



Committee: Directly to Council
Staff: Jeffrey L. Zyontz, Senior Legislative Analyst
Purpose: To receive testimony/final action - vote expected
Keywords: #SRA, #Validity period

AGENDA ITEM 23
July 28, 2020
Public Hearing/Action

SUBJECT

SRA 20-01, Rules of Interpretation – Computing Time Periods

EXPECTED ATTENDEES

Casey Anderson, Chair, Montgomery County Planning Board
Robert Kronenberg, Deputy Director, Planning Department
Jason Sartori, Chief, Functional Planning and Policy, Planning Department
Richard Weaver, Area 3 Chief, Planning Department
Greg Russ, Planner Coordinator, Planning Department

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

No Committee recommendation. Approve, disapprove, or amend and approve SRA 20-01

DESCRIPTION/ISSUE

The County is experiencing an unprecedented global pandemic and an economic crash. The sponsors believe that previously-established deadlines in subdivision approvals may be unrealistic.

SUMMARY OF KEY DISCUSSION POINTS

SRA 20-01 would extend the duration of all deadlines and validity periods established for previously-approved subdivisions by 2 years. Any issues raised in the public hearing will be reviewed by the Council. The Planning Board expressed its concern that blanket extensions every few years (as occurred between 2009 and 2015) may become the normal plan of action in future years. That would increase the potential for hoarding traffic and school capacity. In any event, the Planning Board recommended a revised SRA to accomplish the sponsors' objective. Council Staff has no objections.

This report contains:

	<u>Pages</u>
Staff Memorandum	1-3
SRA 20-01 as introduced with draft opinion	©1-4
Planning Board Recommendation	©5-6
Planning Staff Recommendation	©7-10
SRA 20-01 as redrafted by the Planning Board	©11-18
SRA 20-01 Planning Board version with opinion and staff edits	©19-26

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Public Hearing/Action

M E M O R A N D U M

July 23, 2020

TO: County Council
FROM: Jeffry L. Zyontz, Senior Legislative Analyst
SUBJECT: Public Hearing/Action: SRA 20-01, Rules of Interpretation – Computing Time Period

Expected Participants

Casey Anderson, Chair, Montgomery County Planning Board
Robert Kronenberg, Deputy Director, Planning Department
Jason Sartori, Chief, Functional Planning and Policy, Planning Department
Richard Weaver, Area 3 Chief, Planning Department
Greg Russ, Planner Coordinator, Planning Department

Staff Recommendation: Approve the Planning Board recommended SRA, with minor editorial changes.

Background

Subdivision Regulation Amendment (SRA) 20-01, Rules of Interpretation – Computing Time Period, Lead Sponsor Councilmember Riemer, is scheduled for a public hearing and action on July 28, 2020.

The County is experiencing an unprecedented global pandemic and an economic crash. Stay-at-home orders, as essential as they have been, are a sudden shock to normal business operations. In the midst of these unprecedented times filled with change and uncertainty, the sponsor believes that previously-established deadlines in subdivision approvals may be unrealistic. Within the workforce needed to move a development through engineering processes, there are inefficiencies in working from home. Financial commitments may require additional time to secure.

SRA 20-01 would extend the duration of all deadlines and validity periods established for previously-approved, unexpired subdivisions by 2 years. The additional time runs from the period “applicable to the approval.” The period or date applicable to the approved application would include any extensions granted

by the Planning Board. The extensions apply to unexpired approved applications. Unexpired applications include those applications for which the applicant has made a request for an extension to the Planning Board in a timely manner.

Councilmember Riemer believes that SRA 20-01 would be a proactive step toward minimizing unnecessary disruptions to an important segment of the County's economy.

Issues

What is the problem with extending the life of plans?

There is a category of subdivision plans that are no longer in synchronization with the owners' interests. They may no longer be attuned to the market or have no financial backing for any number of reasons. Among staff working with subdivisions, such plans are called zombies. (They may look like they are alive but they are really dead.) Zombie plans are counted as using both school and road capacity. Previously, the road capacity required for zombie plans could prohibit the approval of a new active plan. Under new rules, the new plans can still be approved with the payment toward resolving the road capacity problem. A constraint of school capacity can still block the approval of a new plan, but that may change with Planning Board recommended changes to the Adequate Public Facilities law.

What is the status of approved plans?

As of May 4, 2020, Planning Staff report that there are 104 active plans have received anywhere from 2-8 years of extensions

Of those plans:

- 6 will expire in the next 3 months
- 6 will expire in the next 3-6 months
- 5 will expire in the next 6-9 months
- 4 will expire in the next 9-12 months; and
- 11 will expire in the next 1-2 years.

The remaining 261 plans vary in expiration to August 2024, with the exception of a few outliers. All of the plans that will expire in the next 2 years have received 8 years of extensions in addition to the validity they were originally given, which was anywhere between 5-7 years.

Should the SRA be amended as proposed by the Planning Board?

This is not the first time that subdivision regulations would automatically extend subdivision approvals. The Council adopted legislation in 2009, 2011, 2013, and 2015 for 2-year extensions of all valid adequate public facility and preliminary plan approvals because they were viewed as important measures to assist developers and builders during an economic downturn. The Planning Board recommends amending the uncodified code provisions that were amended in prior years.

SRA 20-01 as introduced accomplishes the sponsor's objective. It is different (and less complicated) from the time extensions adopted in prior years. Staff reviewed SRA 20-01 before introduction and no one expressed objections to the new approach at that time. Planning staff administers all subdivision

regulations. Because Planning staff is more comfortable with their draft, Staff recommends the approval of their revised draft, with minor editorial changes.

If new information is provided at the public hearing, the Council may wish to postpone action on this item until a later date.

