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

Steve Federline

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-NCPPC 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-NCPPC 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 a 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

APPENDIX A.

REVISED April 13, 1992

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

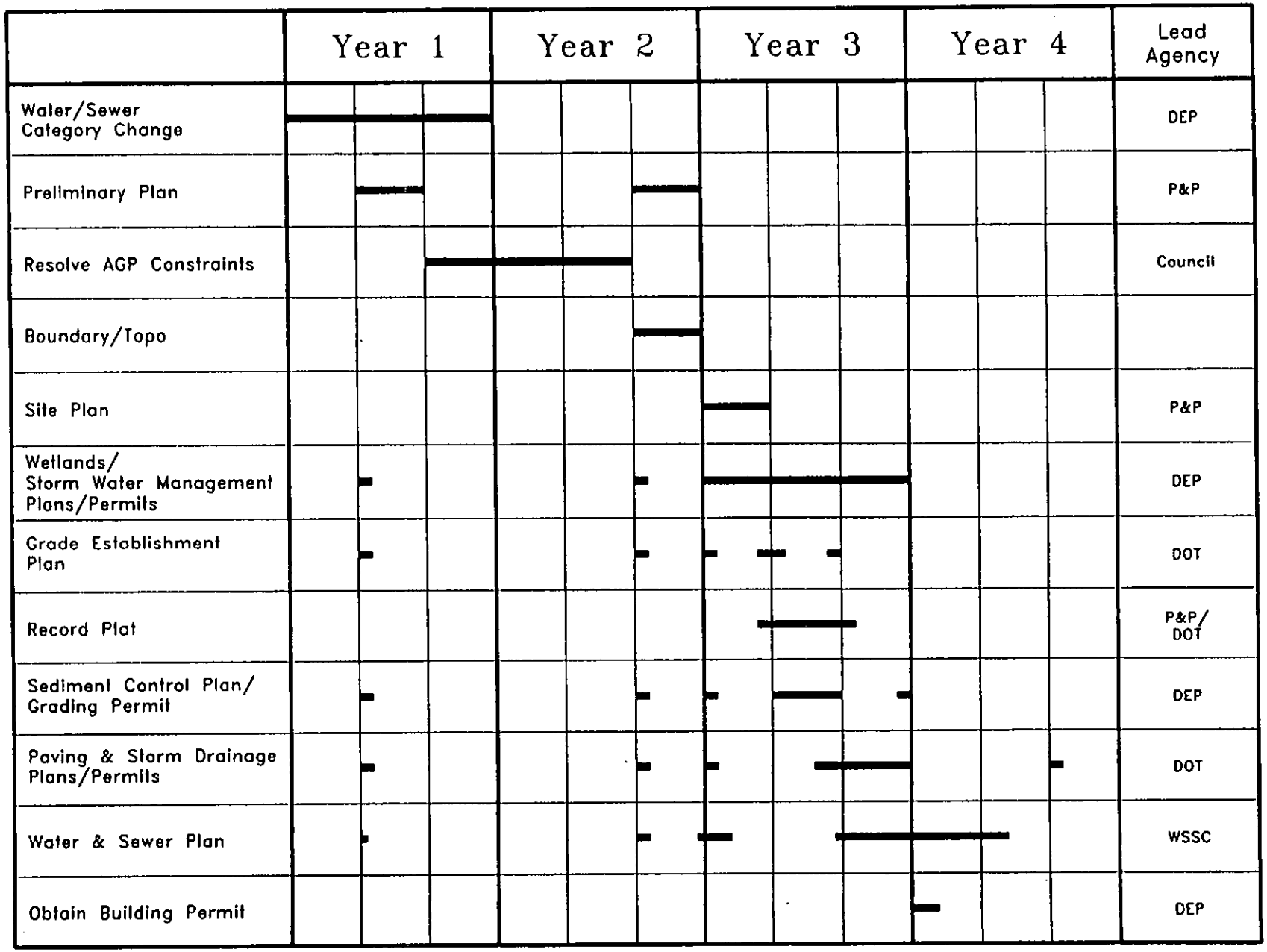
- Infrastructure Construction: Roadway grading, paving, storm drainage, driveways, street lights, and utility construction is performed under permit to the MCDOT.

- 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; stormwater 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

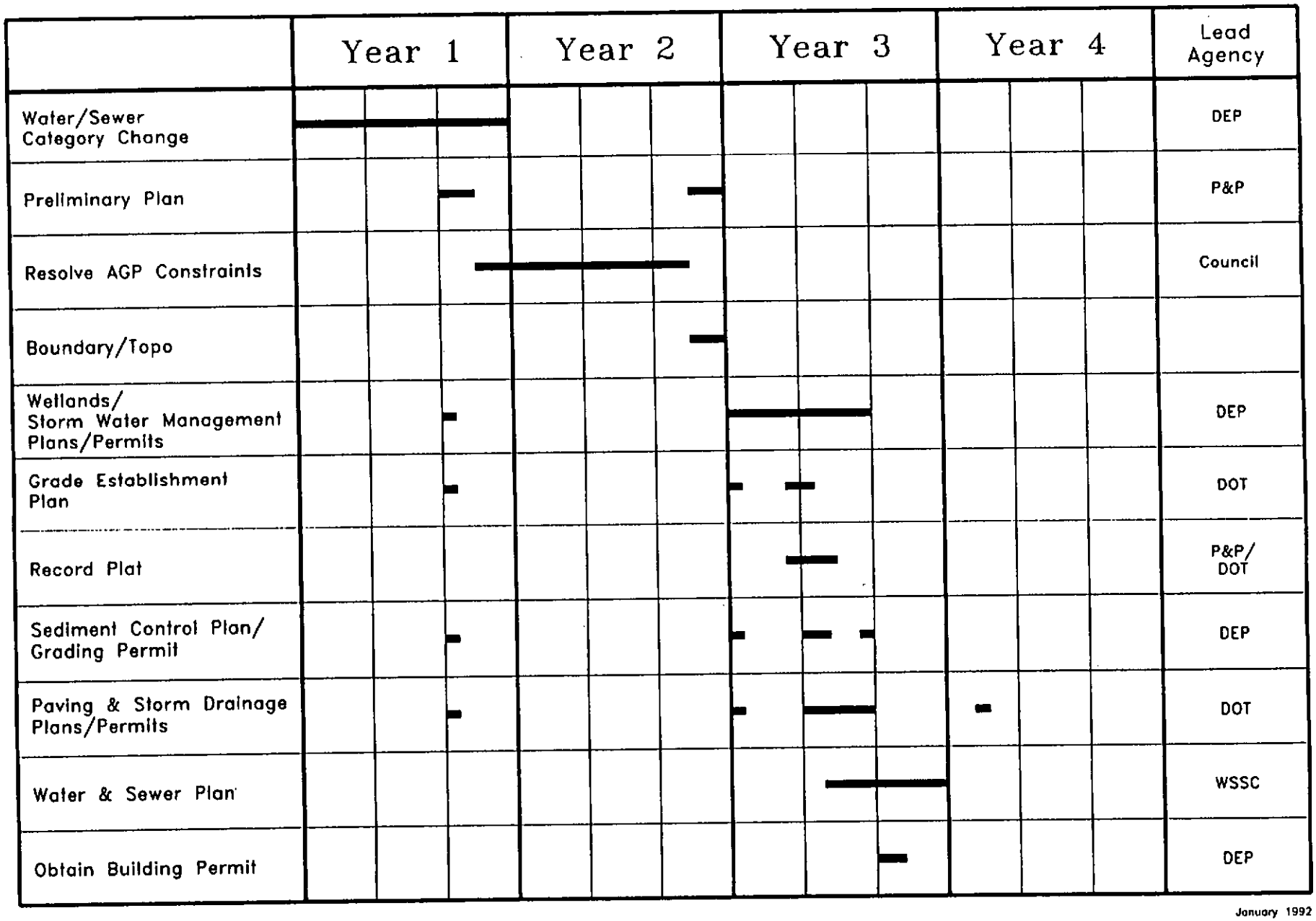


January 1992

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



January 1992

APPENDIX B.

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

COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

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

---

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-

ipating 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:

- Identify and eliminate duplication in the review process, including State and Federal requirements.
- Identify review steps that can be done concurrently and develop a system for this to occur.
- 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.
- Delegate "authority" to resolve regulatory issues when consensus is not reached in normal review process.
- Tighten up time limits for government review.
- Encourage M-NCPPC and County personnel to present a more positive attitude toward helping applicants complete the process "ASAP".
- 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

APPENDIX C.

Montgomery County Government

MEMORANDUM

APR 1 3 1992

TO: Edward U. Graham, Director
Department of Environmental Protection
Montgomery County Government

Robert W. Marriott, Jr., Director
Montgomery County Planning Department
Maryland-National Capital Park and Planning Commission

FROM: Graham J. Norton, Director
Department of Transportation
Montgomery County Government

SUBJECT: Streamlined Development Review Process - Water and Sewer Category Task Force

Outlined below are our recommendations for streamlining/improving the Water and Sewer Category (W&SC) portion of the Developer Review Process. DOT representatives Robert C. Merryman, Chief, Division of Transportation Engineering, and John J. DiGiovanni, Senior Planning Specialist, conducted interviews and collected data from representatives (see list below) of WSSC, MCDEP, M-NCPPC, County Council staff, and Maryland DEP.

We would like to compliment those agency representatives for their promptness and cooperation during the interviews. In addition, we were very impressed to find those interviewed to be very professional, knowledgeable, caring, and dedicated toward their work.

Recommendation

I. Strategy No. 1: Eliminate a majority of the W&SC Change applications by modifying the present category change process to a comprehensive process such as the "three-tier category change process" proposed by Council staff and supported in principle by the M-NCPPC and DEP staffs.

II. Strategy No. 2: Allocate adequate staff to the MCDEP to update W&SC Maps (map) and Ten Year W&SC Comprehensive Plan as mandated by State law. This task should be tied into the proposed GIS system.

III. Strategy No. 3: Charge an application fee for all W&SC Change requests.

Background

I. Involved agencies and roles: Listed below are the agencies involved in W&SC Change process and/or Ten Year County Water and Sewer Plan with their respective functions.

WSSC: Provides technical and engineering guidance regarding systems capacity, design, construction, funding and front foot benefit assessments. WSSC provides the above services to the builder/developer during and after (16 to 20 months) the preliminary plan review and approval. In addition, WSSC provides technical support to the M-NCPPC and MCDEP during the category change process and to the MCDEP for County Water and Sewer Plan updates.

M-NCPPC: Provides population and growth projection forecasts, planning factors, and developmental standards to MCDEP for comprehensive Plan update. Reviews category change applications for conformance to master plans, impacts to parks/stream valley system and other environmental systems.

MCDEP: Prepares the Comprehensive Water Supply and Sewerage Systems Plan (Ten-Year Plan), annual text amendments, reviews and updates. DEP coordinates both technical and policy issues with other agencies such as WSSC, M-NCPPC, Council and Montgomery County Health Department. DEP prepares the base maps, map updates, and files for the production of the W&SC maps as part of the Ten-Year Plan Update. DEP also administers the W&SC change process. This includes the "Council process" and the "Administrative Process". This work involves application review, coordination of interagency comments, and coordination with applicants, their attorneys, and engineers. After the development of staff draft comments, the "administrative process" requests are scheduled for a DEP public hearing and the "Council process" recommendations are reviewed with the County Executive and formally transmitted to the Council for scheduling of a Council public hearing. DEP is responsible for applicant notification of the public hearings, providing technical information during the decision process, and providing any information or reports requested by the Council.

State EPA: Issues permits for water and sewer construction, reviews and approves recommended category changes/amendments, reviews and approves the County Plan and annual updates.

Co. Council: Reviews and recommends approval to the State Department of the Environment on the final County Water and Sewer Plan and annual updates. Reviews category change requests through the "normal" process and reviews "administrative" cases as well, but does not hold a public hearing on those.

II. The concept: The concept of providing a Ten Year County Water and Sewer Plan was a mandate of the State in the late 1960s to address health, safety, and adequacy issues (see Environment Article Subtitle 5, County Water and Sewage Plans 9-501 through 9-515, Annotated Code of Maryland). Since then the County Water and Sewer Plan has also turned into a development planning tool. Initially, WSSC prepared the County Plan and maps, then responsibility and authority shifted to the DEP as exists today.

III. Problems: The existing W&SC Change process appears to be cumbersome, not adequately staffed by the Executive, and fragmented. The process is done on a selective rather than systematic area-by-area basis. There have been some long delays (18 months) in processing these applications, which by nature are often straight forward and not controversial.

The caretaking and updating of the County Plan and maps is also understaffed, which results in the County's failure to meet the State mandates to update those documents biannually and annually respectively. Inadequate mapping information causes confusion, uncertainty, and some duplication of effort among involved agencies, developers, and the general public. It is extremely cumbersome to identify what facilities currently exist and what facilities are programmed by WSSC. State agency representative Ray Anderson expressed extreme frustration over this issue and cautioned that the State may not be able to approve category change requests or construction permits in the future unless those documents are updated.

The current service area process is also a costly process for developers. As an example, when WSSC builds lines that will abut service areas not eligible for service (6,5,4), the builder must pay the capital cost for those line segments rather than a front foot benefit assessment calculated and levied against property that in fact is benefited . Also, front foot benefit rate payers are underwriting the cost of two policies which give those in service areas 5 & 6 total suspensions and a 50 percent break if property is on a private well/septic in service areas 1 through 4.

SOLUTIONS

Strategy No. 1: The following information is an excerpt from a February 18, 1992, memo from Stewart McKenzie, Senior Legislative Analyst to the County Council. This proposal has been agreed to only in broad conceptual terms by other involved agencies. DEP believes there are some significant policy issues that need to be addressed if the present category change process is modified to a comprehensive process such as the one suggested here. It appears that much interagency review and coordination will be required to finalize the proposed comprehensive process and its structure.

> The possibility of streamlining the process had been raised by the Council in their formulation of budget questions and the committee discussed various options for streamlining the process including automatic change at the time of zoning and the sectional map amendment process and permit fees.

The committee asked Council staff to work with DEP and Planning Commission staff to make proposals to the Council as to how such streamlining could take place.

Council staff have done this and the Planning Commission and DEP staff support in principle the idea of a three-tier category change process in the future. The first tier would apply to all properties where the intended sewer and water connection is in conformance with the sewerable densities and staging of the master plan as established in the zoning and sectional map amendment process.

Staff suggest that, in the future, all properties whose connection requests conform with the zoning be automatically granted the appropriate sewer or water category. W-3 and S-3 categories would only be granted to those properties designated in the sectional map amendment as eligible for sewer or water supply and in Stage 1 of the master plan. Properties in Stage 2 would be granted W-4, S-4 status advancing automatically to W-3 or S-3 as soon as the criteria established for initiating Stage 2 are satisfied.

This would eliminate all additional paperwork associated with the sewer and water category changes for these low controversy conforming properties while maintaining control of the extension of the sewer and water envelope through the master planning process.

There is general support for this in both DEP and the Planning Commission. Historically it has been rare for applicants that conform with the master plan to be denied requests for sewer and water application. The occasional conforming requests that are denied have mainly to do with the logical and economical test, a case-by-case review criterion to ensure that the extension of the sewer and water envelope is rational and does not sprawl or leapfrog. If this first tier is established, processes need to be established to prevent leapfrog development.

The second tier of category change processing proposed is a process by which property owners with connection requests that are not in conformance with the master plan can make application for category change. Staff proposes that there be a fee charged for these applications based on the number and type of connections requested and units serviced which covers most, if not all of the costs of administering these requests. Council staff recommend that the permit documents clearly state to an applicant that, in general, applications not in conformance with the zoning and master plan intent would be denied and that the applicant should present very persuasive reasons as to why this general policy should not be followed.

Council staff propose that applications received under this second tier (administrative process) be handled in the same way that administrative delegation category changes are handled now, namely that the Executive, through DEP, receives the application and permit fee and analyzes the request, circulates the request and the analysis together with an Executive recommendation to reviewing agencies, the Park and Planning Commission, the Sanitary Commission and individual Councilmembers. If there is a consensus on the Executive's position, this would become the decision for the category change. If there is any disagreement between the reviewing agencies as to what the category change should be, or if any of the reviewing agencies feel for any reason that these category changes should be exposed to further scrutiny, then the third tier (normal process) could be invoked which would be to send the category change through the full Council process of public hearing and Council worksessions.

This three-tier structure would ensure that the category changes which are truly uncontroversial are decided as a block at the time of sectional map amendment. Applications which are not in conformance with the master plan would be handled mostly at the Executive level with adequate funds to cover the administrative costs and only those most controversial category changes where there is no conformance with the master plan and disagreement between the agencies or special concern would come before the Council.

While there is agreement in principle in the Planning Commission and DEP that this is a desirable idea to pursue, there remain concerns about the degree of control necessary to avoid sprawl and the way in which the technical details of folding the sewer and water category change process into the sectional map amendment process need to be worked out.

Council staff recommend that the Council adopt in principle the idea of moving to a multi-tier sewer and water category change process similar to the one described above and ask a working group with representation from Council staff, DEP, the Park and Planning Commission and the Sanitary Commission to propose the necessary amendments to the 10-year water and sewer plan, the County law governing the sectional map amendment process, and any other legislative or regulatory changes necessary to implement such a program.

Strategy No. 2: We recommend that the County Executive provide the proper staffing to maintain the schedules established by the State for the County Plan and maps updates. The maps should include WSSC programmed facilities and planning area designation overlays. This information could be incorporated into the proposed GIS system with a direct link to land use files. These documents should be easier to

update if Strategy No. 1 is implemented. In addition, State agency representative Ray Anderson offered to provide the County with technical assistance in this task.

Strategy No. 3: We recommend that DEP establish an application fee for all W&SC Change requests. The fee could be used to fund administrative staff time and would discourage developers from submitting unnecessary and repetitive change requests.

Involved Agency Representatives

The following agency representatives were interviewed:

A) MCDEP
Stan Wong, Division Chief, Water Resources Management
David Lake, Environmental Engineer II

B) M-NCPPC
Nazir Baig, Environmental Planning Coordinator
Stephen Federline, Environmental Planner
Laura Bachle, Environmental Planner

C) WSSC
Tom Gingrich, Planning Manager III, Water Resources Section
George Kotova, Section Head, Water and Sewer Reports

D) County Council Staff
Stewart McKenzie, Senior Legislative Analyst

E) Maryland DEP, Water Management and Division
Ray Anderson, Chief, Water and Sewer Planning Program

GJN:JJD:ab:8250U

APPENDIX D.

TO: EDWARD U. GRAHAM, DIRECTOR
DEPARTMENT OF ENVIRONMENTAL PROTECTION
MONTGOMERY COUNTY GOVERNMENT

ROBERT W. MARRIOTT, JR., DIRECTOR
MONTGOMERY COUNTY PLANNING DEPARTMENT
MARYLAND-NATIONAL CAPITAL PARK & PLANNING COMMISSION

FROM: DICK CHENEY, COMMITTEE MEMBER RPC

DATE: APRIL 13, 1992

SUBJECT: DEVELOPMENT REVIEW PROCESS--DEP/EPD WATER MANAGEMENT PROCESS

As relates to the development process, during the past few weeks I have held lengthy discussions with: Rick Brush, Jay Beatty, and Joe Cheung of MC-DEP; Jim Taylor of MC-DOT; Jorge Valladares, Stephen Federline, Joe Davis, and Nazir Baig of M-NCPPC. It was apparent to me that the individuals I talked to at each agency were candid, objective and indeed interested in improving the process. I certainly appreciated their assistance and their recommendations for change, which appear on pages 9 to 12. I have, additionally, talked to representatives of three private engineering firms and three Montgomery County builders.

Some recent headway has been made by MC-DEP and M-NCPPC-EPD in having pre-Subdivision Review Committee (SRC) meetings and this coordination and cooperation is likely to continue. Overlapping, if not duplicative, efforts nevertheless confuse and displease those in the private sector. Engineers from the private sector believe that conflicting rules, and no-notice criteria changes, stymie their efforts to prepare plans of quality for their clients; this inturn adds to a client's cost. Here's what they say:

(a) MC-DEP has hierarchy of practices to use for water quality which they adhere to. M-NCPPC requires additional practices that they "feel" are warranted. There is no data available to prove this requirement.

(b) There seems to be different review criteria for stormwater management ponds between MC-DEP and the Parks Department when a pond is to be built on parkland. M-NCPPC always require additional items above and beyond MC-DEP's requirements.

(c) The County now has a floodplain ordinance administered by MC-DEP but M-NCPPC requires submittal of study at preliminary and site plan review stages as well.

(d) There is no need for both M-NCPPC and MC-DEP to review flood plain studies and sediment control plans.

(e) MC-DEP stormwater management policies and guidelines are not in writing, and quite often the understood guidelines change without the engineers being notified. These changes cause numerous plan revisions and delays.

(f) The sediment control inspectors need to have more authority to make sediment control modifications in the field. The minor adjustments are now coming back to the engineers for changes; they then have to be submitted to the Plans Review section of MC-DEP. This causes a larger backlog and more delays for the developer.

(g) Plans that are being submitted (2nd reviews) should have faster review times than new plans.

(h) Issues addressed during the preliminary plan process are not followed at site plan. Many issues that should be resolved at preliminary plan are put off until site plan.

(i) After subdivision review, additional comments or revisions to previous comments are received, sometimes right up to Planning Board. Because these comments are not received at "one time" many revisions must be performed.

(j) The Parks Department of M-NCPPC seems to lose submittals or not review plans for months unless prodded. A log-in and tracking system should be instituted.

As some of the preceding suggest, the private sector would welcome change and they would prefer to have all water management functions under one roof, one authority. As concerns water management involvement, M-NCPPC-EPD views its exercise of statutory authority under Article 28 as complementary to other agencies, rather than an independent entity causing an overlap or duplication in requirements. They view their plan reviews as something holistic, whereby they balance a number of competing factors.

It's clear that the absence of formal guidelines and/or documents is a problem that should be expeditiously rectified. An individual seeking clear-cut stormwater criteria and illustrative guidelines from MC-DEP would not find

them in a single published document; they would have to, instead, sift through a handful of regulations. In contrast, the M-NCPPC's Department of Planning, Environmental Planning Division, published rules/guidelines in a Manual in March 1991; the manual is titled "Environmental Management of Development in Montgomery County, Maryland." MC-DOT also has a "Storm Drain Design Criteria" manual (1988). All three agencies, however, have "checklists" which they have published and make available to respective service applicants. (But checklist currency and comprehensiveness were not evaluated.)

OVERVIEW OF MC-DEP'S DIVISION OF WATER RESOURCES MANAGEMENT INVOLVEMENT

Traceable to a State Attorney General's interpretation, both sediment control and storm water management responsibilities were transferred to MC-DEP from the Soil Conservation District. The need for interagency coordination and division of effort was the basis for a 1974 "Memo of Understanding" between the County Executive and the Planning Board. This agreement (copy attached) is referenced in the Functional Master Plan for Conservation and Management in the Seneca Creek and Muddy Branch (Oct. 1977), which was adopted by the County Council. This agreement was further supplemented a few years ago by the formation of an interagency Water Policy Group where SWM topics were discussed by involved agencies.

The Division of Water Resources Management (DWRM) insures: that stormwater management is properly planned and implemented; sediment control is adequately provided during construction; and floodplains are properly identified and protected. As much as possible, these goals are coordinated within the same process to reduce conflicting requirements. For example, stormwater management designs are included as part of the sediment control permits required for each site. This simplifies and coordinates review and implementation procedures. DWRM has also worked with other agencies through memorandums of understanding (M.O.U.) and delegation of duties to further concentrate water resource related responsibilities in the development process.

MC-DEP has been delegated sediment control plan review inspection and enforcement powers by MSCD and MDE respectively. Therefore, all phases of plan approval, permitting, and inspection are within one agency. Sediment control plans are reviewed to insure that the most practical and effective sediment control is utilized and is coordinated with specific site limitations such as topography, surrounding development, and environmental restraints. Additionally, more stringent controls are required for environmentally sensitive areas and watersheds.

State law mandates local jurisdictions to have an approved stormwater management program. In Montgomery County, Stormwater Management concept plans are reviewed and approved by MC-DEP as early in the development process as feasible (i.e., during the preliminary plan of subdivision process, in the site planning process, and prior to sediment control plan submittal for those activities that do not need subdivision or site plan approval). Concept approvals focus on providing the best type of SWM facility in relation to other environmental constraints (wetlands, floodplains, stream classifications) both

onsite and within the watershed. Additionally, master plans, watershed studies, and stream monitoring results are used in the evaluations when the information is current. (More local watershed planning and monitoring is needed.)

