



**MEMORANDUM**

September 10, 2007

**TO:** Montgomery County Planning Board

**VIA:** Rose Krasnow, Chief  
Development Review Division

**FROM:** Catherine Conlon, Subdivision Supervisor (301-495-4542)  
Development Review Division

**SUBJECT:** Final Draft Manual of Development Review Procedures

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**STAFF RECOMMENDATION:** Adopt the final draft manual and authorize staff to transmit it to the County Council for their approval under Method 2 procedures, and establish an effective date of November 1, 2007.

**SUMMARY**

Late last year, the Planning Board began an effort that is ongoing, to review and update their Rules of Procedure. As part of that discussion, it was recognized that some of the procedures included in the existing rules did not relate to the Board's process. Instead, they covered Planning Department practices related to the review and processing of development applications being brought to the Board. A decision was made to remove these types of items from the rules, and create a Manual of Development Review Procedures that combines them with the other staff practices in a document which summarizes the development review process.

The first draft of the manual was released for review and comment on November 6, 2006. Afterward, a focus group of selected individuals was formed to help facilitate the review. The focus group included attorneys, builders, project consultants and citizens. With the help of the focus group, and after incorporation of comments received from other interested parties and the Planning Board during the review period and the scheduled forum and public hearing, staff has prepared the attached final draft of the manual for the Board's review and adoption.

This Manual of Development Review Procedures is a summary of the process currently followed by staff in the Development Review Division, with many improvements and clarifications. The resulting document establishes the procedures for filing and review of development applications, outlines the expectations for staff, agency reviewers, and applicants in implementing these procedures, and includes guidance for how citizens and other interested parties can participate. Hopefully, the Planning Board will agree that this manual refines the development review process to make it clearer and more accountable to all parties involved, and will approve the final draft for transmittal to the County Council.

In addition to authorizing staff to transmit the manual to the County Council, staff recommends that the Planning Board establish a date on which the manual will go into effect. Staff recommends that the effective date be November 1, 2007. Since many of the procedures described in the manual are current practices, this date should provide enough transition time.

The two most significant changes to the current procedures are the two-step application process, and the requirement to hold pre-submittal citizen meetings for project and preliminary plans (and amendments thereto), in addition to site plans. Since pre-submittal meetings must be held prior to submittal of an initial application, developers planning to submit new applications in the month of November will have to hold their meetings prior to the recommended effective date. The two-step application process itself should not affect the timing of application submittals. Staff intends to finalize and post any checklists and guidance documents referenced in the manual that are not already available by mid-October. In the meantime, we will work directly with applicants to address any questions about new requirements.

We hope that after your final review of the attached manual, you will adopt it and authorize transmittal to the County Council.

**Manual of Development Review Procedures  
for Montgomery County, Maryland**

**ADMINISTRATIVE STANDARDS  
for Plans Submitted to the Maryland-National Capital  
Park and Planning Commission, Development Review Division  
for Review and Approval by the Montgomery County Planning Board**

**Maryland-National Capital Park and Planning Commission  
Montgomery County Planning Department, Development Review Division  
September 2007**

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For Planning Board Action on 9/20/07

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## Section 1. Purpose and Applicability

The purpose of this manual is to establish administrative and procedural standards to facilitate accurate, comprehensive and timely review of all facts and circumstances relevant to any plan submitted to the Montgomery County Planning Department, Development Review Division, pursuant to the Subdivision Regulations and Zoning Ordinance of Montgomery County. The procedures are designed to provide accurate and complete information as a basis for staff and Planning Board decisions.

The Manual:

- i. Establishes a process that is clear, transparent and understandable to the staff, applicants and the public;
- ii. Clarifies standards and procedures for submission of timely and relevant information by applicants;
- iii. Provides for timely participation by public agencies in the review of applications; and
- iv. Provides for participation by affected and interested parties, so that their views can be known by staff and the Board in advance of a decision.

### 1.A. Basic Planning Department Policies Concerning the Development Review Process

In reviewing applications, *the Planning Department staff* must:

- Appoint a lead reviewer to coordinate the review.
- Review applications carefully, fairly, and in a timely manner.
- Apply the applicable laws, regulations, and guidelines in a consistent manner.
- Work with all parties to present a recommendation to the Board that complies with the applicable standards of review.
- Cooperate with other agency staff, the applicant, and the community to seek a mutually satisfactory resolution when problems or issues arise.
- Attempt to identify issues early in the process and strive to resolve them as early as possible.
- Collaborate with each other, actively seeking solutions that will benefit the project as a whole and achieve the County's planning and community-building goals.
- Carry out County and Planning Board policies, with special attention to:

- adopted Master Plan standards and guidelines for development;
- land use, transportation, and environmental laws and regulations;
- growth policy;
- administrative regulations;
- standards of professional responsibility;
- promotion of design excellence.

***M-NCPPC and other agency staff*** who participate in the review of development applications must:

- Review applications in a careful, fair and timely manner.
- Participate in pre-DRC and DRC meetings, either in person or by transmitting written comments to the DRC chair.
- Make reasonable efforts to participate, when necessary, in supplemental meetings on specific cases; as may be requested by either the lead reviewer or the applicant.
- Work collaboratively to identify and seek mutually satisfactory resolutions using the adopted lead-agency protocol for conflicting recommendations.
- In the rare event that agency reviewers are unable to timely reach a mutually satisfactory recommendation on issues related to a development application, the agency recommendations that are contrary to the staff recommendation will be reported to the Planning Board.

***Applicants*** must:

- Follow Planning Department and County policies, procedures, and regulations related to proposed development projects.
- Submit complete and accurate applications.
- Refer questions, issues and all revisions to the lead reviewer.
- Notify the lead reviewer promptly if there is a major change to a development project under review.
- Work with the staff and the community in a cooperative manner to seek a mutually satisfactory resolution when problems or issues arise.
- Select a development team and consultants, including legal counsel, appropriate for the project.

## **Section 2. Overview of the Requirements**

The standards in this manual apply to the submission of all development applications submitted to the Subdivision and Site Plan Sections of the Development Review Division. These

include: Pre-preliminary Plans, Project Plans, Preliminary Plans, Site Plans, Plan Amendment Requests, Record Plats, and applications for Extensions and Subdivision Regulations Waivers. This manual covers the submittal, noticing, review and approval procedures that must be followed for each of these applications. The following is an overview of the requirements for each plan type.

## **2.A. Project, Pre-preliminary, Preliminary and Section 59-D-3 Site Plans**

These applications must be submitted, noticed and reviewed according to the standard procedures in sections 3, 4, and 5. Except for non-binding, Section 50-33 Pre-preliminary plans, action on these applications must be taken by the Planning Board at a Public Hearing. The requirements for Public Hearings are in section 6. Post approval requirements are in section 7.

## **2.B. Plan Amendments**

Plan amendment applications must be filed in order to revise any approved plan or any findings, conclusions, or conditions associated with the plan. Most amendments require action by the Planning Board. Certain project and site plan amendments may be acted upon by the Planning Director or staff<sup>1</sup>.