This packet contains:

SRA 20-01 as introduced with draft opinion

Planning Board Recommendation

Planning Staff Recommendation

SRA 20-01 as redrafted by the Planning Board

SRA 20-01 Planning Board version with opinion and staff edits

Circle #

©1-4

©5-6

©7-10

©11-18

©19-26

Subdivision Regulation Amendment No.: 20-01
Concerning: Rules of Interpretation –
Computing Time Periods
Draft No. & Date: 5 – 6/18/2020
Introduced: June 23, 2020
Public Hearing:
Adopted:
Effective:
Ordinance No.:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: Councilmember Riemer
Co-Sponsors: Councilmembers Friedson, Navarro, and Hucker

AN AMENDMENT to:

- Extend the validity period or deadlines of approved subdivisions that are unexpired at a certain date

By amending

Montgomery County Code
Chapter 50. “Subdivision of Land”
Division 50.2. “Interpretation and Defined Terms”
Section 2.1. “Rules of Interpretation”

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by introduced Subdivision Regulation Amendment.</i>
[Single boldface brackets]	<i>Deleted from existing law by introduced Subdivision Regulation Amendment.</i>
<u>Double underlining</u>	<i>Added to the Subdivision Regulation Amendment by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the Subdivision Regulation Amendment by amendment.</i>
* * *	<i>Existing law unaffected by Subdivision Regulation Amendment.</i>

OPINION

Subdivision Regulation Amendment (SRA) No. 20-01, Rules of Interpretation – Computing Time Periods, Lead Sponsor Councilmember Riemer and Co-Sponsors Councilmembers Friedson, Navarro, and Hucker, was introduced on June 23, 2020.

SRA 20-01 would extend the duration of all deadlines and validity periods established for previously-approved, unexpired subdivisions by 2 years. The additional time runs from the period “applicable to the approval.” The period or date applicable to the approved application would include any extensions granted by the Planning Board. The extensions apply to unexpired approved applications. Unexpired applications include those applications for which the applicant has made a request for an extension to the Planning Board in a timely manner.

In its report to the Council, the Montgomery County Planning Board recommended that the SRA be approved amendments to retain the core idea but to amend different sections of Subdivision regulations to accomplish the sponsors’ objective.

The Council’s public hearing was on July 28, 2020. There was no opposition to ZTA 20-01 other than the Planning Board’s alternative text.

The District Council reviewed Subdivision Regulation Amendment No. 20-01 at a worksession held immediately after the public hearing on July 28, 2020. The Council agreed to approve SRA 20-01 as introduced.

For these reasons, and because to approve this amendment will assist in the coordinated, comprehensive, adjusted and systematic development of the Maryland-Washington Regional District located in Montgomery County, Subdivision Regulation Amendment No. 20-01 will be approved as introduced.

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following Ordinance:

1 **Sec. 1. Chapter 50 is amended as follows:**

2 * * *

3 **Division 50.2. INTERPRETATION AND DEFINED TERMS**

4 **Section 2.1. Rules of Interpretation**

5 The following rules of interpretation apply to this Chapter.

6 A. How to Compute Periods Measured in Months. If a period of time is measured
7 in months, the period begins and ends on the same day of a month; however,
8 if there are not enough days in the final month for this to be possible, the
9 period ends on the final day of the final month.

10 B. How to Compute Periods Measured in Days. If this Chapter establishes a
11 validity period or requires or allows a person to perform an act within a
12 specific time period measured in days, the person must compute the deadline
13 in the following manner:

14 1. If the period follows an event, count the day after the event as the first
15 day of the period.

16 2. Count the remaining number of calendar days in the period; however,
17 if the period is 7 days or fewer, omit Saturdays, Sundays, and legal
18 holidays.

19 3. Do not count the last day if it is a Saturday, Sunday, legal holiday, or
20 if the office where the person must file a document or perform an act
21 is not open during the regular hours of that office on that day.

22 4. For unexpired applications approved before {effective date}, the
23 validity period or the time period is 2 years after the period applicable
24 to the approval.

25 C. Requirements to Act by a Specific Date.

26 1. If the law requires or allows a person to perform an act by a specific
27 date, but the specific date is a Saturday, Sunday, or legal holiday, the

28 person may perform the act on the next day that is not a Saturday,
29 Sunday, or legal holiday.

30 2. Any action required to be taken within a specific time period is
31 measured from the date of a final agency action, or, if a party seeks
32 judicial review of the agency action, from the date the court makes a
33 final decision.

34 3. For unexpired applications approved before {effective date}, the
35 specific date is 2 years after the date applicable to the approval.

36 * * *

37 **Sec. 2. Effective Date.** This amendment takes effect when it becomes law.
38

39 *Approved:*

40

41

42 _____
Marc Elrich, County Executive Date

43

44 *This is a correct copy of Council action.*

45

Selena Mendy Singleton, Esq. Date
Clerk of the Council



MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

OFFICE OF THE CHAIR

July 22, 2020

TO: The County Council for Montgomery County, Maryland, sitting as the District Council for the Maryland-Washington Regional District in Montgomery County, Maryland

FROM: Montgomery County Planning Board

SUBJECT: Subdivision Regulation Amendment No. 20-01

BOARD RECOMMENDATION

The Montgomery County Planning Board of The Maryland–National Capital Park and Planning Commission reviewed Subdivision Regulation Amendment (SRA) No. 20-01 at its regular meeting on July 16, 2020. By a vote of 5:0, the Planning Board recommends approval of the SRA with modifications and additional comments (as discussed below), to provide an extension of the validity period or deadlines for previously approved unexpired subdivisions.

In general, given the unprecedented global pandemic and resulting economic impacts, the Board recognizes the Council’s desire to provide an extension for the validity period or deadlines for previously approved unexpired subdivisions. However, as stated in the technical staff report, we do not believe that the proposed SRA is taking the correct approach to the two-year extensions. In SRA No. 20-01 as introduced, the extension proposal is provided in the section on interpretation of the chapter. Although a simpler approach, it may result in more confusion in the end. Past extensions to preliminary subdivision plan validity and adequate public facility plan (APF) validity periods were provided through ordinances that were appended to Chapter 50 as editorial notes describing the various extensions. Those editorial notes are located at the ends of the sections in Chapter 50 on Plan Validity and APF Validity (at the end of Sections 50.3 and 50.4, respectively). As stated in the technical staff report, the Board believes that the same approach should be followed again.

While recognizing the current crisis, the Board also expresses its concern that blanket extensions every few years (as occurred between 2009 and 2015) not become the normal plan of action in future years, thereby minimizing the potential for hoarding traffic and school capacity. This is of particular concern for projects that continue to have years of subdivision and APF validity stemming from extensions approved prior to the adoption of the existing version of Chapter 50 approved in 2017. As the Council is aware, there continues to remain the opportunity for a project to request an extension of its validity period on a case-by-case basis.

