

Attachment C
Planning Process MOU

**MEMORANDUM OF UNDERSTANDING BETWEEN
MONTGOMERY COUNTY PUBLIC SCHOOLS
AND THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
REGARDING RESPECTIVE PLANNING PROCESSES**

THIS MEMORANDUM OF UNDERSTANDING (“MOU”) is entered into as of November 30, 2023 (the “Effective Date”) by and between MONTGOMERY COUNTY PUBLIC SCHOOLS, a system of public schools operated by the Board of Education of Montgomery County (hereinafter referred to as “MCPS”), and the MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION (hereinafter referred to as the “Commission”) on behalf of the MONTGOMERY COUNTY PLANNING DEPARTMENT (hereinafter referred to as “Planning”) and the MONTGOMERY COUNTY PARKS DEPARTMENT (hereinafter referred to as “Parks”), each referred to individually as a “Party” and collectively as the “Parties.” For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Parties agree as follows:

ARTICLE I: PURPOSE AND IDENTIFICATION OF PARTIES

This MOU represents an agreement between MCPS and the Commission, concerning the coordination of roles and responsibilities to be undertaken by each party while conducting certain policy, planning and development processes. The Montgomery County Planning Board and Board of Education have review and approval authority described by law and are not included in or subject to this MOU.

ARTICLE II: COMMISSION MASTER AND SECTOR PLANNING PROCESS

A. Roles and Responsibilities

This article describes the roles and responsibilities of Planning and MCPS as it relates to the coordination of efforts in a Commission master plan process.

Roles

Planning is the Lead Agency in the administration, engagement, development, quality assurance, and production of all deliverables through all phases of the master plan process. Planning will have final approval of all engagement, communications, and deliverables (as described below).

MCPS will provide support and collaborate in the engagement, development, quality assurance, and production of applicable deliverables through various phases of the master planning process.

Responsibilities

Planning maintains ultimate responsibility for and control of all plan elements through all phases of the master plan process, except after the Planning Board public hearing and subsequent preparation of the Planning Board Draft Plan, when the Planning Board asserts ultimate control, and again after delivery of the Planning Board Draft Plan to the County Council, when the County Council asserts ultimate control.

MCPS will actively engage with Planning during the master plan development process as a partner agency and key stakeholder for public schools, assisting with outreach efforts, sharing data for existing conditions analyses, and providing input on recommendations relevant to schools.

B. Plan Stages, Expectations, and Desired Outcome

The table below identifies the MCPS roles and responsibilities within the Commission master plan process. MCPS commits to fulfilling these roles and Planning commits to engaging MCPS staff accordingly.

Master Plan Stage	MCPS Roles and Responsibilities	Desired Outcomes
Kick-Off / Scope of Work	<ul style="list-style-type: none"> • Identify staff to represent MCPS as needed throughout master plan process. • Participate in meeting w/master plan team to discuss: <ul style="list-style-type: none"> – MCPS’s short-term plans and long-term aspirations for the general vicinity; – whether specific school site(s) should be included within Plan boundary; – interest/demand for additional school sites. 	<ul style="list-style-type: none"> • Long-term school planning efforts are initiated. Direction of MCPS capital planning is set forth beyond limitations of CIP funding and incorporated into Planning’s master plan efforts.
Listening	<ul style="list-style-type: none"> • Assist with reaching stakeholders at individual Plan area schools as appropriate (staff, students, PTA, etc.). • If there are community comments received through Planning staff’s outreach efforts that are more relevant to MCPS’s operations, assist in transmitting to appropriate department or staff. 	<ul style="list-style-type: none"> • School communities are recognized as key stakeholders and their input is actively sought after for consideration. • Input collected from community that is outside the jurisdiction of Planning is not lost.
Existing Conditions	<ul style="list-style-type: none"> • Confirm list of nearby schools to be included in collective trend analysis. • Provide latest enrollment and projections data as they become available. • Review sites identified and provide input/feedback regarding suitability, constraints, etc. 	<ul style="list-style-type: none"> • Planning’s existing conditions analysis approach for public schools is in alignment with MCPS’s capital and non-capital priorities or strategies. • MCPS is involved in potential school site considerations at earliest opportunity.

