

OPINIONS & VIEWS

THE FEDERATION CORNER

Deadly Intersection: Small Impact Tax, Big Growth



The Sentinel Newspapers have offered the Montgomery County Civic Federation (www.montgomerycivic.org) an opportunity to present the issues and opinions of affiliated community organizations. The viewpoints expressed may not necessarily be those adopted by the Federation. Any resident who would like to contribute to this column should contact Federation Delegate Alyce Ortuzar at 301-774-6617.

WHAT HAPPENS IN UPPER ROCK CREEK WILL AFFECT US ALL

In its updated master plan, the Upper Rock Creek Coalition is seeking support throughout the County to help their community preserve vital natural resources important to us all, and to control growth.

The Upper Rock Creek community believes that proposed new development will overburden already overcrowded roads and schools. Given the new Annual Growth Policy, the adequate staging of development will not occur. Therefore, residents want the Master Plan to recommend how development will be staged so as to ensure the adequacy of public facilities.

The Upper Rock Creek Coalition strongly supports Park and Planning's language prohibiting new sewer lines in streambeds, and opposes development near the headwaters. The Coalition wants to preserve the current RE-1 and RE-2 zoning on septic in the Upper Rock Creek planning area as this will be the most effective way to preserve the semi-rural, low-density residential wedge and the area's Class-III streams.

The community supports the Planning Board's recommendation that the Fraley and Hendry properties remain as currently zoned. Park & Planning initially identified the Catherine Fraley property, located at the intersection of Muncaster Mill and Muncaster Roads, as ideal for Moderately Priced Dwelling Units (MPDUs). However, the county is allowing the developer to develop the property without affordable housing. The Upper Rock Creek Coalition believes the Council should rethink this position given the perceived shortage of affordable housing.

If the County Council chooses to rezone from RE-1 and RE-2 septic zoning to Rural Neighborhood Cluster (RNC) with public sewer, the Upper Rock Creek Master Plan must contain all of the following safeguards:

- Set aside the Upper Rock Creek as a Special Protection Area (SPA) with an environmental overlay zone. Should the water-quality monitoring system inherent in the SPA detect water-

quality problems, there must be ironclad assurances that Montgomery County will pay for remediation and public water hook-ups for residents whose wells are contaminated.

- Guarantees not to exceed for any reason the Planning Board's recommended density of .33 units per acre. This is particularly important given the overall health of the headwaters. The Upper Rock Creek is not the place to experiment with even slightly higher densities or untested storm water management systems.

- Establish an imperviousness cap of 7 to 8 percent as recommended by Park and Planning staff.

- Require at least 70 percent open space. Control over the open space must be held by a third-party organization unaffiliated with Montgomery County government or a Home Owners Association in perpetuity, thereby eliminating the possibility of additional development pressures. In addition, require the developer to reforest the properties.

- Do not combine the Casey and Dungan properties with all of the development on the Casey property. The two properties should be developed separately. To further protect water resources, any development that occurs on Dungan should be done under septic.

The Coalition is requesting residents to send letters of support to the Montgomery County Council, care of Council President Steve Silverman, county.council@montgomerycountymd.gov, or, via regular mail, to 100 Maryland Ave., Rockville, MD 20850. His office will distribute copies to each of the nine council members. To leave a brief message for any council member, call 240-777-7999.

Rosey Poole, Upper Rock Creek Coalition member and 2d VP of the Civic Federation.

A WAKE-UP CALL FOR MONTGOMERY COUNTY RESIDENTS

Thanks to the Planning Board and current County Council, primarily the At-Large members, the Montgomery County land use planning process has been rendered useless. For years those two bodies have explained to residents that the area master plans we spend years creating are only recommendations, while development that violates the plans continued to be approved over the objections of residents. The recently enacted policy is an outright as-

sault on our zoning and land use system.

