Testimony by Roberta (rg) Steinman to County Council
Planning Board Draft of the General Plan Update – Thrive Montgomery 2050
June 29, 2021

To: Tom Hucker, Council President and The Montgomery County Councilmembers

From: Roberta G (rg) Steinman

Subject: Comments on Planning Board Draft of Thrive Montgomery 2050 amendment to the General Plan

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SUMMARY

The Planning Board Draft General Plan (Thrive Montgomery 2050) is seriously flawed. Please send it back to M-NCPPC planners to rewrite with an emphasis on the protection of the natural environment and the Agricultural Zone, and replace the "missing middle housing" cookie cutter approach with a plan that has a range of land-use options.

I. INTRODUCTION

Considering that this is the first revision of the General Plan in 28 years, one that will shape the county's future development over the next 30 years, the changes proposed in Thrive Montgomery 2050 should not be rushed through. The Thrive Montgomery 2050 **principles** that would support the rezoning proposals **have not been enacted**, nor have they even been considered by the County Council; nor has the general public been given sufficient time to offer testimony. **Attempting to implement the zoning proposals before the Thrive 2050 plan has even been approved is putting the "cart before the horse."** Thrive 2050 involves complicated rezoning proposals that would make sweeping changes to our neighborhoods. Public participation is all the more difficult given that we are in an historic pandemic, and "residents certainly are not able to understand and participate simultaneously in esoteric, elaborate rezoning proposals through an expedited, opaque Attainable Housing Strategies Initiative (AHSI) with an insider's group called the Housing Equity Advisory Team (HEAT)."[1] A 30-year plan deserves a full vetting and full public participation.

II. NATURAL ENVIRONMENT

For the natural environment and the human community to truly thrive, the Thrive Montgomery 2050 update of the 1993 General Plan needs a healthy and sustainable Ecosystem foundation. The preservation and restoration of the natural systems that support us are the basis for our quality of life. "Smart urbanism" does not equate to environmental protection, and it is insufficient to address our environmental challenges.

The 1993 General Plan update represented a shift in focus toward the environment. The environmental goal was to a) manage impacts of human activity on the environment, b) conserve natural resources to **maintain a stable and healthy eco-system**, and c) protect public health and safety.[2] To accomplish this overall environmental goal, and to comply with key visions of The State Planning Act of 1992, the 1993 General Plan emphasized the following objectives:[3]

- Environmental stewardship,
- Preserve and protect sensitive areas,
- Protect and improve water quality,
- Preserve and enhance a diversity of plant and animal species,

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[1] County Executive Memo, June 10, 2021 to Tom Hucker, Council President, p.1.
[2] https://montgomeryplanning.org/wp-content/uploads/2017/10/GeneralPlanRefinement1993ocr.pdf, p.66.
[3] Op. Cit at ftnte 2, pp. 70-73.

- Increase and conserve the County's forests and trees,
- Energy conservation

Thrive Montgomery 2050 needs to return to this eco-centric focus that emphasizes Environmental Sustainability and improvements in the Quality of Life.

Critical Importance of Functioning Ecosystems: Passenger Pigeon extinction and the explosion of Lyme disease

Healthy forests, clean water, and bountiful biodiversity are key to a functioning ecosystem. When an ecosystem is torn apart, extinctions occur and biodiversity is lost. **Everything is connected**. The Passenger Pigeon's extinction shows the **cascade of consequences**.

> The passenger pigeon was once the most abundant bird in the world, and flocks over a billion strong darkened the skies over North America for days on end. But in under 100 years, European settlers hunted the passenger pigeon to extinction (the last one died in captivity in 1914). Without the passenger pigeon to consume the bounty of acorns and chestnuts produced by eastern forests, small rodent populations exploded, which in turn increased the population of ticks carrying Lyme disease. Who could have predicted the extinction of the passenger pigeon could worsen Lyme disease in the century that followed? Although we cannot always predict with certainty the specific consequences when we destroy pieces of the natural world, we know they exist and are often significant and profound.[4]

Many of the places, plants, and animals that we grew up with have greatly diminished or entirely disappeared. Many butterfly, bee and insect species are in steep decline. We see far few blinking lights of fireflies at night and hear a much diminished the dawn chorus of migratory birds. The evening chirping of frogs is confined to smaller and smaller pockets of ponds, and we rarely observe the colorful red Eft stage of the Eastern Newt. Coveys of Bobwhite in the thickets have disappeared, and the flute-like sound of the Eastern Meadowlark is seldom heard. The last sighting of the Maryland Darter, Maryland's only endemic vertebrate that is found nowhere else, was in 1988. Perhaps one lone survivor still remains, hearkening back to a once-more pristine Maryland. Each species lost or in grave decline tells the story of a place that has been irrevocably harmed.