### **2.B.(a) Determining What Type of Amendment to File**

Prior to filing a plan amendment application, the applicant must contact the Supervisor of the Subdivision (preliminary plans) or Site Plan (project and site plans) Section in writing for a determination on which type of plan amendment to file.

#### **2.B.(a)(i) Amendments That Require Planning Board Action**

These amendments may be filed in the form of a **consent agenda item**, a **limited plan amendment**, or a **full plan amendment**. Consent agenda items and limited plan amendments are subject to alternative submittal and review procedures detailed in section 8. Full amendments must be submitted and reviewed according to the standard procedures in sections 3 and 5. Notice for all amendments requiring Planning Board action must be given per section 4, and action will be taken pursuant to section 6.

#### **2.B.(a)(ii) Amendments That Do Not Require Planning Board Action**

Chapter 59 of the County Code includes provisions for project and site plan amendments that may be approved by the Planning Director or designee. These types of amendment applications are subject to the alternative submittal and review procedures in section 8.

### **2.B.(b) Determining the Need to File a Site Plan Amendment**

An applicant may replace any structure on property covered by an approved Site Plan without prior approval, as long as the replacement is in conformance with the specifications of the approved or Certified Site Plan. Any changes or additions to the structures set forth in the approved or Certified Site Plan requires a site plan amendment. Site plan amendments may be filed in the form of a consent agenda item, a limited site plan amendment, a full site plan amendment or a staff-level amendment<sup>1</sup>. Prior to filing an application for site plan amendment, the applicant must contact the Supervisor of the Site

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<sup>1</sup> Only in accordance with Chapter 59 of the County Code.



Plan Section for a determination on which type of site plan amendment to file.

### Playground Equipment Substitution Requests

With respect to the substitution of playground equipment<sup>2</sup> for a site plan that has already received Board approval, but the property has not been conveyed to a condominium or homeowners association, the following rules apply:

- 1) An equipment substitution request must be completed and given to MNCPPC. Although the form may be filled out by the provider of the proposed playground equipment, it must be accompanied by a cover letter from the developer of the project stating that the current site plan applicant is, in fact, in support of the proposed substitution.
- 2) The site plan must be reviewed to see if, in addition to naming specific brand and model numbers, the clause “or approved equal” has been included.
- 3) If the phrase “or approved equal” is stated in the site plan, the substitution request does not need to go back to the Planning Board for an amendment of any type and no application fee is applicable under the current rate structure. Rather, staff will review the substitution request to determine if the proposed equipment is equal in terms of capacity, features, age group served, and quality (including conformance with CPSC and ASTM<sup>3</sup> safety standards.<sup>4</sup> Staff will render a decision as to whether the proposed substitution meets the “or approved equal” standard within forty-five (45) days or it will be deemed approved. Once a decision has been reached, staff must reply, in writing, to the current site plan applicant. If the request is denied, the reply must include in writing the specific reason(s) for the denial. A copy of the reply letter will be placed in the Site Plan file.
- 4) If the phrase “or approved equal” is not stated in the site plan, a developer will have to file for a consent agenda amendment in coordination with the substitution request. Under such circumstances, the application fee will be set by staff in accordance with MNCPPC policy.
- 5) All requests for playground equipment substitution must be made by submitting a completed Recreational Equipment Substitutions Request Form, which may be found at [www.mc-mncppc.org/development](http://www.mc-mncppc.org/development).

### **2.C. Record Plats**

Record plats are subject to the alternative submittal and review procedures in section 8.

### **2.D. Extensions and Subdivision Regulations Waivers**

Requests to extend Preliminary Plan or Adequate Public Facilities (APF) validity periods, and Subdivision Regulations waiver requests, are subject to the alternative submittal and review procedures in section 8. Notice must be given per section 4, and Planning Board action will be taken pursuant to

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<sup>2</sup> Playground equipment includes benches, picnic tables, and trash receptacles.

<sup>3</sup> If there is a conflict between CPSC and ASTM standards, ASTM standards will govern.

<sup>4</sup> The equipment substitution must also be able to fit in the space shown on the site plan. If the proposed substitution becomes so big that it no longer fits in the “play area” shown on the site plan, an amendment will be required.

section 6.

### **Section 3. Standard Application Submittal**

There is a two-step application process for plans submitted for standard review:

- The first step involves filing an initial application that staff must review for completeness.
- The second step involves filing the final application, along with prints for distribution, and supplemental information.

The Development Review Division will accept a submitted plan only when all requirements of this section have been met. Additional requirements for notice and site posting are covered in detail in section 4.

#### **3.A. Pre-submittal**

##### **3.A.(a) Required Meeting with Citizens**

Prior to submission of an initial application for Project Plans, Preliminary Plans, Site Plans, and Amendment Requests that require Planning Board hearings, an applicant is required to hold a pre-submittal meeting with citizens, as required by sections 4.B and 4.C.

##### **3.A.(b) Optional Meeting(s) with Staff**

In certain instances, such as where site constraints or other issues related to the proposed development of a property raise questions pertaining to a possible future development application, an applicant may request a pre-submittal meeting with staff. These requests must be made to the Development Review Division by contacting the Division Chief's Administrative Aide who will arrange a meeting with appropriate staff. Documentation of all pre-submittal meetings with staff must be included in the application package when it is filed. Staff advice to applicants concerning applications, or specific aspects of the review, does not bind the staff, Board or applicant.

#### **3.B. Initial Application**

##### **3.B.(a) Applicant's Responsibility**

An initial application must be submitted to the Development Review Division, Intake Section. The application package must be submitted in duplicate and must contain:

- an application;
- a plan drawing properly signed and certified by a licensed professional, and one (1) copy of all other submittal items included in the plan checklist attached to the application form; and
- the appropriate fee.

##### **Plan Amendments**

For plan amendments, the applicant must contact Subdivision (preliminary plans) or Site Plan (project and site plans) review staff to determine the exact

submittal requirements and applicable fees. The amendment must clearly identify the items or areas of the approved plan which are to be revised. The application must include all information required in the application checklist.

**NOTE:** Application forms and checklists are available on the Commission's website at [www.mc-mncppc.org/development](http://www.mc-mncppc.org/development).

### **3.B.(b) Staff's Responsibility**

Staff must review the application within 10 working days and enumerate, with a mark-up of the application, all revisions or additional materials required to make the application consistent with the submittal requirements and therefore acceptable for final submission. Upon completion of the mark-up, staff must notify the applicant that it is ready for pick up and schedule an appointment time for submittal of the final application.

Staff's review of the initial application is to determine whether the information being submitted is complete and meets the requirements of the application checklist. It is not a review of the merits of the case. Applicants are strongly encouraged to take great care to ensure that applications are complete, and discouraged from relying on the staff review to ensure the accuracy and completeness of their application.

