

## Montgomery County Growth Policy?

by

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As one of the KHCA delegates to the Montgomery County Civic Federation (MCCF), I've had to learn a bit about Growth Policy (Wayne Goldstein is our other delegate, but he knows so much more about this than I do that it would be unfair to ask him to write a brief piece like this one). The consensus that emerges from listening to MCCF delegates talk about these issues is that our County lacks a coherent Growth Policy, that the failure of the County Executive and the County Council to rectify this situation is responsible for many of the problems (fiscal and "quality-of-life") we are facing, and that recent actions by our elected officials are going to make things worse. Reading of Council Agenda items, testimony at numerous public hearings, and materials posted to the MCCF website will provide you with a wealth of hard data (numbers), so I will NOT quote numbers here. Instead, I'd like to try to give you an overview of trends.

It is no secret that growth in Montgomery County is, if not out of control, at least out of balance. Increases in population and construction have generated large inadequacies in public facilities, such as roads, schools, recreational resources, and support for those people in our County who cannot adequately care for themselves. There are many factors that contribute to our problems, and many of them are NOT factors that County government can control (e.g. immigration into our area, commuters coming from other jurisdictions, etc.). But Montgomery County is widely recognized as having put in place policies and procedures that helped us plan (and hence control) those elements of growth over which we CAN exercise some control. Two of the most critical elements of our success have been an Annual Growth Policy (AGP) and an Adequate Public Facilities Ordinance (APFO). Simply put, AGP was designed to guide growth so it could be as "smart" as possible and APFO was designed to assure that, as development proceeds, adequate revenues are generated so the roads, schools, etc. needed to support our growing population would be built. But that isn't happening. Why not? Because we are growing too fast, and in "un-smart" ways, and are not raising the funds needed to maintain and expand our infrastructure.

There are various ways to start to get a handle on our problems. Some say we need to raise taxes, others argue developers aren't paying a fair share of the cost of the needed public facilities their buildings generate, others argue our government is wasting money and not making sensible decisions. I suspect that all of the above are at least partially correct, but right now is an especially frustrating time to try to resolve these issues by reasoned discourse. Over a year ago the County Council wisely asked the Planning Board ("Parks and Planning") to make some recommendations as to changes in the AGP (and APFO). The Planning Board put together a fairly bold set of recommendations that, essentially, proposed putting some serious constraints on growth (in terms of amount, type and location of residential and commercial construction) and proposed hefty increases in taxes

levied on development. (While many feel these recommendations were unfairly directed towards developers, the fact is that growth limits and cost increases are always passed on to the consumer - US - to at least some extent). So what happened? Well, here's my take on it: the County Council tap-danced around the Planning Board recommendations and made a series of changes that boggle the mind. The restrictions in the existing AGP were weakened and it was converted to a bi-annual process: we have fewer controls and we only check on things every other year! And, because such a change in the AGP requires a change in the "process legislation", a "process" bill was passed that essentially defines the process so vaguely that it is unclear if anyone will be minding the store! Some increases in development fees were approved, but other changes in regulations were passed that - according to some very sharp readers of this legislation - will lead to a net decrease in funds raised for APFO.

Our democratic process is a wonderful thing. On January 13, a number of us testified before the County Council, urging them NOT to pass the flawed "process" legislation and, instead, to revisit the entire Growth Policy situation before things get even worse. As it happened, I got to speak first, and briefly. To paraphrase myself: 'This legislation is a disaster, trash it, go back to the drawing boards, and do what we elected you to do'. The Council stared at me as though I was speaking a foreign language. OK. I was followed by five (or was it six?) other speakers, each of whom explained in considerable detail how the proposed legislation (and the ones to which it was to be linked) would make problems worse - more uncontrolled growth, less money for APF, more fiscal nightmares. Each one ended by saying the same thing: trash this legislation and go back to the drawing boards. At the end of all of this testimony, the entire Council stared at us, asked NO questions, thanked us for appearing and moved on to the next item on the agenda. They either do not get it, or do not care. Keep this in mind at the next election. If the problems in our County increase as the delegates to MCCF predict, at the next election it will be time to send our County Council and County Executive a message that they WILL understand.

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