



Montgomery County Government

THE PREPARATION OF MASTER PLANS IN MONTGOMERY COUNTY

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EXECUTIVE SUMMARY

This report is a study of the process of preparing master plans in Montgomery County, and an analysis of the record of master plans prepared and adopted since 1974. While the report addresses issues related to the resources and time involved in preparing master plans, it does not evaluate the quality of plans or specific decisions made in the process of preparing individual plans. The major findings include:

- The legal status of master plans in Montgomery County has been enhanced over the past 20 years. Because master plan recommendations today are often linked to actual land use decisions, master plans directly affect the timing and nature of development within the County. As a result, plans have become more comprehensive and complex.
- Although both State and County law outline certain procedures for preparing master plans, many of the details are left to the discretion of the Montgomery County Planning Board and the Montgomery County Planning Department of M-NCPPC. While no two plans are prepared according to an identical schedule, there are identifiable steps common to most plans.
- The record shows that area master plans and sector plans have not been comprehensively revised according to a regular schedule. Approximately half of the County's plans were either comprehensively revised or initially adopted within the past decade, while the other half were last comprehensively revised or initially adopted more than ten years ago. Many of these older plans are scheduled for comprehensive revision within the next three years.
- The length of time it has taken to prepare and adopt plans has varied considerably, which is not surprising given the unique characteristics of each planning area. Factors that have affected the time to complete plans since 1974 include: the increased length and detail of analysis contained in plans, demands from the public, the diversion of staff resources, staff turnover, time spent by the Planning Board resolving issues, and time constraints on officials. Since 1974, many area master plans and sector plans have been adopted after the target date of completion initially projected in the approved Planning Department's work program.
- Although in real dollars the Planning Department's budget for FY88 was 56 percent higher than it was in FY74, the budget had not kept pace with inflation between FY74-FY84, and has only evidenced real growth since FY85. Staff growth in the Planning Department has been steady but slow, with a total increase of 28 percent from FY74-FY89.
- During the years that total Planning Department resources remained essentially constant, resources allocated to regulatory reviews increased in response to a growing regulatory workload, while resources allocated to the production of master plans declined. This shift in resources generally corresponds to a decline in the number of comprehensive master plans adopted and an increase in the average production time.
- The Planning Board holds significantly more meetings today than it did 15 years ago, with a variable number of meetings each year devoted to master plan business. In FY88, approximately one-quarter of the Planning Board's formal meeting time was spent on master plans and one-half on regulatory items.
- There is a broad range of public opinion about the process of preparing master plans particularly on how to structure community participation and whether to establish a legal requirement for the periodic review of master plans.

OLO recommends that the Council approve this report for public release, and that the report's findings serve as the basis for discussions among Councilmembers, the County Executive, and the Planning Board.

I. AUTHORITY, SCOPE, AND METHODOLOGY

A. Authority. Council Resolution No. 11-738, subject: CY 1988 Work Program of the Office of Legislative Oversight (OLO), adopted March 29, 1988.

B. Scope and Organization of Report. This report examines the process of preparing master plans in Montgomery County, and analyzes the record of plans prepared and adopted since 1974. The report is organized such that Chapters II, III, and IV review legal parameters and major inputs, Chapter V identifies the process, and Chapters VI and VII analyze the results. Specifically:

- Chapter II, **BACKGROUND**, reviews the authority for planning in Montgomery County, the role of master plans in Montgomery County, and the legal guidelines for preparing master plans.

- Chapter III, **PLANNING DEPARTMENT RESOURCES**, describes the organization of the Planning Department, and analyzes budget and staff resources of the Planning Department since FY74.

- Chapter IV, **PLANNING BOARD TIME**, summarizes the Planning Board's legal responsibilities, and reviews the allocation of Planning Board time to master plans since FY74.

- Chapter V, **THE PROCESS OF PREPARING AND ADOPTING MASTER PLANS IN PRACTICE**, identifies and describes the steps that are most often followed to prepare and adopt master plans.

- Chapter VI, **RECORD OF MASTER PLAN PRODUCTION**, documents and analyzes the record of master plans, sector plans, and plan amendments prepared and adopted since 1974. This chapter includes data on the number of plans adopted, the frequency of amendments, the length of time between selected steps in the process, and actual vs. projected preparation times; and concludes with a discussion of factors that have affected the record of plan production over the past 15 years.

- Chapter VII, **COMMUNITY PERCEPTIONS**, summarizes views about the County's master plans most frequently voiced during the course of this study by developers, attorneys, consultants, representatives of organized interest groups and civic associations, and individual citizens.

- Chapter VIII, Chapter IX, and Chapter X contain a **SUMMARY OF FINDINGS**, **OLO'S RECOMMENDATION FOR PUBLIC RELEASE**, and **AGENCY COMMENTS AND OLO'S RESPONSE**.

NOTE: It is important for the reader to understand that the major purpose of this study was to analyze selected issues related to the workload, resource allocations, and operating procedures of the Montgomery County Planning Board and the Maryland-National Capital Park and Planning Commission's Department of Planning for Montgomery County. It was not within the scope of this report to evaluate the substantive recommendations contained in area master plans and sector plans, to evaluate the process of preparing functional plans, or to evaluate land use planning and regulatory functions beyond the master plan process itself.

C. Methodology. This project was conducted during May-August 1988 by Karen Orlansky, Office of Legislative Oversight Program Evaluator, with assistance from Johanna Ettl, Public Administration Intern. It involved document and file reviews, interviews, and observations of Planning Board and County Council proceedings.

Throughout the course of this study, more than 85 interviews were conducted with elected and appointed officials, staff, representatives of organized interest groups and civic associations, and individual attorneys, developers, consultants, and citizens who either expressed a special interest in this study and/or who possessed a particular expertise or point of view relating to the master plan process.

County and Bi-County agencies and offices that contributed to this OLO report include: the M-NCPPC Montgomery County Planning Department, the Montgomery County Planning Board, the Office of Zoning and Administrative Hearings, the Office of the County Council, the Office of the County Executive, the Office of Planning Policies, the Office of the County Attorney, the Department of Environmental Protection, the Department of Transportation, the Office of Economic Development, the Department of Housing and Community Development, the Office of Management and Budget, and the Upcounty Government Center.

Throughout the course of this study, OLO received total cooperation from all parties. Especially given the relatively short time schedule under which this project operated, Planning Board members and staff of the Montgomery County Planning Department were particularly accessible, forthcoming, and helpful.

II. BACKGROUND

A. Authority for Planning in Montgomery County¹

Montgomery County's planning and zoning powers are circumscribed by special State legislation that applies only to Montgomery and Prince George's Counties. The Regional District Act, Article 28 of the Annotated Code of Maryland² gives certain local authority for planning and zoning to the elected

¹ This section provides some basic facts about land use planning in Montgomery County. For more comprehensive information, it is recommended that readers consult the references listed in Appendix A.

² All State law citations reference the Annotated Code of Maryland, 1986, as amended.

County Councils of Montgomery and Prince George's Counties;¹ the elected County Executives of Montgomery and Prince George's Counties; and the Maryland-National Capital Park and Planning Commission (M-NCPPC), a ten-member commission composed of the five members of the Montgomery County Planning Board and the five members of the Prince George's County Planning Board.

The Montgomery County Planning Board (referenced throughout this report as the "Planning Board") is a five-member board appointed to advise and assist the County Council in planning and zoning, and to exercise authority granted by the Regional District Act. The County Council appoints three members of the Planning Board, including the chairman, and the County Executive appoints two members.

In addition to having full authority for administering the subdivision regulations, and for approving site plans and optional method projects, major responsibilities of the Planning Board are: to prepare draft master plans and the Annual Growth Policy (AGP) for consideration by the County Executive and approval by the County Council; to make recommendations to the Zoning Hearing Examiner and County Council on applications for zoning map amendments; to advise the Council on zoning text amendments; to make recommendations to the Board of Appeals on applications for special exceptions; and to advise the Council on proposed capital improvement projects and to coordinate the design of these projects with the implementing agencies. The Planning Board also acts as the Montgomery County Park Commission, and is responsible for park planning, acquisition, development, maintenance and operations.

In 1986, the State legislature amended the Regional District Act to provide the County Executive with the authority to participate fully in the preparation of master plans and the authority to disapprove Council decisions on master plans, zoning text amendments, and subdivision regulations. An Executive disapproval on these matters may be overridden by the affirmative vote of five County Council members.

In 1987, the County government's Office of Planning Policies (OPP) was established. By law, the primary responsibilities of OPP are: to coordinate Executive branch participation in the preparation of master plans and review and recommend changes to draft plans; to review and recommend revision to proposed zoning text and subdivision regulation amendments; to coordinate Executive branch review of the AGP and draft the Executive's recommended AGP to the Council; and to make recommendations to the Planning Board on the adequacy of public facilities for each subdivision application.

¹ Whenever the County Councils of Montgomery and Prince George's Counties are exercising their authority circumscribed by the Regional District Act, they are technically called the "District Council" for their respective county. For ease of readership, however, this report consistently uses the term County Council when referring to Montgomery County's elected legislative body.

The Montgomery County Code¹ contains a number of chapters specifically dedicated to outlining local laws for planning and zoning. In addition, other code chapters include laws and policies related to land use in Montgomery County. With respect to land use planning, the most often referenced County Code chapters are:

- Chapter 59, Zoning, (known as the Zoning Ordinance) which sets out the zoning regulation for that portion of the County in the Regional District;²
- Chapter 33A, Planning Procedures, which codifies local procedures governing the preparation and adoption of master plans and establishes procedures for the County's Annual Growth Policy;
- Chapter 50, Subdivision of Land, which sets out the County's subdivision regulations including the Adequate Public Facilities Ordinance which the Montgomery County Planning Board administers;
- Chapter 2, Section 64M, Office of Planning Policies, which establishes the Office of Planning Policies as part of County government; and
- Chapter 25A, Moderately Priced Housing, which sets out the County's Moderately Priced Dwelling Unit (MPDU) program.

The specific guidelines contained in State and County law governing the preparation and adoption of master plans are reviewed later in this chapter.

B. The Role of Master Plans in Montgomery County

1. Definitions of General Plan, Area Master Plan, Sector Plan, and Plan Amendment. The General Plan for the Maryland-Washington Regional District (known as the "General Plan") is a comprehensive plan required by State law for the physical development of Montgomery County. In broad terms, the General Plan establishes policy guidelines for land use, transportation, conservation, open space, sewer and water systems, employment, and housing; and indicates areas suitable for residential purposes, business or industry, agriculture, open space, transportation, recreation, and community facilities. First adopted in 1964 by M-NCPPC, the County Council approved and the Commission adopted the most recent comprehensive update to the General Plan in 1970.

¹ All County code chapters and sections cited in this report are references to the Montgomery County Code (MCC) 1984, as amended.

² Chapter 59 does not apply to the following municipal corporations that have their own zoning authority: Brookville, Poolesville, Laytonsville, Rockville, Barnsville, Gaithersburg, and Washington Grove.

By law, all area master plans and sector plans for local planning areas,¹ and functional plans,² when approved by the County Council and adopted by M-NCPPC, are incorporated as amendments to the General Plan. The County Code defines an area master plan and a sector plan as follows:

Area Master Plan: A comprehensive plan of any portion of the General Plan which may consist of maps, data and other descriptive matter, as a guide for the physical development of the district or any portion thereof, including any amendments extensions or additions thereto adopted by the Commission, indicating the general locations for major roads, parks or other public open spaces, public building sites, routes for public utilities, zoning districts or other similar information.

* * *

Sector Plan: A comprehensive plan for a portion of a master plan area, showing in detail such planning features as type, density and intensity of land uses, pedestrian traffic features, public facilities (parking structures, public open space, rapid transit station, community service provisions and the like), and relationship of the various uses planned to transportation, services and amenities within the area of the sector plan and, where appropriate, to other areas. The sector plan may include maps, graphics and text and is designated as the sector plan for the area which it encompasses. It may be adopted either as a part of a new area master plan or as an amendment to an existing master plan.

Although not defined in the law, during the past 20 years, a distinction has been drawn in practice between amendments that are comprehensive and amendments that are relatively limited in scope. In contrast to area master plans and sector plans, which are generally considered to be comprehensive amendments to the previously adopted area plan and to the General Plan, a partial revision that affects only a limited geographic portion or a limited number of issues within a defined planning area has come to be known as a "plan amendment".

While recognizing the distinction among area master plans, sector plans, and plan amendments, the law (Chapter 33A, MCC) requires that these planning documents all be initiated, prepared, approved, and adopted according to the same procedure. For that reason, unless otherwise indicated, throughout this report, the term "master plan" will refer to area master plans, sector plans, and plan amendments.

¹ The Regional District Act requires that M-NCPPC initiate and adopt, and the County Council approve, a map showing the entire County divided into local planning areas.

² The Regional District Act defines a functional plan as a special plan developed for one element or system of the General Plan such as highways, hospitals and health centers, parks and other open spaces, police stations, fire stations, and utilities. Although the scope of this study did not extend to the preparation of functional plans, a list of them is included in Appendix B.

2. Why Master Plans are Important. Because the focus of this OLO study is on the process and record of preparing master plans, it is important to establish why master plans are important and to whom. This section clarifies the distinction between planning and zoning, and describes how master plan recommendations relate to actual land use decisions.

a. Distinction Between Planning and Zoning. The purpose of planning is generally acknowledged as the logical placement of future land uses and public facilities to support those land uses. A master plan is the end product of the planning function, and Maryland law defines a master plan as a guide or recommended policy for future action by the legislature. The master plan also provides the necessary evidence of extensive study to support comprehensive zoning.

A master plan is distinct from the zoning ordinance and zoning map. The zoning ordinance (Chapter 59, MCC) is a law the County Council adopts that establishes certain districts (or zones), and specifies what uses may be permitted within those districts; the zoning ordinance also places limits on the physical characteristics of development within districts, such as density, height, setback, and lot coverage. In addition, the zoning ordinance incorporates by reference the official County zoning map. The zoning map, which is the end product of the zoning process, is a form of law that actually places zoning designations and land use restrictions on property.

A number of Maryland court decisions have directly addressed the distinction between the planning and zoning functions. For example:

- A "Master Plan" is not to be confused as a substitute for a comprehensive zoning or rezoning map, nor may it be equated with it in legal significance. . . The zoning as recommended or proposed in the master plan may well become incorporated in a comprehensive zoning map for this area, but this will not be so until it is officially adopted and designated as such by the District Council. (Chapman v. Mont. Co., 1970)

- Land use planning documents such as General or Master Plans represent only a basic scheme generally outlining planning and zoning objectives in an extensive area, and are in no sense a final plan; they are continually subject to modification in the light of actual land use development and serve as a guide rather than a strait jacket. (Mont. Co. v. Woodward & Lothrop, 1977)

- Zoning is concerned with the use of property, but planning is broader in its concept . . . zoning is almost exclusively concerned with use regulation, whereas planning is a broader term and indicates the development of a community, not only with respect to the uses of lands and buildings, but also with respect to streets, parks, civic beauty, industrial and commercial undertakings, residential developments and such other matters affecting the public convenience and welfare as may be properly embraced within the police power. (Yokley, Zoning Law and Practice, quoted in Board of County Commissioners of Carroll County v. Stephans, 1979 and cited in West Mont. Association v. M-NCPPC, 1987)

• Simply stated, the essential distinction between a master plan and a comprehensive zoning is that the former merely recommends area development and proposes future land use and zoning classifications, while the latter determines presently permitted uses for the property . . . Maryland's view of master plans still mirrors those of the majority of other states that it is advisory only. (Boyd's Civic Association et al v. Montgomery County Council, 1986)

b. How Master Plans Relate to Actual Land Use Decisions. While maintaining the distinction between planning and zoning, it is important to understand the correlation between master plan recommendations and actual governmental decisions about how and when property can be developed. When asked about the role of master plans in Montgomery County, the great majority of those interviewed remarked how the status of master plan recommendations has been enhanced during the past 10-15 years. As evidence of the increasing significance of master plans, the remainder of this section explains the growing relationship between master plan recommendations and zoning decisions, subdivision approvals, and project plan approvals.

The adoption of a master plan is usually followed by a comprehensive zoning amendment known as a sectional map amendment. While there is no legal requirement for conformity, sectional map amendments almost always implement the specific zoning changes recommended in a master plan. Moreover, the Maryland appellate courts appear to view comprehensive zoning as the preferred method of regulating land use over piecemeal zoning because it is founded upon, " . . . a carefully considered integrated plan of development, based upon a full understanding of the present and future needs of a broad area, rather than upon a piecemeal review of limited scope."¹

For a development project to proceed, the Planning Board must approve a subdivision request. When reaching subdivision application decisions, the subdivision regulations (Chapter 50, MCC) require that the Planning Board take into account recommendations included in the applicable master plan. As recently amended in July 1988, the subdivision regulations now specify that:

In determining the acceptability of the preliminary plan submitted under the provisions of this chapter, the Planning Board must consider the applicable master plan. A preliminary plan must substantially conform to the applicable master plan, including maps and text, unless the Planning Board finds that events have occurred to render the relevant master plan recommendation no longer appropriate. (Subdivision Regulation Amendment No. 88-1)

Relatively recent appellate decisions in Maryland (Coffey v. M-NCPPC, 1982, Board of County Commissioners v. Gaster, 1979) have ruled that when subdivision regulations require that a subdivision plan is to conform to the area master plan, the master plan is not merely a guide; instead, conformance with the appropriate master plan becomes a mandatory requirement that may serve as the basis for denial of an application.

¹ Coppolino v. County Board of Appeals of Baltimore County, 1974, cited in "A Perfect Union, the Wedding of Planning and Zoning in Maryland," Stanley D. Abrams, Maryland Bar Journal, Spring 1980.

Another way in which master plan recommendations have become directly linked to actual land use decisions is through specific language in the zoning ordinance (Chapter 59, MCC) that governs the applicability of certain zones. During the past 20 years, there has been a notable increase in the number of zones linked to master plan designations. For example, the Purpose and Development Standards for the C-T zone include a requirement that:

The C-T zone is intended to constitute a margin of limited width at the border between a commercial area and a one-family residential area. For that reason, the C-T zone can only be applied: in areas designated for the C-T zone on adopted and approved master or sector plans; or on property so located that it is between and adjoining or separated by a street, highway, or utility right-of-way from both of the following uses: existing or proposed one-family residential uses; and existing high-intensity commercial uses.¹

Another example of this link is the legal requirement for use of the mixed use planned development zone which states that:

No land shall be classified in the mixed use planned development zone unless the land is within an area for which there is an approved and adopted master or sector plan which recommends mixed-use development for the land which is the subject of the application.²

There are also situations where, according to statute, a decision on a specific request for a local zoning map amendment or special exception also requires conformity with the applicable master or sector plan. If conformity is required by law, a rezoning or special exception may be denied on the basis that it is not in accord with the area master plan.³ However, even when absolute conformity is not required by law, recommendations contained in a master plan often affect the outcome of zoning decisions. As stated in a 1972 Court opinion:

. . . while a Master Plan is not the legal equivalent of a zoning map, if there are elements of substantial change in the character of the neighborhood present, recommendations found in a Master Plan are a valid factor to be considered We here note that while a zoning designation of a Master Plan may not support an immediate request for rezoning, as it is a guide for the future, yet, when, as here, it is accompanied by the dynamics of change, we think the designation on the Master Plan becomes most significant. (Aspen Hill Venture v. Montgomery County Council, 1972)

¹ Section 59-C-4.30, MCC.

² Section 59-C-7.51, MCC.

³ Absent a statutory requirement for conformity, nonconformity with a master plan alone may not, however, be sufficient grounds for denial of a zoning reclassification (Kanfer v. Montgomery County Council, 1977), or a special exception (People's Counsel for Baltimore County v. Webster, 1986).

Regardless of whether the law requires conformity with the master plan for a specific rezoning, Section 59-H-8.2, MCC, specifies that a total of five affirmative Council votes is necessary for the County Council to approve a sectional or local map amendment that requires zoning not recommended by the adopted master plan and the Planning Board. However, if the Planning Board recommends approval of the rezoning, four affirmative Council votes is sufficient to grant the rezoning request.

Finally, master plan recommendations also relate to the County's Annual Growth Policy (AGP) and the administration of the Adequate Public Facilities Ordinance (APFO). Specifically, as stated in the FY 89 AGP:

The County relies on the General Plan and master plan process to establish long-term policies for the location of the County's employment and housing centers. Master plans represent the blueprint for the buildout of each of the County's Policy Areas... The interaction between the land use and transportation elements of master plans determines the ultimate holding capacity for an area as measured over the long (15-20 years) term...Through the APFO, the Council coordinates the construction of master planned roads with the buildout of land uses...Because jobs and housing allocations are found both in master plans and in the APFO ceilings, the AGP process offers the Council an opportunity to manage growth by coordinating APF ceilings with local area master plans.

In sum, master plans are important because they can affect the timing and nature of development in the County, and any document that has a substantial impact on actual land use plays a significant role in the community. The bottom line is that master plan recommendations can affect increases or decreases in the market value of land, the ability to implement a residential, commercial, or industrial development proposal, the appearance and stability of neighborhood traffic patterns, proximity to public services, and the enjoyment of an individual's home or place of work. As a result, master plans have become more comprehensive and complex.

C. Overview of Legal Guidelines for Preparing Master Plans

1. Procedures Contained in State and County Law. Both the Regional District Act and the Montgomery County Code outline certain procedures for initiating, preparing, and adopting master plans in Montgomery County. While many of the prescribed procedures must be followed, others serve only as guidelines and are not legally binding.

Appendix C contains a summary of the procedures and deadlines set forth in the Regional District Act and County Code for various steps involved in producing a master plan. To highlight which procedures are mandatory and which are not, in the column that summarizes each procedure, the legislative instructions to the County Council, M-NCPPC, or the County Executive of "shall", "must", "may", "is encouraged to", "is to be", or "requires" are capitalized.

Chapter 33A, MCC, Planning Procedures, is the County Council's exercise of authority granted by the Regional District Act to establish by ordinance, " . . . procedures for the submission, adoption, approval, and

amendment of any plan or part thereof by the Commission". As required by the Regional District Act, Chapter 33A does include: provisions for the adoption and amendment of plans by M-NCPPC after at least one public hearing with 30 days notice; a method for the certification and filing of the plan by M-NCPPC in the Office of the Clerk of the Circuit Court; and provisions for publication by M-NCPPC of adopted and approved plans.

The only major procedural steps outlined in the Regional District Act that are not referenced in County law are the County Executive's authority to disapprove master plans approved by the County Council, and the Council's authority to override that disapproval with an affirmative vote of five members. These steps have been required by State law since December 1, 1986, but because State law prevails over County law, there is no legal implication for not describing them in County law. From a pragmatic point of view, however, a citizen who consults the County Code without also consulting the Regional District Act could end up with a misunderstanding of the master plan approval process.

On several matters, Chapter 33A elaborates upon a general procedure required by the Regional District Act. For example:

- The Regional District Act requires M-NCPPC to transmit the final draft of a plan or amendment to the "County Executive for any modifications deemed appropriate by the County Executive". Chapter 33A further details this provision by requiring that when the County Executive submits the Executive's version of the final draft to the County Council, the Executive must indicate any additions or deletions made to the final draft, along with a statement of the reasons for each addition and deletion.

- The Regional District Act requires the County Council to approve, modify, or disapprove a plan within 180 days after receipt of the plan from the County Executive. Chapter 33A repeats the 180-day deadline for Council action, and additionally imposes requirements for a public hearing (if the County Council intends to amend the final draft) with specific notice requirements. Chapter 33A also mandates that the County Council not act on any plan after October 31 of a Council election year.

