

A Citizens Guide to Participating

Participating in Planning Commission Public Hearings

Have you seen a yellow rezoning sign in your neighborhood? Have you received a notice of an upcoming public hearing? Are you interested in learning more about projects being proposed in Frederick County? Then this *Guide* is for you.

What kind of development needs a public hearing?

In Frederick County, two general categories of development proposals require a public hearing. These are:

- Rezoning
- Conditional Use Permits

Depending on the proposal, a project may have to go through several public hearings before construction can begin. Please note that we are only talking about **private sector** development proposals. Projects undertaken by the County, State, or Federal Government, such as roads, state office buildings, and post offices, go through a different process. The Board of Zoning Appeals holds public hearings on variances, use permits, and certain other requests.

A **Rezoning** is necessary when a person, partnership, or private company (“the applicant”) wants to change the zoning of a particular piece of land. The applicant must either own the land or be specifically authorized by the owner to request the change in zoning. All land in Frederick County is zoned for either: industrial, commercial, residential, agricultural, institutional, or mining use.

The **Conditional Use Permit** (CUP) procedure provides for certain uses which cannot be well adjusted to their environment in particular occasions with full protection offered to surrounding properties by rigid application of the district regulations. Most telecommunication towers require a CUP. Sec.165-103 sets forth guides and standards for the approval of conditional use permits. Specific uses are allowed by CUP in specific districts.

How will I know that a case is coming up for public hearing? Rezoning and Conditional Use Permits

Cases scheduled for public hearing are advertised in the *Winchester Star* 2 weeks and 3 weeks before the hearing date. The ads appear on Tuesdays, in a location determined by the newspaper. Deferred or rescheduled cases usually do not appear in the newspaper advertisement.

Approximately 1 week before the public hearing, a familiar yellow rezoning sign is posted on the property as a courtesy to the public. The same type of sign is posted for Conditional Use Permits.

Also, approximately seven to ten days before the hearing, the Planning Department sends notices to adjacent property owners only. As a courtesy, notices are also sometimes sent to some homeowners' and civic associations.

You can view the agendas for the Planning Commission meetings on the Planning Department web site.

- **Website links for rezoning and conditional use permit applications**

If you plan to attend the public hearing, you may wish to call the Planning Department (540-665-5651) to make sure that your case is still scheduled for hearing. An applicant may request a deferral of the public hearing any time up to the hearing. Early in the meeting, the Planning Commission decides on a case-by-case basis whether to grant a request for deferral.

How can I find out what is going on with a particular case?

You can call (540) 665-5651 to find out the name of the planner that is processing the case. You may also wish to find out the case number, and the name of the applicant. You should make staff aware of any concerns that you may have, although doing so is no substitute for speaking at the public hearing. Individuals are encouraged to work with their homeowners' or civic association, if one exists, to resolve issues with the applicant. The County does not require applicants to meet with citizens groups before the public hearing, but strongly advises them to do so. Often, the Planning Commission will not make a decision on a case until the applicant has made a good faith effort to resolve issues with residents.

The Planning Department staff is available to talk to residents about the status of pending cases.

How do I participate?

As noted above, you can discuss your concerns with the case planner early on in the process. The planner may advise you to contact the applicant and/or the Planning Commissioner for your area. If you plan to oppose some aspect or all of a proposal, you should make the applicant aware of your concerns as early as possible.

There are also at least two public hearings on every rezoning and CUP, one with the Planning Commission, and one with the Board of Supervisors

What is the public hearing like? Rezonings and Conditional Use Permits

The Planning Commission public hearing meeting begins at 7:00 p.m. The meetings always follow the same format, although occasionally additional items will be included. Following the call to order, committee reports, and citizen comments (on items not on the evening's agenda), the Planning Commission will consider any public hearing agenda items.

1. The staff makes a presentation on the case first, answering any questions of the Planning Commission.

2. The applicant then makes a presentation on the case, also answering any questions of the Planning Commission.
3. The public then gets an opportunity to speak. You must identify yourself and give the magisterial district where you live. Any and all questions should be directed to the Chairman. At his or her discretion, the Chairman will later ask the applicant to answer the question.
4. The applicant then speaks in rebuttal, or answers any additional questions.
5. The Planning Commission may continue to discuss the matter before taking a vote. The Planning Commission may vote to recommend denial, approval, or deferral.
6. Cases recommended for approval or denial are scheduled for public hearing with the Board of Supervisors at the Board's next available meeting.