We humans have been flourishing at the expense of the degradation of Earth's ecological systems. Biodiversity loss is happening at unprecedented rates. And now we are in an extinction crisis – one that is entirely of our own making. **This loss of biodiversity is a fundamental risk to the healthy and stable ecosystems that sustain all aspects of our lives – food production, fresh clean water, climate regulation, moderation of floods and droughts, recreational benefits, aesthetic and spiritual enrichment**.

Maintaining these ecosystem services and sustaining a healthy Earth depends on us valuing, conserving, restoring and wisely using biodiversity, which is all the variety of life that can be found on Earth (plants, animals, fungi and micro-organisms) as well as the communities that they form and the habitats in which they live.

[4] Saving Life on Earth: A Plan to Halt the Global Extinction Crisis, Center for Biological Diversity • January 2020

Urbanism, technology and industry may have distanced us superficially from nature, but it has not changed our reliance on the natural world. What we use and consume on a daily basis remains the product of multitudes of interactions within nature, and many of those interactions are imperiled.

The earlier *Thrive Montgomery 2050 Issues Briefing to the Planning, Housing, and Economic Development (PHED) Committee, February 3, 2020*[5] contained a substantial and meaningful environmental section. Staff raised critical concerns about the environment, climate change, water and sewer, and the Agricultural Reserve. The current version of Thrive, by contrast, lacks such substantive ecosystem-oriented content and is missing significant and fundamental points critical to a **Healthy and Sustainable Environment**. The current **Thrive 2050 plan needs to recognize and present an action plan** to address the issues raised in the earlier version of Thrive Montgomery 20250, as these are the challenges we are facing now and into the future. Here are some examples from the earlier Thrive Montgomery 2050 report:

> **Environmental Concerns**:
> "...despite the county's rigorous regulatory framework to protect sensitive environmental resources, many indicators such as water quality of the streams, forest lost, and increased imperviousness point to a downward trend. All the County's water bodies fail to meet one or more of the State's water quality standards for their designated uses, and many are under review for additional water quality impairments. Since the start of the State's Total Maximum Daily Load (TMDL) program implementing water quality standards, the number of water bodies that require TMDLs has been steadily increasing. **The downward trend in water quality and increases in listed impairments are due to several factors such as decreases in forested and other natural lands, increases in development footprint and impervious cover, and climate change trends towards more frequent, intense, and erosive storms and associated runoff**." (p.15)
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> "Although there are a variety of factors that affect stream condition in the County, **the loss of natural areas and the degree of imperviousness is one of the more significant ones**. Higher impervious cover leads to higher amounts of stormwater runoff and urban pollutants that tend to erode and degrade stream channels and habitat and the biologic communities they support, leading to degraded stream condition scores and narrative rankings." (p.15)
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> **Climate Change**:
> "Although the trend for up-county area streams continues to be dominated by streams in good condition, over the years there has been a significant loss of streams in excellent condition. This may be partially due to the more intense and erosive storms related to climate change." (p.16)
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> "Meeting the challenges of climate change and reducing Greenhouse Gas emissions will require a **renewed commitment to conserving and protecting natural areas and other green open space, and limiting development footprint and impervious cover as key strategies to protect water quality and handle increasing stormwater**." (p.16)
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> **Water and Sewer**:
> "Most of Montgomery County's water comes from the Potomac River, the rest from the Patuxent River. The main question for the water supply system is whether it has the capacity to adequately handle the needs of an additional 200,000 people in the next 30 years while facing the potential impacts of climate change as droughts become more frequent." (p.17)

[5] https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2020/20200203/20200203_PHED1.pdf

> **The Agricultural Reserve**:
> "Many of the County's streams begin in the Agricultural Reserve and other up-county areas. **Protecting downstream water quality and stream condition depends on protecting the upstream portions**. Without the existing protection afforded by the up-county areas, particularly the Agricultural Reserve, the stream condition of many of the down-county streams would be even more impaired. **The benefits of the Agricultural Reserve to the environment in general, and to stream condition in the rest of the County in particular, are inestimable and cannot be overemphasized**." (p.17)
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> "The Ag Reserve is protecting agricultural land, rural open space, and providing important environmental and economic benefits, but at the same time there are competing demands for land for other purposes such as solar energy production and this is putting pressure on the Ag Reserve. New strategies are needed to **ensure the Ag Reserve remains protected and economically viable for the next 30 years**." (p.17)

The Thrive Montgomery 2050 plan needs to include **substantive language and *direct* actions** to conserve and increase our forested areas, tree canopy, and green space, and protect our precious stream valleys, our last remaining natural areas, and agricultural land.