Both State and Federal laws and regulations require local jurisdictions to have floodplain programs that protect floodplain areas from activities that are either safety hazards or not environmentally sound. Early in the planning process (subdivision, site plan, or other) MC-DEP requires that delineated 100 year flood plains be identified. Where floodplains have not been delineated DEP requires that studies be submitted for review and approval to set floodplain limits. Floodplain reviews are coordinated with sediment control and stormwater management reviews.

OVERVIEW OF M-NCPPC'S ENVIRONMENTAL PLANNING DIVISION INVOLVEMENT

The M-NCPPC Department of Parks is the custodian of park land; it has a vested interest in the issues related to stream water quality and maintenance of stormwater management (SWM) facilities which are sometimes acquired by Parks. As a land use planning agency M-NCPPC has to be involved with the land use/site design/locational aspects of SWM. Since MC-DOT is responsible for the design and construction of most roads/highways and the attendant storm drainage systems, it is clear that an active coordination with DOT is necessary with respect to grade setting, phasing, maintenance, monitoring, etc. (Overall, SWM also may involve state agencies such as MDE, DNR and the Office of State Planning. At the federal level agencies like EPA, HUD, the Army Corps of Engineers, USGS, and U.S. Fish and Wildlife Service may become involved.)

M-NCPPC-EPD attempts to provide an assessment of the cumulative impacts of a number of factors for a given piece of property. In their role they integrate the technical aspects of environmental issues with the site design options available in the zoning ordinance and subdivision regulations, and the land use and density options available during the master plan and sector plan processes. Competing plan elements may include: stormwater management facilities, wetlands, tree preservation, protection of slopes and stream valleys, etc. EPD considers off-site effects (upstream, downstream, and cumulative) in their review process. Comments forwarded by the Department of Parks Natural Resource Division concerning park land impacts and other environmental issues are considered in the Environmental Planning Division's recommendations on a development proposal. Essentially, M-NCPPC attempts to maximize the achievement of General Plan environmental goals through use of area master plans and site planning tools. They perform such a mission under Section 7-116 (a) of Article 28 which states: "the (subdivision) regulations may provide for...(5) the conservation of or production of adequate transportation, water drainage, and sanitary facilities; (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...; (10) control of subdivision and building (except for agricultural and recreational purposes) in flood plain areas or streams and drainage courses, and on unsafe land areas; (11)

preservation of outstanding natural features...; (12) other benefits to the health, comfort, safety, or welfare of the present and future population of the regional district."

STORMWATER MANAGEMENT CONCEPT/WAIVER PLAN APPROVALS

MC-DEP's Role - Stormwater management concepts are reviewed and evaluated to insure that the proposed stormwater management systems are properly sited and provide controls for individual sites to protect downstream and watershed systems. Review variables include: two broad types of stormwater management control (quantity and quality); variable soil and wetland conditions; approximately 30 different methods of stormwater management controls that can be used individually or in combination; dam safety requirements; three classes of environmentally sensitive streams; water supply watersheds; and other site and environmental constraints.

As a part of the sediment control permitting process, stormwater management designs are also submitted to MC-DEP for review and approval. To consolidate reviews, MC-DEP and MSCD have entered into a "memorandum of understanding" that allows MC-DEP to review and approve dams for safety as a part of its overall stormwater management review. These reviews often involve complex hydraulic, hydrologic, and other engineering design methods involving structures that must be adequately designed and constructed to be safe and effective. The reviews also include soils analysis, agronomic requirements, and other environmental conditions and constraints. Full cost stormwater management bonds or securities are required as part of the sediment control permitting process to insure compliance. MC-DEP also inspects and enforces compliance with the approved design plan. Notices of violation, civil citations, and stop work orders are issued for faulty construction and non-compliance. Existing stormwater management facilities need to be inspected regularly to insure that they are being adequately maintained and are structurally sound. (In the past, MC-DEP has not had adequate funding to provide maintenance inspections on a regular basis.)

MC-DEP constructs or partially pays developers to construct regional stormwater management ponds. These ponds can be used to provide stormwater management for development activities within watersheds when environmentally sound and practical to do so. Regional ponds also may provide stormwater management for existing urban development that has no on-site controls. DEP structurally maintains all regional ponds as well as providing routine maintenance for the ponds that are on County-owned land. Proposed regional ponds must be analyzed and evaluated to insure that they are the most environmentally sensitive method of providing stormwater management.

MC-DEP waivers of on-site stormwater management may be granted to those sites that either drain to regional stormwater management ponds or have little or no adverse impact on receiving streams. In lieu fees are required when waivers are granted. Waiver processing is detailed below.

M-NCPPC/EPD's Role - Environmental Planning Division staff review SWM concepts within the preliminary/site plan review process. EPD's review focuses on 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, or relative to master plan goals and recommendations. The impacts of a proposed facility on steep slopes, tree cover, wetlands, natural trout streams, etc., are considered, and, when unacceptable, recommendations are made for alternative sites and/or concepts. As an example, MC-DEP reviews impacts to wetlands, natural trout streams; it ensures that the SWM concept meets county/state technical requirements. The EPD accepts DEP's technical recommendations, and also reviews to ensure that a facility is properly sited relative to other areas---such as forests and wetlands, and/or consistent with master plan recommendations. (Sometimes roadway alignments can be relocated to consolidate and minimize wetlands disturbance.)

SWM Waiver Requests

MC-DEP reviews and approves or denies all SWM waiver requests. As required by Chapter 19 of the County Code, MC-DEP submits all SWM waiver requests directly to EPD for review and comment. MC-DEP has established a 4-week turnaround time to receive M-NCPPC comments. After considering M-NCPPC-EPD comments, MC-DEP has the authority to issue or deny a given waiver request. If a SWM waiver request is made on property immediately adjacent to park land, the Department of Parks is also involved in the review. If the Department of Parks is interested in other SWM waiver reviews, their comments are also forwarded to EPD staff and discussed with DEP during the current combined staff review meeting. (The Planning Board may appeal a waiver but has rarely done so.)

Both MC-DEP and the M-NCPPC-EPD are involved with review of SWM concept plans as a part of the preliminary plan review process. MC-DEP and M-NCPPC-EPD staff review SWM concepts as they relate to other environmental features: trees, wetlands, sensitive streams and ecosystems, steep slopes, etc.. Some waivers and concept plans are being submitted to MC-DEP in advance of the preliminary plan submittal but the M-NCPPC-EPD would prefer that a SWM concept be reviewed within the environmental context of the whole plan. M-NCPPC-EPD suggests formal approval of the SWM concept or waiver by MC-DEP should be delayed at least until after the SRC meeting on the plan. (After preliminary and site plan approval, MC-DEP is responsible for the review, approval, and permitting of detailed design final SWM plans.)

Currently, Environmental Planning Division and MC-DEP staff formally meet the week preceding each SRC meeting to discuss and resolve most differences with respect to stormwater management concept plans and informal discussions take place as needed. Relationships between the two staffs can be described as good to excellent. This relatively recent change in the process has resulted in a more consistent and unified position at the SRC, thus providing clearer direction for engineers attending the SRC meeting in terms of amendment requirements of concept plan.

SEDIMENT CONTROL PLAN REVIEW

State law requires that local soil conservation districts review and approve sediment control plans. However, in Montgomery County, State law also requires that the plan approval authority can be delegated by MSCD to the Department of Environmental Protection (DEP) by M.O.U. Approved sediment control plans become a part of the sediment control permits that are required for all land disturbances greater that 5000 square feet. Plans emphasize state of the art erosion and sediment control and utilize State-wide approved standards. Concept and final plans are reviewed to ensure that other environmental features, such as wetlands and floodplains, are protected.

MC-DEP insures that sediment control plans are complied with by issuing notices of violation, civil citations, and stop work orders. MC-DEP inspectors also require minor field modifications to increase plan efficiency or require formal plan revisions and the inspectors are granted some authority to make modifications in the field. To insure that developers fulfill their obligations, a bond or other security is required to be posted for each permit. These securities remain in effect until the site is stabilized and the permit is closed. Bonds and securities are forfeited for non-compliance.

M-NCPPC-EPD currently reviews conceptual sediment control plans, primarily during site plan review. They do this to ascertain the effect of sediment control/grading plans on other environmental features (i.e., trees, wetlands, stream valleys, steep slopes, etc.) This role will change significantly with the county's new forest conservation legislation. M-NCPPC staff will be directly involved in the review of limits of disturbance shown on preliminary and final sediment control plans to assure the protection of forest conservation areas. This new legislation may require submission of a "preliminary sediment and erosion control plan" at time of submitting a preliminary plan, if no site plan is required. Details are currently being decided by MC-DEP and M-NCPPC-EPD.

FLOODPLAIN REVIEW

Chapters 19 and 50 of the County Code both contain language about control of floodplain development. M-NCPPC is the executor of Chapter 50 (subdivision function), which prohibits development within the 100-year ultimate floodplain. MC-DEP, on the other hand, is executor of Chapter 19 as concerns the permitting function. MC-DEP prohibits the issuance of building permits for any new structure which is in violation of a record plat's floodplain restriction, or, if the record plat precedes M-NCPPC's floodplain controls, prohibits new or expanded development within recognized floodplain boundaries. Where floodplains exist, and recognized floodplain boundaries are not yet available, the developer's engineer must compute the limits of the 100-year floodplain studies. (This is discussed in the recommendations section below.) The purpose and/or use of the floodplain delineation is different for each of the agencies involved.

MC-DEP's Role - MC-DEP became directly involved with floodplain regulation with the revision to chapter 19 of the County Code and promulgation of emergency regulation #24-89 (flood plain regulations) in 1990. MC-DEP restricts issuance of individual building permits involving the expansion of existing uses, the construction of previously-approved development that predated M-NCPPC floodplain restrictions, and the effects of proposed encroachments on floodplain elevations. At the building permit stage of the development process, MC-DEP must ensure that no new habitable structures are built within the regulated floodplain. Permits are required for other floodplain disturbances (bridges, culverts, fences, etc.) to determine their effect upon the existing floodplains and to require mitigation as necessary. As part of its responsibility, MC-DEP reviews floodplain studies for individual properties and requires floodplain district permits where appropriate. MC-DEP's review of floodplains and permit requirements occur as early as possible in the development process, starting at the preliminary plan stage for those developments subject to subdivision and at the sediment control/grading permit stage for those not. With the use of M-NCPPC watershed-wide floodplain maps, MC-DEP has established a floodplain overlay on 200-foot scale maps. MC-DEP adds site specific delineations to the overlay to keep floodplain district limit current.

EPD's Role - Floodplain delineations have traditionally been required at the preliminary plan stage. Subdivision of land can not occur until the limits of the floodplain have been established. This practice determined the areas restricted from development per the provisions contained in Section 50-32 of the Subdivision Ordinance regarding "Control of Floodplain Areas and Unsafe Land." M-NCPPC must establish the limits of the floodplain with a 25-foot building restriction line at the subdivision stage, to ensure that lots included in new or revised plans are actually buildable.

NOTE: M-NCPPC-EPD staff have been responsible for preparation and updating of comprehensive watershed and floodplain delineation and mapping. They likewise review site-specific floodplain delineations outside the area covered by M-NCPPC floodplain maps to ensure that the delineation is reasonable.

WETLAND PROTECTION AND DELINEATION

Neither MC-DEP nor M-NCPPC have the authority to issue permits for wetland disturbance. The authority rests with the state and federal governments. The Corps of Engineers has delegated to the state DNR, wetlands review up to five acres. There is a general reluctance to delegate this authority further to local governments, but MC-DEP is actively and aggressively seeking this permitting authority. Due to staff shortages at DNR, MDE, and the Corps of Engineers, early review of wetlands issues at the concept stage is a rarity.

MC-DEP's Role - By policy, MC-DEP requires applicable wetlands permits to be issued prior to disturbances within wetlands.

EPD's Role - M-NCPPC-EPD staff review wetlands delineations as a part of the natural resources inventory submitted at preliminary/site plan stage. This is done to ensure that buildable areas are outside wetlands, floodplains, steep slopes, and other environmentally sensitive areas (so as to avoid, minimize, and mitigate the impacts of wetlands).

-- RECOMMENDATIONS --

Redefined Responsibility

A re-examination and updating should be done for the 1974 "Memorandum of Understanding Between Montgomery County Executive And Montgomery County Planning Board Concerning Stormwater Management Responsibilities." This document set the stage for insuring "... that adequate plans result ... without duplication of effort." As shown in Attachment #A, specific tasks were assigned or delegated to each agency, to coincide with a division of labor investment on a function-by-function basis. Moreover, a problem clearly exists in defining the bounds of regulatory authority granted to the two agencies in different sections of the county code. Chapters 8 and 19 of the code form the basis for MC-DEP involvement, while the subdivision regulations (Chapter 50) define the role of M-NCPPC in use of the authority granted by the State in Article 28. A clearer definition of the bounds of each agency's authority regarding water management should be developed, with any necessary changes in the code adopted by the Council.

SWM Recommendations

(1) Weekly meetings between MC-DEP and M-NCPPC-EPD should continue in advance of SRC meetings and should be given more priority, so that agencies are fully prepared to discuss the issues at a pre-SRC meeting. This will avoid "surprises" at the SRC and will eliminate perceptual/procedural differences early in the review process. It should also reduce the time needed for a SWM concept/waiver approval. In addition, MC-DOT might also be encouraged to participate in such meetings so that their storm drainage issues can be addressed concurrently.

(2) SWM waiver reviews should be linked to the preliminary plan review process so reviewers look at the "whole package" at once, rather than maintaining a separate waiver review process. (The current process may be used for waivers on properties not subject to subdivision review.) If a SWM waiver or concept is submitted prior to preliminary plan, formal approval of the SWM concept or waiver by DEP should be delayed until after the SRC meeting on the plan.

(3) Department of Parks review of SWM concepts and waivers should be limited to those properties immediately adjacent to park land or directly

involving use of park property. While the Department of Parks has a valid concern about the effects of stormwater runoff from all areas of the county, their concerns should be blended with EPD's (rather than add another layer of review).

(4) MC-DEP should continue in its effort to develop a comprehensive stormwater management manual and produce a draft as soon as possible. This document should involve interagency coordination and the document should ideally consolidate all policy and technical issues related to SWM. As a minimum, the following elements should be considered for the manual:

(a) Policy statement regarding countywide SWM strategy, with further direction for each watershed and/or each state water use category. This policy should incorporate local, state, and federal guidance regulations of SWM. This policy should be shaped by a task force consisting of the current interagency Water Policy Group, representatives of state and federal SWM permitting agencies.

(b) Submission guidelines which clearly define the many checklist elements necessary for compiling and furnishing a complete submission, to include design standards and specifications.

(c) Review criteria should generally outline elements considered in the review of a SWM concept and/or waiver request. The criteria should include standards where waivers may be considered, specifically detailing the requirements as to when regional SWM can be considered as a viable option. Review criteria might also include priorities for conveyance systems which consider both maintenance aspects and the environmental integrity of the stream system. Development of prioritized conveyance options should involve input from MC-DOT, Montgomery County Planning Department, and the Montgomery County Department of Parks.

(d) Before final publication the document(s) should be coordinated with representatives of the development and engineering communities, citizens and/or environmental advocacy groups.

(5) A lead primary agency should be designated to control stormwater management facilities so that developers will have to work with only one principal agency throughout the entire process, thus eliminating conflicting requirements and clearly defining regulatory responsibility. (See recommendation above on redefined responsibility.)

Sediment Control Recommendations

(1) Pre-SRC SWM meetings between M-NCPPC-EPD and MC-DEP staff reviews should be expanded to review issues on sediment control concept plans. In this manner, potential conflicts of sediment control facilities and methods with other environmental objectives can be identified and quickly resolved. (Forest

conservation legislation will require closer coordination in the review of sediment control plans.)

(2) Review of sediment control plans by M-NCPPC-EPD should be confined to evaluation of how these plans are consistent with forest conservation plans and master plans, and fit into the overall objectives of environmental protection for the site. Approval of design details (e.g. size and type of sediment traps, outfalls, specific devices used, etc.) should be reserved for MC-DEP as the permitting agency (but M-NCPPC may offer consultive advice/assistance to MC-DEP).

(3) Similar to the delegated authority WSSC now has for sediment control oversight and enforcement for its projects, a like arrangement should be considered for MC-DOT.

Floodplain Recommendations

Applicants with development plans that do not contain a complete floodplain delineation are required to provide 100-year floodplain computations and delineation. This is a requirement of both the subdivision regulations (Chapter 50) and Chapter 19 of the County Code. The respective roles of MC-DEP and M-NCPPC in the process should be clarified.

Recommendations for Wetlands Process

(1) Significant delays and plan revisions may occur late in the permitting process if wetlands are not addressed at the earlier subdivision stage. Potential conflicts between wetland protection and development could be minimized if addressed during the master plan review process.

(2) Both developers and public agencies (MC-DEP, MC-DOT, M-NCPPC, WSSC) would benefit greatly from "conceptual reviews" of possible wetland permits. Therefore, DEP should continue to seek delegation of wetlands reviews and permitting. This early involvement would save time, reduce later delays, and minimize unnecessary engineering redesign costs for both public agencies and private developers. If delegation is not feasible DNR/MDE should be constantly pressured to provide a representative to attend the SRC meeting so as to provide early information on any potential problems for wetland permitting. (Local funding of a state position may provide the incentive for the state to offer more local assistance.) However, delegation by DEP should be the priority in order that wetlands matters be reviewed in a coordinated fashion, with other water resource requirements.

(3) Montgomery County should investigate use of a joint (unified) permit application form, so that a developer, and all other agencies, in need of a wetland permit do not have to individually file an application for the same geographical area.

General Recommendation

When one considers the amount of multi-agency time and specialized attention directly tied to the many different phases leading to the approval of a preliminary plan, one has to wonder if there's not a better way. It should not be overlooked that changes and revisions are made to preliminary plans even after they have been approved, and some phases must then be revisited. The committee, in conjunction with members of the building community, should explore alternatives which are more cost effective than what the current preliminary plan process offers.

APPENDIX _ A MEMORANDUM OF UNDERSTANDING BETWEEN MONTGOMERY COUNTY EXECUTIVE AND MONTGOMERY COUNTY PLANNING BOARD CONCERNING STORM WATER MANAGEMENT RESPONSIBILITIES

MEMORANDUM OF UNDERSTANDING BETWEEN MONTGOMERY COUNTY PLANNING BOARD and MONTGOMERY COUNTY EXECUTIVE CONCERNING STORM WATER MANAGEMENT RESPONSIBILITIES

In the Interest of providing an effective, comrehensive storm water management program for lontgomery County, Maryland in an economical manner, to avoid duplication of effort, and to provide guidnce to respective staffs, the following Memorandum of nderstanding is entered into by the Montgomery ounty Planning Board and the Executive Branch of lontgomery County Government.

ackground

As land is converted from rural land uses to urban nd uses, several changes occur that cause severe hyologic adjustments that create undesirable damages to reams and stream valleys. The changes associated with nd use conversion include increase of impervious surces and high speed drainage conduits which greatly inease the volume and rate of runoff thus causing ineased streambank erosion, flooding and sedimentan, often resulting in loss of use of flood plains r recreation purposes and general degradation of the sthetic values of the valleys.

Aware of mounting storm water management oblems, the Maryland-National Capital Park and Planng Commission initiated a study of the Anacostia River atershed in Montgomery and Prince George's Couns in July, 1972.

Both the County and the Planning Board, as well as ontgomery Soil Conservation District, have stated obctives to prevent: (1) accelerated streambank erosion, (2) increased sedimentation and (3) increased flooding. These objectives will be achieved through the development and implementation of an effective, comprehensive, County-wide storm water management program.

The Montgomery County Council, in its "Comments on Review Draft Preliminary Investigation Report for the Seneca Creek Watershed" prepared by SCS under PL 566, charged the Planning Board to develop "storm water management concept plans" for County Council approval and the County Executive to "design in detail, program and, after Council approval, install necessary detention and retention facilities—consistent with adopted Concept Plans."

Preliminary watershed studies have been authorized in the FY 1974 budget for Watts Branch (DEP-MNCPPC), Muddy Branch (MNCPPC) and Seneca Creek (MNCPPC). Further studies have been scheduled for Muddy and Seneca Watersheds by DEP for FY 75 & 76. It is also recognized that both MNCPPC and the County activities of storm water management are closely associated with the land treatment and flood control programs of the Montgomery Soil Conservation District. In order to maximize the benefits from these studies and programs, it is essential that they be coordinated in a manner to insure that adequate plans result from these studies without duplication of effort.

In order to accomplish effective coordination of watershed protection efforts of both MNCPPC and County government, the various tasks which are essential to the development and implementation of

ıtershed storm water management plans will be car-
d out by the agency indicated in the attached table
titled "Division of Work for Watershed Storm Water
ınagement," attached hereto and incorporated
rein. In all of these tasks it is assumed that close coor-
ıation and exchange of information will be main-
ıed among all the agencies involved.

Signed: ..... Date: 10/21/74
ROYCE HANSON, CHAIRMAN,
MNCPPC

Signed: ..... Date: 11/21/74
MONTGOMERY COUNTY
EXECUTIVE

TABLE D-a

DIVISION OF WORK FOR WATERSHED STORM WATER MANAGEMENT

Work Item	Watts Branch	Muddy Branch	Seneca Creek	Other Water
Develop Storm Water Management Concept Plan	M-NCPPC	M-NCPPC	M-NCPPC	M-NCPPC
General Flood Plain Delineation-Staged Development to Ultimate State	DEP	M-NCPPC	M-NCPPC	M-NCPPC
Land Uses by Stages	M-NCPPC	M-NCPPC	M-NCPPC	M-NCPPC
Park Development Plan	M-NCPPC	M-NCPPC	M-NCPPC	M-NCPPC
Identify Significant Existing and Potential Water Resources	OPCP/M-NCPPC/ DEP	OPCP/M-NCPPC/ DEP	OPCP/M-NCPPC/ DEP	OPCP/M-NCPPC/ DEP
Identify Critical Environmental and Historic Resources	M-NCPPC	M-NCPPC	M-NCPPC	M-NCPPC
Critieria for level of Protection by Stream Reaches	M-NCPPC/DEP	M-NCPPC/DEP	M-NCPPC/DEP	M-NCPPC/DEP
Subdivision Review Criteria	M-NCPPC	M-NCPPC	M-NCPPC	M-NCPPC
Water Quality Level	WRA/DEP	WRA/DEP	WRA/DEP	WRA/DEP
Evaluation of Land Use Alternatives: Master Plans/Input Zoning Applications	M-NCPPC	M-NCPPC	M-NCPPC	M-NCPPC
Hydrologic Model-Analysis of Alternatives SWM Concept Plans	M-NCPPC	M-NCPPC	M-NCPPC	M-NCPPC
Hydrologic Model for Detailed Analysis and Design of Storm Water Management Systems and Facilities	DEP	DEP	DEP	DEP
Detailed Flood Plain Delineation	DEP	DEP	DEP	DEP
Funding Methods and Strategies	M-NCPPC/DEP	M-NCPPC/DEP	M-NCPPC/DEP	M-NCPPC/DEP

TABLE D-a (cont'd.)

DIVISION OF WORK FOR WATERSHED STORM WATER MANAGEMENT

Work Item	Watts Branch	Muddy Branch	Seneca Creek	Other Water
Design and Construction of Storm Water Management Facilities	DOT/DEP	DOT/DEP	DOT/DEP	DOT/DEP
Overall Program for Operation and Maintenance of SWM Facilities	DOT/DEP	DOT/DEP	DOT/DEP	DOT/DEP

M-NCPPC—Maryland-National Capital Park and Planning Commission
WRA—Water Resources Administration, State of Maryland
DEP — Department of Environmental Protection, Montgomery County
DOT—Department of Transportation, Montgomery County
OPCP—Office of Planning and Capital Programming, Montgomery County

"Explanation of Work Items in the Division of Work for Watershed Storm Water Management"

In order to promote future understanding of the work items in the "Division of work for Watershed Storm Water Management" list dated December 5, 1973, the following explanations of the various work items are furnished.

Work Item—Develop Storm Water Management Concept Plan:

The development of a storm water management concept plan shall generally follow the steps outlined in paragraph 2 under the subheading **Comments** of the document entitled "Montgomery County Council Comments on Draft Review Preliminary Investigation Report for the Seneca Creek Watershed," dated June 1973. Pursuant to that document, the work to be undertaken by the Planning Board will generally follow the methodology outlined in the attached memorandum from the Director of Planning dated October 7, 1974."