- The State law requires that M-NCPPC, "coordinate its work schedule with the County Executive who shall fully participate in the preparation of the plan or amendment". In terms of detailing coordination with the County Executive during the preparation of a plan, Chapter 33A requires the County Executive to supply M-NCPPC with studies, data, and information pertinent to the preparation of the preliminary plan; and the M-NCPPC to submit the preliminary draft to the County Executive 30 days prior to the public hearing on the preliminary plan.

2. Legal Guidelines Allow for Discretion. The parameters contained in State and County law for initiating and preparing master plans still allow for a great deal of latitude in the process. Examples of how the law provides authority for the agencies involved to exercise a significant degree of discretion when it comes to preparing master plans include:

- The law establishes no binding requirements on the content of master plans. Although State law contains a long list of "elements, factors, and conditions" that the County Council may direct M-NCPPC to consider in a plan, the Regional District Act also states that these elements are only guidelines and that master plans or amendments, "shall not be deemed null and void, inapplicable or inoperative on the grounds that the basis, contents, or considerations are not consistent with this article".

- The law establishes only a limited number of statutory deadlines for action on master plans, and does not specify how frequently plans must be reviewed and/or revised. Except for legally mandated notice requirements for the Planning Board's public hearing on a preliminary plan, legally established deadlines for action on a master plan only apply after the Planning Board approves a final draft plan and transmits it to the County Executive and County Council, (e.g., 60 days for County Executive review, 180 days for County Council action).

- With the exception of two required public hearings (one Planning Board public hearing on the preliminary draft plan, and one County Council public hearing on the final draft plan), the law does not outline any specific procedures for obtaining additional citizen participation during the master plan preparation process.

- The law requires M-NCPPC to prepare a preliminary draft plan followed at some point by the preparation of a final draft plan. However, there is nothing in the law that limits M-NCPPC's process of preparing draft master plans to only these two major versions.

Throughout the course of this study, it became apparent that the process of preparing each master plan is in certain respects unique. However, while no two plans are prepared in exactly the same way, there are steps common to all of them, and additional steps common to most of them. Chapter V, The Process of Preparing and Adopting Master Plans in Practice, identifies and describes in detail the steps most typically followed to prepare and adopt master plans.

III. PLANNING DEPARTMENT RESOURCES

A. Introduction

The Regional District Act requires that, " . . . in accordance with the work program and budget adopted by the County Council, M-NCPPC shall initiate and adopt, and from time to time may amend or revise, a local master plan for each planning area; any part thereof, or any combination of contiguous planning areas".¹

¹ Article 28, Section 7-108(b)(ii), Annotated Code of Maryland.

Within M-NCPPC, the Montgomery County Planning Board has delegated the staff responsibility of preparing draft master plans to the Montgomery County Planning Department. The Planning Department is funded as part of the Administration Fund of M-NCPPC, which is approved annually by the Montgomery County Council.¹ Chart I (p. 14) shows where the Planning Department is located within the overall M-NCPPC organization.

Staff of the Montgomery County Planning Department, including the Planning Director, are merit system employees of M-NCPPC. They are hired according to personnel regulations adopted by M-NCPPC and administered by the Personnel Services Office, which is part of the Department of Administration that serves both the Montgomery and Prince George's Counties' offices of M-NCPPC.

This chapter describes the organization of the Montgomery County Planning Department, and analyzes the budget and staffing resources of the Planning Department over the past 15 fiscal years. Based upon discussions with Planning Department staff, data was collected back to fiscal year 1974 because that was the first year of a full-time Planning Board Chairman, and the year of a major increase in funding (32% in real dollars) for the Planning Department. The remainder of this chapter is organized as follows:

- Section B describes the general organization of the Planning Department into three program elements and seven divisions, and explains the concept of matrix management;
- Section C reviews the budget and staff levels of the Planning Department as a whole since FY74; and
- Section D analyzes the trends since FY74 in funding and staffing levels among the three program elements, in number of positions and staff allocation levels among the three program elements, and among the five major expenditure categories.

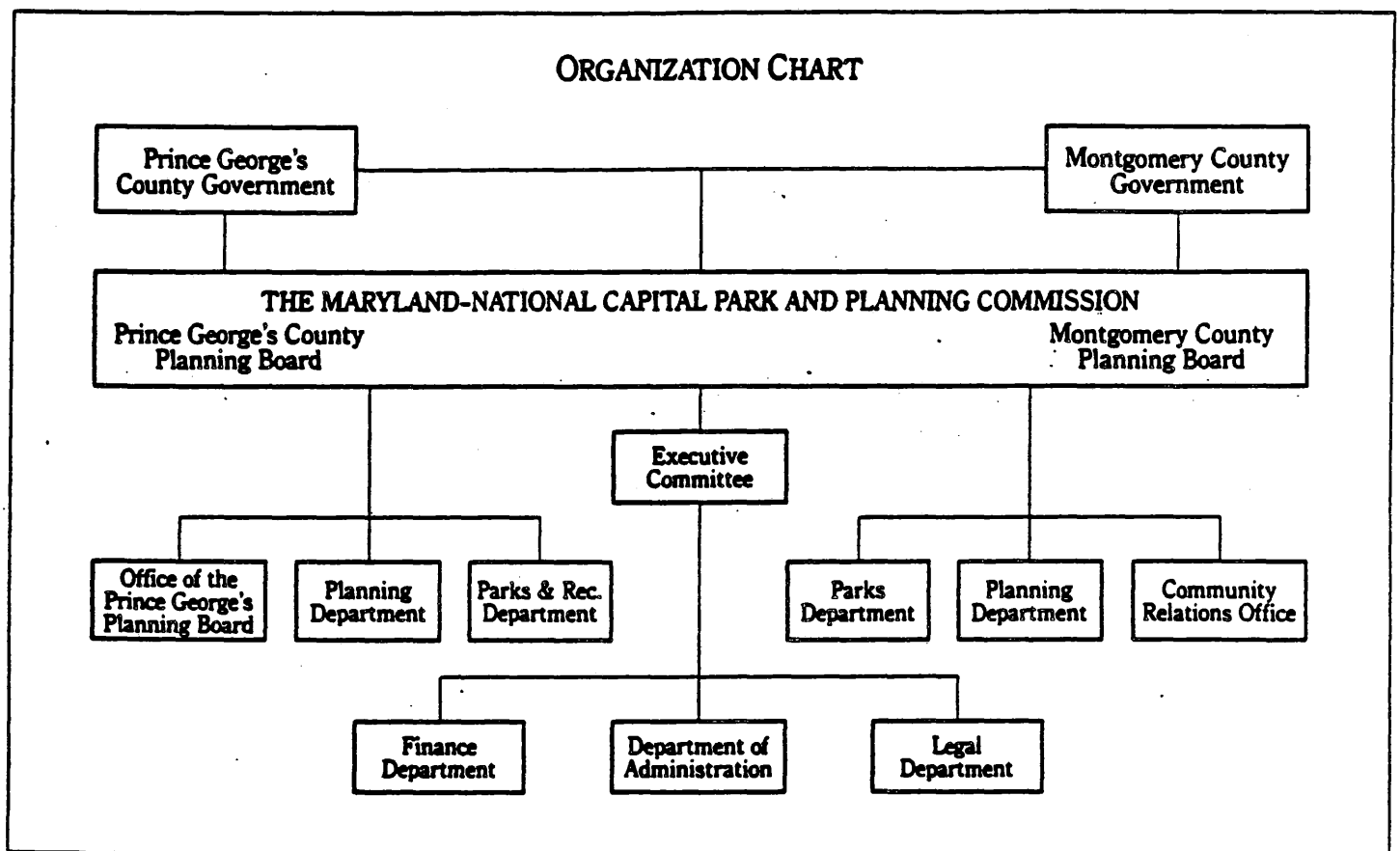
B. Organization of Planning Department

The Planning Department is divided into three "program elements"; with at least two "divisions" within each program element having the responsibility for that program's projects. As shown on Chart II (p. 15):

- The General Planning program element, which includes the Office of the Planning Director, is the responsibility of three divisions: Research, Transportation Planning, and Environmental Planning;
- The Community Planning program element is the responsibility of two divisions: Community Planning South and Community Planning North; and

¹ Since 1986, the County Executive has had the authority under State law (Article 28, Section 2-118) to disapprove or reduce any item in the Council-approved M-NCPPC budget. The Council may override the Executive's disapproval with five votes.

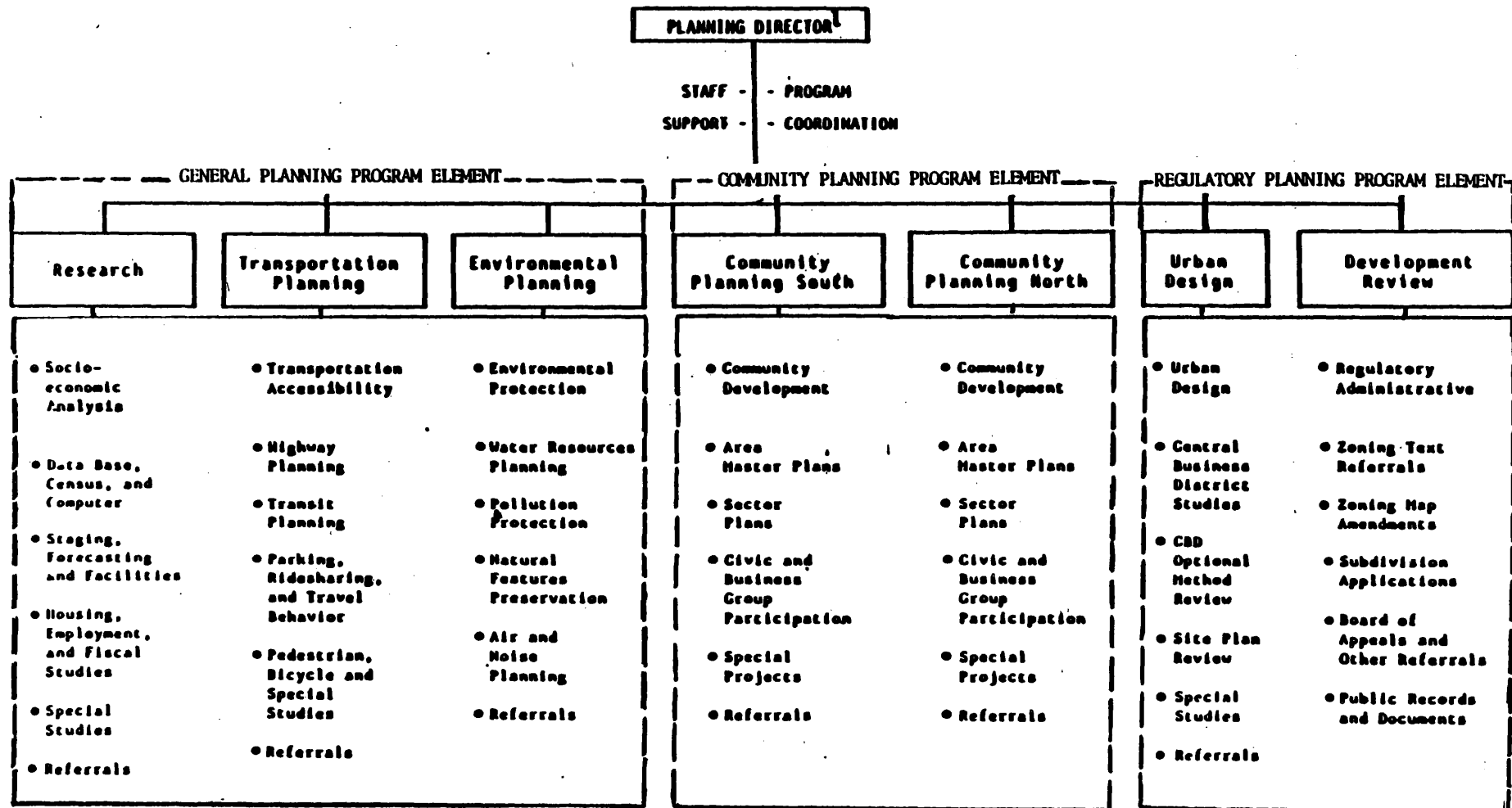
Chart I



Source: M-NCPPC 1987 Annual Report.

Chart II

**STAFF DIVISION
MONTGOMERY COUNTY PLANNING DEPARTMENT**



¹ In the budget, the Planning Director's Office is part of the General Planning program element.

- The Regulatory Planning program element is the responsibility of two divisions: Urban Design and Development Review.

The Office of the Planning Director provides overall management and coordination for the entire department.¹ Each of the other divisions is given lead responsibility for performing certain functions and coordinating selected projects. The primary responsibilities of each division are as follows:

- The Research Division maintains, analyzes, and forecasts population, housing, employment and fiscal data, reviews mandatory referrals, (proposed capital improvement projects) and coordinates the preparation of the Annual Growth Policy.

- The Transportation Planning Division conducts transportation studies, generates transportation and traffic analyses, reviews mandatory referrals, and prepares functional transportation plans.

- The Environmental Planning Division conducts studies on the County's environmental systems, reviews mandatory referrals, and prepares functional watershed management plans. This year, the Environmental Planning Division has also been assigned the lead responsibility for coordinating staff work for the Planning Board's review of mandatory referrals.

- The Community Planning South and Community Planning North Divisions prepare master plans, sector plans, and plan amendments, as well as special studies focused on development issues in the County's planning policies areas. These two divisions have similar responsibilities but for different geographic portions of the County.²

- The Urban Design Division coordinates staff work for Planning Board decisions on site plan submissions and Central Business District (CBD) optional method project submissions, prepares design guidelines, works on structural and landscape designs for specific areas, and (as of FY89) processes historic preservation nominations. Since FY81, Urban Design has also been responsible for all site plan enforcement activity.³

¹ In recent months, the Office of Community Relations also became part of the Director's office.

² Prior to FY83, there were three Community Planning Divisions - East, West, and North. Today, Community Planning North covers all the area in the County which is north and northwest of Darnestown, the City of Rockville, and the Aspen Hill and Eastern Montgomery planning areas; and Community Planning South covers the rest of the County.

³ Section 59-D-3.6, MCC, authorizes the Planning Board, after due notice to all parties concerned and a hearing, to revoke approval of a site plan if noncompliance is found with any of the terms, conditions, or restrictions upon which the site plan was approved.

- The Development Review Division manages the processing of subdivision applications, zoning map amendments, zoning text amendments, special exceptions, and building permit applications. In addition, this division manages the public information counter.

While each division within the Planning Department is given lead responsibility for performing certain functions and coordinating selected projects, most activities require staff in one division to seek the expertise of staff that work in one or more of the other divisions. Within the Planning Department, this is referred to as the "packager concept" because one staff person (known as the "packager") is given the lead responsibility of requesting, gathering, and compiling all resources necessary to complete a particular project or function.

Since the early 1970's, the Planning Department's budget has documented the sharing of staff resources among the divisions through the "personal services exchange matrix". The matrix shows the level of staff resources (measured in terms of position-years¹) that each division estimates it will need from each of the other divisions to complete the work program. In the Planning Department's budget, the term "staff allocation" is used to describe the overall distribution of the department's staff resources among all divisions.

The preparation of the staff draft of a master plan serves as a good example of how one division requires input from the other divisions. When preparing a master plan, the Community Planning staff must request and integrate the following:

- Demographic and fiscal impact data from the Research Division;
- Transportation and traffic data from the Transportation Planning Division;
- Environmental impact, stormwater management, water supply, and sewage facility data from the Environmental Planning Division;
- Design guidelines (especially for CBD sector plans) from the Urban Design Division; and
- Land use and zoning data, including the development of amendments to the zoning ordinance that may be needed to implement a master plan's recommendations, from the Development Review Division.

In return, planners who work in Community Planning North and South contribute to the projects of the other divisions. For example, the planners respond to the Development Review or Urban Design staffs on the conformity of

¹ A position-year represents the number of hours in a year accorded to a full-time position.

a subdivision application, site plan submission, special exception application, or mandatory referral to the recommendations contained in the adopted master plan for the relevant planning area.¹

C. Overview of Budget and Staffing Levels Since FY74

Table 1 (p. 19) outlines the growth of the Planning Department's budget in actual dollars from FY74-FY89 and in real dollars from FY74-FY88. Although the data show an actual dollar increase in the Planning Department budget of 318 percent from \$2.2 million in FY74 to \$9.2 million in FY89, consistent real dollar growth in the Planning Department's budget has only taken place since FY85. (For a comparison between requested vs. Council-approved budget levels, see Appendix D.)

When averaged over the time period studied, the Planning Department budget evidenced an average real dollar increase of four percent per year between FY74-FY88. However, growth in the Planning Department's budget during these years was not at a steady pace. On an annual basis, real budget increases ranged from one percent (FY81, FY84) to 27 percent (FY85), and there were four years during this period when the Planning Department's budget was actually reduced between two and nine percent in real dollars (FY76, FY77, FY78, FY80).

In real dollars, from FY74-FY84, the Planning Department's budget fluctuated between a low of \$3.8 million (FY80) and a high of \$4.7 million (FY75), with a cumulative change of negative two percent over this ten year period. Simply stated, the Planning Department's budget in real dollars was actually slightly lower in FY84 than it had been in FY74.

Since FY85, however, the Planning Department's budget increases in both actual and real dollars have been significant. The Planning Department's budget increased almost 60 percent during the four years between FY84 and FY88, making for a cumulative change in real dollars of 56 percent from FY74-FY88. This trend of budget increases continued into the current fiscal year; for FY89, the Council appropriated \$9.2 million to the Planning Department, which represents a 14 percent increase in actual dollars over the Planning Department's FY88 appropriation.

Table 2 (p. 20) shows the change in the number of total position-years allocated to the Planning Department between FY74 and FY89. The Planning Department's FY89 allocation of 131 position-years represented a 28 percent increase over the Planning Department's FY74 allocation of 102 position-years.

From FY74-FY88, increases in the Planning Department staff were steady but slow. There were six years in which the number of position-years either remained stable (FY75, FY77, FY81, FY83) or actually exhibited a slight decrease (FY80, FY84). For eight out of the 15 years, the annual percentage increase in Planning Department position-years ranged between two and four percent.

¹ Given the recently adopted amendment to the County's subdivision regulations, (see p. 8), the Community Planning Divisions' input into the review of subdivision applications is likely to increase in the future.

Table 1

Planning Department Budget
Annual and Cumulative Changes in Actual and Real Dollars¹
FY 1974 - FY 1989

<u>Fiscal Year</u>	<u>Actual \$ (in 000's)</u>	<u>% Change From Prior Fiscal Year</u>	<u>Cumulative % Change From FY74</u>	<u>1983 Real \$ (in 000's)</u>	<u>% Change From Prior Fiscal Year</u>	<u>Cumulative % Change From FY74</u>
1974	\$2,210	--	--	\$4,350		--
1975	\$2,563	16%	16%	\$4,686	8%	8%
1976	\$2,516	-2%	14%	\$4,338	-7%	-0.3%
1977	\$2,594	3%	17%	\$4,184	-4%	-4%
1978	\$2,736	5%	24%	\$4,102	-2%	-6%
1979	\$3,105	13%	40%	\$4,196	2%	-4%
1980	\$3,182	2%	44%	\$3,838	-9%	-12%
1981	\$3,524	11%	59%	\$3,894	1%	-10%
1982	\$3,926	11%	78%	\$4,111	6%	-5%
1983	\$4,195	7%	90%	\$4,203	2%	-3%
1984	\$4,451	6%	101%	\$4,255	1%	-2%
1985	\$5,881	32%	166%	\$5,395	27%	24%
1986	\$6,647	13%	201%	\$5,924	10%	36%
1987	\$7,340	10%	232%	\$6,316	7%	45%
1988	\$8,099	10%	266%	\$6,794	8%	56%
1989	\$9,233	14%	318%	N/A	N/A	N/A

¹ Actual dollars represent figures from the Planning Department's budget for each fiscal year. Real dollars were calculated using the U.S. Department of Labor, Bureau of Labor Statistics Consumer Price Index for the Washington Metropolitan area. The CPI index, as revised 6/21/88 uses 1983 as the base year (1983=100) for converting actual into real dollars.

Source: FY 1974 - FY 1989 Planning Department budgets.

Table 2

Position Years Allocated To Planning Department
FY 1974 - FY 1989

<u>Fiscal Year</u>	<u>Total</u>	<u>Percent Change From Prior Fiscal Year</u>	<u>Cumulative Percent Change From FY74</u>
1974	102	--	--
1975	102	0%	0%
1976	105	3%	3%
1977	105	0%	3%
1978	109	4%	7%
1979	111	4%	9%
1980	110	-1%	8%
1981	110	0%	8%
1982	112	2%	10%
1983	114	0%	12%
1984	109	-4%	7%
1985	114	5%	12%
1986	117	3%	15%
1987	119	2%	17%
1988	124	4%	22%
1989	131	6%	28%

Source: FY 1974 - FY 1989 Planning Department budgets.

Comparatively, the largest annual increase since FY74 in total Planning Department position-years occurred in FY89 when the Planning Department received funding for a total of 131 position-years. This represented an addition of seven positions, a six percent increase over the number of position-years in FY88.

D. Trends in Resource Allocation Since FY74

1. Trends in Funding Among Program Elements. Table 3 (p. 22) provides data on the annual distribution of the Planning Department's budget in real dollars from FY74-FY88 among the department's three program elements: General Planning, Community Planning, and Regulatory Planning. Because the primary responsibility of the Community Planning program is to work on master plans, the trend in resources allocated to Community Planning can be used as a reasonable indicator of Planning Department resources dedicated to master plans.

As graphically illustrated on Chart III (p. 23), the relative sizes of the three programs have changed since 1974, with the most notable change being a shift in budgeted resources towards the Regulatory Planning program. During the latter half of the 1970's, General Planning and Community Planning each had budget levels significantly larger than that of Regulatory Planning. During the early 1980's, however, while the total Planning Department budget remained essentially constant, steady real dollar increases in the Regulatory Planning budget and real dollar reductions in the Community Planning budget occurred. The budget changes were such that in recent years, in contrast to the mid-1970's, the Planning Department's budget has been divided much more equally among the three program elements.

The data show that the rates at which the program element budget levels changed, also varied from year to year. While the overall budget levels for all three program elements are significantly higher today in real dollars than they were 15 years ago, there were periods during which the funding levels of one, two, or all three programs did not keep pace with inflation. Specifically:

- In real dollars, the Regulatory Planning budget was 48 percent higher in FY88 than it was in FY74. In the mid-1970's, the Regulatory Planning budget was cut in half based upon the assumption that the combined effects of inflation and the recession would decrease the regulatory workload. However, much of Regulatory Planning's budget reduction was restored by FY81, and Regulatory Planning's budget has since grown steadily, increasing 97 percent from FY81-FY88.

- Although, in real dollars, the Community Planning budget was 55 percent higher in FY88 than it was in FY74, there were six consecutive years (FY77-FY82) during which the Community Planning budget actually declined between two and 17 percent per year so that by FY82, the Community Planning budget was approximately one-third lower in real dollars than it had been in FY76. Since FY85, however, Community Planning's budget has increased at a rate of over 12 percent per year so that by FY87, the Community Planning budget almost equalled in real dollars what it had 11 years earlier.

