

Section I: Purpose and Recommendations

Introduction

The Annual Growth Policy (AGP) is the mechanism through which Montgomery County, Maryland implements its adequate public facilities ordinance (APFO). Montgomery County passed its APFO almost 30 years ago and over time has devoted considerable attention to how it is applied. The result is a highly sophisticated – others might say over complicated – system that does more than match the pace of development with the pace of public facilities delivery but also seeks to balance growth management with other public policy objectives.

In October 2001, the Montgomery County Council called for a “top-to-bottom” review of the Annual Growth Policy. This call may have been initially prompted by Council dissatisfaction with the results of a recalculation of the AGP’s transportation staging ceilings, but subsequent discussion by the Council also revealed other areas of concern that need to be addressed. These questions include:

- Does the AGP allow more traffic congestion than it should?
- Does the AGP allow schools to be overcrowded?
- Is the AGP methodology is too complex?
- Are there are too many exceptions?
- As a maturing suburb, have Montgomery County’s growth management needs changed?
- Are other localities using more advanced approaches to manage growth?
- How can the AGP be documented or explained in a way that more people understand?

The Council indicated that it would like to see the top-to-bottom review accomplished within the framework of the traditional two-year policy review cycle. That schedule means that staff findings (e.g., the “Staff Draft 2003-2005 AGP Policy Element”) will be released by May 1, 2003 with review by the Montgomery County Planning Board by June 15, 2003. Reviews by the County executive, the Board of education, and other agencies would occur over the summer, with County Council public hearing(s) and work sessions in September and October.

Purpose of this Report

The purpose of this report is to provide some detailed guidelines for a two-year study of Montgomery County’s adequate public facilities ordinance. One of the report’s objectives is to not only identify issues that should be addressed, but also to provide sufficient context about each issue so that options for assessment can be developed. In some cases, the issues are ones that have been studied repeatedly over the years and about which little is unknown. Others involve a search for fresh thinking about the complex interactions between land use and demand on public facilities.

The second objective is to lay out a timetable for study within the two-year period so that there is understanding about what is expected to be accomplished and when.

The third, and main, objective, is to begin to develop a series of recommendations for assessing the effectiveness of Montgomery County's adequate public facilities ordinance. What kinds of analysis will be undertaken to measure the effectiveness of staging ceilings? of the school adequacy test? of the intersection congestion standards? An important aspect of any study is to define the problem and how it will be analyzed. That is the purpose of this report.

Contents of this Report

This report is divided into six sections with three appendices. Section I summarizes the report's objectives and recommendations. Section II reviews the Adequate Public Facilities Ordinance and the Annual Growth Policy. Section III is a detailed outline of the proposed study – specific steps that should be taken and why. Section IV reviews some of the “big picture” growth management issues that should be addressed; these tend to involve questions such as “Has the AGP made a difference?” Section V looks at how the detailed procedures for testing the adequacy of transportation facilities may be assessed, while Section VI looks at the school adequacy test.

This report includes material from the adopted Annual Growth Policy and other sources. Section II is taken from the adopted Annual Growth Policy, and Section III is an expansion of a study outline prepared in November 2001.

Summary of Recommendations

This report proposes that the study be loosely segmented into three phases: a “definition and research phase,” an “alternative selection and evaluation phase,” and a “recommendation and discussion phase.” Each of the phases is approximately nine months in length, but overlap will occur. The “definition and research phase” is intended to provide an extensive selection of relevant background material that can be used to make the required assessments, including methods of assessment and alternatives to Montgomery County's current procedures. The “alternative selection and evaluation phase” will select current procedures or policies in the APFO or AGP, and alternatives to those procedures and policies, and evaluate them using methods identified in the “research and definition phase.” The “recommendation and discussion phase” begins with the release of staff recommendations for review by public officials and the public, concluding with decisions by the County Council.

This report is part of the “research and definition phase” and focuses primarily on identifying issues and how they may be assessed. The recommendations for research envision several studies of growth management practices around the nation as well as reviews of recent and advanced theories for managing growth (and the effects of

managing growth, both intended and unintended) and techniques for measuring public facilities adequacy.

The research and definition phase also plans to look at the County itself: to our history and our future. The first objective is to provide a historical context and to take advantage of research that has already been completed over the past 30 years. An evaluation of the APFO and AGP will be greatly aided by recognizing why it is that we have the provisions that we do. Very few of the provisions in the APFO or the AGP were enacted without significant analysis and debate, but it isn't always easy to remember the reasons for the provisions years after they were put in place. Sections V and VI of this paper are a beginning toward that effort. A second objective is look at the future: demographic trends, forecasts of buildout of the zoning envelope, and so forth to better understand the milieu within which the APFO and AGP are expected to be operating.

So one aspect of the research and definition phase is to look far outside the boundaries of Montgomery County to learn about practices and theories that might have application here in the County. A second aspect is to look to our own history and future for direction. The third and final aspect is to look at our neighbors: the municipalities within Montgomery County, other local governments in the Washington Metropolitan area, and the State of Maryland. Each of these entities has, or can have, a profound impact on the success of Montgomery County's efforts to manage growth and assure the adequacy of public facilities. This paper does not provide a detailed outline on how the conversations with our neighbors be structured, but suggests strongly that they should occur. Since both Rockville and Gaithersburg have begun efforts to strengthen their growth management efforts, discussions with these municipalities have the strongest likelihood of some success.