



STREAMLINING DEVELOPMENT ROUNDTABLE NOTES

BONDING

Streamlining Development Roundtable
Bonding – Summary Notes

1. Problem – The determination of the amount of the surety for certain activities is based upon the entire approved plan (all units and amenities being constructed at the same time). It would be more practicable to base the surety requirements on the level of activity to be performed by the applicant (based upon market and funding limitations). Current requirements result in situations where sureties are required for activities that don't occur for years after a plan is approved (or may never occur), requiring an unnecessary financial commitment by the developer.
 - a. Sediment Control/Stormwater Plans – bonds required for total area covered in the plan and all stormwater facilities
 - b. Forest Conservation Plans – bonds required for total area covered by plan

Proposed Solution – Permit the applicant to phase the surety requirement based upon the work the applicant's projected schedule (without any impact on the public). This is currently permitted for sureties posted for the grading, storm drain and paving in the public rights of way.

2. Problem – There are no guidelines for new requirements related to bonding of amenities (e.g., community centers, playgrounds, day care centers, etc.). What happens in cases where development for which the amenity was contemplated does not materialize? When the number of units currently constructed do not support the amenity required to be constructed for the entire project, it may result in an unmanageable burden on the initial units. Consider a swimming pool for a 300 unit project where only 10 units are constructed.

Proposed Solution – Develop guidelines for bonding of amenities.

3. Problem – Bonds are required by DPS at the time a plat is recorded. Construction activities may not occur for a year or more (or not at all), resulting in commitment of financial resources by the developer long before land disturbance occurs. This financial commitment by the developer often occurs before title has been transferred to the developer which increases the difficulty in obtaining the surety.

Proposed Solution – Tie bonding requirements to the issuance of a building or other permit rather than to plat recordation. This may require sellers of raw land to attach a note to the plat disclosing that infrastructure intended to serve the property (e.g., roads, utilities, etc.) has not been approved.

4. Problem – The process for acceptance by the County of stormwater management facilities results in additional costs unfairly placed on the developer. Currently, the developer's engineer prepares and certifies the as-built plans, which are then submitted to DPS for review. At the time of submittal of the asbuilt plans, the job should be completely finished in all material respects. The County does not perform a final inspection of the facility until after it has completed the review of the as-built plans,

which may take many months. By the time of final inspection by the County, the facility may have suffered damage from vandalism, heavy rainfall, deer browsing, etc. As a result, the developer is required to again bring the facility to completion after already having done at the time the as-builts were submitted to the County for review (several months earlier). This would not have been required if the facility was inspected at the time the engineer submitted the sealed plans to the County for review..

Proposed Solution – Conduct a facility final inspection, subject to approval of the as-built plans within a few days of submission of the as-built plans to DPS. (Any deficiencies found during the review of the as-built plans would still have to be corrected and the review process repeated.) In addition, once an inspection is made, maintenance responsibility should transfer to the County (which is collecting a fee from each homeowner for this service, and has been collecting this fee from the time the lot was recorded, without having incurred dollar one in costs). The surety would still be available to assure that the facility was properly constructed, but would not include any maintenance obligation.

5. Problem – DEP starts to collect fees at time a plat is recorded for maintenance of stormwater facilities. However it may be years a facility is built and DEP is responsible for maintenance. As a result, these fees are subsidizing other stormwater management activities rather than covering the cost of maintenance of the facility for which the fees were paid.

Proposed Solution – Start to collect fees once the facility receives final sign off from DPS.

6. Problem – For some activities, there is a de minimis amount below which a bond is not required. For other activities, a bond is required for all work regardless of the value of the work.

Proposed Solution – Establish de minimis levels for all activities below which a bond is not required. (The de minimus level may vary between different activities.)

