

"Federation Corner" column
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Hijacking of planning underway

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In 1973, under authority granted by the State of Maryland, Montgomery County enacted its Adequate Public Facilities Ordinance (APFO). This law requires that before new development or redevelopment is approved in an area of the county, the Planning Board must find that public schools in the area have the capacity to accommodate students who will move into any new housing, and that the roads, transit and public health and safety services in the area are sufficient to serve the jobs and housing which would be created.

Admittedly, this system has its flaws because it allows new development to be approved based on a five to six year projection of capital improvements--added schools, roads and transit capacity, and new or expanded police and fire/rescue facilities--which the county intends to fund. In some cases officials have misjudged the amount of additional infrastructure needed to support planned growth. And sometimes county budget cutbacks have dictated that infrastructure projects could not be funded and built on the proposed timetable.

But rather than fix these flaws in the current system, the Planning Department is proposing doing away with the capacity concept. In a January 30, 2009 memo to the Planning Board, Department Director Rollin Stanley recommends that we change the direction of the Growth Policy from "what you cannot do" (his words for the current system of matching development approval to infrastructure capacity) to "where and how we should be building, adding sustainability to the evaluation." Stanley proposes the four key elements of a new "sustainable"; Growth Policy should be Connectivity, Diversity, Design and Environment.

These concepts may be worthy goals when updating our community master plans, which are the agreed-upon blueprints for WHAT elements we want to see in our communities as they are built out or redeveloped, and WHERE and HOW those elements are sited in relation to each other. But the Growth Policy must address HOW MUCH more density should be allowed--how many more dwelling units and how many more jobs--and WHEN that density should be approved to be built.

Planning Board Chairman Royce Hanson is making the rounds, too, addressing community groups and peddling this misapplied design jargon as the newest fad in growth planning. This sounds like the development industry slogan "It's not how dense you make it, it's how you make it dense"; which is nonsense. The crucial element of a Growth Policy is its control over how much new development is allowed.

Montgomery County now has close to a million people. And 160,000 more jobs could be created, and another 80,000 to 90,000 more housing units could be built, under existing zoning--enough to accommodate another 210,000 population. In addition, the three master plans the Planning Department is now revising for Council approval--White Flint, Germantown, and a new "Science City"; west of Gaithersburg--would add another 33,000 housing units and 121,000 jobs to the numbers already allowed. But since our county policy has not established a limit for growth, also referred to as optimum scale, our planners are basically throwing darts at a blank wall and telling everyone they're hitting the target.

So why are Stanley and Hanson pushing so hard to steer us away from a Growth Policy that uses concrete formulas to calculate infrastructure needs? The answer is partly related to the Planning

Department project to rewrite the county Zoning Ordinance. This effort proposes replacing all solely commercial or industrial zone categories with mixed-use zoning, relying on master plans to guide the mix of uses and density targeted for any given area. But as any resident knows, if they have tried to insure that development of a property in their community adhere to the master plan guidance for the site, a master plan is just a set of recommendations with only the zoning applied to properties being legally enforceable.

If only the standards imposed by the zoning are enforceable, then how can the county plan for adequate public facilities and services to support development if no one knows what will be built under flexible zoning? We won't have long to wait to find out because the revised Twinbrook Sector Plan, approved by the County Council in December 2008, applied just such flexible zoning to 491 acres of property.

In a December 2007 memo to the Planning Board regarding the Twinbrook Sector Plan revision then underway, Planning Department staff wrote "the estimate of (housing) units is a moving target because it is hard to judge future market demand, and this is compounded in the flexible environment of a mixed-use zone." Staffers in what might more appropriately be called the "Guessing Department" have decided that up to 3,777 housing units might be built in mixed-use projects in a part of the Twinbrook area that currently has no housing, enough to generate up to 430 school-age children. But, should the market be better for residential development than office and retail space, developers could seek approval of 3 to 4 times more housing. The county won't know what will be built in Twinbrook until the projects are approved by the Planning Board, and will then scramble to provide the needed infrastructure.

A related problem is being created by the Planning Department as it undertakes the revision of the master plans for Germantown and "Science City." Planners are proposing increased density in these two areas due to "proximity to transit"; but the Corridor Cities Transitway stations in these communities may not be built for 15 to 20 years. Still, the development approvals could start right away, if these master plan revisions are approved by Council. Transit-oriented levels of density being proposed by so-called expert planners for areas where there is no significant mass transit system, nor will be for some time? Nothing about this scheme deserves to be called good planning. No wonder Stanley and Hanson want to dump the current Growth Policy which insists on adequate public facilities before development can proceed. They can't show off their superior planning skills if constrained by a little thing like the APFO.

No county resident should be lulled into complacency by thinking that this is happening somewhere else, not to them and not in their community. As Director Stanley wrote in his January 30 memo, "Every strip mall in the County, or large surface parking lot, should be considered a potential site for mixed use development of appropriate." Planning staff are already plotting the revision of the Wheaton and Kensington master plans; and, White Oak, Glenmont, Westbard, Ashton, Langley Park and even the undeveloped 204 acre Mess property northeast of Olney have been targeted as growth areas. The 400 to 500 foot tall buildings which could soon be built at the White Flint Metro Station might be proposed for these communities next.

This year, as it does every two years, the County Council will consider possible revision of the County Growth Policy as part of the re-approval process. We must hope that our representatives understand the importance of a land use process that lets the county government decide what growth will occur and when, not one that forces it to respond to the shifting trends of a profit-driven development industry. It's just good planning.

The views expressed in this column do not necessarily reflect formal positions adopted by the Federation. To submit an 800-1000 word column for consideration, send as an email attachment to waynemgoldstein@hotmail.com