Finally, although the subject legislation addresses subdivision and APF validity periods, it is possible that the Council could eventually receive requests to extend the deadlines for previously approved unexpired site plans or sketch plans (under the purview of the Zoning Ordinance-Chapter 59). The Planning Board cautions the County Council on considering a blanket extension to unexpired site plans, given the clear intent of the Zoning Ordinance to not extend the site plan approval deadlines

The Honorable Sidney Katz

July 22, 2020

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under the overlay zone provisions for the Bethesda Downtown Plan. This provision applies to any site plan project that proposes to exceed the maximum square footage of gross floor area allowed under the mapped CR and CRT zones. If an applicant fails to comply with any of the deadlines under this section, the entire site plan approval is revoked. Requests for site plan validity extensions, outside of the Bethesda Downtown Area, can continue to be addressed on a case-by-case basis by the Planning Board.

CERTIFICATION

This is to certify that the attached report is a true and correct copy of the technical staff report and the foregoing is the recommendation adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, at its regular meeting held in Silver Spring, Maryland, on Thursday, July 16, 2020.



Casey Anderson
Chair

CA:GR:aj



Subdivision Regulation Amendment (SRA) No. 20-01, Rules of Interpretation – Computing Time Periods

 Gregory Russ, Planner Coordinator, FP&P, gregory.russ@montgomeryplanning.org, 301-495-2174

 Jason Sartori, Chief, FP&P, jason.sartori@montgomeryplanning.org, 301-495-2172

Completed: 07/09/20

Description

SRA 20-01 would extend the validity period or deadlines of approved subdivisions that are unexpired at a certain date.

Summary

Staff is in favor of the sponsors’ intent to provide an extension of the validity period or deadlines for previously approved unexpired subdivisions. However, staff does not believe that the proposed SRA is taking the correct approach to the two-year extensions.

In SRA 20-01, the extension is provided in the section on interpretation of the chapter. Although a simpler approach, it may result in more confusion in the end. Past extensions to preliminary subdivision plan validity and adequate public facility plan (APF) validity were provided through ordinances that were appended to Chapter 50 as editorial notes describing the various extensions. Those editorial notes are located at the ends of the sections in Chapter 50 on Plan Validity and APF Validity (at the end of Sections 50.3 and 50.4, respectively). Staff believes that the same approach should be followed again. Staff has provided suggested language at the conclusion of the technical staff report consistent with current text in Sections 50.3 and 50.4 establishing an extension of the validity period for APF and Preliminary Subdivision Plan.

Background/Analysis

The County Council adopted legislation in 2009, 2011, 2013 and 2015 for 2-year extensions of all valid adequate public facility and preliminary plan approvals because they were viewed as important measures to assist developers and builders during an economic downturn.

The rationale for SRA 20-01 is depicted below in an excerpt from the “Introduction Memo” from County Staff dated June 18, 2020:

The County is experiencing an unprecedented global pandemic and an economic crash. Stay-at-home orders, as essential as they have been, are a sudden shock to normal business operations. In the midst of these unprecedented times filled with change and uncertainty, the sponsor believes that previously established deadlines in subdivision approvals may be unrealistic. Within the workforce needed to move a development through engineering processes, there are inefficiencies in working from home. Financial commitments may require additional time to secure.

SRA 20-01 would extend the duration of all deadlines and validity periods established for previously approved, unexpired subdivisions by 2 years. The additional time runs from the period “applicable to the approval.” The period or date applicable to the approved application would include any extensions granted by the Planning Board. The extensions apply to unexpired approved applications. Projects with unexpired validity periods include those for which the applicant has made a timely extension request to the Planning Board.

Councilmember Riemer believes that SRA 20-01 would be a proactive step toward minimizing unnecessary disruptions to an important segment of the county’s economy.

SRA 20-01 as Introduced

As introduced, SRA 20-01 attempts to provide a simple streamlined way to accomplish the sponsors’ intent to extend the duration of all deadlines and validity periods established for previously approved, unexpired subdivisions by 2 years. The SRA does this by proposing the following language in Division 50.2. (INTERPRETATION AND DEFINED TERMS), Section 2.1. (Rules of Interpretation):

The following rules of interpretation apply to this Chapter.

B. How to Compute Periods Measured in Days. If this Chapter establishes a validity period or requires or allows a person to perform an act within a specific time period measured in days, the person must compute the deadline in the following manner:

* * *

4. For unexpired applications approved before {effective date}, the validity period or the time period is 2 years after the period applicable to the approval.

C. Requirements to Act by a Specific Date.

* * *

3. For unexpired applications approved before {effective date}, the specific date is 2 years after the date applicable to the approval.

* * *

Summary of the APF and Preliminary Plan Validity Period Procedure

In Montgomery County, proposed development is tested for the adequacy of public facilities that will serve that development. Typically, the testing occurs at the time of the Planning Board’s review of a preliminary plan of subdivision. Chapter 50 of the Montgomery County Code addresses the testing for adequate public facilities, as does the Subdivision Staging Policy (aka Growth Policy) resolution adopted by the County Council every four years (previously this occurred every two years).

When the Planning Board finds that public facilities are adequate to support a subdivision, the finding has a limited validity period. Prior to July 25, 1989, there were no time limits on a finding of adequate public facilities. However, it soon became obvious that allowing the pipeline to continue to grow had negative impacts since available capacity for both roads and schools was being absorbed by projects that had received approval but were never going to move forward. From July 25, 1989 until October 19, 1999, projects were given an APF validity period of 12 years. Even this was recognized to be a problem however, so beginning October 19, 1999, the time limits were changed to no less than 5 years for smaller projects and no more than 12 years for larger, more complex projects, as determined by the Planning Board at the time of subdivision. Between August 1, 2007 and March 31, 2009, and again since March 31, 2017, these time limits were further adjusted downward to be no less than 5 and no more than 10 years, as determined by the Planning Board at the time of subdivision.

Portions of Section 4.3.J of Chapter 50 contain the language setting the time limits of a finding for adequate public facilities by the Planning Board. Once the APF validity period has been established through the preliminary plan process, all building permits for a development must be issued within these time limits or an entirely new application must be submitted. Section 4.3.J also contains the language that determines the conditions under which the Planning Board may grant an extension of the validity period for a finding of adequate public facilities.

