

"Federation Corner" column
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Change for the better

by Jim Humphrey
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I spend a lot of volunteer time as Chair of the Federation's Planning and Land Use Committee responding to questions from individuals and communities on quality of life issues related to real estate development and County growth policies. These wide-ranging issues include traffic congestion, school overcrowding, housing code violations, incidence of crimes against persons or property, response times for public safety and emergency medical services, and even adequacy of parks and recreation facilities.

The 2006 election of County Executive Leggett and a majority of the current Council brought with it the promise of a commitment to transparency and citizen inclusion in government decision making. In the area of land use, however, a change in the processes of government had begun before the last elections because of what has become known as "the Clarksburg problem."

By mid-2006 it was discovered that violation of approved plans was taking place not just in the Clarksburg Town Center project but in at least ten development projects located throughout the county. This is not a large number, compared with the total number of development projects then underway. But it pointed out several problems with governmental development approval and oversight--most notably, that there was little or no investigation by county officials of whether development projects were being built as approved. That insufficiency has been addressed.

Although the Federation recommended increasing the field investigation staff at Park and Planning, the Council decided instead to place responsibility for overseeing the adherence to approved development plans with the Department of Permitting Services (DPS). The Council then approved an increase in DPS staff to handle the workload, and appropriated the money needed for hiring. Park and Planning staff now communicates to DPS staff all of the standards and requirements imposed on each new development by a Planning Board approval. In addition, the Department of Housing and Community Affairs shares with DPS the Moderately Priced Dwelling Unit (MPDU) agreement signed by each developer, allowing DPS staff to enforce the schedule for construction of all MPDUs required in projects.

Since this change was instituted about a year ago, DPS staff has identified one instance in which approved building height was being exceeded, and the problem was corrected. In another case, however, the cutting down of some trees, which were required by an approved plan to be retained, was not discovered by DPS staff but was instead reported by residents in the area.

This highlights the fact that the process of insuring whether or not development adheres to allowed or approved building standards is still largely what is referred to as a "complaint driven process." But for citizens to be able to report instances of alleged violation of building standards in development projects, they must be aware of the plans that have been approved for those projects. And that is an area where other significant positive change has taken place.

Prior to submitting an application for Planning Board approval of a proposed development project, the developer is now required to hold at least one public meeting with adjacent neighbors and affected neighborhood associations. In a sworn affidavit accompanying their application, the developer must include a list of all persons attending any public meetings, the issues of concern raised by attendees, and any developer response to those issues. This is a very beneficial change from preceding years in which neighbors were often not aware of proposed development projects in their community until the bulldozer hit

the site. It would be even more helpful if the rules were changed to require that the mailed notice of public meeting on a planned development project include the site location, number of acres, zoning for the property, and the proposed use.

The monitoring of new development and its adherence to building standards is a time consuming process that requires citizen volunteers to assemble a significant knowledge base in order to be effective. For this reason, most neighborhood citizens associations and homeowner associations appoint volunteers to land use committees which conduct this oversight work on behalf of their neighbors. Then, when greater citizen pressure is needed to influence government decision making, those committees can call on the residents of their community to contact officials and make their opinions known.

The process of revising the master plan for an area is a good example of an instance in which only a few dedicated volunteers may be needed to study the details of proposed changes to the development allowed in a particular community, in order to provide the other residents with a condensed, "Cliff's Notes" version of the proposals. But, as primary stakeholders, all of the residents of an area should provide county officials with their opinions on any changes to the plans for the future of their community.

Effective participation in the processes of government requires that citizens be aware of and informed on issues, which is the "transparency" part of the promise that was made by our current County Executive and a majority of the Council. It is their responsibility to keep citizens informed. But, as is the case with any other process of government in a representative democracy, the effectiveness of land use planning or development oversight depends on "citizen participation." And that responsibility rests squarely on the shoulders of county residents.

If your neighborhood does not have an active citizens association, then help start one. If your association does not have an active land use committee, then volunteer to help organize one. The Civic Federation has volunteers living throughout the county who would be more than happy to assist you in your efforts on issues of importance to your community--education, public safety, the environment, transportation, public finance, utilities, parks and recreation, and land use. Contact information is available on the MCCF website at <http://www.montgomerycivic.org> .

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