

**DRAFT OUTLINE OF
MEMORANDUM OF UNDERSTANDING BETWEEN THE MARYLAND-
NATIONAL CAPITAL PARK AND PLANNING COMMISSION AND
MONTGOMERY COUNTY – DEPARTMENT OF PERMITTING SERVICES**

February 14, 2005

I. Definitions

1. Commission: The Maryland-National Capital Park and Planning Commission.
2. Commission Inspectors: Inspectors employed by the Commission.
3. Director: Director of Montgomery County's Department of Permitting Services, or designee.
4. DPS: Montgomery County's Department of Permitting Services.
5. DPS Inspectors: Inspectors employed by DPS.
6. FCL: Montgomery County's Forest Conservation Law.
7. Planning Board: Montgomery County Planning Board of the Commission.
8. Planning Director: Director of the Commission's Planning Department, or designee.

II. Building Permit

1. The Planning Director will provide one complete copy of all certified site plans and amendments thereto to the Director.
2. The Director will review building permits for conformance to height, setback, FAR and lot coverage standards as established in the certified site plan.
3. The Planning Director will review building permits for conformance to all other site plan conditions of approval.
4. The Director will provide 1 copy of the portions of the building permit application that govern the site, landscape and streetscape, stormwater management and forest conservation elements of the project to the Planning Director for review under this provision.
5. In accordance with Article 28 § 8-119, the Planning Director will transmit to DPS the Planning Department's recommendation on all building permits.

III. Inspections

A. Routine Inspections.

1. DPS. DPS shall inspect each project with a site plan approval at least every 30 days that it is under construction.

2. Commission. The Commission staff will conduct a pre-construction meeting to establish in the field the limits of disturbance and the limits of any easements established under the FCL.

B. Inspections Based Upon Violation Complaints.

1. Upon receipt of a complaint from any person (including community representatives or Commission staff) DPS will inspect all sites for all aspects of site plan compliance
2. If any person files a complaint about an alleged site plan violation with Commission staff, the Planning Director will refer those complaints to the Director, who will assign DPS inspectors to inspect the site for compliance with any final site plan approved by the Planning Board.
3. Commission staff will inspect alleged violations of the FCL.

IV. Enforcement

1. Upon a finding of site plan violation, DPS shall issue a notice of violation, citation and/or stop work order under the provisions of Chapter 50-41 of the Montgomery County Code as appropriate.
2. If DPS determines no violation exists, it shall issue a letter explaining its conclusions, with a copy to the complainant and to the Planning Director.
3. The alleged violator or complainant ("petitioner") may ask the Commission to review DPS' finding of violation or non-violation, such appeal to be filed as provided for in the Planning Board's Rules of Procedure. The Planning Director may ask to review DPS' findings.
4. Upon notification of a request for Commission review, DPS shall provide the Planning Director with a copy of all records used in its determination.
5. Upon a request from a petitioner, the Planning Director shall review DPS' determination on the violation, and may direct an independent inspection by Commission Inspectors. The Planning Director may either respond to the petitioner in writing with its determination, or schedule a hearing before the Planning Board on the merits of the allegations.
6. Upon receipt of a Planning Director's decision on the appeal, a petitioner may obtain a hearing before the Planning Board by filing a written request as provided for in the Planning Board's Rules of Procedure.
7. Staff, or a hearing officer, shall prepare a staff report and recommendation to the Planning Board on the merits of the alleged violation. The Director shall appear and testify at the Planning

Board hearing as to DPS' findings if requested by the Planning Director.

IV. Inter-Agency Communications

A. Zoning Ordinance Interpretations

The Director and Director of Planning will convene appropriate members of their respective staffs no less than quarterly each year to coordinate site plan review and inspection issues to ensure consistent interpretation and application of the Zoning Ordinance provisions.

B. Intra-Agency Communications

Subject to County Council appropriations, DPS and the Commission will work toward fully inter-agency communications through the Hansen (or other similar electronic system) by March 1, 2007.

V. MOU Review and Approval

The Parties agree to submit this MOU, as may be amended from time to time, to the District Council for review and comment every three years.

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