



MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Item #9
May 29, 2008

Staff Report: Update – Master Plan Process Reassessment

Send Date: May 23, 2008

FROM: Gwen Wright, Chief, Countywide Planning Division 

BACKGROUND

On March 13, 2008, staff briefed the Planning Board on the results and recommendations of the Master Plan Process Reassessment project (see attached memo).

Then, on April 7, 2008, the PHED Committee discussed the project (see attached memo from Marlene Michaelson). Much of the discussion with the PHED Committee focused on two of the project recommendations: 1.) elimination of a formal Staff Draft; and 2.) coordination with the Executive Branch on economic and fiscal reviews.

Given the discussions with the PHED Committee and the ongoing master plan work program, staff feels it is important to get direction from the Board on a number of efforts that are underway to implement the recommendations of the Master Plan Process Reassessment.

TOPICS FOR DISCUSSION

1. Will the Department do Staff Drafts or not?

The initial recommendation was to eliminate the Staff Draft as part of the Master Plan Process. The rationale for this was that the Staff Draft would not be necessary if planning staff prepared shorter staff reports outlining critical plan elements at key intervals in the plan's development, which would be communicated through periodic worksessions with the Planning Board.

Staff does not believe that eliminating the Staff Draft would stand in the way of staff's ability to provide objective technical expertise in plan development. In essence, we would replace one large staff deliverable with smaller deliverables at critical intervals and have regular discussions with the Planning Board. While this approach of having worksessions with the Board during preparation of the plan may not serve to shorten the planning process (due to the time needed to prepare staff reports and presentations for each worksession), it does have important benefits: 1.) staff can raise major policy issues and planning concerns with the Board while there is time for guidance and resolution; and 2.) there is increased transparency by providing more opportunities for the public to hear Planning Board suggestions for plan development and responses to staff recommendations.

It is important to note, however, that Council staff and the PHED Committee had great concern with this recommendation and also expressed concern about the goal of involving the Planning board in the development of an initial draft plan. The concern was that the Board should not have the opportunity to influence plan recommendations until the staff has completed a professionally independent draft. Council staff also expressed a desire to have a consolidated document that reflects the staff's professional recommendations. Some citizens have also expressed a concern that their role is diminished if they don't get to comment until after there is a draft plan that reflects Planning Board guidance.

Staff feels that the process that has been put into place over the past year or so of having a series of worksessions with the Board during the development of the draft plan is a good one. This process helps to realize the goal of having plans be more collaborative with the community, the property owners, the Board, and all stakeholders. Pitting the staff's expertise versus the Board's recommendations does not lead to better plans.

Staff recommends an approach that may address some of the concerns raised by Council staff and the PHED Committee. This would involve continuing with many of the procedures that have evolved over the last year, including:

- having a series of worksessions with the Board – each of which will include written materials that outline staff's best, independent, technical judgment;
- having staff produce a first draft plan that is based upon staff's recommendations, but also incorporates the Board's guidance on major policy direction;
- having this document launch the official public review process;
- having the board review that first draft in public session (but without taking testimony) and set a public hearing date – just as the Board did on May 22nd for the Germantown Plan.

Then, staff will create a Public Hearing (Preliminary) Draft Amendment as called for in Chapter 33A. When the Public Hearing (Preliminary) Draft Amendment is advertised, it is also typically transmitted to the Executive and County Council. At the time of this transmittal, staff could send to Council staff all written materials that were developed for the earlier worksessions. They would be transmitted with no editing or changes so that they will reflect staff's independent recommendations. The cover letter for the transmittal of the Public Hearing (Preliminary) Draft Amendment could point out any major differences between the staff's initial recommendations and the Board's policy guidance, noting how these differences were addressed in the Public Hearing (Preliminary) Draft.

This approach may not satisfy all Councilmembers or Council staff. The Planning Board needs to discuss this issue thoroughly and be able to communicate the Board's final decision on approach to the Council.

2. What will be our primary community outreach mechanism?

The Master Plan Process Reassessment focused a great deal on the use of charrettes in community outreach. Although staff firmly supports the use of charrettes as an essential part of outreach, staff also recognizes that the outreach process needs to be tailored to the specific community; what works in Bethesda doesn't work in Takoma/Langley. It should also be related to the scope of the amendment – for example, it can be more focused for a Limited Master Plan Amendment.

Staff is concerned that there is a perception among some members of the public that the outcome of the Master Plan Process Reassessment will be less community outreach rather than more. Certainly, the project report has called for shorter time frames for the completion of master plans. Shorter time frames do not mean, however, that there will be less intensive efforts at community outreach – it simply means that community outreach will need to be done in ways that are more focused, more intensive, and more reliant on new technologies.

Staff is working on creation of a master plan process template that will clearly lay out all of the steps necessary in the development of a plan under the processes and recommendations from the Master Plan Process Reassessment. One of the earliest steps noted in the template will be development of a formal Community Outreach Strategy for the plan at hand, that will be responsive to nature of the neighborhood being planned and will assure that all residents have an opportunity to be involved in the planning process.