Table 3

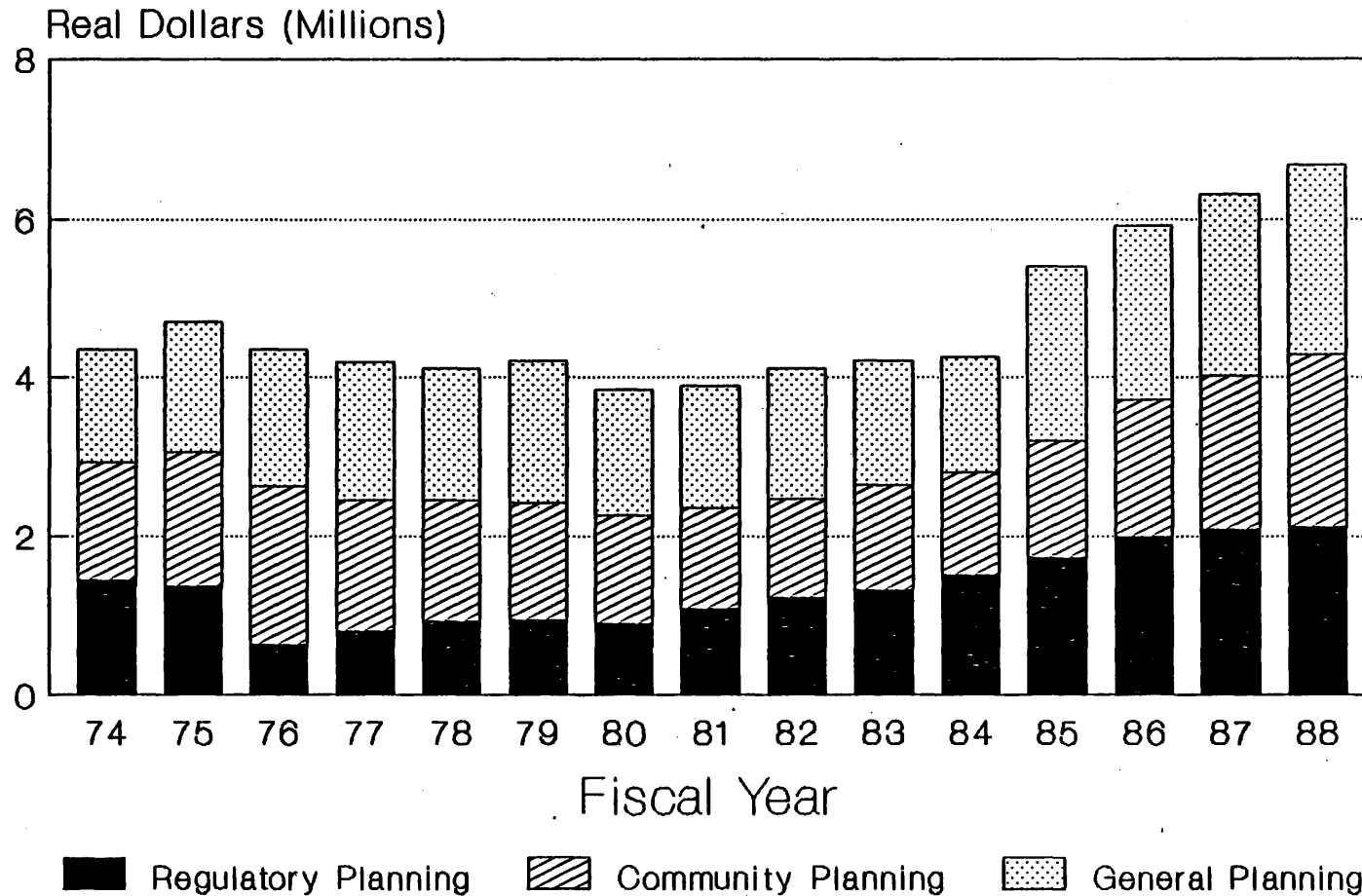
Planning Department Budget in Real Dollars
By Program Element
FY 1974 - FY 1988

<u>Fiscal Year</u>	<u>General Planning</u>		<u>Community Planning</u>		<u>Regulatory Planning</u>	
	<u>Real \$¹</u> <u>(in 000's)</u>	<u>% Change</u> <u>From Prior</u> <u>Fiscal Year</u>	<u>Real \$¹</u> <u>(in 000's)</u>	<u>% Change</u> <u>From Prior</u> <u>Fiscal Year</u>	<u>Real \$¹</u> <u>(in 000's)</u>	<u>% Change</u> <u>From Prior</u> <u>Fiscal Year</u>
1974	\$1,431	--	\$1,476	--	\$1,445	--
1975	\$1,634	14%	\$1,686	14%	\$1,367	-5%
1976	\$1,712	5%	\$1,991	18%	\$ 634	-54%
1977	\$1,723	1%	\$1,658	-17%	\$ 805	27%
1978	\$1,646	-4%	\$1,523	-8%	\$ 933	16%
1979	\$1,773	8%	\$1,485	-2%	\$ 938	1%
1980	\$1,566	-12%	\$1,374	-7%	\$ 899	-4%
1981	\$1,527	-2%	\$1,283	-7%	\$1,083	20%
1982	\$1,640	7%	\$1,237	-4%	\$1,236	14%
1983	\$1,561	-5%	\$1,319	7%	\$1,324	7%
1984	\$1,448	-7%	\$1,290	-2%	\$1,517	15%
1985	\$2,194	52%	\$1,461	13%	\$1,740	15%
1986	\$2,217	1%	\$1,715	17%	\$1,993	15%
1987	\$2,299	4%	\$1,925	12%	\$2,092	5%
1988	\$2,381	4%	\$2,282	19%	\$2,132	2%

¹ Real dollars were calculated using the CPI index. See footnote 1 on Table 1 (p. 19).

Source: FY 1974 - FY 1988 Planning Department budgets.

Planning Department Budget Allocation by Program Element



Real Dollars Using CPI Index

¹See footnote 1 on Table 1 for explanation of real dollar calculation.
Source of data: FY 1974 - FY 1988 Planning Department budgets.

• In real dollars, the General Planning budget was 66 percent higher in FY88 than it had been in FY74, and despite five years of not keeping pace with inflation, General Planning's dollar share of the total Planning Department budget has exceeded that of the other two programs since FY77. Since FY74, the most significant funding increase (52%) occurred in FY85 for professional service contracts with private consulting firms and computer model enhancements for the Transportation Planning, Research, and Environmental Planning Divisions.

2. Trends in Number of Positions and Staff Allocation Among Program Elements. Table 4 (p. 25) compares the number of positions and staff allocations for each program element from FY74-FY89. The number of positions indicates how staff positions are organizationally distributed in the Planning Department. However, as explained earlier in this chapter, because staff within each program contribute time to projects packaged by the other programs, the staff allocation data reflect the number of staff (in position-years) from the department as a whole that each program element needs to complete its work program.

The data show the number of positions in General Planning gradually increasing from 48 in FY76 to 55 in FY82 to 74 in FY89¹. The consistent growth in General Planning staff is explained by the fact that many of the department's technical experts in research, transportation, and the environment are hired by the divisions belonging to General Planning. Over the years, as the demand for more complex analyses has increased, so has the number of technical experts hired by the Planning Department.

In contrast to the steady growth in staff hired by the General Planning divisions, the number of Community Planning positions remained essentially stable and the number of Regulatory Planning positions showed greater variability. Specifically, the number of Community Planning staff ranged between a low of 18 positions (FY85) to a high of 22 positions (FY77, FY80, FY81); and the number of Regulatory Planning staff was stable from FY76-FY83, (36-39 positions), increased in FY85 to 44 positions, decreased in FY86 and FY87 down to 31 positions, and increased again in FY89 to 36 positions.

For FY89, the Planning Department gained a total of seven positions, the largest increase in staff since FY74. Specifically, General Planning gained two positions, (a clerical position in the Research Division to maintain records on the pipeline of approved subdivisions necessary to prepare the Annual Growth Policy, and a transportation planner in the Transportation Planning Division to measure future transportation allocations in support of master plans and the Comprehensive Growth Policy Study); Community Planning gained one position, (a community planner in Community Planning South to work on master plans); and Regulatory Planning gained four positions, (an urban designer in the Urban Design Division to conduct site plan inspections and contribute design input to master plans, a support position in Development Review to process special exception staff reports, and two positions in Development Review to staff an enlarged public information counter).

¹ Data on the number of positions in each program element were not available for FY74 and FY75.

Table 4

Planning Department Number of Positions and Staff Allocations^a
By Program Element
FY 1974 - FY 1989

<u>Fiscal Year</u>	<u>General Planning</u>		<u>Community Planning</u>		<u>Regulatory Planning</u>	
	<u>Number of Positions</u>	<u>Staff Allocation</u>	<u>Number of Positions</u>	<u>Staff Allocation</u>	<u>Number of Positions</u>	<u>Staff Allocation</u>
1974 ^b	--	29.00	--	37.70	--	35.30
1975 ^b	--	37.30	--	46.50	--	18.20
1976	48	40.60	19	46.50	38	18.20
1977	47	38.95	22	43.90	36	22.15
1978	49	40.40	20	41.85	38	25.75
1979	51	39.95	21	43.80	39	27.25
1980	51	42.55	22	40.95	37	26.50
1981	51	41.50	22	38.80	37	29.70
1982	55	43.65	21	35.15	38	35.20
1983	55	41.25	21	37.10	38	35.65
1984	48	36.20	19	32.75	42	40.05
1985	52	40.35	18	34.55	44	39.10
1986	66	38.55	20	36.55	31	41.90
1987	68	38.90	20	38.00	31	42.10
1988	72	40.45	20	39.20	32	44.35
1989	74	40.80	21	42.80	36	47.40

^a The number of positions is the number of staff located in each division as a part of a program element, and indicates how positions are organizationally distributed in the Planning Department. However, because staff within each program contribute time to projects packaged by the other program elements, the staff allocation is the number of staff (in position-years) from the department as a whole that each program element needs to complete its work program.

^b Number of positions by program element were not available for FY74 and FY75.

Source: FY 1974 - FY 1989 Planning Department budgets. All data represent staff and staff allocation levels in Planning Department's adopted budgets except that FY76-FY81 staff allocation data represent levels in requested budgets because adopted budget figures for these years were not available.

As far back as the staff allocation data has been included in the Planning Department's budget, it is evident that examining where the greatest number of positions are organizationally located is not the same as examining how the staff resources within the Planning Department as a whole are allocated. While the number of positions data show the increasing numbers of technical experts hired by the divisions belonging to the General Planning program, the staff allocation data show the same trend in resource allocation that was evidenced by the budget level data, that is, as the level of total staff resources increased only marginally between FY74-FY84, staff resources were shifted to Regulatory Planning and away from Community Planning.

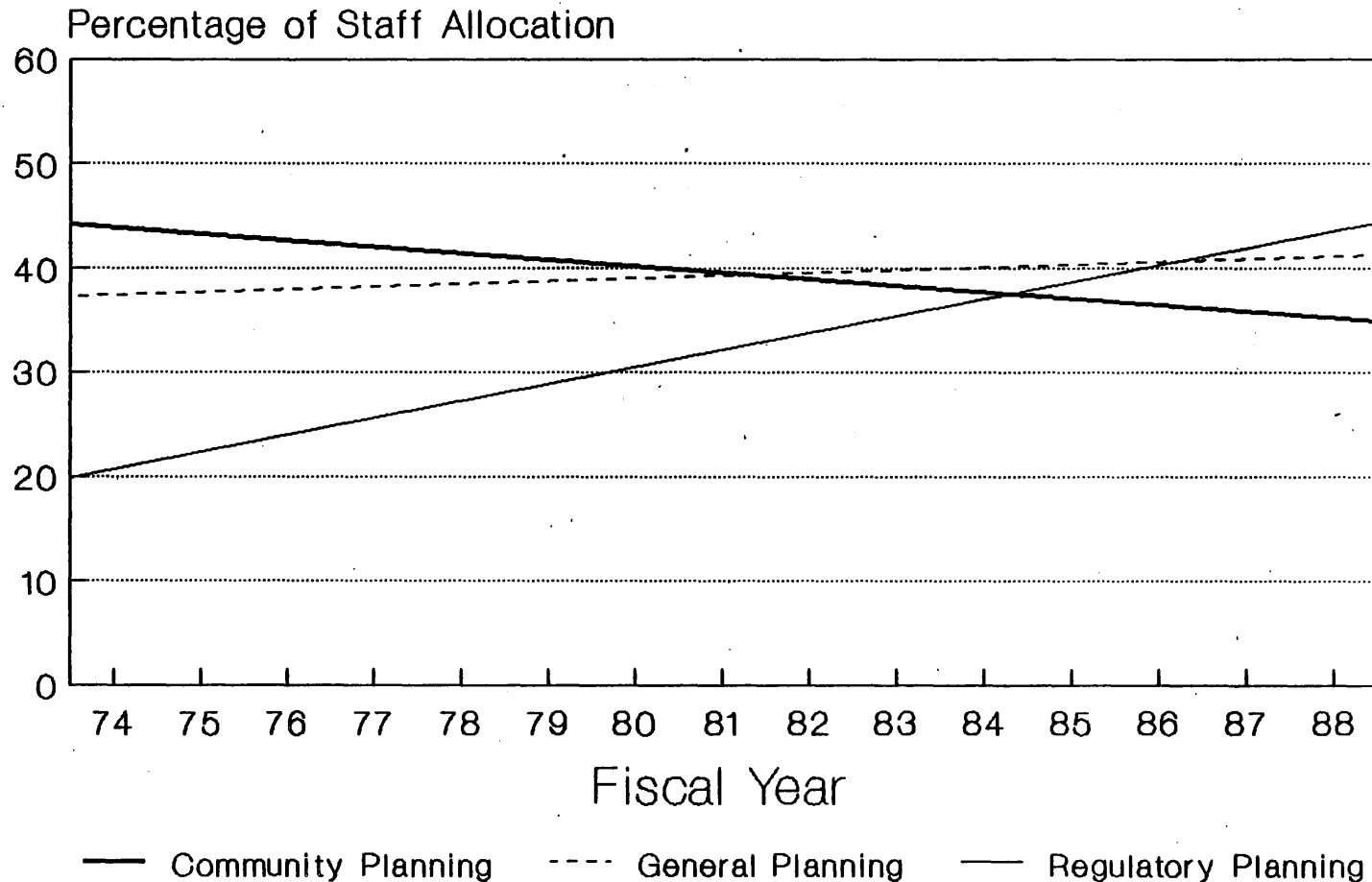
Specifically, the staff allocation data show that, from FY75-FY79, the largest share (39-46%) of total staff resources was allocated to Community Planning, the second largest share (36-39%) to General Planning, and the smallest share (17-25%) to Regulatory Planning. However, during much of the 1980's, the percent of total staff resources increased in the Regulatory program, and either remained stable or decreased in the other two programs. Similar to the trend evidenced by the budget level data, the staff allocation data indicate that changes during the 1980's have resulted in total staff resources being divided much more evenly among the three programs in recent years.

Since the mid-1970's, the overall trends in resource allocation are quite evident from a simple regression analysis (least squared fit method) of the percent of staff allocated among the three program elements FY74-FY88. As illustrated on Chart IV (p. 27), the regression shows an increasing percent of staff resources allocated to Regulatory Planning, a declining percent allocated to Community Planning, and a relatively consistent percent allocated to General Planning. The remainder of this section provides some additional detail about resources allocated among the three program elements.

Regulatory Planning. The shift in departmental resources towards Regulatory Planning during the early 1980's is not surprising given that the total Planning Department budget remained essentially constant (FY74-FY84) while the increase in the workload of the two divisions that make up the Regulatory Planning program (Urban Design and Development Review) increased. The workload of these two divisions is largely not controlled by the Planning Department to the extent that the Planning Board has defined legal responsibilities to process and/or respond within statutory deadlines to whatever volume of applications property owners and developers submit; or in the case of text amendments, that the Planning Board or County Council propose.

Although not a measure of the complexity of individual cases or the number of actual work hours involved, the sheer volume of applications and proposals that the Planning Department and Planning Board processed or responded to each year since FY81 is one indicator of the Regulatory Planning workload. Table 5 (p. 28) lists the number of subdivision applications, site plan submissions, CBD optional method applications, local zoning map amendments, zoning special exceptions, zoning text amendments and building permit applications filed annually from FY81-FY88, the years for which data were most readily available. The number of building permit applications is totaled separately because the review of building permits represents such a large proportion of the total number of workload items but consumes only a relatively small amount of staff time. (The Planning Board's role with respect to each application/proposal is explained in a footnote (p. 29) to Table 5.)

Planning Department Staff Trends in Allocation by Program Element



Trend by Least Squared Fit Method

Source of data: FY 1974 - FY 1988 Planning Department budgets.

Table 5

Volume of Regulatory Planning Workload
FY 1981 - FY 1988

<u>Application/Proposal Planning Board Reviews and/or Decides¹</u>	<u>1981</u>	<u>1982</u>	<u>1983</u>	<u>1984</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>	<u>1988</u>	<u>TOTAL</u>
Subdivision Applications	259	229	265	327	311	305	328	264	2,288
Site Plan Submissions	85	91	115	151	153	121	83	64	863
CBD Optional Method Applications	3	10	9	1	7	0	5	10	45
Local Map Amendments	49	52	49	45	43	48	31	50	367
Special Exceptions	47	55	58	183	83	95	135	128	784
<u>Zoning Text Amendments</u>	<u>24</u>	<u>39</u>	<u>20</u>	<u>37</u>	<u>26</u>	<u>21</u>	<u>15</u>	<u>35</u>	<u>217</u>
Subtotal:	467	476	516	744	623	590	597	551	4,564
Building Permit Applications ²	<u>5,207</u>	<u>4,960</u>	<u>9,184</u>	<u>11,412</u>	<u>10,614</u>	<u>15,213</u>	<u>9,050</u>	<u>9,053</u>	<u>74,693</u>
TOTAL	5,674	5,436	9,700	12,156	11,237	15,803	9,647	9,604	79,257

¹ Description of each application/proposal follows on the next page.

² The number of building permit applications are totaled separately because they represent such a large proportion of the total number of workload items but consume only a relatively small amount of staff time.

Source: Urban Design and Development Review Divisions' records.

Explanatory footnote to Table 5:

A Subdivision Application is an application to the Planning Board from a property owner to divide or combine several tracts of land. The Planning Board has final decision authority, with appeal to the Circuit Court.

A Site Plan Submission is a submission to the Planning Board from a developer showing how a development project will meet the stated purposes and standards of a zone. The Planning Board has final decision authority, with appeal to the Circuit Court.

A CBD Optional Method Application is an application to the Planning Board from a developer showing how a development project will provide additional public facilities and amenities in exchange for permission to develop at a higher density. The Planning Board has final decision authority, with appeal to the Circuit Court.

A Local Map Amendment is a request to the Council from a property owner or a contract purchaser to change the zoning of a single tract of land. The Planning Board reviews the requests and makes a recommendation to the Hearing Examiner. The Hearing Examiner hears each request and makes a recommendation to the Council, which has final decision authority, with appeal to the Circuit Court.

A Special Exception is a request to the Board of Appeals from a property owner for authorization of a specific land use that is permitted according to the Zoning Ordinance in particular zones as a special exception; the Zoning Ordinance outlines certain general and specific standards that must be met in order for a special exception to be granted. The Planning Board reviews major requests and makes a recommendation to the Board of Appeals, which has final decision authority, with appeal to the Circuit Court.

A Building Permit Application is an application to the Department of Environmental Protection from a property owner or developer for approval that building plans meet all legal and regulatory requirements. The Planning Department reviews each application for zoning conformance and makes a recommendation to the Department of Environmental Protection, which has final decision authority, with appeal to the Board of Appeals.

A Zoning Text Amendment is a proposal by the Council or the Planning Board to amend the Zoning Ordinance by either creating a new zone(s) or altering the standards regulating the use of an existing zone(s). The Council has final decision authority.

While not every category of application steadily increased each year, there was a notable trend towards an overall increase in total regulatory work volume from FY81 through FY86. Significant increases can especially be seen from FY81-FY86 in the annual volume of subdivision applications, site plan submissions, and building permit applications. The data do show, however, a reduction in the total number of applications reviewed in FY87 and FY88.

General Planning. As the percent of total resources allocated to Regulatory Planning were increasing, the percent of total resources allocated to General Planning remained relatively stable. Contributing to the consistent allocation of staff resources to General Planning has been that, in addition to providing much of the agency's technical expertise, the General Planning staff has had the lead responsibility every year since FY75 for producing some kind of annual growth policy report, a very staff-intensive time-consuming effort. (See Appendix E for list of these annual reports.) During the years examined, divisions within the General Planning program have also been responsible for preparing the County's functional plans (see Appendix B) and for issuing a periodic County census update.

Community Planning. During the years that total Planning Department resources remained essentially constant, the percent of total resources allocated to Regulatory Planning increased while the percent allocated to Community Planning declined.

As noted earlier, because the primary responsibility of the Community Planning divisions is to work on master plans, the trend in total staff resources allocated to Community Planning projects is a reasonable indicator of total Planning Department resources dedicated to master plans over the years. Keeping in mind that significant amounts of Planning Department staff time are often spent on a master plan during the year or two prior to the formal adoption of a plan, the data show a general correlation between the level of resources allocated to the Community Planning program and the number of plans and amendments adopted since 1974. Specifically:

- From FY74-FY79, Community Planning was allocated the largest proportion of total Planning Department staff resources (42-47 position-years representing 39-46% of total Planning Department resources), and, as will be documented later in this report (Chapter VI), 18 area master plans and sector plans, and 30 amendments were adopted between 1974-1980. This volume of work represents 70 percent of all master and sector plans, and almost half of all amendments adopted since 1974.

- During the 1980's, the shift in total Planning Department resources away from Community Planning and to Regulatory Planning correlates with a decline in the number of master plans prepared and adopted. Specifically, the total staff allocation to Community Planning decreased from a high of almost 47 position-years in FY75 and FY76 to a low of approximately 33 position-years in FY84; and from 1981-1984, only five area master plans and 15 plan amendments were adopted.

- Finally, since FY84, total staff allocated to Community Planning projects has increased every year. While only three major area master and sector plans have been adopted since 1985 (Gaithersburg and Vicinity, Boyds, Four Corners and Vicinity), the record shows 18 plan amendments adopted during this three-year period including a number that were extraordinarily complex and time-consuming, e.g., Silver Spring CBD amendment, Gaithersburg amendment, and Bethesda CBD amendments.

Within recent months, the Planning Department has implemented a number of changes to make more efficient use of Community Planning staff time in order to meet the master plan deadlines approved in the FY89 work program. Specifically, the Planning Department has:

- Transferred the responsibilities for packaging historic preservation nominations and mandatory referrals away from the Community Planning Divisions;

- Revised departmental procedures for obtaining the Community Planning staff's input into items packaged by other divisions, (e.g., zoning map amendments, special exceptions, site plans, subdivision applications), such that comments are now delivered orally instead of in writing;

- Initiated an examination of master plan documents to see if a more simplified and uniform approach could save time in the preparation process;

- Made increased use of consultant services for obtaining specialized information and analyses (especially in the area of transportation) that are needed to prepare master plans; and

- Incorporated the Community Relations Office within the Planning Department, and with the assistance of upgraded information services management, started a program to transfer some of the burden of responding to public inquiries for general information from the Community Planning staff to the Community Relations Office and the expanded information counter.

3. Trends Among Expenditure Categories. Another way to look at how resources are allocated within the Planning Department is to examine trends among the five major expenditure categories, which are:

- **Personal Services:** salaries, wages, and benefits for all staff positions;
- **Professional Services:** funds necessary to hire private firms to generate data or conduct studies;
- **Publication Services:** costs of printing the various documents produced as part of the work program;
- **Automation Services:** all hardware and software equipment, the maintenance of the equipment, and related supplies and materials; and
- **Support Services:** overhead items such as postage, telephone, utilities, travel, capital outlay, and training.

