



MANDATORY REFERRAL SUBMISSION REQUIREMENTS

The following guidance has been extracted from the Planning Department's *Uniform Standards for Mandatory Referral Review* to assist applicants in the preparation of a mandatory referral application. Please consult those standards for more details about mandatory review.

Section 7-112 of the Regional District Act, **Mandatory referrals and approval procedures after adoption of master plan of highways**, requires all federal, state, and local governments and public utilities to submit proposed projects for a Mandatory Referral review and approval by the Commission. Since in Montgomery County the Planning Board is the statutorily created body under Article 28, and performs the duties of "the Commission", these guidelines use the term Planning Board, instead of the Commission.

The law is briefly stated but has a very broad application. It requires that the Planning Board review and approve the proposed location, character, grade and extent of any road, park, public way or ground, public (including federal) building or structure, or public utility (whether publicly or privately owned) prior to the project being located, constructed or authorized.

The Planning Board must also review the widening, extension, relocation, narrowing, vacation, abandonment or change of use of any road, park or public way or ground, and the acquisition or sale of any land by any public board, body or official.

The Planning Board must conduct its review within 60 days (of the submission of a complete application) unless a longer period is granted by the applicant. The Board's failure to act within 60 days is deemed an approval, unless the applicant agrees to extend the review period. In case of disapproval, the law requires the Planning Board to communicate its reasons to the applicant agency. In practice, the Planning Board communicates its approval, approval with conditions, and disapproval, with the reasons for its actions to the applicant agency. Mandatory Referral review and comments by the Planning Board are advisory in that the statute allows the applicant to overrule the Planning Board's disapproval, or any conditions attached to approval, and proceed.

Pre-submission Coordination

1. The applicant is encouraged to work with staff in the applicable Planning Department Area Team in the early stages of a project's program and design development. The staff will advise the applicant about potential impacts and concerns in terms of proposed land use, consistency with the area master plan, other related projects, and community issues.
2. The staff may advise the applicant to seek community input before formally submitting the project for Mandatory Referral. This may include requesting the applicant to send appropriate, adequate and timely public notice to adjacent and adjoining property owners. The staff will help in the process as needed, including establishing review benchmarks.
3. The list of required plans and other submission items is included below. These items must be included with an application unless the applicant has obtained approval of a modified submission list from DARC or Area Team staff based on the nature and scope of the project.
4. After analysis of the project and consultation with the applicant and the community, staff will determine and advise the applicant of the type of review needed consistent with the Uniform Standards.

Submission Requirements

A list of exhibits including narrative description, plans, sketches, photographs and other material needed for the Mandatory Referral review is included here. **Six sets of these materials must be submitted, by appointment only**, to the Development Applications and Regulatory Coordination (DARC) Division, Montgomery County Department of Planning, 8787 Georgia Avenue, Silver Spring, MD 20910. Some of these items may be needed before others in the review process (e.g. NRI/FSD, Preliminary Forest Conservation Plan). Some may be needed only as preliminary concepts. Therefore, **applicants are advised to consult DARC or Area Team staff to determine which exhibits will be needed in what sequence since not all proposals will need everything on the following list.**

The plans and documents submitted for the Mandatory Referral should be at a scale sufficient to determine the compatibility, character, scope, quality and scale of a project. All formal requests and applications must be from the head of the applicant agency or a representative public official of the agency and addressed to the Director of the Department of Park and Planning.

1. Written narrative of the proposal generally describing the project location, access, surrounding land use and other existing conditions, proposed uses, scale and size of proposed structures, and other significant features of the proposal including, but not limited to, the following:
 - a. The hours of operation and the types of uses proposed within the structure(s) or on the property under consideration;
 - b. Whether the proposed project is in conformance with the county's General Plan, functional plans such as the master plan of highways, environmental guidelines, the approved and adopted area master plan or sector plan, and other public plans or programs for the area. Any deviation/non-conformance should be fully explained;
 - c. A Pedestrian and Bicycle Safety Impact Statement that includes an analysis of the effect of the project on pedestrian and bicyclist access and safety, and the identification of any capital and/or operating modifications that may be required to promote and maximize safe pedestrian and bicyclist access on the project site and in the surrounding area;
 - d. Whether the proposed typical roadway section meets the applicable County standard. If not, the variances and the reasons for those variances should be described;
 - e. The status of a Historic Work Permit application if the project would affect County-designated historic properties. For state or federally funded projects, indicate the status of comments by the Maryland Historical Trust. If any historical properties would be impacted, state the proposed measures to be undertaken to limit, and remedial measures to mitigate, the potential impacts;
 - f. Phasing schedule or plan, if applicable;
 - g. A description of the manner in which any land intended for common or quasi-public use, but not proposed to be in public ownership, will be held, owned, and maintained in perpetuity for the indicated purposes;
 - h. Funding source for the project: county, state, federal, and/or private;