Section 4.2. of Chapter 50 contains the language setting the time limits for the preliminary plan validity period. It also contains the language that determines the conditions under which the Planning Board may grant an extension of the preliminary plan validity. For a single-phase project, a preliminary plan approved after March 31, 2009 and before April 1, 2017 remains valid for 60 months after its initiation date. A preliminary plan approved after March 31, 2017 remains valid for 36 months after its initiation date. This means that a final record plat for all of the property delineated on the approved preliminary plan must be recorded among the County Land Records before the validity period expires. For a more complex, multi-phase project, the Planning Board can establish a validity period for each phase. However, the time allocated to any phase must be 60 months or less after the initiation date for that particular phase for any preliminary plan approved after March 31, 2009, but before April 1, 2017, and 36 months after the initiation date for that particular phase for any preliminary plan approved after March 31, 2017. Validation of a preliminary plan for each phase occurs upon the recordation of a final record plat for all property delineated in that particular phase of the approved preliminary plan.

Conclusion

In general, given the unprecedented global pandemic and resulting economic impacts, staff recognizes the Council's desire to provide an extension for the validity period or deadlines for previously approved unexpired subdivisions. However, staff does not believe that the proposed SRA is taking the correct approach to the two-year extensions. In SRA 20-01, the extension is provided in the section on interpretation of the chapter. Although a simpler approach, it may result in more confusion in the end. Past extensions to plan validity and APF validity were provided through ordinances that were appended to Chapter 50 as editorial notes describing the various extensions. Those editorial notes are located at the ends of the sections in Chapter 50 on Plan Validity and APF Validity (at the end of Sections 50.3 and 50.4, respectively). Staff believes that the same approach should be followed again.

In addition, the proposed language places the extension under the heading “How to Compute Periods Measured in Days,” but validity periods are measured in years, not days.

Staff recommends inclusion of text consistent with language depicted in Chapter 50. For the readers’ convenience, the following text provides a framework consistent with the current language located in the editorial notes at the end of Sections 50.3 and 50.4:

(Place in the editorial notes at the end of Section 50.3)

Notwithstanding any provision of Section 4.2.G to the contrary, the validity period of any preliminary subdivision plan that was valid on {effective date}, or for which a timely application for an extension of the validity period was pending on {effective date}, including any separate phase of a multi-phase plan, is automatically extended for 2 years after the date when the validity period would otherwise have expired. This 2-year extension must be treated for all purposes as part of the validity period that was extended.

(Place in the editorial notes at the end of Section 50.4)

Notwithstanding any provision of portions of Section 4.3.J to the contrary, the validity period of any determination of adequate public facilities that was valid on {effective date} or for which a timely application for an extension of the validity period was pending on {effective date}, is automatically extended for 2 years after the date when the validity period would otherwise have expired. This 2-year extension must be treated for all purposes as part of the validity period that was extended.

Attachments

1. SRA No. 20-01 as introduced

PLANNING BOARD STAFF RECOMMENDATION 7/16/20

Subdivision Regulation Amendment No.: 20-01
Concerning: [[Rules of Interpretation –
Computing Time Periods]]
Adequate Public
Facilities/Preliminary Subdivision
Plans -Validity Periods

Draft No. & Date: 5 – 6/18/2020
Introduced: June 23, 2020
Public Hearing:
Adopted:
Effective:
Ordinance No.:

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Councilmember Riemer
Co-Sponsors: Councilmembers Friedson, Navarro, and Hucker

AN AMENDMENT to:

- [[Extend the validity period or deadlines of approved subdivisions that are unexpired at a certain date]]
- Extend the validity period for a determination of adequate public facilities for certain developments;
- Extend the validity period for preliminary subdivision plans that are unexpired at a certain date; and
- Otherwise revise the validity period for certain developments.

By amending

Montgomery County Code
Chapter 50. “Subdivision of Land”
Division 50.3. “GENERAL REQUIREMENTS”
Division 50.4. “PRELIMINARY PLAN”

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by introduced Subdivision Regulation Amendment.</i>
[Single boldface brackets]	<i>Deleted from existing law by introduced Subdivision Regulation Amendment.</i>
<u>Double underlining</u>	<i>Added to the Subdivision Regulation Amendment by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the Subdivision Regulation Amendment by amendment.</i>

* * *

Existing law unaffected by Subdivision Regulation Amendment.

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following Ordinance:

1 **[[Sec. 1. Chapter 50 is amended as follows:]]**

2 * * *

3 **Division 50.2. INTERPRETATION AND DEFINED TERMS**

4 **Section 2.1. Rules of Interpretation**

5 The following rules of interpretation apply to this Chapter.

6 A. How to Compute Periods Measured in Months. If a period of time is measured
7 in months, the period begins and ends on the same day of a month; however,
8 if there are not enough days in the final month for this to be possible, the
9 period ends on the final day of the final month.

10 B. How to Compute Periods Measured in Days. If this Chapter [[establishes a
11 validity period or]] requires or allows a person to perform an act within a
12 specific time period measured in days, the person must compute the deadline
13 in the following manner:

14 1. If the period follows an event, count the day after the event as the first
15 day of the period.

16 2. Count the remaining number of calendar days in the period; however,
17 if the period is 7 days or fewer, omit Saturdays, Sundays, and legal
18 holidays.

19 3. Do not count the last day if it is a Saturday, Sunday, legal holiday, or
20 if the office where the person must file a document or perform an act
21 is not open during the regular hours of that office on that day.

22 [[4. For unexpired applications approved before {effective date}, the
23 validity period or the time period is 2 years after the period applicable
24 to the approval.]]

25 C. Requirements to Act by a Specific Date.

26 1. If the law requires or allows a person to perform an act by a specific
27 date, but the specific date is a Saturday, Sunday, or legal holiday, the

28 person may perform the act on the next day that is not a Saturday,
29 Sunday, or legal holiday.

30 2. Any action required to be taken within a specific time period is
31 measured from the date of a final agency action, or, if a party seeks
32 judicial review of the agency action, from the date the court makes a
33 final decision.

34 [[3. For unexpired applications approved before {effective date}, the
35 specific date is 2 years after the date applicable to the approval.]]

36 * * *

37 **Sec. [[2]]1. Effective Date.** This amendment takes effect when it becomes
38 law.

39 **Sec. 2. Automatic Extensions.**

40 **(Place after the editor's note at the end of Division 50.3)**

41 (a) Notwithstanding any provision of portions of Section 4.3.J to the contrary,
42 the validity period of any determination of adequate public facilities that was
43 valid on March 31, 2009, or for which a timely application for an extension
44 of the validity period was pending on March 31, 2009 is automatically
45 extended for 8 years after the date when the validity period would otherwise
46 have expired. This 8-year extension includes any extension granted
47 automatically by any previous subdivision amendment and must be treated for
48 all purposes as part of the validity period that was extended.