7. Problem – For Sediment Control Permits, non-profit organizations would sometimes like a contractor to be able to post a bond. This is not allowed because the property owner is required to post the bond. This is not the case for bonds for forest conservation, roads, etc., where a contractor can post the bond. It is unclear if this is a requirement of state law. This was not always required, but changed in the late 90s with changes to the Sediment Control Law.

Proposed Solution – Allow contractors to post bonds for Sediment Control Permits. If state law requires property owner to post bond, is there a way for the property owner and a contractor to jointly post the bond? This would allow the contractor to provide the financial resources but also place an obligation on the property owner.

8. Problem – Approval of a bond by DPS takes longer than it should because each bond agreement must be reviewed by the County Attorney, even though a standard form is used. M-NCPPC does not require attorney sign-off on bonds (they also use a standard form), and this did not used to be the practice at DPS.

Proposed Solution – Allow reviewing staff to accept bond agreements without County Attorney review.



STREAMLINING DEVELOPMENT ROUNDTABLE NOTES

BUILDING CONSTRUCTION

Streamlining Development Roundtable

May 15, 2012

Notes from the Roundtable

Topic: Building Permits

Facilitator: Nancy Regelin

Note Taker: Robert Kronenberg

Attendees: Hadi Mansouri, Nancy Regelin, Robert Kronenberg, Mike Connoley, Greg Shephard, Cary Lamari, Laura Quigley, Hamid (DGS), Shawn Phar, Jerry Garson, Susan ?, Jay Hellman, Raquel Montenegro

General Concerns/Suggestions

1. Develop a protocol for changes to the building permit process (provide education to the public on general and specific requirements for building permits)
2. Reduce permit fees for smaller jobs with a tiered structure for the scale of jobs/permits (small to large). Example was deck enclosures, electrical)
3. Provide a directory of licensed and unlicensed contractors. There should be an automated process for "accepted/licensed" contractors.
4. Consider a 3rd party reviewer for permit review to expedite the review process. This should make the process quicker and it works well in other jurisdictions including D.C. and Fairfax). This could also include inspections.
5. Building permits should not be issued for parking lots on steep slopes.
6. There should be criteria for certain types of permits with exceptions for specific types of construction (i.e. roof over a patio or deck).
7. Contractors should have an account (with pin number) with DPS to easily check the status of permits and for payment of permits. It takes too long to track down permits.
8. There should be an automated process to obtain the status of a permit and any outstanding fees. This should include a pdf of the permit (fillable format) to determine status.
9. Time period for building permit renewals should start from the date the Building Permit is issued not from issuance of a sediment control permit or other disciplines (electric, mechanical, etc.). Building permit is tied to other types of permits (electric, right-of-way, etc.) and the validity period starts from the date these other types of permits are issued. This is too early. All of the permits should start from the date the actual permit is issued.
10. Construction should start from date Sediment Control permit is issued (is 12 month period long enough).
11. Building permit validity period should be longer, especially for custom built homes.
12. Hansen system should be changed from "denied" to "in process" or "approval withheld". Perception to public and homeowners is negative when the items being denied do not rise to the level of a denial.

13. The 10% automation fee should be terminated. The fee used to be temporary 10 years ago but the fee never went away. Time to eliminate the fee.
14. Certification of plans: a licensed contractor/professional should hold more weight with a permit review.
15. Public hears that the level of quality for plan submittals is poor, however, when permit reviewers are confronted with the comment the plans are not as egregious as the permittee thought. DPS should consider a tutorial on items that should always be provided on the permit/plans or items that are consistently being missed.

Timelines

16. There is no certainty to the timeline for permit review.
17. The expediting fee (25% of the building permit fee) is not very effective. A portion of the review may be accelerated but the overall permit is not typically expedited. Fee is too high for the return.
18. DPS should consider a walkthrough day (similar to Anne Arundel County) that provides a one-on-one with the plan reviewer to discuss the permit and any issues/modifications. AA charges a \$60-75 fee.
19. Interagency approvals need to be better coordinated.
20. Need concurrent disciplines under the same review.

