

A RESIDENT'S GUIDE TO

Public Participation in Land Use Decisions in Montgomery County

8787 Georgia Avenue, Silver Spring, MD 20910, 301-495-4600, TTY 301-495-1331, www.mc-mncppc.org

This is one in a series of brochures designed to help you understand and participate in the Planning Board's planning, zoning, subdivision and site plan processes for your Montgomery County community.

Montgomery County residents provide invaluable input to the Planning Board's decision-making process. Whether the decision is on a new subdivision or site plan, or recommendations on a master plan, proposal for a special exception land use, or a new park, the Planning Board's rules, procedures and practices encourage your participation in public hearings, by mail, telephone, fax, or e-mail.

This brochure has information on:

- Contacting the Planning Board
- Open meetings
- A checklist for testifying at Montgomery County Planning Board meetings
- Attending/testifying at the Planning Board hearing
- Time guidelines for speakers
- Issues under the jurisdiction of other agencies

CONTACTING THE PLANNING BOARD

Mail: 8787 Georgia Avenue, Silver Spring, MD 20910
Phone: 301-495-4605, Fax: 301-495-1320
TTY: 301-495-1331
E-mail: mcp-chairman@mncppc-mc.org

OPEN MEETINGS

The Montgomery County Planning Board is a public entity, so its activities are governed by strict requirements of the State and County "sunshine laws," which require open sessions for all meetings with certain prescribed exceptions. The Planning Board generally meets each Thursday and occasionally on other days in its auditorium at 8787 Georgia Avenue, Silver Spring, MD 20910. You are welcome to attend.

All meetings are open to the public. For information call Community Outreach and Media Relations at 301-495-4600, or to be added to the Planning Board's weekly agenda mailing list, please call 301-495-4603, TTY 301-495-1331, or check the Commission's web site at www.mc-mncppc.org.

A CHECKLIST FOR TESTIFYING AT MONTGOMERY COUNTY PLANNING BOARD MEETINGS

The Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission (M-NCPPC) welcomes and encourages public participation in all issues before it and offers the following suggestions for testimony. Determine:

- The need to testify
- How to prepare testimony
- How and when to testify

CHECKLIST...START EARLY!

Land use changes in your neighborhood that you might want to participate in are:

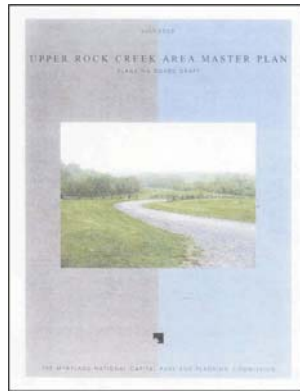
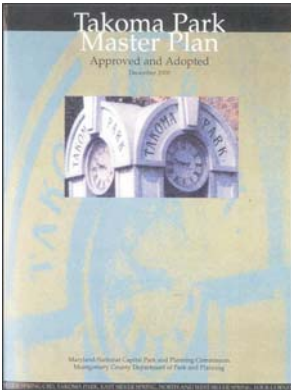
- A subdivision plan
- A rezoning proposal
- A special exception request
- A master plan update
- A road widening
- A site plan
- Mandatory Referral
- An Annexation proposal

Follow up:

- Call the person or number identified in the notice.
- Find out the facts; check with the M-NCPPC staff and others.
- Ask staff how to be most effective in participating.
- Check the Montgomery County Zoning Ordinance (available in the Rockville Library and at the M-NCPPC's Information and Publications Section, 8787 Georgia Avenue Silver Spring, MD 20910.)

Check out the zoning of a property and the master or sector plan for future development of your area:

Call or visit the Information and Publications Section, 301-495-4610, at 8787 Georgia Avenue, second floor, Silver Spring, MD, 8:30 a.m. to 4:30 p.m. to view or purchase copies of master plans or check them out online at www.mc-mncppc.org under Communities and Plans.



Contact the County's Office of the People's Counsel for assistance in presenting your case in hearings before the Board of Appeals and the Office of Zoning and Administrative Hearings, and the Planning Board. Contact the People's Counsel, 100 Maryland Avenue, Room 226, Rockville, Maryland 20850; 240-777-9700.

Discuss issues with all parties:

- Park and planning staff
- Applicant/developer
- Your community association
- Your neighbors
- Narrow down areas of disagreement
- Offer positive suggestions

WHO MAKES FINAL DECISION?

Determine who makes the final decision on your case and prepare accordingly. In cases in which the Planning Board does not make the final decision, the decision makers carefully consider the **advisory** recommendations of both the Planning Board and staff. The decision-making authorities recognize that resident participation in the Planning Board's hearings provides important information.

Regulatory Items—*Planning Board makes the final decision.*

- Preliminary plans of subdivision/resubdivision
- Site plan review

- Project plan review in Central Business District (CBD) and Residential Mixed Use (RMX) Zones
- Park acquisition and development
- Under *ex parte*, the law prohibits Planning Board members from discussing regulatory items with anyone outside of the public hearing

Master plans, sector plans and functional master plans—*County Council makes the final decision.*

- Staff prepares a draft plan
 - Planning Board holds public hearing, accepts testimony, holds worksessions and recommends Planning Board (Final Draft) Plan
 - County Executive reviews, transmits comments and fiscal impact analysis to County Council
 - County Council holds a public hearing and worksessions, amends and approves plan
 - Commission adopts approved plan
- (See *A Resident's Guide to the Land Use Master Plan Process in Montgomery County* brochure for details.)