Work Item—General Flood Plain Delineation

The purpose of this work item is to delineate general flood plain lines that could be used by all land use regulating agencies to insure that development does not take place within the flood plain limits. It is understood that the flood plain limits would include all areas that would be flooded during 50-year and 100-year recurring storms with maximum development in accordance with adopted master plans and with existing and budgeted structures such as bridges, dams, and so forth, in place. Budgeted structures would include only those that were programmed within the six year capital improvement budget. For planning purposes, flood plain delineation will be performed for a variety of flood frequencies and land uses.

Work Item—Land Use by Stages:

This would include the predicted land use at reasonable time intervals for each watershed.

Work Item—Park Development Plan:

The Park Department creates plans for the development of valley park facilities. These plans or proposed plans are a prerequisite for considering the level of protection required for each stream reach.

Work Item—Identify Significant Existing and Potential Water Resources:

This would include potential water for domestic use, for recreational uses, for unique wildlife and fishery habitats, etc.

Work Item—Identify Critical Environmental and Historic Resources:

This work item would include the identification and mapping of critical environmental and historic resources such as interesting geological formations, unique flora and fauna, specific structures or areas with

ic significance, etc.

ork Item—Criteria for Level of Protection by Stream Reaches:

This work item is to provide recommended levels of ction with respect to water quality by stream es to be considered by the County Council in their formulation activity.

Work Item—Subdivision Review Criteria:

his work item is intended to provide criteria for tory agencies including the preliminary subdivi- eview committee for establishing requirements of ievelopers in providing on-site and off-site storm management measures for protection of the ing waterways.

Work Item—Water Quality Level:

ne establishment of water quality standards is pri- accomplished by the water quality standards ed by Maryland Water Resources Administration pproved by EPA. It is the responsibility of DEP to or water quality and to develop and implement ms to achieve the adopted water quality stan- As these quality standards are achieved and it is found desirable to establish water quality rds at a higher level, these increased or raised quality standards would be the responsibility of partment of Environmental Protection.

k Item—Evaluation of Land Use Alternatives:

NCPPC will evaluate alternative land use con- ons in developing the storm water management and will incorporate such analyses into future plan preparations and revisions, as well as into iew of future zoning map amendments and sub- n applications.

rk Item—Hydrologic Model for Analysis of Alternative SWM Concept Plans

is model will be selected to provide the max- lexibility and analytic capability for the planning ns outlined on the work item on developing the vater management plan.

ork Item—Hydrologic Model for Detailed sis and Design of Storm Water Management Systems and Facilities:

is model will be utilized in the detailed analysis sign of approved storm water management projects on storm water management.

Work Item—Detailed Flood Plain Delineation:

The purpose of this work item is to establish detailed flood plain lines for use in regulating land use grading and construction in and adjacent to flood plains. Prior to the establishment of detailed flood plain limits under this work item, flood plain limits established under work item "General Flood Plain Delineation" may be used for such regulation.

Work Item—Funding Methods and Strategies:

This work item will include review, analysis, and recommendations regarding development of alternative financing strategies for implementing the plan, as well as possible procedural and administrative changes to improve the implementation process.

Work Item—Design and Construction of Storm Water Management Facilities:

Implementation of the Council-approved storm water management plan will be the responsibility of DEP in close coordination with DOT and the Parks Department of M-NCPPC. Facilities built on parkland will be under Parks Department supervision.

Work Item—Overall Program for Operation and Maintenance of Storm Water Management Facilities:

Actual operation and maintenance of storm water management facilities may be accomplished by the private sector, DEP, DOT, and the Parks Department of M-NCPPC. DEP will coordinate the implementation aspects of the plan to insure adequate operation and maintenance of storm water management facilities.

MEMORANDUM

TO: Chief of Environmental Planning Division and appropriate Staff

FROM: Montgomery County Planning Director

SUBJECT: Stormwater Planning Study Outline

The following seeks to outline in very simple terms the basic conceptual framework for stormwater planning which will be used as a guide by our consultants and staff for the next year or so. Pursuant to our meeting this morning with both our consultants and our own staff, it is my understanding that we are all agreed to this conceptual framework, and that the staff of other relevant agencies, such as the County Department of En-

framework and are also in general agreement, and that we have no specific areas of difficulty or lack of understanding between us and such other agencies. I, therefore, assume that, on this basis, work can proceed forthwith, and that if there are any problems of either understanding with other agencies or inability to produce within this conceptual framework, you will notify me immediately and we will seek to adjust the program or consultants contract accordingly.

There are three main elements to be considered in producing the best possible stormwater management plan for these basins. These elements are:

1. The rainfall that is expected to come down over the area in question, including estimates of its characteristics, such as volume, periodicity, frequency, rate, time of year, etc.

2. The alternative land use patterns that are possible or planned for the area, including such characteristics as its permeability, its susceptibility to increased on-site water retention, its urban runoff characteristics under different assumptions regarding urban land uses, its natural vegetation, its underlying aquifers, etc.

3. The channel network of receiving streams leading to the Potomac River, including such characteristics as its section profiles at various points, its hierarchy of secondary and primary branches and laterals, its susceptibility to soil erosion along its banks, flood carrying capacities, etc.

These three elements of rainfall, land use, and channel network constitute the variables which are to be tested under alternative assumptions and related together by mathematical modeling techniques. These techniques will include the use of computer analyses to allow the planners to look at the alternative possibilities that may be developed for handling each of the variables together as a system. There will be three major types of products of this study which are related to each of the three elements described above.

One will be a recommended level of risks or uncertainty with regard to rainfall for the basis of County policy and expenditures for its correction and treatment. This judgment as a policy matter is of the nature of an insurance analysis in which a certain cost is attached to a certain level of risk protection. In this case, the risk is from the nature of the storm, and interval which is likely to occur between storms, and the amount of costs that will be necessary in terms of facilities and other costs to allow for receiving that kind of storm without damage downstream. This judgement, therefore, requires some estimate of the total costs involved of alternative system-wide schemes of handling the stormwater and an analysis of the probability factor with regard to future storms. It should also include an evaluation of the use of insurance as a mechanism for recouping what losses might be incurred by relatively infrequent storm damage, but which do not justify an expenditure in public works facilities. This question is [illegible]

kinds of analysis used in road and traffic simulation to determine whether peak load criteria should be used as design criteria or rather some percentage of peak load as design criteria.

The second product will be some recommendations for regulations to apply to private land owners with regard to on-site retention. These will be of the nature of zoning, sub-division, or other legal requirements under the police power by which the owners of land are required to make certain provisions to absorb on the site some proportion of the rainfall which falls on their property. This may include the building of dry wells, the parking lot coverage with permeable or porous material, the building of holding ponds on the property, etc. This question involves some analysis of the underlying ground conditions which different owners inherit along with their property ownership. There are questions of equity under the law which must be complied with for any police power regulation to be fair in its application to all parties. Thus, a property owner whose land is bed rock may have a different situation than one whose land is sand. This element of the study product will need to deal with this equity question and provide suggestions for ways to handle it. A related product under this category will be standards or other criteria to apply to public facilities that may be built in the stream valley, particularly highways and bridges or embankments and culverts for them. The kinds of criteria that are applied to private owners should not be more stringent than those applied to the government in the way in which the stormwater streamflow is affected by urbanization. This product of the study has a direct relationship and input to the zoning and sub-division responsibilities of the Commission and also has a direct input into the design criteria for public structures that will be accepted by the various governmental agencies. The underlying methodology here is one related to the police power, the law and regulatory procedures generally.

Another possible application of this type of product affecting land use would be the potential amendment of area master plans to realign land uses and densities to better fit with the absorption capacity of the soil and better modulate the stormwater flows in the channels. We do have adopted master plans in Gaithersburg and Germantown, which are at the headwaters of the streams being studied, and it is presumed that they may not need additional revision. However, we should keep in mind the possibility of the feedback process from this stormwater study indicating that considerable money could be saved if revisions in land use were made.

The third type of product relates to the channel network of streams and to the parkland which constitutes the stream valley parkland system of the County. Over the years the Parks Department has built up a large inventory of sites along stream valleys and has plans to acquire much more within the general framework of seek-

ways and recreational areas. This far-sighted ram of publicly acquiring the land along the stream ys allows these channels to serve a number of ic functions. One of them is to keep development of the flood plain areas; another is to provide hiker- trails and other recreational activity nodes spaced g these; and another is to provide a channel for nwater accommodation. Thus, the stream valley ld be viewed as more than just an area from which lopment must be excluded in order to prevent damage; it should also be considered as an impor- corridor of human recreational activities, as well as ife refuge. It is also true that in many instances the m valleys also must accommodate the sanitary r pipe lines.

This third product of the stormwater study, fore, is of the nature of a stream valley park func- l plan. The general philosophical approach to this is one in which it is assumed that the more natural tream valleys can be maintained the better they are ie purpose of preserving the natural environment, ncing the wildlife, and improving the recreational icteristics for human use. This approach may be asted with the perhaps older and more single func- engineering approach of accommodating storm- in pipes or concrete channels which have the im- of quite radically changing the natural charac- cs of the stream valley. One might characterize the ence between these two approaches as follows. piping approach is analogous to taking the hair on imal and turning it so that the water slewes off it as s possible, whereas the stream valley park recrea- pproach is one of turning that around so that the are pointed in the opposite direction and tend to , delay and trap the water as much as possible, slowing down the amount of runoff.

A part of this slowing down process may be the ing of retention basins, dry holding ponds, and treatment of the ground or stream valley banks natural or other materials that have a natural ap- nce so as to provide catchment basins and places e slowdown of stormwater. Such catchment basins equire the taking of larger amounts of land into the system in order to provide adequate holding ity. This may suggest their use for certain recrea- activities that would not be unduly damaged by casional storm; or it may mean that they are simply ble as large expanses of open space for the enjoy- of picnickers and other hiker-biker activities. Ulti- mate decisions on this will require an analysis of the cost of the entire system alternates, including an estimate of the insurance provision mentioned in the first type of product. However, the particular product of this third element is the park-taking line or the functional plan for the area that should be considered for park acquisition along the stream valleys. In order to arrive at this line, it is necessary to previously delineate the anticipated flood plain level under the different assumptions made above. Thus, the delineation of alternative possible flood plains is an essential ingredient to the production of this kind of product.

It is my understanding that at present we have yet some work to do to determine how precisely these flood plain alternatives can be delineated within the cost of this study. This is because there is some problem about the accuracy of stream valley cross-sections that have been made previously due to the Hurricane Agnes recently having washed away certain parts of the streams and thereby changed the profile sections. The consultants are to immediately evaluate this data, and we will meet again to determine how precisely we can expect to go or what additional profile sections should be measured in order to produce a reasonable degree of accuracy. In any event, it is understood that this stormwater planning study will produce an approximate flood plain line and therefrom determine recommended park-taking lines for the stream valleys under consideration; and that once these have been adopted through the planning process, it will constitute a functional planning guide for the County agencies who will proceed to implement this plan.

In all of this planning study work, it is assumed that everything done is to be compatible with the measurements and other criteria used by other relevant agencies, and that these agencies will be kept informed of our progress and invited to sit in at key checkpoint meetings along the way so that the final product will have been thoroughly known by all affected agencies prior to reaching the point of Council consideration and adoption.

RT:mas

cc: Mr. Conway
Mr. Elston
MCPD Chiefs
Mr. Ernst

APPENDIX E.

Printed on Recycled Paper

Montgomery County Government

MEMORANDUM

April 13, 1992

TO: Steering Committee Members, Streamlined Development Review Process

FROM: Edward U. Graham, Director
Montgomery County Department of Environmental Protection

SUBJECT: Report on Transportation Elements in the Development Review Process

The following report is a review of transportation elements in the development review process conducted by the Department of Environmental Protection. It is based on discussions held from January to April 1992, with representatives of the development community, MNCPPC, and MCDOT. This report is organized as follows:

I. Overview of Transportation Review

Transportation elements play a key role in the development review process. The level of transportation review required in the process varies and can range from insignificant to major. This range is in keeping with the range of complexity found throughout the development review process in which the current process must accommodate everything from one unrecorded lot to a 500 unit subdivision. It should be noted that about two-thirds of the projects reviewed involve pre-preliminary plans and preliminary plans, and less than one-fifth of the projects reviewed involve development plans and site plans. Transportation review is a major element in determining the adequacy of public facilities necessary to serve development in Montgomery County.

Transportation review serves to guide the efficient development of a safe and balanced transportation system to accommodate County development policies. Long range transportation planning is embodied in the General Plan and the Master Plan. Transportation review, then, serves three basic functions: (1) to ensure that transportation facilities will be adequate to serve the proposed development as required by the Adequate Public Facilities Ordinance; (2) to ensure that current transportation projects are consistent with long term policies; and (3) to implement transportation operations to ensure safety and use of sound engineering practices.

In the Development Review Process, transportation review generally occurs in three broad stages: (1) the preliminary plan stage; (2) the site plan stage (when applicable); and (3) the permitting/construction plan stage (encompassing plan approval, permit issuance, record plat signoff, and building permit signoff).

1. **Preliminary Plan Stage.** At this stage, there are both onsite and offsite transportation reviews. This stage culminates with the approval of the preliminary plan by the Planning Board, which is coordinated by Development Review Group of MNCPPC.

- Offsite Reviews. The Adequate Public Facilities Ordinance mandates that the Planning Board not approve a preliminary plan of subdivision, except under special circumstances defined in the Annual Growth Policy, unless it finds that transportation facilities in place or projected in local and state capital improvement programs will be adequate to serve the new subdivision. The two transportation tests are:
  (1) Policy Area Transportation Review for all plans generating more than 5 trips -- such that development cannot exceed the staging ceilings established by the Council. The applicant may provide the transportation facilities or traffic mitigation programs to overcome staging ceiling difficulties; and
  (2) Local Area Transportation Review for all plans generating 50 or more trips -- such that the developer must mitigate local traffic congestion problems through road improvements and/or trip mitigation activities.

  This activity involves MNCPPC, MCDOT, and State Highway Administration (SHA), when state roads are affected.

- Onsite Reviews. The onsite review involves the review of the preliminary plan submitted by the developer to review site circulation and interface with surrounding road system, easements, access points (driveways and roadways) for sight distances, sidewalks, bikeways, road improvements, and master plan guidance. These issues are coordinated among agencies at the preliminary plan portion of the Subdivision Review Committee. This activity involves MNCPPC, MCDOT, and SHA, when existing or proposed state roads are affected.

2. **Site Planning Stage.** For those optional development projects and zones requiring a site plan, there is a second action by the Planning Board, coordinated by the Urban Design Division in MNCPPC. Aside from changes the developer makes in refining its design since the preliminary plan, the developer incorporates urban design elements at this stage.

Transportation review typically includes review of changes and refinements of site circulation, truck storage, internal circulation, driveway design and location, boundary, topography and road improvements along County-maintained roads, and conditions placed

on preliminary plan approval. Site plan review addresses concerns of a host of other agencies including MCDEP, MNCPPC Environmental Planning, MCDOT, MNCPPC Transportation, Urban Design, SHA, and various utilities. Concerns affecting roads which must be balanced with traffic engineering concerns include perceived pedestrian safety/comfort, bikeway locations, crosswalk design/location, street trees and other streetscape elements, vehicle noise mitigation, disabled access, utility pole locations, signal location/timing, street lighting, utility coordination, curb parking, and stormwater runoff. Response to these concerns at site plan review may necessitate revision of the on-site review outcomes determined at preliminary plan.

3. **Permitting/Construction Plan Stage.** Associated with the various permit applications is MCDOT review of construction plans submitted by the developers to ensure compliance with road standards, preliminary plans, site plans, and building permit requirements, and accommodating traffic control.

- Grade Establishment. The developer typically submits the GE plan prior to getting the record plat. Once MCDOT reviews the GE plan, it is sent to MNCPPC, and then to WSSC. It is also transmitted to SHA when the road profile intersects an existing or proposed State road. Subsequently, the developer files a grade establishment application with MCDOT and meets bonding and fee requirements.
- Record Plat Issuance. Following MNCPPC approval of the record plat, it is sent to MCDOT. Many plats (i.e., 28% in CY1991) are approved upon the developer signing a Public Improvement Agreement (PIA), which subsequently allows the developer to apply for paving and storm drainage permits and grading permits. PIAs usually apply to developments where new County streets are to be built. Fewer plats (10 percent) are issued by first requiring paving and storm drainage permits and grading permits and bonds for construction in the public right of way. Permits/bonds usually apply to existing situations where improvements are needed, which might be as minor as the need to construct a sidewalk across the site frontage. Finally, covenants usually apply to situations where road improvements are or may be needed in the future but which are beyond the scope of the pending subdivision plan or a CIP project is proposed adjacent to the site.
- Paving and Storm Drainage.
- Building Permit. The building permit requires MNCPPC signoff for site plan compliance and MCDOT signoff for transportation elements. MCDOT also provides review of interior vehicular/pedestrian circulation, handicap access, and dumpster location/accessibility for those plans not requiring site plan review. At this stage, the review should largely serve as a last confirmation that all required activities are addressed.

II. Transportation Issues in Development Review

It is apparent from discussions with various public and private representatives involved in the development review process that the current system has shortcomings and creates problems for both government and the development community alike. The types of problems raised in these discussions include: lack of public and private accountability, ineffective use of staff resources, staff stress and frustration, and delays and cost increases to the developer. There is broad agreement among public and private representatives on the problems encountered during the process.

What also became apparent from these discussions is that many of the problems currently experienced are a natural outgrowth and manifestation of how the process has matured. Fundamental to how the current process has evolved is the division of responsibilities between the Executive Branch agencies and the Maryland National Capital Park and Planning Commission. In part, issues in the process result from misaligned and/or inadequately coordinated missions between these two agencies as established in Chapter 49 and Chapter 50 of the County Code.

It seems that the following set of issues are the underlying causes to delays and inefficiencies associated with transportation elements in the development review process.

1. Sequence of Interagency Reviews
2. Resolution of Competing Inputs
3. Guidance to Serve the Process
4. Clarification of Roles

To the extent these issues can be mitigated, effective streamlining of the process will occur without sacrificing quality or essential government functions in the review process.

1. Sequence of Interagency Reviews.

For many of the largest development projects, the current process has been likened to an hour-glass shape with two globes: In the first globe, concerns are flushed out and narrowed down in the preliminary plan process; in the second globe, new concerns come to light with the site plan review process and the addition of urban design issues, which then are narrowed down once again. The process should follow more closely the shape of a funnel, with each stage in the process moving to a greater narrowing of constraints and issues.

For instance, the process for site plan review is more interpretive and interactive because of the application of qualitative design review at this stage. It is a somewhat iterative and therefore less predictable process, and one which can lead to multiple reviews. The process also demands incorporation of many competing concerns. This requirement can cause changes in the site plan at the last minute. What can then result are government inefficiencies because the plan

changes from that which has already been distributed to the agencies for their review and on which those agencies have commented. These changes might be initiated by the developer, the community, or urban design. Even when the change is nominal, it nonetheless introduces problems because the MCDOT representative at the Subdivision meeting cannot speak for all of MCDOT's programs in judging whether the change is nominal, so MCDOT must look at the plans again.

2. Resolution of Competing Inputs

At the site plan stage, MCDOT's comments would generally follow naturally from comments made by MCDOT at the preliminary plan stage. Nonetheless, transportation issues can and will change to the extent that they must to allow for flexibility to address site plan concerns. This requirement will lead to sequential reviews. It will not necessarily result in an optimization of potentially competing goals. Also, consensus and coordination can break down in the process, such that site plans have been approved in cases where MCDOT issues were not fully resolved. Significant revisions to the approved preliminary plan to accommodate design goals at the site plan stage, which may conflict with the County Road Code, are quite disruptive to the site plan review process.

As has been raised by other forums, there is a practice of letting the developer bear the burden of coordination among the agencies. Although the Subdivision Review Meeting brings the agencies together and provides an essential service, the developer must take the lead in working out issues between MCDOT and MNCPPC transportation staffs. To the extent issues are identified, the agencies are responsive about meeting and earnestly working towards a solution. The shortcoming of this process is that it can produce a ripple effect. Changes in the process to accommodate transportation issues can negate the goals of other agencies. The Subdivision Review Committee process can afford opportunities to resolve competing inputs. It was observed from the preliminary plan meetings that the process generally works best when led by experienced MNCPPC planning managers who will make judgements consistent with appropriate policy.

The public also presents competing inputs and can affect transportation issues in the process by contacting MNCPPC staff, or testifying to the Planning Board. To facilitate this process, MNCPPC Urban Design will respond to public comments by attempting to find solutions that the developer and the reviewing agency can accept. The nature of public comments can be broad or very general; they can also foster substantial changes from the preliminary plan to the site plan. The citizen input can sometimes result in several rounds of negotiations and changes to the site plan. Citizen comments can also result in a site plan being approved by the Board with conditions that must later be resolved.

3. Guidance to Serve the Process

It was generally held that the process suffers both from conflicting interagency objectives and a lack of comprehensive guidelines. As an example, it was noted that MCDOT would like

water moved from the roads quickly, whereas MCDEP would like water moved from the roads less quickly to allow for percolation. Presently, this and other issues are resolved one project at a time. The means by which they are resolved should be formalized with input from all affected segments of the community. At present, these items might start as precedents for one project, and then become institutionalized for all future projects as standard operating procedures.

A lack of integrated and comprehensive guidelines reduces the ability of the engineer to meet the needs of the government agencies. It also creates a need for additional staff interpretation and judgment to resolve qualitative aspects of the process, such as urban design or environmental elements.

Both public and private representatives commented that some firms do not adequately review the work of their junior staff, which results in unnecessary and tedious scrutiny of the plans on the part of MCDOT, SHA, and MNCPPC reviewers. Some engineers noted that the design firms might blame their own poor turnaround and design performance on MCDOT and MNCPPC rather than admit errors to their clients.

4. Clarification of Roles

For transportation issues, there is a review for all projects involving transportation specialists from MNCPPC and MCDOT. In certain projects affecting state roads, the State Highway Administration (SHA) also has a required role. There are opportunities for better identifying transportation leads. At present, the regulatory and operations mandates of Chapters 49, 50, and possibly 59, create ambiguous lines of authority between MNCPPC and MCDOT.

III. Transportation Review Needs

The following needs have been identified on a preliminary basis. It should be noted that no effort has been undertaken to evaluate the cost and benefit associated with addressing these needs.

1. **Isolate the procedural and substantive reviews** (i.e., substantive items are cross cutting issues and policy decisions). Akin to the funnel concept, efficiencies might be gained by keeping substantive review to several defined points in the process, thereby allowing procedural reviews to occur more systematically than at present. One method of accomplishing this objective may be through the use of interagency review teams. A possible scenario for interagency teaming is given in the appendix to this report.

2. **Employ automation to effect improved interagency coordination, ensure current approvals are consistent with approvals in the pipeline, and increase the procedural aspects by supporting these reviews with automation.** Automation may help to reduce occurrence of post-approval problems, which can develop for the applicant if improvements required previously of other developments are not built in time or if a CIP

road project is delayed or deleted. Automation would benefit the APF review process for LAR by having a database keyed to every "critical" intersection. Use of GIS automation would allow the actual plan to be entered into the GIS so reviewers can refer to and analyze as needed actual property lines, right-of-way lines, edges of pavement, and sidewalk/bikeway locations. The number of resources that plan reviewers must check through to comment on a specific plan would be greatly reduced if all information were instead on the GIS.

3. **Establish road constraint policies and methods for revising** these policies as new issues arise that include input from citizens and the development community (e.g., groups like the Road Code Committee). By identifying the minimum constraints, the process becomes more predictable for the developer. The shortcoming of this recommendation is that the community loses flexibility because the developer will generally provide only what is needed and no more. Nonetheless, as competing programs create absolute requirements (e.g., tree stands, wetlands, road widths), the need for such guidance will be essential. Methods for revising the policies should be established to ensure that requirements do not become institutionalized without examination of their basis.

4. **Examine methods to balance government's control with appropriate bonding requirements.** To the extent that the carrying cost of land is unreasonably burdensome, the developer should be able to mitigate this burden somewhat by bonding certain critical path elements of the project, including when this affects public right-of-ways.

5. **Establish a road club fund.** While concern was raised about how to administer such a program, there was widespread support for the County Executive's proposal to allow developers to pay back a fund for road improvements upon the sale of units in the subdivision. The design of such a system must be integrated into the subdivision process.

6. **Create chains of accountability and responsiveness.** A lead agency or staff person should be identified for each subject matter, such that following interagency discussions, there is closure. Other alternatives are to establish a lead group of reviewers (e.g., modified version of Fairfax's DPE program), or an ombudsman, either of which would provide a binding resolution of the issue. Note, such an action could be conditionally binding pending the Planning Board's action. Another alternative is to use interagency teams, a concept that is described in the appendix. Roles and responsibilities of the various agencies must be evaluated to ensure properly coordinated efforts -- if there is redundancy, there must be a compelling reason for that redundancy or the responsibilities should be redesigned. Moreover, notices of plan submittals, including rejections for incomplete applications and comments on complete applications should be returned to the client and senior management of the engineering firm. The process must be responsive to the community, and this must be accommodated in the context of reviews by the agencies. At present, public involvement can produce up-to-the-last minute changes that create government inefficiencies and can be burdensome on the developer.