Fees

21. Commercial permit fees (% of total cost) need to be simplified. There should be a flat fee.
22. Fees for modular permits are too much. Why is this even needed for an interior retrofit?
23. Fees are too high and not very business friendly.
24. The upfront fees are too high and don't equate to the level of service provided.
25. DPS should undertake a comparison of fees with other jurisdictions. The comparisons should include: a) taxes vs. impact fees/exactions; b) processing fees; c) what are the permittees getting in return (predictability, amenities, quality assurance, etc.)? MNCBIA has offered to conduct a comparison but there needs to be a commitment on behalf of the County to act on the outcome.
26. Fees for minor revisions are too high with too much scrutiny for non-structural elements.
27. DPS should consider a pro-rated fee (discount) for permits that are on the "fast-track" but end up taking too long.
28. The push for electronic submittals and reviews is strong. Examples were cited as to how well electronic and automated reviews/tracking are doing in other jurisdictions.
29. Concern over the loss of experienced reviewers and the need for training and consistency among the technicians and plan reviewers.
30. Concern that County policies are in the way of routine day to day activities. Staff gets sidetracked too often.
31. There needs to be a consistent direction for permits. The applications are too confusing.

32. DPS needs to establish some performance measures and reevaluate those measures in 2 years to see how effective they are. The performance measures should: a) do triage on permits to see what went right or wrong; b) determine where problems exist; c) provide average timelines on all permits; and d) focus on issues that need to be addressed.
33. The 311 system is not very effective. The system is being conveyed as a “fix it” line when it is really only an informational system.
34. Use the MVA system for professional and contractor certification. Assign points to engineers/architects/contractors that end up being bad apples. Too many points against the company/individual would result in higher fees or rejection of plans.



STREAMLINING DEVELOPMENT ROUNDTABLE NOTES

ENVIRONMENT, STORMWATER AND SEDIMENT CONTROL PERMITS

Environment, Stormwater Management, and Sediment Control Table
Notes from Mary 15, 2012

Facilitator: Steve Shofar

Note taker: Mark Pfefferle

1. Problem: Totally impervious properties, such as parking lots, require the submission and approval of a Natural Resources Inventory/Forest Stand Delineation, why?

Solution: The forest conservation law and regulation requires persons that are subject to the law obtain approval of a natural resources inventory or an exemption from submitting a forest conservation plan before submission of a preliminary plan of subdivision. The Planning Department does accept submissions that have fewer requirements than a Natural Resource Inventory/Forest Stand Delineation for when a project is exempt from submitting a forest conservation plan. Since July 2008 applicants with totally impervious properties, such as shopping malls, properties that have no trees or forest, or properties that have no land disturbing activities (such as accessory apartment special exceptions) can request the submission of an existing conditions plan in lieu of a Natural Resources Inventory/Forest Stand Delineation to support the confirmation of an exemption from submitting a forest conservation plan.

2. Problem: The Environmental Guidelines are not administered consistently and the requirements change.

Solution: a) apply as written; b) meet with applicants before submissions are made; and c) revise the environmental guidelines to reflect differences between urban and suburban conditions.

3. Problem: Impediments to development: a) improperly zoned; b) need clear guidance and what should be developed; and c) takes too long to approve new stormwater management products.

Solutions: a) Change zoning either through a new master plan or a minor master plan amendment that shows what could be developed on the property; b) develop process to accelerate the review of new stormwater management products.

4. Problem: It is difficult to get approval of stormwater management facilities in public right-of-ways. There appears to be no lead agency. DPS approves the structure for it meets the stormwater management requirements but DOT must approve the actual placement of any structure in the right-of-way.

Solution: DPS and DOT provide clear guidance on when and where stormwater management can occur in public right of ways. DPS and DOT develop a list of stormwater management practices that are acceptable in public right of ways.

