specific function/responsibility, and attach one copy of the document.**

Published Standards, Guidelines, Procedures for SPR:

- Information Sources Sheet
- Section 59-D.3 of Zoning Ordinance
- Procedures for Site Plan Submission and Fees
- Rules of Procedure for MCPB
- Sample Site Plan Enforcement Agreement
- Development Program Guidelines
- Bethesda Streetscape Plan
- Silver Spring Streetscape Plan
- Germantown Town Center Design Study
- Germantown Streetscape Plan
- M-NCPPC SWM Pond Landscape Guidelines
- Plants Recommended for Montgomery County
- Standard Conditions for Site Plan Approval
- Sidewalk Legislation
- Design Guidelines Handbook for Historic Preservation
- A Sense of Place
- Environmental Management of Development in Montgomery County
- Trees Technical Manual
- Noise Guidelines
- Recreation Guidelines
- Tertiary Street Guidelines

VII. Enumerate all costs associated with this specific function/responsibility for FY90 and FY91. List separately as follows: personnel expenses and work years, operating expenses, capital outlay, other.

Costs of Site Plan Review:

<u>Fiscal Year</u>	<u>Work Years</u>	<u>Personnel Expenses</u>
FY 90	5.5	\$307,000
FY 91	5.5	\$307,000
FY 92	5.0	\$279,000

VIII. List all fees and charges currently associated with this specific function/responsibility and the authority for the fee/charge; and enumerate all revenues these fees and charges generated in FY90 and FY91.

Fees/Revenues for Site Plan:

**FEES:**

\$330 per application up to one acre

\$ 10 per additional acre

Authority: Montgomery County Planning Board, November 1985

**REVENUES:**

FY '90 Revenue Total: \$41,263

FY '91 Revenue Total: \$21,640

IX. Justify how this specific function/responsibility contributes to the DAP; and enumerate the pros and cons of your agency continuing to perform the function/responsibility.

Site Plan Review is a detailed review by the technical staff and the Planning Board of a proposed development. It is required in all floating zones, in Euclidian zones developed under the cluster, MPDU or TDR options, and in CBD and RMX Zones when the Optional Method of Development is used. Site Plan Review implements major County policies by helping to assure compatibility of additional development required by MPDU and TDR laws.

Site Plan Review assures that a development meets the stated purposes and standards of the zone; provides for adequate, safe, and efficient vehicular and pedestrian circulation; and protects

and preserves natural features, trees and adjacent properties through appropriate siting of structures, open space and landscaping.

A site plan shows the proposed development in relation to immediately adjacent areas and indicates natural features such as existing trees, wetlands, proposed grading and topography, storm water facilities, road access, layout of proposed internal roads, pedestrian ways, bikeways, parking areas, buildings, landscaping, open space, recreational facilities and lighting.

In zones where site plan review and approval is required, plats cannot be recorded and grading or building permits cannot be issued until a detailed site plan is approved by the Planning Board. All construction and landscaping must meet the terms of the approved site plan.

The Board must be satisfied that the plan meets all the requirements of the zone and the relevant portions of the Zoning and Subdivision Ordinances and is compatible and attractive before Board approval of the site plan. The site plan review process benefits the public because of the many protections and consideration of compatibility it provides.

Adjoining property owners and relevant citizens and homeowners associations must be notified that a site plan has been filed and must notified by staff of the Planning Board hearing. Citizens who have indicated an interest in a particular project are also notified and have an opportunity to work with staff and to comment before the Planning Board when it considers the site plan on its regular agenda.

The process has taken on a role of serving both the community and the developer: more flexibility and relief from the rigid control of Euclidean zones is given to the developer in exchange for a heightened level of scrutiny of the proposed development. Site plan review goes beyond the compatibility aspects of the permitted use to the more tangible impacts of the physical characteristics of the project on its surroundings.

Without site plan review proposed development would be reviewed only for conformance with the permitted uses and development standards of the zone. Flexibility would be lost and creatively designed projects would be rare. All the flexible floating zones would have to be re-written with Euclidean standards; rigid rules for MPDU, TDR and cluster projects would be required.