49 (b) Notwithstanding any provision of portions of Section 4.3.J to the contrary,
50 the validity period of any determination of adequate public facilities that was
51 valid on March 31, 2011, or for which a timely application for an extension
52 of the validity period was pending on March 31, 2011, is automatically
53 extended for 6 years after the date when the validity period would otherwise
54 have expired. This 6-year extension includes any extension granted

55 automatically by any previous subdivision amendment and must be treated for
56 all purposes as part of the validity period that was extended.

57 (c) Notwithstanding any provision of portions of Section 4.3.J to the contrary,
58 the validity period of any determination of adequate public facilities that was
59 valid on March 31, 2013, or for which a timely application for an extension
60 of the validity period was pending on March 31, 2013, is automatically
61 extended for 4 years after the date when the validity period would otherwise
62 have expired. This 4-year extension includes any extension granted
63 automatically by any previous subdivision amendment and must be treated for
64 all purposes as part of the validity period that was extended.

65 (d) Notwithstanding any provision of portions of Section 4.3.J to the contrary,
66 the validity period of any determination of adequate public facilities that was
67 valid on March 31, 2015 or for which a timely application for an extension of
68 the validity period was pending on March 31, 2015, is automatically extended
69 for 2 years after the date when the validity period would otherwise have
70 expired. This 2-year extension must be treated for all purposes as part of the
71 validity period that was extended.

72 (e) Notwithstanding any provision of portions of Section 4.3.J to the contrary,
73 the validity period of any determination of adequate public facilities that was
74 valid on {effective date}, or for which a timely application for an extension
75 of the validity period was pending on {effective date}, is automatically
76 extended for 2 years after the date when the validity period would otherwise
77 have expired. This 2-year extension includes any extension granted

78 automatically by any previous subdivision amendment and must be treated for
79 all purposes as part of the validity period that was extended.

80 **(Place after the editor's note at the end of Division 50.4)**

81 (f) Notwithstanding any provision of Section 4.2.G to the contrary, the
82 validity period of any preliminary subdivision plan that was valid on March
83 31, 2009, or for which a timely application for an extension of the validity
84 period was pending on March 31, 2009, including any separate phase of a
85 multi-phase plan, is automatically extended for 8 years after the date when the
86 validity period would otherwise have expired. This 8-year extension includes
87 any extension granted automatically by any previous subdivision amendment
88 and must be treated for all purposes as part of the validity period that was
89 extended.

90 (g) Notwithstanding any provision of Section 4.2.G to the contrary, the
91 validity period of any preliminary subdivision plan that was valid on March
92 31, 2011, or for which a timely application for an extension of the validity
93 period was pending on March 31, 2011, including any separate phase of a
94 multi-phase plan, is automatically extended for 6 years after the date when the
95 validity period would otherwise have expired. This 6-year extension includes
96 any extension granted automatically by any previous subdivision amendment
97 and must be treated for all purposes as part of the validity period that was
98 extended.

99 (h) Notwithstanding any provision of Section 4.2.G to the contrary, the
100 validity period of any preliminary subdivision plan that was valid on March
101 31, 2013, or for which a timely application for an extension of the validity
102 period was pending on March 31, 2013, including any separate phase of a
103 multi-phase plan, is automatically extended for 4 years after the date when the
104 validity period would otherwise have expired. This 4-year extension includes

105 any extension granted automatically by any previous subdivision amendment
106 and must be treated for all purposes as part of the validity period that was
107 extended.

108 (i) Notwithstanding any provision of Section 4.2.G to the contrary, the
109 validity period of any preliminary subdivision plan that was valid on March
110 31, 2015, or for which a timely application for an extension of the validity
111 period was pending on March 31, 2015, including any separate phase of a
112 multi-phase plan, is automatically extended for 2 years after the date when the
113 validity period would otherwise have expired. This 2-year extension must be
114 treated for all purposes as part of the validity period that was extended.

115 (j) Notwithstanding any provision of Section 4.2.G to the contrary, the
116 validity period of any preliminary subdivision plan that was valid on
117 {effective date}, or for which a timely application for an extension of the
118 validity period was pending on {effective date}, including any separate phase
119 of a multi-phase plan, is automatically extended for 2 years after the date when

120 the validity period would otherwise have expired. This 2-year extension must
121 be treated for all purposes as part of the validity period that was extended.

122 **Sec. 3. Repeal of prior uncodified provisions.**

123 The uncodified provisions of Ordinance Numbers 16-35, 17-04, 17-31 and
124 18-04 are repealed.

125

126 *Approved:*

127

128

129 _____
Marc Elrich, County Executive Date

130

131 *This is a correct copy of Council action.*

132

Selena Mendy Singleton, Esq. Date
Clerk of the Council

Subdivision Regulation Amendment No.: 20-01
Concerning: [[Rules of Interpretation –
Computing Time Periods]]
Adequate Public
Facilities/Preliminary Subdivision
Plans -Validity Periods

Draft No. & Date: 6 - 7/23/2020
Introduced: June 23, 2020
Public Hearing:
Adopted:
Effective:
Ordinance No.:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: Councilmember Riemer
Co-Sponsors: Councilmembers Friedson, Navarro, and Hucker

AN AMENDMENT to:

- Extend the validity period or deadlines of approved subdivisions that are unexpired at a certain date.

By amending

Montgomery County Code
Chapter 50. “Subdivision of Land”
[[Division 50.2. “Interpretation and Defined Terms”]]
[[Section 2.1. “Rules of Interpretation”]]
Division 50.3. “General Requirements”
Division 50.4. “Preliminary Plan”

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by introduced Subdivision Regulation Amendment.</i>
[Single boldface brackets]	<i>Deleted from existing law by introduced Subdivision Regulation Amendment.</i>
<u>Double underlining</u>	<i>Added to the Subdivision Regulation Amendment by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the Subdivision Regulation Amendment by amendment.</i>
* * *	<i>Existing law unaffected by Subdivision Regulation Amendment.</i>

OPINION

Subdivision Regulation Amendment (SRA) No. 20-01, Rules of Interpretation – Computing Time Periods, Lead Sponsor – Councilmember Riemer, Co-sponsors - Councilmembers Friedson, Navarro, and Hucker, was introduced on June 23, 2020.

SRA 20-01 would extend the duration of all deadlines and validity periods established for previously-approved, unexpired subdivisions by 2 years. The additional time runs from the period “applicable to the approval.” The period or date applicable to the approved application would include any extensions granted by the Planning Board. The extensions apply to unexpired approved applications. Unexpired applications include those applications for which the applicant has made a request for an extension to the Planning Board in a timely manner.

