

**RECOMMENDATIONS FOR  
IMPROVING PUBLIC ENGAGEMENT  
IN THE LAND USE PROCESS**

DISCLAIMER

The following is a list of **potential** recommendations under consideration by the PELU task force. Final recommendations will not be made until after the public hearing on 4/10/08 when the task force has had a chance to deliberate and consider each recommendation.

# RECOMMENDATIONS FOR IMPROVING PUBLIC ENGAGEMENT IN THE LAND USE PROCESS

## PELU Subcommittee 1

(Educate the public about land use process and decisions)

1. Utilize the sign number on zoning signs
  - a. Let people call a set number to find out more information
  - b. Have a site on the website where people can enter the number and find out more about the proposal including how people can give feedback, who the developer is and how to contact the developer.
2. Mandate that technical staff reports be made available on the web two weeks prior to the hearing/meeting for all land use hearings/meetings that require a technical staff report.
3. Have a centralized land use docket which would include planning board, appeals board, and hearing examiner schedules. Docket should have at least a one month lead time.
4. Issue: Often a developer will contact county officials about developing a property and decisions are made before a formal submission is made.  
  
Solution: Maintain a list on the web of all such communications so that citizens can be aware of an impending change in a property.
5. Develop a partnership to teach land use process (DPZ University on land use, zoning, how Planning and Zoning works).
6. Create a handbook for citizens on land use and how they can participate in the process.
7. Allow people to sign up by email so that they are notified when a new development is submitted within a certain radius of them (allow them to choose from a 1 mile radius, a 5 mile radius or all). Draw on the database collected regularly by the county from several management companies that handle many of the homeowners associations. Allow self-managed homeowners associations, neighborhood associations and civic groups to also sign up.
8. Have a web page on the county website devoted to ways/links to how a citizen can get information from the government.
9. Have all email correspondence from citizens acknowledged so that they know it was received.

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**PELU Subcommittee 2**

*(Improve the General Plan, comprehensive zoning and regional issues)*

**A. GENERAL PLAN PROCESS:**

1. Before the process begins, educate the public in the process and opportunities for participation.
2. Because the General Plan process is stretched out over such a long period (from appointment of Task Force to final approval of plan was 18 months for 2000 Plan), there is concern that public interest may wane due to its sheer length. Consider tightening up the process, with definitive start and end points for each part of the process.
3. Hold initial district meetings early in process (before Planning Board meeting) for public input on guidelines (this was done for 2000 Plan and worked well).
4. Keep public hearings and forums already designated on *General Plan Process* flow chart.
5. General Plan Task Force meetings should be open to public observation but not participation.
6. Consider the use of “push technology” to deliver drafts of General Plan guidelines and chapters to individuals and organizations that indicate an interest (via sign-up with email address) in receiving this information as it is evolving.
7. Consider “town hall” type meetings for both General Plan guidelines and General Plan that would be delivered via GTV, web streaming, and/or other suitable technology.
  - The public can be encouraged to submit comments either verbally at meeting or by email to a central internet address (blog page).
  - Comments would be open to review by all interested parties including the public at large.
  - Members of the Planning Board, DPZ, and County Council would be encouraged to “click the box” to activate a return message to the poster of the comment indicating it was reviewed and by whom.

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8. The County should develop a General Plan monitoring report (every 2-3 years) to update and mark progress.

**B. COMPREHENSIVE REZONING PROCESS:**

1. At the outset, clearly define the process with specific deadlines and notification procedures. Educate the public on the process and opportunities for input.
2. Have an “open suggestion” season when staff, members of the public, County Council members, and property owners can suggest appropriate zoning categories for a particular piece of property.
  - Suggestions should include a statement explaining why the suggested category is consistent with and furthers the goals and objectives of the General Plan.
  - All suggestions will be catalogued by area and made available to the public by various means, for example, “push technology”, web posting, and/or interactive maps that highlight areas of change that impact specific districts.
3. The Planning Board’s recommendations would be limited to suggestions meeting the foregoing criteria. Public comment to the Planning Board can be made at a public meeting or via email through a web page open for public review. Board members can “click the box” to send a return message indicating that the comment was read and by whom.
4. All properties being considered for rezoning should be posted.
5. The county will send written notice to property owners and adjoining property owners of a particular property which is being suggested for rezoning, including an explanation of opportunities to engage in the process before the Planning Board and County Council.
6. Public comment to the County Council can be made verbally at an open hearing or via email sent to a dedicated website that is open to public

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review. Council members and their staff will be encouraged to “click the box” to indicate they have read the communication.