7. **Review and revise as appropriate Chapters 49, 50, and possibly 59 with respect to agency authority and area of responsibility.** Re-examination of the chapters may be essential to ensure longterm coordination. At minimum, the agencies should undertake Memorandums of Understandings (MOU) describing interagency roles, responsibilities and commitments to promote efficiency and workload expectations in the process.

Appendix

PROPOSAL FOR DEVELOPMENT REVIEW TEAM CONCEPT

Purpose: To establish interagency teams that will review development for compliance with planning and regulatory requirements for land use in Montgomery County.

Given that:

- The current review system is necessarily complex due to bifurcated missions of the involved agencies, which by definition creates a need for a high degree of coordination and communication for the process to be administered.
- The current system relies on a sequencing of agency reviews that does not lend itself to early incorporation of design elements -- the potential outcome of which is disruptive changes occurring late in the process.
- The current system requires the developer to coordinate with multiple government agencies, sometimes regarding the same subject matter (e.g., environment, transportation).
- The demands on the development review system will increase as new programs are introduced and create competing priorities on development solutions.

Objectives: The development review team concept intends to accomplish the following objectives:

- Stimulate problem-solving among interagency staff to identify and resolve inefficiencies;
- Create geographically-responsive development that will benefit from experience with local issues and interests;
- Reduce staff stress while promoting creativity and expertise in addressing development review problems.
- Reduce time required for straight forward projects, while making time available for high quality, efficient review of complex projects.
- Expand and revise current guidelines into an integrated package such that plans are reviewed in the context of comprehensive guidance and standards.
- Promote cross-pollination of ideas among teams to optimize the process.
- Establish a conflict resolution system involving interagency senior management to address: (1) the lack of consensus among team members; and (2) the need for policy guidance on development issues.
- Create options for the development community such that the process can be expedited. The developer is able to pursue a streamlined approach by adhering to established guidelines and standards, performing more detailed design work earlier, and avoiding substantive changes to the plans approved by the Planning Board.

Concept Description:

Attachment (page two)

Steps		Activity	Outcome
1.	Intake	Plan is reviewed via qualitative checklist (i.e, have guidelines been used)	Complete plans are submitted; subsequent agency review is focused on substance.
2.	Team Review	Multiple agency review team assigned to review development plan while balancing competing government priorities. Plans are reviewed according to comprehensive guidelines, such that both public and private sectors have similar expectations regarding the nature of comments necessary.	These outcomes can occur: (1) team consensus results in recommendation to the Planning Board; or (2) no consensus results in referral to the Senior Resolution Committee. An additional outcome from the team is the referral of policy issues to the Senior Resolution Committee.
3.	Planning Board Action (primary)	Team recommendation is reviewed and public hearing is held.	Planning Board takes one of three kinds of actions: (1) Approval/Denial: similar to current preliminary plan; (2) Stream-lined Approval: approval of some plans (for which a site plan review and hearing is now required) without a secondary board action if conditions are met without substantive changes; and (3) Secondary Approval: for complex, controversial projects, the plan returns to the original team for review of the advanced design plan prior to a second board action.
4.	Planning Board Action (secondary)	Team recommendation on revised plans is reviewed and public hearing is held.	Planning Board approves or denies the revised plans.
5.	Confirmation Points	The plan is checked against specific conditions resulting from the Board's action. The confirmation point specifically defines the required action and responsibility of individual agencies.	Agencies meet their respective responsibilities. As necessary, plans can be redirected to the original team. For stream-lined approval plans, the team can redirect the plan for a secondary Board action when warranted.

APPENDIX F.

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

April 14, 1992

MEMORANDUM

TO: Steering Committee Members, Streamline Development Review Process

FROM: Robert W. Marriott, Jr., Montgomery County Planning Director RWM/CBL

SUBJECT: Report on Reassessment of the Process for Water and Sewer - Approval, Design, and Construction

The information in this analysis was obtained from a series of interviews with personnel in the WSSC Authorization, Design and Construction Divisions during early March 1992. Information was also obtained from the WSSC publication entitled "Water/Sewer Staging Process" which was published in March 1988. Based on interviews with selected WSSC staff, some of the information in the report may be out-of-date as of 1992, but information is generally considered an accurate description of the current process.

I. DESCRIPTION OF PROCESS..

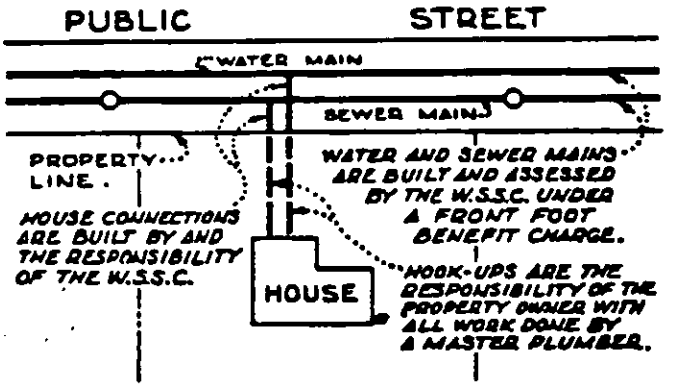
The extension and construction of water and sewer lines to connect new and reconstructed developments is the jurisdiction of the Washington Suburban Sanitary Commission. Depending on the location of the property, an applicant may require one of several forms of WSSC service. The type of service depends on the location of the property in relation to water and sewer facilities. Types of service include the following:

1. An extension of water main line or gravity/pressure pipe sewer main line if service mains do not abut the property (these are termed "extensions").

2. A connection which is a lateral distribution service line built from an existing main line to the property line (these are termed "connections").

3. A plumbing system hook-up from a house or building to a connection with the WSSC water/sewer system at the property line (these are termed "hook-ups").

The following diagram illustrates these various possibilities.



The WSSC Authorization, Design and Permit process involves separate processes as shown in the Schematic Flow Chart (Appendix A-1). These separate processes include steps that can be generalized into the following: authorization for extensions/expansions (not required in cases where existing lines abut property and capacity is adequate to serve new development); engineering reports and design; construction bidding process; on-site construction and inspection; and permits for connections and plumbing hook-ups. Upon completion of all authorizations, design and construction, and final inspections, an applicant is authorized by WSSC through approval of either a connection or hook-up permit to receive a building permit for new construction from the Montgomery County Department of Environmental Protection.

Authorizations - System Extensions and Expansions. Initial application is made to WSSC for system expansion or main line extension projects and is processed as an engineering feasibility report. Such reports describe engineering and economic factors as to whether a project is feasible. Following finalization of the report by WSSC staff, these reports become an "authorization" to proceed with a project. The authorization process is a 4-8 week process, unless delayed by complexities which are discussed in Section III. A private developer must engage an engineering consultant to prepare an engineering and feasibility report which is then processed by the Engineering Department and a fee charged the applicant.

It is the burden of the applicant's engineer to meet all the submission requirements of the WSSC engineering report (authorization). These include: engineering sketch plan, expansion/extension cost estimates, right-of-way requirements, property owner interaction and potential interim funding, depth of lines, tunnel costing, etc. In some cases WSSC actually does in-house engineering and design. These cases most often involve public health problem areas and retrofitting of existing lines.

Applications for service are accepted from private individuals only after a preliminary plan has been submitted to the Montgomery County Planning Board and has been reviewed by the Subdivision Review Committee. Therefore, the WSSC review is a concurrent process with the subdivision review process which is carried on independently. Private design plans are also accepted by WSSC, for review purposes only, in advance of final authorization so that the engineering design process can also be concurrent with the WSSC authorization application process.

Approval for authorizations are transmitted to the Commission only after the preliminary plan of subdivision has been approved by the Planning Board. Smaller and less complex extension authorization is delegated to the staff of WSSC in accordance with delegated administrative practices so as to hasten the process for all service applicants. If authorizations are administratively approved, then the process is less than 4-8 weeks. Approvals are made known to the applicant through an official authorization letter which includes an itemized list of conditions which an applicant must satisfy before receiving final engineering design approval (see Appendix A-2).

Upon submission of a satisfactory engineering report to WSSC staff, and satisfactorily meeting all conditional requirements of the authorization letter of approval, an applicant may then progress to the project design and construction phase. At the initiation of this phase, a pre-design meeting is held with relevant WSSC design staff. At this meeting issues are reviewed unique to the specific development site and different construction phases are established and placed in schedule form. The conditions of the authorization are specifically reviewed including obtaining the final approval of street grading plans; approval of final stormwater management plan; obtaining WSSC erosion and sediment control permit; dedication of all utility easements and rights-of-way by recorded plat; and submitting connection application forms. WSSC staff may waive some of these conditions temporarily.

A typical applicant, after the pre-design meeting, will enlist a private engineer to prepare engineering-construction plans, which is normally the same firm that accomplished the engineering feasibility report. However, in some circumstances, WSSC will do the final construction design plans for a private applicant. When engineering-construction plans have been completed, any permits necessary to WSSC construction work must be sought by WSSC from the relevant State, Federal, and local agencies.

The next stage is bid advertising. This is done by WSSC which has the construction authority for building all collector and feeder lines on public property or in the public right-of-way. This is administered entirely by WSSC and takes an average 9-10 weeks. If meeting some of the authorization conditions has

been temporarily waived by the WSSC staff at previous stages in project design, they must be met no later than 8 days prior to the advertised bid date. In particular, an "Engineer's Certification of Grading Compliance" must be submitted which assures that all streets, paths, and rights-of-way are cleared, grubbed, and graded to within WSSC's acceptable range.

The bidding process starts with the request to advertise (RTA) from the Design Division, and involves preparation of bid documents (1 week); making bid specifications available to bidder (1 week); allowing 3 weeks for advertisement; award of contract (one week); and contractor's submittal of documents and contract execution (1-2 weeks). Construction contracts less than $500,000 are approved administratively. Larger contracts above $500,000 are approved by the Commission only.

Subsequent to the signed construction contract, the construction/inspection phase begins. Average construction is accomplished in about 25 days, but each project varies in time. There is a preconstruction conference held with all regulatory agencies and contractor and developer to work out scheduling and on-site coordination of various contractors. A WSSC contractor must generally be available to proceed within 8-10 days from being given notice to proceed. Inspections are continuous and are closely coordinated with the contractor/developer by the WSSC Bureau of Construction.

Upon completion of construction, all lines are pressure tested and a release of service notice is granted to the applicant which allows all subsequent connection permits and hook-up/plumbing permits to be released.

An individual connection or hook-up permit is required for each property in a subdivision being provided service. Prior to final plumbing being operational, a hook-up permit is also required to cover construction of water and sewer lines on private lots. Both of these permits are issued by WSSC on a same-day-service basis.

II. COORDINATION WITH OTHER AGENCIES.

Considerable coordination is required with other County/State agencies having responsibility in the development process.

Service Area. WSSC is prohibited by law from building lines to an area not planned for public water or sewer service. Service area mapping and processing of amendment requests is the responsibility of the Montgomery County Department of Environmental Protection, approval authority residing with the Montgomery County Council. A request for service is not accepted by WSSC unless the property is in Water and/or Sewer Area Categories 1 through 3 or a "Conditional 3" is granted.

Subdivision Process. The WSSC authorization, design and permit process is also coordinated with the subdivision approval process whenever a subdivision is required for new development. Applications for a engineering feasibility report, which leads to an authorization for system extensions, are only accepted for processing after the Subdivision Review Committee has screened preliminary plans. As part of WSSC's participation on this committee, an applicant is provided with conceptual advice on efficiency for sewer and water service design and potential problems with site layouts.

The WSSC process is carried out concurrently with the subdivision approval process. Authorization approvals are granted upon approval of the preliminary subdivision plan. A recorded plat is necessary prior to a project's bid for construction and this too is a condition of an authorization.

Stormwater Management. Final stormwater management plan approval is a requirement prior to WSSC final engineering design and bid. Unless approved beforehand by WSSC, storm drain construction cannot precede water/sewer line construction since any pipe alignment conflicts which arise would increase WSSC contract costs.

Street Grades. Approved street grades must be submitted to WSSC prior to final design. Actual street grading must be accomplished prior to construction bid and WSSC line construction. These are conditions of authorization and involve the street permitting process of the Montgomery County Department of Transportation.

Construction Permits and Dedications. An example of the conditions of an authorization grant are included in Appendix A-2. This includes submission of items previously mentioned and all grading plans, finished grades, all utility rights-of-way and dedications, etc. In order to meet these stringent conditional requirements, a grade establishment plan, and paving and storm drainage plans/permits must be secured from the Montgomery County Department of Transportation and a record plat issued by the Montgomery County Planning Board.

In order to meet all the WSSC preconstruction permits required to initiate bidding, a list of the following construction permit requirements are included in Appendix A-3. Obtaining these permits may involve the following agencies not already mentioned: Maryland Department of Health, Maryland State Highway Administration, WSSC Environmental Services (delegation by State of utility sediment control), Maryland Water Resources Administration, Maryland Department of Natural Resources, Maryland Department of the Environment, and certain Federal agencies for projects involving Federal property and wetlands.

III. TIME DELAYS IN PROCESS.

A connection to an existing line with on-site construction takes about three months in WSSC processing time as long as all submission requirements are met and all other agency requirements have been satisfied and permits obtained. One reason for the lengthy period of time necessary to "connect" to an existing line relates to the requirements for obtaining traffic control permits from Montgomery County DOT. There appears to be a reasonable possibility that this process could be shortened. For new extensions, however, there is typically considerable lapsed time between authorization and construction to allow applicant to do engineering and to secure required construction permits. Design and construction of a connector main line entails a minimum of 6-8 months. The typical start-to-finish time for building pipelines in a subdivision is between 16-20 months. This is the time from the approval of the preliminary subdivision plan until completion of construction of all water/sewer mains. Some of this time is concurrent with other approvals involved in the subdivision review process, stormwater management process, and other construction permitting required.

Major delays can occur in a number of areas. As part of the initial authorization for system expansion/extensions, a capital improvement project may be necessary for the granting of an authorization request. If this is the case and the project is already programmed for funding, then delay will occur until funding is available, usually beyond the 6-8 month review period. If a capital project is required and it is not programmed in the existing CIP, then a period of up to an additional 18 months is necessary to obtain approval in the CIP of a project. This varies with the time of year and the stage of the CIP annual review cycle. The actual timing of a CIP project may also be delayed by land acquisition or rights-of-way problems and may also cause a delay for the development approval process.

Without the existence of adequate capacity to provide for additional development, sewer/water category change requests may condition approval subject to the provision of CIP projects. Without Category 3, no preliminary plan or sewer authorization can be obtained, a catch-22 situation. Consideration should be given to allowing WSSC to provide for CIP projects in Category 4, where economically feasible.

Another area for delay involves the permitting process necessary for new line construction (Appendix A-3). All necessary construction permits must be obtained before the bidding process can begin. This can cause a delay of bid even though all engineering reports are complete and final construction designs are approved. WSSC assumes the responsibility for obtaining all construction permits prior to construction. Some permits are piggy-backed onto developer's permits by WSSC. Based on WSSC

staff interviews, this process can delay line construction indefinitely if major issues arise with the various permitting agencies shown in Appendix A-3.

Another potential delay is in construction coordination and staging. This issue is carefully monitored by the WSSC Bureau of Construction and is the major topic for the preconstruction conference involving WSSC staff, the WSSC contractor, and the landowner/ developer. Every effort is made to coordinate WSSC construction with on-site contractors to prevent delay and to exchange work where necessary by amending contracts. This division also is responsible for coordinating all inspections so that this does not result in contractor delays.

The stringent preconstruction requirements in the WSSC design process attempt to assure that all unforeseen site-related problems are dealt with at the design stage such as final grading, coordination with installation of other utilities (WSSC lines must be installed on priority basis), various soil conditions and rock outcroppings, stormwater facilities, and wetland and floodplain impacts. However, site-specific issues have a continuing potential for causing delay during the construction process and require continuous coordination by the Bureau of Construction with their contractors and inspectors.

Also, the 9-10 week bidding process can be extended if demands increase in times of high construction activity causing staff to backlog bids. Also in times of high demand, available construction contractors may be scarce which requires WSSC to obtain out-of-area contractors and to combine more than one construction project with a single contractor. This coordination and time management is the responsibility of the Contract/Technical Services Section of the Bureau of Construction. There is also potential delay in obtaining on-site soil boring information from some engineering design firms, and this is done by WSSC if not otherwise available on a timely basis. This is a requirement prior to final construction bid preparation. Change-orders on contracts can also require additional time for negotiation and drafting if required subsequent to the final contract execution.

IV. RECOMMENDATIONS FOR CHANGES AND ADDITIONAL ANALYSIS.

The following areas were reviewed and recommended for possible procedural changes or additional study to determine the appropriate alternative for implementing streamlined review.

Time Limits for Review. In reviewing the WSSC approval, design, construction, and permitting process, it has been noted that there are no review time limits which regulate the process. The time lines indicated in the Flow Chart in Appendix A-4 concerning project design and construction scheduling are estimates of average review times or in some cases are administratively prescribed review times which are implemented in staff operational requirements or in contractual requirements. Construction

contracts include in most cases dates for completion and inspection. Responses from WSSC staff indicate that in general these are the minimum times dictated by program response times and reflect ability of applicants and staff to supply information, draft plans, and obtain permits.

Generally speaking, a developer controls much of his own destiny as relates to a project required to serve his site. If he chooses to move slowly in satisfying conditions set forth for an authorization, or he does not pressure his private engineer on plan submissions to WSSC and others, or he is unable to secure grading approvals or wetlands permits, etc., a project's completion will indeed be retarded. Circumstances such as these indeed skew the time frames in Appendix A-4. Nevertheless, consideration could be given to establishing goals for review times for the authorization process, engineering and design process, and the bidding process. This should especially be considered for the easier types of connections to existing lines where the assumed 3-month review period for simple line connections appears too long. In this category are connections where "open road cut" permission is granted, no special permitting is required (traffic control, stream crossing, etc.), and all construction materials are readily available to a WSSC contractor. This would require additional study and analysis on operations and time-work functions but could offer potential for controlling open-ended review processes.

Private Construction Alternative. Another issue that was extensively discussed with the WSSC staff was the alternative of developer-accomplished private construction of small diameter pipes on property they are developing versus WSSC directed construction by private contractors. Off-site connecting line construction would have to remain in WSSC jurisdiction where it involves permits, WSSC owned right-of-way, parkland, or other private ownership properties. Of course, all construction of hook-ups on private property (individual lots) would continue to be done by private plumbing contractors.

Although some other jurisdictions in Maryland allow private contractor construction of lines and/or connections in public ways, the WSSC enabling legislation mandates this responsibility within the Sanitary District of Montgomery and Prince George's Counties. Therefore, changing this procedure would require changes to the State enabling legislation affecting both counties so that developers could construct lines external to their own site.

However, options could be explored to allow the private developer to control the timing, financing, and construction of WSSC lines to be installed on-site. Such a concept offers several advantages to the developer; time savings by deletion of the WSSC advertising and bidding process; concurrent rather than sequential construction of utilities on-site; reduced cost by

using one contractor for doing all utility line installations and site grading; and better developer control of construction sequencing and coordination.

Further study will be needed to detail the full ramifications of this proposal. It would be necessary to study other construction processes in other jurisdictions involving similar sized subdivisions to determine comparative time saving. This was not possible in a short time horizon.

It should be noted that WSSC staff concludes that higher quality in construction is possible because of the on-going contracting relationship between WSSC and its contractors, and the continual WSSC oversight on the construction contractor. Also, since small diameter pipelines and connection lines are financed through a front-foot-benefit assessment on all benefitting properties, it would be necessary to devise ways to either reimburse private construction of lines which are ultimately turned over to WSSC for maintenance and operation or to forego the benefit assessment if the developer financed the construction.

Construction Coordination. The WSSC requires that no other construction activity or utility installation take place in or otherwise affect rights-of-way that include water and/or sewer lines until water/sewer lines have been installed. This is a sequential process which adds overall time to the construction process. WSSC estimates that sites lie idle for approximately 5 weeks. An option would be to allow, on a case-by-case basis, other construction activities or installation of utilities that are not in conflict with WSSC activities, or alternatively, to allow private contractors under contract to the builder to install all utilities including water and sewer lines at the builder's expense and risk. Under this scenario, the developer would have to underwrite the costs of installation, which WSSC staff presumes would not be acceptable to developers and/or their lending institutions. This kind of a procedure would need very active coordination. A further analysis of this alternative is needed.

Design Coordination. At present WSSC accepts application for water and/or sewer authorization only after a preliminary plan of subdivision has been reviewed by the Subdivision Review Committee. Subsequent to selecting water/sewer pipeline routes, site layouts often change, thus negating portions of an already approved preliminary plan. An alternate option would be for the County as a whole to develop a unified application form. This application would be valid for all agencies including, but not limited to M-NCPPC, DEP, DOT, WSSC, etc. The State of Maryland has adopted a similar procedure with success in some of their review processes. One disadvantage to this approach would be that during the preliminary approval process, any number of changes take place which may impact the location of water/sewer

lines. This may increase the up-front engineering cost of the project. Another consideration is that nearly all agencies now charge their own fees for processing. This issue needs further exploration to see if a joint application could be made simultaneously to various agencies.

Authorization Process and Sewer/Water Plan. At present WSSC accepts applications for water/sewer service when the service category is W3/S3, or conditional. Presently, the condition exists where the water and sewer service maps indicate two sides of a street, both with water and sewer, but with different categories. There is an opportunity for WSSC to accept applications with a W4/S4 designation and to do the basic preliminary work to determine what additional lines or augmentation would be needed. However, actual service should not be granted unless and until the category has been changed. A task force of DEP, M-NCPPC, WSSC, County staff, and a developer's representative is recommended to look further into details of this recommendation. A similar proposal was discussed several years ago before the County Council, but no formal action was taken.

CIP Coordination. Some projects, like the Olney Pumping Station and the Piney Branch sewer, have undergone considerable delay due to complications in right-of-way acquisition or site acquisition. Literally, one stubborn property owner can singlehandedly stop an important and necessary facility through protracted negotiations. A "quick-take" provision was brought to referendum in Montgomery County years back and was defeated. WSSC continues to recommend "quick-take" ability for Montgomery County, as they have successfully implemented to reduce delays in Prince George's County.

The inclusion of certain water and/or sewer projects in the CIP process can delay a developer's project, and add to the expense of the development. Sometimes the sizing of a pipe over the threshold for inclusion in the CIP (15 inch or greater for sewer, and 16 inch and greater for water) is due to WSSC requirements for increased line size beyond those required to serve an individual development. Such projects are referred to as "DAP (Development Authorization Process) Projects" in the CIP. For instance, a developer may need an 8-inch sewer line to serve his development, but WSSC instead requires a 24-inch sewer line to serve future capacity needs. The developer is then subject to the administrative CIP process, and the delays inherent therein, despite the fact that the developer covers a primary share of the costs to build the larger sized lines.

Due to the potential time savings, further study of this situation is warranted. However, such a study must also consider implications (beyond the fiscal ones) of inclusion in the CIP, including costs, staging, master plan, environmental, and community impacts.

Construction Permits. A final area of concern in terms of streamlining existing processes is that involved in obtaining construction permits. WSSC has assumed this responsibility as it is logical since they have sole responsibility for construction. Although this can be time-consuming, it should be noted that WSSC has attempted to expedite this process to the maximum extent by earmarking specific staff with the sole responsibility and expertise to satisfy permitting requirements. An example is WSSC paying for State staff to specifically expedite State review on waterway crossings with the Maryland Water Resources Administration. The WSSC Environmental Services Group has also obtained State delegation authority for the utility sediment control permits.

Particular problems remain in obtaining traffic control permits from the Montgomery County DOT, tree permits for new construction (a new requirement under State law), and negotiation for construction authorization with the Montgomery County Parks Department of M-NCPPC. It should be noted that in the latter case involving the Parks Department an inter-agency working group has been meeting for approximately one year to address the issues arising from WSSC construction on park property. A draft Memo of Understanding has been prepared by this group. It is not clear whether additional efficiency could be introduced to this process by providing for the appropriate responsiveness from other agencies or adjudication processes to mitigate conflicts.

