

Memo

Date: September 2025

To: Waivers and Variances Workgroup

From: Leah Solo

RE: Followup requests for additional information from waiver and variance applicant

In discussion of the first request for a waiver, the Waiver Review Workgroup and the board had followup questions for the applicant. The Waivers and Variances Workgroup decided it would be prudent to have a procedure for following up.

Staff members anticipate two scenarios where follow up might be required:

- an incomplete application; and
- a request for additional information or questions.

Incomplete application

It is possible an application could be submitted lacking items requested as part of our process. Here are how some of those situations could be handled.

If a staff member identifies missing items before the first meeting to discuss the application, they would take the following steps.

1. Email the applicant to notify them of any missing items and give them an opportunity to complete the application.
 - a. The communication would include the deadline for submitting those materials in time to have them available for board or workgroup members at the meetings.
 - b. The staff member should also let the applicant know an incomplete application could result in a denial of the waiver or variance.
 - c. The staff member should also let the applicant know the 45-day deadline for when the board would respond to their application is not set until the application is complete.
2. If the applicant responds with the items, the staff members would redact and prepare those items for the next possible meeting.
3. If the applicant does not respond, responds incompletely or refuses to supply additional items, the staff member would prepare the incomplete application for the board or workgroup, noting the missing items.

If a board member or member of the public notes any missing items, they would take the following steps.

1. Notify the staff.
2. A staff member would follow the procedure above.
3. Note on timing: This would occur only after materials had been redacted and shared with board members and the public. It is possible this identification would come later in the process. In that case, if the board had already proceeded as if the application was complete and the 45-day deadline had been set, the board could continue on that original 45-day deadline instead of resetting it to when the full application is complete.

Additional information requested beyond the original application

As was the case with the initial waiver application, applicants may have unique circumstances and the board may have additional questions or want to request additional documents. If that is the case, the board would instruct a staff member to follow up and the staff members would take the following steps.

1. No later than the end of the next business day, the staff member would follow up with the applicant with the request from the board or workgroup.
 - a. The communication would distinguish this was information the board was requesting in addition to the original application, so would not change the 45-day timeline for getting a response.
 - b. The communication would also clarify the applicant is not obligated to present the information, but that more complete information will help the board in discussion and decision-making.
 - c. Included would also be deadlines for submitting information, to have it available for the board members or workgroup members at their next meeting.
2. The staff member conveys the response to the board members or workgroup members, as appropriate.

Limits on number of requests for additional information

Generally speaking, the board should give the applicant opportunities to state their case as completely as possible. There can be up to two workgroup meetings and two full board meetings before the 45 days has elapsed and there could be a follow up after each one.