



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

MCPB
Item #
5/28/09

MEMORANDUM:

DATE: May 15, 2009
TO: Montgomery County Planning Board
VIA: Glenn Kreger, Acting Chief, Vision Division *JK*
Bill Barron, Team Leader, South Central Transit Corridor Team *[Signature]*
FROM: Kathleen A. Reilly, AICP, Planner Coordinator (301.495.4614) *[Signature]*
South Central Transit Corridor Team
PURPOSE: To amend Section 33A-8 of the Montgomery County Code on
Planning Procedures

RESOLUTION NO: 16-930
REVIEW BASIS: Advisory to the County Council, sitting as the District
Council, Chapter Section 33-A of the County Code
INTRODUCED BY: Councilmember Leventhal
INTRODUCTION DATE: April 21, 2009
PLANNING BOARD REVIEW: May 28, 2009
PUBLIC HEARING: June 9, 2009 at 1:30 p.m.

STAFF RECOMMENDATION: **APPROVAL** to transmit comments to the
County Council

SUMMARY

Resolution No. 16-930 proposes revisions to Chapter 33A of the Montgomery County Code on Planning Procedures. Specifically, this resolution seeks to amend the time period in which the District Council can schedule a public hearing on a master plan or master plan amendment (Attachment 1).

ANALYSIS

Chapter 33A of the County Code pertains to Planning Procedures that must be followed in the production of land use plans. Chapter 33A-8 specifies when the District Council can set public hearings for master plans or master plan amendments (Attachment 2). As written, Chapter 33A-8 (a) of the County Code states:

Within 45 days after the District Council receives the fiscal impact analysis of the plan or amendment from the County Executive, or within 105 days after the planning board draft is transmitted to the County Council if the Executive does not submit a fiscal impact analysis, the District Council must set the date for a public hearing on the Planning Board draft plan. The Council's hearing on the planning board draft plan must be held within 60 days after the date is set. A public hearing is not required if the District Council does not intend to propose any revisions, modifications, or amendments to the Planning Board draft plan.

Presently, the District Council must set a public hearing date within 45 days after receipt of the County Executive's fiscal impact analysis of a master plan or within 105 days after the Planning Board draft is submitted to the Council, if the Executive does not submit a fiscal impact analysis. Typically, the County Executive is allowed 60 days to prepare and submit his fiscal analysis, at which time the Council initiates the required 30-day notice for their public hearing. Under the existing procedures, however, the time period for setting a master plan or master plan amendment public hearing could be as long as 105 days.

In anticipation of the four draft master plans the Planning Board will be sending to the Council in the next few months, Resolution No. 16-930, seeks to shorten the notification and review period. Instead of waiting 60 days for the County Executive's fiscal analysis, the Council could schedule a hearing only 30 days after receiving the draft plan from the Planning Board, even if the County Executive's fiscal analysis has not yet been received. The remainder of the County Executive's 60-day review period would then occur concurrently with the 30-day public hearing notice.

Staff believes the proposed legislation will allow the District Council to hold hearings and work sessions in a more efficient manner and provide timely feedback to Planning Board. It would also facilitate Council consideration of pending master plans before the 2010 election. The only potential concern is that the public may have less time to review the County Executive's analysis prior to the Council hearing because the County Council would not have to receive the County Executive's analysis before scheduling their public hearing.

RECOMMENDATION

Based on the above analysis, staff recommends that Resolution No. 16-930 be approved.

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Attachments:

1. Resolution No. 16-930
2. Section 33A-8

ATTACHMENT 1

Resolution No.: 16-930
Introduced: April 21, 2009
Adopted: April 21, 2009

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS A DISTRICT COUNCIL FOR THAT PORTION
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT
WITHIN MONTGOMERY COUNTY, MARYLAND**

By: District Council at the Request of the County Executive

SUBJECT: Notice of Public Hearing on an Amendment to Chapter 33A;
Planning Procedures - Master Plan Public Hearing Timing Period

Background

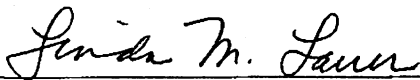
1. The Council may act by resolution to set a date and time for public hearing on the proposed amendment.
2. An amendment to planning procedures, introduced on April 21, 2009 would amend Chapter 33A to revise the time period in which the Council must establish a public hearing on a master plan or master plan amendment.

Action

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland approves the following resolution:

Legal notice will be given of the public hearing to be held on June 9, 2009 at 1:30 p.m., in the Council Hearing Room, Stella Werner Council Office Building, Rockville, Maryland, for the purpose of giving the public an opportunity to comment on the proposed amendment.

This is a correct copy of Council action.


Linda M. Lauer, Clerk of the Council

1 **Sec. 1. Section 33A-8 is amended as follows:**

2 **33A-8. District Council action.**

3 (a) [Within 45 days after the District Council receives the fiscal impact
4 analysis of the plan or amendment from the County Executive, or
5 within 105 days after the planning board draft plan is transmitted to
6 the County Council if the Executive does not submit a fiscal impact
7 analysis, the District Council] The District Council must set the date
8 for a public hearing on the Planning Board draft plan;

9 (1) no sooner than the earlier of:

10 (A) the date the Council receives the County Executive's
11 fiscal impact analysis; or

12 (B) 30 days after the Planning Board transmits the plan or
13 amendment to the Council; and

14 (2) no later than 105 days after the Planning Board transmits the
15 plan or amendment to the Council.

16 The Council's hearing on the [planning board] Planning Board draft
17 plan must be held within 60 days after the date is set. A public
18 hearing is not required if the District Council does not intend to
19 propose any revisions, modifications, or amendments to the Planning
20 Board draft plan.

21 * * *

22 **Sec. 2. Effective Date.** This ordinance takes effect immediately upon the date of Council
23 adoption.

24 This is a correct copy of Council action.

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28 Linda M. Lauer, Clerk of the Council