

**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  
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## **Section 1. Purpose and Applicability**

The purpose of this manual is to set forth administrative and procedural standards intended to facilitate the 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 set forth are designed to provide the maximum amount of information feasible from all appropriate sources, so as to provide staff and the Planning Board the most informed basis possible for a decision on the matter. The standards in this manual apply to the submission of Pre-preliminary Plans, Preliminary Plans, Project Plans, Site Plans, Plan Amendment Requests, Record Plats, and applications for Extensions and Subdivision Regulations Waivers.

To achieve this purpose, the Manual

- i. Seeks to establish a process that is clear, transparent and understandable by the staff, applicants and the community;
- ii. Makes clear when relevant information is to be provided by the applicant in order to be timely, and the submission procedures to be followed;
- iii. Provides for timely participation and input by public agencies; and
- iv. Provides for timely participation by citizens affected by the proposal, and by other members of the public, so that their views will be known by staff and the Board in advance of a decision.

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

#### Expectations of the Staff

Planning Department staff will adhere to the following policies concerning the development review process:

- Staff will review applications carefully, fairly and in a timely manner.
- Staff will apply the applicable laws, regulations, and guidelines in a manner consistent with the original legislative intent.
- Staff review teams will work collaboratively with the community and applicants to present a recommendation to the Board that complies with the applicable standards of review.
- Staff will work with other agency staff, the applicant and the community in a cooperative manner to seek a mutually satisfactory resolution when problems or issues arise.

- Staff will attempt to identify issues early in the process and strive to resolve them as early as possible.
- Staff will work collaboratively with each other, actively seeking solutions that will benefit the project as a whole and achieve the County's planning and community-building goals.
- The staff will carry out the Planning Board's expectations in terms of:
  - Plans and policies, standards, guidelines and principles
  - Process and schedule
  - Submittal requirements
  - Expected levels of quality

#### Expectations of the Applicants

- Applicants will be knowledgeable of and conform to Planning Department and County policies, procedures, and regulations related to proposed development projects.
- Applicants will submit complete and accurate applications.
- Applicants will coordinate questions, issues and all revisions through the Lead Reviewer.
- Applicants will notify the Lead Reviewer promptly if there is a major change to a development project under review.
- Applicants will work with the staff and the community in a cooperative manner to seek a mutually satisfactory resolution when problems or issues arise.
- Applicants will select a development team of consultants appropriate for the project.
- Applicants will be committed to building enduring, well-designed, high quality communities.

## **Section 2. Application Submittal**

The process for submitting an application to the Development Review Division varies depending upon the type of application being made. Applications for new development that will undergo the standard review and Planning Board approval process (such as project plans, preliminary plans, site plans and most plan amendment requests) are subject to the standard submittal procedures outlined in this section, and the subsequent requirements for review and approval. But certain supplemental or non-standard applications (such as record plats, extension and waiver requests, and consent agenda amendments) are subject to alternative procedures that are outlined in section 7, below.

### **2.A. Standard Application Submittal Procedure**

There is a two-step application process for plans submitted for standard review and Planning Board approval. The first step involves filing an initial application which staff will review for accuracy and completeness. The second step involves filing the final application, along with prints for distribution, and supplemental information. The Development Review Division of the Maryland-National Capital Park and Planning Commission will accept a

submitted plan as being complete only when all requirements set forth in this section of the manual have been met. There are also specific requirements for notice and site posting mentioned here, and covered in detail in section 3.

2.A.(a) Pre-submittal

Prior to submission of an initial application for Project Plans, Preliminary Plans, Site Plans, and Amendment Requests, an applicant is required to hold a pre-submittal meeting with citizens, as required in Sections 3B and C.

In certain instances, such as where site constraints, or other issues related to proposed development of a property raise questions pertaining to a future application, an applicant may request a pre-submittal meeting with staff. In general, these requests should be made to the supervisor of the Development Review Division section, or sections, that will have the lead role in review of the future application. Meetings to discuss specific aspects of a future application (such as, environmental, transportation, parks, historic preservation, or master plan) with the responsible division are also permitted. However, Development Review staff must be notified when these meetings are scheduled. Documentation of all pre-submittal meetings with staff must be included in the future application package.