Table 6 (p. 33) shows the Planning Department budget in real dollars (FY74-FY88) divided among the five major expenditure categories. The data show that in the early 1980's personal services comprised the largest share of the budget (almost 90 percent) while professional, publication, automation, and support services were all relatively small shares (one to four percent) of the total budget. Although the personal services category still accounts for the largest share of the Planning Department's budget, there have been notable increases in other expenditure categories since FY85 such that personal services in FY88 represented only 70 percent of the total departmental budget.

The expenditure categories with the most significant increases since FY74 have been automation services and support services.¹ Automation services became a separate expenditure category in FY82 and the budget level has increased seven times its original amount (FY82-\$61,000; FY88-\$435,000). Support services funding has increased a total of 121 percent in real dollars over the time period examined.

Professional services has demonstrated the greatest fluctuations since FY74 ranging between a low of \$43,000 in FY82 to a high of \$750,000 in FY75. The level of funding for professional services in FY88 was quite close in real dollars to that of FY74. In contrast to the other expenditure categories, funding for publication services has actually decreased 22% since FY74, as funding in this category has not kept pace with inflation.²

Although not reflected in Table 6, the Planning Department's budget divides each expenditure category among the three program elements - General Planning, Community Planning, and Regulatory Planning. As expected, the percent of staff allocated to each program element parallels the percent of personal services funds allotted to each program element. This year, for example, General Planning received 31 percent of the staff resources and 32 percent of the personal services funds. Community Planning received 33 percent of the staff resources and 34 percent of the funds. And, Regulatory Planning received 36 percent of the staff resources and 34 percent of the funds.

In line with the allocation of professional services funds over the years, in FY89 General Planning received the bulk (94%) of funds in this expenditure category. Contract work includes such major projects as the Comprehensive Growth Policy Study and the Interagency Computer Mapping Study. Regulatory Planning received six percent of the consultant funds for work on CBD design and project design assistance. In previous years, Community Planning has used relatively small amounts of professional services funds to conduct special studies that support the work on master plans.³

¹ The budget used the term "computer time" for automation services from FY82 to FY85, and the term "other charges" for support services from FY74 to FY85.

² The budget used the term "printing" for publication services from FY74 to FY84.

³ In FY89, the Planning Department initially requested professional services funds for two Community Planning projects--one project (the Rockville Facility Design Alternatives Study) was changed to a supplemental request to the FY88 budget, and the other project (the Clarksburg New Town Study) was deferred due to the changes in the master plan schedule.

Table 6

Planning Department Budget in Real Dollars¹
By Expenditure Category
FY 1974 - FY 1988

<u>Fiscal Year</u>	<u>Personal Services</u> <u>Real \$ (in 000's)</u>	<u>Professional Services</u> <u>Real \$ (in 000's)</u>	<u>Publication Services²</u> <u>Real \$ (in 000's)</u>	<u>Automation Services³</u> <u>Real \$ (in 000's)</u>	<u>Support Services⁴</u> <u>Real \$ (in 000's)</u>
1974	\$3,163	\$630	\$207	--	\$352
1975	\$3,331	\$750	\$218	--	\$388
1976	\$3,274	\$476	\$274	--	\$314
1977	\$3,344	\$318	\$210	--	\$313
1978	\$3,369	\$280	\$145	--	\$307
1979	\$3,569	\$403	\$ 85	--	\$141
1980	\$3,373	\$230	\$116	--	\$118
1981	\$3,301	\$304	\$144	--	\$145
1982	\$3,638	\$ 43	\$187	\$ 61	\$183
1983	\$3,727	\$ 59	\$167	\$ 51	\$199
1984	\$3,715	\$ 98	\$156	\$ 38	\$249
1985	\$3,868	\$344	\$183	\$383	\$617
1986	\$4,093	\$541	\$161	\$369	\$761
1987	\$4,534	\$433	\$155	\$431	\$763
1988	\$4,711	\$698	\$170	\$435	\$779

¹ Real dollars were calculated using the CPI index. See footnote 1 on Table 1.

² FY74 - FY84 category is "Printing".

³ FY82 - FY85 category is "Computer Time". Automation services did not become a separate expenditure category until FY82; prior to that time, most computer work was contracted out and charged to the professional services category.

⁴ FY74 - FY84 category is "Other Charges".

Source: FY 1974 - FY 1988 Planning Department budgets.

Automation services funds for FY89 are almost evenly divided between the three program elements. In FY82, when automation services became a separate expenditure category,¹ General Planning consumed most of the funds; but, in the last three years all the program elements have been budgeted relatively equivalent shares.

The publication services (printing) funds are directly proportional to the number of documents each program element produces. In FY89, Regulatory Planning received over half of the printing funds; while General Planning and Community Planning each received close to 25 percent. General Planning and Community Planning usually issue large documents on an irregular basis, while Regulatory Planning tends to consistently issue smaller reports (e.g., site plan review and subdivision reports) on a more regular basis.

IV. PLANNING BOARD TIME SPENT ON MASTER PLANS

A. Summary of Planning Board Responsibilities. Just as the level of Planning Department resources allocated to the Community Planning program is a necessary input to preparing master plans, so is the time the Montgomery County Planning Board spends on the process. For the Planning Board, the statutory responsibility to prepare master plans for County Council and County Executive consideration and approval is only one among other legal responsibilities. By law, the Planning Board also has the responsibility to:

- Administer the County's subdivision regulations (Chapter 50, MCC);
- Prepare the Annual Growth Policy for consideration by the County Executive and approval by the County Council;
- Approve and enforce decisions on site plan and CBD optional method project plan submissions;
- Make recommendations to the Zoning Hearing Examiner and County Council on zoning map amendment applications;
- Make recommendations to the Board of Appeals on special exception applications;
- Advise the County Council on zoning text amendments;
- Make recommendations to the County Council on the County's Executive's proposed Capital Improvements Program;
- Review and make recommendations on public sector capital projects under the State's mandatory referral law; and
- Serve as the Montgomery County Park Commission, which includes park planning, acquisition, development, maintenance, and operations.

¹ Prior to FY82, most computer work was contracted out and charged to the professional services category.

B. Allocation of Planning Board Time

1. Introduction. The preferred way to measure the allocation of Planning Board time to master plans would be to examine both the number of hours as well as the relative proportion of total Planning Board time these hours represent. Due to the limitations of time and available data, the following two approaches to measuring the allocation of Planning Board hours were used:

- For four sample years and the three most recent years (1974, 1977, 1980, 1983, 1986, 1987, 1988), a rough estimate of Board time spent on master plans vs. other business was obtained from reviewing Planning Board records for the total number of Planning Board meetings, and the number of times such meetings were dedicated primarily to master plan-related business, e.g., master plan public hearings, master plan worksessions.

- For the two most recent fiscal years (FY87 and FY88), more detailed data on the total number of hours spent by the Planning Board on master plans vs. other Planning Board business was obtained from reviewing Planning Board agendas that included estimates of the length of time necessary for each agenda item.¹

2. Data on Number of Meetings. Table 7 (p. 36) lists the total number of Planning Board meetings for the four sample years and the three most recent years. The data show a general trend towards an increasing number of total Planning Board meetings during the 1980's. Compared to 78 meetings in 1974, the Planning Board held over 100 meetings every year since 1980 for which data were compiled. If the Planning Board continues to meet during the second half of 1988 as frequently as it did during the first six months, the number of Planning Board meetings this year will likely exceed 130, a number that is almost 70 percent higher than the number of Board meetings held 15 years ago.

During the seven years examined, the number of master plan public hearings and worksessions held each year ranged from five to 33; and these master plan-related meetings represented between five and 31 percent of the total number of Planning Board meetings held during any single year. If the first six months of 1988 is a good indicator for the second six months, then in terms of relative Board time spent on master plans, this year will be one during which the Planning Board may devote over 30 meetings to master plans. These 30 meetings will likely represent about one-fourth of all Planning Board meetings held during 1988.

¹ With the assistance of the Planning Department and Planning Board Chairman's office, an effort was made to adjust estimated times on these agendas to more accurately correspond to actual times.

Table 7

Total Number of Planning Board Meetings and Number and Percent of
Master Plan-Related Meetings for Selected Years 1974-1988

<u>Calendar Year</u>	<u>Total Number of Meetings¹</u>	<u>Master Plan - Related Meetings²</u>	
		<u>Number</u>	<u>Percent of Total Meetings</u>
1974	78	16	21%
1977	97	20	21%
1980	106	33	31%
1983	123	18	15%
1986	107	5	5%
1987	110	17	15%
1988*	66	16	24%

¹ Includes MCPB regular sessions, full Commission sessions, Park Commission sessions, quarterly meetings with the Council, public hearings, worksessions, and other formally scheduled meetings that were listed on Planning Board weekly agenda mailings.

² Includes MCPB master plan public hearings and worksessions.

* Through June 30, 1988.

Source: Planning Board records, 1974-1988.

As will be described in the following chapter, the Planning Board's heaviest involvement in the preparation of a master plan is most often between the time a staff draft is completed and a final draft is approved, with significant amounts of Board time spent on any given master plan preceding the final adoption date of the plan by one to two years. With this in mind, there appears to be a general correlation between the number of meetings the Planning Board spent on master plans and the number of plans adopted. The decrease in number and percent of Planning Board meetings dedicated to master plans during the early and mid-1980's corresponds to years in which the number of plans adopted also decreased. Specifically, during 1974, 1977, and 1980, between 21-31 percent of the Planning Board's meetings were related to master plans; and, between 1974-1981 nineteen area master plans and sector plans were adopted. In 1983, 1986, and 1987, only five to 15 percent of Board meetings concerned master plans; and between 1983-1988, only three master plans were adopted.

3. More Detailed Data on Allocation of Planning Board Time.

Table 8 (p. 38) contains more detailed data on the allocation of Planning Board time for FY87 and FY88 and Chart V (p. 39) graphically depicts the allocation of Planning Board time for FY88.

The data indicate that in FY87 and FY88, the Planning Board spent approximately 700 hours each year in formal session allocated as follows:

- Approximately half of the Planning Board's time was spent on regulatory items including subdivision applications, site plan and optional method project plan submissions, special exceptions, zoning text amendments, zoning map amendments, and the comprehensive zoning ordinance review;

- Almost one-fifth to a quarter of the Planning Board's time was spent either conducting master plan public hearings, and master plan worksessions, or participating in public forums or other Board meetings on master plans; and,

- The remainder of the Planning Board's time was spent on the Annual Growth Policy (5-10%), park business (9-11%), program coordination and administration (7-9%), and other items (2-5%).

4. Hours Spent by Current Planning Board Members.

Interviews with the current Chairman and other Planning Board members indicate that the Chairman routinely spends 60-75 hours per week on Planning Board business, and the other four members individually spend between 25 and 40 hours per week on Planning Board business. This suggests that members each spend an average of 10-25 hours per week on Planning Board business outside of formal sessions. This time includes preparing for Planning Board meetings, attending civic association and other neighborhood meetings, serving on various committees and task forces as the Planning Board designee, conducting site visits, and attending meetings of the County Council and other official bodies.

Table 8

Percent of Planning Board Time Spent
on Selected Agenda Categories
FY 1987 - FY 1988

<u>Agenda Category</u>	<u>FY 1987</u>	<u>FY 1988</u>
Regulatory ¹	52%	47%
Master Plans	18%	25%
Annual Growth Policy	10%	5%
Program Coordination/ Administration	9%	7%
Parks	9%	11%
Other ²	<u>2%</u>	<u>5%</u>
	100%	100%
Total Number of Hours	691	727

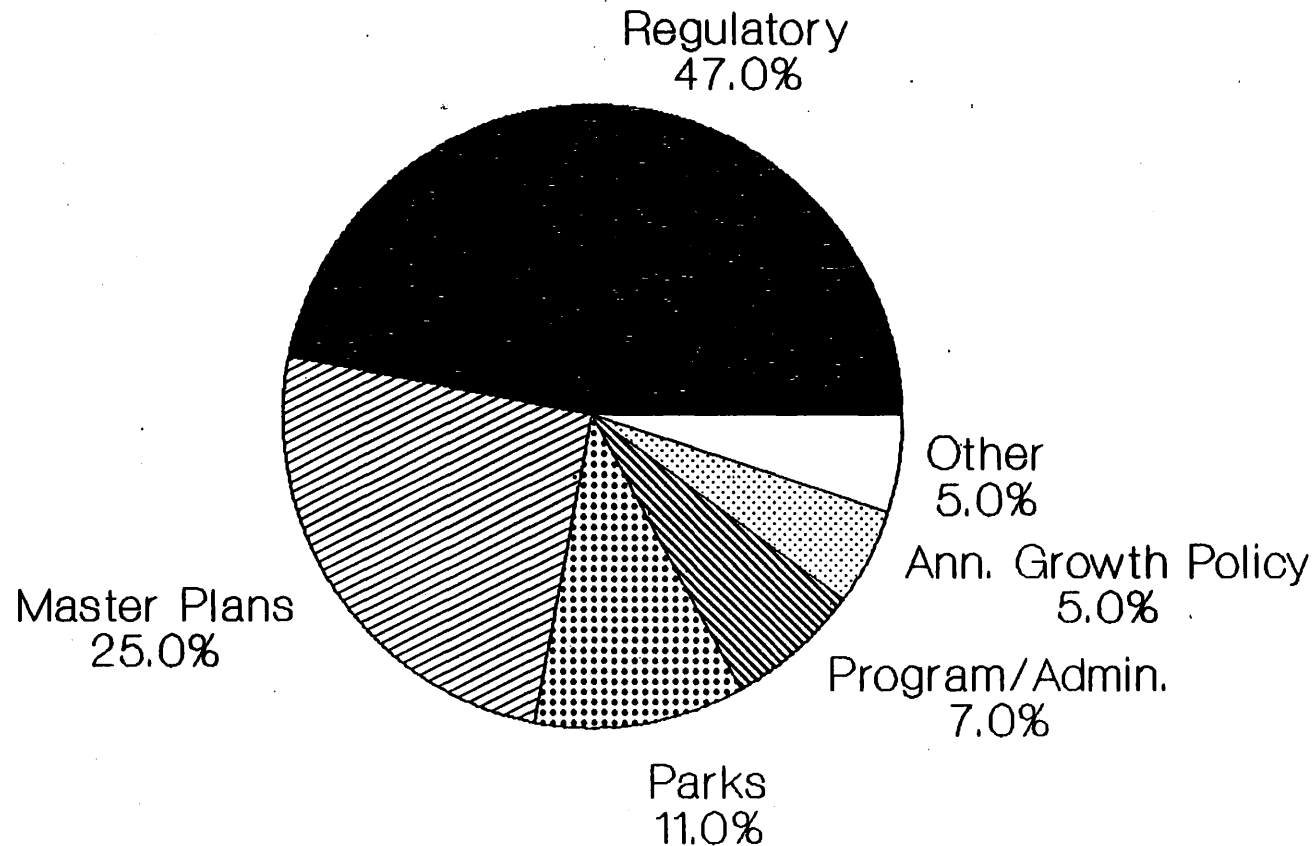
¹ Includes consideration of subdivision applications, site/project plans, mandatory referrals, special exceptions, zoning map amendments, and zoning text amendments.

² Includes items such as APFO issues, legislation, legal items, CIP items, water and sewer category changes, and special studies.

Source: Planning Board agendas that included estimated time intervals for each agenda item, FY 1987 - FY 1988.

Chart V

Allocation of Planning Board Time Fiscal Year 1988



TOTAL HOURS: 727

Source of data: FY88 Planning Board Agendas with estimated times for each agenda item.

V. THE PROCESS OF PREPARING AND ADOPTING MASTER PLANS IN PRACTICE

A. Introduction

Previous chapters have reviewed the legal parameters, Planning Department resources, and Planning Board time dedicated to preparing master plans. The purpose of this chapter is to describe the basic process followed to prepare a master plan. The following chapter will then analyze the record of master plans prepared and adopted since 1974, review data on the lengths of time between selected steps in the process, and identify factors that have affected the production of master plans.

The distinction among comprehensive area master plans and sector plans, and plan amendments (limited or partial revisions) were described in Chapter II, BACKGROUND (see p. 6). Consistent with the rest of this report, unless otherwise specified, the term "master plan" is used to refer to all three types of documents.

B. List of Basic Steps Followed to Prepare Master Plans

As reviewed earlier, the law mandates certain requirements for initiating, preparing, and adopting master plans, but dictates only some of the procedural details. Although the County Code (Section 33A-14, MCC) authorizes M-NCPPC and the County Council to establish administrative procedures to implement the provisions of Chapter 33A, Planning Procedures, no formal written guidelines or standards further detailing how a master plan should be prepared have been developed. However, while no two master plans are prepared according to the identical schedule or process, OLO has identified certain steps that appear common to almost all plans.

In practice, the following steps have generally been followed to prepare and adopt master plans. The steps mandated by law are underlined.

- County Council approves master plan for inclusion in Planning Department's work program.
- Planning Department initiates work on master plan.
- Planning Department identifies key issues in master plan.
- Planning Department prepares staff draft of master plan.
- Planning Board holds worksession(s) on staff draft of master plan, and approves preliminary draft of master plan for public hearing.
- Planning Board holds public hearing on preliminary draft of master plan.
- Planning Board holds worksession(s) on preliminary draft of master plan.

- Planning Board approves final draft of master plan and transmits to County Executive and County Council.
- County Executive reviews final draft of master plan, revises as deemed appropriate, and transmits to County Council.¹
- County Council holds public hearing on final draft of master plan.
- County Council holds worksession(s) on final draft of master plan.
- County Council approves final draft of master plan; (If revised from version transmitted to County Council from County Executive, County Council transmits final draft back to County Executive for review and action; if County Executive disapproves, Council has right to override the disapproval with five votes¹).
- M-NCPPC formally adopts master plan.

The following section describes each of these steps in more detail.

C. Description of Each Step in the Process

1. Council Approves Master Plan for Work in Planning Department's Work Program (Mandated by Law). Since the early 1970's, the Planning Department has prepared a master plan production schedule as part of its annual work program and presented it to the Planning Board and the County Council for approval as part of M-NCPPC's annual budget. As amended in 1986, State law now requires the County Executive to concur with any changes the Council makes to the proposed work program. The County Council can override an Executive veto of the work program by the affirmative vote of five Councilmembers.

When asked how it is decided which master plan(s) to work on, the consistent answer from the Planning Department staff was that work on major area master plans and sector plans begins at the direction of the County Council, which approves the Planning Department's annual work program and sets priorities on projects for each year; on occasion, work on a minor plan amendment has been initiated by the Planning Board.

A review of County Council budget minutes since FY74 showed the Council has rarely made changes to the Planning Department's work program as proposed in the budget. However, during the FY89 budget review session, the Council did vote to change several areas of the work program, including the master plan schedule; and there have been several other occasions since 1974 that the Council has exercised its authority to modify the Planning Department's proposed master plan schedule.

¹ These steps have been a legal requirement since December 1, 1986.

Throughout each year, formal discussions between the County Council and the Planning Board about progress of and/or changes to the master plan work program has generally been limited to what are known as the "quarterly meetings". Table 9 below contains data on the record of quarterly meetings since FY74. The record shows that between FY74-FY88, the Planning Board and County Council met three or four times during eight of the 15 years, and only once or twice during seven of the 15 years. The Council and Planning Board have already met once since the beginning of FY89.

Table 9

Record of Quarterly Meetings Between
County Council and Planning Board
FY 1974 - FY 1989

<u>Fiscal Year</u>	<u>Number of Meetings¹</u>
1974	2
1975	4
1976	4
1977	3
1978	2
1979	2
1980	4
1981	3
1982	4
1983	4
1984	4
1985	2
1986	2
1987	1
1988	2
1989*	1

¹ The County Council's annual review of the Planning Department's budget is counted as one of the quarterly meetings.

* Through August 31, 1988.

Source: Council records, January 1, 1974 - August 31, 1988.

2. Planning Department Initiates Work on Master Plan. In almost all cases, once a master plan has been approved on the Planning Department's work program, a planner who works in either the Community Planning North Division or Community Planning South Division is assigned the task of "packager".¹

The packager, working under the supervision of his/her Community Planning Division Chief and the Planning Department Director, is the staff person with lead responsibility for the master plan from start to finish. This includes identifying needed resources and coordinating all staff work on the master plan; developing a proposal for and later implementing the citizen participation program for the plan; conducting liaison work with the Executive branch and other agency staff; and preparing the first draft of the various written documents produced during the course of producing a final plan. The packager, with assistance from the Community Planning Division Chiefs and Planning Director, is also responsible for providing staff support on the master plan to the Planning Board and the County Council as the plan winds its way through the various steps towards final adoption.

There are no formal written internal Planning Department guidelines that instruct staff how to initiate work on a master plan, and no standard format established for the contents of master plans.² Interviews with Planning Department staff suggest there is no single approach used by everyone. While the Community Planning Division Chiefs and ultimately the Planning Department Director supervise the preparation of all master plans, the individual packager of a plan still operates with a fair amount of independence. One of the characteristics that appears to attract planners to the Community Planning Divisions is that because there are no rigidly established rules, planners working on master plans have the opportunity to exercise their creativity and special skills.

Because preparing a master plan is a major undertaking, what it takes to launch the work on any given plan appears to depend somewhat upon the knowledge and experience of the planner assigned as packager. If the packager for a particular plan has been doing work in the relevant planning area(s) already, then he/she may already have compiled necessary background material such as maps, demographic data, and previously produced plans and amendments affecting the area. If, however, the packager assigned to a particular master plan is not already familiar with the relevant planning area, then he/she must invest time gathering basic background material and becoming knowledgeable about the area. As would be expected, if the packager has never managed the preparation of a master plan before, then he/she must also spend time learning about the process and becoming familiar with the various resources available.

It is during this initial phase of work on a master plan that the Community Planning Division staff will generally develop their own production schedule for the plan. Working backward from the schedule approved by the Council, this internal schedule generally includes deadlines for gathering information from other staff (both from within M-NCPPC and from other agencies), the proposed design of a citizen participation program, and target dates for preparing key documents such as issues papers, the staff draft, the preliminary draft, and the final draft.

¹ The "packager" concept was described earlier in Chapter III; see pp. 17-18.

² In recent months, the Planning Department has started to develop a possible standard format for master plans.

The State law, as amended in 1986, requires M-NCPPC to, "coordinate its work schedule with the County Executive who shall fully participate in the preparation of the plan or amendment." In the Spring of 1986, Planning Department and Executive branch staff informally agreed upon a number of ways to coordinate their work on master plans, including the exchange of certain draft documents for comments at specified points during the preparation of each plan. Interviews with Executive branch and Planning Department staff indicate that efforts are currently underway for staff members to communicate and cooperate from the very beginning of the master plan preparation process. Because this interagency effort is very much in nascent form, however, it is premature to evaluate how well it will eventually work in practice.

3. Planning Department Identifies Key Issues in Master Plan. Once basic background data has been compiled, the next step is to identify the major issues to be researched and resolved in the master plan. In almost all cases, this part of the process involves affirmatively seeking public input.

The Planning Department makes a concerted effort to involve property owners and other citizens who will likely be affected by the master plan under consideration. As a general rule, for each master plan, the Planning Department staff proposes the design of what is known as the master plan's "citizen's participation program", and the Planning Board approves (sometimes with modifications) the program during one of the Board's regular sessions.

There are no standard procedures the Planning Department staff currently follows for obtaining citizen input. Interviews with staff indicate a preference for flexibility in this area because of the desire to craft an approach to citizen participation that is appropriate to each planning area. When developing a citizen participation program, in addition to considering the amount of time available, factors that are taken into account include the extent to which the community is already organized, the level of previous citizen involvement in the planning process, the population and geographical size of the planning area, the amount of undeveloped land, and a sense of the divergence of community feelings.

During the past 10-15 years, the citizen participation program for various master plans has included some combination of a citizens' advisory or issues committee, community forums, community workshops, and/or community focus groups. In addition, Planning Department staff have also attended meetings of local citizens associations and other neighborhood groups.