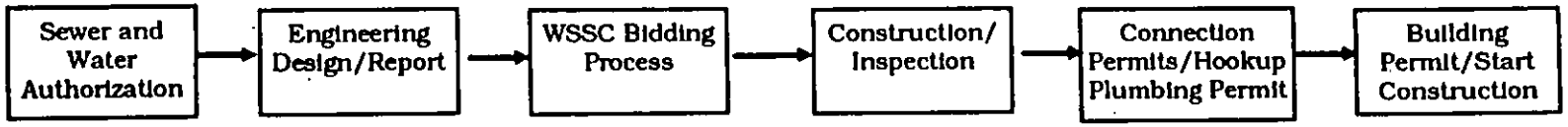
Attachments

Appendix A-1

WSSC Water/Sewer Authorization, Design & Permit Process for New Construction

Type of Service

Extensions Required



(4-8 Weeks)[1]

(Depends on Applicant Submitting Adequate Plans and Support Materials/ Satisfying all conditions on Authorization Approval)[2]

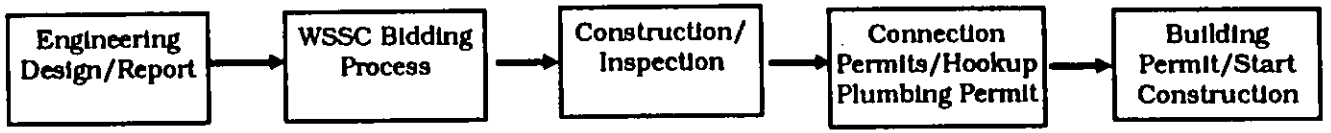
(9-10 Weeks)

(Average 25+ Days)[3]

(Same Day Service)

Existing Line Abuts Property

(Capacity adequate on-site construction necessary)



(Depends on Applicant Submitting Adequate Plans and Support Materials)[2]

(9-10 Weeks)

(Average 25+ Days)[3]

(Same Day Service)

1 *If CIP project involved, this could be delayed for up to 18 months to obtain program funding in next FY CIP.*

2 *If WSSC does the design/engineering for project, in which case average time is 14-16 weeks (excluding right-of-way acquisition). If done by applicant, average review time is 10-18 weeks (excluding right-of-way acquisition).*

3 *This time varies by complexity of construction project and delays in process. Construction is typically 15 days or less if line is for septic system relief and existing line abuts property.*

ITEMIZED AUTHORIZATION CONDITIONS

NEW	OLD	
1	2	Submit to W/S Design approved street grades (MCDOT; PG Co. DPWT).
2	5	The proposed building(s) should be built, and grading accomplished, for service by sewer lines at a depth of 8-10 feet below approved grade. Furnish to W/S Design lowest floor elevation for each structure to be served--which should not be more than 6-feet below the established street grade at the center of the lot.
3	7	Furnish to W/S Design the proposed finished grade of WSSC's path/right-of-way.
4	8	Pipes or stakes must be set which will locate and identify streets and property lines. However, for design purposes, an engineer or registered land surveyor must submit coordinate values in the WSSC datum on a copy of the plat and accordingly certify same in writing.
5		Furnish our Facility Relocation Section with your proposed grading plans. An impact assessment must be made as to the effect your grading will have on existing WSSC facilities. The cost of any adjustments or relocations of WSSC facilities, resulting from your grading actions, must be borne by you.
6	11	Submit to W/S Design a stormwater management (drainage) plan in advance of water/sewer plan design.
7	16	Furnish to W/S Design an approved Soil Conservation District (SCD) sediment control plan. As an alternative, submit a preliminary plan along with a letter agreeing to pay any additional cost if subsequent changes to the approved plan will later effect the water/sewer design. Site sediment controls must include temporary stabilization as required by State Sediment Control Regulations--devices and temporary stabilization must conform with approved SCD plans or WSSC will not bid your project. Also, you must acquire a "WSSC Utility Erosion and Sediment Control Permit" prior to any clearing, grubbing, and grading for any installation of water/sewer pipes or for grading of any areas exclusive to the site not otherwise covered by the approved SCD plan. (See #16.) An authorization-holder is responsible for any additional costs incurred by a WSSC Contractor as a result of sediment control violations or stop work order citations caused by authorization-holder neglect or non-compliance with these conditions.
8	12	Submit to W/S Design either a letter certifying width, type, and extent of development paving to be installed or submit approved paving plans as prepared by a registered engineer. As relates to final paving, an authorization-holder must schedule an inspection with the WSSC Maintenance Inspection Section after paving so that WSSC can inspect the proper state of its facilities and appurtuances. The WSSC will perform the inspection within 10 working days of the request. Any deficiencies found to be an authorization-holder's responsibility must be corrected and confirmed by a follow-up WSSC inspection(s). Until deficiencies are resolved a WSSC clearance form will not be issued and the authorization-holder's road construction bond will not be released.
9		Submit a plan to our W/S Design Section (and our Systems Maintenance Division) to verify that your development of the site will not conflict with WSSC's maintenance of the existing main(s).
10	9	Certify to W/S Design, in writing, that other utility installation work shall not precede WSSC water/sewer construction (i.e. storm drains, gas, electric, telephone, etc.). As required by #7, an authorization-holder is further responsible for stabilization of those streets, paths, or rights-of-way disturbed by a WSSC utility contractor. Except for building preapproved storm drain segments, an authorization-holder will be billed for any additional costs incurred by WSSC as a result of violations of this condition and/or construction variations from water/sewer design plans.
11	10	Certify to W/S Design, in writing, that street or roadway paving, beyond that existing, will not be installed until all WSSC construction work is completed.
12	14	Any rights-of-way across an applicant's property for WSSC utility line placement must be provided at no cost to the WSSC. Where main lines and WSSC accessories will be constructed in other than dedicated streets (private drives, green spaces, etc.), the recorded plat (#14) must dedicate such areas for construction, reconstruction, operation, and maintenance of WSSC facilities. If this dedication is omitted the cost of preparing and/or reviewing and recording same shall be borne by an applicant.

13 Any land to be conveyed to M-NCP&PC must be conveyed before WSSC construction will begin.

14 1 WSSC will not bid a project until the subdivision plat of the property is recorded and a copy is provided to W/S Design. (Also see #12 and 13.)

15 13 After plat recordation (Item #14), submit Connection Application Forms to the Permit Service Center for each building to be served (pay fees by check or elect the deferred payment plan for residential units). (This is a prerequisite for building permit release.) (Also see #20.)

16 3 Clear, grub, and grade all streets, paths, and rights-of-way to 6" above or 12" below the established grade for the full width between property and right-of-way lines. Prior to WSSC project bidding, your engineer must provide W/S Design with an "Engineer's Certification for Grading Compliance." (Also see #3, 4, 7, 8 and 10.)

17 The proposed development will necessitate the relocation/abandonment of existing WSSC facilities at the expense of authorization-holder.

18 22 When notified by W/S Design that plans are ready for bidding, you must pay any "deficit" payment requirement.

19 The property to be developed has an existing benefit assessment. Construction of new mains will not proceed until the existing assessment is paid off. (See #26.)

20 20 Submit on-site plans for water lines greater than 2-inches or sewer lines greater than 4-inches (to the Permit Service Center). Plans must be prepared by a professional engineer registered in Maryland. Plans must conform to: W/S Design Standards and "A Designer's Guide to Erosion and Sediment Control" (from Environmental Services Unit).

21 Since definite site plans have yet to be developed (as to building locations and the future division of property), fire hydrants and other WSSC accessories will be built in accordance with existing criteria and best available information. If any structural relocations are necessary due to future property development, the expense will be borne by the authorization-holder.

22 25 Because of the building's elevation (in relation to sewer pipe) an ejector pump may be required for the building. The pump must be installed by a registered plumber at authorization-holder's expense.

23 For properties to be served by a pressure pipe/grinder pump system, the developer/property owner is responsible for all on-site installation and grinder unit brand selection. On-site installation includes materials, electrical equipment, the grinder pump unit, and plumbing hook-up installed by registered plumber. Ultimately the property owner will be responsible for all on-site maintenance.

24 26 Because of low water pressure conditions (less than 30 psi), the on-site plumbing system may require booster pump installation; installation must be by a registered plumber at authorization-holder's expense.

25 27 Because water pressure will exceed 60 psi, the on-site water system will require pressure reducing valve (PRV) installation by a registered plumber at authorization-holder's expense.

26 28 Once main lines are in service, a front foot benefit assessment (and any deferred connection costs) will be levied against all property serviced. The charge(s) will appear on County property tax bills for a set period of time - currently 23 years. (For details contact the Assessment Section on 699-4783.)

CONSTRUCTION PERMIT REQUIREMENTS

PERMIT	AGENCY	CONSTRUCTION PURPOSE	PROCESSING PERIOD
Water Main Construction	State Dept. of Health and Mental Hygiene	Water mains exceeding 400 feet.	3–4 weeks
Sewer Main Construction	State Dept. of Health and Mental Hygiene	Sewer mains exceeding 400 feet.	3–4 weeks
Storm Drain Construction	State Dept. of Health and Mental Hygiene	All storm drainage projects exceeding 400 feet.	3–4 weeks
Water Supply/Sewerage Treatment	State Dept. of Health and Mental Hygiene	Water storage tanks, treatment plants, pumping stations, etc.	2–4 months
Public Utility linked to Federal Aid	State Highway Administration/ P.G. Co. of Public Works & Transportation	Projects in County or State roads which have or will be improved by Federal funds.	2–3 weeks
Utility Sediment Control	WSSC Environmental Services Unit (as delegated by State Law).	All underground or subsurface construction by utilities or developers.	P.G. Co. – 1–day M. Co. – 1–week
Wetland License	State Water Resources ADMIN.	Projects in streams affected by tidal waters and in designated marshes and swamps.	3 months
Waterway Construction	State Water Resources ADMIN.	Projects in regular flood plains of streams and crossings with area drainage exceeding 400 acres or for recreational and natural trout waters when area drainage exceeds 100 acres.	2–3 weeks
Corps of Engineers	Department of the Army	Projects within streams where 500' or more linear pipe to be installed or where drainage area exceeds 3200 acres of tidal waters.	Unlimited
State Highway Construction	State Highway Administration	Projects thru State maintained roadways	3–4 weeks
Montgomery County Roadway	Montgomery County Dept. of Transportation	Projects in County maintained roadways	2–3 weeks
Roadside Tree	MD. Dept. of Natural Resources (Delegated to WSSC).	Projects where the trimming or removal of trees or shrubs within a right-of-way of any public road entail major water, sewer, storm drain, property connection or maintenance work.	1–week
National Capital Planning Commission	NCPC	Work thru park property purchased with Capper-Cramton Act funds.	4–8 weeks
National Park Permit	U.S. National Park Service	Projects thru agency controlled property	1–2 months
Park Property	M-NCP&PC	Projects thru M-NCP&PC property	2–3 weeks
Railroad	Chessie, AMTRACK, Penn Central, Consolidated Rail Corp.	Projects on or thru railroad property	2–4 months
Agriculture Dept.	U.S. Dept. of Agriculture	Projects thru agency controlled property	2–6 months

PROJECT DESIGN & CONSTRUCTION SCHEDULING

The WSSC Water and Sewer Design Section must be notified by an authorization holder, in writing, when all conditions of an authorization have been met. At that time, the project will be scheduled for plan design and subsequent construction. Please keep in mind that roughly 150 projects are underway at the same time. Barring right-of-way acquisition problems, average time for completing various water and sewer design stages approximate the following:

WSSC IN-HOUSE DESIGN

Field Survey	4-8	weeks
Property Work	1-2	weeks
Preparation & Approval of Street Grade Establishment (if required)	8-10	weeks
Preliminary Design & Review	10-12	weeks
Final Design & Review	4	weeks
Preparation of Rights-of-Way Documents	2-4	weeks
Grade Check of Streets and/or Paths	3-4	weeks
Geotechnical Investigation	6	weeks
Acquisition of Rights-of-Way	8	weeks (minimum)
Final Review & Coordination of Construction Plans	2	weeks
Approval of Construction Plans	2	weeks

CONSULTANT-PRIVATE DESIGN

Preliminary Review	10	weeks
Soil Investigation if by WSSC (if developer supplies boring data, time can be saved; 2-week review period is nonetheless required by WSSC)	6	weeks
Review of Right-of-Way Documents	1	week
Acquisition of Rights-of-Way	8	weeks (minimum)
Final Review	8	weeks (minimum)
Final Corrections	2	weeks
Approval of Construction Plans	2	weeks

PRE-CONSTRUCTION ACTIVITIES (FROM APPROVAL OF PLANS)

Application for and Acquisition of Construction Permits From Other Agencies	4-8	weeks
Preparation of Specifications	1	week
Advertisement for Construction Bids	3	weeks
Award of Contract	1	week
Contractor's Submittal of Documents & Contract Execution	1-2	weeks
Pre-construction Conference (if Required)	1	week
Contractor's Notice to Proceed	1	week

CONSTRUCTION STAGE

Contractor's Site Mobilization and Start of Construction	1-2	weeks
Completion of Construction (each project varies in maximum time)	4	weeks (minimum)

The times are <u>not</u> to be cumulatively added. Each project is programmed separately, taking into account such diverse factors as: total development size, developer's phasing requirements, number and availability of rights-of-way, number of permits required, preparation of plans as a "private job," developer furnishing geotechnical input, and a low bid acceptable to WSSC.

APPENDIX G.

RECEIVED
APR 8 1992
Div. of Constr. Codes Enf.
Montgomery Co., MD

RECEIVED
APR 7 1992
Fire Marshal

M E M O R A N D U M
6 April 1992

TO: Philip H. Marks
Office of the CAO

FROM: Edward U. Graham, Director, DEP
Ramon F. Granados, Director, DF/RS

SUBJECT: Improvements to the Plan Review and Field Inspections Process

This is in response to your March 20 memorandum of the same subject. We are pleased to report that significant progress has been made on each of the ten items identified. In fact, we expect that items 1,2,3,4,7,8,9 and 10 can be fully implemented by July 1, 1992. We will investigate our options regarding "staffing increase readiness" by that time and are hoping that the requests for funds to provide the much needed automation improvements will be approved.

We are particularly enthusiastic about the direct client service improvements being planned. The development of the fast track plans review for fire protection system is well underway. We feel the DF/RS preliminary consultation service and the restoration of the DEP "Constructive Comments" newsletter will be particularly well received by our customers.

Perhaps the most promising development is the concept of a "hierarchy of team reviews" which determines the critical path of plan review decisions and clusters the relevant reviews at each successive step into teams. In concept this will "team" the architectural/handicap reviewers from DEP and the NFPA Fire Safety reviewers in DF/SR. The employees have endorsed the concept and will meet as a group this week to begin exploring the implementation specifics. This team concept promises to reduce a minimum of three weeks from a 6-7 week review timeframe, improve coordination and conflict resolution between the various review disciplines, and reduce the possible plan suspensions from twelve to four.

We have attached "bullet" reports on the work items underway and will be glad to keep you informed as we implement these innovations.

cc: William H. Hussmann

BUREAU OF FIRE PREVENTION
PROGRAM CHANGES

1. CUSTOMER TRAINING
   WHO IS YOUR CUSTOMER
   EFFECTIVE LISTENING
   PROVIDING CONSISTENT TIMELY INFO

   COST: IF TAILORED TO THE DIVISION, $1200.
   BENEFIT: BETTER PUBLIC RELATIONS, LESS STRESS ON EMPLOYEE.
   IMPLEMENTATION: EXISTING CLASSES CAN BE OBTAINED FROM THE CURRENT TRAINING LIST AT COUNTY PERSONNEL. PERSONNEL ARE BEING ENTERED IN THESE CLASSES COMMENCING APRIL 6, 1992. TAILORED CLASSES MUST BE CONTRACTED FOR AT A COST OF $600 PER DAY. JOINT CLASSES WITH DEP ARE BEING RESEARCHED.

2. ENHANCE CUSTOMER COMMUNICATIONS
   INDUSTRY MEETINGS
   NEWSLETTERS, ADVISORY INFO
   FEEDBACK TO ENFORCEMENT STAFF AND CUSTOMERS
   ENCOURAGE USE OF PRELIMINARY CONSULTATION PROCESS

   COST: COST OF PRINTING AND MAILING NEWS LETTERS TO APPROXIMATELY 70 SPRINKLER AND 300 OTHER CONTRACTORS. ADDITIONAL COST OF ENGINEER'S TIME TO CONSULT.
   BENEFIT: ATTENDANCE AT INDUSTRY MEETINGS WILL ENHANCE THE UNDERSTANDING OF THE COUNTY PROCESS AND PRESUMABLY LESSEN DELAYS IN THE PLAN REVIEW PROCESS. THE PRELIMINARY PLANS CONSULTATION PROCESS WILL IMMEDIATELY IDENTIFY THOSE PLANS WHICH ARE DEFICIENT AND WOULD NOT HAVE BEEN NOTICED UNTIL FORMAL REVIEW. THIS WILL SAVE UP TO THREE WEEKS FOR PLANS IN THIS CATEGORY. NEWSLETTERS AND BULLETINS WILL ADVISE THE CONTRACTORS OF CHANGES IN POLICY OR PROCESS AND PROVIDE A VEHICLE TO RELAY SOME CODE INTERPRETATIONS.
   IMPLEMENTATION: IMMEDIATELY. LETTERS ARE BEING SENT TO CONTRACTORS TO ADVISE OF PROCESS CHANGES WITHIN THE DIVISION OF FIRE CODE ENFORCEMENT.

3. SIMULTANEOUS PLAN REVIEW
   QUALITY ASSURANCE/CONTROL PROGRAM
   CREATE/MODIFY TECHNICAL AND PRODUCTION STANDARDS
   DEVELOP FEEDBACK PROCESS FOR FIELD INSPECTORS
   IDENTIFY PLAN SUBMISSION STANDARDS AND COMMUNICATE TO ALL
   FOCUS ON MANAGEMENT OF THE PROCESS
   DEVELOP TRACKING MECHANISMS TO IDENTIFY CRITICAL DECISION POINTS

   COST: TO BE DETERMINED
   BENEFIT: TO BE DETERMINED
   IMPLEMENTATION: MEETINGS WITH DFRS AND DEP HAVE COMMENCED TO WORK ON THE PROCESS OF SEQUENTIAL CONCURRENT PLAN REVIEW. TEST PHASE FOR ALL CHANGES PROPOSED WITH IMPLEMENTATION NOT LATER THAN JULY 1, 1992.

4. FIELD INSPECTIONS
FEEDBACK TO PLAN REVIEW
ENHANCE DISCRETION IN THE FIELD WITH TRAINING AND GUIDANCE

COST: NONE
BENEFIT: FAMILIARIZE ENGINEERING AND INSPECTION PERSONNEL WITH EACH PROCESS TO IDENTIFY PROBLEMS AND AREAS WHICH CAN BE STREAMLINED.
IMPLEMENTATION: IMMEDIATELY. ENGINEERING STAFF IS ENCOURAGED TO GO DIRECTLY TO JOB SITES WHENEVER POSSIBLE.

5. STAFFING LEVELS AND TYPES
DEVELOP CONTRACTS WITH BOCA AND UNIV OF MARYLAND TO HANDLE PEAK LOADS

COST: TO BE DETERMINED.
BENEFIT: PEAK PERIODS CAN BE HANDLED WITHOUT DELAY OR ADDITIONAL PERSONNEL.
IMPLEMENTATION: EFFORTS UNDERWAY TO DETERMINE AVAILABILITY AND FEASIBILITY OF CONTRACTS. PLAN WILL BE COORDINATED WITH PURCHASING. IMPLEMENTATION NOT LATER THAN JULY 1, 1992.

6. TECHNOLOGY----FY 92/93
NEW INTEGRATED AUTOMATED PERMIT TRACKING SYSTEM
ALL ACTIVITIES INTEGRATED INCLUDING STATUS REPORTING--
PERMITTEE CAN ACCESS SYSTEM BY MODEM OR TELEPHONE TO DETERMINE SIGN OFF STATUS
INSPECTORS PORTABLE PC'S TO UPDATE SYSTEM
PROVIDE DESKTOP FIRE PROTECTION SYSTEM PLAN REVIEW CAPABILITY
HYDRAULIC CALCULATIONS
SYSTEM LAYOUT AND DESIGN
ABILITY TO RECEIVE SUBMITTALS FROM SYSTEM CONTRACTORS
TELEPHONE SYSTEM
INCREASE LINES AND VOICE MAIL CAPABILITY
LOCAL AREA NETWORK-- CONTRIBUTE TO DEP AUTOMATED PERMITS SYSTEM TO MEET MOST DFRS REQUIREMENTS

COST: $81,859.73 (NOT INCLUDING APPLICATION DEVELOPMENT, TRAINING OR UNINTERRUPTED POWER SUPPLY)
BENEFIT: ACCESS TO MAINFRAME BASED BUILDING AND FIRE PROTECTION PLAN REVIEW TRACKING SYSTEM AS WELL AS OFFICE AUTOMATION APPLICATIONS SUCH AS WORD PROCESSING, SPREADSHEETING, ENGINEERING CALCULATIONS, FIRE SIMULATION MODELS, SOME SMALL DATA BASES AND PROGRAMS DEVELOPED WITHIN HOUSE. THIS AUTOMATION WILL RESULT IN TIME SAVED, IMPROVED QUALITY AND A GREATER FLEXIBILITY IN DEALING WITH BUSINESS.
IMPLEMENTATION: A SUPPLEMENTAL BUDGET REQUEST IS REQUIRED. IMPLEMENTATION WILL DEPEND ON THE SUCCESS OF THE SUPPLEMENTAL.

4. FIELD INSPECTIONS
FEEDBACK TO PLAN REVIEW
ENHANCE DISCRETION IN THE FIELD WITH TRAINING AND GUIDANCE

COST: NONE
BENEFIT: FAMILIARIZE ENGINEERING AND INSPECTION PERSONNEL WITH EACH PROCESS TO IDENTIFY PROBLEMS AND AREAS WHICH CAN BE STREAMLINED.
IMPLEMENTATION: IMMEDIATELY. ENGINEERING STAFF IS ENCOURAGED TO GO DIRECTLY TO JOB SITES WHENEVER POSSIBLE.

5. STAFFING LEVELS AND TYPES
DEVELOP CONTRACTS WITH BOCA AND UNIV OF MARYLAND TO HANDLE PEAK LOADS

COST: TO BE DETERMINED.
BENEFIT: PEAK PERIODS CAN BE HANDLED WITHOUT DELAY OR ADDITIONAL PERSONNEL.
IMPLEMENTATION: EFFORTS UNDERWAY TO DETERMINE AVAILABILITY AND FEASIBILITY OF CONTRACTS. PLAN WILL BE COORDINATED WITH PURCHASING. IMPLEMENTATION NOT LATER THAN JULY 1, 1992.

6. TECHNOLOGY----FY 92/93
NEW INTEGRATED AUTOMATED PERMIT TRACKING SYSTEM
ALL ACTIVITIES INTEGRATED INCLUDING STATUS REPORTING--
PERMITTEE CAN ACCESS SYSTEM BY MODEM OR TELEPHONE TO DETERMINE SIGN OFF STATUS
INSPECTORS PORTABLE PC'S TO UPDATE SYSTEM
PROVIDE DESKTOP FIRE PROTECTION SYSTEM PLAN REVIEW CAPABILITY
HYDRAULIC CALCULATIONS
SYSTEM LAYOUT AND DESIGN
ABILITY TO RECEIVE SUBMITTALS FROM SYSTEM CONTRACTORS
TELEPHONE SYSTEM
INCREASE LINES AND VOICE MAIL CAPABILITY
LOCAL AREA NETWORK-- CONTRIBUTE TO DEP AUTOMATED PERMITS SYSTEM TO MEET MOST DFRS REQUIREMENTS

COST: $81,859.73 (NOT INCLUDING APPLICATION DEVELOPMENT, TRAINING OR UNINTERRUPTED POWER SUPPLY)
BENEFIT: ACCESS TO MAINFRAME BASED BUILDING AND FIRE PROTECTION PLAN REVIEW TRACKING SYSTEM AS WELL AS OFFICE AUTOMATION APPLICATIONS SUCH AS WORD PROCESSING, SPREADSHEETING, ENGINEERING CALCULATIONS, FIRE SIMULATION MODELS, SOME SMALL DATA BASES AND PROGRAMS DEVELOPED WITHIN HOUSE. THIS AUTOMATION WILL RESULT IN TIME SAVED, IMPROVED QUALITY AND A GREATER FLEXIBILITY IN DEALING WITH BUSINESS.
IMPLEMENTATION: A SUPPLEMENTAL BUDGET REQUEST IS REQUIRED. IMPLEMENTATION WILL DEPEND ON THE SUCCESS OF THE SUPPLEMENTAL.

