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Haunted by Comp Lite battles, Ulman proposes changes to rezoning process

Administration says bill would streamline process; council concerned about limits on power, public input

By Lindsey McPherson, lmcpherson@patuxent.com

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"Havoc." That's the term County Council Chairwoman Mary Kay Sigaty used to describe the events that followed the previous council's decision to push off controversial rezoning decisions in 2004 by creating an extension of the comprehensive rezoning process that was dubbed "Comp Lite."

Those events included a voter referendum petition and a legal battle, both of which ultimately failed but dragged out the last comprehensive zoning process for several years.

That "havoc" is what county Department of Planning and Zoning Director Marsha McLaughlin is trying to avoid by proposing changes to the comprehensive rezoning process that include limitations on when property owners can submit new rezoning requests.

A bill, sponsored by County Executive Ken Ulman's administration, to alter the comprehensive rezoning process was introduced before the council June 4. A public hearing on the bill will be held on Monday, June 18, at 7:30 p.m., in the George Howard Building.

McLaughlin said the goal of the bill is to streamline the process and improve public notification provisions.

Council members, meanwhile, worry that the changes limit council power and take away some key opportunities for public input.

Comprehensive rezoning, conducted every eight to 10 years, is a sweeping look at zoning of county properties and typically the only time in which the county will entertain rezoning requests from property owners.

The comprehensive rezoning process that began in 2003 was the first in which the council conducted the rezoning as a legislative process, instead of through its role as the Zoning Board. Though the members of the council and the Zoning Board are the same, having comprehensive rezoning conducted as a legislative process means it is subject to veto by the county executive or referendum by the voters.

In passing comprehensive rezoning legislation, the 2004 council, made up of different members than the five serving now, also passed legislation that would allow it to delay rezoning decisions on certain properties for up to one year, creating an extension of the process officials called Comp Lite.

Additional properties that were not a part of the initial comprehensive rezoning process were added for consideration under Comp Lite.

After the council passed the Comp Lite legislation in 2005, a group of citizens petitioned it to referendum, arguing, among other complaints, that it included too many rezoning requests not originally included in the comprehensive rezoning process.

The Comp Lite referendum was approved by the Board of Elections but subsequently denied in court. The failure of the referendum prompted a group of citizens to file a lawsuit against the county, which was also unsuccessful.

The comprehensive rezoning process the 2002-2006 council followed was one it created through legislation.

"When we tested it out in 2004 and 2005, there were a lot of problems with it," McLaughlin said. "Mostly it was a very dragged out process."

She also noted that the notification process was flawed, which caused some new rezoning requests to come in late during the process.

The changes the administration is now proposing are aimed at resolving the problems, McLaughlin said.

#### Public notification

The bill requires DPZ, at least 60 days before DPZ begins preparing the initial comprehensive rezoning plan, to notify the public by advertising in newspapers circulated in the county, posting information on its website, sending email to individuals and organizations registered with DPZ.

In the initial notifications, which are not required under the current process, DPZ will include a deadline by which property owners seeking rezoning must submit their applications. .

After the deadline, DPZ will go through the requests and come up with a draft comprehensive zoning plan. The draft plan, as well as a list of requests DPZ did not accommodate and the reasons why, then go to the Planning Board.

Under the current process, the Planning Board is required to have two hearings — one on the initial plan and a second to accommodate new rezoning proposals that come up later. Before the

first public hearing, the board is only required to give 30 days notice in the newspaper. It is not until 30 days before the second hearing that owners of property that adjoin a parcel slated for rezoning are required to be notified by the property owners requesting the change.

The administration is proposing to prohibit the Planning Board from considering new rezoning requests, thus eliminating the need for the second public hearing. It would also require DPZ, at least 15 days before the one required Planning Board hearing, to notify owners whose property is subject to rezoning or adjoins a property that is subject to rezoning, as well as post signs on the properties subject to rezoning.

The Planning Board issues recommendations to the council, which under the current process also holds at least two hearings — one or more on the initial plan and Planning Board recommendations, and one or more following any new requests.

As with the Planning Board process, the administration is proposing to prohibit the council from considering new requests. McLaughlin said the goal is to discourage people who have not been paying attention to the process to come in with last-minute requests that drag out the process.

#### Council concerns

Sigaty, however, said she sees this provision as limiting council power and an obstacle to solving problems that emerge during the process.

"It has certainly been my experience that as you talk something through in the community new ideas present themselves and may get worked into the solution," she said. "What I don't want to do is make it impossible for those ideas to be considered."

Council member Calvin Ball, a Columbia Democrat was also critical of the provision. "It would be difficult for me to support eliminating the council's ability to move forward with a request," he said.

However, Ball said he agrees with the administration that the process needs to be more efficient.

"We've seen through the last process that there are opportunities for improvement, and I think it's a worthwhile conversation to have about how to improve this process," he said.

Sigaty also had concerns about the proposal to reduce the public notice requirement from 30 days to 15 days.

"I think it is shortsighted to think that 15 days is enough," she said. Some homeowners associations or other community groups, Sigaty noted, may want to discuss the implications of the plan but only meet once a month.