

## **Olney Coalition Testimony for Public Hearing Regarding Disposition of 32-Acre County-owned Former School Site on Bowie Mill Road May 5, 2004**

### ***Presented by:***

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### ***Olney Coalition Position***

The Olney Coalition opposes DHCA's request to have the 32-acre former school site on Bowie Mill Road administratively assigned to DHCA for disposition related to affordable housing. We ask to have this process suspended. Here's why.

1. The Olney master plan is open and under review. Discussions are taking place regarding suitable locations for affordable housing, parks, trails, government service centers, and other public projects in Olney. Among the locations under discussion is the 32-acre site.
2. The remaining steps in the master plan process need to be completed to allow the Planning Board and the County Council to determine the best use for this property in meeting the future needs of the Olney community.

A precedent for postponement was set when the disposition process for the River Falls Elementary School surplus site was suspended until the Potomac master plan was completed and approved by the Council in 2002.

The master planning process establishes land use and zoning and that process must be completed first.

### ***Two processes at odds with each other***

The Olney Coalition supports the goal of increasing the supply of affordable housing. The problem is that the process of locating properties and then transferring administrative control over them to the Department of Housing and Community Affairs (DHCA) for development as affordable housing projects is in conflict with another important process: the development and implementation of the Olney Master Plan. Both processes are trying to decide the best use for the property; the first process is driven by county priorities; the second process is supposed to look at the needs of the Olney community in determining the highest public use for this county-owned land.

The Olney Coalition, together with several other civic groups, has requested the County Executive suspend the disposition process for this site until the Olney Master Plan is complete. This will allow the Planning Board and the County Council to determine the best use for this property in meeting the future needs of the Olney community.

A precedent for allowing the master plan to go first was set in Potomac. Another school site that was declared surplus at the same time as the Bowie Mill property was the proposed site of River Falls Elementary School on Brickyard Road in Potomac. When the DHCA disposition process was initiated for this site in 1998, the Potomac Master Plan was open. The community, supported by the Park and Planning Commission, requested that the disposition process be suspended until the Potomac Master Plan was finished. The County Executive suspended the process. The Potomac Master Plan was completed. The master plan recommended that the River Falls Elementary site be designated parkland and that recommendation was approved. Equity suggests the disposition process for the site in Olney be handled the same way as the site in Potomac, especially since alternative uses for the Olney site have yet to be discussed with the community.

### ***The Community's Voice Needs To Be Heard***

The community is particularly sensitive about having a say in deciding the highest and best public use for this land. The community's voice has been excluded at critical points in the history of this property.

The property was acquired by the Board of Education in 1966 to be the future site of the Olney High School. In 1996, the school board declared the property to be surplus and transferred it to the county as part of a deal to pay for the construction of Forest Oak Middle School in Gaithersburg. This decision was made in a closed session<sup>1</sup> of the Board of Education, with no community input. This hearing is the first opportunity the public has had to comment on the decision to surplus the site.

The land use records maintained at MNCPPC continued to list the site as a future school, even after the deed was transferred to the county. Adjacent property owners who purchased their homes after 1996 made their decisions based on plats that continue to show the property as the future site of Olney HS.

During the development of the Olney Master Plan, the planning staff, the MPAG (master plan advisory group) and the community believed this property was owned by the school system and was reserved for future school needs. Shortly before the publication of the Public Hearing Draft in July 2003, it was "discovered" that the site had been transferred to the county, and the plan was hastily revised without community input to recommend using the site for affordable housing. In fact, during the MPAG meetings, there was serious consideration to move Olney Elementary School to the 32-acre site and redevelop the current location as the much needed civic center.

Planning staff did not consider any other land uses at that time of their revision. Alternatives, including those recommended later in this testimony, have not been discussed with either the MPAG or the community at large. We believe they need to be given careful consideration.

### ***Long Established Principles Guide Land Use in Olney***

The land use map from the 1980 Olney Master Plan clearly illustrates how the satellite town concept introduced in the 1964 General Plan is to be implemented. The commercial / retail core is surrounded first by high-density residential uses (townhouses and apartments), then by moderate density single-family residential uses (this is where the 32-acres is located), and

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<sup>1</sup> See Appendix 1, Minutes of April 23, 1996 Board of Education Meeting.

finally by low-density rural residential uses. This concept of graduated densities purposefully guides different types of residential uses to specific areas within Olney.

This graduated densities approach ensures housing choices are available for all segments of the population. It also provides for a low-density semi-rural residential buffer between town-center and the agricultural and rural open space areas that surround it. Other important principles from the 1980 Olney Master Plan include the following.