2.A.(b) Initial Application

To ensure the accuracy and substantial completeness of plans prior to their acceptance for review, an initial application must be submitted to the Development Review Division, Intake Section. The application package will be submitted, in duplicate, and must contain:

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

Staff will review the application within 10 working days and enumerate, with a mark-up of the application, all revisions or additional materials that will be required to make the application consistent with the submittal requirements and therefore acceptable for final submission. Upon completion of the mark-up, staff will 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 correct. It is not a review of the merits of the case. The Board strongly encourages applicants to take great care to ensure that applications are accurate and complete, and discourages applicants from relying on the staff review to ensure the accuracy and completeness of their plans. The staff may, at their discretion, decline to review particularly poor application packages and return them to an applicant without refund of the initial application fee.

Plan amendment applications must be filed by the applicant in order to revise any approved plan or any findings, conclusions, or conditions associated with the plan. Since the nature of the amendments will vary from project to project, the applicant should contact Subdivision (preliminary plans) or Site Plan (project and site plans) review staff to determine the exact submittal requirements and applicable fees. The amended plan must clearly identify the items or areas of the approved plan, which are to be revised. The applications must include all information contained in the appropriate application checklist.

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

2.A.(c) Final Application

The final application must be tendered to 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 and all other items required by the plan checklist, in the specified numbers;
- a certificate of compliance;
- a statement of findings/justification; and
- the appropriate fee.

All full-sized plan drawings must be legible, including notes and specifications. Where reduced plans are required, at least the plan drawing must be legible. All reduced plans must include the modified graphic scale.

2.A.(c)(i) Certificates of Compliance

The applicant will prepare and submit with each application a written certificate attesting, to the best of the applicant's knowledge, information and reasonable belief, after reasonable investigation, that the application conforms 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 approvals imposed by the Planning Board; 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.

2.A.(c)(ii) Statements of Findings/Justification

The applicant will prepare and submit with each project, preliminary, and site plan application, including plan amendments, a written statement to enumerate the findings of fact and conclusions of law that the applicant alleges support a Planning Board approval. When an application includes a request for waiver(s) of any applicable code or regulations requirement, the statement of findings/justification must enumerate each of the a) facts, and b) legal grounds, upon which the applicant seeks the requested waiver. The applicant is required to attach and incorporate, by reference, any diagrammatic or illustrative materials that support the factual assertions made in the statement of findings/justification. The applicant, or a representative of the applicant, must certify that the information set forth in each statement of findings/justification is true, complete and correct to the best of the applicant's knowledge, information, and belief.

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

#### 2.A.(d) Fees

Fees will 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 will be charged at the time of the initial application, and the remainder will be due with the final application. Fees must be paid by check made out to the Maryland-National Capital Park and Planning Commission (MNCPPC).

### 2.B. Acceptance of an Application

To be accepted for review, an application must be complete and otherwise comply with the filing procedures specified in section 2.A. Planning Board staff will provide the applicant, in writing, with confirmation that the submittal has been accepted as complete at the final application appointment, or will 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 for purposes of filing. Acceptance for filing in no way constitutes approval of the submitted plan. Staff will not be limited from postponing review of a plan that has been accepted for filing if it is determined at a later date to be inaccurate or incomplete. All information contained in the application file 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.

## Section 3. Notice

### 3.A. Notice List

As part of an application, the applicant is required to compile a list and submit it, containing the names and addresses of individuals who will receive notice pursuant to Section 3.D., below. The following individuals will be included on the notice list:

#### 3.A.(a) Adjacent and Confronting Property Owners

The applicant must obtain the names and addresses of all adjacent 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, compiled no more than 30 days prior to the date the final application is submitted. When an adjacent 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 adjacent 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 the cluster-type development located within 300 feet of the subject property.