At least for the most recently prepared master plans, the step of identifying key issues has culminated with the production of a document known as the "Issues and Trends" or "Issues and Alternatives" paper. Since 1986, in accordance with the agreement between the Planning Department Director and the Director of the Office of Planning Policies (OPP), the Planning Department staff circulates a draft of the Issues and Trends paper to OPP staff for comments before the Planning Department staff finalizes and distributes the document to the public.

According to Planning Department staff, the purpose of the Issues and Trends paper, which is circulated free of charge to the public, is to identify the major land use issues and community concerns that should be

addressed in the master plan. It is used as the basis for further discussion with members of the community and for preparing the staff draft of the master plan, the next official document the staff produces in the process.

4. Planning Department Prepares Staff Draft of Master Plan.

Although not a statutory requirement, the Planning Department staff prepares a staff draft for every master plan and presents it to the Planning Board. There are no written guidelines that dictate what the staff draft should or should not include. A recent Planning Board publication describes the staff draft of a master plan as, "a working paper that identifies the major issues being addressed by the proposed plan. Alternative courses of action and specific recommendations are presented."¹

In addition to being sent to the County Council, County Executive, and citizens who have formally become involved in the preparation of the plan, the staff draft is circulated (free of charge) to other citizens who have expressed interest in the master plan or amendment. It is also made available to the general public through distribution to places such as local County libraries, community service centers, and post offices.

Interviews with planners who have been responsible for producing a staff draft indicate that they believe the staff draft is the Planning Department staff's opportunity to present their best professional judgment on the major issues the plan will address and attempt to resolve. Once the staff draft of a master plan has been formally presented to the Planning Board, the plan becomes the Planning Board's document. For the remainder of the process, the Planning Department staff's primary role shifts from identifying issues and initiating recommendations, to providing staff assistance to the Planning Board. However, until the plan is formally adopted, the Planning Department staff continues to perform liaison work with the Executive branch staff, and later on to provide staff support to the County Council.

5. Planning Board Holds Worksessions on Staff Draft of Master Plan and Approves Preliminary Plan for Public Hearing. Although the length and depth of discussion varies from plan to plan, the Planning Board holds at least one worksession on each staff draft. The purpose of the Planning Board's worksession(s) on the staff draft of the master plan is for the Planning Board to provide direction to the staff (both in terms of additional issues to research or sections of the staff draft to revise) so that the staff can prepare a document that the Planning Board can approve for the purpose of holding a public hearing; the document approved for public hearing is known as the "preliminary draft of the master plan".

The transition of a staff draft into a preliminary draft may require a great deal of additional staff work, or none at all. If the Planning Board is comfortable with the staff draft as presented, there is nothing that prohibits the Planning Board from approving the staff draft as the preliminary draft. The following is a description of the purpose of the preliminary draft plan of a master plan, as set forth in a 1986 Planning Board publication:

¹ Preliminary Draft Comprehensive Amendment to the Germantown Master Plan, March 1988, p. v.

The preliminary draft plan is intended to be a comprehensive and detailed statement of concepts, goals, and guidelines for the area's development, and includes proposed policies and recommendations for transportation, land use, protection of the environment, and public facilities including parks. It includes relevant maps and statistical documentation and is preliminary in the sense that it is a draft plan proposed for public review and comment.¹

6. Planning Board Holds Public Hearing on Preliminary Draft of Master Plan (Mandated by Law). The Planning Board's public hearing on the preliminary draft plan is the first legally required step in the process since the initial approval of the master plan on the Planning Department's work program. To allow the general public to attend, the Planning Board's public hearings on master plans are most often always held in the evenings.

The Community Relations Office handles publicity of the Planning Board's hearing(s) on preliminary plans, which involves notice in the newspaper, and the mailing of notice to all citizens' associations within or adjacent to the planning area of the master plan under discussion. The advertisements for the public hearing instruct interested persons to call the Community Relations Office to sign up to testify. After reserving time at the beginning of the hearing for elected officials, speakers are signed up on a first-come-first-serve basis. Individuals are each allotted three minutes to testify, representatives of organized groups are each allotted five minutes, and elected officials seven minutes. The Planning Board generally places no limit on the number of speakers that can testify at any given public hearing.

Before the hearing, copies of the preliminary draft of a master plan are circulated to the County Council, County Executive, any municipality in or adjacent to the planning area, and interested citizens. Like the staff draft, copies of the preliminary plan are free of charge, and are also made generally available to the public.

7. Planning Board Holds Worksession(s) on the Preliminary Draft of Master Plan. Following the close of the record of the public hearing on the preliminary draft, the staff prepares for worksessions with the Planning Board. Interviews with Planning Department staff indicate that, because the purpose of these worksessions is for the Planning Board to reach decisions on what the final draft of the master plan will include, the staff organizes each worksession around specific policy matters raised by Board members or at the public hearing. The Planning Department staff reports a concerted effort to research and respond to every issue that has been raised up until this point during the preparation process.

¹ Everything You Always Wanted to Know About . . . Planning, Zoning and Subdivision in Montgomery County, Maryland, But Were Afraid to Ask, Montgomery County Planning Board, 1986, p. 9.

Planning Board worksessions on master plans, similar to public hearings on master plans, are almost all held in the evenings. The number and length of worksessions required depends upon factors such as the number of issues to be resolved, the level of controversy surrounding those issues, the ability of staff to respond to issues raised, and the extent of agreement among Planning Board members. There must be enough worksessions so that the staff receives sufficient guidance from the Planning Board to rewrite the preliminary draft of a master plan into the final draft of the master plan.

8. Planning Board Approves Final Draft of Master Plan and Transmits to County Executive and County Council (Mandated by Law). The final draft of a master plan is that version of the plan that the Planning Board approves for transmittal to the County Executive and County Council. Depending upon the extent of changes that staff had to make at Planning Board direction to revise the preliminary draft into the final draft, the Planning Board may or may not need to hold additional worksessions on the staff's draft of the final draft plan.

The Planning Board always votes on its formal approval of the final draft plan in public session, often during a regularly scheduled Board meeting. Staff then makes any final editorial and technical changes and prepares the plan for transmittal to the County Executive.

9. County Executive Reviews Final Draft of Master Plan, Revises as Deemed Appropriate, and Transmits to County Council (Mandated by Law). Since December 1, 1986, State law has required the Planning Board to submit every final draft master plan that it approves to the County Executive for, "any modifications deemed appropriate by the County Executive". The County Code specifies that within 60 days after receiving the final draft, the County Executive must submit to the District Council:

- (1) The final draft incorporating and specifically indicating any additions or deletions that the County Executive deems appropriate and desirable;
- (2) A statement of the reasons for each addition and deletion; and
- (3) Comments on the effect of the final draft plan as revised on:
 - (a) Public facilities and the capital improvements program; and
 - (b) Other fiscal economic, and social policies and issues.

Because only six amendments have been transmitted to the County Executive and adopted since December 1, 1986, it is difficult to make any definitive observations about how this step of the process works in practice.¹ To date, the Office of Planning Policies has been responsible for

¹ In addition, the Planning Board transmitted the final draft of the Kensington-Wheaton Master Plan to the County Executive on August 1, 1988. The County Executive transmitted the plan with revisions to the County Council on September 30, 1988.

coordinating the Executive's staff work on master plans. As mentioned earlier, although this 60-days following transmittal of the final draft plan to the County Executive is the time period for the Executive to finalize his/her views in writing, interviews with Planning Board and Executive branch staff indicate that staff efforts are being made to communicate and cooperate during earlier stages of the process.

Since the changes to the State law, the County Executive has had the opportunity to review six final draft plan amendments and one final draft master plan (the Kensington-Wheaton master plan). Of these six amendments, the Executive made revisions to two, and transmitted the remaining four amendments to the Council unaltered. The County Executive has proposed extensive revisions to the one final draft master plan that he has reviewed and transmitted to the Council. In accordance with the law, the Executive has consistently highlighted his revisions to the final drafts by underlining the language he recommended the Council add, and by placing brackets around the language he recommended the Council delete. Also, as required by law, the Executive has provided explanations for his recommended changes.

10. County Council Holds Public Hearing on Final Draft of Master Plan (Mandated by Law). The County Council, by law, must hold a public hearing on the final draft of every master plan unless the Council "does not intend to propose only revisions, modifications, or amendments". The County Council's routine practice has been to schedule and hold a public hearing on every plan. Since 1974, the exception to this has been when the Planning Board and County Council have held a joint public hearing, as they did in 1978 for the Glenmont TIA Sector Plan, the Wheaton CBD Sector Plan, and the Boyds Master Plan.

By law, the County Council has 45 days to set the public hearing, which must then be held within 60 days after the date is set. The Council's staff handles publicity for the public hearing which, as the law requires, includes notice in a newspaper of general circulation, and a mailing to the same list of citizens associations that received notice of the Planning Board's hearing on the preliminary draft. Depending upon the specific plan or amendment under consideration, the Council schedules one (or more) public hearings. After reserving time at the beginning of each hearing for the Planning Board Chairman, the County Executive, and other elected officials, speakers are signed up to testify on a first-come-first-serve basis and the number of speakers is generally limited to 30 per hearing. Citizens representing groups are each allotted five minutes to testify before the Council, and citizens appearing as individuals are each allotted three minutes.

Council records indicate that the majority of master plans since 1974 have only required one Council public hearing day, although there have been certain plans (e.g., Friendship Heights Master Plan; Boyds Master Plan; Gaithersburg Master Plan) for which the Council has scheduled two or three public hearings. Data on the time of year the Council holds master plan public hearings show that, since 1974, over 70 percent have been scheduled during the first six months of the year, concentrated during the months of February, May, and June.

11. County Council Holds Worksession(s) on Final Draft of Master Plan. Following the close of the public hearing record, the Council holds one or more worksessions on the final draft of each master plan. Since the early

1980's, the Council's practice has been to schedule at least one Council Committee worksession followed by at least one full Council worksession on every master plan.

The record on Council worksessions indicates that the majority of master plans has required only one full Council worksession, although multiple worksessions are more common than multiple public hearings. The number of Council worksessions on any one master plan has ranged from one to ten, with an average of three. Similar to public hearings, the data on the time of year the Council holds master plan worksessions shows that a majority have also occurred in the first six months of the year, but clustered during the months of March, June, and July.

At the worksession, the Council reviews the public hearing testimony and issues raised in connection with the master plan. Council staff provides a critical review of the master plan proposals, an evaluation of the data on which the proposals are based, and an assessment of the implications of the proposals. Planning Board members and staff fully participate in the Council worksession discussions.

12. County Council Approves Final Draft of Master Plan (Mandated by Law). After receiving the final draft plan of each master plan, the Council has 180 days within which to approve, modify, or disapprove the plan. If the Council fails to take action on a plan during this time, the plan, as transmitted from the County Executive, is deemed to be approved by the Council.¹

According to State law, if the County Council modifies the master plan in any way, the Council must return the approved version to the County Executive within three days; and the County Executive then has ten days within which to approve or disapprove the master plan. If the County Executive disapproves the master plan, it must then be returned to the Council with the reasons for disapproval stated in writing. The Council then has ten days within which to override the disapproval of the plan by an affirmative vote of five members. The Regional District Act specifies that: "Failure of either the County Executive or the County Council to act within the time limits imposed shall constitute approval of the plan as submitted to the body which fails to act."

Since December 1986, the County Executive has disapproved one master plan amendment: the 1988 Gaithersburg Master Plan amendment. The reason stated by the Executive for disapproval was the failure of the Council to add language concerning the future consideration of the redesignation of a road. The Council overrode the Executive's disapproval of the plan amendment.

¹ Prior to 1986, the County Council had the authority (Section 33A-7, MCC) to extend its time for action through passage of a Council resolution.

13. M-NCPPC Formally Adopts Plan (Mandated by Law). Within 60 days following approval of the final draft of the plan, M-NCPPC must formally adopt the plan. Once adopted by M-NCPPC, an area master plan, sector plan, or plan amendment is officially incorporated as an amendment to the General Plan.

If the area affected by a particular master plan lies entirely within Montgomery County, State law requires the affirmative votes of only three Montgomery County members of M-NCPPC. If, however, the area of the master plan lies within both Montgomery and Prince George's Counties (e.g., Takoma Park) State law requires the affirmative votes of at least three M-NCPPC members from Montgomery County and at least three from Prince George's County.

Following formal adoption of a master plan, the Planning Department staff assumes responsibility for publishing the plan, filing the plan with the Clerks of the Circuit Courts for both Montgomery and Prince George's Counties, and for making copies of the plan available to the public. Adopted master plans can be purchased from the public information desk at the M-NCPPC offices in Silver Spring. The cost of plans ranges from \$2.00 to \$6.50.

VI. RECORD OF MASTER PLAN PRODUCTION

A. Introduction

The purpose of this chapter is to document and analyze the record of master plans produced since 1974. Specifically:

- Section B reviews the number of area master plans, sector plans, and plan amendments adopted each year since 1974;

- Section C analyzes the length of time it has taken to accomplish selected steps of the plan preparation process, and compares lengths of actual preparation and adoption times to those initially projected in M-NCPPC's approved work program;

- Section D reviews the length of time to prepare and adopt plan amendments; and

- Section E identifies factors that have affected the length of time to complete plans and amendments produced over the past 15 years.

B. Number of Area Master Plans, Sector Plans and Plan Amendments Adopted Since 1974

In accordance with the Regional District Act, the County is divided geographically into planning areas. An adopted area master plan and/or sector plan(s) corresponds to each of the County's 34 planning areas. (The reader is reminded that area master plans, sector plans, and plan amendments are all technically considered amendments to the General Plan. However, in keeping with the definitions established in the Background chapter, this report uses the terms "area master plan" and "sector plan" to refer to comprehensive revisions, and the term "plan amendment" to refer to limited or partial revisions.)

Table 10 (pp. 52-53) summarizes the status of the County's 34 area master plans and sector plans: column (1) lists the County's 34 planning areas in alphabetical order; column (2) indicates whether the comprehensive plan for each area is considered an area master plan or sector plan; column (3) lists the year the area master plan or sector plan was initially adopted or most recently comprehensively revised and adopted; columns (4) and (5) indicate the number and years of amendments made to each plan since its adoption or most recent revision; and column (6) indicates which area master plans and sector plans are scheduled for comprehensive revision in the Planning Department's work program, as approved by the County Council and County Executive in May 1988.¹

The record of area master plan and sector plan revisions shows that plans have not been comprehensively revised according to a regular schedule. As Chart VI (p. 54) illustrates, as of August 1988, 18 (53%) of the County's 34 area master plans and sector plans have been either initially adopted or comprehensively revised within the past ten years. Of the remaining 16 (47%) area master and sector plans, seven have not been comprehensively revised for 11-15 years, five for 16-20 years, and four for over 20 years. Six of these 16 plans are scheduled for comprehensive revision within the next three years.²

There also does not appear to be a definitive pattern to the frequency or timing of amendments (partial revisions) to area master plans and sector plans. For example, in some cases, a series of amendments followed within several years after a plan was comprehensively revised, e.g., Germantown, Potomac Subregion; and in other cases, a plan stood for almost a decade before it was amended at all, e.g., North Bethesda, Friendship Heights CBD.

Eighteen (53%) of the County's 34 area master plans and sector plans have been amended (partially revised) at least once since their most recent adoption date; six have been amended only once, four amended twice, and eight amended at least three times. The plans that have been most frequently amended are the Kensington-Wheaton Master Plan (amended 12 times since 1959), and the Bethesda-Chevy Chase Master Plan (amended 10 times since 1970). Both of these plans are currently undergoing a comprehensive revision.

Table 11 (p. 55) lists the number of area master and sector plans, and plan amendments adopted by year since 1974. There were 26 area master plans and sector plans, and 63 amendments adopted between January 1, 1974 and August 31, 1988.

¹ In May 1988, the County Council and County Executive approved a master plan schedule that extends from FY89 through FY91. This schedule is, however, subject to change in the future.

² Because the scope of this report did not include evaluating the substance or quality of plans, OLO was unable to analyze the implications of the timing or frequency of revisions to individual plans.

Table 10

Montgomery County Area Master Plans and Sector Plans:¹ Years Adopted and Amended

<u>Planning Area</u>	M = Area Master Plan S = Sector Plan	<u>Year Adopted²</u>	<u>Number of Amendments Since Adoption</u>	<u>Years Amendments Adopted</u>	<u>Scheduled for Review/Revision³</u>
Aspen Hill & Vicinity	M	1970	5	1974, 1977, 1978, 1979, 1986	No
Bethesda CBD	S	1976	8	1978, 1980, 1981, 1982, 1984, 1986(2), 1988	Yes
Bethesda-Chevy Chase	M	1970	10	1972(2), 1974(2), 1975, 1976, 1977, 1981, 1982, 1986	Yes
North Bethesda-Garrett Park	M	1970	8	1972, 1973(2), 1974, 1976, 1977, 1978, 1981	No
North Bethesda	S	1978	2	1987, 1988	Yes
Boys	M	1985	0		No
Capitol View	S	1982	0		No
Clarksburg & Vicinity	M	1968	0		Yes
Damascus	M	1982	1	1985	Yes
Eastern Montgomery	M	1981	1	1988	Yes
Forest Glen TIA	S	1978	0		No
Four Corners & Vicinity	S	1986	0		No
Friendship Heights CBD	S	1974	1	1984	No
Gaithersburg & Vicinity	M	1985	1	1988	No

¹ Does not include the Master Plan for Historic Preservation or its amendments.

² Year plan initially adopted or year plan comprehensively revised and adopted.

³ Scheduled for review/revision in Planning Department work program for FY89-FY91, as approved by the County Council and County Executive in May 1988. This schedule is subject to change in the future.

Source: Planning Department records, January 1, 1974 - August 31, 1988.

<u>Planning Area</u>	<u>M = Area Master Plan S = Sector Plan</u>	<u>Year Adopted¹</u>	<u>Number of Amendments Since Adoption</u>	<u>Years Amendments Adopted</u>	<u>Scheduled for Review/Revision²</u>
Germantown	M	1974	9	1974, 1976, 1977, 1979(2), 1980, 1982, 1983, 1985	Yes
Glenmont TIA	S	1978	0		No
Kemp-Mill Four Corners	M	1967	0		No
Kensington	S	1978	1	1986	No
Kensington-Wheaton	M	1959	12	1961(3), 1962, 1965(2), 1970, 1971(2), 1975, 1978(2)	Yes
Olney	M	1980	0		No
Poolesville & Vicinity	M	1980	0		No
Potomac Subregion	M	1980	5	1982, 1984(2), 1985, 1986	No
Sandy Spring/Ashton	S	1980	0		No
Shady Grove	S	1977	2	1978, 1982	No
Silver Spring CBD	S	1975	2	1978, 1988	Yes
Silver Spring-East	M	1977	0		No
North Silver Spring	S	1978	0		No
Western Portion-Silver Spring	M	1971	2	1975, 1976	No
Takoma Park	M	1982	0		No
Takoma Park TIA	S	1974	0		No
Upper Northwest Branch	M	1961	2	1978, 1985	No
Upper Rock Creek	M	1966	4	1980, 1983, 1985, 1988	No
Westbard	S	1982	0		No
Wheaton CBD	S	1978	1	1982	Yes

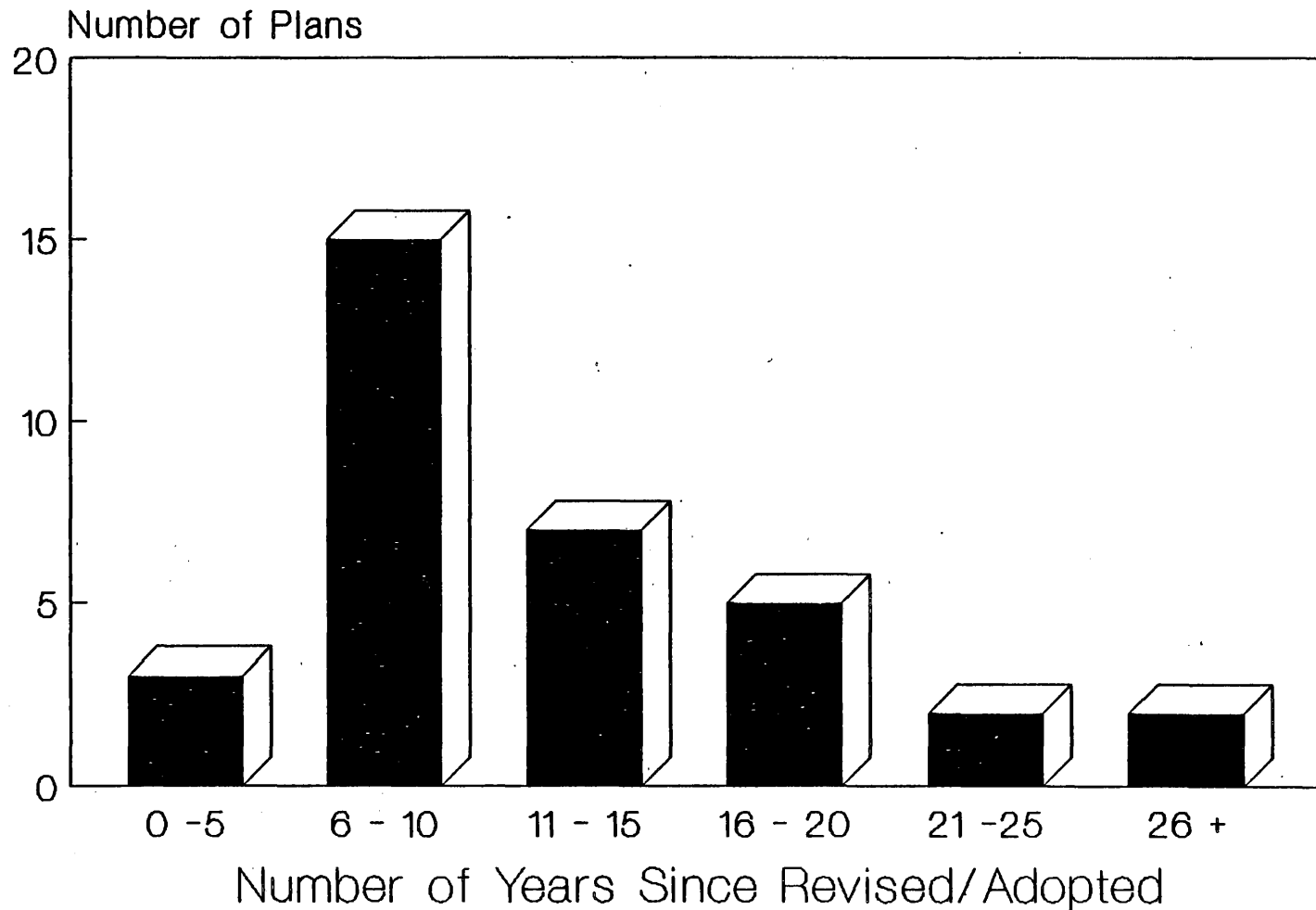
¹ Year plan initially adopted or year plan comprehensively revised and adopted.

² Scheduled for review/revision in Planning Department work program for FY89-FY91, as approved by the County Council and County Executive in May 1988. This schedule is subject to change in the future.

Source: Planning Department records, January 1, 1974 - August 31, 1988.

Chart VI

Number of Years Since Master and Sector Plans Adopted or Comprehensively Revised



Source of data: Planning Department records, January 1, 1974 - August 31, 1988.