5. Problem: Minimize reviews of simple projects by combining stage 1 and stage 2 stormwater management reviews.

Solution: The current stormwater management law does allow for applicants to submit stage 1 and stage 2 stormwater management reviews concurrently. Similarly, the forest conservation law allows applicants to submit preliminary and final forest conservation plan concurrently. Agencies need to educate applicants that this is a possibility.

6. Problem: The forest conservation law requires developers of PD zoned land, that is forested, and near transit centers to retain 20% of the net tract in forest.

Solution: Need to revise the County's forest conservation law to change this requirement.

7. Problem: SPAs. a) Are SPAs still needed? b) Need to look at the SPA applicability; c) ESD requirements are the same whether a property is in or outside of a SPA; and d) Are water quality plans still required in SPAs?

Solution: Need to revisit the SPA goals.

Comment: SPAs are more than just stormwater for they provide annual monitoring of facilities and streams to determine the effectiveness of the facilities on the streams. The water quality plans include goals that are to be followed for each project and some SPAs have impervious caps that reduce runoff.

8. Problem: The processing of stormwater management as-builts takes too long. Bonds are not released until all stormwater management phases are complete.

Solution: Release performance bonds as phases are complete and the next phase is underway. More staff is needed to review and process as-builts so bonds can be released sooner.

9. Problem: Department change processes, policies, or practices without public input.

Solution: Develop a system that allows the public to provide input on changes to processes, policies, or practices before they occur. Put process/policy/practices changes on the website and create an email alert system to notify the public of these changes.

10. Problem: When applicants use porous pavers they do not get any impervious credit in areas of impervious caps.

Solution: Provide some credit to encourage the greater use of impervious surfaces in capped areas.

11. Problem: Stormwater management/sediment control inspections may result in delays because the plans are too prescriptive.

Solution: Need better training for inspectors and need more inspectors.

12. Problem: No stormwater management credit for saving mature trees.

Solution: Change state requirements. State currently says that credit can be given for saving forests but not trees. Need more science to show the science behind saving individual trees as a stormwater benefit.

13. Problem: Applicants must first obtain the consent of the property owner before making an application on that property, including natural resources inventory/forest stand delineation.

Solution: Allow applicant's to make submissions without property owner consent.

14. Problem: Why monitor stormwater management structures that are not current technologies/techniques?

Solution: Allow the applicant to pay a fee instead of monitoring old techniques or techniques that already have sufficient data collected.

15. Problem: Stormwater management facilities are not allowed in stream buffers.

Solution: Look at procedures that would allow ESD facilities in stream buffers and then develop a tool kit that shows the type of ESD facilities that would be allowed in stream buffers. Note: The 2000 Environmental Guidelines already identifies the parameters for when stormwater management facilities may be located within stream buffers.

16. Problem: Timely reviews of forest conservation plan amendments.

Solution: Allow amendments to be processed individually instead of as a group as shown on the submitted plans.

17. Problem: Stormwater management permits are issued for 2 years which, sometimes is too short to finish the project and/or be released from the required financial securities posted for the project.

Solution: Instead of requiring a new fee allow for a minimum fee to be paid when the only outstanding issue is to get the as-built approved. State law limits the permit length to 2 years and for it to be increased would require a change to state law.



STREAMLINING DEVELOPMENT ROUNDTABLE NOTES

**Pre- Development Review Committee,
Development Review Committee, Pre-
Preliminary Plan, Preliminary Plan, Site Plan,
Montgomery County Planning Board
Resolutions**