Visioning and Preliminary Recommendations	<ul style="list-style-type: none"> • Review and confirm recommendations relevant to MCPS. • Participate in meeting(s) with Planning and relevant stakeholders to discuss potential site options in Plan area that may include: <ul style="list-style-type: none"> – adaptive reuse school facility; – possible program integration with institution or employer based in plan area for co-location opportunity; – additional school sites. • Proactively communicate expectations of candidate site(s) with relevant stakeholders. 	<ul style="list-style-type: none"> • The estimated enrollment impacts of the preliminary land use and housing recommendations are acknowledged as potential factors for change in existing enrollment trends and reflected in MCPS’s educational facilities strategies, as appropriate. • MCPS is engaged in potential school site acquisition discussions and process early on for better implementation.
Working Draft	<ul style="list-style-type: none"> • Review language of working draft and provide feedback as necessary. 	<ul style="list-style-type: none"> • MCPS is in general agreement with plan language and recommendations regarding schools.
Planning Board and Council Work Sessions	<ul style="list-style-type: none"> • Prepare to participate in work session to respond to Planning Board/Council if deemed necessary. 	<ul style="list-style-type: none"> • MCPS is available to actively engage in dialogue if/when a schools-related issue is discussed during Work Sessions.
Plan Implementation	<ul style="list-style-type: none"> • When a school site recommended by a master plan is ready to be dedicated, MCPS will be actively engaged throughout the process to ensure the site is transferred in an acceptable condition for MCPS to take possession of the site. 	<ul style="list-style-type: none"> • School sites that are dedicated to MCPS as a result of a master plan recommendation are transferred in a condition suitable for use as a school facility.

C. Schedule

For each master plan, Planning’s master planning staff will lay out a meeting and communication plan appropriate to the specific context and agreed to by MCPS to coordinate the joint efforts and process.

ARTICLE III: COMMISSION PARK PLANNING PROCESS

A. Roles and Responsibilities

This article describes the roles and responsibilities of Parks and MCPS as it relates to the coordination of efforts in a Commission park planning process.

Roles

Parks is the Lead Agency in the administration, engagement, development, quality assurance, and production of all deliverables through all phases of the park planning process. Parks will have final approval of all engagement, communications, and deliverables (as described below).

MCPS will provide support and collaborate in the engagement, development, quality assurance, and production of applicable deliverables through various phases of the park planning process.

Responsibilities

Opportunities for MCPS and Parks collaboration occur throughout the park planning and development process. Early and consistent communication and coordination helps align priorities and facilitates implementation.

B. Processes, Expectations, and Desired Outcome

The tables below identify the MCPS roles and responsibilities within the Commission park planning process. MCPS commits to fulfilling these roles and Parks commits to engaging MCPS staff accordingly. The first table describes the Parks Planning Process and the roles and responsibility for MCPS. The second table describes steps related to proposed school projects that impact parkland.

Parks Planning Process	MCPS Roles and Responsibilities	Desired Outcomes
Parks, Recreation, and Open Space Plan (PROS)	<ul style="list-style-type: none"> • Provide/confirm information for fields inventory High School Student Survey (done in 2021). 	<ul style="list-style-type: none"> • School-related park needs are incorporated in systematic planning.
Planning Master Plans and Sector Plans	<ul style="list-style-type: none"> • Identify park locations that would serve MCPS students, including sites adjacent to MCPS schools. <p>(also see Article II)</p>	<ul style="list-style-type: none"> • Park and school needs are considered in tandem.
Park-Specific Plans (e.g. Park Master Plans)	<ul style="list-style-type: none"> • Existing Conditions: Provide input into existing park use by MCPS schools and students. • Visioning: Identify anticipated future needs. • Recommendations: Review recommendations. 	<ul style="list-style-type: none"> • School-related park needs are considered in park planning.

Process for Projects Impacting Parkland	MCPS Roles and Responsibilities	Desired Outcomes
Concept Review	<ul style="list-style-type: none"> • Submit preliminary concept for project that impacts parkland. 	<ul style="list-style-type: none"> • Key considerations, challenges, and opportunities are identified early to make implementation easier.
Park Permit	<ul style="list-style-type: none"> • Receive an approved Park Permit prior to construction. 	<ul style="list-style-type: none"> • Project meets requirements and is implemented.