Table 11

Number of Area Master Plans, Sector Plans, and
Plan Amendments Adopted by Year: 1974-1988*

<u>Calendar Year</u>	<u>Number of Area Master Plans and Sector Plans Initially Adopted or Comprehensively Revised</u>	<u>Number of Plan Amendments Adopted</u>
1974	3	5
1975	1	3
1976	1	4
1977	2	4
1978	7	8
1979	0	3
1980	4	3
1981	1	3
1982	4	6
1983	0	2
1984	0	4
1985	2	5
1986	1	6
1987	0	1
1988*	<u>0</u>	<u>6</u>
Total	26	63

* Through August 31, 1988.

Source: Planning Department records, January 1, 1974 - August 31, 1988.

The data show an uneven pattern to the number of area master plans and sector plans adopted annually. The number of plans adopted in any one year has ranged from zero (1979, 1983, 1984, 1987) to seven (1978). Only three comprehensive revisions to area master and sector plans have been adopted during the past five years.

The data indicate a more even distribution of the number of plan amendments adopted annually since 1974. On average, four amendments have been adopted annually, with at least one amendment adopted every year. The largest number of amendments adopted in any one year was eight in 1978, the same year the largest number of comprehensive area master plans and sector plans was adopted. Twenty-four amendments have been adopted during the past five years.

C. Length of Time to Prepare and Initially Adopt or Comprehensively Revise Area Master Plans and Sector Plans

1. Methodology. To analyze the length of time it has taken to prepare and initially adopt or comprehensively revise area master plans and sector plans, (a separate analysis of plan amendments follows in Section D) information was collected on the time between selected steps in the process. Specifically, for the 26 area master plans and sector plans adopted or comprehensively revised since 1974, data were compiled on the actual and projected completion dates of the:

- Staff draft of the plan;¹
- Preliminary draft of the plan;
- Planning Board's public hearing(s) on the preliminary draft of the plan;
- Planning Board's approval of the final draft of the plan;
- County Executive's transmittal of the final draft plan to the County Council (a relevant step only since the 1986 change in State law);
- County Council's public hearing(s) on the final draft of the plan;
- County Council's approval of the final draft of the plan; and
- Formal adoption of the final plan by M-NCPPC.

Completion dates of staff drafts and preliminary drafts were obtained from the documents themselves.² Dates for the steps in the process occurring after the preliminary draft of each plan were obtained from M-NCPPC and County Council resolutions approving or adopting the plans.

¹ The staff draft was the first step in the process for which data were consistently available.

² Area master plans and sector plans for which the staff draft and preliminary draft were not available were omitted from the analysis.

Data on projected time intervals between selected steps and projected plan adoption dates were obtained from the Planning Department's master plan schedules contained in annual work programs as proposed in the annual budget since FY74 and approved by the County Council.¹ In order to be consistent, the target dates of the master plan schedules in which each plan first appeared were used.²

Overall, data on the length of time it has taken to prepare and initially adopt or comprehensively revise area master plans and sector plans evidenced broad variability, a factor which was not surprising given that each of the County's planning areas is unique and the preparation of each plan presents different degrees of complexity and difficulty. Recognizing the limitations of using the average (mean) to describe data and to give the reader a better perspective on the statistics used, when a statistical average is cited, information on the range of data values and the median is also provided.

Finally, it is important for the reader to understand the limitations of only examining the lengths of time it has taken after the staff draft is issued. As was discussed in the previous chapter (Chapter V, the Process of Preparing and Adopting Master Plans in Practice), significant amounts of staff time are invested prior to the completion of the staff draft. However, because there was no consistent way to measure when staff work on a plan actually begins, this analysis was only able to measure the lengths of time between selected steps that follow after the staff draft.

2. Discussion of Data. The data show that few of the 26 area master plans and sector plans initially adopted or comprehensively revised since 1974 have been adopted on or before their initially projected completion dates. Specifically, the record shows that 90 percent of area master plans and sector plans adopted since 1974 were adopted after their target completion date, as it was initially projected in the Planning Department's approved work program. Although plans have been adopted between 9 months before to 44 months after their initial target adoption date, plans on average (mean) have been adopted 22 months (median: 21 months) after their initially projected completion date.

¹ A review of Council minutes concerning the Planning Department's annual budget indicated that during the period FY74-FY88, the Council appears to have consistently approved the master plan schedule as proposed in the Planning Department's budget. In what appears to be a change from previous years, the Council did act in May 1988 to modify the proposed master plan schedule for FY89-FY91.

² OLO acknowledges that when a work program is initially developed, the Planning Board and staff are not aware of all factors that will eventually affect the length of time it takes to complete a plan. Moreover, it is recognized that these target dates are often revised in later quarterly reports and budget schedules. However, OLO's methodology was selected because, given the time available to produce this report, it seemed to be a reasonable approach to quantifying actual vs. projected preparation times.

Although most plans have not been prepared and adopted according to their initially projected schedule, the data indicate that once the staff draft of a plan has been produced, the interval of time between the staff draft and final adoption of plans has tended to come close to the time interval between these steps, as initially projected in the Planning Department's work program. Specifically, the length of time from staff draft to plan adoption for area master plans and sector plans adopted since 1974 has ranged from eight months to more than three years, with an average (mean) time interval of 20 months and a median time interval of 18 months. In the majority of cases, the actual time interval between staff draft and plan adoption has come within one month of the time projected between these steps in the initial Planning Department work program.

The data do not show a trend that area master plans and sector plans have been adopted further and further behind their initially projected schedule. For example, since 1974, of the ten area master and sector plans that were adopted the longest time period after they were initially projected to be completed, half were adopted between 1974-1980, and the other half between 1981-1987.

The data do suggest, however, that the interval of time between staff draft and plan adoption has increased somewhat over time. When plans are examined chronologically, the length of time between staff draft and final adoption for plans adopted between 1974-1980 was, on average, somewhat less than it was for plans adopted since 1981. Specifically, for the group of plans adopted 1974-1980, the time between staff draft and final adoption ranged from 8-31 months, with an average (mean) of 17 months, and a median of 15 months. For the group of plans adopted since 1981, the time between staff draft and final adoption ranged from 11-38 months, with an average (mean) of 23 months, and a median of 21 months. The final section of this chapter identifies a number of factors that have likely affected the lengthening of time needed to complete and adopt master plans.

Further examination of the pattern of plan adoptions since 1974 indicates that the four plans that took the shortest time between staff draft and final adoption (8-11 months) were sector plans, and three of those were Transit Impact Area (TIA) plans adopted in 1978 (Forest Glen TIA, Glenmont TIA, Wheaton CBD/TIA). In contrast, of the four plans that took the longest time between staff draft and final adoption (30-38 months), three were major area master plans, three have been adopted since 1980, and perhaps most significantly, all four involved an incorporated municipality (see Table 12, p. 59).

The fact that plans have been adopted, on average, about a year and one-half behind the initial target date in the work program, combined with the fact that the interval of time it has taken to move a plan from a staff draft to completion has been close to the interval of time projected in the work program, suggests that plans have most often fallen behind schedule before the staff draft has been issued.

Table 12

Master Plans Adopted Since 1974
That Took The Longest Time To Prepare

<u>Plan</u>	<u>Year Adopted</u>	<u>Staff Draft - Council Receives Plan</u>	<u>Council Receives Plan - Council Approval</u>	<u>Staff Draft - Plan Adoption</u>
Gaithersburg & Vicinity Master Plan	1985	22 months	15 months	38 months
Takoma Park Master Plan	1982	28 months	6 months	34 months
Poolersville & Vicinity Master Plan	1980	28 months	3 months	31 months
Kensington Sector Plan	1978	24 months	5 months	30 months

Source: Master Plan Staff Drafts and County Council and M-NCPPC Resolutions.

While the data indicate there are exceptions to this pattern, it appears that once a plan makes its way to the stage of the staff draft, it has generally built-up a certain momentum that has then kept the process moving. Interviews with Planning Department staff provided further evidence that plans have tended to fall behind their initial target completion dates early on in the process. As will be discussed in more detail later in this chapter, many of the factors that affect the length of time to produce a plan come into play prior to the issuance of the staff draft, e.g., requests from members of the public for more time, unanticipated time needed to research and analyze data, time invested by staff to resolve issues at an early stage, the diversion of staff from one project to another.

A more detailed examination of the time intervals for selected steps in the process between staff draft and final adoption confirms that once the staff draft has been issued, as discussed above, actual time intervals have generally been close to those initially projected. For example, the length of time between the staff draft of plans and the preliminary draft of plans has

ranged from less than one month to sixteen months, with an average (mean and median) of six months. The length of time initially projected in the Planning Department's work program between these two steps has ranged from 1-13 months, with an average (mean) of four months and a median of three months. In cases where the time interval between staff draft and preliminary draft was less than two months, (e.g., Forest Glen TIA Sector Plan, adopted in 1978, Four Corners and Vicinity Sector Plan, adopted in 1986) the Planning Board apparently demanded little or no revision to the staff draft before approving it as the preliminary draft for purposes of public hearing.

The length of time between the Planning Board's approval of the preliminary draft for purpose of a public hearing and approval of the final draft for transmittal to the County Council and County Executive of a plan has ranged from 1-23 months, with an average (mean and median) of six months. The length of time initially projected in the Planning Department's work program between these steps has ranged from two to ten months, with an average (mean and median) of six months. For almost all plans adopted since 1974, it has taken approximately two months between the time the Planning Board has approved the preliminary draft for purposes of public hearing and the time the public hearing has actually been held. The remainder of the time is what it has taken for the Planning Board, with assistance from the Planning Department staff, to produce the final draft plan for transmittal to the County Council and County Executive.

Once the Planning Board approves the final draft, it is transmitted to the County Council and the County Executive. The County Executive then, by law, has 60 days to send revisions to and/or comments on the plan to the Council. Of the six plan amendments transmitted and adopted since December 1986, the Executive has sent his revisions and comments to the Council for each amendment within the statutory time limit.¹

The Regional District Act provides the County Council with 180 days after receiving the final draft of a plan from the County Executive to approve, modify, or disapprove it.² Prior to December 1, 1986, the Council had the authority (Section 33A-7, MCC) to extend its time for action through passage of a Council resolution. Under current law, however, failure of Council to act within 180 days constitutes approval of the plan as submitted by the County Executive.

Data on area master plans and sector plans approved since 1974 show that since 1974, with the exception of seven plans, the Council has taken action upon area master and sector plans within the legally mandated 180 days. The seven plans that took the Council more than 180 days were all adopted prior to December 1, 1986, and in every case, the Council passed a resolution extending time for action.

¹ Since December 1, 1986, the only final draft area master plan transmitted to the County Executive from the Planning Board has been the Kensington-Wheaton Master Plan, which was received on August 1, 1988. The County Executive now transmitted the Kensington-Wheaton Master Plan with his revisions to the County Council on September 30, 1988, within the 60-day statutory time limit.

² Prior to the 1986 changes in State law, the Council had to act on the final draft plan within 180 days after receiving it from the Planning Board.

Council records shows a pattern of multiple public hearings and worksessions for the plans that took the Council more than six months to process. For example, the Council held three public hearings and ten worksessions on the Boyds Master Plan, the Council held three public hearings and nine worksessions on the Gaithersburg and Vicinity Master Plan, and the Council held three public hearings and six worksessions on the Eastern Montgomery Master Plan.

The length of time from Council approval to M-NCPPC adoption of a master plan has ranged from one to two months. This corresponds to the length of time the Planning Department's approved work program had projected.

D. Length of Time to Prepare and Adopt Plan Amendments

Since 1974, 63 amendments to area master plans and sector plans have been adopted. For purposes of analysis, acting upon the advice of the Community Planning staff, amendments adopted since 1974 were divided into two categories: complex and routine. A complex amendment was defined by the Planning staff as "one which was complex and controversial, requiring more than routine or procedural processing." Out of the 63 amendments adopted since 1974, 41 were categorized by the staff as complex and 22 as routine.

To analyze the length of time required to prepare and adopt amendments, a 20 percent random sample in each category of amendment was selected. Because the plan amendment process requires the same basic steps as the area master and sector plan process, the dates of the staff draft and preliminary draft were available from the documents themselves, and the M-NCPPC and Council resolutions provided data on preparation time. However, because plan amendments have not consistently appeared in the Planning Department's annual work plan, it was not possible to compare actual to projected preparation times for plan amendments.

The data collected showed little difference in the length of time it has taken to prepare and adopt complex vs. routine amendments. Based on the sample of amendments, the interval of time has ranged from three months to 14 months for both a complex amendment and a routine amendment. The average (mean) time between the staff draft and the final adoption date of a complex amendment has been nine months (median: five months) compared to eight months (median: seven months) for a routine amendment.

However, while there appears to have been little difference between complex vs. routine amendments, both the averages and ranges of time for processing amendments have been considerably less than the average and range of time it has taken for an area master or sector plan to progress from staff draft to plan adoption. Compared to master and sector plans, the average time between each step in the process has been significantly shorter for plan amendments. For example, on average (mean), it has taken six months for a master plan to move from staff draft to preliminary draft, whereas, it has taken, on average, only one month (median: less than one month) for a plan amendment to complete the same step. The Council has also spent considerably less time considering plan amendments, with an average time of three to four months for public hearings and worksession(s), instead of the full six months the Council has generally taken to process master plans.

E. Factors That Affect The Length of Preparation Time and The Number of Plans Prepared and Adopted

1. **General.** Data reviewed earlier in this chapter indicated that, since 1974, 90 percent of area master plans and sector plans have been adopted after the initial target date in the work program, with plans, on average, being adopted about a year and one-half behind these initial estimates. The data also showed a relatively smaller number of plans adopted during the 1980's, and that plans since 1981 have, on average, taken longer between staff draft and adoption than did plans adopted between 1974-1980.

Information gathered through document reviews, and numerous interviews with staff and members of the public suggest that a combination of factors affected the record of plans and amendments prepared and adopted since 1974. This section discusses these factors in five general categories:

- The content of master plans;
- Public involvement;
- Staff resources;
- The "Catch-22 cycle of time"; and
- The time constraints on elected and appointed officials.

2. **Content of Master Plans.** A major factor that has contributed to the amount of time needed to prepare master plans is the level of detail and extent of analysis the Planning Board has requested the plans include. A review of master plan documents prepared over time indicates that master plans in the 1980's are lengthier, more detailed, and more complex than they used to be. The Olney Master Plan and Gaithersburg and Vicinity Master Plan serve as two specific examples of this:

- The most recent revision of the Olney Master Plan in 1980, differs in several obvious ways from the 1966 Olney Master Plan that it replaced. The 1980 plan is much longer (154 pages) than the 1966 plan (18 pages), and contains a greater amount and a more sophisticated level of statistical analysis. The content of the 1980 Olney Master Plan is also qualitatively different from the 1966 plan, addressing implementation strategies not yet developed during the 1960's, (e.g., staging guidelines, farmland preservation).

- The Gaithersburg and Vicinity Master Plan last revised in 1985, also differs in length, technical analyses, and content from the plan it replaced, the 1971 Gaithersburg and Vicinity Master Plan. The 1985 plan is longer (149 pages) than the 1971 plan (63 pages), and the chapters are more detailed (e.g., the 1985 plan lists 12 implementation methods; the 1971 plan lists two implementation methods). The 1985 plan also contains a significantly greater number of tables, maps, and figures than the 1971 plan, and outlines in greater depth a staging plan designed to accomplish a balance between development and public facilities.

How and why the content of master plans has grown more complex seems to be a combination of factors including the expectations from the Planning Board, the Council, and members of the public and private sector for more detailed data, and availability of more sophisticated analytical techniques. Added to these factors is likely the enhanced role that master plans are playing with respect to actual land use decisions, and the fact that the County's overall land use regulatory scheme has fundamentally grown more complex.

3. Public Involvement. As discussed in the previous chapter, the process of preparing master plans is one that aggressively involves members of the community, including developers, landowners, businesses, organized civic associations, and individual citizens who may be personally affected by the recommendations contained in a master plan. Developing and implementing a citizens participation program was singled out by many of those interviewed as one of the most important, but time consuming aspects of the master plan preparation process.

A review of quarterly reports and interviews with Planning Department staff also indicate that demands and expectations of involved citizens have contributed to the staff draft being issued after it was initially projected to be completed. Specific examples include: a citizens advisory committee getting started several months later than expected; citizens making heavier than expected demands for data and analyses; and citizens making a special request to the Planning Department staff and/or to the Planning Board for more time to discuss major issues.

Another facet to this process that places such a high priority on citizen input is that, at times, an issue has generated more controversy than anticipated, and members of the public have reacted more vehemently than expected. The pattern of the Planning Board and Planning Department staff has been to then spend time trying to craft what is referred to as "consensus".

According to Planning Board members and Planning Department staff, the agency has placed a high priority on trying to resolve as many issues as possible before sending a final draft of a master plan to the County Council and County Executive. This means that a priority has been placed on listening at length to members of the public, and continuing debate and discussion in an effort to resolve as many disagreements as possible. While difficult to measure, the time spent by the Planning Department staff and Planning Board trying to reach "consensus" is probably one of the most significant factors affecting the time it has taken to finalize master plans during the past 15 years.

4. Staff Resources. Because the Planning Department staff has the lead responsibility for preparing master plans, it is only logical that the level and management of staff resources emerged as a recurring factor that affected the record of master plan production.

The budget and staffing data reviewed in Chapter III, Planning Department Resources, showed that the level of staff working in the Community Planning Divisions has remained essentially stable since FY74, but that the allocation of overall departmental staff resources to Community Planning

projects ranged between a high of almost 47 position-years in FY76 to a low of approximately 33 position years in FY84. During the years that the total Planning Department budget remained essentially constant, it is apparent that Planning Department resources were diverted away from the preparation of master plans to meet the increasing demands of the Regulatory Planning program. Based upon the data on the record of master plan production reviewed earlier in this chapter, it is reasonable to hypothesize that the diversion of staff resources away from work on master plans most frequently occurred prior to the completion of the staff draft.

The impact on the master plan schedule of shifting staff resources was both direct and indirect. The direct impact was that, during the early and mid-1980's, a greater portion of the Community Planning staff's time was being used to comment on the increasing volume of regulatory work, e.g., subdivision applications, site plan submissions, optional method plan submissions, and special exceptions. When the staff person in charge of any project is diverted, progress on the project almost inevitably slows down.

The indirect impact, which likely had the greater adverse impact on the master plan schedule, was when staff working in the other divisions that make substantial contributions to master plans (especially the Transportation Planning, Research, and Environmental Planning Divisions) were not allocated the time needed to work on master plans because of demands and deadlines imposed by other work. For example, when the Transportation Planning Division staff was spending large portions of their time responding to requests for additional data for subdivision applications or the Annual Growth Policy, generating the traffic data for master plans received lower priority.

As reviewed in Chapter III, staff resources allocated to Community Planning have increased again during the past few years, and in recent months, the Planning Department has made a number of changes to reduce the time Community Planning staff is diverted from master plan work. These changes include: shifting certain responsibilities away from the Community Planning Divisions; revising procedures so that the Community Planning staff can provide oral rather than written comments on regulatory items; and initiating a program to reduce the amount of time Community Planning staff spend responding to general public inquiries.

In addition to the diversion of staff resources, a review of the Planning Department's quarterly reports indicates that staff turnover due to job changes, leaves of absence, and retirements has also been a recurring factor with a negative impact upon the master plan schedule. While the departure of the staff person with lead responsibility for any type of project will almost always slow down the project, it is especially true with master plans, which are multi-year endeavors that require significant amounts of background knowledge and familiarity with complex issues. When the manager of a master plan departs in the middle of the plan preparation process, it can easily take three to six months to place another planner (either hired or reassigned from another project) in charge of the plan. For example, the quarterly reports indicate that staff work on several plans, including the Westbard Sector Plan, the Capitol View Sector Plan, and the Boyds Master Plan, was delayed due to staff reassignments or vacancies in the Community Planning Divisions.

Another factor that appears to have affected the production of master plans is the fundamental quality and experience of individual staff members. While the purpose of this OLO study was not to conduct personnel evaluations of individuals, it became apparent throughout the course of research that some staff members appear to be simply more skilled at preparing plans than others. Although the planners placed in charge of master plans receive guidance and supervision from their Division Chiefs and the Planning Department Director, the individual packager assigned to a plan still has significant discretion in terms of how to allocate his/her time, and how to motivate and coordinate work with the other staff who contribute to the final product; and, as with any type of major project, certain individuals have worked more efficiently and productively than others.

Finally, when Planning Department staff were asked why they believe master plans have taken so long to prepare, one factor repeatedly mentioned was a shortage of support staff to perform functions such as photocopying, scheduling meetings, coloring maps, and compiling documents. There was a feeling expressed that the senior Planning Department staff have had to spend an inordinate amount of their time performing duties that could have been accomplished by less experienced, lower paid staff. A number of senior Planning Department staff felt that plan preparation could be more efficient in the future if there were more support staff throughout the entire agency.

5. The "Catch-22 Cycle of Time". Document reviews supplemented with interviews with Planning Department staff and members of the community suggest that once a master plan has taken a certain amount of time to prepare that is longer than the time originally scheduled, then chances are it is going to take even longer.

The primary reason for calling this pattern a "Catch-22" is that when the process of preparing a master plan has gone on for years, the record shows that the issues originally identified as the key ones to be resolved may change, and turnover may occur among the group of citizens who are actively participating in the process. As the staff and elected/appointed officials attempt to respond to the new issues that arise and to members of the public who have most recently entered the discussions, more and more time becomes necessary to bring the master plan process to closure.

Specific examples of this time consuming cycle can be found in records of the Gaithersburg and Vicinity Master Plan, which was adopted 41 months behind schedule, and took a longer time between staff draft and plan adoption (38 months) than any other plan adopted since 1974.

6. Time Constraints on Elected and Appointed Officials. Because the process of preparing and adopting master plans involves both appointed and elected officials, a final factor that has affected the time it has taken to prepare and adopt master plans has been the time constraints on Planning Board members and Councilmembers.¹

¹ Although another elected official, the County Executive, is now involved in the approval process, there is no evidence to date that the time constraints on the County Executive have affected the adoption schedule.

While the record clearly shows the Planning Board and the Council spending significant numbers of hours on master plans, these two decision bodies have a multitude of responsibilities, of which master plans is only one. Specifically, there appear to be certain times of the year when the Council and the Planning Board have had less time available to spend on master plan-related business. For example, during the annual review of the budget (February-May) the Council has had fewer hours in which to consider other matters, including master plans; and during Council-election years, the Council is prohibited by law from taking action on master plans from the day preceding the general elections until the day the newly-elected Council takes office.

Another time-consuming factor in recent years has been the Annual Growth Policy (AGP). Since 1986, the Planning Board has had the legal responsibility of preparing and submitting the AGP every year to the County Executive by December 1; and the County Council must approve the AGP by June 30. Both bodies have spent considerable amounts of time preparing and/or reviewing the AGP, less time available to work on master plans during those months leading up to the submission and approval of the AGP.

VII. COMMUNITY PERCEPTIONS

A. Introduction

Although time did not permit a scientific survey of public attitudes, interviews with developers, attorneys, consultants, representatives of organized interest groups and civic associations, and individual citizens revealed a broad range of knowledge and opinions about the County's record and process of preparing master plans. The intent of this section is to summarize the views most frequently voiced throughout the course of this study. Unless otherwise indicated, the opinions outlined below were communicated by a representative cross-section of those interviewed.

As is the case with many other governmental functions, there appears to be a relatively small group of individuals intimately familiar with the details and complexities of how master plans are prepared and adopted. This cadre of attorneys and citizen activists knows the Planning Department staff on a first-name basis, and knows a great deal about what a master plan is and how the decision-making process works. Certain members of this core group get involved with almost every master plan, while others become more or less involved over time as work shifts from one master plan to another.

