

M-NCPPC



**MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING**

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

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**MEMORANDUM**

**TO:** Montgomery County Planning Board  
**VIA:** Carol Rubin, Associate General Counsel  
**FROM:** Christina Sorrento, Associate General Counsel  
**DATE:** April 5, 2010  
**RE:** Revised Enforcement Rules

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On July 2, 2009, the Planning Board adopted Enforcement Rules and transmitted them to the County Council for action under Method 2. The Enforcement Rules were part of a greater Enforcement Package that was proposed to create greater efficiencies, effectiveness, and transparency in the enforcement process for Planning Board Actions. Since that time, the County Council has approved the enforcement bill for the Forest Conservation Law, Chapter 22A and is acting on the ZTA and SRA for enforcement of Planning Board Actions under the Zoning Ordinance and Subdivision Regulations at the full Council meeting on April 6, 2010. Although the Enforcement Rules were part of the original Enforcement Package that was transmitted to the County Council, the Council staff has not transmitted the Rules to the County Council to take action on them as of yet because they wanted to have the law changes go into effect first.

Since the July 2, 2009 hearing where the Planning Board approved the Enforcement Rules, the Board has heard six enforcement cases. The experience that staff has gained through these cases has prompted us to revise the Enforcement Rules before the County Council takes action on them. A redlined version of the Enforcement Rules is attached to allow the Board to clearly see the changes that were made to the Rules. The changes include simplifying the Rules, allowing for further discovery, and eliminating unnecessary processes.

Once the Planning Board acts on the revised Enforcement Rules, they will be transmitted to the County Council for action under Method 2. This is the final step needed for the legislative Enforcement Package. After the rules are adopted, the package will be ready for use by a Hearing Examiner. We recommend that the Planning Board adopt the Enforcement Rules with revisions and transmit them to the County Council for further action.

Attachment One- Redlined version of revised Enforcement Rules