**Park and Planning, DRC, Preliminary Plan,
Site Plan and Resolution Processes**

PROBLEM	OPTIONS
Development Review Committee-agencies are showing up inadequately prepared	All government DRC comments must be submitted one week before DRC to all participants and applicants
Agencies not showing up at DRC	Utilities need to actively participate (Pepco & WSSC)
What information do you need to make decisions	Establish timeline for all actors and activities – a project management (critical path schedule approach)
Conflicting comments are received weeks out (after DRC)	Resolve problems <u>at</u> DRC
To many transportation reviews County DOT, SHA, and Park and Planning Transportation in different rooms with conflicting positions	
Agency thinks not everything needed is included in the submission making for incomplete reviews and ineffective DRC	Agencies should identify missing information <u>before</u> DRC
DRC not tightly run	<p>a. Captain the ship-Park and Planning should assume control of DRC and Pre-DRC accountability</p> <p>b. Providing comments should be required- It should be part of agency performance plans and individual staff performance plans</p> <p>c. Report to Planning Board about who has not responded to DRC and maybe untimely comments must <u>not</u> be considered by Board.</p> <p>d. Report to Department heads/Division Chiefs if staff</p>

	<p>is not prepared</p> <p>e. Hold Staff accountable</p> <p>f. establish performance metrics for departments</p> <p>g. Supervisors should require attendance at DRC</p> <p>h. Don't show up-late comments are not considered (N.B., law used to be this but was changed after Clarksburg decisions) Proposed that Planning Board decisions would then be based on the professional certifications of applicant's experts</p> <p>project dox/webinar- Note, some felt that this approach loses value of face-to-face, too impersonal</p>
Pre-DRC	Government agencies should resolve their differences at this point-interagency fighting needs to be resolved at Pre-DRC
(too many comments - set up a separate meeting for comments	<ul style="list-style-type: none"> a. Compress how often DRC occurs (i.e., more frequently) b. Departments need to show up at Pre-DRC c. Strong leadership d. Accountability e. Report out of Pre-DRC so applicant has a report <u>prior</u> to DRC f. Use Pre-DRC to resolve issues at DRC g. Agencies have to meet within 10 days after DRC to resolve h. Pre-DRC resolve issues or identify those which are unresolved and require follow-up within 10 days i. Present resolution at DRC- Get away from DRC – have agency ownership of issue at Pre-DRC j. On-line checklist of Reviews- k. Post on-line and applicant will go on-line to resolve
Park and Planning resolutions	<ul style="list-style-type: none"> a. Make resolution available before board action-uncontested case-applicants can make technical corrections and post it on-line b. After board approves resolution; let applicant see it before it is <u>mailed</u> c. Drafting by applicant – let applicant submit proposed resolution

	<ul style="list-style-type: none"> d. Have draft staff report placed into the resolution e. Separate process for uncontested case from that of the contested case
<p>Preliminary and Site Plans (DOT letter takes too long)</p> <p>Getting comments and addressing before project goes to the Planning Board</p>	<ul style="list-style-type: none"> a. Specific time frames prescribed for each step of the process-set timeliness with joint accountability works better (cf-Anne Arundel, Howard, Frederick Counties) b. Performance reviews have metrics for accountability c. Agency advised that plans are going to the Planning Board without Agency Comments or resolution of issues
<p>State environmental requirements conflict with Road Code</p>	<p>Fix Road Code to match to State Law</p>
<p>Preliminary and Site Plans continued -- How do you deal with permitting authority if plans are reviewed and being approved without agency comments?</p>	<p>Approval by Park and Planning means that all permits must be issued</p>
<p>Preliminary and Site Plans continued</p>	<ul style="list-style-type: none"> d. change the law that application must go to the Planning Board within X number of days e. Should Nancy Floreen's lead agency law be re-enacted (doesn't resolve conflict between laws)? f. Change law to undo prohibition of getting to Planning Board without agency comments
<p>Site Plan</p> <p>Two types of Pre-Preliminary plan</p>	<ul style="list-style-type: none"> 1. Encourage pre-Planning Board decisions on pending issues 2.
<p>Policy interpretations</p> <p>Guidelines are treated as minimum requirements</p> <p>There are policies that cannot be complied</p>	<p>Don't get bound up in precedents-No <i>stare decises</i></p> <p>Distinction between policy and guidelines</p> <p>Guidelines</p> <p>Ex. In CBD-driveway separation cannot be met and you have to get a design exception from the policy-</p>

