

MEMORANDUM

TO: County Council

FROM: *MR* Michael Faden, Senior Legislative Attorney

SUBJECT: **Action:** Bill 1-10, Development – Coordination, Oversight

Planning, Housing, and Economic Development Committee recommendation (2-0, Councilmember Floreen absent): enact with amendments

Bill 1-10, Development – Coordination, Oversight, sponsored by Councilmembers Trachtenberg and Knapp, chairs of the Management and Fiscal Policy and Planning, Housing and Economic Development Committees, and Councilmembers Berliner and Andrews, was introduced on January 19, 2010. A public hearing was held on February 9, at which the only speakers were Assistant Chief Administrative Officer Diane Schwartz Jones, representing the County Executive, and Natalie Goldberg, representing the White Flint Community Coalition (see testimony, ©7-10). Also see the Planning Board's letter on ©17-19. At the Planning, Housing and Economic Development (PHED) Committee worksession held on September 20, the Committee (2-0, Councilmember Floreen absent) recommended enactment of the Bill with minor amendments.

Summary Bill 1-10 requires the County Executive to designate an employee in the Executive's or Chief Administrative Officer's Office as development coordinator for each approved development district and each geographic area where a newly revised master or sector plan has authorized intensive new development or redevelopment. Each coordinator would perform similar management functions as then-Assistant Chief Administrative Officer Bill Mooney performed for the Silver Spring redevelopment program. Each coordinator can be an existing employee; *this Bill does not require the Executive to create a new position* unless he decides that no current employee or employees can perform the required functions.

Applicability In Council staff's view, this Bill would require the Executive to designate coordinators for the Clarksburg Town Center development district, which has been approved but not implemented, unless it is terminated as a pending resolution proposes, and for the White Flint sector under the adopted sector plan. The Bill would not require a coordinator to be designated for the two existing Germantown development districts because the required County infrastructure for those districts has been completed. For any other master or sector plan, the need for a coordinator would depend on the level of development or redevelopment allowed in

the plan. In each case the Executive would initially decide whether a coordinator is needed, and Councilmembers could recommend (but not require) that one be designated for a specific area.

Fiscal impact Executive testimony referred to a “potential annual cost of in excess of \$500,000”. OMB assumed that up to 4 new staff members could be needed, at an annual cost of \$504,600. See fiscal impact statement, ©5. In Council staff’s view, OMB’s estimate assumes that Executive staff do not currently perform any development coordination duties, which is clearly not the case. In addition, under County Code §14-6(g) much of the cost of any staff needed to coordinate the implementation of a development district could be paid for by the applicants for that district.

Economic impact None assumed by Executive. See fiscal impact statement, ©6. In Council staff’s view, the economic impact of better County government coordination would be positive, with significant time and cost savings achievable in the development and implementation processes by both County government and the private sector.

Issues/Committee recommendations

1) Need for and role of coordinator The Executive testimony (see ©7-8) “agrees with the objective of the Bill” but questioned the scope of the coordinator’s duties and instead proposed that the Planning Board be directed to produce an annual master plan implementation report which the Executive and Council would use “to inform budget and policy decisions”. The Planning Board did not comment on this proposal.

In Council staff’s view, such a report could be a useful exercise. The White Flint sector plan requires the Planning Board to submit more or less the same kind of document every 2 years as a “biennial monitoring report” for that sector plan area. The Planning Board believes that its biennial Subdivision Staging Policy (formerly County Growth Policy) report, along with the special White Flint reports, would adequately serve this purpose (see Board letter, ©17).

But, in our view, the Executive’s alternative misses the point of this Bill. We understand the coordinator’s intended role to be a day-to-day function, making sure that each element of County government is aware of what it needs to do at any given time to move the approved development toward completion, just as Mr. Mooney did for the Silver Spring redevelopment. (See, e.g., letter from former Planning staff division chief Perry Berman on ©15.) Although the coordinator would help define and inform policy decisions, we see this role as primarily a management function rather than a policy-making one, as the Executive appears to view it.

Committee recommendation: retain the scope of each coordinator as proposed in ©2, lines 9-25 and ©3, lines 35-50.

