

Planning Commission, Planning Board and Board of Appeals Education Course

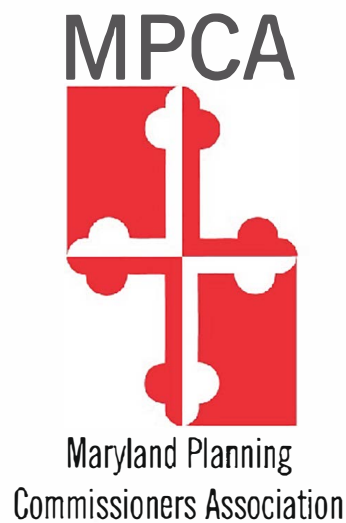
Developed pursuant to Section 1-206 of the Land Use
Article, Annotated Code of Maryland.

Planning Commissioner, Planning Board and Board of Appeals Education Course Material



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Planning Commission, Planning Board and Board of Appeals Education Course

Welcome!

I am pleased to welcome you to the online Planning Commission, Planning Board and Board of Appeals Education Course, which was developed by the Maryland Department of Planning so that members of planning boards or commissions and boards of appeal can fulfill their education requirements under Section 1-206 of the Land Use Article, Annotated Code of Maryland. This requirement first came about through passage of Smart and Sustainable Growth Act of 2009, which implemented the requirement that, within six (6) months of appointment, members of local planning boards or commissions and boards of appeal complete an education course concerning certain aspects of land use planning.

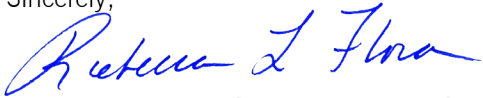
This education requirement applies to the non-charter counties and municipalities that exercise planning and zoning authority, and to charter counties, including Montgomery and Prince George's counties. The law provides that the course must include education on (i) the role of the comprehensive plan, (ii) proper standards for special exceptions and variances, as applicable, and (iii) the jurisdiction's zoning, planned development, subdivision and other land use ordinances and regulations.

This course was developed with input from 2007's Task Force on the Future of Growth and Development, and your partners in planning policy and implementation including the Maryland Association of Counties (MaCo), Maryland Municipal League (MML), Maryland Planning Commissioner's Association (MPCA) and others. This joint effort has resulted in the course you are about to take, and we hope you find it informative, useful and beneficial in your important role as a planning official.

Our goal is to provide good information to help you make even better informed planning decisions for your city, town or county. I welcome and encourage your feedback on this course, and if you have any suggestions after completing it, please feel free to pass them along.

Enjoy the course!

Sincerely,



Rebecca L. Flora, AICP, LEED ND/BD+C
Secretary, Maryland Department of Planning

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Planning Commission, Planning Board and Board of Appeals Education Course

Overview

Before we get started, you might be interested in knowing that Maryland is among a number of states that require training or education for planning commission, planning board and board of appeals members. Some are more stringent than others, and some are even rather costly. In developing this course, we looked at programs in several states, including Virginia, New York, New Jersey, South Carolina, Kentucky, Tennessee and Alabama. We also reviewed training offered by the American Planning Association, and the planning website *Planetizen*, along with a few offerings from local jurisdictions. It never occurred to us to charge anyone for taking the course, and we have specifically tailored the course to those serving as members of planning boards, planning commissions and boards of appeal here in Maryland.

This course covers a broad range of topics, from basic planning and smart growth concepts, the comprehensive plan, growth management tools, environmental laws and regulations, to the role of a planning commissioner, planning board member and board of appeals member. Each member that completes the course will receive a certificate.

While each jurisdiction is authorized under the law to create its own education course, we wanted to give local jurisdictions the option of using this course or preparing their own course. Taking this particular course will satisfy a member's statutory educational requirements.

Index of Training Modules

Module One: Introduction to Planning 101

What is planning?

- Introduction to planning
- Values of planning
- What planners do
- Smart growth
- The 12 visions
- Planning and zoning terms and definitions
- Priority Funding Areas, appeals, variances, ordinances and vesting
- State planning laws: charter v. commissioner forms of government

Module Two: The Comprehensive Plan

What is a comprehensive plan?

