

"Federation Corner" column  
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### **Whatever happened to...**

by Jim Humphrey  
Chair MCCF Planning and Land Use Committee

This article is a compilation of updates on unresolved land use issues facing the county.

**Growth policy.** When County Council members enacted the 2007-09 growth policy last November, they agreed to revisit the issue this year, in mid-cycle, to see if improvements could be made to the complicated new transportation test they approved. The test, called Policy Area Mobility Review (PAMR), balances adequacy of roads against transit for each area of the county. One Council member stated she "would need a PhD to explain PAMR to my constituents." And County Executive Ike Leggett requested the Council not adopt the new test but work with him on a version that was "transparent, easy to understand, and that better relates to master plans." The Council approved PAMR with a provision that the Planning Board, with the aid of the Executive, "must evaluate alternative methods to calculate the key components of PAMR" and file their report by August 1.

At their July 31 session, the Planning Board, which never contacted Leggett for his input, voted not to send their own report to Council but, instead, forward a memo recommending no change to PAMR that was written by the same staffers who created the overly complex new test. Meanwhile, as traffic congestion worsens, county residents wait for a transportation test that will prevent approval of new development projects if there is not adequate roads and transit capacity to support them.

**Record Plat waiver for homes on former agricultural land.** Our April 17, 2008 column detailed a problem facing home owners on land formerly in agricultural use. There is a county requirement that Building Permits only be issued to properties for which a record plat (a drawing showing its size, shape and location) is on file. For many farms these property specifications appear only in the text of the deed, however for decades Building Permits have been issued for farmers or their children to build homes on their farms under a waiver of the record plat requirement. But, if the land surrounding a farmhouse or 'child lot' home is no longer being farmed but has been sold for development, then the waiver no longer exists.

Most folks in this situation are unaware of it. Should some calamity occur requiring a Building Permit for reconstruction of one of these homes, the owner would find they first need to go through a lengthy, expensive process to hire a surveyor and record a plat before getting a permit to rebuild. In August 2007, we emailed Council members offering to help identify affected properties and suggesting that the waiver be granted in perpetuity to land that was once in agricultural use...a simple legislative remedy that, so far, has received no response.

**Definition of 'green area.'** Several zoning categories require a minimum of 'green area' in new developments. On January 15 of this year, Council member Marc Elrich introduced legislation to reconfirm and strengthen the intent of the original 1962 enactment, by defining 'green area' as the portion of a property which has no buildings or vehicular surfaces (driveways, parking lots) on it. The legislation, Zoning Text Amendment 08-01, is being held in the Planning, Housing and Economic Development Committee by its chairman, Council member Mike Knapp, who has not scheduled it to be reported out for Council vote.

**Unlawful townhouses at Seaton Square.** In a February 2006 session, the Planning Board held a noncompliance hearing for the Seaton Square townhouse project in White Oak, where 45 of the 59 townhouses are taller than allowed by the zoning and approved Site Plan. But, the Board agreed to accept a \$276,750 proffer from the builder, Ryan Homes, in exchange for a finding of no violation. The Board did

direct staffer Rose Krasnow to work with the Department of Permitting Services and County Attorney, however, and draft language to be attached to the deeds of each of the unlawfully tall units explaining that, should the units need to be rebuilt for any reason, they can only be constructed to the height of the zone, not the current taller height. More than two and one half years has passed and still no language has been attached to the deeds of the affected townhouses. Meanwhile, new owners are buying resale units oblivious to the restraints that would be imposed should their homes need to be rebuilt.

**Farm Road.** In a Sandy Spring African American enclave, some descendants of the Freedmen found their properties blockaded, landlocked and virtually worthless except to neighboring developers after Planning Department staffer Rose Krasnow refused to issue them addresses. One consequence is that the county will not grant a Building Permit to a property with no address. Civic activist Steve Kanstoroom found the Maryland-National Capital Park & Planning Commission (M-NCPPC) had accepted documents to erase the only road that served the properties for more than 100 years. After Kanstoroom founded SaveSandySpring.org and helped the families publicize their plight, County Executive Ike Leggett urged Planning Board Chairman Royce Hanson to issue addresses and re-recognize Farm Road. Hanson refused.

County Attorney Leon Rodriguez found a large DC firm to represent the families for free. They filed a discrimination and fraud suit against M-NCPPC and those involved with physically blocking Farm Road and erasing it from public records. Krasnow recently testified in federal court about her refusal to issue addresses. And, the woman who blocked the road admitted she had no ownership or property rights in it. Undeterred, Krasnow testified she couldn't issue addresses because of the dispute.

Recently the road was physically reopened. Krasnow, rather than issuing addresses to the properties as M-NCPPC has before, still refuses, leaving the Farm Road families in desperate straits while M-NCPPC faces tens of millions of dollars in damages from the lawsuit.

*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](mailto:waynemgoldstein@hotmail.com)*