

"Federation Corner" column
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Money in politics influences county land use policy

by Max Bronstein
Layhill area activist

The future belongs to those who challenge the present. This statement is applicable to politics, business, technology, education, and you name it. But the present reality that I believe should be challenged is how the desires of the Development Industry (developers, major property owners, builders, large contractors, and the land-use bar) dominate the decisions of the County Council regarding land use planning.

A portion of the electorate believes those Council decisions come about as a result of the campaign contributions given to Council candidates by the Development Industry, while some maintain that the campaign contributions go to politicians whose philosophies agree with those of the contributors. Either way, the highly talented council staff often justifies the Council's decisions by means of their very thorough reports and reasoned advice they give to the members. Hopefully, the content of those reports is not subconsciously influenced by the staff's knowledge of the Council's philosophies.

The Planning Department and the Planning Board play integral parts in the land use process, with the Department staff advising the Board in regard to technical information, statistics, and rules bearing on the various cases on which they rule. Both groups are restricted as to the latitude within which they exercise their duties and functions. Those restrictions come from the intricate web of laws, codes, regulations, past practices, and planning guidelines that influence their attempts to guide Montgomery County's growth and development.

As Montgomery County citizens digest the above facts, please also consider the following questions.

What organization or agency within Montgomery County's government is charged with protecting the public interest and its safety, health, and welfare as impacted by growth and development project approvals? Don't bother to look in the back of the book--the answer is not there, or anywhere. There is no such agency or activity. County residents must advocate on their own behalf.

Over a period of many years there have been a handful of knowledgeable individuals who advocated for the public interest with limited success. In contrast to the biblical account, the Development Industry Goliath wins 99 percent of the time.

Also, where is the Office of the People's Counsel which was to be available to counsel citizens on land use matters? Answer: The Council eliminated the OPC some years ago.

Where do the courts stand in regard to citizens challenging decisions of the Planning Board or Hearing Examiners? Over and over, with very rare exceptions, the courts stand on the sidelines, choosing to opine that the administrative body making the decisions possesses the expertise on land use matters that the court does not.

I and other activists have been involved in numerous cases and hearings relating to the approval of proposed developments. The lessons learned by all are that the deck is stacked, the playing field is not level, and citizens are working in the valley while the Development Industry operates from the hilltops. Developers have much more money and resources at their disposal, and typically arrive at hearings with a team of paid experts that usually outnumber citizens by a three-to-one ratio: one or two lawyers, a

transportation consultant, a storm water management specialist, an architect, a land planner, a landscape architect, a forestation specialist, and whatever other specialists will help their case.

An extremely important fact to keep in mind is that the assorted experts are not giving the Hearing Examiner or Planning Board or County Council their independent assessments or judgments as to the facts of the matter being considered. Instead, these hired hands frame their statements to support the best interests of their developer clients, not the citizens of the county.

Why do developers seem to hold all the cards and have all of the advantages? The answer lies in the French saying "Cherchez la boodle"--in essence, follow the money trail. In addition to paying teams of attorneys and experts, the developers' coffers fund campaign contributions that flow to the seven members of the current County Council and other leaders who will accept campaign funds from the Development Industry.

Don't misunderstand me. I am not claiming campaign contributions are bribes. It's just that the officials who receive these campaign funds exhibit a propensity to agree with the desires of the Development Industry and support legislation helpful to the developers as they seek to get their projects approved and built. They seem to have adopted the Development Industry's mottos: "Build, Baby, Build", "Higher, Wider, Taller", and "The More Development the Better". These public servants trust that new development, which they like to term "smart growth", will result in more tax revenue that will pay for all the infrastructure needs resulting from the new growth. Well, the joke is on us, the members of the public, because that cat will never catch its tail.

Is traffic less congested due to added growth? Has an influx of money from new development allowed the county to build the new transit systems that are needed? Are portable classrooms disappearing from school yards? Has needed infrastructure ever kept pace with development? No. And in addition to having inadequate infrastructure to support existing development, the county has a decades-long backlog in maintaining the infrastructure it does have

It seems obvious that new development is not providing sufficient revenue, either in taxes and fees paid to secure project approval or in the taxes paid by the companies and households that move into newly constructed buildings. The laws are biased in favor of the Development Industry. In one recent example, a wealthy developer was excused from a potential assessment of \$11,000,000 in school and transportation impact taxes for his new building project. And who makes up for the forgiven taxes? It is you, dear citizen taxpayer.

Now let's return to my opening statement that the future belongs to those who challenge the present. If we want to change the present for a better future, there must be a change in the membership of the County Council. Those who agree must create ripples of knowledge in ever increasing circles of people, informing them of the reasons for the conditions that exist. Voters must be urged to elect those who will pledge not to become "Developer's Disciples" once they become Council members.

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 montgomerycivic@yahoo.com