**X. Submit any other information relating to this specific function/responsibility.**

No comments.

**C. FUNCTION - FOREST CONSERVATION PROGRAM.**

**I. Describe the specific current function/responsibility.**

A person who is subject to the requirements of Chapter 22A of the Montgomery County Code must submit a forest stand delineation and forest conservation plan for regulatory approval. The Environmental Planning Division (EPD) staff are the designated reviewers of this material. A forest stand delineation is used during the preliminary review process to determine the most suitable and practical areas for tree and forest conservation. A forest conservation plan is intended to govern conservation, maintenance, and any afforestation or reforestation requirements

applicable to the site. A forest conservation plan must contain information on the extent and characteristics of the trees and forested area to be retained or planned, proposed locations for on-site and off-site reforestation, scheduling, protective measures, a binding two-year maintenance agreement, a binding agreement to protect forest conservation areas, and other information or requirements specified in the technical manual.

**II. Explain under what specific authority your agency performs the function/responsibility and cite the relevant section(s) of the State Code, County Code, Ordinance, Council Resolution, Planning Board Directive, other.**

The Planning Board has been given authority for approval of forest conservation plans in conjunction with the review process for a development plan, project plan, preliminary plan of subdivision, site plan, special exception, mandatory referral, or sediment control permit under Section 22A-11 of Chapter 22A of the Montgomery County Code.

**III. Describe where in the Development Authorization Process (DAP) the specific function/responsibility occurs (Pre-preliminary, preliminary, project, subdivision, site plan, other).**

See Attachment #1.

**IV. Indicate whether there is a specific processing time limit associated with the function/responsibility, and cite the authority for the time limit.**

Per Section 22A-11(b), (c), (d), and (e) of Chapter 22A of the Montgomery County Code, staff has 30 days to review and approve the forest stand delineation, and 45 days to review and approve the forest conservation plan for submittal to the Montgomery County Planning Board.

- V. List all other agencies with which you coordinate for this specific function/responsibility, and indicate whether the coordination is mandatory (cite requirement) or discretionary.

The Planning Director must coordinate review of the forest conservation plan with the Director of the Department of Environmental Protection, Washington Suburban Sanitary Commission, and other relevant regulatory agencies, and entities that will provide public utilities to the tract, per Section 22A-11(a)(1) of the County Code.

- VI. List any published manual, standard, guideline or procedure that relates to this specific function/responsibility, and attach one copy of the document.

"Trees Technical Manual" and Forest Conservation Regulations. Adopted by the Montgomery County Planning Board on July 23, 1992. Pending County Council approval (Attachment #2).

- VII. Enumerate all costs associated with this specific function/responsibility for FY90 and FY91. List separately as follows: personnel expenses and work years, operating expenses, capital outlay, other.

See Attachment #3.

- VIII. List all fees and charges currently associated with this specific function/responsibility and the authority for the fee/charge; and enumerate all revenues these fees and charges generated in FY90 and FY91.

See Attachment #2, Forest Conservation Regulations, and Attachment #3. Authority to charge fees is contained in Section 22A-26(d) of the Montgomery County Code.

- IX. Justify how this specific function/responsibility contributes to the DAP; and enumerate the pros and cons of your agency continuing to perform the function/responsibility.

The review and approval of forest conservation plans by Montgomery County is mandated to be a part of the DAP by State Bill No. 224, the 1991 Forest Conservation Act. Montgomery

County Bill No. 48-91 further specifies that the implementation and approval of the Montgomery County Forest Conservation Program will be done by the Montgomery County Planning Board with review by Planning Department staff. Environmental Planning Division should be reviewing the forest stand delineations and forest conservation plans because EPD staff are the only ones who are qualified to do so at this time.

**X. Submit any other information relating to this specific function/responsibility.**

No comments.