7. CENTRALIZED DFRS INSPECTION AND TEST SCHEDULING
AUTOMATE SCHEDULING PROCESS
ELIMINATE PERSONAL CONTACT WITH EACH INSPECTOR TESTER TO ARRANGE APPOINTMENT
GREATER SUPERVISION OF SCHEDULING

COST: SEE #6
BENEFIT: GREATER SUPERVISION OF INSPECTOR'S WORK AND INCREASED ACCESSIBILITY TO BUSINESS.
IMPLEMENTATION: IMMEDIATELY. GREATER EFFICIENCY WILL BE REALIZED WITH IMPROVED AUTOMATION.

8. CONCURRENT PLAN REVIEW IN COORDINATION WITH DEP

COST: NONE
BENEFIT: AS STATED IN #3 THE BENEFIT IS TO BE DETERMINED. A POSSIBLE SAVINGS OF 3 WEEKS IN PLAN REVIEW TIME IS PROJECTED.
IMPLEMENTATION: MEETINGS ARE UNDERWAY TO DEVELOP THE PROCESS. TEST PHASES WILL BE USED TO DEVELOP THE BEST METHOD. IMPLEMENTATION EXPECTED BY JULY 1, 1992.

9. ESTABLISH FIRE PROTECTION SYSTEM PLANS REVIEW FAST TRACK

COST: NONE
BENEFIT: REDUCTION IN CERTAIN PLAN REVIEWS FROM 3 WEEKS TO 5 DAYS.
IMPLEMENTATION: UNDERWAY.

10. UNIFY/ENHANCE WAIVER/EXCEPTION PROCESS WITH DEP

COST: NONE
BENEFIT: REDUCES THE TIME AND EFFORT FOR THE CUSTOMER TO OBTAIN A WAIVER OR EXCEPTION TO THE BUILDING OR FIRE CODE.
IMPLEMENTATION: MEETINGS ARE UNDERWAY WITH DEP TO STREAMLINE THE PROCESS. IMPLEMENTATION NOT LATER THAN MAY 1, 1992.

STREAMLINING SUGGESTIONS RELATIVE TO THE DEP BUILDING PLAN REVIEW AND PERMIT PROCESS

Permits Issuance and Field Inspection

-Require application for U&O at the time of building permit application
-Release U&O permit upon final inspection
    -facilitates "conditioning" of U&O
    -facilitates proper capture of CET
-Consider "separation" of the electrical and mechanical permits from the building permit (like plumbing and suppression system do now)
    -matches the way builders actually do work
    -requires licensing program for mechanical contractors
    -encourages more realistic plans
    -accelerates start of project
-Consider consolidation of permit issuance and inspection for all above including plumbing and suppression systems

Plan Review

-Train plan reviewers in energy code reviews
-Determine other cross training possibilities

Residential - Walk-Through

-Assign working supervisor from permits section
    -handles peak work loads
    -ensure consistency, resolve problems
-By-pass plan review for standard fences, pre-fab sheds of predetermined specifications, and retaining walls under four feet
    -permit would issue directly after zoning/site plan review
-Consider re-delegation of zoning review to Walk Through Staff
    -they're already trained
    -would negate potential benefit of suggestion above

Residential - Regular

-Devise system for approval of "generic" house plans from repetitive builders
    -subsequent submissions would only require zoning/site plan review
-Consider potential shared supervision with Walk-Through
    -code consistency (CABO)
    -work force utilization

Commercial - Fast Track

-Establish/Communicate minimum submission content guidelines
    -create realistic expectations
-Create/Dedicate additional Fire Marshall review capability
-Consider expansion of criteria to include
    -change of use with no exterior issues
    -miscellaneous structures (i.e. tents, awnings, antennas, etc)

Commercial - Regular

-Establish hierarchy of reviews
  - -sequence reviews to avoid "revisiting" issues (create funnel)
  - -reduce total possible suspensions from 12 to 4
  1. Application pre-screen
     - -35 - 50% of suspensions now due to incomplete applications
     - -establish & communicate criteria
  2. Zoning Review
     - -Consider Split Release
       - -to plan review when no use or exterior site issues
       - -for permit only after additional issues resolved
  3. Architectural/Handicap/Fire Safety Reviews
     - -eliminate three weeks by combining
  4. Structural/Electrical/Mechanical Reviews
     - -eliminate 1-2 days by combining

-Consider "team" review in 3 & 4 above
  - -single set of plans
  - -coordinated sign-off for suspension, release, or disapproval
  - -anticipate/minimize conflict
  - -greater employee control
  - -dependent on Fire Marshall staffing of fast track
  - -dependent on additional mechanical reviewer
  - -dependent on compatible job classifications

<u>Other</u>

-Charge back the costs of county plan review activities
  - -equivalent of $300,000 - $500,000 in waived fees annually
  - -charge back of actual personnel costs is affordable/reasonable
  - -could fund additional staff identified above

-Combine/Coordinate the waiver committees for NFPA and BOCA
  - -consider legality/possibility of adopting BOCA fire code vs NFPA

Montgomery County Planning Board
DEVELOPMENT GUIDELINES
Recently Enacted or In Process
April 15, 1992

1. Guidelines for the Environmental Management of Development in Montgomery County, Maryland, Enacted December 1991

   - Stream Valley Protection
   - Wetland and Floodplain Protection
   - Forest and Tree Preservation
   - Unsafe and Unsuitable Land Protection
   - Danger Reach/Dam Break Criteria
   - Threatened and Endangered Species Protection

2. Recreation Guidelines, Enacted March 1992

3. Bethesda CBD Streetscape Guidelines, Enacted April 1984

4. Silver Spring CBD Streetscape Guidelines, Enacted August 1988

5. Local Area Transportation Review Guidelines, Revised October 1990

6. Draft Traffic Mitigation Guidelines (in process)

7. Site Plan Review Guidelines (in process)

   - Compatibility Guidelines
   - Landscaping and Lighting Guidelines
   - Streetscape Guidelines

APPENDIX H.

OUTSIDE SUGGESTIONS FOR DEVELOPMENT REVIEW PROCESS STREAMLINING

Background

In an effort to solicit feedback on the development review process, a staggered mass mailing of questionnaires was undertaken in February 1992. The Montgomery County Department of Environmental Protection (MCDEP) acted as the coordinating agency. 12500 questionnaires were mailed to targeted groups as follows: 9894 were sent to individual citizens, contractors, and developers who had applied for building permits in Fiscal Year 1991 having Montgomery County zip codes. Additional copies were made available to the public at the MCDEP permit counters in Rockville. 850 questionnaires were sent to the Maryland National Capital Park and Planning Commission (MNCPPC) list of Community Associations. 44 questionnaires were sent to Architects and Engineers, and 48 to Attorneys who had been involved in the development review process. The employees of MCDOT, MCDEP, and the Economic Advisory Group were also given questionnaires (1572) soliciting their participation in this effort.

Two hundred and elevel responses were received. Of these, 141 questionnaires related to the development review process. Topics unrelated to the development review process were distributed to the appropriate agencies, these included 63 on group home/microwave oven use and 7 on recycling. The surveys which were related to the development review process mentioned 393 individual topics relating to the development review process. Additionally, they identified 168 targets (agencies, steps and processes) which were of concern.

A matrix grid was employed as a means of evaluation. The axes were; respondent type, and subject matter area. Within the matrix blocks, data frequency was tabulated to permit detailing where necessary. These detail areas were limited to three identifiable fields:

- PROBLEMS: the individually identified "things that are wrong" with the development review process.
- SOLUTIONS: the things the respondent identified as methods for improving the process, not necessarily corresponding to previously identified problems.
- TARGETS: the mentioned agencies, steps or functions that were pinpointed by the respondents.

Subsets of data were maintained within these areas to permit analysis in more detail by cross referencing. This evaluation

presents the three generalized fields as the first area of analysis, followed by details of the responses by respondent type.

Summary

Although the number of responses was less than 1% of the total mailings, certain generalized conclusions are apparent. The relative rankings of the Problems, Solutions, and Targets has changed marginally as additional questionnaires have been analyzed and the distribution of the responses has remained generally stable.

The responses were narrow in their focus, according to the type of the respondent. The citizens, developers and contractors were focused on the permitting process, and the inspections; which are primarily the domain of MCDEP and MCDOT. The majority of their comments were aimed at areas which they had personally experienced. This trend held true for the architects, engineers, community associations and attorneys whose comments were generally related to the Planning Board functions. However, certain areas were identified by all respondents.

First, there is general agreement that the need for employee development is one of the barriers to expediting the development review process. The absence of guidelines and informational handouts, coupled with policy and programmatic overlap with other agencies have compounded and possibly contributed to attitude problems exhibited by the staff involved in the review process. Better standards, training and communication was recommended.

Second, the responses from both the users and the employees of the development review process found it to be tedious. Some attributed these to the number of steps, others to the absence of clear guidelines for the process as a whole, as well as for each phase. There was generalized agreement that benefits were achievable from the consolidation, elimination or concurrent processing of some steps. Additionally, the responses asked for written standards and guidelines accompanied with periodic informational sessions between affected parties. The need for conflict resolution by an empowered agency or ombudsman was often mentioned. These comments were aimed at increasing the level of predictability (who, what, when, and how long?) of the development review process.

The remaining comments were individually related to examples of the frustration with the current process and a genuine desire to help expedite the situation.

PROBLEM AREAS

The following represents the rankings of the problem areas as responded to by all respondents.

#1	Lack of Employee Development			37
	Attitudes		22	
	Counter Help	10		
	Inspectors	2		
	Government generally	10		
	Workers too slow		5	
	Lack of Trust		4	
	Not enough training		4	
	Staff turnover		2	
#1	Absence of Standards and Guidelines			37

The delineation of problem areas indicated the most significant problems were the lack of employee development and the absence of standards and guidelines. Thirty-seven responses mentioned employee development as a source of concern. Twenty-two of these indicated attitudes as the area of employee development most lacking. Of these twenty-two, ten found the counter help to be the source of the problem, ranging from rudeness to a not interested demeanor. The field inspectors were the remaining two examples of problems in employee attitude. The other ten responses attributed the attitude of government in general as the problem. Other areas of employee development issues identified by the respondents are included to demonstrate the distribution and variety of responses.

The problem of absence of standards and guidelines was not delineated by specific subsets but is discussed in more detail in the 'Targets' analysis section.

#3 Too many steps 32

The third most consistently identified problem area was the belief that the development review process has too many steps. The identified steps appear in the 'Targets' section.

#4 Inconsistencies 30

Thirty individual respondents believed the development review process has inconsistencies between agencies, steps, and/or interpretations. The 'Targets' section identifies the mentioned inconsistencies.

#5 Lack of Assigned

Responsibilities & Accountability* 18

Eighteen responses identified the lack of clearly assigned responsibilities and the associated accountability as the reason the subdivision review process is difficult.

#6 Lack of Communications* 17

These responses were generalized comments that indicated agencies failed to keep each other informed or neglected the community groups.

#7 This Study is a waste 14

Nine of the "study is a waste" responses were determined to be a result of late mailings by the US Postal Service for bulk rate mail. Subsequent contact with most of these nine individuals resulted in a clearer understanding of the goals being undertaken by this study.

#8 Process is okay as is 13

#9 Lack of Automation 10
#9 Duplication* 10

The ninth most frequently noted problem was a tie between the lack of automation and the duplication of efforts or processes.

#11 Too many agencies* 9

Nine responses felt the subdivision review process had too many agencies involved in the system.

#12 Sequentialism* 5

Sequentialism, the processing of subdivision review in sequence as opposed to concurrently was named in five responses.

#13 Other (noise) 3

The three responses in the category 'Other' all addressed the inadequacies of the subdivision review process to effectively abate noise problems.

* The targeted agency(s) appear in the 'Targets' analysis.

SOLUTIONS

The analysis of solutions includes those specifically identified for the preceding problems as well as those which were offered with only an inferred problem. For example, training was named four times as a solution for 'employee development' but was only mention once as a problem. One of the four training solutions is specifically related to an identified problem, whereas the other three are solutions to an unidentified (inferred) problem.

#1	Too Many Steps		43
	Eliminate	18	
	Consolidate	18	
	Change	7	

The most often proposed solution was the need to modify the steps in the process. Eliminate is to remove a step entirely, as if unnecessary. Although consolidation does eliminate a step it was not counted as elimination. Likewise changing a step does not mean consolidation. A change in the steps was to bypass or waive certain steps under some conditions. The identified steps for corrective action appear in the 'Targets' analysis in the section identified as "Too many steps".

#2	Lack of Assigned Responsibility & Accountability		35
	Assigned Time Limits	16	
	Ombudsman/ Agency	10	
	Increase inspector responsibility and accountability	7	
	Division of Labor	2	

The second most posed solution was to assign responsibilities and corresponding accountability to various agencies. The most mentioned responsibility was an assigned time limit for processing, both in each phase and in the overall process. Interestingly, developers and contractors felt that at the end of the time period, failure to act should be automatic approval. Government officials and attorneys felt it should be automatic denial. The second area of responsibility involved assigning an agency or person the mandate for solving disputes. Increasing the inspector responsibility and accountability was identified as a method of moving the decision making to a lower level in the organizations.

#3	Absence of Standards and Guidelines		30
	Published	24	
	Change the standards	5	
	Use standard forms	1	

Nearly every group of respondents indicated a desire to see written and published guidelines for the plan review and permitting processes. The desire to know when and what was expected if the process user was a prime concern.

#4	Lack of Communications		14
	Mail updates & information	6	
	Meetings with clients	4	
	Longer permitting hours	3	
	move agencies closer	1	

Fourteen proposals to improve communications in the process ranged from moving agencies to the same physical location to having meetings with all involved parties on a regular basis or as a part of the development review process.

#5	Sequentialism		12
	Concurrent	9	
	Rearrange	3	

Nine responses indicated the process could be shortened by avoiding sequential processing in favor of concurrent processing while three felt that rearranging the process would make it faster.

#6	Duplication		9
	Look at other municipalities	5	
	Change the process	4	

Five responses identified duplications within the development review process which could be corrected by patterning our process after another jurisdiction or municipality. The need to change the process was identified in four responses, the changes are identified in the 'Targets' analysis.

#7 Lack of Automation 5

Five responses believed the implementation of automated systems would result in considerable time savings.

#8 Lack of Employee Development 4

Four suggested solutions were, time savings could be accomplished by training and/or development of employees. Two of these suggestions included the system users or clients as participating in the same training. This low level of solutions is particularly

noteworthy since the #1 problem was identified as lack of employee development.

#9	Other			2
	Cheaper fees	1		
	Add noise to site plan review	1		
#9	Too Many Agencies (Combine)			2
#9	Inconsistencies			2

TARGETS

The Targets area of analysis is the most detailed of the sections. Each response which mentioned a particular agency, step, process or program was identified as a target. As a result, some double counting exists. For example, a response which identified both MCDEP and MNCPPC as not communicating with each other was counted as a targeted response for MCDEP and MNCPPC.

Overall the most frequently named target was MCDEP, named 86 times. Their plan review was named 37 times and their permit processing was named 15 times. As the soliciting agency and with an overwhelming majority of mailings to permit applicants, this "skewing" was to be expected. The Planning Board was named as the target 55 times. Their client base of Attorneys, Architects and Engineers, and Community Associations named them in 37 instances.

#1	Too Many Steps			46
	DEP		20	
	Plan Review	10		
	Permits	9		
	Fast Track	1		
	Planning Board		24	
	Plan Review	7		
	Hearings	4		
	CBDs	4		
	APF	3		
	Parking Districts	2		
	Preplan Review	2		
	Annual Growth Policy	1		
	Trans. Moratorium	1		
	Water & Sewer Categories		1	
	MCDOT Stormdrains		1	

The surveys mentioned individual steps 46 times. The Planning Board was identified most often followed closely by MCDEP. The plan review process was mentioned most in both processes with an emphasis

placed on the hearings, the review of Central Business Districts (CBD), and Adequate Public Facilities (APF). Other steps targeted by the responders were the time involved in public hearings and a concern for whether certain other steps were necessary.

#2	Absence of Standards and Guidelines			25
	MCDEP		14	
	Plan Review	12		
	Sediment Control	2		
	Planning Board		6	
	APF	2		
	Plan Review	2		
	TDRs	1		
	Property Plats	1		
	MCDOT		5	

The second most mentioned target area was the need for standards and guidelines. The most identified agency was MCDEP, their plan review being named most often. Plan review was also the most mentioned area of the Planning Board's process with APFs being identified as the most noteworthy sector.

#3	Lack of Communications		23
	DEP	11	
	Planning Board	6	
	MCDOT	2	
	MCFRS	2	
	Managers	1	
	Water & Sewer Categories	1	

The third most cited target areas were the above groups which were mentioned as failing to communicate within and/or between each other.

#4	Lack of Employee Development			19
	DEP		10	
	Permit Counter	6		
	Zoning Inspectors	2		
	Plan Review	2		
	Planning Board		4	
	Plan Review	3		
	Planning Counter	1		
	Training		2	
	Government in General		2	
	Wells & Septic Counter		1	

The fourth most mentioned targets were Employee Development. The individuals with the most public contact at MCDEP, the Planning Board and Wells & Septic, were named in most of the responses.

#5 Inconsistencies			17
MCDEP		12	
Plans & Permits	8		
Plans & Inspections	2		
with Planning Board	1		
with other regulations	1		
Planning Board		2	
Within Plan Review	1		
With Master Plan	1		
Water & Sewer Categories		2	
with Master Plan	1		
in general	1		
MCDOT		1	
with Water & Sewer Const	1		

The fifth most mentioned target was inconsistencies primarily between MCDEP Plan Review and MCDEP Permits and Inspections. Although sediment control was the most frequently mentioned, notice was also given to Zoning Plan Review and Use and Occupancy.

#6 Lack of Assigned Responsibility & Accountability			16
DEP		12	
Plan Review	7		
Inspectors	5		
Planning Board		3	
Plan Review	1		
Master Plan	1		
Board of Appeals	1		
MCDOT Inspectors		1	

The most mentioned targets in the responsibility and accountability area is the MCDEP Plan Review followed closely by their inspectors.

#7 Duplication			10
Planning Board		10	
with MCDEP	4		
with Rezoning	3		
with APF	2		
within Plan Review	1		

The Planning Board was most often mentioned as duplicating the functions of other agencies.

#8	Lack of Automation (GIS)		4
#8	Sequentialism		4
	MCDEP Zoning Review	3	
	APF & Stormwater Mgmt	1	

A tie for the number eight targeted area was between Automation, in which the completion of GIS was mentioned as the target, and Sequentialism.

#10	Other		3
	MCDEP Site Plans	1	
	MCDEP Plan Review	1	
	Planning Board & MCDOT	1	
#11	Too Many Agencies		2
	MCDEP & Planning Board Plan Review	2	

RESPONSES BY RESPONDENT TYPE

In this section the responses presented by the seven respondent types, citizens, community associations, government officials, architects and engineers, contractors, developers, and attorneys, are crossed detailed to permit observation of their issues. The subsets of the respondent type is a ranking by the areas previously presented, problems, solutions, and targets. No comments are offered since notable responses were included in the previous discussion.

CITIZENS

PROBLEMS 72

#1	Lack of Employee Development		12
	Attitudes	9	
	Slow Employees	2	
	No Trust	1	
#2	Inconsistencies		11
#2	Study is a Waste (Late 8)		11
#4	Lack of Communications		10
#5	No Change Needed		8

#6	Absence of Standards and Guidelines		7
#6	Too Many Steps		7
#8	Too Many Agencies		3
#9	Other (Noise)		2
#10	Lack of Assigned Responsibilities and Accountability		1

SOLUTIONS 18

#1	Lack of Assigned Responsibilities and Accountability		5
	Ombudsman/Agency	3	
	More Decisions by Inspectors	2	
#2	Too Many Steps		4
	Consolidate	2	
	Waive	2	
#2	Absence of Standards and Guidelines		4
	Publish	4	
#4	Lack of Communications		3
	Longer Permit Hours	2	
	Meetings with Clients	1	
#5	Sequentialism (Concurrent)		1
#5	Other (Cheaper Fees)		1

TARGETS 38

#1	Lack of Communications		10
	MCDEP	5	
	Planning Board	3	
	MCFRS	1	
	Water & Sewer Categories	1	

#2	Lack of Employee Development		9
	MCDEP Permit Counter	4	
	MCDEP Zoning Inspectors	2	
	Planning Board Counter	1	
	Planning Board Plan Review	1	
	Wells & Septic Counter	1	
#3	Inconsistencies		7
	MCDEP Plans & Permits	6	
	Planning Board & MCDEP	1	
#4	Absence of Standards and Guidelines		4
	MCDEP Plan Review & Permits	4	
#4	Too Many Steps		4
	Planning Board Hearings	2	
	Planning Board Plans Review	1	
	MCDEP Permits	1	
#6	Other		2
	MCDEP Site Permit	1	
	Planning Board and MCDOT	1	
#7	Lack of Assigned Responsibilities and Accountability		1
	MCDEP Inspectors	1	
#7	Sequentialism		1
	APF and Stormwater Mgmt	1	

COMMUNITY ASSOCIATIONS

PROBLEMS 45

#1	Lack of Assigned Responsibility and Accountability		11
	No Arbitrator/Ombudsman	4	
	Decisions Made at Top	4	
	No Time Limits	3	
#2	Too Many Steps		7
#3	Inconsistencies		5
#3	Absence of Standards and Guidelines		5

#5	Duplication		4
#6	Lack of Communications		3
#6	Lack of Employee Development		3
#8	Lack of Automation		2
#8	Sequentialism		2
#8	No Change Needed		2
#11	Too Many Agencies		1

SOLUTIONS 41

#1	Too Many Steps		19
	Eliminate	12	
	Consolidate	7	
#2	Lack of Assigned Responsibilities and Accountability		7
	Time Limits	4	
	Ombudsman	2	
	Decisions Made Lower	1	
#3	Absence of Standards and Guidelines		6
	Change the Rules	4	
	Publish	2	
#4	Too Many Agencies (Move/Combine)		3
#5	Sequentialism (Concurrent)		2
#5	Inconsistencies		2
#7	Lack of Employee Development (Training)		1
#7	Lack of Communications (Client Meetings)		1

TARGETS 28

#1	Too Many Steps		12
	Planning Board	8	
	CBDs	4	
	Parking Districts	2	

	Hearings	2	
	MCDEP		4
	Permits	3	
	Fast Track	1	—
#2	Lack of Communications		6
	Planning Board	2	
	MCDOT	2	
	MCDEP	1	
	MCFRS	1	
#3	Lack of Assigned Responsibilities and Accountability		2
	Planning Board	2	
	Board of Appeals	1	
	Master Plan	1	—
#3	Absence of Standards and Guideline		2
	Planning Board Plan Review	2	
#3	Duplication		2
	Planning Board APF	2	
#3	Too Many Agencies		2
	MCDEP & M-NCPPC Plan Review	2	
#3	Inconsistencies		2
	MCDEP Plans & Permits	2	—

GOVERNMENT OFFICIALS

PROBLEMS			59
#1	Lack of Employee Development		13
	Attitudes	4	
	Not Enough Training	4	
	Lack of Trust	3	
	Staff Turnover	2	
#2	Absence of Standards and Guidelines		12
#3	Too Many Steps		10
#4	Lack of Automation		8
#5	Inconsistencies		5

#7	Lack of Communications		2
#7	Lack of Assigned Responsibilities and Accountability		2
#7	Duplication		2
#10	Study is a Waste		1
#10	Other (No Noise in site review)		1
			45

SOLUTIONS

#1	Absence of Standards and Guidelines		12
	Publish	11	
	Water & Sewer Categories	1	
#2	Too Many Steps		10
	Consolidate	5	
	Eliminate	5	
#3	Lack of Assigned Responsibilities and Accountability		6
	Division of Labor	2	
	Ombudsman	2	
	Time Limits	2	
#4	Sequentialism		5
	Change	3	
	Concurrent	2	
#4	Automation		5
#6	Duplication		4
	Check other Jurisdictions	4	
#7	Lack of Employee Development		2
	Training with Clients	2	
#8	Other (Add Noise to Site Plan Review)		1

TARGETS 40

#1	Too Many Steps		13
	MCDEP	10	
	Plan Review	5	
	Permit Process	5	
	Planning Board		3
	APF	2	
	Transp.Moratorium	1	
#2	Lack of Automation (GIS)		4
#2	Lack of Employee Development		4
	MCDEP Plan Review	2	
	MCDEP Training with Clients	2	
#2	Lack of Assigned Responsibilities and Accountability		4
	MCDEP Plan Review	2	
	MCDEP Inspectors	2	
#5	Lack of Communications		3
	MCDEP with Planning Board	2	
	Managers	1	
#5	Sequentialism		3
	MCDEP Zoning	3	
#5	Duplication		3
	Planning Board and MCDEP	3	
#5	Absence of Standards and Guidelines		3
	MCDEP Plan review	3	
#9	Inconsistencies		2
	MCDEP Plans & Inspections	2	
#10	Other (MCDEP Site Plan Review)		1