The following specific actions would reinforce a healthy and sustainable Ecosystem approach:

- **Maintain the Green Wedges**. "The Wedge is as important today as it was 30 years ago. It permits the renewal of our air and water resources and the protection of natural habitats. It is very much the green lung of Montgomery County. ...The proximity of the Wedge to the Corridor provides a sanctuary for those who need a change from the concrete and glass of more urban settings."[6] The Wedge preserves open space, farmland, and lower density residential uses. The new Thrive proposal shreds the Wedges, eviscerating their ecological value. The Wedges and Corridors concept needs to be retained.
- **Create safe passages for Wildlife**: The need for safe passage for wildlife between protected areas is critical to their migration and to ensuring the healthy genetic diversity of animal and plant populations to withstand the challenges of habitat fragmentation and climate change.
- **Prohibit use of plastic synthetic turf**. The plastic turf contains toxic chemicals that pose a hazard to public health and the environment.
- **Stop planning for cars and emphasize transit, walking and biking**. Agreed! And in support of this, update the Master Plan of Highways and Transitways **to remove** master-planned but unbuilt highways and road widenings, **especially the M-83 highway**.
- **Preserve the Agricultural Reserve**. It is important that agricultural use be viewed as a valued and permanent land use. Agricultural land preservation in the Agricultural Wedge is not a holding use for future development. The following words from Royce Hanson on the occasion of the 40th Anniversary of the Ag Reserve best convey the importance of the Ag Reserve:

[6] Op. Cit. at ftnte 2, p.9.

> "These incremental incursions seem insignificant when proposed, but if brought to fruition and accumulated over time they do great harm by fragmenting the landscape, thus impairing retention of the critical mass of farmland, which is what makes the Reserve work as a working rather than a passive landscape. As these invasive uses accumulate, they change the character of the Reserve… The current proposal for solar farms is of particular concern, both for its potential for great damage to farming and the character of the Reserve, as well as for some unfortunate technical and legal problems it presents."
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> "The survival and integrity of the Reserve rests on broader understanding by the public and policy makers that it is a vital part of the county's economy, the regional environment, and its recreational and cultural ecosystem."
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> "There is, however, a deeper, moral reason for sustaining it so that it will still be here in 2080 and 2180. An urban, knowledge-based civilization has many advantages **but one of its disadvantages is loss of connection with mother earth** [Bold added]. The Reserve is an immediate reminder that there is a season for planting and one for growing and one for harvest and one for letting the earth rest before the cycle of life begins anew. For all of us it is a public trust to pass to future generations better than we received it."
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> "This little patch of dirt is not magnificent in the great scheme of things. But, alone in this metropolis, in the midst of constant change and development, it is an intentional garden, guarded by law, rooted in history, a private place that serves a public purpose. In this urban and global age such a garden is more important than ever. It is a physical symbol and moral recognition of humanity's inseparable connection with the earth, which is so easily diminished as we move from farm to industry to the virtual world of artificial intelligence."

- **Implement Countywide impervious reduction and address run-off at its upstream sources**. To protect water quality and stream ecosystems, we must follow the science regarding imperious cover. Science tells us that as we add pavement to a watershed, stream conditions decline. Stream degradation is due to the run-off of sediment, nutrients, and chemicals from housing and commercial developments, as well as to the thermal impacts, and increased volume and velocity of storm run-off. The science of watershed protection shows us that 5% is the upper threshold for stream degradation According to recent studies, impervious cover levels as low as 5% are correlated with significant degradation in water quality. Based on an extensive study of streams in Maryland, "it is now known that substantial degradation and loss of biodiversity begins at much lower levels of impervious cover between 0.5% and 2%."[7] The more sensitive fish and macroinvertebrates suffer declines at impervious levels much less than 5%.
- **Preserve and restore forests**. We are losing our high-quality interior forests in Montgomery County due to a number of factors, including fragmentation. We must take care of, and strive to restore, and over the longer horizon re-grow more interior forest, to begin to replace the interior forest we've lost and destroyed over the decades. Strengthen the longstanding MNCPPC-Montgomery Parks policy of protecting at least 2/3 of our regional parks, as Conservation land. This would go a long way toward retaining and fully protecting all of our remaining interior forest.