- ◆ “The satellite town concept of development was first proposed for Olney in the 1964 General Development Plan.”
- ◆ “The satellite concept with its emphasis on contained growth is supportive and complementary to agricultural and open space preservation.”
- ◆ “An integral part of the satellite town concept is an identifiable focal point for commercial and social activities.”
- ◆ “A Town Center is proposed for Olney near the intersection of Routes 97 and 108, the present commercial core.”
- ◆ “Residential diversity applies to physical setting as well as unit type. Residential development patterns should meet the needs of those wishing a country setting as well as those desiring a more suburban environment. The Olney master plan allows for such choice by designating areas for rural estates as well as for townhouses.”

It is useful to remember that the 1980 Plan is still the operative plan for Olney. It is the plan that residents buy into when they choose to rent or buy a home in Olney.

When the Master Plan Advisory Group (MPAG) was formed in 2001, their first task was to define the concepts and goals that would shape the new master plan. Planning Staff and MPAG participants unanimously agreed that the goals and concepts of the 1980 plan should be retained. The MPAG characterized the current plan revision as a refinement of the 1980 plan rather than a replacement of it.

The draft Concept Plan published June 12, 2002 confirmed this characterization by issuing the following statement of concepts and goals:

1. Maintain and enhance the “satellite town” concept.
2. Provide housing opportunities for a diverse population (age, income, housing types)
3. Protect and preserve the area’s sensitive environmental and cultural resources.
4. Provide a well-connected and efficient system of pedestrian, bicycle and vehicular transportation network.
5. Provide safe and easily accessible recreation and lifestyle opportunities for all segments of population.

### ***How Has Olney Grown Since the 1980 Plan***

The 1980 Master Plan provided forecasts of expected growth in Olney through 1996 and an estimate of what full build-out would be. The forecast through 1996 was actually pretty good. But the major shortcoming of the plan was the forecast of build-out. What has happened in Olney in the last eight years was not anticipated by the plan. Currently, Olney has 12,662 households, whereas the 1980 Plan said full build-out would be only 10,800 households. In addition, the 10,800 figure was a “maximum theoretical capacity” that was unlikely to be reached. The Planning Board now says, and our calculations agree, that the build-out capacity

under the current zoning from the 1980 Plan is 14,100 households, a 30% increase over the supposed “maximum theoretical capacity” from 1980.<sup>2</sup>

What happened to cause such a disparity? There appears to be two primary contributing factors that were not addressed in the 1980 plan: a major change in the scope of the TDR program, and the addition of MPDU bonus densities.

The TDR program, a new concept to Montgomery County introduced in the 1980 plan, was intended to preserve agricultural land by paying farmers and other agricultural land owners not to develop their land. It was also intended to support Olney’s planned pattern of decreasing densities moving outward from the town center core to the low-density residential areas adjacent to the agricultural preserve. Olney was the prototype for the TDR program. Initially, both sending and receiving areas were contained within the Olney master plan. This requirement was intended to keep the overall density within the master plan the same while it allowed the density to move from the agricultural preserve to residential areas. People involved in the 1980 plan discussions have told us that only 50% or so of the sending rights were anticipated to be used, since not every piece of agricultural land would opt for this program.

Sometime after the Olney Master Plan was approved, the decision was made to allow TDRs from sending areas outside of the Olney master plan to be used by receiving areas within the plan. This greatly increased the supply of sending rights. At the same time, other planning areas then under review were successful at limiting the number of receiving areas in their plans. As a result, Olney was one of the primary receiving areas for the entire county, not just the Olney planning area. Whereas the community thought only 50% of the sending rights within Olney would be used to develop receiving areas within Olney, now the entire county was sending density to Olney. In fact, as of 1997, 34.3% of all of Montgomery County’s TDRs have been built in Olney, and TDR developments represent 16.7% of all Olney housing. By comparison, the sum of all TDRs for Gaithersburg, Darnestown, Travilah, Bennett, Goshen, and Potomac/Cabin John totals 28.7 % of the County’s TDRs or 1.9% of the housing in those communities. Or in the Eastern County, the sum of White Oak, Fairland and Cloverly have 16.8% of the TDRs representing 2.8% of their housing.

The report<sup>3</sup> from which these statistics are taken goes on to make the following observations:

- ◆ Regarding Master Plan Development:  
The Master Plans must strive to achieve a fair share distribution of TDRs.....
- ◆ Regarding Actual Distribution of TDRs:  
The receiving area selection process...did not provide sufficient support to insure the necessary level of service.  
  
Jurisdictions with more political organization succeeded in reducing the number of receiving areas...
- ◆ Regarding Impacts of the TDR Program on Receiving Areas:  
TDR-built units account for almost 17% of Olney’s housing units...
- ◆ Regarding Areas for Further Study  
Current practices for determining capacity are not sufficient to establish the viability of an area for sustaining additional density...