#### 3.A.(b) Civic, Community, Condominium and Homeowners Associations

The applicant will 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 property for which an application is being submitted.

3.A.(c) Pre-submittal Meeting Participants

When a pre-submittal meeting is required, the applicant will compile a list of names and addresses of individuals who attend the pre-submittal meeting and indicate they wish to be included as a party of record.

3.A.(d) M-NCPPC

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

3.A.(e) Other

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

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

For a project plan, preliminary plan, site plan, or preliminary or site plan amendment, the applicant must host at least one pre-submittal meeting no more than 90 calendar days prior to the final 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 meaningfully in the review process. The applicant must specifically invite all individuals who will receive notice of the application per section 3.A., above, and will also post signage on the property a minimum of 10 calendar days prior to the meeting, containing the meeting time, location, and developer contact information. The meeting will be held on an evening or a weekend, in a location convenient to the location of the proposed development site, to ensure that as many people as possible will be able to attend. At the time of the meeting, the applicant will 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 affirming 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 (including names and addresses of those individuals who want to be included as a party of record).
- Meeting minutes, including a summary of any issues or concerns raised by those present.


**3.C. Site Posting**

In addition to site posting required for notice of the pre-submittal meeting, as discussed above, the applicant is required to post a sign at the development site prior to filing an application for project plan, preliminary plan, site plan, or amendments thereto; and maintain the sign through 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. Sign(s) will be placed parallel to the roadway. Sign(s) will 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 sign(s) from the street. The sign(s) must not be placed on the public street right-of-way, however, the sign(s) must not be placed more than 10 feet behind the property line adjacent to the right-of-way. The applicant is responsible for monitoring the signs and replacing them if they become damaged or illegible.

All posted signs must contain the following information:

- the project name as it will appear on the 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 their sign vendor must access and apply the sign template and lettering specifications located on the Commission website at [www.mc-mncppc.org/development](http://www.mc-mncppc.org/development) and included in Appendix : Sign Specifications. The sign must be a minimum 36" by 48" in size (1,728 square inches), on a weatherproof surface, with legible lettering. The bottom of a posted sign may not be less than 3 feet to the ground. Stakes (wood, steel, or other similar supports) must be driven into the ground approximately one (1) foot or to a depth that assures the sign remains upright. The Commission may modify these requirements where special circumstances exist in order to ensure that the sign(s) will be visible to the general public.

**At the time of 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 at least ten (10) calendar days prior to submitting a final application.

After an application is submitted, the applicant must update the posted sign(s) with the MNCPPC plan number assigned for review and approval purposes.

### **3.D. Noticing Requirements**

Individuals included on the notice list, and others who may subsequently request to be added as a party of record to the application, will receive notice as described below. The applicant should also file a copy of the application in the nearest public library.

#### **3.D.(a) Notice of Applications**

Notice of the filing of an application will be given by the applicant in the following manner to those on the Notice List:

##### **3.D.(a)(i) Development Applications**

The applicant will mail written notice of its Application for approval to all individuals on the notice list. The written notice, along with a legible 11X17 inch copy of the proposed development plan drawing, and the brochure "How to Participate in the

Subdivision and/or Site Plan Process” must be sent by first class mail to these individuals within 5 calendar days after the final application submission date. Failure to give timely notice may affect scheduling of the Development Review Committee meeting date for the case.

The notice list, as specified in 3.A. above, 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.

In the event an application is pending for more than one year, the applicant must submit an updated adjacent and confronting property owners list and labels prior to the plan being scheduled for Planning Board consideration.

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.

#### 3.D.(a)(ii) Consent Agenda Plan Amendments

The applicant will mail written notice of its Application to all individuals on the notice list. 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 after the final application submission date.

The notice list, as specified in 3.A. above, along with addresses for engineers, attorneys, and other representatives for the project, and all other parties of record noted in any previous case file(s), 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.