CONTRACTORS

PROBLEMS 17

#1	Lack of Employee Development (Attitudes)	4
#1	Inconsistencies	4
#1	Absence of Standards and Guidelines	4
#4	Too Many Steps	3
#5	Lack of Assigned	

Responsibilities and Accountability		1	
#5 No Change Needed		1	
SOLUTIONS			10
#1 Lack of Assigned Responsibilities and Accountability		5	
Lower Level Decision Making	3		
Time Limits	2		
#2 Lack of Communications		2	
Longer Permit Hours	1		
Meetings with Clients	1		
#3 Absence of Standards and Guidelines (Publish)		1	
#3 Too Many Steps (Consolidate)		1	
#3 Duplication (Check Other Jurisdictions)		1	
TARGETS			18
#1 Lack of Employee Development		4	
MCDEP Permit Counter	2		
Wells & Septic Counter	1		
Planning Board Counter	1		
#1 Absence of Standards and Guidelines		4	
MCDEP Plan Review	2		
MCDEP Sediment Control	2		
#1 Lack of Assigned Responsibilities and Accountability		4	
MCDEP Sediment Plan Review	2		
MCDEP Sediment Inspectors	1		
MCDOT Inspectors	1		
#4 Lack of Communications		2	
MCDEP Plan Review	2		
#4 Inconsistencies		2	
MCDEP Plans & Inspections	2		
#4 Too Many Steps		2	
Planning Board Plan Review	1		
MCDEP Plan Review	1		

DEVELOPERS

PROBLEMS — 13

#1 Lack of Employee Development (Workers Slow)		3
#2 Absence of Standards and Guidelines		2
#2 Duplication		2
#2 Study is a Waste (late 1)		2
#2 No Change Needed		2
#6 Inconsistencies		1
#6 Too Many Steps		1

SOLUTIONS — 14

#1 Too Many Steps		7
Change the Process	5	
Consolidate	2	
#2 Lack of Assigned Responsibilities and Accountability		4
Time Limits	3	
Ombudsman	1	
#3 Sequentialism (Concurrent)		2
#4 Lack of Communications (Client Meetings)		1

TARGETS — 9

#1 Too Many Steps		3
MCDEP Plan Review	1	
MCDEP Permits	1	
MCDOT & Stormdrains	1	
#2 Absence of Standards and Guidelines		2
Planning Board Plats	1	
MCDEP Plan Review	1	
#2 Lack of Assigned Responsibility and Accountability		2
MCDEP Plan Review	2	

#4	Duplication (Planning Board & MCDEP)	1
#4	Inconsistencies (Water & Sewer Categories)	1

ARCHITECTS and ENGINEERS

PROBLEMS 21

#1	Absence of Standards and Guidelines	6
#2	Lack of Assigned Responsibilities and Accountability	3
#3	Lack of Employee Development	2
#3	Inconsistencies	2
#3	Too Many Steps	2
#3	Sequentialism	2
#3	Duplication	2
#8	Lack of Communications	1
#8	Too Many Agencies	1

SOLUTIONS 19

#1	Lack of Communications		5
	Send Information to Clients	5	
#1	Absence of Standards and Guidelines		5
	Publish	5	
#1	Lack of Assigned Responsibilities and Accountability		5
	Time Limits	3	
	Ombudsman	1	
	Lower Level Decision Making	1	
#4	Sequentialism (Concurrent)		2
#5	Too Many Steps (Eliminate)		1
#5	Lack of Employee Development (Training)		1

TARGETS 19

#1 Too Many Steps		8
Planning Board	6	
Plan Review	4	
Preplan Review	2	
MCDEP		2
Plan Review	2	
#2 Absence of Standards and Guidelines		5
MCDOT	4	
MCDEP Plan Review	1	
#3 Lack of Employee Development		2
Government Anti-development	2	
#3 Inconsistencies		2
Planning Board Plan Review	1	
Planning Board Master Plan	1	
#5 Lack of Communications (M-NCPPC Plats)		1
#5 Lack of Assigned Responsibilities and Accountability		1
MCDEP Sediment Control	1	

ATTORNEYS

PROBLEMS 8

#1 Too Many Steps	2
#1 Inconsistencies	2
#3 Lack of Communications	1
#3 Absence of Standards and Guidelines	1
#3 Too Many Agencies	1
#3 Sequentialism	1

SOLUTIONS 11

#1 Duplication (Change the Process)	4
#2 Lack of Assigned Responsibilities and Accountability	3

	Time Limits	2	
	Ombudsman	1	
#3	Absence of Standards and Guidelines		2
	Standard Forms	1	
	Publish	1	
#4	Too Many Steps (Consolidate)		1
#4	Lack of Communications (Updates)		1

TARGETS 17

#1	Absence of Standards and Guidelines		5
	Planning Board APF	2	
	Planning Board TDR	1	
	MCDOT	1	
	MCDEP Plan Review	1	
#2	Too Many Steps		4
	Planning Board Annual Growth	1	
	Planning Board APF	1	
	Planning Board & MCDEP	1	
	Water & Sewer Categories	1	
#2	Duplication		4
	M-NCPPC Rezoning Hearings	3	
	Planning Board Plan Review	1	
#4	Lack of Assigned Responsibilities and Accountability		2
	MCDEP Plan Review	1	
	Planning Board Plan Review	1	
#5	Inconsistencies (MCDOT & WSSC Const.)		1
#5	Lack of Communications (MCDEP & M-CPPC Board)		1

APPENDIX I.

ENGINEERS & SURVEYORS INSTITUTE
5221 Lee Highway
Fairfax, Virginia 22031
Telephone: (703) 207-0688

RECEIVED
92 JAN 31 A10 : 11

Directors

CHAIRMAN
T. DeBell, PE, LS

TREASURER
H. Scanlon, PE, LS

SECRETARY
E. Lovern

DIRECTORS
Birmingham
opher W. Brown, PE
D. Caruthers, Sr., PE
O. Dewberry, PE, LS
D. Garver, Jr.
s J. Hundley, LS
J. Jankiewicz
E. Rinker, PE
s E. Runyon, PE, LS
D. Rust, PE
Thomas, Jr., PE, LS
e D. Wharton

EXECUTIVE DIRECTOR
Holmes, Jr., PE

Members

andria Surveys, Inc.
es Consultants, Ltd.
BC Consultants, Inc.
son, DeBell, Elkin & Titus
ers & Associates, P.C.
p, Dreuer & McKee
opher Consultants, Ltd.
well, Sikes & Associates
& Miller, Ltd.
ashman Associates, Ltd.
gn Management Group
berry & Davis
P. DiGiulian
obus & Associates, Inc.
ineering Consulting Services
Engineering Groups
fax County Water Authority
fax County, Virginia
. Fields, Jr. & Assoc., P.C.
anderson Friis, Jr.
Engineering, Inc.
liam H. Gordon Assoc., Inc.
osborne & O'Mara, Inc.
land Engineering
sley, Nyce & Assoc., P.C.
rles P. Johnson & Associates
Technologies, Inc.
d Design Consultants
rold A. Logan Associates, P.C.
doun County, Virginia
nco & Strickhouser, P.C.
nald F. Mori, P.C.
VA Associates, Inc.
ridli, Simmons & Assoc., Ltd.
son, Harris, Rust & Assoc., P.C.
ther L. Phillips, Inc.
lins, Weyant & Hanna, Inc.
ce William County, Virginia
ew Associates, Inc.
ker-Detwiler & Assoc., P.C.
s, France & Ratliff, Ltd.
nyon, Dudley, Anderson Assoc.
hools & Townsend
ringfield Engineering Corp.
verson Engineering Assoc., Inc.
ray & Associates, Inc.
Morton Thomas & Associates
B. Thomas, Jr., Ltd.
i-Tek Engineering
rban Engineering Associates, Inc.
KA, Inc.
irginia-American Water Co.
irginia Dept. of Transportation

LU & ZONING

January 28, 1992

MT
RW

Honorable Bruce Adams
President
Montgomery County Council
Stella B. Warner Council Office Building
Rockville, Maryland 20850

008384

Reference: Improvement to Plans Processing

Dear Mr. Adams:

I am writing to offer assistance of a unique program that has been developed to improve the processing of development plans. I had the opportunity to hear your comments several weeks ago at a NAIOP legislative breakfast where you indicated this was a priority for you in 1992. Further, I had the opportunity to read your article in the January 5 edition of the Washington Post where you further commented on a desire to improve development plan processing.

As the President of a civil engineering/surveying firm with an office in Montgomery County, I share your concern over the need to improve this process. The process is extremely cumbersome and slow. Improvements to the process will reduce many costs for landowners/developers including engineering fees, legal fees and, in particular, the high carrying costs on projects. This will translate into lower housing costs for the citizens of Montgomery County and lower costs for commercial properties. Further, it can enable a more economic plan review operation.

Let me introduce you to the Engineers and Surveyors Institute for which I serve as Chairman in 1992. ESI was founded approximately five years ago to address a similar problem in Fairfax County. It involved the unique concept where the senior public agency officials come together with principals of consulting firms and the Virginia Department of Transportation to analyze the process in detail to come up with recommendations to improve the process. It involves several components including education of both public and

private sector practioners; technical analysis to clarify and simplify ordinances; development of methods to increase communication between public and private sector; and methods to improve the quality of the plan preparation and the quality of review. A unique factor is the peer review process whereby a third party group, consisting of representatives from the government and private practice, reviews plans prior to their being submitted to the County and also reviews the comments of reviewers. Disciplinary actions are established such that either party can be disciplined with progressively increasing actions for poor quality. Attached are copies of several documents which provide an overview of this process.

Since our initial effort with Fairfax County and the Virginia Department of Transportation, we have expanded into Prince William and Loudoun Counties, Virginia. This same philosophy we are certain could work for Montgomery County, Maryland. In fact many of the private practice firms who are members of ESI you will recognize as firms that also practice in Montgomery County.

We would be delighted to talk with your further should you have an interest in what ESI has accomplished and desire to consider its application to your problems in Montgomery County.

Sincerely,

John T. DeBell, P.E.
Chairman

JTD:bji

Attachments

cc: H. Hulme

Private Sector Service

Engineers and Surveyors Institute (ESI) Fairfax, Virginia

H. S. Hulme, Jr., P.E. and Janet M. McCormick

Introduction

In recent years, there has been a growing recognition throughout the land development engineering industry in Northern Virginia that major problems were interfering with the preparation, review, and approval of subdivision and site plans. Simply stated, it was taking too long for engineering plans to be approved.

For instance, the time to complete a land use and zoning change is 1.5 years. It then takes another 1.5 years to secure approval of civil engineering design plans. These plans consist of, among other things, the design of streets, storm drainage, storm water management, sanitary sewers, and water lines. Despite the detail involved in this design, the approval process should take no longer than nine months.

Land owners, developers, and jurisdictions suffer financial penalties for this delay. Costs of additional interest, and delay in receiving increased revenue from property taxes as a result of the development are substantial. On a major shopping center development, interest from land carrying costs can amount to $350,000 a month. As of today, construction projects in Fairfax County are bonded for $350,000,000. This amounts to $2,5000,000 a month in interest charges. For obvious reasons, *time reduction* has become the focus of attention of both public and private engineers.

In the fall of 1987, principals from 19 major engineering and surveying firms joined forces to address this issue. Professional engineering firms, together with top officials from Fairfax County and the Virginia Department of Transportation (VDOT), formed the Engineers and Surveyors Institute (ESI) to undertake this problem-solving effort. This group committed itself to developing a set of proposals to improve the quality of design and review of engineering plans. A higher quality of design and review would lead to a reduction in the time needed to secure plan approval.

Two major problems were of paramount concern:

(1) Subdivision and site plans prepared by design engineers often failed to meet the technical, legal, and regulatory requirements imposed by governing bodies and review agencies; and

(2) The government plan review process was inefficient, time-consuming, and very costly for all concerned.

Focusing on both the inadequacies of subdivision and site plans and the difficulties in the plan review process, committees worked diligently for several months. They developed specific proposals aimed at solving problems in a manner that would serve the public interest. The proposals were considered thoroughly in a succession of meetings from February through May of 1988.

The agreed-upon plan for improvement was submitted to the Fairfax County Board of Supervisors in June 1988. The group's proposals were approved and adopted by the Board essentially intact on December 5, 1988. Subsequently, the Virginia legislature enacted enabling legislation and the Fairfax County Board of Supervisors enacted implementing legislation in June 1989.

Thus, ESI was conceived — a novel, public-private partnership approach to solving many long-standing problems in engineering design approval. The aim was to deal with matters in a way that would serve the best interests of government, industry, and the general public.

The report that came out of the 1988 series of meetings contained many specific proposals that laid the groundwork for ESI today. Behind these proposals was one common goal: improve the timeliness of plan review by increasing the quality of the plans submitted and improving the quality of the review.

For over 18 months, volunteer professionals charted the course for ESI. But in August of 1989, the Board of Directors hired a full-time executive director who began to assemble a staff to implement these programs. Today, the program operates with seven full-time staff members and an engineering consultant. The 1990 budget was $915,000.

About ESI's Improvement Effort

One way to enhance professionalism in both the public and private sectors of the development engineering community is through a continued emphasis on professional education and training. Each employer has responsibility for pursuing necessary and appropriate internal training and development efforts. However, with ESI, the professional engineering and surveying community at large undertook additional professional development efforts for the benefit of all.

Educational programs take three primary forms: (1) a core program on Plan Design and Review so that both designers and reviewers are working with the same body of knowledge and applying the same standards; (2) a continuing series of workshops and seminars on specialized topics designed to increase professionalism at all levels; and (3) continuing education for those attaining the status of Designated Plans Examiners.

The program on Plan Design and Review in Fairfax County contains four courses. Three-hour classes are conducted for 30 weeks. Each of these courses has an ESI certificate awarded for completion as well as a final certificate for completing the entire design and review program. George Mason University grants continuing education credits for completion of each course.

Top county executives, firm principals, and managing partners helped design and teach the first class of the core program. Then, they not only committed their firms and agencies to sending employees to this program, they committed *themselves* to participation in the process and comprised 90% of the first class. Teams from the public and private sector were empowered to develop and teach this series, using training and educational experts from the ESI staff and George Mason University as resources.

Since August of 1989, 264 students from the public and private sector have enrolled in the core ESI Plan Design and Review program. Of that total, 19% were public sector employees.

Periodic workshops have increased quality control and productivity training. Instructors and lecturers are recognized experts in their field — engineers from private firms, professors from Virginia Polytechnic Institute and State University, and employees from such federal and state agencies as the Army Corps of Engineers, Chesapeake Bay Local Assistance Agency, and Virginia Marine Resources Commission. In addition, the interaction between public and private sector participants is designed to increase understanding and enhance communication between the sectors. Since August of 1990, ESI has held an average of two workshops per month, enrolling a total of 375 students from 40 firms, six local government agencies representing three jurisdictions as well as members of the development and legal fields.

Steps also had to be taken to improve the quality of subdivision and site plans and the timeliness of the plan review process. A professional peer review process was seen as a way to help make that happen. The peer review process consists of reviewing development plans prior to their submission to the county and a later review of the county's comments on that plan. By giving immediate review comments to the submitting engineer, plans may be corrected before submission to the government agency. This process provides a higher-quality plan for the agency to review and results in less time necessary to review the individual plan. A review of the county's comments promotes consistency among individual reviewers and calls attention to invalid comments.

Corporate members of ESI are required to submit their design plans through the peer review process and to withdraw faulty plans when requested to do so.

Members are required to follow restrictive rules and regulations adopted by the full membership. Firms not belonging to ESI may request and obtain processing through peer review. Since August of 1989, more than 2,000 plans have gone through the peer review process in Fairfax County. Over 95% of those plans belonged to ESI member firms.

The cornerstone for the ESI program is the idea of an expedited review process: specially-trained private sector design and public sector review professionals (Designated Plans Examiners or "DPEs") working together in a review process specifically designed to decrease substantially the time needed for the plan review process.

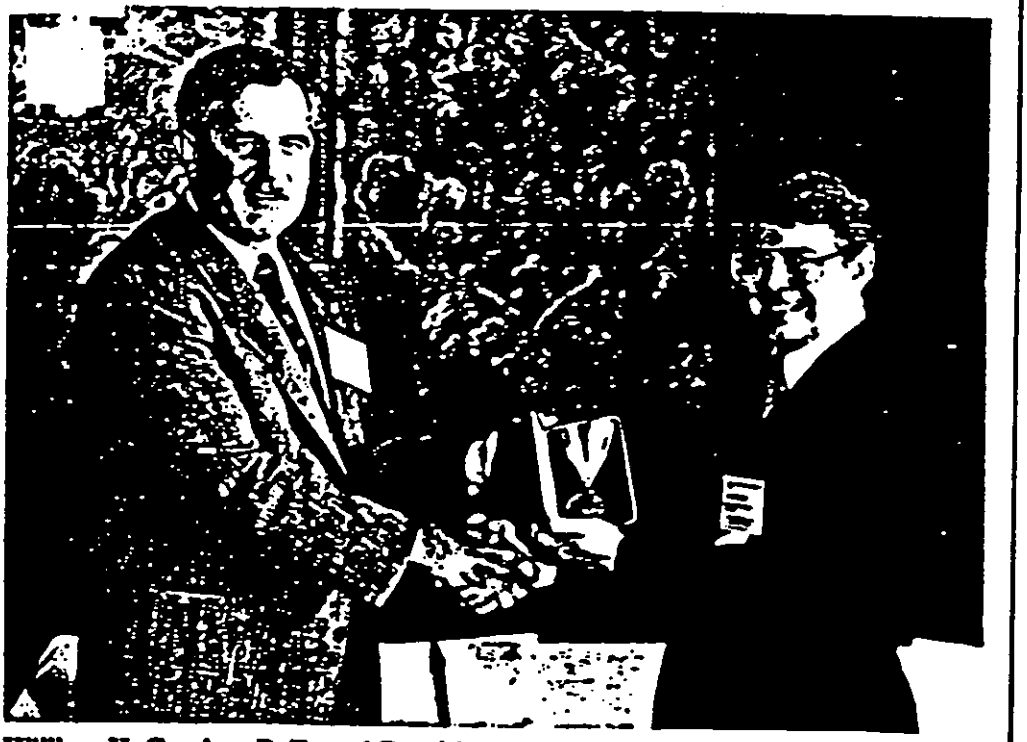
ESI has established a formal program for these specially trained and experienced plan preparers and reviewers. The proposed Expedited Site and Subdivision Plan Review Process is ultimately expected to enable plans to be approved within six months of initial submittal.

ESI membership does not affect eligibility for expedited review. Member firms and non-member firm alike must have a Designated Plans Examiner sign their plans in order to submit them for this special process.

Well-designed programs can be only *part* of the answer to resolving the problems of the land development engineering industry. It also takes dedicated leaders with vision and commitment to carry out the goals and objectives of ESI.

From the beginning, there has been widespread support for ESI and its objectives. As previously mentioned, the Virginia General Assembly and the Fairfax County Board of Supervisors both passed legislation needed for the institution and implementation of this program. The Commissioner of the Virginia Department of Transportation endorsed the ESI program and supported its work by a $20,000 initial contribution. Fairfax County contributed $40,000, and a like sum came from the private firms. Private firms pay an annual dues assessment as a means of partially funding the program and ensuring continued commitment.

The ESI Board of Directors is an excellent example of commitment and leadership. It meets monthly to set and monitor the course of ESI. Today, its 16 members are top executives from Fairfax, Prince William and Loudoun Counties, VDOT, and principals from engi-



William H. Gordon, P. E. and President of ESI accepts the 1990 Senate Productivity Award medallion for the service sector from Board Chairman Larry W. Rayment.

neering and surveying firms of all sizes. Many of its members also serve as committee members or chairs.

The Board of Directors sees *full* membership participation as key to the success of ESI. It encourages involvement and participation by urging employees to become Associate Members. The Board created this membership classification to encourage involvement of the designers and reviewers, not just managers and administrators. The yearly membership dues for corporate member employees are $25 per person. Benefits of membership include a membership card and certificate, a subscription to the monthly newsletter, a reduction of fees for workshops, invitations to quarterly general membership meetings, and social events designed especially for them.

Much of the work of ESI takes place in committees where the design and review system is fine-tuned. Committees are essential to the ESI process and this means many hours of volunteer effort. Full participation requires commitment by workers from all levels of county and state agencies as well as private firms. It is a tribute to the Board members who serve as committee members or chair ongoing committees that they are also willing to commit their employees' time to serve. At present, there are eight standing committees, all led by firm principals or county officials:

- Associate Member Committee
- Education and Training Committee
- Immediate Response Committee
- Long Range Planning
- Membership Cultivation
- Peer Review Committee
- Stormwater Management Council
- Technical Committee

From time to time, differences arise between project engineers and plan reviewers about the proper interpretation of ordinances, the Public Facilities Manual, or other policy issuances from review agencies. Such differences may be the result of either unclear or ambiguous language, or of reasonable differences in interpretation among qualified professionals.

The ESI solution to the resolution of these differences called for establishment of an Immediate Response Committee that reviews issues that appear to be able to be resolved quickly. This committee, composed of industry and government engineers, issues policy clarifications and interpretations monthly to the ESI membership. Each ESI corporate member receives a 3-ring binder of these issues and responses that are organized to correspond to the Fairfax County Public Facilities Manual.

As a result of both leadership and membership commitment, ESI has developed three initiatives which have had a positive impact on the plan design and review process:

- Public Benefit Projects: ESI contributed more than $130,000 worth of design and surveying services for improvements to six high-priority intersections in Fairfax County. The Northern Virginia Planning District Commission has accepted ESI's offer to participate in a joint research project by assisting in monitoring the maintenance of stormwater management facilities.
- Detailed Preliminary Plan: A major focus of concern in both plan preparation and plan review is how to identify significant issues as early in the plan review process as possible. Requiring ESI members to submit detailed preliminary plans provides prompt feedback to submitting engineers, thereby resolving problems that could preclude approval.
- Post-Submission Conference: To further assist in the plan approval process, Fairfax County agreed to schedule a formal Post-Submission Conference between the submitting engineer, the County plan reviewer, and the Branch Chief promptly after certain major plans have been reviewed. This conference focuses on any issues or problems that could prevent final project approval.

Volunteers are an integral part of the ESI program, and ESI recognizes their participation and excellence in

several ways. Awards are presented at the annual meeting each year for Member Participation, Associate Member of the Year, and Technical Achievement. Special awards are also given to persons who have helped advance the ESI program. Certificates go to those serving for two weeks on the peer review team, and Certificates of Appreciation are awarded to education course developers and special committee members.

ESI in the Future

Although significant improvements have been achieved, the job is by no means completed. A complex system such as the land development engineering industry cannot be reformed overnight. But there are encouraging signs. By all accounts, plans that are being submitted are of better quality and are more complete. Member firms report that this process has improved quality control within their organizations. Fairfax County maintains that it has sharpened their review process by helping to focus on consistency. And both sectors report improved communication between private firms and public agencies. These improvements can now be seen in terms of concrete productivity gains which illustrate the continuing realization of major long term ESI goals:

- Fairfax County reports that the average time it takes for a plan to work its way through the system has *decreased* by more than 30% in the last year.
- The monthly plan approval rate for this same period has *increased* from approximately 38% to more than 50%.

As part of the long-range plan for continual improvement, ESI is expanding into other jurisdictions. Prince William and Loudoun Counties have individually completed studies recommending the implementation of this program in July of this year. Increased fees to developers have allowed Fairfax County to fund their portion of the ESI program, so it is testimony to ESI's progress that Prince William, Loudoun, and Northern Virginia builders recently endorsed proposals that would increase developer fees in Prince William and Loudoun Counties to fund ESI programs in their communities.

ESI continues to promote such values as open communication, cooperation, quality control, and improvement. In the broadest sense, these values are epitomized by (1) a county opening itself to examination and critique of its land development review processes; and (2) the engineering community agreeing to have their plans reviewed and critiqued by peers and potential competitors.

This is unlike any other program elsewhere. It would not have been possible without the exemplary spirit of cooperation shown by leaders in both the public and private sectors. Much has been done to get to this point: education, peer review, and attention to technical and process problems. It has taken the dedication and commitment of many, and the fruits of these labors are just beginning to be seen.

About the Authors

H. S. (Hank) Hulme is Executive Director of the Engineers and Surveyors Institute and a Virginia licensed professional engineer. A graduate of Virginia Military Institute, he has a 35-year career history in Arlington County, having retired in July, 1989 as Director of Public Works. Hank has received numerous recognitions by regional agencies for his intergovernmental leadership activities.

