



OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich  
*County Executive*

April 3, 2025

Kate Stewart, Council President  
Montgomery County Council  
100 Maryland Avenue, 6<sup>th</sup> Floor  
Rockville, MD 20850

Dear Council President Stewart,

I write regarding ZTA 25-03 and ask for a revision. The section “Review and Recommendation” beginning on Line 414, states: “Reviewing State and County agencies and utilities must submit comments within 15 days after the date an application is accepted. **If no comments are submitted within that time, the reviewing agency or utility’s portion of the application is deemed approved.**” [Emphasis added]

DPS highlights a major problem with this language:

DPS reviews and approves stormwater management concepts and sediment control plans on behalf of the Maryland Department of the Environment through a delegation of authority from that agency.

For stormwater management concepts, including approvals of Water Quality Plans for conceptual reviews of projects in Special Protection Areas, this proposed automatic approval is inconsistent with the requirements of Section 5.1 of the Maryland Department of the Environment’s “Maryland Model Stormwater Management Ordinance (June 2009 & April 2010)”. It is also inconsistent with the requirements in Chapter 19 of the County Code. There is no consideration for automatic approvals in either of these documents.

For sediment control plan approvals, this proposed automatic approval is inconsistent with the requirements of Section 4.1 of the MDE “Maryland Model Erosion and Sediment Control Ordinance (February 2012)”. It is also inconsistent with the requirements in Chapter 19 of the County Code. There is no consideration for automatic approvals in either of these documents.

**We request the following amendment <sup>1</sup>:**

State and County Agencies

- a. Reviewing state and County agencies and utilities must submit comments within [15] 30 days after the date an application is accepted. [If no comments are submitted within that time, the reviewing agency or utility's portion of the application is deemed approved.]

We appreciate your attention to this request.

Sincerely,



Marc Elrich  
County Executive

cc: Montgomery County Councilmembers  
Craig Howard, Executive Director, Montgomery County Council  
Livhu Ndou, Senior Legislative Attorney, Montgomery County  
Jim Ogorzalek, Legislative Attorney, Montgomery County

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<sup>1</sup> Please note that this problematic language is in the existing code regarding BioHealth [Priority Campus and Mixed-Income Housing Community](#) and should be replaced with the suggested language