with	<p>eliminate the requirement to go get an exception to the policy. DOT examples</p> <p>Policies and guidelines should not be treated as regulations. ex. stream or forest buffer -- the buffer becomes a minimum and staff sets policy by negotiating more that the published buffer --</p> <p>Staff need to let PB set policy and not staff</p>
Site plans are being held to conform to master plans which is beyond what the law requires	<p>Law does not require any finding of conformity to the master plan</p> <p>Master plans should be less specific than they currently are</p>
Preliminary and Site Plan amendment-issue with fee	<p>Site plan should not be forever</p> <p>Have less detail on the site plan</p> <p>Have site plan be for a term of years for communities</p> <p>HOAs should not have to go to Park and Planning for site plan amendment for common area changes</p>

Comment unrelated to streamlining:

**Shopping Center Slopes-ADA and resolutions (continued)	Protect the space
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Notes from the Special Exceptions and Rezoning Roundtable

Site Plan Problem: Inconsistency of staff review, such as what is a complete application

Subdivision Problem - Attorneys can draft opinions for special exceptions and rezonings for Hearing Examiner and Board of Appeals but cannot do it for subdivisions

Problem: Completion time needs to be shortened

Problem: Redundant processes (Site Plan, Special Exception, Preliminary Plan)

- Backwards decision-making – Site Plan less detailed than Special Exception
- Special Exceptions should be folded into Site Plan process
- Same problems reviewed multiple times in the development process

Solutions:

- Consolidate consideration of special exceptions at Planning Board level
- Have standard answers to compatibility issues (i.e., buffer distance) in the Zoning Ordinance
- Increase the opportunity for residents to be heard on compatibility at the Planning Board
- Increase the number of uses that require special exception but make special exceptions more efficient

Notes from the Transportation and Utilities Roundtable

- Conflicting comments at DRC with little room for discussion. Need improved conflict resolution as well as overall attendance at Pre-DRC, perhaps with applicant's engineer included at Pre-DRC. Also suggested that DRC attendees be invited to pre-design meetings currently held between applicant and Park & Planning – to provide overview comments earlier in the site design.
- Personnel capabilities at reviewing agencies. Consider peer review program or third party review, noting what must be reviewed (checklists?), liability, etc.



STREAMLINING DEVELOPMENT ROUNDTABLE NOTES

RECORD PLATS AND RIGHT OF WAY PERMITS

Record Plats and Right of Way Permitting

Streamlining Forum

May 15, 2012

Participants Jim Demma, Jerry Garson, Ray Chicca, Dan Debolt, Josh Bokee, Bob Spaulding, Nooshin Amirpour, Steve Crum

Fixed Timeframes -

- Timetable for approval of plats is 60 days in Chapter 50.
- Contradictions were noted between Code and Reality as it was noted that Park and Planning and DPS review timeframes were:

Park and Planning		DPS
1 st Review – 6 weeks		1 st Review – 8 weeks
2 nd Review – 2 weeks		2 nd Review – 8 weeks
		Signature - 2 weeks

- It was noted that the timeframes for approval of plats need adjustment.
- Park and Planning is allowing plats to be processed while amendments to a Site Plan are processed provided there is a Certified Site Plan in place.
- Would like to have some parts of the record plat process automated.
- What elements of the plat need to be reviewed and could this be increasing the timeframes?
- Who should sign the plats – mortgagors, trustees etc. Most signatories are based off title report.

- Staffing
 - Concerns were noted about adequate staffing as it relates to review turnaround and overall timing. Staffing between Park and Planning and DPS were noted as:
 - Park and Planning- 2 reviewers
 - DPS- 1-1/2 to 2 reviewers

It was noted that Park and Planning just added a new staff person for plats. DPS plat personnel have additional duties that pull them from plat review.