C. Schedule

For future PROS plans and any park-specific plan, Parks staff will lay out a meeting and communication plan appropriate to the specific context and plan and work with MCPS to coordinate the joint efforts and process.

The schedule for school projects that impact parkland is initiated by MCPS and will proceed according to the school planning, and parks concept review and park permitting processes.

ARTICLE IV: MCPS CAPITAL PROJECT PROCESS

A. Roles and Responsibilities

This article describes the roles and responsibilities of Planning, Parks and MCPS as it relates to the coordination of efforts in the MCPS capital project process.

Roles

MCPS is the Lead Agency in the administration, engagement, development, quality assurance, and production of all deliverables through all phases of the school capital project process, with the exception of the mandatory referral process, which is detailed separately in Article V, MCPS will have responsibility for all engagement, communications, and deliverables (as described below) pertaining to the school capital project process.

Planning and Parks will provide support and collaborate in the engagement and development of deliverables, as applicable, through various phases of the school capital project process.

Responsibilities

MCPS maintains ultimate responsibility for and control of all plan elements through all phases of the school planning process. Opportunities for Planning and Parks collaboration occur throughout the feasibility planning process to be inclusive of current county policies and initiatives when in alignment with MCPS requirements and policies. MCPS will keep open communication and coordination with Planning and Parks to implement agency goals to the maximum extent possible.

B. Process Phases, Expectations, and Desired Outcome

The table below identifies the Planning and Parks roles and responsibilities within the MCPS school capital project process. Planning and Parks commit to fulfilling these roles and MCPS commits to engaging Planning and Parks staff accordingly.

School Capital Project Phase	Planning and Parks Roles and Responsibilities	Desired Outcomes
Facility Planning	<ul style="list-style-type: none"> • Participate in feasibility study meetings for projects approved for facility planning in adopted CIP. • Provide residential development information in specific areas/cluster associated with the feasibility study. • Provide input regarding MCPS site related specifications. • Provide feedback on community comments/concerns/issues shared during the facility planning process. 	<ul style="list-style-type: none"> • Key considerations, challenges, and opportunities are identified early in the facility planning process. • Incorporate residential development information to identify possible future growth in the specific service areas being studied.

Planning and Design Feasibility	<ul style="list-style-type: none"> • Provide all restrictions, issues and policies that may impact a proposed site selection. • Review preliminary concepts through an interactive Development Review Committee working session to identify site specific impacts: <ul style="list-style-type: none"> – regulatory restrictions; – environmental protection; – utility infrastructure; – transportation infrastructure; – county policies; – permitting agencies. 	<ul style="list-style-type: none"> • Facilitate initial design approach. • Identify priorities and coordinate a unified best project approach. • Coordinated options for establishing project budgets based on agency goals.
Mandatory Referral	(see Article V)	(see Article V)
Construction	<ul style="list-style-type: none"> • Where applicable, participate in review of field construction and elements. 	<ul style="list-style-type: none"> • Improve acceptance process at completion of project.

C. Schedule

For each feasibility study MCPS will lay out a meeting and communication plan appropriate to the specific context. Planning and Parks will coordinate the joint efforts with all agencies as identified in the Development Review Committee for a detailed collaborative work session.

ARTICLE V: MANDATORY REFERRAL PROCESS

A. Roles and Responsibilities

This article describes the roles and responsibilities of Planning, Parks and MCPS as it relates to the coordination of efforts in the mandatory referral process, which is a distinct component of the larger school capital project process described in Article IV.

Roles

During the mandatory referral process Planning is the Lead Agency in the mandatory referral review and in the production of all deliverables to the Planning Board. Planning will have final approval of all engagement, communications, and deliverables (as described below) pertaining to the mandatory referral process.

MCPS will provide support and collaborate in the engagement, development, quality assurance, and production of applicable deliverables through various phases of the mandatory referral process.

Responsibilities

Planning maintains ultimate responsibility for navigating the mandatory referral process through Planning Board review. Planning will engage MCPS in the review process, providing opportunities for MCPS to revise plans as applicable, and as allowed within the mandatory referral rules and requirements. Planning will prepare timely comments on the development application for Planning Board review and transmit the Planning Board’s comments to MCPS. Planning will participate in the MCPS presentation of the Planning Board’s comments to the Board of Education.

