

## 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 board had followup questions for the applicant. The Waivers and Variances Workgroup decided it would be prudent to have a procedure for following up.

Discussions have foreseen two scenarios where following 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 that lacked items requested as part of our process. Here are how some of those situations could be handled.

If staff members identify missing items before the first meeting to discuss the application, they would:

1. Email the applicant and notify them of the missing items and give them an opportunity to complete the application.
  - a. Communication would include the deadline for submitting those materials in time to have them available for board or workgroup members at the meetings.
  - b. Staff members should also remind the applicant an incomplete application could result in delay in processing of the application or a denial of the waiver or variance.
2. If the applicant responds with the items, the staff members would redact or prepare them for the next possible meeting.
3. If the applicant does not respond, responds incompletely or refuses to supply additional items, staff members would prepare the incomplete application for the board or workgroup and note the missing items.

If a board member or member of the public notes missing items, they would:

1. Notify the staff.
2. The staff members 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 staff members to follow up and the staff members would follow this procedure:

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

### **Limits on number of requests for additional information**

It is desirable for the board to give the applicant the opportunity to state its case as completely as possible. However, this should be balanced with a need to have finality on the application and allow the board time to make its decision based on the information before it. Currently, the board has put in place a 45-day deadline to review and decide on an application. With that timeframe, there can be up to two workgroup meetings and two full board meetings before the 45 days have elapsed. Discussions of an application in both workgroup and full board meetings have tended to result in requests for additional information of an applicant. The board should determine if it desires to put a limit on the frequency or manner of requests for additional information it wishes to make of an applicant.