2) Monitoring and reporting The White Flint Community Coalition (see testimony, ©9-10, and followup memo, ©12-14), in supporting this Bill, originally recommended expanding the coordinator’s duties to include carrying out the monitoring and reporting required by the approved Sector Plan. However, the Plan assigns this function to the Planning Board. The Committee recommended that the coordinator be directed to take the lead in disseminating

the Board's reports and findings to the public by adding more specificity to the coordinator's role as "primary point of contact for residents and businesses located or that could potentially locate in that planning area and the developer of any development located in that planning area" (see ©2, lines 16-19) The Committee recommended a version of the Coalition's amendment on ©14 by adding a new paragraph (4) on ©2, lines 20-22.

The areas for which mode share measurements would be acquired under this formulation include sector or master plan areas where mode share assumptions for those areas were used to achieve a traffic mobility standard for a master or sector plan. The County Civic Federation (see letter, ©16) also supported this and the following amendment. The Planning Board believed this amendment is not necessary (see Board letter, ©18).

3) Point of contact The Committee agreed with the Coalition that the coordinator should be the "point of contact" for residents of the surrounding area as well as those located in the master plan area. To make this clarification, the Committee inserted on ©2, line 17, and ©3, line 45, after in: or near. The Civic Federation and Planning Board supported this amendment.

4) Specificity Civic activist Max Bronstein (see letter, ©11) questioned whether certain terms in this Bill, such as "intensive", should be defined more precisely. Because the coordinator requirement could be applied to various master plans and development districts in various parts of the County, Council staff advised against adopting a numerical standard as Mr. Bronstein proposed. Mr. Bronstein also suggested that this Bill include penalties for noncompliance and specific financing standards. In our view, those are substantive provisions that more appropriately belong in the underlying master plan or development district resolutions.

The Planning Board proposed more precise language to describe which plans this provision would apply to (see letter, ©18). While the Board's proposed language is indeed more specific, it may be too specific. For example, although the Great Seneca Science Corridor is expected to have a Transportation Management District, as the Board language would require, all of it might not be included in an urban area under the road code. The Committee accepted the broader standards in Bill 1-10 as introduced, mainly because each major plan adopted in the future could specify whether an area coordinator of this type is needed.

Council worksession

At the Council's worksession on this Bill on October 12, two further amendments were discussed but not adopted:

1) Point of contact Council President Floreen offered an amendment to clarify the types of issues on which the proposed development coordinator would serve as the primary point of contact for residents, businesses, and developers. This amendment would insert on ©2, line 16, and ©3, line 44, after contact:

regarding the financing and development of County infrastructure

2) Role of coordinator Ms. Jones, representing the Executive, suggested replacing, on ©2, line 23, and ©3, line 48, take or recommend with advise the Executive and Council about.

Council staff recommendation: adopt both amendments.

Councilmembers also discussed whether legislation of this type is needed, rather than working with Executive staff to administratively accomplish the same goals, possibly through the regional service centers, whether such development coordination will be needed in more areas of the County than this Bill would mandate, and whether the Bill would promise more than it can deliver in community outreach and County responsiveness. In a letter sent after the Council discussion (see ©20-21), the White Flint Community Coalition commented on these issues and endorsed the Bill.

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Bill No. 1-10
Concerning: Development -
Coordination, Oversight
Revised: 10-12-10 Draft No. 3
Introduced: January 19, 2010
Expires: July 19, 2011
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By: Councilmembers Trachtenberg, Knapp, Berliner, and Andrews

AN ACT to:

- (1) provide further coordination and oversight of master-planned development;
- (2) provide further coordination and oversight of development districts; and
- (3) generally amend the law governing coordination of development.

By amending

Montgomery County Code
Chapter 2, Administration
Section 2-25
Chapter 14, Development Districts
Section 14-16

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

Sec. 1. Section 2-25 is amended as follows:

* * *

(c) Coordination of master-planned development. The Executive must designate an employee in the Office of the Executive or the Office of the Chief Administrative Officer as the development coordinator for each planning area for which a newly revised master or sector plan has authorized intensive new development or redevelopment. Among other duties, the Coordinator must:

- (1) coordinate the financing and development of County infrastructure in that planning area;
- (2) advise the Executive, the Council, the Chief Administrative Officer, County Department heads, the Planning Board, and any other appropriate government agency, of any action needed to expedite the financing and development of County infrastructure in that planning area;
- (3) serve as primary point of contact for residents and businesses located or potentially located in or near that planning area and the developer of any development located in that planning area;
~~[[and]]~~
- (4) acquire and distribute mode share measurements (and related data and methodology) and results for monitoring of a master or sector plan, and make that information publicly available; and;
- ~~[[4]]~~ (5) take or recommend any other action needed to assure that
~~[[County]]~~ all required infrastructure keeps pace with private development in that planning area.