If using a notice list from the original case file, the Applicant must update their adjacent and adjoining property owners’ with any contract purchasers within the plan being amended, or on a block adjacent to or abutting the area proposed for change.

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 will 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 will notify those making comments of the date the matter will be taken up on the consent agenda; and that any person may request that an item be removed from the agenda, on or before that date. Only the Board may remove an item from the consent agenda for public hearing.

The applicant will 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 will be postponed until such time as the applicant demonstrates that notice was sent.

3.D.(b) Notice of Public Hearing

Not less than ten (10) calendar days prior to the date of scheduled public hearings, Development Review Division staff will send notice via first class mail to the individuals and locations included on the applicant's notice list, as described above, and to all other parties of record who have been identified during the review of the application. These other parties of record include individuals who have sent correspondence to the Planning Board or staff concerning the project, and any other individuals who have otherwise requested to become a party of record by providing their contact information.

3.D.(c) Notice for the Consent Agenda

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

## **Section 4. Evaluation of Applications**

The planning staff will exercise due diligence, and impartial and independent judgment, to review and investigate appropriately the information presented by the applicant in each application. Upon acceptance of an application, a lead reviewer will be assigned by the supervisor of the Subdivision or Site Plan section, as applicable. The lead reviewer will coordinate review of the application, prepare the staff report, and present the case to the Planning Board.

### **4.A. Referral and Inter-Agency Consultation**

Promptly upon the acceptance of each final application, the planning staff will provide a copy of the plan and necessary supporting information to designated offices of the Commission, and other government or public agencies for comment or approval as required under applicable

local, state and federal laws. Within 3 weeks of such distribution, planning staff will conduct a Development Review Committee (DRC) meeting with agency reviewers and the applicant to discuss the application. The meeting is chaired by the M-NCPPC Subdivision Supervisor, or designee. Each agency providing comments for the DRC meeting will do so in writing, and planning staff will ensure that those comments are included in the application file, along with a meeting summary and next steps. Even in the event any reviewing agency declines to participate or provide any substantive comment as part of the DRC meeting, planning staff will document that agency decision in the application file prior to the scheduling of the public hearing.

#### Expectations of the Agency Reviewers

M-NCPPC and other agency staff who participate in the review of development applications will adhere to the following policies for referral and inter-agency consultation:

- Agency reviewers will review applications in a careful, fair and timely manner.
- Agency reviewers will participate in pre-DRC and DRC meetings, either in person or by transmitting written comments to the DRC chair.
- Agency reviewers will 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.
- Agency reviewers will work collaboratively to identify and seek mutually satisfactory resolutions for conflicting recommendations using the adopted lead-agency protocol.
- In the rare event that agency reviewers are unable to timely reach a mutually satisfactory recommendation on issues related to a development application, the issue will be elevated to the Planning Board for decision.

#### **4.B. Review Timeframes**

A minimum of 90 to 120 calendar days is generally required for administrative review of most applications. Non-controversial minor amendments, extensions and waivers generally require 30 to 60 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.

##### **4.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

Step 4: 3 weeks for agency review and approval of revisions

Step 5: 2-4 weeks for staff report draft

Step 6: 2 weeks 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.*

4.B.(b) Extended review

Delays will result if applicant fails to submit necessary revisions or if revisions are not adequate, i.e., Steps 3 and 4 repeat.

4.B.(c) Additional time may be required

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 will be delayed pending action by the appropriate agency on these related applications. They include: stormwater management concept and water quality plans; water and sewer category change requests; well and septic; special exception requests; rezoning requests; and, in certain instances, master plan amendments or updates.

4.B.(d) Application lapse deemed withdrawal

An applicant is responsible for timely response to 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 timeframe for these responses will be established in cooperation with the lead reviewer and memorialized in the Development Review Committee or other meeting minutes.

