

## **CB-33-2020 (DR-2)–Planning Board Analysis (Attachment 1)**

A bill to establish the authority for hearings held pursuant to Subtitle 27 to be held virtually, including public participation, and providing alternative filing requirements.

**The Planning Board has the following comments and suggestions for consideration by the District Council:**

### **Policy Analysis:**

The Planning Board supports this legislation. This bill will allow during the current health emergency land-use virtual hearings with full public participation to be conducted and decided by the District Council, Zoning Hearing Examiner, and the Board of Zoning Appeals.

CB-33-2020 (DR-2) establishes new regulations for time computation to submit documents where County offices permit electronic or dropbox filings of documents. The bill also requires notification procedures for virtual hearings and virtual public participation to follow the District Council’s Rules of Procedure. The bill would become effective on the date of enactment.

As drafted, the bill seems to establish different timelines depending on whether a document is submitted electronically, or hand delivered. For example, the Planning Board must approve a Conceptual Site Plan within seventy (70) days of submittal (27-276(c)(1)). Under this bill, the 70 days will be calculated differently depending on whether the Plan was submitted by hand or electronically.

Also, a third timeline will apply if the applicant can make a showing of “good cause.” This will be difficult for staff to administer and may expose the County to legal liability.

A simple solution, used by most public agencies is to treat all submissions equally for computing timelines. In other words, if a submission is due on a Tuesday, it must be submitted by hand or electronically by Tuesday. If a submission date is a Saturday, it must be submitted by hand or electronically on Monday. The Planning Board recommends the bill be amended to treat all submissions equally.

### **Impacted Property:**

The bill would impact all properties in the County.

Following discussion, the Planning Board voted to support CB-33-2020 (DR-2) with an amendment.