



Howard County Citizens Association

Since 1961...

The Voice Of The People of Howard County

Date: 16 July 2019

Subject: **Potential Areas for Planning Board (PB) Reform**

The following are talking points for potential areas of improvement regarding PB reform. This might assist in discussions if a Group is formed.

Questions:

- What are the real benefits of the assemblage of the PB?
- Do we need it and why?

Suggestions for Improvement:

- Need to expand the qualifications – currently only states a PB member only needs to be a HC resident.
- Need to identify the composition of the PB to only permit one member per District who resides in the same given location. Each District shall have a PB Member residing in a unique location. Currently there are 3 members of the PB who reside in Columbia.
- Rules of Procedure need to be updated. They were last updated in 2007. Provided suggested updates to Val on 4 May 2019. **Note -- Good News** – just found out today the Rules of Procedure were updated and documented on June 20, 2019. Will have to check to see if all our suggestions to the Director of DPZ has been incorporated. I do know of one area that has not been changed.
- Chairperson of PB needs to adhere to the Rules of Procedure – “Order of Presentation.” Examples – Royal Farms and Rolling Acres.
- The Decision and Order do not have to be rendered the same night as to the hearing / meeting as the PB needs to weigh all the evidence presented to them.
- All the facts need to be presented to the PB to obtain Due Process for ALL parties. Case in point was the Settlement of Savage. The key factor involving the Land Swap was not allowed to be introduced into evidence. Why?

- PB should not default to the Technical Staff Report (TSR), all testimony should be considered. The PB Members have stated they heavily rely on the TSR to make their decisions.
- Asking pertinent questions to DPZ as the Zoning Board (ZB) members and the public as we can now do in ZB cases is no reason not to do the same in PB cases. What if anything can be done to allow this at the PB? We don't care if DPZ is under oath or not we are only seeking pertinent information.
- The PB should not default to the TSR, ALL testimony should be considered.
- Do not allow the PB (or the petitioner's attorney) to reference former (possibly very incorrect) decisions they have made on other cases. They are NOT a court so this doesn't fall in the category of precedent or 'case law'. When a mistake has been made, it should not be repeated.
- 'We think so' or 'don't think so' are NOT acceptable responses from DPZ to the PB. If further research is needed to categorically support their conclusion, then the case should be delayed until they can do so.
- Don't let, "we don't have that here" be accepted as a response from DPZ, the petitioner's witnesses or the petitioner's attorney. Don't let them obfuscate with that defense. Delay until the needed data can be obtained and shared.
- DPZ should provide ongoing skill development training to PB members in both the proper conduct of a meeting, the fine points of our zoning codes and development regulations and how to formulate good questions to get clarification.
- Shorten the term of PB members to 3 years with a maximum of 2 terms.
- Ultimately, the evaluation criterion needs to also reference the INTENT of the zoning. This should be closely examined in any code rewrite.
- There needs to be established criterion for FDP approvals and not use SDP criteria.
- Protestants should NOT need to pay an attorney to participate on a more level playing field.

- The written Decision and Orders should be delivered in a more timely manner and come with complete instructions on how to appeal a decision.
- The Planning Board chair should refrain from seeking advice from the petitioner's attorney!
- The Office of Law attorney present should intervene when the proceedings are going improperly, rather than wait to be asked for a very specific opinion.
- Petitioners should provide more visuals to facilitate the PB and the audience to develop a greater understanding of the plans. There is no reason to continue to allow non-specific references when a projected map or illustrations would make info more concrete.