### **3.C. Final Application**

The final application must be filed with the Development Review Division, Intake Section by appointment only. The final application package must contain:

- the mark-up of the initial application;
- the final application form signed and dated by the property owner or applicant;
- the plan submittal checklist;
- plan drawings, properly signed and certified by a licensed professional, and all other items required by the plan checklist in the specified numbers;
- documentation of pre-submittal meeting and site posting;
- a certificate of compliance;
- a statement of justification; and
- the appropriate fee.

All plan drawings, including notes and specifications, must be legible and must include the appropriate graphic scale. If reduced plans are required, at least the plan drawing must be legible.

**NOTE:** Guidelines for plan drawings may be found at [www.mc-mncppc.org/development](http://www.mc-mncppc.org/development).

### **3.C.(a) Certificates of Compliance**

The applicant must prepare and submit a written certification with each application attesting that, to the best of the applicant's knowledge, information and reasonable belief, and after reasonable investigation, the application conforms to all applicable federal, state and local laws and regulations, and to all relevant previously approved plans for the subject property, including:

- all non-illustrative elements of an approved Development Plan;
- each binding element of an approved Schematic Development Plan;
- an approved Diagrammatic Plan pursuant to Division D-4 of the Zoning

- Ordinance;
- an approved Project Plan;
- all conditions of previous plan approvals imposed by the Planning Board, including project plans, preliminary plans, site plans, water quality plans, and forest conservation plans (unless the plans are being amended); and
- the program of development proposed under each and every other application (including any application for amendment) that is concurrently filed by the applicant, or pending acceptance or approval, with respect to a development project that includes or otherwise relates to the subject property.

### **3.C.(b) Statements of Justification**

The applicant must submit with each application, and plan amendment, a written statement to enumerate the facts and reasons that, according to the applicant, would support Planning Board approval. When an application includes a request for waiver(s) of any code or regulations, the statement of justification must enumerate the facts and legal basis for the requested waiver. The applicant is required to attach and incorporate by reference any diagrammatic or illustrative materials that support the facts claimed in the statement of justification. The applicant, or a representative of the applicant, must certify that the information set forth in each statement of justification is true, complete and correct to the best of their knowledge, information, and belief.

**NOTE: Examples of the format for certificates of compliance and statements of justification are available on the Commission's website at [www.mc-mncppc.org/development](http://www.mc-mncppc.org/development).**

### **3.D. Fees**

Fees must be charged for the review of all applications in accordance with the fee schedule worksheet included in the application form. A designated portion of the fee must be charged at the time of the initial application, and the remainder will be due with the final application. Fees paid by check must be made out to the Maryland-National Capital Park and Planning Commission (MNCPPC).

### **3.E. Acceptance of an Application**

To be accepted for review, a final application must be complete and comply with the filing procedures specified in section 3.A. Planning Board staff must provide the applicant written confirmation that the submittal has been accepted as complete at the final application appointment, or must enumerate, in writing, all revisions that are necessary for the application to be deemed complete. The acceptance of a plan means that it has been deemed to be complete and accurate for purposes of filing only. Acceptance for filing does not constitute approval of the submitted plan.

All information contained in the application is part of the public record. All supporting materials presented to the Montgomery County Planning Board or otherwise incorporated into the plan by the Board at the time of the public hearing become part of the public record. By submitting a plan application, the applicant agrees to comply with the checklist of standard plan requirements included with each application form.

### **3.F. Rejection of an Application**

#### **Prior to acceptance of application**

The Intake staff must reject an initial application if the staff finds that it contains materially incorrect, false, or incomplete information, and return it to the applicant without refund of the initial application fee. In these instances, a new initial application and fee will be required.

#### **After acceptance of final application**

A final application must be rejected after it has been accepted if the Planning Director finds that it contains materially inaccurate or incomplete information. The Planning Director must return such an application package to the applicant without refund of the application fee. The application will be dropped from the queue of pending plans and a new application with associated fees will be required.

#### **Inaccurate, misleading or false certifications**

Any time that staff finds information certified by a professional is materially inaccurate, misleading, or false, staff must provide a report of the matter in writing to the Planning Director. The Planning Director must review the report, provide the professional an opportunity to respond in writing, and consider other relevant information to determine the matter. If the Planning Director determines that the professional submitted materially inaccurate, false or misleading information, the Director must take appropriate action, which may include rejecting the application and requiring a new application and fee, and reporting the instance to the appropriate licensing board.

## **Section 4. Notice**

### **4.A. Notice List**

As part of an application, the applicant must submit a notice list containing the names and addresses of individuals who must receive notice pursuant to Section 4.D., below. The notice list must include:

#### **4.A.(a) Adjoining and Confronting Property Owners**

The applicant must obtain the names and addresses of all adjoining and confronting (properties separated from the development site by an intervening road or utility right of way) property owners. This list must be based on the latest available tax assessment ownership records from the Maryland Department of Assessments and Taxation, Real Property Data Base. The list must be compiled no more than 30 days prior to the date of the pre-submission meeting, described in section 3B, below, and must be updated no more than 30 days prior to the date the final application is submitted. When an adjoining or confronting property includes a multi-unit building, the list must include the property owner, the building management company, and the condominium association, if any (not individual unit owners or renters). When an adjoining and confronting property is common open space for cluster-type development, the list must include the homeowner's association and any individual property owner within that development located within 300 feet of the subject property.

**4.A.(b) Civic, Community, Condominium and Homeowners Associations**

The applicant must obtain from the Development Review Division, a list of the citizen, community, condominium and homeowner's associations that have registered with M-NCPPC, and are operating within a one-mile radius of the center point of the property for which an application is being submitted. At staff's discretion, this list may be expanded for large or unusually shaped properties, to include associations within a one-mile radius of each compass point along the property boundary.

**4.A.(c) Pre-submittal Meeting Participants**

When a pre-submittal meeting is required, the applicant must compile the names and addresses of individuals who attend the pre-submittal meeting and request to be included as a party of record.

**4.A.(d) M-NCPPC**

The list must include the M-NCPPC, Development Review Division, Intake Section.

**4.A.(e) Other**

Staff may also require the applicant to include registered common ownership associations and umbrella civic associations that staff determines confront a public facility not adjacent to or in close proximity to the property but that may require construction or improvement as a result of the application. If required, such notice must be directed to each designated association no later than 30 calendar days prior to the Planning Board's public hearing on the Application.

**4.B. Pre-submittal Citizen Meetings**

For a project plan, preliminary plan, site plan, or full preliminary plan or site plan amendment, the applicant must hold at least one pre-submittal meeting no more than 90 calendar days prior to the initial application date. The purpose of the meeting is to explain the proposed project, address concerns about its impact on the community, and to notify those attending of their right to participate in the review process. The applicant must specifically invite all individuals who will receive notice of the application as required by section 4.A., above, and must also post signage that is visible from the street on the property, containing the meeting time, location, and developer contact information. Signage must be posted a minimum of 10 calendar days prior to the meeting. The meeting must be held on an evening or a weekend, in a location convenient to the proposed development site. At the time of the meeting, the applicant must provide a sign-in sheet so that attendees may identify themselves.