ROW Permitting-

- How do we condense the process between traffic control review/ approval (DOT) and DPS signoff/approvals.
- How can portions of process be automated?
- What methods would need to be used to track concurrence?

Quality of Submissions –

What elements actually need to be reviewed on the plat? Geometry, rounding factors? Isn't PLS ultimately responsible for the plats? Is better certification needed to make Land Surveyor responsible for geometrics?

Timeline for Resubmissions –

- Similar timeframes for both public/private.

Items shown on Record Plat

- General Notes
 - Need updating as some notes are outdated.
 - Need overall update of certifications
- Common Driveway Easements
 - Becoming common place and shown on plat
 - No connection to recordation of covenant for rights and responsibilities. Oftentimes, no document ever recorded.
- Revertible Easements
 - Easements now required to be shown through separate table indicating Metes and Bounds. Takes up space having to provide additional table.
 - Format is similar to SHA ROW dedication.
- When “rule” changes are made which affect plats currently in progress, is there a way that a grandfather/grace period is allotted for plats in process?
- Overall, Chapter 50 needs to be revisited due to some “out of date “ requirements.
- Multiple page plats.
 - Notes on plats almost 2 pages just for notes.
 - Handling of multi-page plats.
- Standard agreements
 - Can they be made to reference single document?
 - Be created similar to PUE and Conservation easements

Easements/Utilities

- Dry Utility Plans – what must be included with these?
- Utilities only provide comments to DRC. They do not attend.
- How should PUE's on private streets be handled and how do they effect platting?
- How are PUE's revised when only referenced on the plat? Utility companies don't necessarily sign off
- Water and Sewer easements
 - Room/space requirements
 - How are they handled on private streets when private streets are limited in width?
- Plan Ahead for future infrastructure
 - Install needed conduits NOW
 - Establish prohibition on tree heights versus street lights an power lines.
 - Underground whenever possible
 - Long Range planning of Ocean Pkwy in New York City was discussed.



STREAMLINING DEVELOPMENT ROUNDTABLE NOTES

SPECIAL EXCEPTIONS AND REZONINGS

Streamlining Development Meeting

Special Exceptions and Rezoning

May 15, 2012

Problem: Completion time needs to be shortened

Problem: Redundant processes (Site Plan, Special Exception, Preliminary Plan)

- Backwards decision-making – Site Plan less detailed than Special Exception
- Special Exceptions should be folded into Site Plan process
- Same problems reviewed multiple times in the development process

Solutions:

- Consolidate consideration of special exceptions at Planning Board level
- Have standard answers to compatibility issues (i.e., buffer distance) in the Zoning Ordinance
- Increase the opportunity for residents to be heard on compatibility at the Planning Board
- Increase the number of uses that require special exception but make special exceptions more efficient

Problem: Rezoning

- Unlimited hearing times
- Testimony often not relevant
- Too many master plan visions require floating zones

Solution:

- Hearing Examiner's Office should hold clinic for land use attorneys and citizens – what is and isn't appropriate for quasi-judicial hearings

Problem: When special exception is granted and construction cannot proceed at its risk

- Appeals at several levels can be won against the special exception

Solution: ZTA required

Problem: In the Zoning Ordinance, there are different submission requirements for each zone

Solution: Should be much more standardized and uniform for application submissions

Problem: Citizens don't know the process, don't know what to follow with all the different processes, and are disorganized and out-gunned at hearings

- The approval process is too complicated
- Unrealistic expectations of knowledge on the part of citizens
- Ineffective Peoples' Counsel

Solution:

- Education for Citizens' Associations
- Ombudsman
- Require more information when notice of an application is given (see below)

Problem: Getting the best product is not the goal of the process

Solution:

- Better results with non-adversarial (collegial) process
- Staff should be more involved in promoting communication, and have an attitude of openness

Problem: By the time citizens show up, many decisions have already been made

Solution:

- Applicant needs to involve citizens early on
- Notice should be more specific to application
 - list all the steps that will take place
 - include location and specific information on what will be decided
 - acknowledge the iterative process

Problem: Wait is too long to get on Hearing Examiner's schedule of hearings

- Too many steps in the staff review process, many with time requirements such as noticing

Solution:

- Information needed on review times for each agency or department
- Small, uncomplicated projects should get quicker treatment (see case triage below)
- Pre-filing meetings
- Case triage (categorize applications by complexity)
- Define problems as small or large scale impacts and have different timelines
- Train staff to meet deadlines

Problem: Enforcement of special exceptions not adequate (inspections are required in the conditions of approval)

- Enforcement complaint-driven
- Required inspections are not occurring often enough

Solution: Add or re-prioritize staff

Problem: Some neighborhoods have multiple and fast changes, some have less



STREAMLINING DEVELOPMENT ROUNDTABLE NOTES

TRANSPORTATION AND UTILITIES

Streamlining Development Review – May 15, 2012

Transportation and Utilities Roundtable Discussion

Table Attendees

David Weber	Facilitator
Ron Welke	Facilitator, Notetaker
Josh Bokee	Comcast
Andrew Bossi	MCDOT, Notetaker
Max Bronstein	
Arnold Kohn	Tower Companies
Jerry Garson	Regency Estates Citizens Associates
Mike Harner	WSSC
Art Holmes	MCDOT
Michael Kay	MCDGS
Greg Leck	MCDOT
Dee Metz	County Executive's Office
Mark Morelock	VIKA
Atiq Panjshiri	MC DPS
Al Roshdieh	MCDOT
Bob Spalding	Miller & Smith

Initial Issues

- Redundancy between Park & Planning transportation review and MCDOT transportation review produces conflicting comments. Need to address conflicts and provide a unified response to

developers. Example(s) of conflict(s), since the implementation of the Conflict Resolution MOU, were requested.

- Limited staffing at Park & Planning and MCDOT. Increased staffing would help reduce workload – particularly as projects increase in complexity – and provide faster turnarounds.
- Environmental and utility design are based on suburban policies; we need urban guidelines. (standard practices to fit in utilities within dense urban areas, CBDs, TODs, etc. Consider vertical utilities &/or utility tunnels, noting access, maintenance, and cost-sharing obligations. Research standards used in New York City boroughs).
- Permit previously-approved Road Code exceptions to be reused with an expedited process. For example: stormwater management in rights-of-way wasn't graphically included in Road Code, but is required by Code, and has subsequently resulted in numerous design exception applications. Suggested that DOT either updates Code or maintains a list of approved design exceptions that can be used to more expeditiously approve future projects and forego separate design exception processes.
- Increase percentage of homes eligible for service through the partial release process for water or sewer service. If the entire water and sewer system is in place and has passed inspection, but non-WSSC issues restrict ability to get full release: it would be helpful to allow more than 50% on partial release. Example: the need to record a Record Plat for a few lots could hold up many lots. Since building permits can't be released on unrecorded lots, WSSC has no exposure to a premature house connection.

Key Discussion Points

- DOT needs to complete/distribute the Design Standards for Context Sensitive Roadways. Consider convening a new stakeholders workgroup – potentially consisting of engineers only – to address outstanding items from Context Sensitive Roadway Design Stakeholders group.
- There is a disconnect between the broad scope of master/sector plans & guiding legislation as compared to detailed design & operations. More technical analysis is needed during the preparation of master/sector plans to determine the feasibility of implementing and impact of new proposed roadways, interchanges, etc. on adjacent properties, environmentally sensitive areas, etc. To do so, M-NCPPC may need more staff and/or longer schedules to develop these analyses.

- Development plans should include justifications for any deviation from standards, design exceptions, waivers, etc. County agencies should prepare and maintain, for public viewing, documentation of any approvals / denials of such requests.