In contrast to this relatively small group of individuals who exhibit detailed knowledge about the entire process of preparing master plans, there appears to be another larger group of developers, attorneys, and individual citizens, who become involved for a limited time period with a particular stage of a particular master plan. While this group of individuals tends to be very informed about a specific issue, or set of issues, being reviewed by staff, the Planning Board, the County Council, and/or the County

Executive, comments voiced by the majority of this group seemed to lack a broad understanding of the role of master plans in the County and the overall master plan preparation process.

The book Everything You Always Wanted to Know About . . . Planning, Zoning, and Subdivision in Montgomery County, Maryland, But Were Afraid to Ask, published by the Planning Board, and most recently updated in April 1987, does have a number of pages dedicated to master plans; and master plan documents themselves (in addition to issue papers and newsletters distributed to selected communities as part of individual master plans) frequently include brief explanations of the major steps in the process. At this time, however, there is no Planning Department publication expressly designed to explain in simple terms what master plans are and the detailed process of how they are initiated, prepared, and adopted.

B. Views On the Record of Master Plans Prepared

With few exceptions, everyone interviewed expressed some concern that more area master plans and sector plans have not been comprehensively reviewed and revised within the past decade. The most frequently expressed feelings were that because the County is growing and changing, and because master plans play a significant role in actual land use decisions, it would be in everyone's best interest to have a greater number of up-to-date master plans.

Given the data reviewed in the previous chapter, it was not surprising to find that most people interviewed felt master plans take a long time to prepare. At the same time, most of those interviewed recognized there would likely be trade-offs for speeding-up the process, e.g., less time for citizen involvement, less time for detailed analysis, less time to resolve conflicting points of view. As one citizen expressed it, "The master plan preparation process was not designed to be short and efficient."

Opinions were divergent as to whether a statutory requirement for reviewing master plans every set number of years was a good idea. Approximately one-third of those interviewed felt that establishing a benchmark for review in the law would provide the much-needed pressure to keep master plans current. On the other hand, about two-thirds of those interviewed were opposed to statutory deadlines for reviewing master plans for one or more of the following reasons: it would be impractical because there is no legal way to enforce the deadlines; the quality of a master plan is more important than the timing and imposing deadlines might result in master plans of lesser quality; and, if the elected officials of this County would establish the review of master plans as a consistent priority, then master plans could be kept reasonably up-to-date without legally established review deadlines.

Almost everyone interviewed agreed that deciding which master plan(s) to revise next should remain the purview of the elected County Councilmembers, with input from the County Executive. There was some support expressed for developing an objective set of "indicators" to assist the Council and Executive in setting priorities. For example, it was suggested that when deciding which master plans to place at the top of the Planning Department's

work program, the Council and Executive review data for each planning area that would help identify which planning areas are under the greatest development pressure and in the greatest need of update. Relevant indicators for each planning area could include the number of subdivision applications filed, the number of zoning map amendments filed, the number of building permits requested, the number and complexity of special exceptions filed, recent population growth, the date of the most recent master plan revision, and the number of plan amendments considered since the plan's most recent adoption.

C. Views On Citizen Participation

Everyone interviewed agreed that obtaining public input is essential to preparing master plans. However, there was to be a range of opinion with respect to how best to organize community participation.

Those interviewed were split on the question of whether there should be a more standard approach to a citizen participation program. The major advantages cited to establishing certain guidelines (e.g., consistently requiring community forums followed by the creation of a citizens advisory committee), were that citizens would know upfront what to expect and could structure their personal involvement accordingly, and that time might be saved by not having to design a unique participation program for each master plan. One frustration expressed by a number of citizens interviewed was that because the Planning Board's approach to community involvement changes with each master plan, citizens sometimes feel uncertain about when and how they will be able to voice their opinions.

The primary disadvantage cited of standardizing an approach to citizen participation was the importance of allowing the Planning Board to design each citizen participation program to meet the unique characteristics of each planning area such as population, geography, history of participation, and the number of existing citizen groups. The argument was made that with an improved effort to educate each community about what is planned (e.g., number and dates of forums, workshops, committees), the staff can implement a successful but unique citizen participation program for each master plan.

On a very positive note, numerous individuals, representative of both development and local civic interests, complimented the Planning Department staff for their efforts to involve the public. The comment was frequently heard that, especially when compared to other government agencies, the Planning Board members and Planning Department staff were extraordinarily accessible and responsive.

However, some individuals, primarily representatives of the development community, criticized the Planning Board members and Planning Department staff for spending too much of their time and energy listening to repetitive arguments. The opinion voiced was that, on occasion, in their efforts to solicit all points of view, certain Planning Board and staff members used poor judgment in not placing a limit on the time spent listening to and discussing the same arguments over and over again.

D. Views on the Need for Future Studies

Finally, a number of developers, attorneys, and individual citizens interviewed expressed the strongly held belief that decisions about the process of preparing master plans should not be made without studying the entire land use planning and regulatory process in the County. The recommendation was voiced by a number of people that this study of the master plan preparation process be the first in a series that address related issues such as:

- An evaluation of possible duplication of planning functions among County agencies;
- An evaluation of regulatory functions performed by the Planning Board, including the process of approving subdivision applications and site plans;
- An evaluation of the administration of the Adequate Public Facilities Ordinance; and
- An evaluation of the extent of coordination among M-NCPPC and other agencies, e.g., WSSC, BOE, SHA.

VIII. SUMMARY OF FINDINGS

A. The Importance of Master Plans

1. The legal status of master plans in Montgomery County has been enhanced over the past 20 years, and as a result, master plans have become more comprehensive and complex. While master plans are still legally defined as a guide or recommended policy for future action, today, master plan recommendations are closely linked to actual land use designations and decisions, and thereby can directly affect the timing and nature of development within the County. Master plan recommendations can affect, among other things, increases and decreases in the market value of land, the ability of a developer to implement a residential, commercial, or industrial development proposal, the appearance and stability of neighborhoods, traffic patterns, and the fundamental enjoyment of an individual's home or place of work.

2. Because the County's master plans can have such a direct affect upon actual land use, it appears to be in the public interest for those who live and work in the County to understand and participate in the process of preparing master plans, and for the County's master plans to be kept reasonably up-to-date.

B. Legal Guidelines and the Process of Preparing and Adopting Master Plans

1. Both the Regional District Act and the Montgomery County Code outline procedures for initiating, preparing, and adopting County master plans. While many of the prescribed procedures must be followed, others are not legally binding; and many of the details of preparing master plans are left to the discretion of the Montgomery County Planning Board and Montgomery County Planning Department of M-NCPPC.

2. Chapter 33A, MCC, Planning Procedures, represents the County's exercise of local authority granted by State law to establish procedures for preparing and adopting master plans. Although not identical, the County's law is generally compatible with the State law. The only major procedures outlined in State law that are not referenced in County law are the County Executive's authority to disapprove master plans approved by the County Council, and the Council's authority to override that disapproval with an affirmative vote of five members. (Because State law prevails over County law, there is no legal implication to this inconsistency.)

3. There are no formal written guidelines that dictate the details of how a master plan should be prepared, or a standard format for the contents of master plans.¹ However, while no two master plans are prepared according to an identical schedule or process, there are approximately a dozen steps common to the preparation of almost all plans adopted during the past 15 years. (For a list and explanation of these steps, see Chapter V, pp. 40-50.)

¹ In recent months, the Planning Department has begun developing a possible standard format for master plans.

C. Planning Department Resources

1. The Montgomery County Planning Board has the legal authority to transmit draft master plans for review and approval by the County Council and, since December 1986, also by the County Executive. Within M-NCPPC, the Montgomery County Planning Department has the staff responsibility of preparing draft master plans for consideration by the Planning Board.

2. The Planning Department is organized into three program elements: General Planning, Community Planning, and Regulatory Planning. While staff within each program are assigned the lead responsibility for certain functions, almost all activities require staff in one program to seek the expertise of staff throughout the Planning Department.

3. Although staff from all three programs contribute to the contents of master plans, the assignment for coordinating, or "packaging" master plans lies with the Community Planning program. Because the primary responsibility of the Community Planning program is to work on master plans, the trend in resources allocated to Community Planning is a reasonable indicator of total Planning Department resources dedicated to master plans.

4. Although the Planning Department's budget increased 318 percent in actual dollars from \$2.2 million in FY74 to \$9.2 million in FY89, consistent real dollar growth in the Planning Department's budget has only occurred since FY85. The Planning Department's budget decreased two percent in real dollars during the ten year period between FY74 and FY84, but since FY85 has had a real dollar increase of over 60 percent.

5. The Planning Department's staff growth from FY74-FY89 was steady but slow, with the FY88 allocation of 131 position-years representing a 28 percent increase over the FY74 allocation of 102 position-years. Comparatively, the largest annual increase in total department staff since FY74 occurred in FY89 with funding for seven additional position-years, a six percent increase.

6. Budget and staff allocation data show a notable shift during the 1980's in Planning Department resources towards Regulatory Planning projects and away from Community Planning projects. Specifically, from FY75-FY79, the largest share (39-46%) of total staff resources was allocated to Community Planning, the second largest share to General Planning (36-39%), and the smallest share (17-25%) to Regulatory Planning. However, during the early 1980's, while total Planning Department resources remained essentially constant, the percent of dollars and staff allocated to Regulatory Planning increased, while those allocated to Community Planning decreased; as a result, the Planning Department's resources have been, in recent years, divided much more equally among the three programs.

7. This shift in resource allocation appears to be largely in response to the significant growth in the workload demands of the Regulatory Planning program element that occurred at a time when overall Planning

Department budget levels did not increase significantly. The data indicate a substantial increase in the volume of regulatory applications and submissions filed from FY81-FY86, although a reduction in workload volume is evident for FY87 and FY88. The workload of the Regulatory Planning program is largely not controlled by the Planning Department to the extent that the Planning Board has defined legal responsibilities to process and respond to whatever volume of subdivision applications, site plan submissions, special exceptions, etc. are filed by property owners and developers.

8. Significant amounts of Planning Department staff time on any given plan can precede the final adoption of that plan by one or two years. Since 1974, a general correlation can be seen between the level of resources allocated to Community Planning, the number of comprehensive plans and plan amendments adopted, and the average length of time it has taken to prepare and adopt plans. Specifically, the time period in which Community Planning was allocated the largest proportion of Planning Department resources (FY74-FY80) corresponds to years during which the relatively largest number of plans and amendments were processed. During the 1980's, the shift in total department resources away from Community Planning correlates with a decline in the number of plans prepared and adopted, and to an increase in the average time between staff draft and plan adoption.

9. In recent months, the Planning Department has made some changes to make more efficient use of Community Planning resources in order to accomplish the FY89-FY91 master plan schedule, as approved by the County Council and County Executive in May of 1988. Specific changes include: transferring certain responsibilities away from the Community Planning Divisions, (e.g., the packaging of historic preservation nominations and mandatory referral reviews); allowing the Community Planning staff to alter procedures so that they provide oral rather than written comments on regulatory items; making greater use of consultants to support master plans; exploring the use of a standard master plan format; and reducing the amount of time Community Planning staff spend responding to general public inquiries.

D. Planning Board Time

1. Data on the number of Planning Board meetings since 1974 show a general trend towards an increasing number of Board meetings. In 1988, the number of Board meetings is likely to exceed 130, which represents a 70 percent increase over the number of Planning Board meetings in 1974.

2. The Planning Board does not appear to establish any specific number of meetings each year to devote to master plan business. The number of Board meetings focused on master plans has varied, ranging from five to 31 percent of the total number of Board meetings in any one year.

3. There appears to be a general correlation between the number of meetings the Planning Board spent on master plans and the number of plans adopted. The decrease in number and percent of Planning Board meetings dedicated to master plans during the 1980's corresponds to years in which the number of plans adopted also decreased.

4. During FY87 and FY88, the Planning Board spent almost 700 hours in formal session each year. For those two fiscal years, approximately half of the Board's time was spent on regulatory items, 18-25 percent on master plan business, 10 percent on park business, 5-10 percent on the Annual Growth Policy, and 10 percent on various other items.

5. Interviews with the current Chairman and other members of the Planning Board indicate that the Chairman spends 60-75 hours per week and the other four members each spend between 25-40 hours per week on Planning Board business.

E. The Record of Master Plan Production

1. The length of time it has taken to prepare and adopt plans has varied considerably, which is not surprising given that each of the County's planning areas is unique and the preparation of each plan presents different degrees of complexity and difficulty.

2. The record shows that area master plans and sector plans have not been comprehensively revised according to a regular schedule. As of August 1988, 18 (53%) of the County's 34 area master plans and sector plans have been either initially adopted or comprehensively revised within the past ten years. Of the remaining 16 (47%) area master plans and sector plans, nine have not been comprehensively revised for more than 15 years, four for more than 20 years, and two for more than 25 years. Six of these 16 plans are scheduled in the Planning Department's approved work program for comprehensive revision during the next three fiscal years.¹

3. There also does not appear to be a pattern to the frequency or timing of area master and sector plan amendments (partial revisions). In some cases, a series of amendments has followed within several years after a plan was adopted, and in other cases, a plan has stood for almost a decade without being amended.

4. The data show that 90 percent of the 26 area master plans and sector plans initially adopted or comprehensively revised since 1974 were adopted after the target date of completion initially projected in the Planning Department's approved work program, with a "delay" on average of about a year and one-half. (For an explanation of how actual vs. projected length of time data was collected and analyzed, see pp. 56-57.)

5. While the data do not support a finding that, since 1974, master plans have been adopted further and further behind schedule, the data do suggest that the interval of time between the staff draft and final adoption of area master plans and sector plans has been increasing, and that when compared to comprehensive revisions, plan amendments (partial revisions) have taken, on average, significantly less time to process.

¹ Because the scope of this report did not include evaluating the substance or quality of plans, OLO was unable to analyze the implications of the timing or frequency of revisions to individual plans.

6. The data indicate that once the staff draft of a plan has been produced, the average interval of time between staff draft and plan adoption has come close to the average interval of time between these steps initially projected in the approved Planning Department work program. This suggests that plans have most often fallen behind the initially projected target dates before the staff draft is issued, and that once a staff draft of a plan is issued, a certain momentum is created that keeps the process moving. This finding was reinforced through interviews that identified some of the most significant factors that affected the length of time as occurring prior to the completion of the staff draft.

F. Factors That Affect the Record of Master Plan Production

Information gathered through document reviews and interviews suggests that a combination of factors affected the record of plans and plan amendments prepared and adopted between 1974-1988. Although the specific circumstances surrounding each plan have been unique, the following factors seemed to have affected the time it took to complete one or more plans:

1. The increasing level of detail and complexity of analysis included in master plans;
2. Demands for more data and additional time for discussion from citizens involved throughout the plan preparation process;
3. The emergence of new issues and turnover among the group of citizens participating in the preparation of master plans;
4. The time spent by the Planning Department staff and Planning Board trying to resolve as many issues as possible before submitting a final draft plan to the County Executive and County Council;
5. The diversion of Planning Department staff resources away from the preparation of master plans;
6. The departure of senior Community Planning staff responsible for packaging certain master plans;
7. The performance and experience of individual staff members;
8. A shortage of Planning Department support staff to perform functions such as photocopying, scheduling meetings, and coloring maps;
9. Involvement of officials from incorporated municipalities; and
10. Time constraints on elected and appointed officials.

G. Community Perceptions

1. Although not based on a scientific survey of public attitudes, interviews with developers, attorneys, representatives of organized interest groups and civic associations, and individual citizens revealed a broad range of knowledge and opinions about the County's record and process of preparing

master plans. While recognizing the Planning Department staff and Planning Board make concerted efforts to educate the public, currently the Planning Department does not publish a guide expressly designed to explain what master plans are and how master plans are initiated, prepared, and adopted.

2. Interviews with members of the public suggest there are two distinct groups of individuals involved in the master plan process: a relatively small group of attorneys, developers, consultants, lobbyists, and individual citizens who are involved with almost every plan and who are intimately familiar with the complexities of how master plans are prepared and adopted; and a larger group of individuals who become involved for a limited time with a particular master plan, and may or may not understand the overall master plan preparation process.

3. Everyone interviewed agreed that obtaining public input is essential to the preparation of master plans, but opinions were split on the question of whether there should be a more standard approach to organizing citizen participation. The major advantage cited for establishing standard guidelines for involving the public was that citizens would know upfront what to expect and could structure their involvement accordingly; the primary advantages cited for not standardizing how public input is obtained were the benefits seen to designing every citizen participation program especially to meet the unique characteristics of each planning area.

4. Numerous representatives of both development and local civic interests complimented the Planning Department and Planning Board for their efforts to involve the public and for being accessible and responsive. A number of individuals, primarily representative of the development community, however, voiced the opinion that too much time was spent by the Planning Board and Planning Department staff listening to and discussing repetitive arguments.

5. With few exceptions, everyone interviewed expressed some concern that more master plans have not been comprehensively reviewed and revised within the past decade. While most people felt that master plans take too long to prepare, most also recognized there would likely be trade-offs for speeding-up the process, e.g., less time for citizen involvement, less time for detailed analysis, less time for resolving conflict.

6. Almost everyone interviewed agreed that deciding which master plans to revise next should remain the purview of the elected County Councilmembers, with input from the County Executive. Approximately one-third of those interviewed felt that establishing a statutory deadline for the periodic review of master plans would provide a much-needed pressure to keep plans current. The remainder of those interviewed felt statutory deadlines for review were either impractical, might result in plans of lesser quality, or were unnecessary because master plans could be kept reasonably up-to-date without a legal requirement for review.

7. Finally, several developers, attorneys, and individual citizens interviewed felt that decisions about master plans should not be made without further study of the entire land use and regulatory process in the County, and recommended that this OLO study be the first of a series that address related issues.

IX. RECOMMENDATION FOR PUBLIC RELEASE

The purpose of this report was to examine the process of preparing master plans, and to analyze the record of master plan production in order to compile a base of facts for the Council to use in making future decisions concerning the workload, resource allocations, and operating procedures of the Montgomery County Planning Board and Montgomery County Planning Department. Accordingly, it is recommended that:

- The County Council approve OLO Report No. 88-4 for public release; and
- The findings of OLO Report No. 88-4 serve as the basis for discussions among the Council, the County Executive, and the Planning Board.

OLO is fully prepared to provide whatever further staff assistance the Council deems appropriate to facilitate the constructive use of this report's findings in formulating specific recommendations for action.

X. AGENCY COMMENTS AND OLO'S RESPONSE

On September 6, 1988, OLO circulated a draft of this report to the Chairman of the Montgomery County Planning Board, the Montgomery County Planning Director, the County Council Staff Director, the County Executive and appropriate Executive branch departments. All technical corrections received either orally or in writing are incorporated in this final report unless otherwise indicated. Written comments are included in their entirety starting on page 78. OLO's responses to several specific written comments are inserted as footnotes to those comments.

In response to one issue raised during the comment period, OLO would like to emphasize why this report concludes with summary findings and a general recommendation that the report serve as the basis for discussion among the County Council, the County Executive and the Planning Board. OLO made the decision not to propose specific recommendations for legal, procedural, or resource allocation changes because the purpose of this report, as approved by the Council, was to compile a base of facts for the Council to use in making future decisions concerning the workload, resource allocations, and operating procedures of the Montgomery County Planning Board and the Montgomery County Planning Department. Once the report's findings have been discussed and policy direction given about any possible changes to the process of preparing master plans and/or the allocation of planning resources and responsibilities, OLO staff is prepared to provide whatever staff assistance is deemed appropriate by the County Council to facilitate the constructive use of this report in formulating specific recommendations for action.

October 14, 1988

MEMORANDUM

TO: Andrew Mansinne, Jr., Director
Office of Legislative Oversight

FROM: Richard E. Tustian, Director *RT*
Montgomery County Planning Department

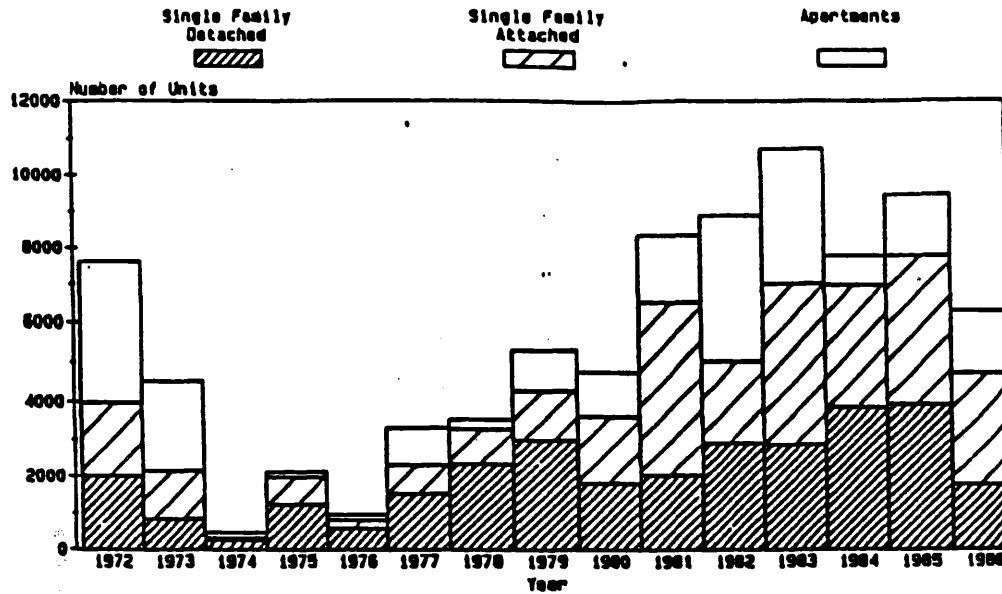
SUBJECT: Draft OLO Report No. 88-4
The Preparation of Master Plans in Montgomery County

Thank you for the opportunity to review this draft report. As you know, Chairman Christeller has indicated that the Planning Board's September schedule has not permitted the Board to fully evaluate the report within your publication deadline. The Planning Department has been more familiar with the substance of the report, since our staff provided much of its data. We are pleased to offer a few comments at this time, with the understanding that we have been unable to complete an in-depth review, and may wish to add further comments later.

In general, staff concludes that the report does an admirable job of describing a complex situation. It is thorough and balanced, and presents an overview that generally accords with our perception of the facts. Although subsequent analysis possibly could reveal some technical problems relating to the interpretation of statistical data, the report on the whole seems to represent an exceptionally good summary description of the master planning process as it has evolved over fourteen years. We are pleased that our records and information were available to assist you in completing this complex assignment within a relatively short time period.

A few simple observations may be relevant at this stage. One is to emphasize the point made in the note on page two of the report, that the scope of the study was necessarily limited, and therefore did not fully delve into the context of forces and pressures that surround the master planning process. The substantive and qualitative issues with which each master plan must deal are important factors that significantly condition the amount of time and resources necessary to reach the adoption stage. Each planning area and each period in history are somewhat different in this respect. A full appreciation of all the relevant aspects of each master plan over the past fourteen years would require the consideration of more elements within the political landscape of the county than those covered in this report.

Another observation concerns the general theme of the relationship between cost, time, and quality. The report notes that the constant ceiling maintained on the planning department's budget until relatively recently tended to force a reduction in expenditures on master plans in order to take care of the increasing demands of a period of continually increasing growth pressures between 1974 and 1986 (see chart below), and an increasingly more complex regulatory process.



The report speculates that this combination of a squeeze on resources and an increasing complexity of process probably combined to affect the phase of the planning process in which new master plans are initiated by staff more than the other subsequent phases of the process. Although we have some initial reservations about this conclusion, and would like to examine the data further, it seems quite possible that this may be a generally accurate reflection of an historical situation in which the quality of the planning document was considered by all concerned to be of more value than an arbitrary deadline initially estimated by the Planning Staff and Board at the time that the venture was first put into the work program.