Park Plans—*Planning Board makes the final decision.*

- Staff designs a schematic plan
- Public is invited to a community meeting to learn about the plan and provide input into the design
- Staff introduces revised plan to Planning Board
- Planning Board holds public hearing to accept testimony, holds worksessions and takes final action

Sectional Map Amendments – *County Council makes the final decision.*

- Planning Board holds public hearing, accepts testimony, holds worksessions and recommends Planning Board (Final Draft) Plan
- County Executive reviews, transmits comments and fiscal impact analysis to County Council
- County Council holds a public hearing and worksessions, amends and approves plans

Rezoning Applications—*County Council makes the final decision.*

- Planning Board holds public hearing to accept testimony and recommends to Hearing Examiner
- Hearing Examiner holds public hearing, recommends to County Council
- County Council makes the final decision

Zoning Ordinance Text Amendments (ZTA)—*County Council makes the final decision.*

- County Council introduces ZTA

- Planning Board holds public hearing to accept comments and makes recommendations to County Council
- County Council holds public hearing
- County Council holds worksession
- County Council adopts the Zoning Text Amendment

Special Exception Land Uses and Variance requests—*Board of Appeals makes the final decision.*

- Planning Board holds public hearing to accept testimony and recommends to the Board of Appeals
- Hearing Examiner holds a public hearing
- Board of Appeals makes the final decision

Planning Board’s Mandatory Referral Review of Projects on Public Land — *County, State or federal agency involved makes the final decision.*

- Referrals are made by government agencies on public land use projects in Montgomery County, including schools
- Planning Board holds hearing to accept testimony and recommends approval or denial of the mandatory referral, offering advisory recommendations on land use issues
- County, State or federal applicant agency makes the final decision

ATTENDING/TESTIFYING AT THE PLANNING BOARD HEARING

- Review questions with the M-NCPPC staff
- Check hearing date and final decision maker
- Check Planning Board agenda (online www.mc-mncppc.org or mailed weekly) for approximate time of hearing, or call 301-495-4600, TTY 301-495-1331.

Submit written testimony in advance, appear in person or both:

- Follow “Time Guidelines” for Speakers (see next page)
- Send written testimony to: mcp-chairman@mncppc-mc.org and bring 10 copies with you to the hearing if you are planning to testify in person.

Coordinate your testimony with your neighbors or community association:

- Have one or two spokespersons
- Be positive, support what you like

- Oppose what you consider detrimental; suggest alternatives

Speak on your own behalf if you are the only one affected or interested.

Procedures for regular Planning Board meetings:

- Fill out speaker’s form at the rear of the auditorium
- Give it to the Clerk of the Planning Board
- If you have written testimony, hand in 10 copies
- The number on the small flip chart indicates the agenda item the Planning Board is considering

Order of presentations and time guidelines

In most cases, the following sequence of presentations will be followed. The time limits are guidelines only and may be increased or decreased based on the character of the case.

- Presentation of the Staff Report 10 min.
- Testimony of the Applicant 15 min.
- Testimony of Government officials 7 min.
- Testimony of Authorized Reps. 10 min.
- Testimony of Adjoining or Abutting Property Owners 5 min.
- Testimony of Interested Individuals 3 min.
- Rebuttal testimony may be allowed as appropriate or reserved

Planning Board discusses and takes action For master plan, sector plan or functional master plan public hearings, advertised 30 days in advance:

- Get a copy of the Public Hearing (Preliminary) Draft Master or Sector Plan through the Information and Publications section at the M-NCPPC at 8787 Georgia Avenue, Silver Spring, 301-495-4610, online at www.mc-mncppc.org, or read a copy that may be in your local library.
- Call in advance to sign up to testify with Community Outreach and Media Relations, 301-495-4600, TTY 301-495-1331.
- Coordinate testimony as stated in “Attending the Planning Board Hearing” on page 3, keep it short and to the point; follow Time Guidelines for Speakers.

ISSUES UNDER THE JURISDICTION OF OTHER AGENCIES

Stormwater management, traffic operations, and public schools are frequently raised as issues of concern at Planning Board meetings, even though the Planning Board has limited jurisdiction in these areas. Residents are encouraged to raise these concerns with the appropriate agencies:

- Stormwater management. Call Environmental Protection Department, Watershed Management Division, 240-777-7780.
- Traffic operations (signal lights, stop signs and access or egress onto public roads). Call Montgomery County Department of Public Works and Transportation, 240-777-2190 or Maryland State Highway Administration, 301-513-7300.
- Public schools. Call Montgomery County Public Schools, 301-279-3000.

Concerns in these areas may be discussed but cannot be resolved by the Planning Board.

For a more detailed description of the planning process and its many ramifications, ask for the complete set of brochures about zoning, planning and the subdivision of land in Montgomery County, Maryland, from the Information and Publications section, 301-495-4610 or online at www.mc-mncppc.org.



The Maryland-National Capital Park and Planning Commission

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The M-NCPPC encourages the participation of all individuals in its programs and services. For accommodations, please call 301-495-4600, TTY 301-495-1331.

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