- Required comprehensive plan elements/ Relationship to the 12 visions
- State, local and citizen roles in the development of a comprehensive plan
- County/municipal planning relationship (i.e. Schools, public safety, transportation, water and sewer planning, etc.)
- Reading maps/PFAs, understanding comment areas
- Municipal Growth Element

Module Three: Planning 201: Growth Management Tools

Growth Management Tools

- Adequate public facilities
- Land Preservation, Open Space, and Recreation
- Water and sewer infrastructure and master plans, and water resource elements
- Capital improvement programs
- Developer's rights and responsibilities agreements
- Annexation laws and agreements

Module Four: Planning 201: Environment, Green Development, Housing and Transportation

Environment, Green Development, Housing and Transportation

- Environmental laws and regulations
- Critical Area law, storm water management regulations
- Green Development, Sustainability and Preservation
- Housing issues
- Transportation and land use issues

Module Five: Maryland's Smart Growth Vision for the Future

- Maryland's Smart Growth Vision for the Future: Smart Green & Growing
- Smart, Green & Growing Planning Laws
- The Seven Themes of Smart Green & Growing
- Theme: Restoring the Bay
- Theme: Preserving Land
- Theme: Revitalizing Communities
- Theme: Green Jobs
- Theme: Improving Transit
- Important Links and Resources

Module Six: The Roles and Responsibilities

Planning Commissioners/Board Members

- Roles
- Responsibilities
- The Work of the Planning Commission/Board
- Developing a Comprehensive Plan
- Public Hearings
- Variances
- Special Exceptions
- Site Plans and Subdivision Requests
- Building Permits and Plot Plans
- Use of Land for Public Purposes

Module Seven: The Roles and Responsibilities

Board of Appeals Members

- Non-Charter Counties and Municipalities
- Quasi-judicial rules of procedure
- Testimony
- For the record
- Open Meetings Act procedure

Frequently asked questions

Why are we doing this?

The Smart Green and Growing – Smart and Sustainable Growth Act of 2009 requires that all members of a local jurisdiction's planning commission or planning board and board of appeals to complete an education course by July 1, 2010.

Why is MDP involved?

The Maryland Department of Planning was charged by the General Assembly to develop an online education course to make compliance easier. MDP is required to have the course available by January 1, 2010.

The course builds on prior efforts by MDP to provide professional education to planning commissioners, planning board and board of appeals members in conjunction with the University of Maryland.

What meaning of planning commission/board applies?

For the purposes of this requirement, a planning commission, planning board includes a planning commission or planning board established under the Land Use Article of the Annotated Code of Maryland. In other words, if you sit on a commission or board in a jurisdiction that has planning and zoning authority, you must fulfill your education requirement.

What meaning of board of appeals applies?

For the purposes of this requirement, a board of zoning appeals or a board of appeals or zoning board of appeals means a board established under the Land Use Article of the Annotated Code of Maryland.

How long do I have to complete the course?

Incumbent or sitting planning commission/board and boards of appeals members have 6 months to complete the education course, or until July 1, 2010. Planning commission/board and board of appeals members appointed after January 1, 2010 shall complete education course within 6 months after the date of appointment.

Do I have to take the MDP course?

No. A local jurisdiction may develop an education course for members of the local jurisdictions' planning commission/board and board of appeals members in lieu of the Department's education course.

Do I have to take this course each time I'm appointed?

No. You only have to take this course or a local course once, but there will be other supplemental courses and education opportunities available to you.

What topics are covered?

The Bills (SB 280 and HB 297) stipulated that certain topics be covered, specifically the role of the comprehensive plan, standards for special exceptions and variances, and zoning, planned development and subdivision ordinances, and other ordinances and their respective regulations as may apply.

How was the course developed?

The Bill directed the Task Force on the Future for Growth and Development in Maryland to provide recommendations on the education course by July 1, 2009. These recommendations are included in the curriculum. The course will also include links to additional websites for further study and recommendations for learning more about your local programs that may have an impact on your deliberations as a planning commissioner, planning board member or board of appeals member.

How long is the course?

The course is designed to take approximately 6 hours to complete.

How much will it cost?

There is no charge for the MDP course.

What if I don't want to, or cannot take the online course?

All the materials can be downloaded from the website. However, we will mail one hardcopy package per commission or board upon request.