**At the time of the application submittal, the applicant must provide the following pre-submittal meeting documentation:**

- A notarized affidavit stating date, time and location of the meeting.
- A copy of the invitation letter with a typed list of invitees.
- A typed list of meeting attendees with an attached copy of the sign-in sheet.
- Names and addresses of those individuals who want to be included as parties of record.
- Meeting minutes, including a summary of any issues or concerns raised by those present.

#### **4.C. Site Posting**

In addition to site posting required for notice of the pre-submittal meeting, the applicant must post a sign(s), at the development site indicating that an application for project plan, preliminary plan, site plan, or an amendment thereto, has been filed. The sign must be posted prior to the date the final application is accepted, and must be maintained throughout the review of the application. The applicant is responsible for all costs associated with the site posting requirements. A minimum of one sign must be placed along all adjacent streets. Signs must be posted every 600 feet when a street frontage adjacent to a site exceeds that distance. Signs must be placed parallel to the roadway. Signs must be placed on the property in the most visible location available in such a manner that landscaping or other obstructions do not impair the visibility of the signs from the street. The signs must not be placed on the public street right-of-way or more than 10 feet behind the property line adjacent to the right-of-way. The applicant must monitor the signs and replace damaged or illegible signs.

All posted signs must contain the following information:

- the project name as it appears on the application
- the project number, as assigned at the time of initial application
- the type of plan
- a short project description, including each use and its associated number of dwelling units or square footage
- applicant contact information
- Development Review Division contact information

The applicant and/or its sign vendor must access and apply the sign template, lettering specifications and posting requirements located on the Commission website at [www.mc-mncppc.org/development](http://www.mc-mncppc.org/development). The Commission may modify these requirements on a case by case basis where special circumstances exist in order to ensure that the signs will be visible to the general public.

**At the time of final application submittal, the applicant must provide the following documentation of site posting:**

- a notarized affidavit stating the date and location of sign(s) posting;
- a plan drawing showing the location(s) of the sign(s); and
- a dated photograph showing the sign(s) on the development site.

Failure to maintain a properly posted sign on the development site will result in postponement of a Planning Board hearing for the application until the applicant has demonstrated that the site has been properly posted for at least thirty consecutive days.

#### **4.D. Noticing Requirements**

Individuals included on the notice list, and others who provide written comments and/or request to be added, must receive notice as described below. The applicant should also forward a copy of the application notice to all public schools in the applicable School Service Area and the public library nearest the site for posting on their listserves, if the school or library chooses to do so.

**4.D.(a) Notice of Applications**

The applicant must give notice of the filing of an application to parties on the Notice List in the following manner:

**4.D.(a)(i) Project, Preliminary, and Site Plans, and Plan Amendments that require a Planning Board Hearing**

The applicant must mail written notice of its Application to all parties on the notice list. The written notice, along with a legible 11X17 inch copy of the proposed development plan drawing, and the latest version of the Commission's brochure, "How to Participate in the Subdivision and/or Site Plan Process" must be sent by first class mail to these parties within 5 calendar days from the date of the final application submission. The applicant must retain each item of mail returned undelivered, and produce any item retained for inspection by the staff or the Planning Board upon request. If the Development Review Division has not received a copy of the required notice, the Development Review Committee meeting must be postponed until such time as the applicant demonstrates that notice was mailed.

The notice list, as specified in 4.A. above, including addresses of engineers, attorneys, and other representatives for the project, must be submitted as part of the application to the Development Review Division on two sets of printer labels with one paper copy of the labels.

The written notice must include the following information:

- the application reference number;
- the date the notice was sent;
- reference to the statute(s) pursuant to which the Application is filed;
- the street address or other easily understood geographical reference to the location of the property;
- a brief description of the project being proposed;
- a copy of the proposed land plan; and
- the telephone number and address of the Development Review Division of the Maryland-National Capital Park and Planning Commission, and the name and telephone number of an individual employed by the applicant who will be available to provide further information concerning the proposed development in response to any reasonable public request.

**If an application is pending for more than six months**, and for every six months it remains pending thereafter, the applicant must update the adjoining and confronting property owners on the notice list. **If an application is pending for more than one year**, the applicant must re-send written notice (with the latest plan drawings) to all parties on the updated notice list. The applicant must submit a copy of the updated adjacent and confronting property owners list with two sets of labels, and a copy of the written notice, if applicable, prior to the plan being scheduled for Planning Board consideration.



**4.D.(a)(ii) Consent Agenda Plan Amendments**

The applicant must prepare a notice list as specified in 4.A. above, and including all other parties of record noted in any previous case file(s), and mail written notice of its Application to all parties. The written notice, along with a legible copy of the amended plan drawings and any accompanying items, must be sent by first class mail to these individuals within 5 calendar days from the final application submission date.

The notice list, along with addresses for engineers, attorneys, and other representatives for the project, must be submitted as part of the application to the Development Review Division on two sets of printer labels with one paper copy of the labels.

The written notice must include the following information:

- the application reference number;
- the date the notice was sent;
- the street address or other easily understood geographical reference to the location of the property;
- a summary of the specific changes being sought; and
- a date (at least 15 calendar days after the mailing date of the notice) by which comments must be submitted to Park and Planning regarding the amendment.

If comments are received, staff and the Director must determine whether such comments are substantive enough to require that the amendment be handled via a public hearing. If no public hearing is deemed necessary, staff must notify those making comments of the date the matter will be taken up on the consent agenda; and that any person may request that the Planning Board remove an item from the agenda on or before that date. Only a Board member may remove an item from the consent agenda to the hearing agenda. The Chair, at the request of the applicant, may remove an item from the consent agenda before the scheduled date.

**4.D.(b) Notice of Public Hearing**

Not less than ten (10) calendar days before the date of scheduled public hearings, Development Review Division staff must send notice via first class mail to the individuals, organizations, and locations included on the applicant's notice list, as described above, and to all other persons who have sent correspondence to the Planning Board or staff concerning the project or have otherwise requested notice by providing their contact information.

**4.D.(c) Notice for the Consent Agenda**

Not less than ten (10) calendar days before the public meeting during which the Planning Board considers any Consent Agenda, Development Review Division staff must post a copy of the staff report for record plats and consent agenda amendments on the Commission web site.

## Section 5. Evaluation of Applications

Upon acceptance of an application, a lead reviewer must be assigned by the supervisor of the Subdivision or Site Plan section, as applicable. The lead reviewer must coordinate review of the application, prepare the staff report, and present the case to the Planning Board.