Sec. 2. Section 14-16 is amended as follows:

14-16. Administration of district; Termination.

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- (d) The Executive must designate an employee in the Office of the Executive or the Office of the Chief Administrative Officer as the Development District Coordinator for each development district for which the Council has adopted a resolution declaring its intent to create a development district under Section 14-6. Among other duties, the Coordinator must:
- (1) coordinate the preparation of the Fiscal Report for the development district as required by Section 14-8;
 - (2) coordinate the financing and development of County infrastructure in that development district;
 - (3) advise the Executive, the Council, the Chief Administrative Officer, County Department heads, the Planning Board, and any other appropriate government agency, of any action needed to expedite the financing and development of County infrastructure in that development district;
 - (4) serve as primary point of contact for residents and businesses located or potentially located in or near that development district and the developer of any development located in that development district; and
 - (5) take or recommend any other action needed to assure that [[County]] all required infrastructure keeps pace with private development in that development district.
- (e) The Executive must report to the Council not later than January 15 and July 15 of each year on the progress made during the preceding 6 months, and the significant steps to be taken during the following 6 months, regarding each development district for which the Council has

LEGISLATIVE REQUEST REPORT

Bill 1-10
Development –Coordination, Oversight

DESCRIPTION: Requires the County Executive to designate an employee in the Executive's or Chief Administrative Officer's Office as development coordinator for each approved development district and each geographic area where a newly revised master or sector plan has authorized intensive new development or redevelopment.

PROBLEM: Suboptimal coordination of County infrastructure financing and provision in some intensive development areas.

GOALS AND OBJECTIVES: To coordinate the financing and development of County infrastructure for each development district and each planning area where a newly revised master or sector plan has authorized intensive new development or redevelopment.

COORDINATION: County Executive, Planning Board

FISCAL IMPACT: To be requested.

ECONOMIC IMPACT: To be requested.

EVALUATION: To be requested.

EXPERIENCE ELSEWHERE: To be researched.

SOURCE OF INFORMATION: Michael Faden, Senior Legislative Attorney, 240-777-7905

APPLICATION WITHIN MUNICIPALITIES: Applies only if a municipality is located in a development district or does not have its own planning authority.

PENALTIES: Not applicable

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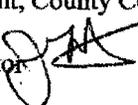
OFFICE OF MANAGEMENT AND BUDGET

Isiah Leggett
County Executive

MEMORANDUM

Joseph F. Beach
Director

February 8, 2010

TO: Nancy Floreen, President, County Council
FROM: Joseph F. Beach, Director 
SUBJECT: Council Bill 1-10, Development – Coordination, Oversight

The purpose of this memorandum is to transmit a fiscal and economic impact statement to the Council on the subject legislation.

LEGISLATION SUMMARY

The proposed bill requires the County Executive to designate an employee in the Executive's or Chief Administrative Officer's Office as development coordinator; to coordinate the financing and development of County infrastructure, for each approved development district and each geographic area where a newly revised master or sector plan has authorized intensive new development or redevelopment.

FISCAL AND ECONOMIC SUMMARY

While the authority to execute the responsibilities outlined in the legislation are unclear, and may in fact reside with other bodies (e.g., the County Council and Planning Board), the resources required to implement those aspects of the subject legislation appropriate for the Executive Branch will depend on the complexity and magnitude of the development and redevelopment authorized under newly approved master plans and sector plans, as well as the development districts approved by the County Council. Whether existing staff could be reassigned or new staff is required, will depend on the level of development or redevelopment envisioned in each master or sector plan, and the capacity of existing staff to perform the required development coordination duties with their other responsibilities. The following additional staff may be necessary to carry out the responsibilities identified in Council Bill 1-10:

Manager I	\$162,310
Senior Planning Specialist	\$107,870
Senior Financial Specialist	\$107,870
Manager III	<u>\$126,550</u>
Total Fiscal Impact	\$504,600

This estimate includes salary, benefits, and related operating costs.

Office of the Director

Nancy Floreen, President, County Council
February 8, 2010
Page 2

While the subject legislation is intended to expedite the pace of County infrastructure development, it does not directly change the size or scope of such development. Therefore, it does not have an economic impact.

The following contributed to and concurred with this analysis: Bryan Hunt, Office of Management and Budget; Sonetta Neufville and Diane Jones, Offices of the County Executive; and Michael Coveyou, Department of Finance.