The Annual Growth Policy now allows even more development to be approved without providing adequate schools and roads to accommodate the growth. A study of the impact of a proposed rezoning on traffic will no longer be required in Metro station areas.

Communities such as Upper Rock Creek are trying to prevent overdevelopment of the environmentally sensitive Upper Rock Creek watershed, which would also gut the General Plan for Land Use approach of providing green wedges between corridors of development.

The death knell sounded in February for residential neighborhoods, with passage of the Voluntary Moderately Priced Dwelling Unit (MPDU) legislation. Now, by providing just one unit of affordable housing in a project, a developer can increase density, reduce minimum setbacks, and even build alternative building types (multiple-dwelling units, such as townhouses and duplexes) in neighborhoods where only single-family detached homes were previously allowed.

The last holdouts of zoning categories with clear-cut building standards were the residential zones. Now even they have been rendered meaningless with alternatives for optional method development. No longer does zoning for a property clearly dictate land use, height and density allowed on that property. There are multiple variations allowable in almost every zone. It's open season at the Planning Board, with developers seeking maximum density and profits from every project.

And no wonder developers are getting their way. Just look at who bought the last election for the End Gridlock slate of At-Large Council candidates (visit the Neighbors for a Better Montgomery website--www.neighborspac.org). Incidentally, can any of the At-Large Councilmembers explain to me how they are going to end traffic gridlock by increasing allowable density on every property possible?

—Jim Humphrey, Montgomery County Civic Federation District 1 Vice-President

Testimony on Bill 37-03, Growth Policy "Process"

The following testimony was given before the Montgomery County Council by Drew Powell, Chair of the Political Action Committee Neighbors for a Better Montgomery, on Tuesday, Jan. 13, 2004. It went unchallenged by Councilmembers.

Neighbors for a Better Montgomery represents people across Montgomery County who feel that local government can do a better job in looking out for the interests of residents, rather

than special interests. We advocate for a fair and honest process which addresses the needs of county residents. We are neither for nor against development; however, we do believe that for development to take place, it must be in alignment with residents' needs, it must be ecologically sound, and it must not take place unless the infrastructure to support that development is present or at least planned and budgeted.

Mr. Silverman, last September, during my Growth Policy testimony, you asked me what Neighbors for a Better Montgomery thought the developer impact tax should be. After months of research, we have your answer. But in the process of finding that answer, several more truths have come to light.

Keep in mind that all data for the attached projections come from county sources: Park and Planning, the Department of Housing and Community Affairs and County Council staff. These county agencies have provided not only the data, but have contributed invaluable inputs and direction. The council's Senior Planner and Deputy of Staff has reviewed our findings. We thank them all for their dedication and assistance in developing these results.

The impact tax as proposed by this council is woefully inadequate. Using the county's own estimates for state funding of schools and transportation (12.5 percent and 85 percent respectively), the impact tax falls \$4,000 short on every new housing unit. Assuming this council has the commitment to actually build the desperately needed schools and roads, this ongoing shortfall creates new taxes the likes of which this county has never seen.

By 2010, when coupled with the removal of Policy Area Review (PATR), these shortfalls turn into a deficit of more than \$870M in lost infrastructure funding. By 2010, under the new rules (under-funded impact tax and lifting of PATR), developers save more than \$136M, a burden taxpayers will have to foot.

By 2030, the losses from under-funded impact taxes alone are \$685M. Additionally, the losses due to the removal of PATR will be \$491M. By 2030, the combination of under-funded infrastructure, plus lost income from PATR, will rob Montgomery County of more than one BILLION dollars of desperately needed infrastructure funding.

So, what does Montgomery County get out of this legislation? Runaway growth, higher taxes and fees, over-crowded schools and unprecedented traffic gridlock.

Neighbors for a Better Montgomery urges the council to scrap this legislation and go back to the drawing board. Are Councilmembers who vote for this legislation ready to tell their constituents that they are the ones who mortgaged the future of our county at the expense of current residents and future generations?