### 5.A. Referral and Inter-Agency Consultation

Upon the acceptance of each final application, the planning staff must provide a copy of the plan and necessary supporting information to designated offices of the Commission and to other government or public agencies for comment or approval as required by applicable law, and schedule a discussion of the application with agency reviewers and the applicant before the Development Review Committee (DRC) chaired by the M-NCPPC Subdivision Supervisor, or designee. The DRC meeting must occur within 3 weeks of such distribution. Each agency providing comments for the DRC meeting must do so in writing, and the lead reviewer must ensure that those comments are included in the application file, along with a meeting summary and enumeration of any revisions to the applicant's plan recommended by the DRC or the staff. In the event any reviewing agency declines to participate or provide any substantive comment as part of the DRC meeting, planning staff must document that agency's decision in the application file prior to the scheduling of the public hearing.

### 5.B. Review Timeframes

A minimum of 90 to 120 calendar days is generally required for review of most applications. Non-controversial minor amendments, extensions and waivers generally require 60 to 90 calendar days. The review period will vary depending upon the number of issues identified as part of the review and the need for plan revisions.

#### 5.B.(a) Typical review

90 - 120 calendar days from plan distribution

Step 1: 3 weeks agency review prior to DRC

Step 2: DRC meeting

Step 3: 4-8 weeks for applicant revisions after DRC

Step 4: 3 weeks for agency review and approval of final revised plans

Step 5: 2-4 weeks for staff report draft

Step 6: 10 days posting of staff report before the Board hearing

*NOTE: A tentative Planning Board date may be established at Step 2 if the Applicant commits to a timeframe for revisions based on the comments received.*

The statutory review periods for preliminary and site plans run from the date of acceptance of the final plans. Statutory review periods for project plan applications run, and may be extended, per Chapter 59 of the County Code.

#### 5.B.(b) Extended review

Other types of applications may be reviewed concurrently with project, preliminary and site plan applications. However, review and action on the project, preliminary and site plans may be delayed pending review and action by the appropriate agency on these related applications, including: stormwater management concept and water quality plans; water and sewer category change requests; well and septic; special exception requests; rezoning requests; and master plan amendments or updates. Delays may also result if an

applicant fails to submit complete and adequate revisions, i.e., Steps 3 and 4 repeat.

**5.B.(c) Application lapse deemed withdrawal**

An applicant is responsible for timely response to staff and agency comments, either in the form of plan revisions, or with a request for follow-up meeting(s) to resolve issues with appropriate members of the review team. The Development Review Committee or other meeting minutes must document the timeframe for response.

An application that has been inactive for 365 calendar days with no substantive response to staff, agency, or DRC comments, will be deemed to have been withdrawn unless the applicant can demonstrate good cause for extending the application. The staff will send notice to applicants whose plans have been inactive that the applicant must, within 30 calendar days, request continued review. If the applicant does not request an extension, staff will send the applicant written notice that the application has been withdrawn. Any request for an extension must 1) be in writing; 2) set forth good cause for granting an extension; and 3) propose a timeframe in which the application will be finalized. Good cause may include events beyond the control of the applicant, such as governmental delays. The request must be reviewed by the Planning Director, or designee, who has sole discretion to decide the matter. The decision by the Planning Director or designee to approve or deny the extension is final. A new application and fee will be required for re-filing of any plan which is deemed withdrawn.

**5.C. Plan Revisions in Response to Issues and Comments**

**5.C.(a) Applicant's Responsibility**

The applicant must submit supplemental information or revised plans, in response to staff or other agency comments, within ten (10) working days of receiving the comments, unless another time period is agreed upon by staff and the applicant. The revisions must be submitted to the Development Review Division, Intake Section and all other agency reviewers as follows:

To Development Review Division, Intake Section -

- Copies of the revised plan, in the specified numbers, highlighting the specific revisions, showing the date(s) of each revision, and including as part of the title information a notation that the plan is a revision;
- A revised digital copy of the plan;
- Copies of a transmittal memo or cover sheet, in the specified numbers, identifying what is being submitted and why. The memo or cover sheet must refer to the M-NCPPC file number.

No appointment is necessary to submit supplemental information or plan revisions, however, the revisions must not be formally accepted until Intake staff have verified that the plans are complete and comply with all applicable standards for accuracy. Intake Section staff must notify the applicant within 5 business days whether the revisions have been accepted. At that time, the applicant must distribute the revisions to other applicable agencies as specified below.

To other applicable reviewing agencies (after Planning Department acceptance) -

- At least one (1) copy of the revised plan highlighting the specific revisions, showing the

date(s) of each revision, and including as part of the title information the notation that the plan is a revision;

- At least one (1) copy of a transmittal memo or cover sheet identifying what is being submitted and why. The memo or cover sheet must refer to the M-NCPPC file number.

#### **5.C.(b) Agency Reviewer Responsibility**

Agency reviewers must submit response to revisions directly to the applicant and the DRD lead reviewer. If comments necessitate major revisions to the plan, the lead reviewer may schedule a second DRC meeting. A conceptual plan, as agreed upon by staff and the applicant, may be submitted for further staff review before fully revised plans are submitted.

##### **For major plan revisions, the applicant must:**

- Send notice to all parties on the notice list.
- Resubmit the application form (check revision box) if the revision involves a change in the acreage; number of lots or units; type of use or units proposed; a change in ownership, applicant or engineer; or method of development proposed.

Final revised plans meeting the requirements of this manual must be submitted not less than 15 business days prior to the posting date of the staff report, or the Planning Board's consideration of the development application will automatically be deferred.

#### **5.D. Citizen Participation**

Individuals who want to develop or redevelop land are required to post signs on the development site and hold pre-submittal meetings. All persons who may have an interest in, or concerns about such future development are encouraged to attend the pre-submittal meeting held by the applicant, and participate in the review process for that application. Comments regarding an application may be made to Development Review Division (DRD) in any manner at any time during the process, and must be addressed as part of the review. Written comments are preferred. The first formal meeting between applicants and agency reviewers is the inter-agency DRC meeting discussed in section 4.A., above. The meeting is generally held every three weeks, on Mondays. A DRC schedule, containing items and the times they will be discussed, is posted on the Commission's website at [www.mc-mncppc.org/development](http://www.mc-mncppc.org/development) two weeks prior to the meeting. Citizen comments received prior to DRC will be discussed at the meeting, if applicable. The DRC meeting is not open to citizen participation, however, citizens may attend and listen to the discussion. In the event that more than a few individuals wish to attend the DRC meeting, prior notice to the M-NCPPC Subdivision Section Supervisor in DRD would be appreciated, so an appropriately sized location can be arranged.

Citizens are encouraged to contact the DRD lead reviewer at any time during the review with concerns or questions. Upon request to either the lead reviewer or to the Subdivision and Site Plan Supervisors, as applicable, meetings with citizens may be scheduled for particular cases. For particularly complex or controversial cases, staff will initiate a citizens meeting. When appropriate, these meetings will be scheduled to include other agency representatives and/or the applicant. DRD staff will make every reasonable effort to resolve citizens' issues during the plan review, and citizens may present any unresolved concerns directly to the Planning Board as part of the public hearing for the application.