MCPS will provide timely responses to Planning comments. MCPS will provide written responses to Planning Board comments and address issues raised in Planning Board comments, as practical. When not practical, MCPS’s written responses will explain why solutions are not practical. MCPS will present the comments of the Planning Board to the Board of Education and invite Planning staff to participate in that presentation.

B. Process Phases, Expectations, and Desired Outcome

MCPS roles and responsibilities within the Planning mandatory referral process. MCPS commits to fulfilling these roles and Planning commits to engaging MCPS staff accordingly. Planning and Parks will prioritize and expeditiously process all submissions at the highest priority and work in partnership with MCPS to provide prompt reviews and approvals.

The phases outlined below are based on the collaborative planning process produced by the School Design Work Group (see Attachment A), which aims to implement earlier and more frequent coordination in a manner that preemptively resolves conflicting needs for school sites, leading to a smoother and more efficient Mandatory Referral review and an endorsement of school projects by the Planning Board. Each phase identifies several milestones in the earlier stages leading up to the Mandatory Referral review that provide opportunities for agencies to collaboratively explore the feasibility of various aspects of school projects, examine related countywide initiatives and Capital Improvements Program planning, review conceptual options, and resolve potential issues. It does not alter the legal requirements of the Mandatory Referral review and/or the Forest Conservation Plan review itself.

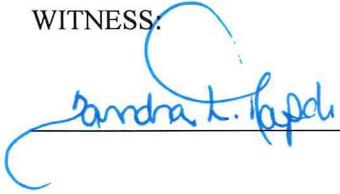
Mandatory Referral Stage	MCPS Roles and Responsibilities	Desired Outcomes
Pre-Planning & Feasibility	<ul style="list-style-type: none"> • Arrange joint meetings with Planning, Parks and other agencies to understand master plans and county initiatives relevant to potential school projects. • If considering a new school, evaluate potential sites per Montgomery County Board of Education Policy FAA, Educational Facilities Planning. 	<ul style="list-style-type: none"> • Better understanding of each agency’s goals and initiatives. • Funding is secured - potential joint agency funding efforts are explored, and support for additional Council funding is established if needed.
Schematic Design	<ul style="list-style-type: none"> • Coordinate meetings and collaborate with Planning and other relevant agencies as needed for each of the following steps: <ul style="list-style-type: none"> – NRI/FSD Submission for Planning Approval; – Schematic Design (Community Outreach); – DPS Consultation; – Concept Plan Submittal for DRC Review; – Preliminary Plan Presentation to BOE. 	<ul style="list-style-type: none"> • Board of Education approval to move project forward.

Post Concept Plan	<ul style="list-style-type: none"> • Coordinate with Planning and other relevant agencies for preparation and submittal of requirements for the following steps: <ul style="list-style-type: none"> – Draft Forest Conservation Plan (FCP) + Concept Storm Water Management Plan Submittal; – Revisions and Detailed Plan Development. 	<ul style="list-style-type: none"> • Comments from Concept Plan are incorporated into design development stages as applicable.
Mandatory Referral (MR)	<ul style="list-style-type: none"> • Collaborate with Planning and other relevant agencies as needed for a streamlined process during each of the following steps: <ul style="list-style-type: none"> – Mandatory Referral + Forest Conservation Plan Public Notice; – Mandatory Referral + Forest Conservation Plan Application; – Agency Recommendation Letters; – Pre-Staff Report; – Staff Report Posting + Planning Board Hearing; – Post-Approval Documentation. 	<ul style="list-style-type: none"> • Project receives Planning Board approval. Any feedback received is included in design or coordinated further with Planning staff. • All necessary post-approval documents are processed and provided in a timely manner.

[Signatures Follow on the Next Page]

IN WITNESS WHEREOF, the Parties have executed this MOU as of the day and year first above-written.