[7] King, Baker, Kazyak, Weller, 2011, p.1666, *How Novel is too Novel? Stream Community Thresholds at Exceptionally Low Levels of Catchment Urbanization*. 'Ecological Applications' Vol. 21. Cited in Appendix A, Bibliography, p. A-7, Ten Mile Creek Watershed Environmental Analysis For the Clarksburg Master Plan Limited Amendment.

If Montgomery County's vision is to become a leader in protecting and enhancing the natural environment, then **quality of life and environmental sustainability must be the measures used** in land use planning, development review processes, master planning. Quantitative growth in population, housing, jobs, and businesses are not indicators of success.

Bring back the good, strong environmental language from both the 1993 General Plan and the earlier, February 3, 2020 Thrive 2050 plan.

III. A SHORT NOTE ON PARKS

Stewardship of our parklands is critical. Our responsibilities toward the natural environment include our parklands, but extend far beyond those boundaries, as the 1993 Refinement of the General Plan made clear in its healthy and sustainable ecosystem approach. (refer to p. 1) In this regard, Montgomery County's Conservation Parks (Montgomery County has 14 Conservation Parks greater than 150 acres) are dedicated to environmental preservation and remain undeveloped except for natural surface trails. It is contrary to principles of conservation to open these Conservation Parks to bikes, pedestrian paths or trails for transit users. These Conservation Parks need to remain undeveloped for the preservation of our natural heritage.

IV. ZONING CHANGES & MISSING MIDDLE HOUSING

Missing Middle Housing (MMH) does not equate with affordability, attainability, or equity. Furthermore, rezoning our residential zones with a MMH one-size-fits-all plan is not suitable for a county encompassing 507 square miles. Montgomery County would be better served by a plan with a range of land-use options.

There is a complete disconnect between the asserted objective of affordability and the reality of who could purchase the new housing

The Planning Department's Silver Spring Missing Middle Housing Study found that no MMH types were feasible in downtown Silver Spring except for dense and moderate townhouses that cost $715,000 and $855,000, respectively. Similarly, an EYA-built 1500sf triplex on an R-60 lot in the Town of Chevy Chase, would, according to EYA, cost $875,000![8]

However, **vacancies and unbuilt units in the Silver Spring Central Business District (CBD) offer ample opportunity for building a variety of "missing middle" type housing units close to high-quality transit, as well as retrofitting office space for residential use**.[9] According to the May 2021 Montgomery County Development Pipeline, Silver Spring CBD has more than 4,300 unbuilt (but approved) housing units that are multifamily and more than 1.6 million square feet of commercial space that is approved but not built.[10]

In addition, Planning Staff aided by the consultant Partners for Economic Solutions (PES) prepared a market study for the downtown Silver Spring retail and office market in preparation for the Silver Spring Downtown and Adjacent Communities Master Plan. They found that 18

[8] https://drive.google.com/file/d/1FMao-BHI69m21Xla502LgjNWigHYcDhS/view; also see Op. Cit. at ftnte 1, p. 7.
[9] Whether this housing would be "attainable" depends on the income-definition of attainable.
[10] https://montgomeryplanning.org/wp-content/uploads/2021/05/PipelineMasterPlanSummary_May2021.pdf

percent of office space in downtown Silver Spring and 11 percent of retail space is vacant.[11] Some of these offices could also be converted into residences.

Retrofitting mature neighborhoods with MMH housing is very complex, especially for historic neighborhoods, such as Woodside Park abutting the Silver Spring CBD. Infill development leads to greater housing density, which results in negative impacts on traffic, parking, noise, school crowding, displacement of current residents, as well as environmental degradation including loss of tree canopy and green space, among others. These complex planning issues are best done through small, context-sensitive plans to best address the needs of the existing community, as well as the needs of new residents. **Small Area Planning** can best achieve these goals. A county-wide cookie cutter zoning pattern approach cannot.

Preserve Naturally Occurring Affordable Housing (NOAH) and discourage tear downs in established urban and suburban neighborhoods. This is an environmentally sensitive way to preserve existing housing that is currently affordable for modest-income homeowners and renters.

Lastly, it must be a requirement that ALL residential zoning changes go through the master plan process.

Future generations are unlikely to condone our lack of prudent concern for the integrity of the natural world that supports all life. ~ Rachel Carson

Our heedless and destructive acts enter into the vast cycles of the earth and in time return to bring hazard to ourselves. ~ Rachel Carson

Respectfully Submitted,
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[11] Op. cit. at ftnte 2, p. 5.