## **5.E. Consultation with Applicant and Other Interested Parties**

Planning staff may organize and hold meetings during the application review period, as necessary or appropriate, to help evaluate the application. These meetings may include the applicant, other agencies, and the public or other interested parties. Minutes for each meeting must be included in the application file. Minutes must include the date, time and location of the meeting, a list of participants, major issues discussed, and any decisions made.

## **5.F. Staff Reports**

The lead reviewer, after completing review of each application and receiving all required agency recommendations or approvals, must prepare a report summarizing the proposed findings of fact and conclusions of law that the Board must make, and recommending that the Planning Board approve, approve subject to conditions, or disapprove the application. In most instances, the staff report will be published on the Commission's website, and made available for pick-up upon request in the Development Review Division, a minimum of 10 calendar days prior to the scheduled public hearing. In exceptional circumstances, as determined by the Planning Director, the staff report may be published and made available more than 10 calendar days prior to the scheduled public hearing. These circumstances will generally be limited to exceptionally complicated applications that generate staff reports that require more review time because of their length and amount of supplemental information; or applications that are particularly controversial and involve large numbers of interested individuals who require time to coordinate their responses to the staff report.

### **5.F.(a) Contents of the Staff Report**

Staff reports prepared for Planning Board consideration must include the following:

- A site description and overview of the project.
- Staff findings of fact and conclusions regarding all applicable requirements of the county code related to the plan and the basis for those findings and conclusions.
- A summary of the major issues and concerns related to the application, and their proposed resolution.
- Recommended conditions of approval, if applicable.

For amendments scheduled on a Consent Agenda, if no comments are received during the period designated in section 3.D(a)(ii), a memo must be written detailing the items being changed and making a finding that the change(s) will not alter the intent of the Board's prior approvals. The item must then be placed on the Planning Board's Consent Agenda along with the resolution for a vote.

### **5.F.(b) Objections to the Staff Report**

The applicant or other individuals may file objections to any of the findings or conclusions made in the staff report, no later than 3 days prior to the scheduled public hearing on the application for which the staff report has been written. Objections should be

made in writing to the Planning Director, and must clearly identify and fully explain the basis for each disagreement. Any objection filed in this manner must be published immediately on the Commission website and distributed to the Planning Board members.

The applicant or other individuals may also object to any of the findings or conclusions made in the staff report during the scheduled public hearing on the application for which the staff report has been written.

**5.F.(c) Postponement of Public Hearing Agenda Items**

The applicant or other individuals may request postponement of a scheduled public hearing or Consent Calendar item after the staff report has been published, however, the request must be made in writing to the Chair of the Planning Board. The written request must clearly identify and fully explain the basis for postponement. The applicant must be notified of postponement requests from other individuals and be given an opportunity to respond. A decision regarding postponement of a public hearing must be made by the Planning Board or Planning Board Chair.

## **Section 6. Planning Board Action**

The Planning Board typically takes action on development applications at a public hearing. All hearings provide opportunity for testimonial evidence to be presented to the Board by staff, the applicant, and other interested parties. The Planning Board may also act without a public hearing to adopt any number of certain types of items as part of a consent agenda. Rules for the conduct of hearings before the Board are set forth in the Board's Rules of Procedure, which are available at [www.mcparkandplanning.org/documents](http://www.mcparkandplanning.org/documents).

### **6.A. Scheduling**

Development applications must be given a tentative Planning Board date when the DRD lead reviewer has determined that:

- all agency review is complete and written recommendations have been received;
- issues and concerns have been resolved, or must be raised to the Planning Board level for resolution; and
- a final plan has been submitted by the applicant (this plan must be date-stamped by M-NCPPC and become the official plan for Board consideration).

The tentative Planning Board date is for M-NCPPC use as part of long-range agenda planning and will generally not be published. The lead reviewer will share this date with the applicant and other interested parties who request the information. The tentative date may, at the lead reviewer's discretion, be published on the Commission's website at [www.mc-mncppc.org/board/agenda](http://www.mc-mncppc.org/board/agenda) for particularly complex or controversial cases.

**NOTE: Development applications must not be finally placed on a public hearing or consent agenda until the staff report has been completed.**

## **6.B. Exhibits**

Applicants must submit the following exhibits to Development Review Division staff for use as part of the scheduled Planning Board hearing, at least 3 days prior to the scheduled date of the hearing:

- one paper copy and an electronic version of the rendered pre-preliminary plan, project plan, preliminary plan, site plan, or plan amendment, as applicable; and
- one paper copy and an electronic version of the rendered forest conservation and/or landscape plan, if applicable.

Other exhibits may be submitted at the hearing, but applicants and other participants are encouraged to submit them as early as possible. All exhibits must be entered into the record of a Planning Board hearing and be accepted by the Chairman. The exhibits whether electronic or mounted, must be labeled and made part of the permanent record of the case. As such, all exhibits submitted are the property of the Commission and must be collected by staff after the hearing and incorporated into the case file.

In general, the following guidelines should be used by applicants and individuals preparing exhibits for a Planning Board hearing:

- Visual exhibits must be presented in a format that can be clearly seen by the Planning Board, such as:
  - Computer generated images (consult staff for acceptable formats) are the preferred format.
  - A plan drawing, a minimum of 30"x42" in size, and mounted, but not permanently affixed, on a display board.
  - A handout such as a reduced copy of a plan drawing (minimum of 8½"x11" in size, 11"x17" preferred); minimum 12 copies must be provided for distribution.
- Visual exhibits must clearly delineate the boundary of the plan.
- Written exhibits or testimony should be presented on 8½"x11" paper, and preferably typed in at least 12pt font size. Providing 10 copies of any written testimony makes it possible to distribute copies to the Board.
- All computer generated images must be provided on a compact disc that must be retained by Planning Board staff after the hearing.
- All applicant hard copy/display board exhibits must also be provided as digital images (consult staff for acceptable formats).

## **6.C. Resolutions and Opinions**

The Planning Board must adopt a resolution or opinion to memorialize their action on plans. After adoption, a copy of the resolution/opinion must be mailed by staff to all parties of record for the case. Rules for the adoption of resolutions/opinions are in the Board's Rules of Procedure.

## **Section 7. Certified Plan Approval**

Preliminary and site plans (and amendments) that have been approved by the Planning Board are required to be certified by the M-NCPPC Development Review Division.

### **7.A. Preliminary Plan Requirements**

The applicant must submit a reproducible copy of the preliminary plan as approved by the Board for certification by the Subdivision Supervisor upon receipt of the Planning Board resolution. Staff must affix the Planning Board's conditions of approval and record the Planning Board hearing and resolution/opinion dates. After Subdivision Supervisor signature, the certified plan must be returned to the applicant who must re-submit at least three (3) paper copies, and an electronic image on a compact disk, to be included in the application file and promptly made available to all parties via electronic access. Any required supplementary plans, such as forest conservation or landscape plans, must also be submitted in this manner.

