

**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
PRESS RELEASE**

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**MONTGOMERY COUNTY PLANNING BOARD ENDORSES LEGISLATIVE  
CONCEPTS DURING PUBLIC WORK SESSION**

**SILVER SPRING, MD** – During its public work session last night, the Montgomery County Planning Board endorsed a variety of legislative concepts aimed at improving transparency, increasing public access to the planning process and transferring on-site building inspection responsibilities to the Department of Permitting Services.

Over the coming weeks, the Montgomery County Council will consider numerous proposals and changes to the county code to improve and clarify the development approval process.

**EARLY CITIZEN PARTICIPATION**

The Board endorsed the concept of dramatically increasing the length of time the public is informed of a pending development project in their area. The Board endorsed amending the county's zoning ordinance to require developers to inform – and potentially meet with -- the community 30 days in advance of filing a formal plan with the Department of Park and Planning.

In addition, the Planning Board recommended legislation that would require developers to post an actual large-scale sign – prior to filing a plan -- on the location of the proposed development site to provide greater awareness to the affected community.

“One complaint that we hear often is that by the time the citizens get involved, the regulatory process is already well under way,” said Planning Board Chairman Derick Berlage. “Doing whatever possible to encourage early citizen participation is essential to increasing our transparency.”

**HIERARCHY OF DEVELOPMENT APPROVALS**

In order to begin construction of a particular building, developers are required to file several different plans with the agency – plans that go from the very conceptual to the very specific. The Planning Board discussed which of the numerous plans and documents should be the controlling and “final word” should there be inconsistencies in the series of filed plans.

The Planning Board concluded that in the event of a disagreement among documents, the most restrictive provision should control.

### **POST-APPROVAL DEVELOPMENT PROCESS**

The Board disagreed with the proposed legislative concept that would require the Planning Board to formally adopt site plan signature sets during weekly public hearings. The consensus of the Board was that the responsibility of verifying the technical information within a signature set ought to continue to lie with staff who have extensive technical, engineering and legal expertise.

### **SITE PLAN AMENDMENTS (MAJOR vs. MINOR)**

In December the Board adopted an interim administrative procedure to provide clearer guidelines to help agency staff differentiate between major and minor proposed plan amendments requested by developers.

While Commissioner Wellington did not take a position on the concept, the four other members developed a consensus to recommend that the council wait to adopt legislation until the agency can determine the success and clarity of the newly adopted administrative guidelines.

“It sounds like we all agree that codifying the difference between a major and minor is a good idea, but we want to allow for an appropriate trial period to see if our guidelines work and then potentially codify them,” said Berlage.

Commissioner Allison Bryant expressed a preference for more study of the concept and pushed for more time to examine the issue.

### **BUILDING PERMIT REVIEWS**

In its discussion about reviews that take place prior to the Department of Permitting Services (DPS) issuing a building permit, the Board believed the current review relationship between the two agencies is adequate. However, the Board favored adopting a memorandum of understanding between the two agencies that clarifies the different roles each agency plays in reviewing building permits before they are issued.

### **SITE PLAN INSPECTIONS**

With Commissioner Wellington expressing dissent, the Board endorsed the concept of transferring field inspection responsibility to the Department of Permitting Services to ensure compliance with all aspects of Planning Board approved development plans. DPS currently has 85 inspectors. Park and Planning has three.

In addition, with DPS Director Robert Hubbard present and expressing agreement, the Board will recommend to the County Council that aspects of a site plan such as landscaping and lighting be a part of a building permit application so those items can be checked for compliance before construction begins.

## **ENFORCEMENT OF SITE PLANS**

The Board took a strong position against the legislative concept to transfer the enforcement aspect (violation hearings, formulating plans of compliance, etc.) to DPS, however the Board acknowledged that they would have to adopt internal procedures that clarify the course of action needed to resolve a violation of a site plan.

## **HEARING EXAMINER/OFFICER**

The Board indicated reluctance to support any legislation allowing for the appointment of an independent hearing examiner. However, if that authority is granted by the Council, the Board believes a hearing examiner's involvement should be limited to cases in which a developer or builder has been found in violation of a site plan – not usual and typical land use cases.

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