- i. A description of the potential impacts to public parkland or land owned by M-NCPPC, if applicable, and explain what efforts have been made to minimize these impacts and what mitigation will be undertaken: and
 - j. For all projects involving buildings or other structures, a statement whether or not the proposed project will seek United States Green Building Council Leadership in Energy and Environmental Leadership (LEED) certification. State why if the project is not going to seek LEED certification (the Planning Board has asked the staff to include it in staff reports on all applicable mandatory referral projects).
2. General location map showing the relationship of the subject property to existing and proposed surrounding development, land uses and zoning, park property, traffic network, public amenities, community facilities and historical properties (County and National Register).
 3. Site Plan describing the location of all new and existing uses and structures, size of subject property, existing land uses of the subject and surrounding property, park property lines, proposed limits of disturbance and quantitative assessment of the disturbed area, location and areas of all existing and proposed public and private open spaces, number of existing and proposed parking spaces, calculations of building coverage, the number and type of dwelling units, and square footage, height and number of stories of all buildings, and proposed signage.
 4. Utilities and Right-of-Way map reflecting the location of tract boundaries, any utility or pipelines traversing the site, easements, and rights-of-way. All proposed permanent easements and right-of-way takings on park property must be quantified.
 5. Pedestrian and vehicular circulation plan identifying existing roadway, site ingress and egress, sidewalks, trails (including equestrian), bikeways, transit facilities, and all on- and off-site connections to those facilities. Indicate paving widths and the location of any anticipated median breaks. Show existing and proposed signage, all striped crosswalks, and provision of pedestrian push buttons and signal heads. If striped crosswalks are not provided on all legs of signalized intersection, indicate where and explain why not.
 6. Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) plan that has been reviewed and approved by the M-NCPPC staff, depicting existing wooded areas, rock outcroppings, streams, stream buffers, major drainage courses, wetlands, wetland buffers, ultimate 100 year floodplain(s), stream use designation, environmentally sensitive areas and existing improvements as well as the identification of any rare, threatened, or endangered species. (see section VI: Planning Board Consideration, paragraph 5). **An approved NRI/FSD is valid for two years only. If it is more than two years old, it must be updated and submitted for staff's review and approval.**
 7. Special Protection Area Map, Water Quality Plan or Letter from Department of Permitting Services exempting the project from the Water Quality Plan review process if the project is located within a designated Special Protection Area (see www.mc-mncppc.org for Special Protection Area maps). If the Planning Board is reviewing a mandatory referral more than once, the first submission should include a completed Preliminary Water Quality Plan and the final submission should include a Final Water Quality Plan. If the Planning Board reviews a mandatory referral only once, the submission should include a combined Preliminary and Final Water Quality Plan. Preparation of these plans requires a pre-application meeting with the Department of Permitting Services, M-NCPPC, and the Department of Environmental Protection (see also Section VI: Planning Board Consideration, paragraph 6).
 8. Preliminary Forest Conservation Plan based upon a correct and complete forest stand delineation. If a prior mandatory referral action on a project did not have an approved FCP, if required, then any subsequent mandatory referral review must have an approved FCP at the time of the Board review and action.

9. Topographic map depicting the general physical characteristics of the site or sites with contours at an interval no greater than five feet, slopes of 25% and greater, and slopes between 15% and 25% that are associated with erodible soils.
10. Preliminary Stormwater Management Concept plan(s) including runoff computations and pre-and post-development conditions, and off-site drainage areas.
11. Landscape and lighting plan delineating areas of existing vegetation to be retained, new and supplemental planting, paving, seating, street furniture and lighting. Show existing trees that are proposed to be removed and protection for those trees that are to remain within the limits of disturbance. Include a plant schedule indicating the proposed plant material.
12. Overall concept development plan if the proposed project or phase is a portion of a larger development plan.
13. Statement of compliance with Montgomery County's Noise Ordinance, Section 31 (b) of the County Code, and consistency with the Montgomery County Department of Park and Planning Noise Guidelines.
14. Architectural schematics of all buildings.
15. Traffic impact statement or traffic study conducted in accordance with the Department's Local Area Transportation Review Guidelines describing the effect, if any, on the local transportation system and the proposed means of addressing any unmitigated impacts on affected facilities.