JFB:bh

- c: Kathleen Boucher, Assistant Chief Administrative Officer
- Marc Hansen, Acting Director, Office of the County Attorney
- Dee Gonzalez, Offices of the County Executive
- Diane Schwartz Jones, Assistant Chief Administrative Officer
- Jennifer Barrett, Director, Department of Finance
- Michael Coveyou, Department of Finance
- John Cuff, Office of Management and Budget

TESTIMONY OF COUNTY EXECUTIVE ISIAH LEGGETT

ON BILL 1-10, DEVELOPMENT – COORDINATION, OVERSIGHT

Good afternoon. My name is Diane Schwartz Jones and I am pleased to provide testimony on behalf of County Executive Isiah Leggett on Bill 1-10, Development – Coordination, Oversight. Bill 1-10 requires the designation of one or more employees as “development coordinator” for each area of the County in which newly or recently revised master plans call for “intensive new development or redevelopment.”

The County Executive agrees with the objective of the Bill to coordinate the financing and development of infrastructure in areas with newly revised sector plans. It should be noted that Executive departments balance many competing needs in their budget preparations and are mindful of the needs of both existing and developing communities in planning areas throughout the County. The County Executive and the County Council have historically worked together to establish transportation priorities and will continue to do so.

Bill 1-10 seems to go far beyond the role of mere coordination and implies specific budget and implementation priorities by referring to “any action needed to expedite” infrastructure in specific planning areas. It also has a potential annual cost of in excess of \$500,000.00, which could make it quite costly in actual implementation. Realistically, numerous planning areas would be covered by Bill 1-10 including Clarksburg, White Flint, Gaithersburg West, Germantown, Twinbrook, Langley/Takoma Park, and Wheaton.

The coordinator -- or coordinators -- must, among other things, “take or recommend any other action needed to assure that County infrastructure keeps pace with private development” in covered planning areas. This is in addition to coordinating the financing and development of County infrastructure within the numerous planning areas that would fall under this provision.

This Bill places heavy responsibility upon one or more individuals who do not approve the CIP, coordinate the CIP, set transportation priorities, issue financing, approve the growth policy, or review and approve applications for development. And, even if the planning, land use, budgeting and funding responsibilities that are ascribed to this person or team of persons could be funded to effectively coordinate all of the necessary information, it still will not account for political will.

Montgomery County Code section 33A-15(c) requires as part of the Growth Policy process, that the Montgomery County Planning Board include with the Growth Policy a status report on general land use including remaining growth capacity of zoned land. Rather than embarking on a potentially expensive process of staffing a function that still will not yield the desired results given the fact that the ultimate decisions on planning, development approvals and budget lie with others, a variation of what is provided for in 33A-15(c) would help both the Executive Branch and the County Council achieve the same result.

Specifically, it would be beneficial to the Executive agencies and to the County Council to have an annual master plan implementation report from the Montgomery County Planning Board in advance of budget preparation that summarizes by planning area the amount of development authorized within a planning area, the amount of development approved through the end of the prior fiscal year, the amount of development projected for the upcoming fiscal year, and a listing of the public infrastructure believed to be necessary to support existing, approved and projected infrastructure through the next fiscal year. Given that Park and Planning is the repository of this information, it is in the best position to provide the report. This master plan implementation report would be used by both the County Executive and the County Council to inform budget and policy decisions.

Again, while County Executive Leggett supports and agrees with the objective of Bill 1-10, he is concerned that at a time that we are cutting costs significantly, implementation of this Bill would introduce a need for additional funds. Mr. Leggett also believes that there is a better, more implementable way of achieving the objective of this Bill and instead urges the Council to work with the Montgomery County Planning Board and Executive Staff to come up with a Master Plan Implementation Report that will facilitate orienting budget and policy decisions in different planning areas.

Thank you for your consideration.

THE WHITE FLINT COMMUNITY COALITION

Representing the wishes of the people of the White Flint area

11111 Jolly Way
Kensington, Md. 20895
February 9, 2010

Bill 1-10, Development - Coordination, Oversight

President Floreen, Members of the Council, I am Natalie Goldberg, testifying in behalf of the White Flint Community Coalition. We support Bill 1-10 as it applies to the White Flint Sector Plan and believe that the details of the Sector Plan, the financial requirements, and the staging constraints lend themselves to an objective coordinator within the Executive Branch.