### **7.B. Site Plan Requirements**

The Certified Site Plan package must include the Planning Board's resolution (on the plan drawing), address all the conditions of approval, and include the required information as noted in the site plan application checklist. The Applicant must submit four (4) copies (typical) of the Certified Site Plan package for review and approval. Staff must contact the applicant within 15 working days and enumerate any errors or omissions.

Four (4) sets of the corrected/completed Certified Site Plan must be submitted by the applicant for final signature. After signature by the Development Review Division Chief, a copy of the Certified Plan must be transmitted to the applicant who must scan the document and return an electronic image on compact disk to the Development Review Division. The scanned image must be promptly made available to all parties via electronic access.

## **Section 8. Alternative Procedures**

There are certain types of applications that are subject to alternative procedures for submittal and review. These include record plats, requests for extension of plan validity, consent agenda plan amendments, and Subdivision Regulations waiver requests. These applications are made either supplemental to the Planning Board's approval of a development application (record plats, extensions, amendments and some waivers), or instead of that process (waivers). These types of applications will be processed as described below.

### **8.A. Record Plats**

The Subdivision Regulations require that a record plat must be recorded within thirty-six (36) months of the date of mailing of the Planning Board's resolution for a preliminary plan of subdivision; or as otherwise stipulated in the resolution for phased approvals. A record plat application must be submitted to both the M-NCPPC Development Review Division (DRD) and the Montgomery County Department of Permitting Services (MCDPS) for review and approval.



**8.A.(a) Pre-submittal requirements**

Before submitting the record plat application, the applicant must contact the Records and Information Section of the Development Review Division for approval of the proposed subdivision name, lot and block designation and street name assignment.

**8.A.(b) Application**

A record plat application made to M-NCPPC may be submitted without an appointment to the DRD, Intake Section, and must include all items required on the application checklist and the appropriate fee. The application form must be filled out by the applicant's engineer/surveyor, who must sign the checklist certifying that the application and checklist are complete and ready for processing. The checklist must be submitted with the application form. Only complete applications will be accepted for review.

For properties that will be recorded by multiple plats, a separate application form will be required for each plat. Copies of a master application are acceptable provided that the appropriate information for each plat is supplied (i.e. number of lots, units, and area of each plat). One check for the total fee for a multiple plat submission is acceptable.

Any material or information submitted to DRD as part of a record plat application must be accompanied by a transmittal memorandum or cover sheet that identifies what is being submitted and why. If the material relates to a plat that has already been submitted, the memo or cover sheet must refer to the M-NCPPC file number.

Record plat applications will not be accepted until the Planning Board takes final action on the preliminary plan application and site plan application, if a site plan is required. A copy of the certified preliminary plan and the Planning Board's resolution/opinion on the preliminary plan must be submitted with the record plat application. A copy of the certified site plan and site plan resolution/opinion must be submitted for properties subject to site plan approval prior to Planning Board approval of the final record plat.

**8.A.(c) Review and Approval**

Upon acceptance of the application, the record plat will be reviewed by DRD staff and referred to other agencies as appropriate. Agency reviewers must provide their written comments within 10 working days to DRD. Upon completion of the review, staff must provide the applicant with a mark-up of the record plat that enumerates all necessary changes. The applicant must submit a revised record plat that incorporates these changes, along with any changes requested by MCDPS. The final plat submittal must include:

- the mark-up of the initial record plat;
- a mylar of the final record plat including original signatures of owner(s) and engineer/surveyor;
- a reduced copy of the final plat on 8 ½" x 11" paper;
- two (2) (typical) full-size, paper copies of the final plat; and
- a digital image of the final record plat on compact disk.

Upon acceptance of the final plat, DRD staff will schedule the application for Planning Board action on the next available Consent Agenda. A staff memorandum

including a summary of staff's review and recommendations, a review checklist, a copy of the proposed plat, and a copy of the approved preliminary and site plans with the Planning Board resolutions/opinions (if applicable), will generally be posted on the Commission's website at least 10 calendar days prior to the scheduled date as required by section 4.D.(c), above. In limited circumstances, staff may add record plats to the Consent Agenda a minimum of 5 calendar days prior to the scheduled date. Record plat applications are not subject to other noticing requirements of section 4.

#### Montgomery County Department of Permitting Services (MCDPS) Plat Approval

After a final record plat has been approved by the Planning Board and signed by the Planning Board Chair, the final plat must be forwarded to MCDPS for verification of their approval. Upon completion of their final review, the plat must be signed by the Director and returned to MNCPPC to be sent for recordation.

### **8.B. Extension Requests**

The date of mailing of the Planning Board's resolution for a preliminary plan establishes both the plan validity period and the validity period for the associated adequate public facilities review. The Planning Board is authorized to grant extensions to these validity periods pursuant to Section 50-20(c) and Section 50-35(h)(3) of the Subdivision Regulations.

#### **8.B.(a) Application**

An application to extend a plan validity period may be made without appointment to the DRD, Intake Section, and must include all items required on the application checklist and the appropriate fee. The application form and checklist must be filled out by the applicant or its representative, who must sign the checklist certifying that the application and checklist are complete and ready for processing. The checklist must be submitted with the application form. Only complete applications will be accepted for review.

An application for extension must include a letter from the applicant, or a representative of the applicant, which enumerates the facts, conditions, and provisions of law on which the applicant is relying to justify Planning Board approval of the request.

#### **8.B.(b) Review and Approval**

Upon acceptance of the extension request, DRD staff must prepare a staff report to summarize the findings of fact and conclusions of law which the Board must make, and recommend that the Planning Board approve, approve subject to conditions, or deny the application. Upon completion of the report, staff must schedule a date for Planning Board hearing on the request.

Extension requests are subject to the noticing requirements of section 4.D.(b), above. Not less than ten (10) calendar days prior to the date of scheduled public hearing, DRD staff must send notice via first class mail to the individuals and locations included on the applicant's notice list. The staff report must also be published on the Commission's website, and made available for pick-up upon request in the Development Review Division, 10 calendar days prior to the scheduled public hearing.

## **8.C. Subdivision Regulations Waiver Requests**

Section 50-38 of the Subdivision Regulations contains provisions for waivers that may be granted by the Planning Board. Waivers are generally reviewed as part of an application for a preliminary plan of subdivision, however a waiver of the requirement to submit a preliminary plan of subdivision may be requested. In that case, an independent subdivision waiver application is required.

### **8.C.(a) Application**

An application for a Subdivision Regulations waiver may be made without appointment to the DRD, Intake Section, and must include all items required on the application checklist and the appropriate fee. The application form and checklist must be filled out by the applicant or its representative, who must sign the checklist certifying that the application and checklist are complete and ready for processing. The checklist must be submitted with the application form. Only complete applications will be accepted for review.

An application for waiver must include a letter from the applicant, or a representative of the applicant, which enumerates the facts, conditions, and provisions of law on which the applicant relies to justify Planning Board approval of the request.

