

"Federation Corner" column
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Lessons in civic activism on land use issues

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At the time I became a civic activist thirteen years ago, I thought I was simply opposing approval of a redevelopment project for a property near my home that was not in keeping with the recommendations for the site in our area master plan. Thus began a process during which I have learned several valuable lessons.

Lesson number one: only the zoning approved for properties in master plans is legally enforceable; all other text is considered only suggestions or guidelines and is frequently disregarded.

Zoning defines the land use--residential, retail, office, or industrial use--and the size and height of buildings allowed on a property. Because the zoning for the property near my home allowed only retail or office space, and the developer wanted to build mixed use (i.e.; first floor retail with residential units above), the County Council approved an amendment to the commercial zone allowing such use.

Lesson number two: when a developer wants a more profitable land use for his property which is not allowed by the assigned zoning, and that land use would increase the tax revenue the county derives from the property, the County Council often accedes to the developer's wishes and approves the desired change to the zone.

Sometimes a developer does not get the requested change to the zone assigned their property. Their next course of action might be to request the Council reassign an entirely different zone to the site, which would render the same result of increasing the profit derived from its redevelopment.

Lesson number three: the development industry is a powerful special interest group that wields enormous influence in Montgomery County.

Why is real estate development so important here? Because developable land is the greatest natural resource we have in Montgomery County, and it is all the more valuable given our location adjacent to the nation's capital. If we were in Oregon, the timber industry might be the most powerful special interest. In Nevada perhaps it is the mining industry. Here, it's land.

Developers and their minions--land use attorneys, engineers, builders, expert consultants, etc.--return a healthy amount of their profits to candidates running for elected office, especially those incumbents who have a track record of supporting laws and regulations that are beneficial to the development industry.

Lesson number three: in government, money talks.

Developers are powerful not only when their properties generate significant tax revenue for the county. Politicians who have the most money to spend in elections stand to reach and influence the most voters. So, developers who distribute the most money in elections often get priority scheduling when meeting with officials. And civic activists trying to preserve the quality of life in their neighborhoods, or seeking adherence to the master plans for their communities, find themselves on a very unlevel playing field when trying to influence government decision making.

Officials sometimes try to paint activists in a bad light. For example, when I testified years ago in favor of limiting growth to a level that could be supported by affordable infrastructure, one official remarked, "it sounds like now that you're on board the boat, you want to pull up the ladder and not let anyone else in the county." Such statements by officials are meant to denigrate those who hold differing opinions, and only serve to cut off discussion, not further it.

Lesson number four: you better have a fairly thick skin if you're going to be a community advocate.

Following my plea for sensible growth, the development industry in the county issued a series of meaningless responses. "Growth is inevitable." And "trying to stop growth is like walking eastbound on a westbound plane." And my least favorite--"it's not how dense you make it; it's how you make it dense."

How dense does the development industry think citizens are? We certainly understand that when the population and number of jobs in an area reach a critical level, then traffic congestion, noise, pollution and other environmental damage, and insufficient community services and facilities (like schools and public transit) are apt to reduce the quality of life for residents.

Back in 1972, the report of the Commission on Population Growth and the American Future asserted, "there (are) no benefits to a growing population, the health of our economy does not depend on it, the life of the average citizen is not enhanced by it...democratic representation is diluted by it and most of our serious problems would be easier to solve if we stopped growing."

Lesson number five: civic activism is not a sprint, it's a marathon. You have to keep plugging away, and pace yourself, in order to reach the finish line.

Eight years ago, when Ike Leggett was first elected as County Executive, he stated in his Inaugural Address that there was insufficient infrastructure to support existing development. In the meantime the County Council has approved ever denser levels of development for Germantown, White Flint, west Gaithersburg's so-called "Science Corridor," Wheaton, Kensington, Langley Park, Glenmont, Long Branch, Chevy Chase Lake, and White Oak--all predicated on provision of new mass transit facilities that are years, if not decades, away from being built.

And the Planning Board continues to approve development projects at the new denser levels assigned to properties in Council approved master plans, even though the county Adequate Public Facilities Ordinance (Section 50-35(k) of the County Code, approved in 1973) states that the Board must not approve any new development unless it finds that public facilities will be adequate to support and service the area of the proposed project. In response, the Council keeps weakening the tests for adequacy so every project that developers want to build can be approved.

Lesson number six: elections are critical.

Until the voters of Montgomery County elect a majority of members to our County Council who are more responsive to citizens than to special interests, residents are likely to see their quality of life continue to degrade and the county become a place to which fewer and fewer people and businesses choose to relocate.

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