In its report to the Council, the Montgomery County Planning Board recommended that the SRA be approved with amendment to retain the core idea but to leave the current code sections concerning Interpretation and defined terms unchanged and amend uncodified section of Subdivision regulations to accomplish the sponsor’s objective.

The Council’s public hearing was on July 28, 2020. There was no opposition to ZTA 20-01 other than the Planning Board’s alternative text,

The District Council reviewed Subdivision Regulation Amendment No. 20-01 at a worksession held immediately after the public hearing on July 28, 2020. The Council agreed to approve SRA 20-01 with the Planning Board’s proposed amendments.

For these reasons, and because to approve this amendment will assist in the coordinated, comprehensive, adjusted and systematic development of the Maryland-Washington Regional District located in Montgomery County, Subdivision Regulation Amendment No. 20-01 will be approved as amended.

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following Ordinance:

1 **Sec. 1. Chapter 50 is amended as follows:**

2 * * *

3 **Division 50.2. INTERPRETATION AND DEFINED TERMS**

4 **Section 2.1. Rules of Interpretation**

5 The following rules of interpretation apply to this Chapter.

6 A. How to Compute Periods Measured in Months. If a period of time is measured
7 in months, the period begins and ends on the same day of a month; however,
8 if there are not enough days in the final month for this to be possible, the
9 period ends on the final day of the final month.

10 B. How to Compute Periods Measured in Days. If this Chapter [[establishes a
11 validity period or]] requires or allows a person to perform an act within a
12 specific time period measured in days, the person must compute the deadline
13 in the following manner:

14 1. If the period follows an event, count the day after the event as the first
15 day of the period.

16 2. Count the remaining number of calendar days in the period; however,
17 if the period is 7 days or fewer, omit Saturdays, Sundays, and legal
18 holidays.

19 3. Do not count the last day if it is a Saturday, Sunday, legal holiday, or
20 if the office where the person must file a document or perform an act
21 is not open during the regular hours of that office on that day.

22 [[4. For unexpired applications approved before {effective date}, the
23 validity period or the time period is 2 years after the period applicable
24 to the approval.]]

25 C. Requirements to Act by a Specific Date.

26 1. If the law requires or allows a person to perform an act by a specific
27 date, but the specific date is a Saturday, Sunday, or legal holiday, the

28 person may perform the act on the next day that is not a Saturday,
29 Sunday, or legal holiday.

30 2. Any action required to be taken within a specific time period is
31 measured from the date of a final agency action, or, if a party seeks
32 judicial review of the agency action, from the date the court makes a
33 final decision.

34 [[3. For unexpired applications approved before {effective date}, the
35 specific date is 2 years after the date applicable to the approval.]]

36 * * *

37 **Sec. 2. Automatic Extensions. Uncodified Sections of 50.3,**
38 **“General Requirements”**

39 (a) Notwithstanding any provision of portions of Section 4.3.J to the
40 contrary, the validity period of any determination of adequate public facilities
41 that was valid on March 31, 2009, or for which a timely application for an
42 extension of the validity period was pending on March 31, 2009 is
43 automatically extended for 8 years after the date when the validity period
44 would otherwise have expired. This 8-year extension includes any extension
45 granted automatically by any previous subdivision amendment and must be
46 treated for all purposes as part of the validity period that was extended.

47 (b) Notwithstanding any provision of portions of Section 4.3.J to the contrary,
48 the validity period of any determination of adequate public facilities that was
49 valid on March 31, 2011, or for which a timely application for an extension
50 of the validity period was pending on March 31, 2011, is automatically
51 extended for 6 years after the date when the validity period would otherwise
52 have expired. This 6-year extension includes any extension granted

53 automatically by any previous subdivision amendment and must be treated for
54 all purposes as part of the validity period that was extended.

55 (c) Notwithstanding any provision of portions of Section 4.3.J to the contrary,
56 the validity period of any determination of adequate public facilities that was
57 valid on March 31, 2013, or for which a timely application for an extension
58 of the validity period was pending on March 31, 2013, is automatically
59 extended for 4 years after the date when the validity period would otherwise
60 have expired. This 4-year extension includes any extension granted
61 automatically by any previous subdivision amendment and must be treated for
62 all purposes as part of the validity period that was extended.

63 (d) Notwithstanding any provision of portions of Section 4.3.J to the contrary,
64 the validity period of any determination of adequate public facilities that was
65 valid on March 31, 2015 or for which a timely application for an extension of
66 the validity period was pending on March 31, 2015, is automatically extended
67 for 2 years after the date when the validity period would otherwise have
68 expired. This 2-year extension must be treated for all purposes as part of the
69 validity period that was extended.

70 (e) Notwithstanding any provision of portions of Section 4.3.J to the contrary,
71 the validity period of any determination of adequate public facilities that was
72 valid on {effective date}, or for which a timely application for an extension
73 of the validity period was pending on {effective date}, is automatically
74 extended for 2 years after the date when the validity period would otherwise
75 have expired. This 2-year extension includes any extension granted

76 automatically by any previous subdivision amendment and must be treated for
77 all purposes as part of the validity period that was extended.

78 **Section 3. Automatic Extensions. Uncodified sections of Section 50.4,**
79 **Preliminary Plan**

80 (f) Notwithstanding any provision of Section 4.2.G to the contrary, the
81 validity period of any preliminary subdivision plan that was valid on March
82 31, 2009, or for which a timely application for an extension of the validity
83 period was pending on March 31, 2009, including any separate phase of a
84 multi-phase plan, is automatically extended for 8 years after the date when the
85 validity period would otherwise have expired. This 8-year extension includes
86 any extension granted automatically by any previous subdivision amendment
87 and must be treated for all purposes as part of the validity period that was
88 extended.

89 (g) Notwithstanding any provision of Section 4.2.G to the contrary, the
90 validity period of any preliminary subdivision plan that was valid on March
91 31, 2011, or for which a timely application for an extension of the validity
92 period was pending on March 31, 2011, including any separate phase of a
93 multi-phase plan, is automatically extended for 6 years after the date when the
94 validity period would otherwise have expired. This 6-year extension includes
95 any extension granted automatically by any previous subdivision amendment
96 and must be treated for all purposes as part of the validity period that was
97 extended.