This bill is particularly important to White Flint, where the coordination between infrastructure and development is essential,

It is critical to have a person as the key contact, overseer – the coordinator - on this huge complex redevelopment project. It is important to have someone that is not within one of the participating county departments or agencies so that parochial departmental interests do not overshadow the implementation of the sector plan.

We have several comments:

Community Involvement: This bill as written has the development coordinator identified as the primary point of contact for residents located in that planning area. While these citizens have a vested interest, those of us who live in the surrounding neighborhoods, but outside the sector, have a vested interest as well. We would like to see the community involvement concept broadened to include all citizens, especially those of us in existing residential neighborhoods adjacent to new plans.

Reporting: We would like to see the Development Coordinator carry out the monitoring program specified in the Master/Sector Plan. In particular, we desire that the Coordinator monitor the status of staging requirements of the Plan, and submit an annual, readily understandable and readily available report to the County Council on that status. The Development Coordinator should also initiate or confirm when it is appropriate to transition from one phase to another.

Monitoring of Mode Share: Because the balance between density and infrastructure in White Flint hinges on the mode share levels of other Master/Sector plans, extensive monitoring of mode share goals and progress reaching those goals needs to take place. We would hope that a designated development coordinator for the White Flint planning area would have sufficient

*Combining the strength of community bodies representing more than
3,200 households and 8,500 residents in or near the White Flint Sector*

Crest of Wickford Condominium Association · Garrett Park Citizens Association
Garrett Park Estates-White Flint Park Citizens' Association · Luxmanor Citizens Association
Parkwood Residents Association · The Sterling Condo HOA
Timberlawn Homeowners Association · Wickford Community Association

resources to provide the mode share monitoring of other planning areas to ensure that balance in White Flint is provided.

Cost: We believe that the funding for this position should be part of the financial planning for the Master/Sector Plan infrastructure. We have seen no cost estimates for the proposed new position and recognize the fiscal constraints facing this County.

We believe that all of our comments should apply to both Sec. 1. which amends Section 2-25 and to Sec. 2. which amends Section 14-16. We hope that the Council will give this bill serious consideration.

Thank you for the opportunity to voice our concerns.

Faden, Michael

From: susan or max [sumax@verizon.net]
Sent: Friday, February 05, 2010 11:58 AM
To: Navarro's Office, Councilmember; Berliner's Office, Councilmember; Trachtenberg's Office, Councilmember; Leventhal's Office, Councilmember; Elrich's Office, Councilmember; Knapp's Office, Councilmember; Floreen's Office, Councilmember; Andrews' Office, Councilmember; Ervin's Office, Councilmember
Cc: Faden, Michael; Ike Leggett
Subject: Bill 1-10 Development Coordination/Oversight

February 5, 2010

Dear Councilmembers:

After reading the draft of Bill 1-10 I feel that certain portions need more clarity and offer the following suggestions and comments.

Instead of having newly revised master or sector plans being a prerequisite for designation of a coordinator, it will be much more effective if a numerical value referring to the number of dwelling units as well as square feet of commercial space proposed serves as a trigger. Very large developments needing oversight can be planned for existing master/sector plans.

Along with this principle, use of words like "intensive" (line 8) leaves too much room for disagreement as to the word's meaning between affected parties, so again it is suggested that a numerical value be used as the basis for use of a coordinator. Too often legislation has been fashioned with imprecise language which has led to unnecessary litigation which is costly in time and money.

Another item that needs to be included is teeth. By that we suggest that there be meaningful penalties for non-compliance and an ability to stop construction until compliance occurs plus language that deals with insuring that infrastructure is provided in accordance with the APFO.

On line 35 there is reference to financing in a development district. Does that section mean that paying for the infrastructure there depends in any degree on tax collections from that development district? The answer should be clearly stated in the bill.

Additionally, we feel there should be provision for staff for each coordinator as it appears that the scope of dealing with large developments would be overwhelming for one person.

Sincerely,

Max Bronstein

2/5/2010

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THE WHITE FLINT COMMUNITY COALITION

Representing the wishes of the people of the White Flint area

September 17, 2010

The Honorable Mike Knapp, Chairman
Planning, Housing, and Economic Development Cmte.
Montgomery County Council
100 Maryland Ave., Rockville, MD 20850

Dear Councilmembers Knapp, Floreen, Elrich, and Trachtenberg:

The White Flint Community Coalition supports Bill No. 1-10, concerning Development Coordination and Oversight, which the PHED Committee will consider on September 20. We suggest an addition to that bill, which accompanies this letter and is nearly identical to language included by Mr. Michael Faden in the September 20, 2010, packet. We propose that the Development Coordinator ("Coordinator") specified in the bill carry out two clearinghouse functions.