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<sup>2</sup> See Appendix 2, “What’s Wrong with the 1980 Master Plan Forecast of Build Out?”

<sup>3</sup> “TDR Program Task Force Report, MNCPPC, July 19, 2002, including Appendix 1, “An Analysis of the Transfer of Development Rights Program in Montgomery County, Maryland, A Report of the University of Maryland’s Spring 2001 Community Planning Studio.”

This report was done at the behest of MNCPPC. However, no action has been taken to mitigate the inequities identified in the report.

In addition to the changes in the TDR program, density in Olney was greatly increased by the MPDU program, the effects of which were ignored in the 1980 Master Plan. While developing the many large subdivisions created in the TDR receiving areas, developers were allowed to increase their densities by up to 22% by adding additional MPDUs to their properties. According to a report<sup>4</sup> recently prepared for the County Council, Olney has 8.2% of all MPDUs currently under price controls, although we have just 3.6% of the county's overall housing. In addition, MPDUs account for 2.8% of Olney's housing, the fourth largest percentage of the 20 planning areas.

The goals of both the TDR program and the MPDU program are to spread their products (TDR receiving areas and MPDUs) *equitably* over the county. In both cases, Olney has received more than its share of those products. As a result, development in Olney has gone far beyond what was anticipated in the 1980 plan, placing Olney in a development moratorium until our infrastructure can catch up. The Annual Growth Policy that becomes effective July 2004 may remove the moratorium with a stroke of the pen, yet no improvements to Olney's infrastructure will have occurred.

The dramatic effects of the increased densities from the TDR and MPDU programs are illustrated by a comparison of all the average densities of residential wedge communities. Olney is now the highest<sup>5</sup>.

Planning Area	Dwelling Units / Acre
Olney	0.75
Eastern County	0.66
Potomac	0.50
Travilah	0.37
Goshen	0.33
Darnestown	0.33
Upper Rock Creek	0.30

Areas of Olney that experienced some of this explosive growth now need help to restore the balance envisioned by the General Plan Refinement Objective #8A (p.47) that states "Give priority to open space, park, and recreation investments in areas with the greatest existing or proposed residential densities."

### ***What Will Full Build Out Mean***

The Public Hearing Draft of the Olney Master Plan published in July 2003 makes new predictions of housing units and population. How will these affect Olney?

The new plan forecasts the number of households at build-out to be 14,800, which has been revised upwards during the Planning Board work sessions to as much as 15,300.<sup>6</sup> Rezoning in

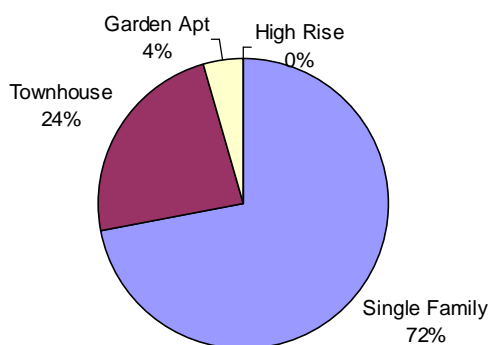
<sup>4</sup> "Strengthening the Moderately Priced Dwelling Unit Program: A 30 Year Review," A Report to the Montgomery County Council on Future Program and Policy Options, February 2004, page 3-3.

<sup>5</sup> January 20, 2004 County Council Staff Packet p.12.

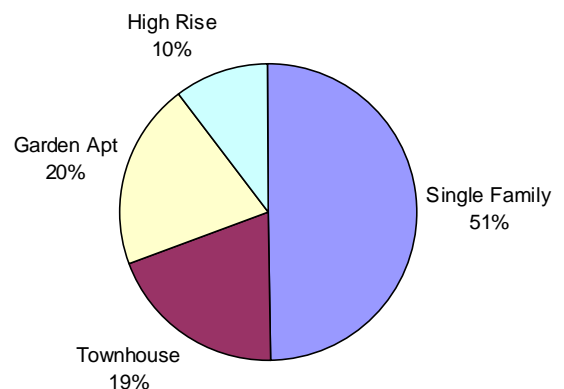
the Town Center could theoretically add as many as 1,000 additional housing units beyond that number. Currently there are 12,662 housing units on the ground, so this growth could increase the size of Olney by 20%-30% over current levels.

The Public Hearing Draft originally forecast population at build-out to be 39,000. But the recently released census update<sup>7</sup> shows Olney already has a population of 39,260. The original forecast used faulty household size estimates that were taken from countywide data, which has a far lower percentage of single-family homes (i.e., larger household size) and a higher percentage of garden apartments and hi-rises (i.e., smaller household size). The Olney Coalition’s forecast of population at build-out ranges from 46,000 – 50,000.