98 (h) Notwithstanding any provision of Section 4.2.G to the contrary, the
99 validity period of any preliminary subdivision plan that was valid on March
100 31, 2013, or for which a timely application for an extension of the validity
101 period was pending on March 31, 2013, including any separate phase of a
102 multi-phase plan, is automatically extended for 4 years after the date when the

103 validity period would otherwise have expired. This 4-year extension includes
104 any extension granted automatically by any previous subdivision amendment
105 and must be treated for all purposes as part of the validity period that was
106 extended.

107 (i) Notwithstanding any provision of Section 4.2.G to the contrary, the
108 validity period of any preliminary subdivision plan that was valid on March
109 31, 2015, or for which a timely application for an extension of the validity
110 period was pending on March 31, 2015, including any separate phase of a
111 multi-phase plan, is automatically extended for 2 years after the date when the
112 validity period would otherwise have expired. This 2-year extension must be
113 treated for all purposes as part of the validity period that was extended.

114 (j) Notwithstanding any provision of Section 4.2.G to the contrary, the
115 validity period of any preliminary subdivision plan that was valid on
116 {effective date}, or for which a timely application for an extension of the
117 validity period was pending on {effective date}, including any separate phase
118 of a multi-phase plan, is automatically extended for 2 years after the date when

119 the validity period would otherwise have expired. This 2-year extension must
120 be treated for all purposes as part of the validity period that was extended.

121 **Sec. 3. Repeal of prior uncodified provisions.**

122 The uncodified provisions of Ordinance Numbers 16-35, 17-04, 17-31 and
123 18-04 are repealed.

124

125 *Approved:*

126

127

128 _____
Marc Elrich, County Executive Date

129

130 *This is a correct copy of Council action.*

131

Selena Mendy Singleton, Esq. Date
Clerk of the Council

Public Hearing/Action

MEMORANDUM

July 27, 2020

TO: County Council

FROM: Jeffrey L. Zyontz, Senior Legislative Analyst

SUBJECT: Edited SRA 20-01: SRA 20-01, Rules of Interpretation – Computing Time Period

A conversation with the County Attorney’s Office prompted some editorial changes from the draft SRA that went to the Council on July 23, 2020. The changes are to assure that the content of the Planning Board’s recommendations are clearly understood by the code’s editor and to add an effective date for the uncodified provisions.

- 1) The opinion reflects where to locate the uncodified text in the code.
- 2) The repeal of older uncodified ordinances is located before the text of the “new” uncodified provisions.
- 3) The uncodified provisions for Section 50.3 and Section 50.4 are made separate sections.
- 4) The uncodified provisions for Section 50.4 are re-lettered.
- 5) An effective date (“when this amendment becomes law”) is added.

This packet contains:
SRA 20-01 Edited Planning Board version with opinion

Circle #s
1-8

Subdivision Regulation Amendment No.: 20-01
Concerning: [[Rules of Interpretation –
Computing Time Periods]]
Adequate Public
Facilities/Preliminary Subdivision
Plans -Validity Periods

Draft No. & Date: 7 - 7/27/2020
Introduced: June 23, 2020
Public Hearing:
Adopted:
Effective:
Ordinance No.:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: Councilmember Riemer
Co-Sponsors: Councilmembers Friedson, Navarro, and Hucker

AN AMENDMENT to:

- Extend the validity period or deadlines of approved subdivisions that are unexpired at a certain date.

By amending

Montgomery County Code
Chapter 50. “Subdivision of Land”
[[Division 50.2. “Interpretation and Defined Terms”]]
[[Section 2.1. “Rules of Interpretation”]]
Division 50.3. “General Requirements”
Division 50.4. “Preliminary Plan”

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by introduced Subdivision Regulation Amendment.</i>
[Single boldface brackets]	<i>Deleted from existing law by introduced Subdivision Regulation Amendment.</i>
<u>Double underlining</u>	<i>Added to the Subdivision Regulation Amendment by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the Subdivision Regulation Amendment by amendment.</i>
* * *	<i>Existing law unaffected by Subdivision Regulation Amendment.</i>

OPINION

Subdivision Regulation Amendment (SRA) No. 20-01, Rules of Interpretation – Computing Time Periods, Lead Sponsor Councilmember Riemer and Co-Sponsors Councilmembers Friedson, Navarro, and Hucker, was introduced on June 23, 2020.

SRA 20-01 would extend the duration of all deadlines and validity periods established for previously-approved, unexpired subdivisions by 2 years. The additional time runs from the period “applicable to the approval.” The period or date applicable to the approved application would include any extensions granted by the Planning Board. The extensions apply to unexpired approved applications. Unexpired applications include those applications for which the applicant has made a request for an extension to the Planning Board in a timely manner.

In its report to the Council, the Montgomery County Planning Board recommended that the SRA be approved with an amendment to retain the core idea but to leave the current code sections concerning interpretation and defined terms unchanged and to amend uncodified sections of Subdivision Regulations to accomplish the sponsors’ objective.

The Council’s public hearing was on July 28, 2020. There was no opposition to ZTA 20-01 other than the Planning Board’s alternative text.

The District Council reviewed Subdivision Regulation Amendment No. 20-01 at a worksession held immediately after the public hearing on July 28, 2020. The Council agreed to approve SRA 20-01 with the Planning Board’s proposed amendments, with editorial corrections. Section 3 of the SRA is to be part of the uncodified text of Section 50.3. Section 4 of the SRA is to be part of the uncodified text of Section 50.4. Uncodified text is not underlined.

For these reasons, and because to approve this amendment will assist in the coordinated, comprehensive, adjusted and systematic development of the Maryland-Washington Regional District located in Montgomery County, Subdivision Regulation Amendment No. 20-01 will be approved as amended.

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following Ordinance:

1 **Sec. 1. Chapter 50 is amended as follows:**

2 * * *

3 **Division 50.2. INTERPRETATION AND DEFINED TERMS**

4 **Section 2.1. Rules of Interpretation**

5 The following rules of interpretation apply to this Chapter.

6 A. How to Compute Periods Measured in Months. If a period of time is measured
7 in months, the period begins and ends on the same day of a month; however,
8 if there are not enough days in the final month for this to be possible, the
9 period ends on the final day of the final month.

10 B. How to Compute Periods Measured in Days. If this Chapter [[establishes a
11 validity period or]] requires or allows a person to perform an act within a
12 specific time period measured in days, the person must compute the deadline
13 in the following manner:

14 1. If the period follows an event, count the day after the event as the first
15 day of the period.