First, we urge that the Coordinator acquire and distribute data on mode share goals for areas inside or outside a plan area where the mode share assumptions were used to achieve a traffic mobility standard for that plan. This information does not seem to be centrally located or publicly available. It is vitally important that the Planning Board and advisory committee have it to gauge progress on these goals for plans – such as White Flint's - where traffic mobility is important to developers and residents alike.

Second, we strongly recommend that the Coordinator acquire and distribute certain monitoring information to the general public. This is critical information for measuring the success of a plan's implementation. As a matter of good governance, the public should have this information.

These duties should not add significantly to the costs of the Development Coordinator office. Both functions would involve existing data - such as data produced by the Planning Board or Transportation Management Districts.

The monitoring information function would be carried out only as often as plan monitoring occurs.

These duties are necessary, however, and important. There is currently no process for maintaining a set of mode share data from outside a plan area, nor for obtaining the related data and methodology. And the communities in and around plan areas need a clearinghouse so that citizens can participate in the important planning that still remains for these developing areas.

*Combining the strength of community bodies representing more than
3,200 households and 8,500 residents in or near the White Flint Sector*

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Parkwood Residents Association · The Sterling Condo HOA
Timberlawn Homeowners Association · Wickford Community Association

We think the duties will greatly enhance development coordination and oversight, especially for the White Flint plan. Thank you for considering our opinions.

Sincerely,

John King
On behalf of the White Flint Community Coalition

cc: Councilmember Roger Berliner
Michael Faden

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3,200 households and 8,500 residents in or near the White Flint Sector*

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**White Flint Community Coalition
Proposed Language and Legislative History for Bill 1-10**

On page 2, in section 2-25(c) of the County Code-

- 1) redesignate paragraph (4) as paragraph (5);
- 2) in paragraph (3), strike “and” at the end; and
- 3) insert the following after paragraph (3):
- (4) acquire and distribute mode share measurements (and related data and methodology), and results for monitoring of a master or sector plan, and make that information publicly available; and;

Legislative History: The areas for which mode share measurements would be acquired under this formulation include sector or master plan areas where mode share assumptions for those areas were used to achieve a traffic mobility standard for a master or sector plan.

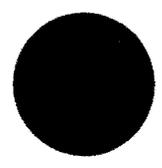
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MF

Marin, Sandra

From: Floreen's Office, Councilmember
Sent: Tuesday, February 09, 2010 12:27 PM
To: Montgomery County Council
Subject: FW: Tuesday's Public Hearing on Bill 1-10 Development - Coordination, Oversight - Item 11

054169



-----Original Message-----

From: Perry Berman [mailto:perryplanning@comcast.net]
Sent: Monday, February 08, 2010 12:56 PM
To: Andrews' Office, Councilmember; Trachtenberg's Office, Councilmember; George Leventhal; Elrich's Office, Councilmember; Knapp's Office, Councilmember; Floreen's Office, Councilmember; Navarro's Office, Councilmember; Berliner's Office, Councilmember; Ervin's Office, Councilmember
Subject: Tuesday's Public Hearing on Bill 1-10 Development - Coordination, Oversight - Item 11

Council President Nancy Floreen,
On behalf of Jack Fitzgerald, I wish to state my strong support for Bill 1-10 Development - Coordination, Oversight. This proposed legislation is essential to the success of the White Flint Plan. Silver Spring's redevelopment could not have been as successful without a development coordinator office. In the coming years, White Flint Plan's implementation program will need a focused effort from all branches of government, but the biggest responsibility will lie with County Government. White Flint needs strong leadership to carry out the plan's vision. This office is needed now.

Please place my letter in your hearing record.

