

Rockville Law May Portend Shift to Slow Growth in Montgomery

Washington Post, Metro section, page 4
November 7, 2005

By Cameron W. Barr

"Adequate Public Facilities Ordinance" -- a law by any other name might not sound as dull. But last week's passage of such an ordinance in Rockville may be a sign of significant change as Montgomery County heads into an election year.

Rockville's action -- which allows the city to reject proposed developments if nearby schools, streets and other public services are overburdened -- is evidence of mounting dissatisfaction with the pace of growth, elected officials said.

"The pendulum is swinging toward more of a 'slow growth' or 'managed growth' sort of mood," said Rep. Chris Van Hollen (D-Md.), because of enduring frustration with clogged roads and crowded schools. "There is a strong sense that the pace of development has gotten ahead of the community's ability to absorb that development."

Politicians across the region -- including Rockville Mayor Larry Giammo and Virginia's Democratic gubernatorial candidate, Lt. Gov. Timothy M. Kaine -- have acknowledged that the pendulum has swung and are advocating tighter strictures on growth to let infrastructure catch up.

Giammo, who promoted Rockville's ordinance for several years, said its passage amounts to a moratorium on new development in at least one-third of his municipality, which is home to more than 52,000 people and serves as Montgomery's county seat.

Under the measure, the city will not approve new residential developments in areas where public school enrollment is at more than 110 percent of capacity. Five of the 20 public schools that serve the city exceed that standard, and a sixth is projected to do so within five years.

Giammo said the city is judging school capacity according to a stricter standard than Montgomery uses under its annual growth policy, which comes up for debate before the County Council this week.

The mayor and City Council members John F. Hall Jr., Susan R. Hoffmann and Anne M. Robbins voted for the ordinance. Council member Robert E. Dorsey dissented "to keep the city from being sued" by developers, he said, and because he felt the issue was being rushed to a vote in advance of municipal elections Tuesday.

Giammo's challenger, Brigitta Mullican, said the ordinance, approved during the final meeting of the mayor's and council's terms, was a "political ploy." Dorsey, Giammo, Hoffman and Robbins are seeking reelection.

Giammo said he is convinced that the voters are on his side, and not only in Rockville. "People in Montgomery County and the region have lost confidence that the infrastructure to serve the development that has already happened will ever be built," he said.

Montgomery's leaders, reeling from disclosures this year about the lack of oversight in Clarksburg, have acknowledged that they need to rebuild faith in the county's ability to manage development.

In the Virginia governor's race, Kaine has campaigned on a promise to enhance local zoning powers by allowing county boards and city councils to reject projects if area roads are deemed too congested. His Republican opponent in Tuesday's election, Jerry W. Kilgore, has vowed to widen part of Interstate 66 and improve the transportation infrastructure.

Other community leaders, however, say elected officials are misreading voters. "What people are still wanting is a solution to our traffic problems, and that's not going to come from posturing on growth," said Richard Parsons, president and chief executive of the Montgomery County Chamber of Commerce.

Parsons said the city is passing laws about matters it cannot influence. He noted that schools are a county matter and that many of the most congested roads in Rockville are under county, state or federal control.

Adequate public facilities laws also carry the risk of unintended consequences. The Prince George's County Council is gradually undoing a measure it passed last November that made development contingent on the response time of emergency services. The law effectively shut down new construction, causing the council to back off this year.

At a chamber-sponsored debate Parsons moderated Wednesday between two Democratic candidates for county executive in 2006 -- former County Council member Isiah Leggett and council member Steven A. Silverman (At Large) -- growth policy was a key point of difference.

Leggett said that growth had to be "managed appropriately" and that at times temporary adjustments in the county's attitude were needed. "We are talking not about stopping growth. We're not talking about eliminating growth. We are simply talking about managing growth through this very critical time."

Silverman, in response, waved a copy of a plan called Go Montgomery! that was developed during the 2002 race and calls for increased local and state spending on roads and mass transit. He said investment in transportation should be second only to education spending.

"We're definitely worse off, gridlock-wise, than we were four years ago," said Robin Ficker, a Republican county executive candidate who was not asked to join Wednesday's debate.

In 2002, Silverman and others ran on an "End Gridlock" slate that touted the Go

Montgomery! plan.

"We need to have growth because the population is increasing," Ficker said. "But we need to have public infrastructure that's commensurate with the growth."

Silverman said Friday that there is little practical difference between Leggett's views and his own. "Does anyone credibly believe that slowing the [housing] growth rate from a little less than 1.5 percent to 1 percent is going to make any difference on the roads?" he asked. Drew Powell, chairman of Neighbors for a Better Montgomery, a grass-roots political action committee that criticizes developer contributions to candidates, agrees that the pendulum has swung and that the trend probably would hurt Silverman in voters' eyes.

Powell's organization said that as of January, slightly more than 70 percent of Silverman's campaign funds had come from development-related interests. Silverman said he does not track the sources of contributions and questioned the group's accuracy and methodology.

Leggett has said he hopes to receive one-third of his campaign funds from developers, and Ficker said he has not raised funds from developers.

Silverman said Rockville's new ordinance amounts to a closing of the barn door following the horse's exit. He noted that the city has in recent years approved a series of large-scale developments, including the renewal of its downtown.

But Giammo said that more than 100 acres around Rockville's two Metro stations might be subject to redevelopment proposals.

The ordinance, he said, might delay such projects if school capacity is not increased.

Giammo said that if he is reelected, he will pursue legislation in Annapolis that would allow Rockville to levy an impact tax on developers, just as the county does to fund infrastructure improvements.

Powell praised the Rockville ordinance. "The County Council and executive need to regard this as an example and look at their own policies," he said.

© 2004 The Washington Post Company

For more information about Mayor Larry Giammo's reelection campaign, visit:

www.larrygiammo.org