7. The County Council should set a cut-off date by which all amendments to the comprehensive rezoning ordinance must be made before there is a final vote.
8. All rezoning amendments should be generally available to the public, organized in a way that allows the public to easily identify the properties. The use of “push technology” should be considered.
9. The period between the cut-off dates for amendments and the final vote must be of ample duration (30 days) to allow for public comment.
10. Keep the current opportunities for public input as indicated on the *Comprehensive Rezoning Process* flow chart. Change the flowchart to read “County Council Amendments” after box for “County Council 1<sup>st</sup> Hearing”, and before box for “County Council 2<sup>nd</sup> Hearing”.

SBZ/sbz

DRAFT

# RECOMMENDATIONS FOR IMPROVING PUBLIC ENGAGEMENT IN THE LAND USE PROCESS

## PELU Subcommittee 3

*(Improve the land use process in terms of piecemeal zoning, variances, planning board interaction, subdivision process, and the hearing examiner)*

**Introduction:** There are currently opportunities for public involvement in the land use process including serving on task forces, meeting with developers and DPZ staff, and testifying at hearings. The County website has become an increasingly useful way for the public to obtain information, and appointment of the DPZ Ombudsman has created a contact point for concerned citizens. However, the processes are complex and confusing and some occur without citizen input. PELU Committee 3 has gathered numerous suggestions on how to improve public engagement; we have not evaluated them on the merits or approved them. These are presented below as a catalyst for public comment which can be considered and incorporated in making final recommendations. The public is also strongly encouraged to attend and participate in our meetings

### A. DPZ OMBUDSMAN

1. Have a brochure on County website and at hearings, describing how to participate in the land use process and how to file a complaint or appeal, including common scenarios as examples. Point out that complaints should be lodged before DPZ releases the developer's bond.
2. Ensure public is involved in formative stage of major legislation, either by a task force or committee, as well as by invitation to citizen organizations or individuals who sign a register.
3. Have Ombudsman ensure that individuals and organizations may sign up for automatic notification of proposed major land use legislation.
4. Develop a list of concerned citizens, home owners associations (HOAs), village boards and citizen organizations which have an interest in land use issues, for notification purposes.
5. Place Ombudsman position under the County Executive rather than being a DPZ Deputy Director.

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**B. DEVELOPMENT REVIEW PROCESS**

**Notices**

1. Ensure that signs of presubmission meetings and development applications are placed on the site so as to be legible from street.
2. Attach a box to on-site signs, with a DPZ handout describing the whole process, including when and how to have input and what issues are relevant. Include a phone number at which that recorded information is available as well as the developer's description of the proposal itself.
3. Publish notices of land use meetings and hearings in the most widely-read newspapers including the Columbia Flier/Howard County Times, on the same page or place in the format as one of the first categories of items, in a visible box frame. Notices to be published on a consistent day.
4. Send notices of meetings to all adjacent residents, HOAs, community associations, village boards, and individuals who have requested notice, in that area; DPZ is to maintain a list, by district.

**Pre-submission community meetings:**

1. Require presubmission meetings convened by the developer for all development proposals, including commercial/retail, and government projects, in all zoning districts.
2. Have DPZ provide a facilitator for all presubmission meetings, to explain procedures and to help resolve differences between the developer and community.
3. Require that the developer's minutes of the meeting state the concerns, followed by possible solutions.
4. Require the developer to hold a second community meeting, to review the site development plan before it is submitted, and/or if the number of units is increased.
5. Create incentives for developers to work with the community; could include expanding Planned Unit Development (PUD) zoning to allow

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flexibility useful in resolving differences with the community; allowing transferable development rights; expedited processing; and site-specific incentives.