**D. FUNCTION - BUILDING PERMIT REVIEW/SIGN-OFF.**

**I. Describe the specific current function/responsibility.**

Building permits are referred to M-NCPPC for review of conformance with the approved preliminary plan, site plan (if applicable), record plats, and special exception requirements (if applicable). The permit is referred to appropriate Divisions within the Planning Department for review and comment. The Development Review Division packages the comments and advises MCDEP as to whether or not the building permit meets all of the requirements applicable under M-NCPPC jurisdiction.

**II. Explain under what specific authority your agency performs the function/responsibility and cite the relevant section(s) of the State Code, County Code, Ordinance, Council Resolution, Planning Board Directive, other.**

Section 50-20 of the Subdivision Regulations, entitled "Limitations on Issuance of Building Permits," specifies a building permit must not be approved unless shown on a plat recorded in the plat books.

Section 59-A-5.1 of the Zoning Ordinance (Compliance Required) states that a building can only be erected, moved, altered, added to, etc., in accordance with the uses and development standards prescribed by the zone in which the property is located.

Division 59-D-3 of the Zoning Ordinance requires that no building permit may be issued until a site plan is approved and it is in accordance with the approved site plan.

Division 59-G-2 of the Zoning Ordinance requires that special exception uses are allowed provided that they satisfy all special exception standards and requirements as enumerated in the Zoning Ordinance.

**III. Describe where in the Development Authorization Process (DAP) the specific function/responsibility occurs (Pre-preliminary, preliminary, project, subdivision, site plan, other).**

As part of the MCDEP review and approval of building permits.

**IV. Indicate whether there is a specific processing time limit associated with the function/responsibility, and cite the authority for the time limit.**

None specified.

**V. List all other agencies with which you coordinate for this specific function/responsibility, and indicate whether the coordination is mandatory (cite requirement) or discretionary.**

External Agencies:

- MCDEP
- MCDOT and SHA (road improvements)

Internal within M-NCPPC:

- Environmental Planning Division
- Urban Design Division

- Transportation Planning Division
- Development Review Division (zoning and subdivision)
- Legal Department

VI. List any published manual, standard, guideline or procedure that relates to this specific function/responsibility, and attach one copy of the document.

Guided primarily by Zoning Ordinance, Subdivision Regulations, and approved subdivision, site plan, and special exception plans.

VII. Enumerate all costs associated with this specific function/responsibility for FY90 and FY91. List separately as follows: personnel expenses and work years, operating expenses, capital outlay, other.

<u>Fiscal Year</u>	<u>Work Years</u>	<u>Personnel Expenses</u>
FY 90	0.7	\$34,000
FY 91	1.5	\$74,000
FY 92	1.3	\$64,000

VIII. List all fees and charges currently associated with this specific function/responsibility and the authority for the fee/charge; and enumerate all revenues these fees and charges generated in FY90 and FY91.

No fees are required to be collected by M-NCPPC.

IX. Justify how this specific function/responsibility contributes to the DAP; and enumerate the pros and cons of your agency continuing to perform the function/responsibility.

This review provides timely input into the building permit process to determine compliance with regulations and plans as administered by M-NCPPC.

X. Submit any other information relating to this specific function/responsibility.

No comments.