### **8.C.(b) Review and Approval**

Upon acceptance of a waiver request, DRD staff must prepare a staff report to summarize the findings of fact and conclusions of law that the Board must make, and recommend that the Planning Board approve, approve subject to conditions, or deny the application. Once the staff report is completed a date for Planning Board hearing on the request will be scheduled by staff.

Waiver requests are subject to the noticing requirements of section 4.D.(b), above. Not less than ten (10) calendar days prior to the date of scheduled public hearing, DRD staff must send notice via first class mail to the individuals and locations included on the applicant's notice list. The staff report must be published on the Commission's website, and made available for pick-up upon request in the Development Review Division, 10 calendar days prior to the scheduled public hearing.

## **8.D. Consent Agenda Amendments**

The Zoning Ordinance and the Planning Board's Rules of Procedure contain provisions for certain *de minimus* and uncontested plan amendments to be acted upon by the Planning Board without holding a public hearing. Instead, the Planning Board may act on the amendment as part of a Consent Agenda. Certain project, preliminary and certified site plans may be amended in this manner.

### **8.D.(a) Application**

An application for a Consent Agenda plan amendment may be made without appointment to the DRD – Intake Section, and must include all items required on the application checklist and the appropriate fee. The amended plan must clearly identify the items or areas of the approved plan, which are to be revised. The application form and checklist must be filled out by the applicant or their representative, who must sign the checklist certifying that the application and checklist are complete and ready for processing.

The checklist must be submitted with the application form. Only complete applications will be accepted for review.

**8.D.(b) Noticing**

Consent Agenda amendments are subject to the site posting and noticing requirements of sections 4.C. and 4.D.(a)(ii), above. A comment period of at least 15 calendar days must be established in the notice.

**8.D.(c) Review and Approval**

If no comments are received during the comment period, and staff has no issues with the proposed change, staff may place the item (and an accompanying resolution) on the Planning Board Consent Agenda and prepare a brief staff report explaining the proposed amendment.

If comments are received, the Director must determine whether such comments are substantive enough to require that the amendment be placed on the Public Hearing agenda. If the Director finds that the amendment qualifies for action on the Consent Agenda, staff must notify those making comments of the date the matter will be placed on the Consent Agenda and that any person may request that an item be removed from the Consent Agenda, on or before that date. Only a member of the Planning Board may remove an item from the Consent Agenda for public hearing.

Once the Planning Board has approved the amendment and resolution, a new signature set reflecting the amendment must be submitted before the approval is final.

**8.E. Limited Plan Amendments**

Certain plan amendments do not qualify as Consent Agenda Amendments described under section 8.D. above because the nature of the change requested is such that it would alter a fundamental element of the Planning Board's approval. In those instances where only one such aspect is being changed (example: FAR, height, setback), or the amendment is otherwise determined not to alter the approved plan significantly, the applicant may apply for a Limited Amendment. A Limited Amendment is handled similarly to a Full Plan Amendment, except that the staff report is not as comprehensive.

**8.E.(a) Application**

The applicant must contact Subdivision or Site Plan staff to see if the requested change qualifies for a Limited Plan Amendment. If the conclusion is reached that it so qualifies, the Applicant may submit the appropriate application without prior appointment with the DRD – Intake Section, including all items required on the application checklist and the appropriate fee. The application must clearly identify the fundamental element of the approved plan that is to be revised and any other changes. The application form and checklist must be filled out by the applicant or their representative, who must sign the checklist certifying that the application and checklist are complete and ready for processing. The checklist must be submitted with the application form. Only complete applications will be accepted for review.

**8.E.(b) Noticing**

Limited Plan Amendments are subject to the site posting and noticing requirements of sections 4.C. and 4.D.(a)(i) above.

**8.E.(c) Review and Approval**

Upon acceptance of a Limited Plan Amendment application, DRD staff must prepare a staff report that summarizes the findings of fact and conclusions of law that the Board must make, and recommend that the Planning Board approve, approve subject to conditions, or deny the application. Upon completion of the report, a date for the Planning Board hearing on the request will be scheduled by staff.

Not less than ten (10) calendar days prior to the date of scheduled public hearing, DRD staff must send notice via first class mail to the individuals and locations included on the applicant's notice list. The staff report must also be published on the Commission's website, and be made available for pick-up upon request in the Development Review Division, 10 calendar days prior to the scheduled public hearing.

**8.F. Other Amendments**

Certain project and site plan amendments may be approved by the Planning Director or designee, pursuant to Chapter 59 of the County Code.

**8.F.(a) Minor Project Plan Amendments**

A minor amendment to a project plan is an amendment or revision to a plan or any findings, conclusions, or conditions associated with the plan that does not entail matters that are fundamental determinations assigned to the Planning Board. A minor amendment is an amendment that does not alter the intent, objectives, or requirements expressed or imposed by the Planning Board in its review of the plan.

**8.F.(a)(i) Application**

The applicant must contact Site Plan staff to see if the requested change qualifies for a Minor Project Plan Amendment. If the conclusion is reached that it so qualifies, the Applicant may submit the appropriate application without prior appointment with the DRD – Intake Section, including all items required on the application checklist and the appropriate fee. The application must clearly identify the item on the approved plan that is to be revised. The application form and checklist must be filled out by the applicant or their representative, who must sign the checklist certifying that the application and checklist are complete and ready for processing. The checklist must be submitted with the application form. Only complete applications will be accepted for review.

**8.F.(a)(ii) Noticing**

Minor project plan amendments are not subject to noticing requirements.

**8.F.(a)(iii) Review and Approval**

Upon acceptance of an application for minor amendment of a project plan, DRD staff must review the application and prepare a letter to the applicant containing staff's recommendations and any applicable conditions.

**8.F.(b) Planning Director Level Amendments to Certified Site Plans**

The Planning Director may approve, in writing, amendments to certified site plans if the amendment falls into one of the categories included in Chapter 59.

**8.F.(b)(i) Application**

The applicant must contact Site Plan staff to see if the requested change qualifies for approval by the Planning Director. If the conclusion is reached that it so qualifies, the Applicant may submit the appropriate application without prior appointment with the DRD – Intake Section, including all items required on the application checklist, and the appropriate fee. The application must clearly identify the items on the approved plan that are to be revised. The application form and checklist must be filled out by the applicant or their representative, who must sign the checklist certifying that the application and checklist are complete and ready for processing. The checklist must be submitted with the application form. Only complete applications will be accepted for review.

**8.F.(b)(ii) Noticing**

Site Plan amendments approved by the Planning Director are subject to the site posting and noticing requirements of sections 4.C. and 4.D.(a)(i) above.

**8.F.(b)(iii) Review and Approval**

Upon acceptance of the Site Plan Amendment application, DRD staff must prepare a limited staff report that summarizes their proposed findings of fact and conclusions of law, and recommend that the Planning Director approve, approve subject to conditions, or deny the application. Confirmation of the Planning Director's decision must be made, in writing, to the applicant.