"Federation Corner" column
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Brass tacks on growth policy
by Jim Humphrey
Chair, MCCF Planning and Land Use Committee

"It's time to get down to brass tacks." That is the expression my father used whenever our family needed to deal with the critical details of a tough issue we were facing. Well, it's time to get down to brass tacks on making needed changes to the County growth policy, with a November 15 deadline for Council action looming.

The reality of the present fiscal situation might require the Council to take steps that would not have been necessary in better times. New infrastructure is needed to support existing development in place and there is a 20 year backlog of projects to maintain and replace aging infrastructure. And the Planning Board has already approved projects containing a total of 30,000 housing units and 40 million square feet of commercial space and, in doing so, ruled that there will be adequate infrastructure in place to support this level of growth when built.

Since the growth policy is really a process for pacing the approval of new development allowed by the zoning recommended in our master plans, Council changes to the policy should be aimed at better insuring there will be adequate public facilities before projects are approved. This will require tightening the capacity tests for schools, roads, police and fire department coverage, and perhaps adding a new test for transit.

Tighter development approval tests
The Planning Board recommended changing the schools capacity test so that when a cluster reaches 110% of capacity at the elementary, middle or high school level a Facilities Payment Fee would be levied on new development for each student at that level generated by the project. The Board also proposed stopping development approval in a cluster if any grade level reaches 135% of capacity. A more fiscally sound test would require the Fee be imposed at 100% of capacity and development approval stop at 110%.

The Planning Board also recommended changing the transportation test to weigh the level of road capacity against the level of transit service. This test would mask the problem of overcrowded roads in urban areas that have more than adequate transit, as well as inadequate transit service in more rural areas that have above average road capacity. But our Adequate Public Facilities Ordinance (APFO) states there must be adequate roads and transit, not that the relative inadequacy of one should be weighed against the adequacy of another. We would not say, for example, that it is acceptable for an area to have less than adequate school capacity because it has better than average police coverage. The provision of sufficient road and transit service guaranteed in the APFO would be better accomplished by creating separate tests for each.

As for road capacity, the Planning Board proposal to compare the actual speed of traffic to the posted speed limit is a good one, if coupled with a tighter intersection capacity test. A stand-alone transit test might compare a trip from point A to point B by vehicle at actual speed against the time the trip takes by mass transit, and setting a transit goal time of 60% of the vehicle trip figure. Regarding police, fire and ambulance services, there must be a better way for the Council to test for adequacy than the current process of reviewing the Public Safety Master Plan every two years and declaring there is sufficient service countywide, at the same time we know there is insufficient service to support the growth occurring in some areas.

Development Impact and Recordation taxes
The growth policy also sets levels for both the Transportation and Schools Development Impact taxes, with the Schools tax levied only on residential development. The Planning Board recommended increases in

both, while County Executive Leggett suggests the Council approve increases at 60% of the Board proposed levels. But, when running a model for costs of infrastructure to support growth through 2030 against impact taxes collected at the recommended Board levels, factoring in State funding at current levels, the County would have a slight surplus in school construction funds and a substantial deficit for needed road and transit projects. The reduction suggested by Mr. Leggett would result in significant shortfalls in both areas. Given the fiscal situation, developers might need to provide more toward infrastructure costs than officials would like, while the government focuses on funding the 20 year maintenance backlog.

The County Executive also recommended against increasing the Recordation Tax, as buyers are already having difficulty finding homes they can afford. However, additional Recordation Tax revenue could be generated by closing the loophole that allows corporations to avoid the tax when transferring property between divisions of a parent company.

Change in thinking

For decades the County has used revenue from growth to balance its ever-increasing budget, with the costs of new infrastructure and maintenance of that existing being under funded much of that time. To their credit, this Council has created a Task Force to suggest sources for $100 million in needed infrastructure funding. But our master plans already recommend zoning to provide 45,000 to 55,000 more housing units and an undetermined amount of new commercial space in addition to the amount in already approved but unbuilt projects. Where will the money come from to support this level of growth?

The Council must consider the wisdom of continually approving increased density in master plan revisions at a time when cutbacks in future State and County infrastructure funding seem certain. And calls for more flexibility in zoning will create greater uncertainty about funding needed to provide the infrastructure to support future growth. Current zoning options in the recently approved Damascus Master Plan revision, for example, allow between 800 and 2,100 new housing units to be built there, adding to the difficulty of planning for adequate public facilities.

Getting down to brass tacks might mean tightening the belt on the budget and holding to growth plans in place. Then later, when the fiscal picture improves, we can all plan the next phase of the county's growth.