3. How will the boundaries for Small Area Plans be defined and formally endorsed?

Plan boundaries are always an issue of concern – a change in boundaries after the plan is underway can cause significant delays. This will become even more of an issue as there is greater focus on Small Area Plans and Limited Master Plan Amendments.

Staff believes that the plan boundaries should be firmly established in conjunction with the Council's approval of adding a planning project to the Department's work program. This would typically occur when the Council approves the Department's annual budget or when the work program is changed during a Semi-Annual Report.

When a planning project is first proposed, staff should delineate the geography for approval by the Board. Then, during either the budget discussions or the Semi-Annual Report, the Council should get a report on the plan boundaries so that they are fully aware of what will be covered and what won't be covered in each planning effort.

4. Should we create a process through which decisions can be made on which "Limited Master Plan Amendments" will be done each fiscal year?

Staff strongly recommends that the Department limit the number of times Limited Master Plan Amendments are pursued each fiscal year. This concern is twofold: first, there are limited funds earmarked in the budget for this work effort; and secondly, the over-use of master plan

amendments will undermine the public's confidence that an adopted comprehensive plan will be followed. Comprehensive plans need more frequent reviews, but they should not be replaced by repeated Limited Master Plan Amendments.

Staff recommends that the Board set up a system of requiring groups or property owners who are interested in Limited Master Plan Amendments to apply formally at the beginning of each fiscal year. The Board would review the applications and then advise the Council of its decision on which Amendments would be of highest priority to complete in a given fiscal year. Alternatively, this could be done twice per year with the Board's priorities communicated as part of the Semi-Annual Report.

To prioritize among proposed amendments, the Planning Board could, after consultation with staff, devise criteria for selecting amongst applications. Such criteria could include:

- Limited geographical scale (e.g., two or three parcels);
- Whether a more comprehensive planning effort is actually needed;
- How old the approved comprehensive plan is;
- Legal underpinning for the effort (e.g., no spot zoning);
- Limited deviation from existing master plan recommendations;
- Key economic or other public benefit to the County; and
- Limited window of opportunity.

Limited Master Plan Amendments offer an additional tool to the Department that can be applied under specific circumstances. But in order to limit the potential for undercutting the primary master plan process, this concept should be applied under constrained and clearly defined circumstances.

5. Template

As noted above, staff is working on creation of a master plan process template that will clearly lay out all of the steps necessary in the development of a plan – in recognition of the recommendations from the Master Plan Process Reassessment.

This template will help to clarify not only the big milestones in the preparation of the plan, but will also identify key steps in working on issues such as data collection, use of technology, outreach strategies, and plan economics.

Staff recommends that the template show as a first step in every planning effort the development of a Purpose and Outreach Report. This report would establish a scope of work, establish boundaries, describe issues, describe outreach, and highlight the questions the plan will answer.

Staff also recommends that the template lay out a process for understanding how each division in the Department will contribute to master plan efforts and what the expectations for information will be. There needs to be a consistent approach to the types of data incorporated

into each plan and how this data will be used (for example, will planners establish baselines off which to measure scenarios or not). We need to establish clear standards for what should be delivered from other divisions at each step in the planning process and standardize those deliverables. There also needs to be a recognition of the fact that changes in planning scenarios requires significant time to re-do analyses and modeling.

The template's timeline should include adequate time for production and decisions on the level of finish each version of the document gets.

Completion of this template is not a small task and staff is working diligently on it. Ultimately, once the template is established, each of the lead planners will be required to complete one for their plan to show how the plan will fit into approved schedules.

6. In creating a detailed template for the master planning process, how can economic and fiscal analyses be appropriately integrated?

One of the recommendations in the Master Plan Process Reassessment report was to work towards eliminating the Executive's 60 day review period. This recommendation relates to the goal of shortening the overall time it takes to complete a master plan.

Although there is no current proposal to formally take legislative action to eliminate the 60 day review (that is, to amend Article 28), there is an ongoing effort to cooperatively work with the Executive Branch to reduce the need for them to take the full 60 days. To this end, staff has been talking with the Executive Branch about closer coordination on fiscal analysis. A group of key staff from the Executive Branch is being convened to meet with Department staff on this issue in the near future.

The discussions about the Executive's fiscal analysis and some of the economic issues in upcoming plans have highlighted the need for the Department to develop a clearer process for addressing economic and fiscal issues during the planning process. At this time staff recommends that the template described above should include a market analysis early in the planning process; a development feasibility analysis during the preliminary worksessions with the Board; and analyses of both fiscal impacts and economic impacts during the Board worksessions. To effectively complete these steps will require additional resources – either consulting assistance in the short term or more staff with training in real estate economics in the long term.

7. What types of training will be needed for lead planners to enable them to effectively manage master plans?

The Master Plan Process Reassessment report called for lead planners to become better project managers. This will require training in a number of areas: project management, personnel management, and technology.

Some of that training is underway. InDesign training is scheduled for July and it will allow us to improve the visual quality of our documents and develop a smoother production process.

Additional training on new technologies is happening. More training on project management is being planned.

The Council did restore some training dollars to the FY09 budget, so it is realistic to expect the recommended types of training can and will proceed.

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Attachments