Perry Berman
Office 301-854-2098
Cell 240-888-6166
Fax 410-799-0517
7910 Briarglen Drive
Elkridge, Maryland 21075

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MONTGOMERY COUNTY
COUNCIL

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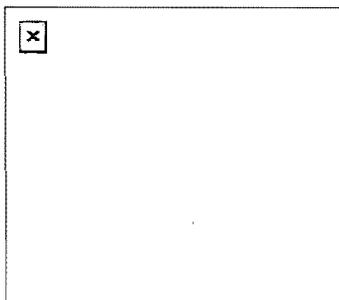
① BILL 1-10

② PH 10/20/09 WHITE FLINT SP

MF
CC
MM

Guthrie, Lynn

From: Jim Humphrey [theelms518@earthlink.net]
Sent: Monday, April 19, 2010 2:44 PM
To: Knapp's Office, Councilmember; Floreen's Office, Councilmember; Elrich's Office, Councilmember
Cc: Faden, Michael; Trachtenberg's Office, Councilmember; Montgomery County Council
Subject: Civic Federation support for Bill 1-10, Development - Coordination, Oversight



056081



April 19, 2010

Montgomery County Council members
100 Maryland Ave. - 6th floor
Rockville, MD 20850

SUBJECT: Support for Bill 1-10, Development - Coordination, Oversight

Dear County Council members,

The members of the Executive Committee of the Montgomery County Civic Federation support Council approval of Bill 1-10, legislation to add the duties of "development coordinator" to staff in the Office of the County Executive or Chief Administrative Officer. We do, however, urge two key amendments be made to the legislation prior to its passage. These amendments were recommended by the White Flint Community Coalition, and Council Senior Legislative Attorney Michael Faden proposed language for these amendments in his memo in the staff packet he prepared for the April 5 PHED Committee worksession on Bill 1-10 (which was postponed until April 22).

Monitoring and reporting. We support expanding the coordinator's duties to include taking the lead on acquiring and disseminating Planning Board reports and information on plan monitoring, including intersection analyses and measurements of transportation mode share. The following language is from bottom of pg.2 of the Faden memo--

Add a new paragraph (4) on line 21 and renumber the current (4):

(4) Acquire and distribute mode share measurements and other relevant data, methodology, and results for monitoring of a master or sector plan, and make that information publicly available; and,

Point of contact. We agree that the coordinator should be the "point of contact" for residents of the surrounding area as well as those located in the master plan area. The following amendment language is near the top of pg.3 of the Faden memo--

insert on line 18, after "in", or near

We trust that you will carefully examine our comments as you consider Bill 1-10. Thank you.

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MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

OFFICE OF THE CHAIRMAN

April 15, 2010

The Honorable Mike Knapp, Chair
Planning, Housing and Economic Development Committee (PHED)
Montgomery County Council
Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850

Dear Mr. Knapp:

The Planning Board recommends adoption of Bill 01-10 with amendments to Section 2-25 that would clarify and narrow its applicability. The Bill is consistent with the on-going efforts of the Planning Department and other County agencies to coordinate planning, capital programming, and master plan implementation.

Council staff's analysis of public hearing testimony identified four issues and made recommendations with respect to each. Our comment on each of these recommendations follows.

Issue #1: Need for and Role of Coordinator

The Board agrees that the coordinator would function in a management role, and therefore, supports the recommendation to retain the scope of each coordinator as proposed in Bill 01-10.

We agree with the Executive's testimony that the Planning Department's Master Plan Status Report could be expanded to include information about development capacity and development activity within each planning area. However, annual reporting would provide little additional benefit over the biennial reporting currently included in the Growth Policy legislation and supplemented by additional analysis as required in the White Flint Sector Plan. Since plan implementation efforts are largely capital-intensive, a biennial reporting schedule efficiently supports the County's capital budget cycle.

While we support proposed legislation that would move to a quadrennial growth policy review as pertains to the mechanics of the Adequate Public Facilities Ordinance, we also support retention of regular reports on the pace and pattern of growth and its effect on public facilities. We shall explore the value of these reports further during our discussions on our operating budget and semi-annual report.

Issue #2: Monitoring and Reporting

The Board believes unnecessary Council staff's recommendation to add language that would require the development coordinator to acquire and distribute mode share measurements and other relevant data and make that information publicly available. This language does little more than describe the current division of responsibilities in existing Transportation Management Districts (TMDs) as outlined in Section 42A-27 of the Montgomery County Code.

In White Flint, the Planning Board will be required to submit a biennial monitoring report to the Council and the Executive prior to the development of the biennial CIP. In preparing that report, our staff will receive monitoring data compiled by the North Bethesda Transportation Management District and analyze it for the Comprehensive Local Area Transportation Review (CLATR), which will forecast the effects of additional approved and pending development and recommend needed infrastructure improvements.

A similar process has been included in the Great Seneca Science Corridor Sector Plan.