**Development Authorization Process:  
Expenditures, Work Years and Revenues  
FY90 and FY91**

Agency	# Functions	Expenditures		Revenues <sup>a)</sup>			
		FY90	FY91	FY90	FY91		
		\$	WY	\$	WY	\$	\$
Health - Well & Septic	(1)	\$ 465,610	9.7	\$ 609,950	11.0	\$ 212,990	\$ 226,240
DHCD - MPDUs	(1)	* Negligible		* Negligible		* No fee/charge is levied.	
DFRB - Fire Marshal	(3)	1,009,720	20.0	975,770	19.0	* See Note b.	
Soil Conservation District	(1)	* Negligible		* Negligible		* No fee/charge is levied.	
DEP - Stormwater Management	(2)	413,110	8.7	428,010	8.6	* See Note c.	
DEP - Plan Review-Construction	(1)	885,710	20.0	1,041,060	20.1	909,110 <sup>d)</sup>	936,110 <sup>d)</sup>
DEP - Small Pond Construction	(1)	52,000	1.3	54,600	1.3	* See Note c.	
DEP - Floodplain Dist. Activities	(1)	39,500	0.8	47,080	0.9	* No fee/chg. levied prior to FY92	
DEP - Zoning & Bldg. Permit Review	(3)	121,100	2.7	136,500	2.7	* See Note e.	
DEP - Sediment Control Activities	(2)	190,260	5.0	199,760	5.0	215,290	223,190
DOT - Traffic Engineering	(10)	132,350	2.1	138,110	2.1	* No fee/charge is levied.	
DOT - Transportation Engineering	(16)	892,240	17.0	949,070	17.0	1,047,830	625,310
DOT - Plan & Project Development	(2)	59,500	1.0	62,000	1.0	* No fee/charge is levied.	
WSSC - Water/Sewer	(5)	* See Note g.				* See Note g.	
M-NCPPC - Preliminary Plan	(1)	519,100	8.0	533,800	8.4	125,000	69,650
M-NCPPC - Record Plans	(1)	71,700	1.4	69,800	1.4	74,240	44,640
M-NCPPC - Site Plans	(1)	353,100	5.5	345,500	5.5	41,260	21,640
M-NOPPC - Building Permits	(1)	39,900	0.7	84,500	1.5	* No fee/charge is levied.	
M-NCPPC - Forest Conservation Plan	(1)	* See Note h.					
<b>TOTALS (Less WSSC):</b>		<b>\$5,244,900</b>	<b>103.9</b>	<b>\$5,675,510</b>	<b>105.5</b>	<b>\$2,625,720</b>	<b>\$2,146,780</b>

- Notes:**
- a) Only those fees and charges directly associated with the Development Authorization Process.
  - b) The Fire Marshal's building plan review charge is included in DEP's Building Permit fee.
  - c) Stormwater management and small pond plan reviews are included in the Sediment Control Permit fee. Beginning in FY92, a fee is levied for stormwater management concept plan review and approval.
  - d) This fee for the review of construction documents is included in the Building Permit fee.
  - e) The Building Permit fee covers zoning review of the building permit and site plan review functions.
  - f) There was no Forest Conservation Program in FY91 and FY92.
  - g) WSSC reported that all staff expenses for their five functions in the development authorization process are recovered in fees charges or assessments.
  - h) Initial funding for the Forest Conservation Plan is in FY93.

**Sources:** Submissions from the various agencies.

**Prepared by:** Office of Legislative Oversight (OLO), September 16, 1992.

A P P E N D I X D

**WASHINGTON SUBURBAN SANITARY COMMISSION****ENVIRONMENTAL EVALUATION FOR THE  
DEVELOPMENT APPROVAL PROCESS**

The ability to properly perform environmental reviews for development pipeline projects depends heavily on producing environmental information in the early stages of planning. In Prince George's and Montgomery Counties, planning for development is under the control of the County governments, which formulate strategies, plans, and goals for development with input from the various County and quasi-County agencies involved in supporting and serving development. In the Commission's case, currently the Water Resources Planning Section (WRPS) supplies information primarily about water and sewer service availability when master plan amendments or service category changes are proposed.

County and Planning Board staff interact directly with developers and their engineers to evaluate proposed developments and advise the Planning Boards and County Councils on the feasibility and impacts of the proposals. It appears that the Planning Boards and County Councils may be ruling on proposals without full knowledge of the environmental or economic impacts associated with a given development project; specifically, those impacts associated with installation and operation of water and sewer pipelines and facilities (i.e., pump stations). Development proposals have been, and continue to be, approved that "force" the Commission to build water and sewer lines through environmentally sensitive areas or areas with significant community impacts.

Once a service category has gone to III and a subdivision has been approved, the Commission is put in a situation that requires it to find a way to serve the site that is economical, engineeringly feasible, and can be permitted by the various environmental regulatory agencies; a task which is becoming more difficult, time consuming, and costly every day. Currently, the Commission has neither the mechanism nor the staff to undertake a planning level study of the various ways to serve a development and analyze environmental implications as is required.

