

PRINCE GEORGE'S COUNTY COUNCIL

COMMITTEE REPORT

2022 Legislative Session

Reference No.: CB-060-2022

Draft No.: 2

Committee: PLANNING, HOUSING AND ECONOMIC DEVELOPMENT

Date: 9/15/2022

Action: FAV (A)

REPORT:

Committee Vote: Favorable as amended, 5-0 (In favor: Council Members Franklin, Glaros, Harrison, Hawkins, and Turner)

The Planning, Housing and Economic Development (PHED) Committee convened on September 15, 2022, to consider CB-60-2022. The Planning, Housing and Economic Development (PHED) Committee Director summarized the purpose of the legislation and informed the Committee of written comments received on referral. This bill amends the Zoning Ordinance to expand the registered civic association informational mailing registry to an electronic registry maintained by the Maryland-National Capital Park and Planning Commission for any interested County resident. Once an applicant submits an electronic version of a pre-application informational mailing at least thirty days prior to the acceptance of a development application by the Commission, the Commission shall provide emailed informational mailings to all residents on the email registry.

The Planning Board opposed the legislation as drafted as explained in a July 7, 2022, letter to the Council Chairman as follows:

“CB-60-2022 amends the pre-application neighborhood meeting informational mailing regulations to require the applicant to provide The Maryland-National Capital Park and Planning Commission (M-NCPPC) with an electronic version of the informational meeting material more than 30 days before M-NCPPC accepts an application. In addition, M-NCPPC is responsible for emailing the informational mailing material to residents. M-NCPPC must establish and maintain an email registry to permit County residents to receive the same informational mailing as civic associations.

The Planning Board is supportive of providing informational notification to residents of the County to increase community outreach and participation.

The District Council should note that enacting this bill as drafted will require additional staff time and resources dedicated to creating and maintaining an email registry that will have to be consistently updated with information that will constantly change. The material sent via email (date, time, place of the meeting, the purpose of the meeting, sketch map, a summary of the development proposal, type of development approval sought, application number, M-NCPPC contact, applicant contact information and process for becoming a party of record, statement that no government agency has reviewed the application) contains large amounts of electronic data and could overload some residents' email mailboxes. In addition, the Planning Board will not be able to confirm that an email address is associated with a physical address nor track when a citizen moves to another address

outside of the two adjoining Council Districts. As a result, the email registry database will eventually evolve into a list of email addresses and not solely a database of citizens affected by proposed development applications.

If the District Council intends to move forward with the proposed legislation, it is recommended that the Council amend the bill to require the applicant to email the pre-application neighborhood meeting materials to residents.

The Planning Board supports providing notification to increase participation in the development review process but does not believe this is the most effective and efficient way to accomplish that goal. The Planning Board is also receptive to continuing a dialog with the District Council on more efficient and effective ways to provide additional notification and increase citizen participation.”

The Zoning Hearing Examiner submitted a September 9, 2022, memorandum with the following comments:

“Thank you for the opportunity to provide the following comments on the bill:

1. I would recommend that the description of the bill be revised to “Notification Informational Mailing” instead of reciting all of the Section headings, in keeping with legislation drafting procedures practiced in prior years.
2. Given the past two years’ positive experience with virtual hearings, I would suggest that the language on page 1, lines 7-10, be revised to allow a virtual meeting to be held, where desired.
3. Page 2, lines 26-28, should be revised to simply require Applicant to provide an electronic version of the informational mailing to the Commission since it would be convenient for all to provide and receive this information electronically. If the new language on pp. 3 and 4 is retained (see next comment), page 2, lines 26-28, should also add language to allow Applicant to notify any person or entity noted in Subsection (d)(2) (B) by email if they have an email address. Page 2, lines 28-29, could remain.
4. Finally, it may be impractical to allow any resident within the County to attend the preapplication hearing, as provided in Section (d) (2)(B), especially if the Applicant is not permitted to hold such meetings virtually, since many of these people would arguably lack standing to appeal any findings to the District Council. It could also be quite costly to require that the preapplication meeting be open to any interested resident and, therefore, prohibitive to certain Applicants.”

After public testimony in support of the legislation, Council Member Dernoga, the bill sponsor, suggested amendments to address Planning Board recommendation to require the applicant to email the pre-application neighborhood meeting materials to residents. The additional language on Page 2, lines 28-29, is as follows: The applicant may also notify any person or entity registered in accordance with Subsection (d)(2)(B) of this Section.

After discussion, on a motion by Council Member Harrison and second by Council Member Hawkins, the Committee voted favorable, 5-0, on CB-60-2022 with this amendment.