

One More Strike Against Open Land

By John Clayton
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About the time we ship this issue to our printer, the Montgomery County Council will decide whether to make the Building Lot Termination program less expensive for developers in the down county by reducing the amount they must pay for development rights, and making it easier to avoid such payments entirely. Various organizations that work to protect open land in the Agricultural Reserve are strongly opposed to the decision.

The Building Lot Termination program is a recent initiative and a younger sibling to the Transferable Development Rights program. Each of these programs compensates property owners in the Ag Reserve who refrain from developing their properties by providing a mechanism for them to sell their development rights to be used down county. The BLT program charges down county builders based on the density that they add to a project above a certain level, and these fees are used to pay the Upcounty property owners. The BLT program targets larger properties, and the farmland is protected from development in perpetuity. The proposal sets a density bonus of five percent for proposed developments in the White Flint area, which Ag Reserve proponents regard as way too low. The measure also makes the payments optional by allowing the developer to fulfill other requirements that, while perhaps beneficial to others in the county, do not contribute to land preservation through the BLT program.

A letter sent jointly by the Audubon Naturalist Society, the Sierra Club of Montgomery County, the Sugarloaf Citizens Association, and the Montgomery County Alliance has protested the proposal on several points, primarily that the low percentage will not generate enough money to preserve enough land, and that the optional component may eliminate many payments. They recommend a mandatory density bonus of fifteen percent to ensure adequate funding for BLT purchases.

Another concern expressed in the group's letter is that the more lenient program proposed for White Flint will spread to other areas of the county, severely damaging the desired benefits of the BLT program. One of the strategies to preserve open land in the Ag Reserve and reduce sprawl is to encourage higher density development in areas that are already developed, are centrally located, and convenient to commercial centers and mass transit. The county is clearly encouraging such development as an alternative to tearing up farmland, and it is a serious concern to see the program weakened in this way. Unfortunately, there are numerous ways the county and its citizens can receive legitimate benefits from developers that do not include making payments that help protect farmland from development in this way.

In an article in the *Washington Post* on Sunday, February 28 (Farmers Shortchanged in White Flint Proposal, Groups Say), Planning Board Chairman Royce Hanson was reported as explaining that higher payments on developers could backfire by discouraging developing where it is desired and in turn encouraging development where it could lead to more sprawl. This brings up a very good point and highlights one more complexity of such a well-intended program. How does one encourage higher density development where we want it and generate money to preserve

farmland, while still ensuring that developers will participate? We cannot sensibly expect anyone to voluntarily operate against their best interests.

This is an important question that has to be confronted head-on and solved. The goal of the BLT program is to, over time, preserve large tracts of farmland in perpetuity. If the program is designed so that it doesn't generate enough money from high density development to make a significant difference, and the program is optional and easy to avoid, then it will fall far short of its goals. As the years go by, and more and more land is chopped into twentyfive acre parcels, as it certainly will be, the absolute protection of large tracts of land will be paramount. The county should not be sacrificing this important program for other priorities.