An application that has been pending for 365 calendar days with no substantial activity will be deemed withdrawn unless the applicant can demonstrate good cause for extending the application. Notice will be sent by staff to applicants whose plans have lapsed after 365 calendar days, and the applicant will have 30 calendar days to request an extension, after which, if the applicant does not request an extension, the application will be deemed withdrawn. Any request for an extension must state reasons for the delay, and the expected timeframe in which problems will be resolved. A new application and fee will be required for re-filing of any plan which is deemed withdrawn per this section.

**4.C. Applicant Response to Issues and Comments**

The applicant must submit supplemental information or revised plans, in accordance with 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 -

- At least eight (8) copies of the revised plan highlighting the specific revisions, showing the date(s) of each revision, and including the fact that the plan is a revision as part of the title information;
- A revised digital copy on compact disc (JPEG, PDF and DXF formats);
- At least eight (8) copies 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.

To other applicable reviewing agencies -

- At least one (1) copy of the revised plan highlighting the specific revisions, showing the date(s) of each revision, and including the fact that the plan is a revision as part of the

- title information;
- 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.

No appointment is necessary to submit supplemental information or plan revisions. In most instances, agency staff reviewers will submit response to these revisions directly to the applicant and the DRD lead reviewer. If comments necessitate major revisions to the plan, a second DRC meeting may be scheduled, at the lead reviewer's discretion. A conceptual plan, as agreed upon by staff and the applicant, may be submitted for further staff review before full revised plans are submitted.

Major plan revisions are required to be re-sent to all parties on the notice list. Major revision also requires resubmission of the application form (check revision box) if it 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 working days prior to the Planning Board public hearing, or the Planning Board's consideration of the development application will automatically be deferred.

#### **4.D. Citizen Participation**

All persons who have an interest in, or concerns about, a development application are encouraged to attend the pre-submittal meeting held by the applicant, and participate in the review process for that application. Written or verbal comments regarding an application may be made to Development Review Division (DRD) staff at any time during the process, and will be addressed as part of the review. 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 about concerns or questions. Upon request to either the lead reviewer, or the Subdivision and Site Plan Supervisors, as applicable, meetings with citizens may be scheduled for particular cases. Where appropriate, these meetings will be scheduled to include other agency representatives and/or the applicant. DRD staff will make every reasonable effort to resolve citizen's 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.

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

Planning staff will 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 will be compiled and included in the application file. Minutes will include a list of participants, major issues discussed, and any decisions made.

#### 4.F. Staff Reports

After completing with due diligence the investigation and review of each application, and receiving all required agency recommendations or approvals, DRD staff will prepare a report to summarize its proposed findings of fact and conclusions of law, and recommend that the Planning Board approve, approve subject to conditions, or deny 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, the staff report may be published and made available up to 30 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.

##### 4.F.(a) Contents of the Staff Report

Staff reports prepared for Planning Board consideration will generally 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.
- A summary of the major issues and concerns related to the application, and their resolution.
- Recommended conditions of approval, if applicable.

For amendments scheduled to be considered as part of a Consent Agenda, if no comments are received during the period designated in section 3.D(a)(ii), a memo will 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 will then be placed on the Planning Board's Consent Agenda for a vote.

##### 4.F.(b) Objections and Exceptions to the Staff Report

The applicant or other individuals should file objections or take exception 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 or exceptions should be made in writing to the Planning Director. The written notice should clearly identify and fully explain the basis for each objection or exception. Any objections or exceptions filed in this manner will be published immediately on the Commission website and distributed to the Planning Board members.

The applicant or other individuals may also object or take exception 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.



#### 4.F.(c) Postponement of 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 Planning Board. The written request must clearly identify and fully explain the basis for postponement. The applicant will be notified of postponement requests from other individuals and be given an opportunity to provide rebuttal.

A decision regarding postponement of a public hearing will be made by the Planning Board Chair. Any member of the Planning Board may pull an item off the consent agenda. If this is done, the item will be rescheduled for a future date, so that proper notice of a hearing can be sent to all affected parties and additional staff work can be undertaken, if necessary.