Issue #3: Point of Contact

The Planning Board fully supports Council staff's recommendation to add language on line 18 that would extend the coordinator's responsibility to serve as the primary point of contact for residents and businesses located or that could potentially locate in *or near* that planning area. We see no conflict with the Planning Department's responsibilities under existing law, including publication of adopted plans, making Growth Policy recommendations, providing land use information, or allowing buyers to review master plans.

Issue #4: Specificity

The words "newly" and "intensive" in Section 2-25 appear intended to limit substantially the application of the proposed amendments. However, the testimony indicates that the terms have created confusion about the potential scope of the proposed legislation. To avoid any confusion about its applicability, we recommend the following change:

Line 7: each planning area for which a newly-revised master or sector plan adopted after January 13, 2010 that provides for intensive new development or redevelopment in an area designated as a Transportation Management District and which is located within a Central Business District, Metro Station Policy Area, Road Code Urban Area.

This modified language is consistent with the objective of the Bill to provide for development coordination and oversight in a limited number of instances where the scale and complexity of redevelopment will require coordination and oversight.

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Conclusion

In conclusion, the Planning Board believes that this proposed legislation will provide an excellent framework for improving the coordination of planning, monitoring, capital improvements, and budgeting in our most intensive and complex development/redevelopment areas. We urge the passage of this legislation, with the limited modification outlined above.

Sincerely,



Royce Hanson
Chairman

RH:js:ha

cc: ✓ Michael Faden
The Honorable Duchy Trachtenberg
The Honorable Roger Berliner
The Honorable Phil Andrews
Diane Schwartz-Jones

THE WHITE FLINT COMMUNITY COALITION

Representing the wishes of the people of the White Flint area

October 14, 2010

The Honorable Nancy Floreen, President
Montgomery County Council
100 Maryland Ave., Rockville, MD 20850

Dear President Floreen and Councilmembers:

The White Flint Community Coalition strongly supports Bill 1-10, concerning Development Coordination and Oversight. As you know, during the October 12th Council meeting, Councilmembers discussed various amendments for this bill. We are concerned that the Council discussion included suggestions that would either critically weaken or even eliminate this bill, a bill we feel is vital to the success of the White Flint envisioned in the Master Plan.

We support the view of the PHED Committee, which decided to maintain the scope of the Coordinator's role. As Council staff notes, "the coordinator's intended role [is] making sure that each element of County government is aware of what it needs to do at any given time to move the approved development toward completion". The Coordinator needs broad enough authority to coordinate "each element's" role to promote smooth development with corresponding facilities. We can accept the Executive's amendment to remove the requirement on page 2, lines 23-25, to "take . . . any other action needed..." while retaining the duty to recommend those actions. However, we do not support a proposal to limit the functions described in page 2, lines 5-10 of the bill.

Similarly, we support the Committee's decisions to retain the scope of the Coordinator's "point of contact" function. Tracking the progress and success of large, complex plans such as those envisioned for White Flint and the Science City in Gaithersburg requires the analysis of complex and interdependent parts, with the information coming from across County agencies. For the County, the many businesses, and the community interests who are stakeholders in the progress, it is vital that the information be centrally located and publicly available. We emphasize that the single point of contact is to serve as a clearinghouse for the dissemination of *existing* data, not as a data collector.

We are sensitive to the County Executive's concerns about the cost impacts of this bill, but agree with the PHED Committee that the bill does not require a new position. In fact, we see the Coordinator position as promoting cost efficiency. Taxpayers and developers will benefit, as tax dollars will be spent effectively on infrastructure. County agencies will also gain. If there is no central contact, the numerous business and civic

*Combining the strength of community bodies representing more than
3,200 households and 8,500 residents in or near the White Flint Sector*

Crest of Wickford Condominium Association · Garrett Park Citizens Association
Garrett Park Estates-White Flint Park Citizens' Association · Luxmanor Citizens Association
Parkwood Residents Association · The Sterling Condo HOA
Timberlawn Homeowners Association · Wickford Community Association

interests, community members, etc., will be forced to contact agencies that *might* have the data they need – wasting everyone’s time and energy.

The intent of Bill 1-10 is to prevent disorganized development as occurred in Clarksburg. It is appropriate to require development coordination in areas of intensive development. Practically, size *does* matter in development – it has an exponentially greater impact on developers, citizens, facilities, and taxes. Creating a central coordinator for large-scale redevelopment plans is in the best interest of the County and all its residents.

Sincerely,

John King
On behalf of the White Flint Community Coalition

cc: Michael Faden