16 2. Count the remaining number of calendar days in the period; however,
17 if the period is 7 days or fewer, omit Saturdays, Sundays, and legal
18 holidays.

19 3. Do not count the last day if it is a Saturday, Sunday, legal holiday, or
20 if the office where the person must file a document or perform an act
21 is not open during the regular hours of that office on that day.

22 [[4. For unexpired applications approved before {effective date}, the
23 validity period or the time period is 2 years after the period applicable
24 to the approval.]]

25 C. Requirements to Act by a Specific Date.

26 1. If the law requires or allows a person to perform an act by a specific
27 date, but the specific date is a Saturday, Sunday, or legal holiday, the

28 person may perform the act on the next day that is not a Saturday,
29 Sunday, or legal holiday.

30 2. Any action required to be taken within a specific time period is
31 measured from the date of a final agency action, or, if a party seeks
32 judicial review of the agency action, from the date the court makes a
33 final decision.

34 [[3. For unexpired applications approved before {effective date}, the
35 specific date is 2 years after the date applicable to the approval.]]

36 * * *

37 **Sec. 2. Repeal of prior uncodified provisions.**

38 The uncodified provisions of Ordinance Numbers 16-35, 17-04, 17-31 and 18-04
39 which appear in Sections 50.3 and 50.4 are repealed.

40 **Sec. 3. Automatic Extensions.**

41 (a) Notwithstanding any provision of portions of Section 4.3.J to the contrary,
42 the validity period of any determination of adequate public facilities that was
43 valid on March 31, 2009, or for which a timely application for an extension
44 of the validity period was pending on March 31, 2009 is automatically
45 extended for 8 years after the date when the validity period would otherwise
46 have expired. This 8-year extension includes any extension granted
47 automatically by any previous subdivision amendment and must be treated
48 for all purposes as part of the validity period that was extended.

49 (b) Notwithstanding any provision of portions of Section 4.3.J to the contrary,
50 the validity period of any determination of adequate public facilities that was
51 valid on March 31, 2011, or for which a timely application for an extension
52 of the validity period was pending on March 31, 2011, is automatically
53 extended for 6 years after the date when the validity period would otherwise
54 have expired. This 6-year extension includes any extension granted

55 automatically by any previous subdivision amendment and must be treated
56 for all purposes as part of the validity period that was extended.

57 (c) Notwithstanding any provision of portions of Section 4.3.J to the contrary,
58 the validity period of any determination of adequate public facilities that was
59 valid on March 31, 2013, or for which a timely application for an extension
60 of the validity period was pending on March 31, 2013, is automatically
61 extended for 4 years after the date when the validity period would otherwise
62 have expired. This 4-year extension includes any extension granted
63 automatically by any previous subdivision amendment and must be treated
64 for all purposes as part of the validity period that was extended.

65 (d) Notwithstanding any provision of portions of Section 4.3.J to the contrary,
66 the validity period of any determination of adequate public facilities that was
67 valid on March 31, 2015 or for which a timely application for an extension
68 of the validity period was pending on March 31, 2015, is automatically
69 extended for 2 years after the date when the validity period would otherwise
70 have expired. This 2-year extension must be treated for all purposes as part
71 of the validity period that was extended.

72 (e) Notwithstanding any provision of portions of Section 4.3.J to the contrary,
73 the validity period of any determination of adequate public facilities that was
74 valid on July 28, 2020, or for which a timely application for an extension of
75 the validity period was pending on July 28, 2020, is automatically extended
76 for 2 years after the date when the validity period would otherwise have
77 expired. This 2-year extension includes any extension granted automatically

78 by any previous subdivision amendment and must be treated for all purposes
79 as part of the validity period that was extended.

80 * * *

81 **Sec. 4. Automatic Extensions.**

82 (a) Notwithstanding any provision of Section 4.2.G to the contrary, the validity
83 period of any preliminary subdivision plan that was valid on March 31,
84 2009, or for which a timely application for an extension of the validity
85 period was pending on March 31, 2009, including any separate phase of a
86 multi-phase plan, is automatically extended for 8 years after the date when
87 the validity period would otherwise have expired. This 8-year extension
88 includes any extension granted automatically by any previous subdivision
89 amendment and must be treated for all purposes as part of the validity period
90 that was extended.

91 (b) Notwithstanding any provision of Section 4.2.G to the contrary, the validity
92 period of any preliminary subdivision plan that was valid on March 31,
93 2011, or for which a timely application for an extension of the validity
94 period was pending on March 31, 2011, including any separate phase of a
95 multi-phase plan, is automatically extended for 6 years after the date when
96 the validity period would otherwise have expired. This 6-year extension
97 includes any extension granted automatically by any previous subdivision
98 amendment and must be treated for all purposes as part of the validity period
99 that was extended.

100 (c) Notwithstanding any provision of Section 4.2.G to the contrary, the validity
101 period of any preliminary subdivision plan that was valid on March 31,
102 2013, or for which a timely application for an extension of the validity
103 period was pending on March 31, 2013, including any separate phase of a
104 multi-phase plan, is automatically extended for 4 years after the date when

105 the validity period would otherwise have expired. This 4-year extension
106 includes any extension granted automatically by any previous subdivision
107 amendment and must be treated for all purposes as part of the validity period
108 that was extended.

109 (d) Notwithstanding any provision of Section 4.2.G to the contrary, the validity
110 period of any preliminary subdivision plan that was valid on March 31,
111 2015, or for which a timely application for an extension of the validity
112 period was pending on March 31, 2015, including any separate phase of a
113 multi-phase plan, is automatically extended for 2 years after the date when
114 the validity period would otherwise have expired. This 2-year extension
115 must be treated for all purposes as part of the validity period that was
116 extended.

117 (e) Notwithstanding any provision of Section 4.2.G to the contrary, the validity
118 period of any preliminary subdivision plan that was valid on July 28, 2020,
119 or for which a timely application for an extension of the validity period was
120 pending on July 28, 2020, including any separate phase of a multi-phase
121 plan, is automatically extended for 2 years after the date when the validity
122 period would otherwise have expired. This 2-year extension must be treated
123 for all purposes as part of the validity period that was extended.

124 **Sec. 5. Effective Date.** This amendment takes effect when it becomes law.
125

126 *Approved:*

127

128

129 Marc Elrich, County Executive

Date

130

131 *This is a correct copy of Council action.*

132

Selena Mendy Singleton, Esq.
Clerk of the Council

Date