### DPZ Review

1. Publicize how residents can become an “interested party” who will receive issuances on land development applications, and how they can meet with DPZ staff assigned to the application.
2. Ensure staff are responsive, helpful and courteous to citizens with telephone or in-person inquiries.
3. Require DPZ to have a staff person walk the property as part of the initial review process.
4. Use 8 ½” x 11” format for Technical Staff Reports so they can be printed off the website or be faxed.
5. Attach the Agency Review Comments to the Technical Staff Report on the website; these are expert opinions which should be made available to the public.
6. Amend regulations to address matters of frequent concern by the community.

### Traffic and Environmental Studies

1. To help level the playing field, have the County or its contractor do all traffic and environmental studies for development applications; to be funded by fees to be paid by developers into a common fund. This could reduce the need for residents to retain private consultants to testify concerning flaws in studies done by developers/owners.

### Waivers

1. Place applications for waivers on website; public can sign up to be informed of applications.

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2. Require a pre-submission community meeting for waivers requested prior to development application.
3. Post notice of waiver applications on site.

Government Development Projects

1. Require the same due process procedures (notice, presubmission meeting, hearing, etc.) and the same substantive standards such as the Adequate Public Facilities Ordinance (APFO), for government development proposals just as for private proposals.

Design Advisory Panel

1. Establish a Design Advisory Panel to review all development proposals in all districts, to consider aesthetics as well as the public interest and consistency with the General Plan and other guiding documents. Ensure maximum public participation, to include 30-day advance notice of DAP reviews on the County website and review of presubmission meeting minutes which shall include citizens' concerns and proposed solutions.

**C. PLANNING BOARD**

**County Website**

1. Have the Planning Board (PB) agenda link on main page or at least on the page with the category, "Departments."
2. Have simple rules for testifying on website and as a handout at hearings.
3. Allow e-mail sign up to testify (as does Council).
4. Allow e-mail testimony and have a link to facilitate it.
5. List ZRA and other proposals by the first of each month rather than the middle, when it is too late to get organization board approvals and study proposals.
6. Have a plain-English summary for each ZRA.

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7. Have an option for signing up to receive PB agenda when it first comes out (as does the Council).

### **Text Amendments and Map Amendments**

1. Discourage rezoning via ZRAs for individual parcels (“text amendments”); rezoning should be in the Comp Zoning process whenever possible.
2. Require that all map and text amendments be proposed by DPZ or a County Council member, to ensure merit.
3. Establish a high burden of proof to be met by developers/owners requesting any zoning change.
4. Instead of a continuing stream, require that the Planning Board hold meetings quarterly to consider text and map amendments. Post the proposals on the County website at least 30 days prior to a hearing, so residents/organizations have adequate time to review them and consult professionals if they wish.
5. Require owner or author of the proposal (if it is the Council or DPZ) to state the intent and justification for the request, including consistency with the General Plan and benefit to the County.
6. Establish a system that would allow public input while a ZRA is still in draft form and can be revised before formal submission.
7. Require that the Technical Staff Report identify all other properties in the County which would be affected.
8. Require the owner or County to post the properties for which amendments are sought and to mail notices to adjacent owners and to the community/homeowners association, if one exists, and to hold a presubmission community meeting, with minutes of concerns and possible solutions to be made part of the application.
9. All attendees of presubmission meetings are to be kept apprised of any changes to the request.

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10. Maximize use of the County website to keep the public informed of map and text amendments.

**Rules of Procedure**

1. Have them be subject to County Council approval as well as by the PB.

**Hearings**

All County Hearings

1. For all County entities which hold hearings, have the procedures as uniform as possible, and made available to the public on the website and in handouts at hearings.
2. Have a visible, established place in the local newspapers for information on public hearings; rather than in the back of paper under notices. Make it a requirement that hearings be published in the main part of the Columbia Flier/Howard County Times, framed in bold lines.
3. Allow advance e-mail sign in for those who will testify in person.
4. Have a place in the County building where testimony can be recorded with web cam technology.
5. Allow e-mail testimony for a specified period before and after the hearing, and acknowledge receipt of the testimony by automated e-mail response.
6. Allow testimony by video e-mail.
7. Use the video screen in the entrance of the Howard Building to display the type of testimony relevant in the hearing or hearings that night.
8. Do not permit rental of Howard Bldg. rooms for groups just before and during hearings.
9. For DPZ meetings held in a particular district, if some important topic has been left out, contact the attendees and convene a second meeting.