WITNESS:




MONTGOMERY COUNTY PUBLIC SCHOOLS

By: 

Monifa B. McKnight, Ed.D.
Superintendent of Schools

Date: 11/30/2023

WITNESS:



Gavin Cohen
Secretary-Treasurer

MARYLAND-NATIONAL CAPITAL PARK AND
PLANNING COMMISSION

By: 

Asuntha Chiang-Smith
Executive Director

Date: 12/08/2023

MCPS and M-NCPPC Planning Processes MOU Attachment “A”

Collaborative Planning Process by School Design Workgroup

A collaborative planning approach for Montgomery County Public Schools’ Projects

This proposed collaborative planning process is produced by the School Design Work Group (Work Group), an interagency partnership between Montgomery County Public Schools (MCPS), Montgomery Planning, Montgomery Parks, Montgomery County Department of Transportation (MCDOT), and Montgomery County Department of Permitting Services (MCDPS). Following discussions between the Planning Board and the Board of Education, staff from both agencies were encouraged to work more collaboratively. The Work Group has developed this framework of best practices for school design to advance shared goals for safety, Vision Zero, civic and sustainable design, efficient circulation, equitable access to school sites, fiscally smart infrastructure and timely, streamlined regulatory review. The Work Group met monthly for over a year to produce this proposal. This is a working document and should be revisited and updated as needed to better meet evolving needs and priorities.

This proposed process does not alter the legal requirements of the Mandatory Referral (MR) review. Instead, it identifies several milestones in the earlier stages leading up to the MR review that provide opportunities for various agencies to collaboratively explore the feasibility of various school projects, examine related countywide initiatives and CIP planning, review conceptual options, and resolve potential issues. An overarching goal is to utilize earlier and frequent coordination in a manner that preemptively resolves conflicting needs for school sites, leading to a smoother and more efficient MR review and a strong endorsement of school projects by the Planning Board.

Stage	Description	Desired Outcomes
PRE-PLANNING & FEASIBILITY STAGE		
Initial CIP planning	<p>Coordinate trends in MCPS as well as potential policy impacts. (May-June)</p> <p>Review M-NCPPC masterplans and initiatives and explore strategy to implement recommendations related to potential future school projects.</p> <p>Review MCDPS and MCDOT plans that will impact future work.</p> <p>If considering a new school, MCPS to evaluate potential new school sites per Montgomery County Board of Education Policy FAA, Educational Facilities Planning.</p>	<p>Combined staff to coordinate and gain an understanding of each agency’s goals.</p> <p>Representatives from internal stakeholders to be present to provide input.</p> <p>Stakeholders to be aware of potential projects and effects on each agency’s policy.</p> <p>Engagement and feedback to identify a site for a new school.</p>

<p>Planning for Project and Initiative Funding Requests</p>	<p>Review countywide initiatives and related infrastructure projects that require funding.</p>	<p>Each agency to define work that may be incorporated into planning and explore potential joint agency funding efforts.</p>
<p>Pre-Planning for Feasibility Studies</p>	<p>Create a working draft NRI/FSD and Site Survey for each project being reviewed for feasibility study.</p>	<p>Establish existing conditions.</p> <ul style="list-style-type: none"> • Establish buildable areas and identify physical and environmental constraints.
<p>Feasibility Study (Planning Stage)</p>	<p>Once a school facility project is added to the Capital Improvement Program MCPS to engage the services of an architect.</p> <ul style="list-style-type: none"> • Joint meeting with MCPS, MCPS consultants, M-NCPPC, MCDPS, MCDOT, and Parks. <ul style="list-style-type: none"> ◦ MCPS Union representation to attend and share project specific needs • Review facility parameters, including enrollment, size, site access, physical constraints, parking and transit requirements, recreation requirements, applicable Master Plan and Functional Plan recommendations, (e.g. Pedestrian and Bicycle Master Plans). • Review transportation impacts and determine the appropriate documents that will be needed such as a traffic study, traffic statement etc. • Review Climate Action Plan • Assessment of the site per MCPS requirements. 	<p>Meeting with MCPS and M-NCPPC to establish potential design goals.</p> <p>Meeting to establish and understand restrictions and implementation of related infrastructure improvements.</p> <ul style="list-style-type: none"> • M-NCPPC to provide MCPS with an overview of applicable Master Plan and Functional Plan recommendations, Vision Zero considerations, Parks, Recreation and Open Space Plan (PROS), urban design priorities, known environmental features and recreation needs, especially athletic fields. • MCPS to share constraints and proposed programmatic elements. • Establish potential concepts with a general idea of building footprints, vehicle and non-motorized circulation, stormwater management strategy and open space design.
<p>Feasibility Study (Community Outreach)</p>	<p>Meeting(s) with community to review Feasibility level diagrams of concepts.</p> <ul style="list-style-type: none"> • MCPS to begin the community engagement process. • M-NCPPC to attend meetings to hear community comments. 	<p>MCPS to gather input from school community as well as broader civic community.</p> <ul style="list-style-type: none"> • Share general ideas of building footprints, pedestrian, bike and vehicle circulation, stormwater management strategy and open space design. • MCPS to gain an understanding of community concerns. • Determine a cost estimate for the base MCPS project and provide costs associated with related county initiatives as line items.

