Testimony Of County Executive Isiah Leggett
before the Montgomery County Council
On the Planning Board Draft 2009 Growth Policy
September 22, 2009

Good evening, President Andrews and County Council members, for the record my name is Gary Stith, Deputy Director of the Department of General Services testifying on behalf of County Executive Isiah Leggett. You have before you the difficult task of discerning a Growth Policy for the next two years – a tool devised to govern the management of land use development and growth. This task is made harder, not easier, in this economic downturn. You find yourselves in the situation of evaluating policies that are two years old, yet have no growth against which to be measured. And, you must come up with a new policy to address the growth that shows limited promise of occurring in the next two years.

Growth is not a bad word. It is a tool for a healthy economy that can help to support a quality of living and provide housing and jobs. But growth must be managed and gauged to the infrastructure it needs to maintain basic standards for quality of life and environmental sustainability. We must take this time of economic downturn and use it to develop a sound growth policy that will poise us to take advantage of opportunities for quality development without harming our quality of life or the environment.

The Planning Board's recommendations address critically important issues for the County and reflect the need of the County to recognize that future development will be significantly different than the types of development we have previously seen. As a county we need to use our regulatory and statutory framework to promote affordable housing, incentivize transit usage and transit oriented development, reduce our carbon footprint and have livable communities.

While the County Executive shares common objectives with the Planning Board, he is concerned that the draft Growth Policy is being used too heavily to promote some of these very good objectives, and it is doing so at the expense of the determination of the adequacy of public facilities, which is one of the key determinations the growth policy should address.

On September 15, Mr. Leggett transmitted his comments on the draft 2009 Growth Policy to the County Council A key concern raised by the County Executive two years ago is that the test for transportation capacity, "Policy Area Mobility Review" or "PAMR" is fundamentally flawed. Despite Planning Board review of PAMR, no feasible alternative to PAMR has been proposed. Therefore, at the direction of the County Executive, the Department of Transportation has engaged a consultant to come up with an alternative test for Policy Area Review on an expedited basis.

The County Executive is also concerned that the proposed 2009 Growth Policy includes assumptions and directions that could significantly impair the quality of life in Montgomery County. While Mr. Leggett agrees that focus needs to be on mass transit, it

is untenable to intentionally impose congestion upon the residents and businesses of Montgomery County with the hope that it will force them out of their vehicles as congestion becomes intolerable. It would be a mistake to accept a Level of Service E as recommended by the Planning Board for our arterial roads as such a level of service will increase congestion on County roads and directly result in increased emission rates for NOx and VOCs which negatively affects air quality in the region. Mr. Leggett believes that it would be ill-advised to intentionally create a situation that will result in increased pollution levels with the hope that discomfort will force some of the approximately 85% of commuters that drive to switch to transit, or that the trading of transportation improvements payments for affordable housing near Metro will result in fewer trips.

In addition to dealing with transportation issues, school capacity continues to be an important concern. The County Executive has commented on the adjustments related to school tests in the draft 2009 Growth Policy. While the County Executive agrees with the Planning Board's recommendation to grandfather completed applications in areas that subsequently move into schools moratorium, ultimately the solution to inadequate school capacity must be addressed through improvements and new facilities in the FY11-16 Capital Improvements Program.

The County Executive commends the Planning Board for addressing important development issues and concerns in its draft 2009 Growth Policy. All of the issues raised in the draft Growth Policy are critically important to Montgomery County. Mr. Leggett's overriding concern is that by using the Growth Policy as proposed instead of other available tools, we will have the consequence of gridlock with the accompanying degradation of the environment and quality of life in Montgomery County. Executive staff is available to assist the County Council as it works its way through the draft Growth Policy.