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April 13, 2023

## To the Montgomery County Council

### Testimony re Fiscal Year 2024 Operating Budgets

Good afternoon, Council Members and Staff. My name is Nicole representing the "Montgomery County Coalition to Protect Neighborhoods, found @MoCoCoalition on social. We are a group of residents who've come together to protect our community from being blanketed with 33,000 to 65,000 cell antennas 30 feet or less from our homes. Unfortunately, we're facing this because of the passing of ZTA 22-01 in October 2022. ZTA 22-01 was actually a redo of 19-07 because of the mistakes made with zoning laws and ordinances. Many of us, including myself, meet with previous Council members and staff leading up to the votes for both ZTAs. We discussed zoning issues, offered amendments, and informed them that the DC Circuit Court ruled against the FCC regarding their outdated 1996 RF Radiation guidelines in August 2021. With that said, we strongly support funding the Office of the People's Counsel, (OPC).

The OPC exists under [Article XII Sec 2-150](#) of the Montgomery County Code. Their purpose is listed to:

(a) *Purpose.* Informed public actions on land use matters require a full exploration of often complex factual and legal issues. An independent People's Counsel can protect the public interest and promote a full and fair presentation of relevant issues in administrative proceedings in order to achieve balanced records upon which sound land use decisions can be made. In addition, a People's Counsel who provides technical assistance to citizens and citizen organizations will encourage effective participation in, and increase public understanding of and confidence in, the County land use process.

The OPC statutory requirements have never been removed from the county code.

Furthermore, the Council has a [Zoning Amendment Procedure Appendix B](#). That appendix requires participation by "Zoning Text Amendment Advisers" including the OPC at multiple steps within the ZTA development and review process. Consultation between Council staff and Advisers must occur prior to ZTA introduction and the drafting of any staff reports.

However, the Council consultations with the OPC has not occurred for more than a decade because funding was withdrawn in 2010. Meaning, residents were denied a seat at the table throughout the gestation cycles of over 100 ZTAs.

The People's Counsel was created to be an essential pillar of participatory democracy — to help inform residents and facilitate public engagement. In essence, it provides residents with a valuable tool — a land use attorney that is on their side to help sort out the obscure world of zoning law. This is why we support the CE Elrich's recommendation to restore funding for the OPC in FY24 Budget and ask that you please follow his lead. Thank you.

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The Montgomery County Coalition to Protect Neighborhoods

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