In order for a proper and practical analysis to be performed for development projects, the following is recommended:

- o In its review of Category Change Requests, on behalf of the Commission, the WRPS has recently begun to notify County governments

when it appears that service to a given development or area will impact environmentally sensitive areas (the Seton Woods Project [No. 92/W-004] is one example in which this has worked). This practice should continue. The WRPS should consult with the Environmental Engineering and Science Section (EESS) for technical assistance on an as-needed basis.

- o Condition water and sewer authorization requests with the requirement for a brief study of alternative sewer outfall and water extension alignments and an inventory and assessment of probable environmental impacts of the various alternatives, along with costs for each. This information and data should cover outfalls and extensions which will traverse environmentally sensitive areas external to a development site. This information would take the form of a "generalized" natural resources inventory (i.e., a listing and location of soil types, wetlands, steep slopes, woodlands, waterways, etc.) and an assessment of impacts. The use of 200-foot scale plans, now used for water and sewer reports, should be adequate. Staff of the EESS and the Environmental Affairs Manager could work with Service Applications Division staff to develop a format for developers to follow. One important requirement for this assessment is that it be done by a qualified firm, independent, but retained by the developer.
- o Include the EESS in the review of water and sewer reports that will have significant environmental impacts. They would critique the environmental information and comment to the Water and Sewer Reports Section Head who would incorporate it as part of the Report record for consideration during the authorization process.
- o The Water and Sewer Reports Section Head would forward, through the chain of command, to the Bureau of Planning and Design any projects that are deemed potentially environmentally significant by the EESS. This finding would be forwarded along with the Report.
- o Add the Environmental Affairs Manager to the Technical Advisory Committee.
- o Once the Report is authorized, and design begins, it can proceed in a way that avoids or minimizes environmental impacts. With the environmental assessment information in hand, design personnel will

be more sensitive to impacts. This information can thus be used to produce more environmentally sensitive designs and eventually to obtain environmental permits. In the early stages of design, it is recommended that any additional environmental information, developed since the report stage, be supplied by the developer and sent to the EESS for review (this would include the new Forest Conservation review).

In summary, the implementation of these in-house changes will allow Bureau staff to better analyze environmental impacts, screen environmentally sensitive projects, avoid some environmental impacts, and more easily obtain environmental permits.

In order for the Commission to get full cooperation from developers, we should work with the Suburban Maryland Building Industry Association, consulting engineers, and the County governments. Developers need to know the environmental constraints and ground rules as early as possible, since they will incur the costs for formulating the necessary environmental information. They need to know that the production of this information early on will prevent time delays in late design stages. In addition, design consultants need to know that environmental science expertise will be needed to complete designs.

In addition, we need to convey to the County governments that for service category changes the Commission may have significant problems with serving some sites and may not be able to utilize conventional methods. The Counties need to know that significant cost increases will be realized by the Commission for alternatives that avoid sensitive environmental areas and that long-term operational costs will be incurred for some of the alternatives involving unconventional methods of service (i.e., pumping stations, pressure sewers, longer pipe lengths, etc.).

The Commission needs to meet with the Counties to discuss ideas for environmental assessments for water and sewer service and pursue having this adopted as part of their service category review. A developer is entitled to hear, from the County or Commission, whether an area is effectively serviceable and how, including additional costs, if any, that he or she will incur. County staff should be apprised of any environmental constraints and must convey this to developers at an early stage.