Janet M. McCormick is Special Projects Coordinator of ESI where she has been employed since September of 1989. She has served in both the public and private sectors, having worked for Fairfax County and an additional 14 years in the service-oriented, non-profit community. She is a graduate of George Mason University and a life-long resident of northern Virginia. ❑

SITE AND SUBDIVISION PLAN QUALITY IMPROVEMENT

In recent years there has been a growing recognition throughout the land development engineering industry in Fairfax County that major problems were interfering with the preparation, review and approval of subdivision and site plans. Simply stated, it was taking twice as long for engineering plans to be approved as it did in other jurisdictions. The situation seemed to be worsening, and called for comprehensive corrective action. The confrontational approach between top county officials and local engineers was only part of the problem that led to each side blaming the other for backlogs and delays. Perhaps, they concluded, the solution lay in the formation of a unique partnership of public agencies and private firms dedicated to improving the land development process through participation in a common program.

Thus, the Engineers and Surveyors Institute (ESI) was conceived: a novel approach to solving many long-standing problems in engineering design approval. The aim was to deal with matters in a way that would serve the best interests of government, industry, and the general public. Industry and government leaders quickly joined to address these concerns. Top officials of Fairfax County's Department of Environmental Management (DEM) and the Northern Virginia District of the Virginia Department of Transportation (VDOT) represented government. Managers from several large engineering firms represented industry. Together they established several joint industry-government working committees to study and propose solutions to these problems. Their charge was to find ways to improve both the quality of subdivision and site plans and the efficiency and effectiveness of the governmental plan review process.

Two major problems were of paramount concern: (1) subdivision and site plans prepared by design engineers often failed to meet the technical, legal and regulatory requirements imposed by governing bodies and review agencies; and (2) the government's plan review process was inefficient, time-consuming, and very costly for all concerned.

Focusing on both the inadequacies of subdivision and site plans and the difficulties in the plan review process, committees worked diligently for several months to develop specific proposals aimed at solving problems in a manner that would serve the public interest. The agreed-upon plan for improvement was submitted to the Fairfax County Board of Supervisors; the group's proposals were approved and adopted by the Board essentially intact on December 5, 1988. Subsequently, the Virginia legislature and the Fairfax County Board of Supervisors enacted enabling legislation.

The scope of the proposals from the initial meetings encompassed the following:

* Undertaking an education and training program
* Establishing a peer review process
* Revising the plans package
* Resolving technical issues

The report that came out of the series of meetings contained many specific proposals. Behind these proposals was one common goal: improve the timeliness of plan review by increasing the quality of the plans submitted and improving the quality of the review. The cornerstone for the program to accomplish this was the idea of an expedited review process: specially trained design and review professionals (Designated Plans Examiners or "DPE's") working together in a review process specifically designed to decrease substantially the time needed for the plan review process. Under the program, plans prepared by DPE's are submitted to an abbreviated, and therefore expeditious, review by Designated Plans Examiner Reviewers.

Since the initial set up and operation of the program in Fairfax, the Virginia Counties of Prince William and Loudoun have also undergone an analysis by a joint ESI/Public Review Committee and these Counties established programs similar to the Fairfax County Program.

EDUCATION AND TRAINING:

It was agreed that a strong need existed to enhance professionalism in both the public and private sectors of the development engineering community, through a continued emphasis on professional education and training. Each employing organization had responsibility for pursuing necessary and appropriate internal training and development efforts. However, the professional engineering and surveying community at large undertook appropriate professional development efforts for the benefit of all. This effort included reliance on accredited educational institutions to provide pedagogical expertise and assistance, in order to assure a high quality program.

Educational programs would take two primary forms: (1) a core program that would be required for DPE's so that all participants would be working with the same body of knowledge and applying the same standards; and (2) a continuing series of workshops of specialized topics designed not only for DPE's but others working in the design and review field so that professionalism could be increased at all levels. Additionally, the committee recognized that like other professions, continuing education should also be required to maintain DPE status.

DEM supervisors, firm principals and managing partners helped design and teach the first course of the core program. Then they not only committed their firms and agencies to sending employees to this program, they committed themselves to participation in the process and comprised 90% of the first class. Teams from the public and private sector were empowered to develop and teach this series, using training and educational experts from the ESI staff and George Mason University as resources. The resulting program on Plan Design and Review in Fairfax County contained four courses: (1) Land Development in Fairfax County - Process Technology; (2) Site Analysis and Design; (3) Designing and Reviewing in Accordance with Fairfax County Code Requirements; and (4) Administrative Requirements - from Site and Subdivision Plan Submission through Site Completion. Each of the four courses in the education program has a certificate awarded for completion. Three-hour classes are conducted for 32 weeks. George Mason University grants a total of 9.6 continuing education credits (CEU's) for completion of all four courses.

PEER REVIEW AND QUALITY CONTROL:

It was imperative that steps be taken to improve the quality of subdivision and site plans, as well as the timeliness of the plan review process. Instituting a professional peer review process was seen as a way of assuring that plans submitted for review were of high quality and worthy of approval, as well as fostering prompt and effective plan reviews by well-trained agency personnel. ESI established a formal program under which specially trained and experienced plan preparers and reviewers become a "Designated Plans Examiner" by the Fairfax County Board of Supervisors. To take advantage of the expedited review process and become a Designated Plans Examiner (DPE), an engineer must have completed the initial education courses, demonstrate at least two years of responsible ongoing experience, pass annual continuing education courses and consistently submit plans of high quality.

Broad-based employee involvement is important to the success of the Peer Review Quality Control Program. Firms send employees to participate in the ESI Peer Review team for up to two weeks. Housed at the Fairfax County offices, the team was designed to include a full-time ESI staff member, two rotating members from ESI private firms, and a County staff member. Firms are reimbursed for their personnel, but it is a tribute to the smaller firms especially, that they are willing to relinquish men and women for weeks at a time to serve in this capacity.

The peer review process consists of the pre-review and post-review of development plans. The team reviews incoming plans before formal submission and identifies deficient plans thereby preventing a backlog of unapprovable plans from clogging the system. This process has proven so valuable to member firms that a minimum of three days of service on the Peer Review team is required by the ESI Education Committee before being certified as a Designated Plans Examiner (DPE).

REVISED PLANS PACKAGE:

A major focus of concern in both plan preparation and plan review is how to identify significant issues as early in the plan review process as possible. This provides prompt feedback to submitting engineers, thereby resolving problems that could preclude approval. An ESI initiative is to require the submission and review of a detailed Preliminary Plat for subdivision plans. Besides the current requirements, this new plat includes certain details concerning on- and off-site street alignments, storm outfall, stormwater management, and off-site easements.

To further assist in the plan approval process, Fairfax County agreed to schedule a formal Post-Submission Conference between the submitting engineer, the County plan reviewer and the Branch Chief promptly after a detailed Preliminary Plat, Initial Site Plan or first Submission Construction Plan has been reviewed in order to discuss and resolve any issues or problems that could prevent final project approval.

TECHNICAL ISSUES:

From time-to-time differences arise between project engineers and plan reviewers about the proper interpretation of requirements set forth in ordinances, the Public Facilities Manual, and policy statements from review agencies. Such differences typically are the result either of unclear or imprecise language used in setting forth certain requirements or of reasonable differences in interpretation among qualified professionals. It was recognized that there needed to be a continuing and effective means for preventing, insofar as possible, such differences in interpretation from arising. Also, an appropriate mechanism needed to be established to deal with requirements that are unclear, imprecise, cause confusion in their interpretation among design engineers and plan reviewers, or which otherwise ought to be changed.

The solution called for establishment of a standing Technical Committee to address technical issues. This committee addresses plan preparation and review issues called to its attention by industry and government engineers. In consultation with the Engineering Standards Review Committee of Fairfax County and other interested parties, the committee then proposes clarifications and suggests policy changes.

LEADERSHIP:

Well-designed programs can be only a part of the answer to resolving the problems of the land development engineering industry. It also takes dedicated leaders with vision and commitment.

From the beginning, there has been widespread support for ESI and its objectives. The Virginia General Assembly and the Fairfax County Board of Supervisors both passed enabling legislation needed for the institution of this program. The Commissioner of the Virginia Department of Transportation not only endorsed the program, but supported its work by a $20,000 initial contribution towards the establishment of the program. Fairfax County contributed $40,000 and a like sum came from the private firms. This money has gone towards education tuition credits for contributing firms and public agencies. Private firms pay an annual dues assessment as a means of partially funding the program and ensuring continued commitment.

Continued support and leadership from DEM has been essential to the initial and continued effectiveness of the plan to improve quality of site and subdivision plans. Senior managers are members of two Board of Supervisors appointed oversight committees which assess and report on the effectiveness of the program. Part of DEM's plan for implementing improvements to the plan review process is providing all plan reviewers the opportunity to access the education and peer review aspects of the overall program.

In addition, an employee recognition program acknowledges the plan reviewer of the year with a monetary award, and the plan reviewer of the quarter with a commendatory certificate. Awards are given to the reviewer reviewing the greatest number of plans for the time period within the quality control guidelines set by the Branch Chief.

PERFORMANCE:

The education, peer review and technical programs all contribute to the increased quality of the plans being designed and to the increased quality of review. However, the education and peer review programs have an additional advantage of having built-in performance measures.

The education program incorporates feedback from the peer review process and the course participants to keep information current. Students evaluate the instructors, the four courses, and appropriate workshops. Thus far, the classes and workshops have shown a high degree of approval from enrollees, with several suggestions for improvement having been incorporated in the course design.

The peer review program provides immediate feedback to both the submitting and review engineer so that plans may be corrected promptly. ESI maintains records of these reviews so that coaching, counseling and disciplinary actions can be taken towards individual members as well as firms. Corporate members of ESI are required to submit their design plans through the peer review process and to withdraw faulty plans when requested to do so. Members are required to follow restrictive rules and regulations adopted at full membership meetings.

The ESI Oversight Committee has developed a data base for evaluating the effectiveness of the submission of higher quality plans on review times. The latest reports indicate that the average queue time (the time it takes to review each plan) is decreasing from over 70 days to under 50 days. The approval rate of plans is increasing from 30% to 50%. The number of submissions per project for site plans has decreased from over 3 to slightly over 2.5. The number of submissions per project for subdivision plans has remained constant. The backlog or the number of plans waiting to be processed has decreased from 281 to 54.

With the education program and peer review process well underway, actual implementation of the expedited review procedure for DPE's in 1991 is expected to reduce further the time required for plan review. The queue time is expected to decrease to 45 days. The approval rate is expected to be maintained at 50%, suggesting that plans will be approved with the second submittal.

This program for improvement in the quality of preparation and review of site and subdivision plans, initiated in 1988, has been incorporated into and has thoroughly reordered the plan approval process in Fairfax County. The focus is on achieving and maintaining a high quality product. The automatic outfall is increased efficiency and production. Positive results already are manifest. Moreover, the enduring oversight of the process by Board-appointed committees, and continued commitment of DEM and VDOT staff and private industry collectively through ESI, and individually as separate regulatory and design agencies, ensures even greater success in the future.

EJJ/sk
DDR45

PART I – EXECUTIVE SUMMARY

Introduction

In recent years there has been a growing recognition throughout the real estate development engineering industry in Fairfax County that major problems were interfering with the preparation, review and approval of subdivision and site plans. In 1987 leaders from both the public and private sectors of the industry joined forces to address this issue. Their aim was to deal with matters in a way that would serve the best interests of government, industry, and the general public.

Two major problems were of paramount concern: (1) subdivision and site plans prepared by design engineers often failed to meet the technical legal and regulatory requirements imposed by governing bodies and review agencies; and (2) the governments' plan review process was inefficient, time-consuming, and very costly for all concerned. The situation seemed to be worsening, and comprehensive corrective action was needed.

Industry and government leaders joined together to address these concerns. The private sector was represented by the Engineers and Surveyors Institute (ESI), a new organization of professional engineering and surveyor firms practicing in Northern Virginia. Top officials of Fairfax County's Department of Environmental Management (DEM) and the Northern Virginia District of the Virginia Department of Transportation (VDOT) represented government. Together, they established several joint industry–government working committees to study and propose solutions to these long-standing problems. Their charge was to find ways to improve both the quality of subdivision and site plans and the efficiency and effectiveness of the governmental plan review process.

These committees worked diligently to analyze the underlying causes of these problems, and to develop specific proposals that would solve them in the best interests of all concerned. The committees' proposals were presented and debated thoroughly at a series of well-attended industry–government meetings, leading to the development of a comprehensive set of proposals and a proposed implementation plan agreed to by consensus. These were documented in a June 1988 report entitled **"Improving Preparation, Review & Approval of Subdivision & Site Plans in Fairfax County"**.

These proposals were presented to and considered thoroughly by the Fairfax County staff. On December 5, 1988, the Board of Supervisors formally adopted a June 1988 staff report on these proposals (see Appendix C, pp. C-8 through C-24), which concurred in most of the recommendations, and approved the plans for implementation accordingly. The scope of the proposals for corrective action encompassed the following:

- Undertaking an education & training program
- Establishing a peer review process
- Revising the plans package

- Streamlining planning & rezoning procedures
- Improving communication
- Resolving technical issues
- Enhancing review agency staffing & resources

Summary of Major Recommendations

Following is a summary of the major recommendations for corrective action in each of the seven areas of concern addressed by the proposals. (Those not recommended for approval by the staff are so rated.)

Education & Training

It was agreed that a strong need existed to enhance professionalism in both the public and private sectors of the development engineering community, through a continued emphasis on professional education and training. While each employing organization has responsibility for pursuing necessary and appropriate internal training and development efforts, it behooves the professional engineering and surveying community at large to undertake and promote appropriate professional development efforts for the benefit of all. This effort should include appropriate reliance on accredited educational institutions to provide pedagogical expertise and assistance, in order to assure a high quality program.

Major Recommendations:

1-1. Undertake the immediate development of a current and comprehensive plan preparation checklist.

1-2. Establish a formal Joint ESI/DEM/VDOT Education & Training Program for voluntary participation on the part of ESI member firms, relevant county and state review agencies (e.g., DEM & VDOT), and other organizations on a space-available basis.

1-3. Establish a joint industry-government Education & Training Committee of professionals to provide continuing guidance and direction to this program.

Peer Review Process

It is imperative that steps be taken to improve the quality of subdivision and site plans, as well as the timeliness quality of the plan review process. Instituting a professional peer review process is seen as a useful means for assuring that subdivision and site plans submitted for review are of high quality and worthy of approval, as well as for fostering prompt and effective plan reviews by cognizant agency personnel.

Major Recommendations:

2–1. Establish a formal program under which specially trained and experienced plan preparers and reviewers would be designated as "Plans Examiner" by an officially constituted "Engineers & Surveyors Peer Review Board."

2–2. Establish a peer review process for the pre-review and post- review of development plans, as a means of improved quality control among participating engineering firms and review agencies; participation in this process will be mandatory for ESI member firms. The cost of administering this peer review process will be financed through a surcharge or through other appropriate means.

2–3. Establish a permanent liaison arrangement for continuing the collaborative efforts of ESI, DEM and VDOT in monitoring and improving the subdivision and site planning and review processes in Northern Virginia; the precise organizational details of such a permanent arrangement need to be worked out through further consultation among the parties.

Revised Plans Package

A major focus of concern in both plan preparation and plan review is how to facilitate the identification of significant issues as early in the plan review process as possible, and to provide prompt feedback to submitting engineers, thereby resolving problems that could preclude approval. The following recommendations address this concern, and would reduce significantly the elapsed review times currently experienced. Adoption would require changes to the Subdivision and Zoning Ordinances and to the Public Facilities Manual.

Major Recommendations:

3–1. Require the submission and review of a detailed Preliminary Plat for subdivision plans which, in addition to current requirements, would include certain details concerning on– and off–site street alignments, storm outfall, stormwater management, and off–site easements.

3–2. Establish the option for engineers to submit a "30% complete" Initial Site Plan, with the level of detail similar to that called for in Preliminary Plats, above.

3–3. Permit engineers to submit Waiver Requests with either a detailed Preliminary Plat or Initial Site Plan.

3–4. Schedule a Post-Submission Conference between the submitting engineer, the County plan reviewer and the Branch Chief promptly after a detailed, Preliminary Plat, Initial Site Plan or 1st Submission Construction Plan has been reviewed, in order to discuss and resolve any issues or problems that could prevent ultimate project approval.

3–5. Decisions whether to issue Rough Grading and Clearing Permits should be made on the basis of information provided in Construction Plans; generally, only plans that are approvable on first submission with inserts will qualify for a permit.

3–6. Revise the current DEM prioritizing system that determines the queuing of plans for review, to assign a relative weight to all plans pending review. The relative priority assigned to any given plan would be determined by multiplying the number of days that the plan has been pending in DEM by the assigned weight for the type of plan.

3–7. Eliminate certain types of plans, either entirely or as a separate submission.

3–8. Approval of a Preliminary Plat or review comments on an Initial Site Plan will constitute preliminary recognition by DEM and VDOT that such plans contain basically acceptable solutions to engineering issues that may arise during preparation and review of final construction documents, recognizing that all pertinent legal and regulatory requirements must still be complied with. (Not approved.)

3–9. Require submission and review of record plat checksheet with first submission of subdivision plans. Ultimately, the record plat linen shall be submitted when the plans are sent to bonding and verified by overlaying the linen on the record plat checksheet.

3–10. Recommend simultaneous submission and processing for first submission of subdivision plats and site plans at the Fire Marshal, Water Authority and DEM. Retain Sequential review for second and any subsequent submission. (This procedure was later dropped by mutual consent; it proved unworkable because changes by one agency affected other agencies.)

Planning & Rezoning Procedures

Successful subdivision and site planning and review in Fairfax County are frequently dependent upon planning and zoning actions. The timing of actions by the Planning Commission and the Office of Comprehensive Planning (OCP) is often critical to timely plan review. Currently, much of the rezoning activity takes place very late in the plan review process; this results in insufficient time for the parties involved to respond to important concerns. Appropriate changes in the rezoning process and in the timing of certain actions could improve both the quality of subdivision and site plans and the effectiveness of the plan review process. Such improvements also would better serve the public interest.

Major Recommendations:

4–1. Institute a Two–Option System of rezoning, with differing levels of detail required in an application for each option. Option 1 would be for land owners

who do not intend to be the developer of the property; Option 2 for developers who wish to avoid the requirement for a preliminary plan or preliminary plat, in the interests of saving time, and go directly to construction plans.

4–2. Adopt a formal time schedule for the various major elements of rezoning applications, to provide sufficient time and set reasonable limits and communication requirements for review and comments by interested parties.

4–3. Establish a *normal* time limit on submission of final proffers and plans, after which no further revisions to the final plan or proffers may be submitted, unless requested by a review agency—recognizing that, since the proffer process is an ongoing activity, exceptions to such time limits may be warranted in various situations.

4–4. Assure, to the extent possible, that *all* elements of a rezoning application, including plans and/or proffers, be reviewed by *all* cognizant review agencies—recognizing that, although input to the rezoning process from DEM and VDOT is welcome for zoning administration purposes, it must conform to the time limits inherent in the rezoning process.

4–5. Standardize proffer language, where appropriate, for incorporation in the complete proffers package (e.g. traffic signals and warrants justifying their need, limits of clearing and grading, stormwater management, etc.)—recognizing, however, that no proffers can be mandated.

4–6. Discourage proffers for improvements that are otherwise mandated by ordinance, the Public Facilities Manual, or legislation.

These recommendations were under study by OCP and the Planning Commission at the time of the Board's action. In adopting the staff report, the Board continued the study.

Communications

All parties agree that effective communications between submitting engineers and plan reviewers are an essential element in the plan preparation and review process. It is important for contacts between engineering firms and review agencies to take place both at appropriate stages in the review process and at comparable levels of organizational responsibility. However, it is imperative that repetitive and otherwise unnecessary phone calls, meetings, and written communications be minimized. The following recommendations are suggested as a mutually agreeable set of "rules" to improve communications.

Major Recommendations:

5–1. Plan status inquiries will be addressed only to the Building Development Information Center (246–5412) or Plan Control (246–3191).

5–2. Engineering inquiries are to be made by the submitting engineer.

5–3. Meetings may be requested by any responsible person on a plan already submitted, and shall be set at the discretion of the County; such meetings normally will involve the project engineer, unless his/her superiors deem higher level representation necessary. Meetings prior to plan submittal are to be discouraged.

5–4. The disposition of all issues raised in such meetings will be documented by Design Review, with copies provided to all principal participants involved as soon as possible thereafter.

5–5. Since DEM is assuming responsibility for VDOT review under a Memorandum of Understanding, project engineers will contact the designated DEM plan reviewer on all VDOT issues that arise concerning submitted plans.

5–6. Pending adoption of the "Post–Submission Conference" requirement, issues that cannot be resolved between project engineers and designated plan reviewers will be raised to comparable successive levels of management in both organizations until resolved; every reasonable effort will be made at each successive level to reach agreement based on an informed interpretation of legally and professionally applicable requirements; the final level for attempted resolution is a senior manager of the engineering firm and the Director of Design Review or DEM.

Several other corrective actions recommended by the Communications Committee had already been adopted prior to the issuance of the June 1988 report. (See Part II of this report.)

Technical Issues

From time–to–time differences arise between project engineers and plan reviewers as to the proper interpretation of requirements set forth in ordinances, the Public Facilities Manual, and other policy issuances from review agencies. Such differences typically are the result either of unclear or ambiguous language used in setting forth certain requirements or of reasonable differences in interpretation among qualified professionals. There needs to be a continuing and effective means for preventing, insofar as possible, such differences in interpretation from arising. In addition, an appropriate mechanism needs to be established to deal with requirements that are unclear, ambiguous, cause confusion in their interpretation among design engineers and plan reviewers, or which otherwise ought to be changed.

Major Recommendations:

6–1. Establish a standing Technical Committee to address technical issues; the committee will address plan preparation and review issues called to its attention by industry and/or government engineers and, in consultation with the Engineering Standards Review Committee and other interested parties, will propose clarifications and suggest policy changes.

6–2. The resolution of technical issues on the following matters, proposed by the *ad hoc* Technical Committee established as a result of the Williamsburg Plans

Conference and as set forth in the full committee report, should be endorsed favorably by all concerned and thereby recommended for adoption and promulgation by DEM. (See Part II for details.)

6-3. The resolution of additional technical issues, as set forth in the full committee report, should be pursued by the new standing Technical Committee as expeditiously as possible.

Review Agency Staffing & Resources

There is widespread concern throughout the development engineering industry that DEM and the Northern Virginia office of VDOT are inadequately staffed and financed to accomplish the steadily fast-growing plan review workload for which they are responsible. The growing volume of construction activity in the county has caused a dramatic increase in plan review workload, and this growth is expected to continue into the 1990s. Backlogs in plans pending review have increased substantially, and the elapsed time required for review and approval of subdivision and site plans has lengthened accordingly. This growing problem has had a severe cost impact on development engineering and construction throughout the County. In addition, it has affected adversely the ability of governmental review agencies to fulfill their responsibilities toward the development engineering community and citizens affected by building and development activities.

Major Recommendations:

7-1. Fairfax County should take immediate steps to expand DEM staff capabilities sufficient to accommodate current and projected workload in reviewing and approving subdivision and site plans

7-2. Fairfax County should adjust the fee structure imposed on the development engineering industry for plan review and construction inspections, as may be necessary to offset any increased costs resulting from such adjustments in staffing.

7-3. VDOT should undertake such actions as may be appropriate to assure that the Northern Virginia District office is adequately staffed to accommodate its current and projected plan review workload.

Part II of this report contains more detailed information concerning the foregoing recommendations.

APPENDIX J.

DEVELOPMENT AUTHORIZATION PROCESS			
AGENCY COSTS AND REVENUES: FY1992 (Note 1)			
AGENCY	COST	REVENUE	REVENUE
Function	BUDGET	(PROJ)	- COST
	($X1000)	($X1000)	($X1000)
DEP			
Stormwater/Sediment	884	330	-554
Building & Electrical Permits	1670	3360	1690
Zoning	392	95	-297
DEP TOTAL (Notes 2 & 3)	2946	3785	839
DOT			
Storm Drains			
Transportation			
DOT TOTAL	1791	904	-887
MNCPPC-Planning			
Preliminary Plan	535		
Site Plan	307		
Building Permit	74		
MNCPPC-Planning TOTAL (Note 4)	916	120	-796
GRAND TOTAL	5653	4809	-844
Notes:			
1) Includes only costs associated with defined time line (i.e. no inspections, etc.)			
2) 90% = personnel costs; 10% other operating expenses, per FY 92 budget.			
3) Fees calculated on wider services (i.e. including inspections). In general, DEP's development review operations are approximately 80% fee-supported.			
4) Includes estimated personnel costs only.			