



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

**CODE INTERPRETATION POLICY**

<b>DATE</b>	<b>SECTION OF CODE</b>	<b>TITLE OF CODE/SUBSECTION/POLICY DEVELOPMENT STANDARDS</b>
<p>July 25, 2024</p>	<p>59-7.3.1.D.1.a 59-7.3.1.D.2.a</p>	<p>Conditional Use, Review and Recommendation, Planning Director Review and Planning Board Review</p>
<p><b>CODE PROVISION</b></p> <p><b>59-7.3.1.D</b></p> <p><b>D. Review and Recommendation</b></p> <p><b>1. Planning Director Review</b></p> <p>a. The Planning Director may provide a report and recommendation for review by the Planning Board at a public meeting or issue a report and recommendation directly to the Hearing Examiner. The Planning Director must provide a report and recommendation on a telecommunication tower application directly to the Hearing Examiner.</p> <p><b>2. Planning Board Review</b></p> <p>a. The Planning Board may consider the Planning Director’s report and recommendation as a consent item on its agenda or hold a public meeting to consider the recommendation.</p>		
<p><b>STATEMENT/BACKGROUND OF ISSUE</b></p> <p>Montgomery Planning Staff serve as the technical staff for the Hearing Examiner during the review of conditional use applications. In this role, Planning Staff prepare analysis and recommendations on conditional use applications. The county code provides the Planning Director discretion to directly issue a report and recommendations from Planning Staff to the Hearing Examiner, or to provide the report and recommendations to the Planning Board for transmittal to the Hearing Examiner. Lacking clear guidance, the Planning Director has provided most reports to the Planning Board for their consideration at a public hearing, and then transmitting the Planning Board’s recommendations to the Hearing Examiner. This requires applicants to prepare for and attend two public hearings, incurring additional inconvenience and expense.</p>		

Because some developments will require additional regulatory approvals by the Planning Board such as preliminary plans, or forest conservation plans, it is logical to refer those applications to the Planning Board to allow for consolidation of those hearings. But in cases where no additional regulatory approvals are needed, the Planning Director may issue recommendations directly to the Hearing Examiner without Planning Board review.

**AGENCY INTERPRETATION/POLICY**

Planning Staff will refer recommendations on conditional use applications to the Planning Board for any application that will require other regulatory matters that the Planning Board must act on, including forest conservation plans or preliminary plans.

For all other conditional use applications, the Planning Director may provide comments directly to the Hearing Examiner without a Planning Board hearing.

<b>INTERPRETATION/POLICY NO.</b> M-NCPPC 2024-03	<b>DATE</b>	<b>M-NCPPC LEGAL STAFF</b>
	<b>DATE</b>	<b>DIRECTOR</b>
	<b>DATE</b>	<b>PLANNING BOARD</b>