A P P E N D I X   E

**Development Authorization Process:  
Expenditures, Work Years and Revenues  
FY92 (Actual) FY93 (Budget)**

Agency	# Functions	Expenditures <sup>a)</sup>				Revenues <sup>b)</sup>	
		FY92-Actual		FY93-Budget		FY92-Actual	FY93-Budget
		\$	WY	\$	WY	\$	\$
Health - Well & Septic	(1)	\$ 567,380	10.6	\$ 545,440	10.6	\$ 350,540	\$ 375,000
DHCD - MPDUs	(1)	• Negligible		• Negligible		• No fee/charge is levied.	
DFRS - Fire Marshal	(3)	1,029,840	18.0	1,079,430	18.0	0	100,300 <sup>g)</sup>
Soil Conservation District	(1)	• Negligible		• Negligible		• No fee/charge is levied.	
DEP - Stormwater Management - Plan and Concepts Reviews	(2)	411,980	8.0	426,950	7.8	• See note <sup>d)</sup>	100,000 <sup>e)</sup>
DEP - Plan Review - Costruction	(1)	853,543	18.5	978,860	19.6	1,177,750 <sup>f)</sup>	1,271,070 <sup>f)</sup>
DEP - Small Pond Const. Review	(1)	56,512	1.3	58,490	1.3	• See note <sup>g)</sup>	
DEP - Floodplain Dist. Activities	(1)	48,730	0.9	72,940	1.6	• See note <sup>g)</sup>	
DEP - Zoning & Bldg. Permit Review	(3)	141,200	2.7	146,100	2.7	• See note <sup>h)</sup>	
DEP - Sediment Control Plan Review and Permits	(2)	201,380	4.9	213,360	5.0	416,000 <sup>i)</sup>	250,000 <sup>k)</sup>
DOT - Traffic Engineering	(10)	144,400	2.1	148,732	2.1	• No fee/charge is levied.	
DOT - Transportation Engineering	(16)	756,490	14.9	758,340	14.9	981,301	830,000
DOT - Plan & Project Development	(2)	64,150	1.1	66,380	1.1	• No fee/charge is levied.	
M-NCPPC - Preliminary Plans	(1)	473,500	7.4	479,200	7.2	72,399	68,000
M-NCPPC - Record Plats	(1)	65,800	1.3	67,600	1.3	30,100	30,000 <sup>l)</sup>
M-NCPPC - Site Plans	(1)	316,500	5.0	314,500	4.8	21,340	21,000
M-NCPPC - Building Permits	(1)	73,800	1.3	75,604	1.3	• No fee/charge is levied.	
M-NCPPC - Forest Conservation Plan	(1)	(Initiated in FY93)		100,000	2.0	(Program initiated in FY93)	
Totals (less WSSC):		\$5,205,205	98.0	\$5,531,926	101.3	\$3,049,430	\$3,066,370
WSSC - Water and Sewer	(5)	• See note <sup>m)</sup>		• See note <sup>m)</sup>			

Notes: See next page.

Sources: Submissions from the agencies.

Prepared by: Office of Legislative Oversight (OLO), October 30, 1992.

Notes:

- a) For all agencies except WSSC, includes only operating expenditures: personnel costs, operating expense and capital outlay (See note 1)).
- b) Includes only those fees, charges and assessments directly associated with the Development Authorization Process.
- c) Fire Marshal building plan review and code inspection/enforcement are included in DEP's building permit fee. Beginning in January 1992 (FY93), a direct fee is assessed for plan review of sprinkler and other fire-related systems. The FY93 budgeted review of \$100,300 is for six months.
- d) Charges associated with stormwater management plan review included in the sediment control permit fee.
- e) Beginning in FY93 a charge is assessed for DEP stormwater management concept review.
- f) Reflects fees for building permits.
- g) Charges associated with small pond construction review and FY92 floodplain district activities included in the sediment control permit fee.
- h) Beginning in FY93, a fee for floodplain district activities is assessed separately from the sediment control permit fee.
- i) Charges associated with zoning and building permit review is included in the building permit fee.
- j) Reflects fees for sediment control permits, floodplain permits and stormwater management concepts.
- k) Reflects only sediment control permit fees. Beginning in FY93, fees for floodplain permits and review of stormwater management concepts assessed separately.
- l) Estimated amount.
- m) WSSC reported that all staff expenses for their five functions in the development authorization process are recovered in front foot benefit and house connection charges. WSSC annually calculates front foot benefit and house connection charges to be received over the subsequent 23 year period based on the specified levels of debt financed capital expenditures for water and sewer projects. For calendar years 1992 and 1993, the annual revenues are estimated at \$4,600,000 for 23 years based on estimated capital expenditures each year of \$55,000,000 and interest rates similar to those received on WSSC's November 1991 bond issue.

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