Can I take a course through the Maryland Planning Commissioners Association (MPCA)?

MPCA has collaborated in offering education courses in the past, and may develop any education course or program it wants. If a local jurisdiction wants to partner with MPCA to develop its own education course, that's okay. For the time being however, only local jurisdictions can offer their own versions of the course, in lieu of this course.

What happens if I don't take the course, or if I start it and don't finish?

While the law states that failure to complete the course may not invalidate a decision of the commission, or be construed to create a private cause of action by any person, you still must complete the course within the allotted time as prescribed by the law.

Doesn't this just make it more difficult to attract people to serve on planning commissions/boards and boards of appeals?

Education enhances the importance of serving on a planning commission/board and board of appeals. Maryland joins 9 other states that already require training or education for planning commissioners: New Hampshire, New York, Massachusetts, Tennessee, South Carolina, Virginia, New Jersey, Kentucky and Louisiana.

Is there a passing or failing grade?

No. There is a review at the end of each section on the education website, but the results are not graded or collected.

Do I get a certificate?

Yes. A graduation 'certificate' will be e-mailed or mailed to you upon completion of the online course. If you do not use the online course, we request a letter from you on jurisdiction letterhead that states that you have completed the course.

If I have any other questions, who can I ask?

Contact Joseph Griffiths by email at: dlmdp-educationcourse_mdp@maryland.gov

How do I get started?

Go to: <https://planning.maryland.gov/Pages/OurEngagement/EducationWelcome.aspx>

Answer Key

Module One – Introduction to Planning

1. D - More about this can be found in "Trends, statistics and current growth patterns."
2. A - Details about the 2009 Planning Visions can be found in the section "The 12 Visions."
3. C - See "Planning Law" for more details.
4. B - The answer is found in "Basic Concepts and Tools of Zoning."
5. C - More details found in "Basic Concepts and Tools of Zoning."

Module Two - What is a Comprehensive Plan?

1. D - More details found in "Municipal Growth Element."
2. C - For more information please see the "The Twelve Visions of Smart Growth."
3. D - The answer is found in the section on "Public input."
4. C - For more details see "Developing the Comprehensive Plan."
5. A - This is explained in "The Role of Local Government in preparing the plan."

Module Three - Growth Management Tools

1. B - You can find more about this subject at "Land Preservation, open space and recreation."
2. C - For more information please see "The County Water and Sewer Plan."
3. D - More can be found at "Capital Improvement Programs."
4. B - Much more information can be found at "Development Rights and Responsibilities Agreements."
5. B - For more information please see "Annexation laws and agreements."

Module Four - Environment, Green Development, Housing and Transportation

1. C - Further information is found in "Defining the Critical Area."
2. D - For more information please see "Erosion/Sediment Control and Stormwater Management Plan Approvals"
3. D - You can find more information in "Forest Conservation Act."
4. D - The section, "The Federal Role in Transportation Planning" provides more detail on this subject.
5. C - The answer can be found in the "Transportation and Land Use" section.

Module Five - Smart, Green and Growing

1. C - To learn more please see "Smart, Green & Growing Planning Laws."
2. A - This fund is explained in detail in "Tools for Local Governments."
3. B - More can be found in "Planning Tools for Local Governments."
4. D - There is more at "Tools to Assist Maryland Communities."
5. D - Please see "Smart, Green & Growing Planning Laws" for more details.

Module Six - The Role of the Planning Commissioner

1. A - You can review this in "Subdivision and Development Regulations."
2. D - More about these responsibilities can be found in "The Roles and Responsibilities of a Planning Commissioner/Board member."
3. D - You can review this in "The Roles and Responsibilities of a Planning Commissioner/Board member."
4. B - See "Work Sessions" under the "The Roles and Responsibilities of a Planning Commissioner/Board member."
5. C - For more details see "Developing the Comprehensive Plan."

Module Seven - Role of a Board of Appeals Member

1. C - Please see "Board of Appeals Roles and Responsibilities" for more information.
2. D - This is explained in "For the record" under "Board of Appeals Roles and Responsibilities."
3. C - More information can be found in "Open Meetings Act procedure."
4. A - You can review this in "Board of Appeals Roles and Responsibilities."
5. B - See "Testimony" and related sections.

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