September 30, 2014

MEMORANDUM

TO: Montgomery County Planning Board

FROM: Gwen Wright, Planning Director
              Rose Krasnow, Deputy Planning Director

SUBJECT: Proposed Development Process Improvements

Staff is proposing the launch of a series of Development Process Improvements this Fall. These proposed improvements build on previous streamlining efforts and respond to new development review timeframes that are prescribed in the new Zoning Code. The proposed improvements also respond to suggestions made in OLO Report 2014-10.

The OLO Report makes the following Findings and Recommendations:

Findings
- Streamlining efforts are not new
- Typical preliminary and site plans take 12 to 15 months to complete the process; amendments take 4 to 12 months
- Review time is typically 70% staff review vs. applicant response time
- Post-DRC takes the most time
- Processing times are exceeding assumptions in County law, Planning Board rules, etc.
- There are several factors that impact the timeline
- The process lacks reliable and consistent timing
- There is little overlap among the issues and items reviewed by the Planning Department and DPS during record plat review
- Record plat review lacks consistent coordination between the agencies
- ePlans is an opportunity to improve inter-agency coordination
- Surrounding jurisdictions have different approaches to review requirements and reporting on metrics

Recommendations
- Establish pre-set development approval timeframes and targets for record plat, preliminary plan, and site plan approval processes – including metrics for review cycles, phases, and periods within each process.
- Establish a date system that captures and reports accurate agency and applicant review times.
- Create a regular reporting structure to the Council and the public to enhance transparency of and accountability for the development review processing data.
- Request the DPS and the Planning Department jointly improve communication and information delivery processes for record plats, including a coordinated online presence.

Staff agrees with much of the information in the OLO Report and believes that it is important to find ways to shorten the development review process. Staff's specific comments on the OLO Report are as follows:

- Many changes have already been put in place that are not reflected in the report including ePlans and the new Zoning Code timeframes.
- Improvements have been made to the Record Plat process including clarify information that must be put on Record Plats, using ePlans for Record Plat submissions, and developing a format for multi-page plans.
- More improvements to the development review process are needed and cooperation from all agencies will be required to implement this effort.
- The timeframes shown in the report are significantly affected by the "outliers" – the report adjusts for this somewhat by looking at the median rather than average
- Other jurisdictions have other timeframes, but there is not information on whether they are meeting these timeframes

Based on the suggestions in the OLO Report and on the shortened development review time frames prescribed by the new Zoning Code, staff is proposing a number of changes that should improve the development review process.

Launching Pad for New Development Review Improvements:

1. 120 Day Development Review Schedule for All Projects
   a. Create a specific schedule for each project that can allow review of the project (from date of accepted application to Planning Board hearing date) to be accomplished in 120 days, as required in the new Zoning Code. Agencies will have 9 days to review and comment; applicant will have 15 days to resubmit revisions. Agencies will then have 10 days to comment on resubmission with another 9 days for the applicant to respond to 2nd round of comments. Final submissions from the applicant must be 65 days before Planning Board hearing, and final letters from the reviewing agencies must be completed 45 days before the hearing date to allow time to meet legal notice and posting requirements.
   b. Give applicant, Development Review Committee (DRC) members, and staff project manager a written copy of the schedule for each project when the application is officially accepted.
   c. 120 day development review schedule will require more frequent DRC meetings. Per discussions with participating agencies DRC meetings will be every 2 weeks (new schedule to be published) as they had been in the past. However, they may need to happen as frequently as every week. This is needed to achieve compliance with the strict deadlines in the Zoning Code.
   d. Combine preliminary and site plans, and project and preliminary plans as often as possible.

2. DRC Revitalization
   a. Work to have the DRC function as a team that solves problems. This will involve assigning a strong senior level person to chair the DRC.
   b. Lead agency MOU to be applied at DRC with lead agency staff facilitating resolution of

issues; if no resolution at DRC, lead agency resolution process to be immediately implemented.

   c. Staff assigned to DRC by each Agency must have appropriate skills/knowledge and problem solving attitude, and it may be useful to have the group meet in an annual retreat to set goals and discuss ways to move forward.

   d. Reformat DRC schedule to allow sufficient time for applicants to come to DRC to discuss issues and Agency comments – this will avoid the need for the applicants to schedule multiple follow-up meetings with multiple Agencies (no longer schedule 20 minutes per project); DRC may end up requiring an entire dedicated day bi-weekly.

   e. Empower Committee members to make decisions that stick, or have Agencies assign Committee members that have the authority to approve changes at DRC (this was suggested as part of the streamlining effort but not fully incorporated).

   f. Involve the DRC in reviewing Concept Plans (see below) and in developing new tools to improve the process – such as a menu of standardized condition language for all Agencies to use.

   g. Create and maintain metrics and benchmarks so that external pre-requisites are clear and so that performance can be measured.

3. Concept Plans

   a. Concept plans are a service to the development community/applicants that allow plans to be reviewed at a very early stage in the process so as to identify major issues and concerns that can be addressed in a formal application.

   b. Concepts plans are voluntary – they are not required and are not legislated.

   c. There is no application fee for concept plans.

   d. Concept plans can be in two stages: Stage I is a very conceptual application with no engineered information. Stage II would be a slightly more developed application with some limited engineering, but not fully developed.

   e. Applicants can voluntarily submit Stage I Concept Plans, with no engineered information so as to discuss their proposals with the entire Development Review Committee. The DRC gives suggestions and highlights major issues and concerns. The DRC provides written comments to applicants.

   f. Applicant can voluntarily submit Stage II Concept Plans that address Stage I comments and initiate plan engineering of their proposal.

   g. The goal of concept plans is to identify and work out major issues that can "make or break" projects before the applicant invests in the development of a full-blown engineered application. It is important for the DRC comments on concept plans to be complete and in writing.

4. Record Plats

   a. All Agencies should participate in the review and approval of Certified Site Plans, so that important issues such as right-of-ways dedications can be worked out during this process.

   b. Amend the application process so that title issues are resolved before record plat submission.

   c. Once a Certified Site Plan has been approved, the goal of Record Plat review becomes administrative – e.g. does the submitted Record Plat match the Certified Site Plan exactly and have all the conditions for record plat approval been met?

d. Use ePlans to the maximum extent possible to facilitate all reviews.
e. DPS sign-off will be prior to submission to MNCPPC for sign-off .
f. Work to delegate Planning Board signature to Planning Director (this may involve changes to State legislation.)
g. Plats should no longer be a trigger for other submissions such as TMAgs, etc. when there are other appropriate triggers either earlier or later in the process.

Other Development Process Improvements underway or need to be done:

1. Systematically revise and streamline Planning Board conditions to create a menu for reviewers to use.
2. Work with MNCBIA on developing plan templates for natural resource inventories/forest stand delineations and forest conservation plans.
3. Continue to work with MNCBIA to make sure that only the necessary notes are included on plats and allow for submission of multiple page plats.
4. Revise Development Review Manual to reflect changes to the Zoning Code and the development review regulations.
5. Work with staff so Lead Reviewers/Packagers are "case managers" and have full knowledge of where their plans stand in the review process with all agencies.
6. Look at ways to streamline ancillary processes, such as DOT exceptions, Forest Conservation Reviews in urban redevelopment sites, Water Quality Plans, TMAgs, etc.