<p>Board Briefing</p>	<p>Joint annual presentation to Boards to review coordination efforts and outcome of the feasibility studies for all projects.</p> <p>Share cost estimates for base project and additional items.</p> <p>Project specific budgets that incorporate each agency's goals and objectives.</p>	<p>Provide Board members an update on joint efforts and gain support to establish need of additional County Council funding, if required.</p> <p>Review and update the Feasibility Study report.</p> <p>Secure funding.</p>
<p>SCHEMATIC DESIGN STAGE</p>		
<p>Submit NRI/FSD for planning approval</p>	<p>MCPS to submit NRI/FSD for M-NCPPC approval for projects that receive funding in the CIP and are moving forward beyond the feasibility study.</p> <p>Meetings with community to review Schematic designs.</p> <ul style="list-style-type: none"> • MCPS to continue the community engagement process. • M-NCPPC to attend meetings to hear community comments. 	<p>Gain approval of NRI/FSD to commence schematic design.</p> <p>MCPS to gather input from school community as well as broader civic community.</p> <ul style="list-style-type: none"> • Share ideas of building footprints, massing, pedestrian, bike and vehicle circulation, stormwater management strategy and open space design. • MCPS to refine each concept. • Determine a preferred concept to develop and present to BOE for approval. • Update cost estimates.
<p>Schematic Design (Community Outreach)</p>	<p>Meet with all departments of DPS to review plans.</p>	<p>Identify areas of concern related to Building, Fire Access, Infrastructure, and Land Development.</p>
<p>DPS consultation</p> <p>MCPS to submit Concept Plan for review by DRC</p>	<p>Interagency DRC to review the current plan with MCPS design team.</p> <ul style="list-style-type: none"> • MCPS, MCPS consultants, M-NCPPC, MCDPS, MCDOT, and Parks joint meeting. • PEPCO, WSSC and SHA to review and comment if applicable, including scope of traffic analysis. • Verify previous goals and modify as necessary. • Review proposed concepts from design team. 	<p>To revisit the previous plan(s) and confirm the previous goals.</p> <p>Agencies to provide input on the submitted Concept.</p> <ul style="list-style-type: none"> • Verify the proposed plan, identify the criteria of MCPS while being mindful of M-NCPPC, MCDPS, MCDOT and Parks. • Review and address concerns that may still need to be addressed.

