

Chapter 33: Public Participation

The zoning ordinance may also contain requirements for notifying the public about proposed development projects and opportunities to comment. Public notification could be as little as a legal announcement in a newspaper to something more responsible, such as posting signs on the site along with mailings to adjoining property owners. The notice may be given a week to several months prior to a hearing or the deadline for public comment.

A legal notice a few weeks before a hearing is not a very effective way for allowing the public to participate in the development review process. My home county (Baltimore County, Maryland) has one of the best development review public participation processes in the nation.

First, a Community Input Meeting (CIM) is held in the evening at a location near the proposed development site. The CIM is announced with a sign posted on the site, a mailing to adjacent property owners and the community associations active in the area, and a listing on the County's website. A copy of the applicant's Concept Plan is mailed out to any interested party. Both the applicant and County officials attend the CIM to explain the project and to answer citizen questions. Copies of the project Concept Plan are distributed. The County officials take detailed notes on citizen concerns. The applicant is encouraged to resolve each relevant issue.

Next, the applicant submits a Development Plan. A Development Plan conference is then held between the applicant and County officials. At the conference County officials discuss their outstanding concerns with the applicant. The public is allowed to attend the conference, but not to participate in the discussion.

Within 10 to 21 days following the conference a County hearing officer holds a public hearing on the Development Plan. Though this is a formal legal proceeding the public can present their concerns, the facts supporting each concern, and even question the applicant's witnesses if they are not represented by an attorney. The hearing officer can approve or deny the development plan. The hearing officer also has the option of approving the plan with any reasonable conditions needed to resolve outstanding issues.

If citizens are dissatisfied with the hearing officer's decision then they can take an appeal to the County Board of Appeals. If they are dissatisfied with the Board's decision then they can appeal to Circuit Court then the Maryland Court of Special Appeals.

When the CIM process was first proposed, many thought it would greatly increase citizen appeals of development approvals. In fact, this has not been the case. The process has probably had the opposite effect. By informing citizens of development proposals very early in the process it is easier for citizens to judge whether the project will cause undue impact and to work with the applicant and the County to resolve their concerns. So the CIM process has probably reduced the number of appeals and improved the compatibility of new development with existing land uses.