## Section 5. Planning Board Hearing

### 5.A. Scheduling

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

- 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 will 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 and may, at their discretion, publish the tentative date on the Commission's website for particularly complex or controversial cases.

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

### 5.B. Exhibits

Applicants must submit certain exhibits to Development Review Division staff for use as part of the scheduled Planning Board hearing. These exhibits must be submitted at least 3 days prior to the scheduled date of the hearing and include:

- the rendered and mounted pre-preliminary plan, project plan, preliminary plan, site plan, or plan amendment, as applicable; and
- the rendered and mounted forest conservation and/or landscape plan, if applicable.

Other exhibits may be submitted at the hearing, but applicants and citizens are encouraged to submit them as early as possible. All exhibits will be entered into the record of a Planning Board hearing and must be accepted by the Chairman. The exhibits will be labeled and made

part of the permanent record of the case. As such, all exhibits will become the property of the Commission and will 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:
  - A plan drawing, a minimum of 30"x42" in size, and mounted, but not permanently affixed, on a display board (preferred).
  - A handout such as a reduced copy of a plan drawing (minimum of 8"x11" in size, 11"x17" preferred); minimum 12 copies must be provided for distribution.
  - A pdf, or other computer generated images (*acceptable formats need to be inserted...*).
- Visual exhibits must clearly delineate the boundary of the plan.
- Written exhibits or testimony should be presented on 8"x11" paper typed in at least 12pt font size.
- All computer generated images must be provided on a compact disc that will be retained by Planning Board staff after the hearing.
- All hard copy/display board applicant exhibits must also be provided as pdf images on a compact disk.

### **5.C. Hearings and the Consent Agenda**

Most 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.

### **5.D. Resolutions and Opinions**

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

## **Section 6. Certified Plan Approval**

Preliminary and site plans (and amendments thereto) that have been approved by the Planning Board are required to be certified by the M-NCPPC Development Review Division to codify all of the Board's conditions of approval.

### **6.A. Preliminary Plan Requirements**

Upon receipt of the Planning Board resolution, the applicant must submit a reproducible copy of the preliminary plan as approved by the Board for certification by the Subdivision Supervisor. Staff will 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 will be returned to the applicant who must re-submit at least three (3) paper copies, and a pdf 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, will also be submitted in this manner.

#### **6.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 site plan 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 will 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 will be transmitted to the applicant who will scan the document and return a pdf on compact disk to the Development Review Division. The scanned image will be promptly made available to all parties via electronic access.

### **Section 7. 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 and amendments), or instead of that process (waivers). These types of applications will be processed as follows.

#### **7.A. Record Plats**

The Subdivision Regulations require that a record plat 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.

##### **7.A.(a) Pre-submittal requirements**

Prior to 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.

##### **7.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. In addition, 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.

#### 7.A.(c) Review and Approval

Upon acceptance of the application, the record plat will be reviewed by DRD staff and referred to others as appropriate. Reviewers outside DRD will be given 10 working days to provide their comments. If comments are not received by the end of the review period, DRD staff will assume that the reviewer had no comments. Upon completion of the review, staff will provide the applicant with a mark-up of the record plat that enumerates all necessary changes. The applicant will submit a revised record plat that incorporates these changes, along with any 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 owner(s) and engineer/surveyor signatures;
- a reduced copy of the final plat on 8 ½" x 11" paper; and
- two (2) (typical) full-size, paper copies of the final plat.

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 per section 3.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 3.

#### **7.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.

**7.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 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.

An application for extension must include a letter from the applicant, or a representative of the applicant, which enumerates the findings of fact and conclusions of law that support a Planning Board approval of the request.

**7.B.(b) Review and Approval**

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

Extension requests are subject to the noticing requirements of section 3.D.(b), above. Not less than ten (10) calendar days prior to the date of scheduled public hearing, DRD staff will send notice via first class mail to the individuals and locations included on the applicant's notice list. The staff report will 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.

