



The Maryland-National Capital Park and Planning Commission
Office of the General Counsel

Montgomery County – Wheaton Headquarters
2425 Reedie Drive, Suite 14-406
Wheaton, Maryland 20902
(301) 495-4646 www.mncppc.org

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M E M O R A N D U M

TO: Montgomery County Planning Board
FROM: Emily J. Vaias, Principal Counsel EJV
RE: Revised Planning Board Rules of Procedure

The Montgomery County Planning Board's Rules of Procedure include a provision that requires staff to conduct an annual review to determine whether any updates are needed. For this year, the following changes are proposed:

- Modifying the definition of "Application" to include specific development plan types under § 59-7.3 of the Zoning Code (this would include Signature Business Headquarters Plan, Biohealth Priority Campus Plan and Mixed-Income Housing Community Plan) (Section 2.1)
- Clarifying the procedures for disclosure of unsolicited ex parte communications (Section 3.2.4)
- Removing "fax" as a method of submission to the Chair's office (Section 4.2)
- Revising the deadline for witness sign-ups and submission of written comments to two business days before the public hearing (Section 4.2)
- Removing a duplicative section regarding exhibits and clarifying the requirements for making written submissions in public hearings (Sections 4.3 and 4.9)
- Clarifying the Board's role in weighing the credibility of witnesses and evidence (Section 4.6)
- Indicating that all testimony is presumed to be under oath (Section 4.7.1)
- Requiring that a motion to deny state reasons for the denial (Section 4.11.1)
- Clarifying that the issuance of the resolution is the final action of the Board (Section 4.11.4)
- Clarifying that reconsideration does not toll the filing for judicial review (Section 4.12.1)
- Indicating that the Vice Chair serves a one-year term starting on or about September 1 (Section 5.5)
- Making non-substantive revisions to punctuation and numbering

We are happy to address any questions or concerns.