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10. Ensure the Technical Staff Report is available on time and is posted on the County website by that deadline and, if not, reschedule hearing.
11. Ensure the Technical Staff Report has a plain English summary at the beginning, explaining the reasons and effects of the proposal, and listing the relevant staff person and contact information (e-mail and phone) to respond to questions from the public.
12. Broadcast the Council and PB work sessions so the public can see the outcome of their testimony.
13. Establish a standard which will more frequently require an additional hearing for substantive amendments or those which are "material." Require that those who testified, be notified in advance of the next hearing.
14. Have a People's Counsel as a party which represents the public interest in any type of land use issue in any forum, as do Baltimore, Harford and Montgomery Counties.

Planning Board "Meetings" (non quasi-judicial hearings)

1. Planning Board meetings and hearings should be held on the same days of each month to facilitate public attendance.
2. Require a Planning Board "meeting" or "hearing" for all development proposals in all districts, to include commercial, retail and other business uses.
3. Treat all speakers with respect and make to feel that their participation is valued.
4. Allow substitution of speakers where hearing is continued; put in written procedures and explain what documentation is needed, if any.
5. Allow organizations to testify, through representatives who are allowed 5 minutes to speak.
6. Allow organizations to register annually and designate their representative(s), without needing to provide further written authorization.

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7. Spell out whether established organizations need to formally designate a representative, whether for each hearing or case, for what length of time, and how that designation is to be presented. (Make it as easy as possible.)
8. Have the PB's Executive Secretary (this is the Director of DPZ) present but not be seated at the table with the PB at hearings, and work sessions. The PB is a citizen body and should not rely on DPZ for guidance.
9. Have the PB's Counsel (the County Solicitor's office) present at all hearings and work sessions, as the source of legal advice, rather than the developer's attorney. If necessary, have Counsel available by cell phone.
10. Allow some latitude in testimony, explicitly assigning it "the weight to which it is entitled."

Planning Board "Hearings" (quasi-judicial)

1. Spell out how opponents are to choose a representative to present witnesses, cross-examination, discovery, etc.
2. Allow any member of the public to be a party and to cross-examine witnesses; requirement is only that they sign up by e-mail or in person, including additional sign up allowed for hearings which are continued.
3. Make technical staff available for examination/cross-examination concerning the Technical Staff Report.

County Budget Hearings

1. Post detailed budget information on the County website 15-30 days in advance of hearing, easily visible.

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**D. ZONING BOARD**

**Board Composition**

1. Have an independent appointed Zoning Board instead of having the County Council perform this function, to assure the public that decisions are not influenced by campaign contributions.

**Zoning Counsel**

1. Note: There is currently a Zoning Board Counsel who represents the public interest; this is a land use attorney on contract to the County.
2. Have Counsel give an opening statement.
3. Written opening statements could be submitted in advance to allow the ZB to rule on limiting issues for testimony.
4. Make DPZ technical staff available for examination/cross-examination concerning the Technical Staff Report.
5. Alternatively or in addition, allow interrogatories to technical staff.
6. All Technical Staff Reports be made available at least 15 days in advance of hearing, and posted on County website.

**E. DEPARTMENT OF PUBLIC WORKS**

1. Post proposed amendments to Design Manuals, and other matters, on the website well in advance of hearing. Include a rationale, in plain English.

**F. ADEQUATE PUBLIC FACILITIES ORDINANCE (APFO)**

1. Make public opinion, as expressed in testimony and minutes of presubmission meetings, a criterion which must be considered, particularly with respect to local and downstream traffic impact.

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2. Require downstream traffic impact be included in traffic studies and establish limits.
3. Extend APFO to cover government entities, schools.

**G. APPEALS**

1. Require mediation prior to a hearing.
2. Adopt the federal rule which grants standing to any taxpayer, to appeal a land-use decision (see 2008 Md. House Bill 246).
3. Expand the right of referendum.

**H. IMPLEMENTATION OF PELU RECOMMENDATIONS**

1. Establish method for agencies to report on status of implementation.

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Submitted by Bridget Mugane on behalf of PELU Committee 3:

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Bridget Mugane  
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