**7.C. Subdivision Regulations Waiver Requests**

Section 50-38 of the Subdivision Regulations contains provisions for waivers that may be granted by the Planning Board. These waivers are generally reviewed as part of an application for a preliminary plan of subdivision. However, in extreme circumstances, 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.

**7.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 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.

An application for extension must include a letter from the applicant, or a representative of the applicant, which enumerates the findings of fact and conclusions of law that support a Planning Board approval of the request.

**7.C.(b) Review and Approval**

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

Waiver requests are subject to the noticing requirements of section 3.D.(b), above. Not less than ten (10) calendar days prior to the date of scheduled public hearing, DRD staff will send notice via first class mail to the individuals and locations included on the applicant's notice list. The staff report will 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.

**7.D. Consent Agenda Amendments**

Section 59-D-3.7(c) of the Zoning Ordinance contains provisions for amendment of a certified site plan by the Planning Board without holding a hearing. Instead, the Planning Board acts on the amendment as part of a Consent Agenda. The Planning Board's Rules of Procedure also include provisions for these types of amendment, but does not limit them to site plans. Therefore, these provisions will also apply to certain amendments of preliminary plans.

**7.D.(a) Application**

Plan amendment applications must be filed by the applicant in order to revise any approved plan or any findings, conclusions, or conditions associated with the plan. Since the nature of the amendments will vary from project to project, the applicant should contact Subdivision or Site Plan review staff to determine whether it qualifies for action by Consent Agenda. 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.

**7.C.(b) Noticing**

Consent Agenda amendments are subject to the noticing requirements of section 3.D.(a)(ii), above. A mandatory comment period of at least 15 calendar days must be established in the notice.

**7.C.(c) Review and Approval**

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

If comments are received, staff and the Director will 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 will notify those making comments of the date the matter will be taken up on the consent agenda; and that any person may request that an item be removed from the agenda, on or before that date. Only the Board may remove an item from the consent agenda for public hearing.

Once the Board has approved the amendment and resolution, a new signature set reflecting the amendment will need to be submitted before final approval is granted.

## **APPENDIX A: Application Forms and Checklists**



## **APPENDIX B: Requirements for Traffic Analysis**

When required, submit two (2) copies of the traffic study with the development application for staff review. Also, submit two (2) copies if necessary a queuing analysis for stacking and turning movements and any traffic signal warrant studies or traffic calming measures proposed with a justification statement. Once Transportation Planning staff confirms that the traffic study is complete, ten (10) copies must be submitted within five (5) working days of notification. As with other submission requirements, the 60-day review period for preliminary plans will not begin until the traffic study or traffic statement is accepted as complete by Transportation Planning staff.

For further information concerning traffic studies, the AGP and the *Local Area Transportation Review Guidelines*, please contact Transportation Planning staff.

## **APPENDIX C: Forest Conservation Requirements**

The NRI/FSD must include the following information to cover the proposed development area and the first 100 feet of adjoining land around the perimeter or the width of adjoining lots, whichever is less.

- a. Property boundaries
- b. Topography at a minimum scaled of 1" = 200' with contour intervals of no more than 5'
- c. Location of perennial and intermittent streams, 100 year floodplains, 25' building restriction lines and stream buffers
- d. Location of wetlands and appropriate buffers
- e. Soils
- f. Rare, threatened or endangered plants, animals and critical habitats
- g. Aerial extent of forest and tree cover with the acreage and an inventory of the existing forest as described in the "Tree Technical Manual"
- h. Cultural features and historic sites
- i. Vicinity map at a scale of 1" = 2,000'

A registered landscape architect, registered forester or other professional certified by the State of Maryland must prepare, sign and stamp the NRI/FSD. Submit the NRI/FSD to the Environmental Planning Division at least 30 days prior to the anticipated filing of a preliminary plan application since the forest conservation law provides that staff must approve or deny the NRI/FSD within 30 days of its submission. A proposed preliminary subdivision plan must take into account the priority areas identified on the NRI/FSD.

## **APPENDIX D: Sample Sign Specifications**