This observation, as well as many of the others in your report, can play a useful role in future public discussions about the nature of the planning process, because it highlights the truism that the achievement of consensus on controversial public issues tends to require time and money. The larger the number of stake-holders and participants to be included in the consensus building exercise, the more time and/or effort tends to be required. At the same time, history reveals that some controversial issues may never achieve a consensus resolution, and can only be resolved by a decision that potentially offends some of the constituents affected by the outcome. This dilemma between time/cost and consensus is deeply embedded in the essential nature of the master planning process. In our opinion, your report performs a valuable public service by bringing to light some of the interplay between these conflicting objectives, and by explaining many of the interrelationships that are involved in the master planning process.

RET:bap

cc: Montgomery County Planning Board
Division Chiefs



Montgomery County Government

ROCKVILLE, MARYLAND 20850

MEMORANDUM

September 22, 1988

TO: Andrew Mansinne, Director, Office of Legislative Oversight
FROM: Lewis T. Roberts, Chief Administrative Officer *L. T. Roberts*
SUBJECT: Draft OLO Report 88-4, The Preparation of Master Plans in Montgomery County

Thank you for the opportunity to review the draft OLO Report 88-4, The Preparation of Master Plans in Montgomery County. The report will serve as a useful resource for discussions on the efficiency of the master planning process and a more informed context for evaluating future work program and budget proposals.

Attached for your information are technical comments from the Office of Management and Budget, Office of Planning Policies, and the Office of the County Attorney. The Executive Branch looks forward to a complete discussion of the report after it is made public.

LTR:psa

Attachments

cc: Sidney Kramer, County Executive



Montgomery County Government

MEMORANDUM

September 20, 1988

TO: Andrew Mansinne, Jr., Director
Office of Legislative Oversight

FROM: Meg Riesett, Director *MR*
Office of Planning Policies

SUBJECT: Comments on Draft OLO Report on Preparation of Master Plans

We appreciate the opportunity to review and comment on the draft OLO Report No. 88-4, The Preparation of Master Plans in Montgomery County.

We feel that the report contains valuable information about the master planning process and provides excellent documentation of the resources that have been committed in preparing master plans.

Because the report so thoroughly discusses the master plan preparation process, it would be helpful to have a section in the report that offers specific recommendations for improving the process. These recommendations can then become a starting point for discussions among the County Executive, Council and Planning Board.

We have the following technical comments on the draft report:

- o Page 4, Paragraph 4: The amendment of 1986 to the Regional District Act also gave the County Executive authority to participate fully in the preparation of master plans. We suggest that this be added to the text to balance the comment about his veto power.
- o Page 28, Table 5: Staff time required in preparing regulatory actions for the decision by the Board is considerably different from that required for building permit review. Therefore we suggest the data on Table 5 be subtitled for "workload resulting in Planning Board decisions" and "Planning Staff reviews."
- o Page 29, Paragraph 6, Sentence 2: We suggest the following clarification, "The Planning Department reviews each application for zoning conformance and ..."
- o Page 53, Silver Spring CBD: Number of Amendments Since Adoption should be 2.
- o Page 60, Footnote 1: The Kensington-Wheaton Master Plan will be forwarded to the County Council by the time this report is released.

Office of Planning Policies

Executive Office Building, 101 Monroe Street, Rockville, Maryland 20850, 301/217-2430

- o Page 71, Item 7: The conclusion that the shift in resources to the Regulatory Planning element is a result of growth in workload demands does not seem to be entirely supported by the data. A comparison of Table 4 and 5 seems to indicate that Regulatory staff allocation preceded the increase in workload (i.e., staff increases began in 1981, workload increases began in 1983.) Also, as noted above, the report should discuss the implications of the two different workloads (decision vs. review oriented) and the staffing required to address them.

See OLO Response #1:

MER:ebo

0304A

OLO Response #1: The data in Table 4 (p. 24), indicate that Regulatory Planning staff resources began to gradually increase in the mid-1970's and continued to increase during the 1980's. Table 5 (p. 28), only documents the volume of regulatory workload for FY81-FY88 because OLO was unable to obtain comprehensive regulatory workload data for years prior to FY81. However, interviews with Planning Department staff and a review of available quarterly reports indicated that starting in the mid-1970's, the shift in resources towards Regulatory Planning was in fact a response to a workload that was increasing both in volume and complexity.

MEMORANDUM

September 19, 1988

TO: Andrew Mansinne, Jr., Director
Office of Legislative Oversight

FROM: Robert K. Kendal, Director
Office of Management & Budget

SUBJECT: Draft OLO Report No. 88-4, Preparation of Master Plans

Thank you for the opportunity to review this draft report. I note that the report offers no recommendations other than discussion of the findings among the County Executive, Council, and Planning Board. Thus, conclusions remain to be developed concerning the allocation of resources within the Planning Department, the time committed by the Planning Board to master plans vs regulatory review, and possible ways to speed the process of master plan preparation, review, and adoption.

The report provides very useful compilations of statutory authority, master plan preparation process, master plan production history, and budget history. This information should give all participants, including OMB, a more informed context for evaluating future work program and budget proposals.

The rest of this memo offers some technical suggestions.

I suggest that Tables 1 - 4 on budget history be expanded to include the FY 89 data which is available and is discussed in the text.

See OLO Response #2:

OLO Response #2: OLO agrees with this suggestion and has added FY89 data for actual dollars (Table 1, p. 19), and number of positions and staff allocation (Table 2, p. 20 and Table 4, p. 25). Because the Consumer Price Index for 1989 is not yet available, real dollar figures for FY89 could not be added to the tables.

Table 5, Volume of Regulatory Planning Workload, would be improved by providing a subtotal for all items other than building permit application reviews. Building permit reviews constitute well over 90 percent of the total items, yet represent a much smaller percentage of the staff time. The absence of a subtotal for the other items obscures their significance. If data were available, it would be very desirable to provide workyears by type of application processed.

Table 5 highlights a fact not widely known, namely that the Planning Department reviews every building permit for zoning and other land use conformity, just as does County DEP. A reasonable topic for further investigation would be the reduction of this duplication so that the Planning Department would limit the applications it reviews to those where its special expertise and concern would most likely be useful.

Chapter IV, Planning Board Time Spent on Master Plans, would be much enhanced if the data on master plan production could be causally related to the data on the number of Planning Board meetings on master plans in the same time period. Did the Planning Board have relatively few meetings on master plans in a given period because there were few plans in process; i.e. few staff drafts or preliminary plans available for the Board's review? Or did the Board have few meetings on master plans despite the fact that staff products were available and awaiting the Board's attention? This information would shed light on the question of whether or not the Board's workload on non-master plan issues is a constraint to accelerating production and adoption of master plans.

See OLO Response #3: /

In the discussions of Planning Department resources, the thrust appears to be that diversions of resources to regulatory reviews at certain periods has reduced staff time available for master plans, thus increasing the time required to produce the staff draft. Once the staff draft was produced, the remainder of the process remained on schedule. However, item C.8 on page 72 appears to emphasize that the shift of resources correlates with an increase in the average time between staff draft and plan adoption. Clarification of the findings on these points would be helpful.

See OLO Response #4: /

OLO Response #3: OLO agrees that this information would be useful. However, based upon the data that was available, OLO was unable to quantify the length of time between the completion of a staff product (e.g., staff draft, preliminary draft) and the scheduling of the item on the Board's agenda.

OLO Response #4: Data collected on Planning Department resources and the record of master plan production since 1974 led to the following findings:

- The reduction in Planning Department staff resources allocated to Community Planning correlated with a reduction in the total number of master plans adopted, and an increase in the average length of time between staff draft and plan adoption.
- Although plans, on average, have been adopted one and one-half years after the adoption date initially projected in the Planning Department work program, the average time interval between staff draft and plan adoption has closely corresponded to the projected length of time between these steps. (While plans adopted since 1981 have, on average, taken longer to complete than plans adopted between 1974-1980, the interval between staff draft and plan adoption has continued to correspond closely to that initially projected in the work program.)

Together, the above facts led to the findings that staff resources are one of a number of key factors that affect the length of time to produce master plans, and that plans, on average, appear to fall behind the initially projected schedule prior to the production of the staff draft.

M E M O R A N D U M

September 20, 1988

TO: Andrew Mansinne, Jr., Director
Office of Legislative Oversight

FROM: A. Katherine Hart *AK Hart*
Senior Assistant County Attorney

RE: Draft OLO Report No. 88-4, The Preparation of Master
Plans in Montgomery County

I have reviewed the draft OLO report on the preparation of Master Plans in Montgomery County. In general, I agree with the legal issues and discussions found in the report, but I have several recommended changes.

On page 7 of the draft report, at the last bullet at the bottom of the page, there is a misquote from the West Montgomery case. In the fifth line from the bottom of the page beginning "commercial undertakings," the line should be deleted from "commercial" through "and," so that the only part of that line will read "such other matters."

On page 29 of the draft report, there are several definitions which need to be clarified. The first is the definition for "Special Exception." The entire definition should be deleted and the following language should replace it:

A Special Exception is a request to the Board of Appeals from a property owner for authorization of a specific land use that is permitted according to the Zoning Ordinance in particular zones as a special exception; the Zoning Ordinance outlines certain general and specific standards that must be met in order for a special exception to be granted. The Planning Board reviews major requests and makes a recommendation to the Board of Appeals, which has final decision authority, with appeal to the Circuit Court.

This definition is consistent with the definition for a "special exception" as set forth in the report by OLO on the Board of Appeals, OLO Report No. 87-3.

Also on page 29, the definition for a "Zoning Text Amendment" should include on the first line, that it "is a proposal by the Council, the County Executive, or the Planning Board" to amend the Zoning Ordinance. With the changes to State law giving the County Executive a role in the planning and zoning process, it is appropriate to include the County Executive as having authority to propose text amendments.

If you have any questions concerning these matters, please contact me.

AKH:pae
793H:88.00000

cc Karen Orlansky, OLO
Keith Kolodgie

Sources For Additional Information
on the Land Use Planning Process

Abrams, Stanley D. Guide to Maryland Zoning Decisions, second edition. The Michie Company, Charlottesville, Virginia, 1985, including 1987 Supplement.

How to Win the Zoning Game. The Michie Company, Charlottesville, Virginia, 1978.

Everything You Always Wanted to Know About . . . Planning, Zoning, and Subdivision in Montgomery County, Maryland, But Were Afraid to Ask.
Montgomery County Planning Board, May 1986, including April 1987 Supplement.

Final Report of the Montgomery County Blue Ribbon Committee on the Planning Process, 1985.

The Practice of Local Government Planning, second edition. International City Management Association, Washington, D.C., 1988.

Summary of Procedures Contained in State and County Law for
Preparing and Adopting Master Plans¹

<u>PROCEDURE</u>	<u>SOURCE:</u>	
	<u>Regional District Act,² Section:</u>	<u>Montgomery County Code³ Section:</u>
<u>Establish Procedures for Preparation</u>		
<ul style="list-style-type: none"> • The Council⁴ SHALL establish procedures (by ordinance, after public hearing with 30 days notice) for the submission, adoption, approval, and amendment of any plan or part thereof. 	7-108(d)(2)(i)	
<ul style="list-style-type: none"> • M-NCPPC and the Council MAY establish administrative procedures to implement the provisions of Chapter 33A. 		33A-14
<u>Adopt Map of Local Planning Areas</u>		
<ul style="list-style-type: none"> • M-NCPPC SHALL initiate and adopt and the Council SHALL approve and from time to time amend a map showing the County divided into local planning areas. 	7-108(b)(1)(i)	
<ul style="list-style-type: none"> • A plan SHALL NOT be invalidated because its boundaries do not correspond to the boundaries shown on the planning area map. 	7-108(b)(3)	
<u>Initiate Work on a Plan</u>		
<ul style="list-style-type: none"> • In accordance with the work program and budget adopted by the Council, M-NCPPC SHALL initiate and adopt, and from time to time amend, a local master plan for each planning area. 	7-108(b)(1)(ii)	
<ul style="list-style-type: none"> • M-NCPPC or the Council SHALL initiate work on a plan in accordance with the Regional District Act. 		33A-3

¹ Because the State and County procedures established for master plans also apply to sector plans and plan amendments, the term "plan" refers to master plans, sector plans, and amendments thereto. In order to highlight which procedures are mandatory and which are not, the legislative instructions to the Council, M-NCPPC, or County Executive of "shall", "must", "may", etc. are capitalized.

² Article 28, Annotated Code of Maryland, 1986, as amended.

³ Montgomery County Code, 1984, as amended.

⁴ All references on this table to Council refer to the County Council sitting as the District Council.

PROCEDURE

SOURCE:

- | | <u>Regional
District Act,
Section:</u> | <u>Montgomery
County Code
Section:</u> |
|--|--|--|
| ● M-NCPPC's proposed annual budget SHALL contain a planning schedule. | 7-108(d) | |
| ● The Council MAY modify or change M-NCPPC's planning schedule in the proposed budget, but SHALL only do so with the approval of the County Executive. The Council MAY override an executive veto of planning schedule by an affirmative vote of five members. | 7-108(d) | |
| ● Approval of M-NCPPC's planning schedule SHALL constitute the Council's concurrence in the initiation of plans proposed for any single fiscal year. | 7-108(d) | |
| ● The Council MAY also direct M-NCPPC to initiate any plan or part thereof, and M-NCPPC SHALL initiate the plan with reasonable promptness to the extent funds are available for this purpose. | 7-108(d) | |

Contents of Plan

- | | |
|--|------------------|
| ● A local master plan SHALL BE based upon and include in greater detail, BUT NOT BE LIMITED TO, the same factors, elements, and conditions as contained in the general plan and amendments thereto. ¹ | 7-108(b)(1)(iv) |
| ● A local master plan or amendment SHALL include a map which shows the boundary of the area within which it applies. | 7-108(b)(1)(v) |
| ● A local master plan MAY include recommendations for zoning, staging of development and public improvements, and public services relative to the implementation of the plan. | 7-108(b)(1)(iii) |

¹ According to Section 7-108(a)(2) of the Regional District Act, the general plan SHALL contain M-NCPPC's recommendations for such development, together with such descriptive or supporting material as the appropriate district council MAY direct, or that M-NCPPC SHALL determine to be necessary and feasible. Section 7-108(a)(3) goes on to list specific elements, factors, and conditions that MAY be considered in the plan.

PROCEDURE

SOURCE:

Coordinate Preparation of Plan With
County Executive

- M-NCPPC SHALL coordinate its work schedule with the County Executive who SHALL fully participate in the preparation of the plan.
- Items to be addressed by the County Executive SHALL include transportation, water and sewer, other public facility and services portions, and fiscal portions of the plan or amendment.

7-108(d)(2)(ii)

7-108(d)(2)(ii)

Prepare Preliminary Draft of Plan

- M-NCPPC SHALL prepare a preliminary draft of a plan.
- The County Executive SHALL, and any municipality in or adjacent to the planning area is requested to, supply M-NCPPC with studies, data, and information pertinent to the preparation of the preliminary plan.

33A-5

33A-5

Conduct Public Hearing on Preliminary Draft of Plan

- M-NCPPC SHALL conduct a public hearing on the preliminary draft of a plan. The hearing MAY be conducted in the area affected by the plan.
- Notice of the hearing SHALL be given not less than 30 nor more than 60 days prior to the hearing by publication in a newspaper of general circulation in the County. In addition M-NCPPC SHALL mail notices to all citizens' associations located within or adjacent to the planning area.
- Not less than 30 days prior to the public hearing, M-NCPPC SHALL submit the preliminary draft to the County Executive and any municipality in or adjacent to the planning area for review and comment; and make copies of the preliminary draft available to the Council and the public.

33A-6

33A-6

33A-5

Regional
District Act,
Section:

Montgomery
County Code
Section:

PROCEDURE

SOURCE:

Regional
District Act,
Section:

Montgomery
County Code
Section:

- At the public hearing, the County Executive (or his representative) SHALL present the comments and recommendations of the County Executive with particular regard to the effect of the preliminary draft upon public facilities and the CIP. The failure of the County Executive to present comments before the close of the public hearing record SHALL be presumed to indicate concurrence with the details of the preliminary plan.
- The County Executive IS ENCOURAGED to present his comments in writing prior to the date of the public hearing in order that the public may review and testify on the County Executive's comments.

33A-5

33A-5

Prepare and Transmit Final Draft

- Following the close of the public hearing record, M-NCPPC MUST prepare a final draft of the plan that incorporates appropriate revisions and modifications to the preliminary draft.
- M-NCPPC SHALL transmit the final draft to the County Executive.¹
- The final draft MUST also be submitted to any municipality in or adjacent to the planning area, and a copy MUST be provided to the Council.

33A-7

7-108(d)(2)(ii)

33A-7

33A-7

County Executive Takes Action on Final Draft
and Submits to Council

- Within 60 days after the County Executive receives the final draft plan or amendment from M-NCPPC, the County Executive SHALL transmit¹ the plan to the Council along with any modifications deemed appropriate by the County Executive. Failure of the County Executive to submit additions or deletions within 60 days constitutes approval of the plan as submitted.

7-108(d)(2)(ii)

33A-8

¹ State law uses the term "shall transmit"; County law used the term "must submit".

PROCEDURESOURCE:

- The County Executive's submission of the final plan to the Council SHALL specifically indicate any additions or deletions along with a statement of the reasons for each addition and deletion; and include the County Executive's comments on the effect of the final draft as revised on public facilities and the capital improvements program and other fiscal, economic, and social policies and issues.
- The County Executive MUST also submit a copy of the final draft plan with revisions and comments to any municipality that received a copy of the final draft plan from M-NCPPC.

Regional
District Act,
Section:Montgomery
County Code
Section:

33A-8(a)

33A-8(b)

Council Takes Action on Final Draft

- Within 180 days after the Council receives the final draft plan from the County Executive, the Council SHALL approve, modify, or disapprove the plan. Failure to act within this time constitutes approval of the plan as revised by the County Executive.
- The Council MUST NOT act on any plan after October 31 of the year in which a general election for Council is held until the first day of a new term. The 180-day deadline for Council action is not suspended during this time.
- Within 45 days after the Council receives the final draft plan from the County Executive, the Council MUST set a public hearing on the final draft, which MUST be held within 60 days after the date is set. A public hearing IS NOT REQUIRED if the County Executive has not proposed any revisions to the final draft plan as submitted by the M-NCPPC, or if the Council does not intend to prepare any revisions to the final draft.
- The Council's public hearing on the final draft plan REQUIRES no less than 30 days nor more than 60 days notice by publication at least once in a newspaper of general circulation in the County; notice MUST also be mailed to all citizens' association that received notice of M-NCPPC's hearing on the preliminary plan. The hearing MAY be held in the area affected by the plan.

7-108(d)(2)(ii)

33A-9(c)(3)

33A-9(c)(2)

33A-9(a)

33A-9(b)

PROCEDURE

SOURCE:

Regional
District Act,
Section:

Montgomery
County Code
Section:

- The Council MUST request any municipality that received a copy of the final draft plan for M-NCPPC to provide the Council with comments and recommendations on the final draft plan as revised by the County Executive. Receipt of comments IS TO BE ten days before the Council's public hearing.
- After public hearing, the Council MUST approve or disapprove the final draft plan as revised by the County Executive with any modifications or amendments that the Council deems appropriate.
- If the Council modifies and approves the final draft plan, the Council SHALL return the plan within three days to the County Executive.

33A-9(b)(3)

33A-9(c)(1)

7-108(d)(2)(ii)

County Executive May Disapprove and Council May
Override Disapproval

- If the final draft plan is revised by the Council and returned to the County Executive, the County Executive SHALL approve or disapprove the plan within ten days. If the County Executive disapproves the plan, it SHALL be returned to the Council with reasons for disapproval stated in writing.
- By the affirmative vote of five members, the Council MAY approve the plan over the disapproval of the County Executive within ten days.
- Failure of either the County Executive or Council to act within the imposed time limits constitutes approval of the plan as submitted to the body which fails to act.

7-108(d)(2)(ii)

7-108(d)(2)(ii)

7-108(d)(2)(ii)

M-NCPPC Adopts Plan

- The adoption or amendment of a local plan which lies entirely within the County SHALL be by resolution of M-NCPPC. An affirmative vote of three Montgomery County members IS REQUIRED to adopt the plan. (If the planning area is in both Prince George's and Montgomery Counties, an affirmative vote of six members IS REQUIRED, of whom at least three must be from each County.)

7-108(d)(4)

PROCEDURE

SOURCE:

	<u>Regional District Act, Section:</u>	<u>Montgomery County Code Section:</u>
● The resolution on the adoption SHALL refer expressly to the maps and descriptive and other matters intended by M-NCPPC to form the plan, and the action taken SHALL be recorded by the identifying signature of the M-NCPPC's chairman and secretary-treasurer.	7-108(d)(4)	
● M-NCPPC SHALL adopt the final draft of the plan in the form approved by the Council within 60 days following Council approval.		33A-10
● A local plan when adopted by M-NCPPC and approved by the Council SHALL be an amendment to the general plan if so designated by the Council.	7-108(b)(2)	
● A plan remains in effect until amended or superseded.	7-108(d)(2)(1)	33A-13
<u>Publish, Certify, and File Adopted Plan</u>		
● M-NCPPC SHALL cause adopted plans and amendments to be published and make available to the public.		33A-11
● An attested copy of every adopted plan SHALL be certified by M-NCPPC and filed with the Circuit Court for both Montgomery and Prince George's Counties.		33A-12

Comparison of Requested vs. Approved
Planning Department Budget Levels in Actual Dollars by
FY 1974 - FY 1989

<u>Fiscal Year</u>	<u>Requested Budget Level (in 000's)</u>	<u>Council-Approved Budget Level¹ (in 000's)</u>	<u>Percentage Difference in Approved vs. Requested Budget Levels</u>
1974	\$2,167	\$2,167	0%
1975	\$2,644	\$2,519	-5%
1976	\$2,815	\$2,453	-13%
1977	\$2,594	\$2,594	0%
1978	\$2,728	\$2,736	+ .3%
1979	\$2,964	\$3,064	+3%
1980	\$2,984	\$3,059	+3%
1981	\$3,305	\$3,351	+1%
1982	\$3,944	\$3,924	-.5%
1983	\$4,294	\$4,144	-3%
1984	\$4,497	\$4,383	-3%
1985	\$4,992	\$5,199	+4%
1986	\$6,219	\$6,219	0%
1987	\$7,186	\$7,146	-.5%
1988	\$8,283	\$7,681	-7%
1989	\$9,454	\$9,052	-4%

¹ This represents the budget levels approved each year by the Council on May 15, and does not include a cost-of-living adjustment (COLA), supplemental budget requests, or printing reapproval funds.

Source: County Council budget resolutions, FY74-FY89.

Growth Policy Reports Prepared
by the Planning Department
Since 1975

Fiscal Impact Analysis, September 1975

Fiscal Impact Analysis, October 1975

Forecast: People, Jobs and Housing, October 1976

Carrying Capacity and Adequate Public Facilities, October 1977

Planning, Staging, and Regulating, June 1979

Land Supply and Demand, November 1980

1981 Report on Comprehensive Planning Policies

1982 Report on Comprehensive Planning Policies

1983 Report on Comprehensive Planning Policies

1984 Comprehensive Planning Policies Report

1985 Comprehensive Planning Policies Report

Trends and Forecasts: Jobs, Housing, Population and Births, December 1987

FY88 Annual Growth Policy, Montgomery County, Maryland¹

FY89 Annual Growth Policy, Montgomery County, Maryland¹

¹ In 1986 the Council established Article II, Growth Policies, Chapter 33A, Planning Procedures, which requires the Planning Board to produce an annual growth policy and transmit it to the County Executive for revisions and to the Council for final approval.

Source: Montgomery County Planning Department, 1988.