<p>MCPS Board Presentation of Preliminary Plans</p>	<p>MCPS presentation to the BOE to review outcome and coordination.</p> <ul style="list-style-type: none"> • Attendance of M-NCPPC planning staff as a joint coordination. • Identify any additional infrastructure needs uncovered during Concept Plan review. 	<p>Approval of BOE to move project forward.</p>
<p>POST CONCEPT PLAN STAGE</p>		
<p>Submit Draft Forest Conservation Plan (FCP) + Concept Stormwater Management Plan (SWM) Plan</p>	<ul style="list-style-type: none"> • MCPS submits initial FCP, including preliminary locations of SWM facilities. Include any variance requests and justification if specimen trees are impacted. • MCPS submits Concept SWM plan to DPS. (DEP, DOT P&P) • Est. 6 to 8 weeks • MCPS consultants to prepare architectural, engineering and landscape drawings for the Mandatory Referral application. • MCPS consultants to submit traffic impact study or traffic statement. (30-day review by M-NCPPC, MCDOT and SHA) 	<ul style="list-style-type: none"> • MCDPS to review the Concept SWM Plan and provide comments to MCPS. • Planning staff to review the Preliminary FCP and provide comments to MCPS. • Establish preliminary limits of disturbance (LOD) and start drafting process for easement documents.
<p>Revise + Develop Detailed Plans</p>		<ul style="list-style-type: none"> • MCPS to incorporate comments as applicable from Concept Plan and update designs. • MCPS consultants to develop detailed drawings through design development stages based on comments from Concept Plan, FCP review and SWM review. • Finalize the limits of disturbance (LOD).
<p>MANDATORY REFERRAL (MR) STAGE</p>		
<p>Mandatory Referral + Forest Conservation Plan Public Notice</p>	<ul style="list-style-type: none"> • M-NCPPC to publicly notice the FCP application and the Mandatory Referral hearing. • MCPS to publicly notice the FCP and post the signs. • FCP sign posting must occur before the application is accepted. Written notice must be sent no more than five days after the application is accepted. 	<ul style="list-style-type: none"> • Notify the public of the submittal of the MR and FCP. • MCPS consultants to finalize drawings. • Finalize the MR package.
<p>Mandatory Referral + Forest Conservation Plan Application</p>	<ul style="list-style-type: none"> • MCPS to submit the MR and FCP for review, including storm drain analysis where applicable. • 60-day MR review period including DRC and Planning Board Hearing. 	<ul style="list-style-type: none"> • Provide complete information for review by various agencies. • Agencies to provide any remaining detailed comments to MCPS during the review period. • MCPS to incorporate applicable comments and resubmit within the 60-day MR window.
<p>Agency Recommendation Letters</p>	<ul style="list-style-type: none"> • MCDPS and MCDOT to provide recommendation letters for the Mandatory Referral. 	<ul style="list-style-type: none"> • MCDOT and MCDPS provide Planning staff with necessary recommendation letters to complete the MR review. • Planning Department prepares staff report.

<p>Pre-Staff Report</p>	<ul style="list-style-type: none"> • Prior to posting staff report, MCPS and M-NCPPC to meet regularly to review recommendations and comments. • Planning Staff to share with MCPS final recommendations included in the staff report prior to posting. 	<ul style="list-style-type: none"> • MCPS and M-NCPPC to confirm there are no outstanding items. • MCPS and M-NCPPC to coordinate on items that will require additional efforts in a collaborative manner.
<p>Staff Report Posted + Planning Board Hearing</p>	<ul style="list-style-type: none"> • Planning staff posts staff report two weeks prior to Planning Board hearing (or one week prior if no FCP review is required). • All agencies to attend the Planning Board hearing. 	<ul style="list-style-type: none"> • Gain Planning Board approval. • MCPS to coordinate feedback from the Planning Board and include in design documents or coordinate further with staff as necessary.
<p>Post-Approval Documentation</p>	<p>Within two weeks of Planning Board hearing, Planning Board letter of recommendation and FCP resolution to be sent to MCPS.</p> <ul style="list-style-type: none"> • MCPS to record easements or pay a fee-in-lieu within 6 weeks of signed FCP through the following Forest Conservation Easement Approval Process: • MCPS sends a draft for review to Planning once the easement area is determined. (Note: This step may be initiated by MCPS while the MR review is ongoing to expedite the process.) • Planning reviews the draft and approves it. • MCPS obtains signatures while waiting for the Final FCP to be certified. • MCPS submits final signed document to Planning electronically for approval. The Final FCP must be certified and attached to the easement before electronic approval is given. • MCPS receives electronic approval and records the easement. • Once MCPS submits the easement for recordation or pays a fee-in-lieu, construction work may begin with a pre-construction meeting, staking of the LOD, and tree and easement protection. As soon as the document is officially recorded in the Land Records, MCPS sends an electronic copy of the recorded document to Planning for their records. 	<p>Ensure all necessary post-approval documents are processed and provided to MCPS and M-NCPPC in a timely manner.</p>









MOU Between M-NCPPC and MCPS

Final Audit Report

2023-12-08

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"MOU Between M-NCPPC and MCPS" History

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