
April 18, 2023

To the Montgomery County Council

Testimony re Bill 18-23, Structure of County Government – Community Zoning and Land Use Resource Office

Good afternoon, Council Members and Staff. My name is Nicole, last week I spoke regarding the FY24 Operating budget on behalf of my coalition found @MoCoCoalition on social. As previously mentioned, my coalition is a group of residents who've come together to protect our community from a mass rollout of cell antennas 30 feet or less from our homes. Through my advocacy, I have learned a lot about land use and zoning, but not as much as some of my coalition members and honestly, we shouldn't have to.

This is one main reason why I oppose of Bill 18-23 which seeks to essentially eliminate the Office of the People's Counsel altogether. Replacing it with a Community Zoning and Land Use Resource Office that prohibits the OPC from serving as an advocate is basically what we've been dealing with already and it's clearly not working for Residents.

As I mentioned last week, there were mistakes made with ZTA 19-07 that lead to the creation of ZTA 22-01. 19-07 included material misstatements and misrepresentations that to this day result in a zoning code that is very confusing and doesn't actually mean what it says it does, For any normal resident trying to read section 3.5.2 and make sense of it, it's even more confusing. Members of my coalition warned former councilmember and sponsor on ZTA 19-07, Hans Reimer about these mistakes, but he wouldn't listen. Now, he may end up being the next Planning Board Chair. In my opinion, this alone makes funding the OPC more important than ever before.

When reading Bill 18-32 and comparing it with Berliner's Bill 41-16, they are basically identical. On the "Legislative Request Report" page, the copy was revised under the "Problem" section to read:

“The County’s development approval, zoning code, and master plan process is complex and residents have asked for assistance navigating the development process.”

That section couldn't be truer. We've been asking for the OPC to be restored, but we keep being ignored. Even the well-respected former CE Ike Leggett wrote a letter in 2016 opposing the identical Bill 41-16 and supported strengthening the OPC.

They bill also includes the OLO report from 2008-2010 and while "Equity Issues" have been said to be one of the issues with the OPC in recent Worksessions, "Equity Issues" appear to be more of a talking point because no equity issues were listed in the OLO report. Furthermore, on April 17, 2023 OLO's REJS Impact Statement on Bill 18-23, driving my point home. In their words, it reads:

“the People’s Counsel is better positioned to advocate for RESJ in the County than the proposed Community Zoning and Land Use Office. As originally created, “the People’s

Counsel was intended to provide a degree of equity” and “to address disparity that exists between the resources available to developers and those available to the residential community.” If the Office of the People’s Counsel was funded, it could advocate for RESJ as part of its advocacy for the public interest in land use decisions. In contrast, the Community Zoning and Land Use Resource Office would not be authorized to advocate for RESJ in land use proceedings with the County Council, Planning Board, Zoning Hearing Examiner, Board of Appeals, and Court of Appeals.”

In the end, it’s time to stop giving our residents the runaround. Give us back a real voice and representation in the land use and zoning process by finally funding the Office of the People’s Counsel and withdrawing Bill 18-23. Thank you.

Sincerely,

Nicole Williams
Resident and Advocate