THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

A RESIDENT'S GUIDE TO

Mandatory Referral Review of Public Land Uses

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 the Mandatory Referral, historic preservation, land use planning, zoning, subdivision and site plan processes in your Montgomery County community. The Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission invites residents to participate in this as well as other land use processes. (See *Public Participation, Land Use Master Plan Process, Zoning, Subdivision and Site Plan Processes, and Parks* brochures.)

This brochure has information on:

- What is a Mandatory Referral?
- Administrative review by staff for minor projects
- Full Planning Board review
- Closed school properties
- Mandatory Referral hearing and community notification
- Residents' participation in the process
- Process of review
- The Planning Board advisory recommendation
- Zoning and master or sector plans

WHAT IS A MANDATORY REFERRAL?

Government agencies planning construction projects located in Montgomery County, including schools, must refer their plans to the Planning Board for Mandatory Referral review. Because **the Planning Board's decision and recommendations are advisory only**, an applicant may overrule the Planning Board's disapproval and proceed with the proposed project.

According to State law (Section 7-112 of the Regional District Act), all federal, state and local governments and public utilities are required to submit proposed projects (i.e., roadway improvements, schools, public buildings, fire and police stations and others) in Montgomery County for a Mandatory Referral review and recommended approval by the Montgomery County Planning Board. The Planning Board must also review the widening, extension, relocation, narrowing, abandonment or change of use of any road, park or public way and the acquisition or sale of any land by any public board, body or official.

Staff advises the applicant to seek community input before formally submitting the project for Mandatory Referral review. Staff may recommend that the applicant send appropriate and timely public notice to adjacent and adjoining property owners. After analyzing the project and consulting with the applicant and the community, staff determines and advises the applicant of the type of review needed. Staff members also help in the process as needed, including establishing review standards.

ADMINISTRATIVE REVIEW BY STAFF FOR MINOR PROJECTS

Staff review is conducted for small additions, alterations and renovations to existing facilities that do not create any significant impact on the surrounding community, parkland or natural resources, and they are completely in compliance with applicable laws and regulations. No Mandatory Referral hearing or notification is required for projects approved through administrative review procedures. A letter from the Director of the Planning Department notifies the applicant that no further review is required for the project.

FULL PLANNING BOARD REVIEW

Full Planning Board review is conducted for projects that do not fit in the above category. They undergo a full Planning Board review with a Mandatory Referral hearing and notification described on page 2 of this brochure. The applicant is urged to consult with staff early in the project development to determine when a project should be submitted for review. Projects are presented for Planning Board review as soon as all the necessary information is complete and there is still enough time to make changes, if needed, to address the Planning Board's recommendations. A project should be submitted prior to the design development stage. All site selections and acquisitions, even

when consistent with the relevant master plans, must be presented for Mandatory Referral before they are finalized.

Some projects may need to be reviewed at more than one stage, depending on the nature and type of development proposed. For large or complex projects, the Planning Board may require a second review when a more detailed design is available.

CLOSED SCHOOL PROPERTIES

Closed school properties are reviewed by the Planning Board in accordance with County Council Resolution 13-598, which may be obtained from the Council's Legislative Information Services at 240-777-7910.

The Planning Board reviews a school closure initially when the property is transferred to the County and the County prepares a reuse proposal. School closure properties may also be reviewed a second time when a specific use is selected and a detailed program of development and schematic design is prepared. These two steps may be combined into a single review if a specific use is proposed.

Although not reviewed as a Mandatory Referral, the site plan of **a private educational institution**, when it is constructed on vacant land owned or leased by Montgomery County, or when there is a 15 percent or 7,500 square foot increase in gross floor area of a private school located in a closed public school or a building owned or leased by the County, is also reviewed by the Planning Board, as required by the Zoning Ordinance.

MANDATORY REFERRAL HEARING AND COMMUNITY NOTIFICATION

The Planning Board conducts a hearing to receive community comments during its regularly scheduled sessions for all projects requiring a full review. Staff notifies the area civic associations when the project has a complete application and a maximum 60-day review starts. Notification generally includes project name, applicant, location, a brief description, staff contact and tentative date of the Planning Board meeting where public testimony is accepted. A final notification of the hearing is published in the Planning Board's weekly agenda, available on the Internet at www.mc-mncppc.org.

The Planning Board encourages applicants to conduct adequate and timely community outreach and notification including notifying adjacent, abutting and confronting property owners. Staff works with the applicant to determine appropriate outreach in each case.

PUBLIC PARTICIPATION IN THE PROCESS

The Planning Board's consideration of a Mandatory Referral is often the only opportunity the public has to comment on a proposal that may affect their neighborhood. If you or your homeowners association has been notified of a nearby Mandatory Referral proposal, you should find out the facts and ask how to be most effective.

- Review final questions with staff
- Check which agency is the final decision maker
- Check Planning Board Agenda for date of hearing (mailed weekly or online at www.mc-mncppc.org)
- For approximate time of hearing and other information, call Community Outreach and Media Relations at 301-495-4600, TTY 301-495-1331.

PROCESS OF REVIEW

During the Mandatory Referral hearing at the Planning Board's regularly scheduled Thursday meetings, the Planning Board will review the proposal and may seek clarifications from the staff, the applicant and the community.

The Planning Board considers all relevant land use and planning aspects of the proposal, including:

- Consistency with the County's General Plan, functional master plans, approved and adopted area master plans or sector plans and other public programs for the area;
- Consistency with the intent and requirements of the zone;
- Compatibility in size, shape, scale, height, arrangement and design with the surrounding neighborhood and properties;

- Adequacy, safety and efficiency of the location of buildings, structures, open spaces, landscaping, recreation facilities and pedestrian and vehicular circulation systems;
- Approved Natural Resources Inventory/Forest Stand Delineation and preliminary stormwater management concept plan and whether it meets the requirements of the Forest Conservation Law. The Forest Conservation Plan must be approved by the Planning Board and is binding on all county projects;
- Preliminary or Final Water Quality Plan review by the Planning Board if the project is located in a Special Protection Area;
- Whether the site is needed for park use if the proposal is the disposal of a surplus property; and whether alternatives have been considered for the project if the proposal is not consistent with the General Plan or other plans and policies for the area or has negative effects on the surrounding properties or neighborhood, the transportation network and the environment or other resources.

THE PLANNING BOARD ADVISORY RECOMMENDATION

Based on the staff report, public comments and input, the applicant's rationale, and the findings and considerations, the Planning Board will recommend approval (with comments, if appropriate) or disapproval of Mandatory Referral applications.

Following the Planning Board's review, the Chairman of the Planning Board sends a letter containing the Planning Board's decision and its rationale to the head of the applicant public agency. Because **the Planning Board's decision and recommendations are advisory**, an applicant may overrule the Planning Board's disapproval and proceed with the proposed project. There is no appeal process of the matter. When federal projects are involved, the National Capital Planning Commission (NCPC), located in Washington, DC, makes the final decision. To reach NCPC, call 202-482-7200.

ZONING AND MASTER OR SECTOR PLANS

If you'd like to see what's planned and zoned for the future of your community, visit Information and Publications at 8787 Georgia Avenue, Silver Spring, MD, 301-495-4610, or check out plans online at www.mc-mncppc.org.

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

February 2007