**Households by Type  
Olney 2003**



**Households by Type  
Montgomery County 2003**



The recent census update figures show an additional flaw in the population forecast. The data used to assess need for parks, recreation, and open space estimated a population in Olney of 37,134 by the year 2010, with 27.6% of those being age 19 and under. But the 2003 Census Update shows the current population to be 39,260 with 30.8% of those age 17 and under. This means there are about 2,000 more children in Olney now than was forecast to be here by 2010. These errors in forecasting may have a significant affect on the need for schools, parks, recreation and open space that were not accounted for in the development of the Public Hearing Draft.

***What Does Olney Need With Respect to Housing***

Olney provides a wide-variety of housing options appropriate to its nature as a “satellite town.” Olney is a family-oriented community with more children than the county average, more housing under \$300K than the county average, and with more local government employees than the county average.<sup>8</sup>

<sup>6</sup> See Appendix 3, “How Much Growth?” and Appendix 4, “Build Out Analysis.”

<sup>7</sup> See Appendix 5, “2003 Census Update.”

<sup>8</sup> See Appendix 5, “2003 Census Update” and 2000 Census data available on MC-MNCPPC website.

	Olney	Montgomery County
% of population under 18 years	30.8%	25.7%
Average age	34.7	37.3
% Family households	88.9%	74.8%
Single Family home median income	\$115,600	\$114,480
Town homes median income	\$79,315	\$73,500
% Working for local government	11.5%	6.5%
% Housing under \$300K	76.7%	69.9%

Garden apartments, townhouses, small single-families to large estate homes can all be found in Olney. Special needs are well accounted for in Olney:

- ◆ Olney is home to two HOC-owned properties<sup>9</sup> (Towne Centre Place on Morningwood Drive and Pond Ridge in the Lake Hallowell community). In addition, 139 of the MPDUs in Olney are owned by HOC or other non-profit organizations.<sup>10</sup>
- ◆ Olney also has a large number of town homes and smaller single-family homes that are more affordable to lower income households.
- ◆ Olney ranks fourth among the twenty planning areas in terms of the percentage of housing that is price-controlled MPDUs (2.8%).<sup>11</sup>
- ◆ Olney is the location of 8.2% of the total number of price-controlled MPDUs in the county, more than double its share of all housing countywide (3.6%)<sup>12</sup>
- ◆ Olney has several housing options for the elderly, including Brooke Grove, Andrew Kim House, and the new Kirby/Finneyrock development.

Olney does not have an obvious deficiency in terms of providing any particular type of housing. Countywide there is certainly a shortage of housing, as evidenced by the red-hot real estate market. But along with the development of additional housing, comes the requirement to build the appropriate infrastructure to support it. Before adding additional housing to Olney, adequate consideration, with appropriate public input, must given to meeting those infrastructure needs.

***What Does Olney Need With Respect to Schools***

**Countywide**

Montgomery County Public Schools (MCPS) has consistently predicted increases to the countywide enrollment rates between 500 and 1,500 students per year. The actual enrollment growth has been between 2600 and 3000 students per year for this same time period.<sup>13</sup> On

<sup>9</sup> See Housing Opportunities Commission website, [www.hocmc.org](http://www.hocmc.org) .

<sup>10</sup> “Strengthening the Moderately Priced Dwelling Unit Program: A 30 Year Review,” A Report to the Montgomery County Council on Future Program and Policy Options, February 2004, page 3-3.

<sup>11</sup> Ibid.

<sup>12</sup> Ibid.

<sup>13</sup> See Appendix 6, “Analysis of MCPS Enrollment and Projection History.”

average, the MCPS projections for the rate of change of countywide enrollment have been approximately 50% low.

There is a recognized sustained increase in the county's birth rates since 1999<sup>14</sup> which is one of the main components MCPS considers when predicting enrollment growth<sup>15</sup>. In addition, studies demonstrate the best educational settings are characterized by smaller class sizes<sup>16</sup>, in particular in the lower grades, and smaller schools<sup>17</sup>. This data demonstrates the need to reassess how school needs are determined – in particular for the number elementary schools that will be needed.

With the increase in growth and new educational goals, there will be a need for additional school sites across the county.

## **Olney**

The 1980 Olney Master Plan forecast a population increase of 50% by 1996, but predicted school enrollments to “increase only slightly” in the same time frame.<sup>18</sup> On page 83, the 1980 Olney Master Plan says “...analysis indicates the possibility of several excess school sites in Olney...” and concluded: “Preliminary analysis of statistics and trends suggests the possibility that no new schools may be needed in Olney over the next 20 years.”

Boy, were they wrong! Between 1980 and 1996, enrollment at Olney area schools increased by 31% and several schools and additions were built:

### Schools Built in Olney

- ◆ Blake HS (1998), current enrollment 1,836 (partially in Olney)
- ◆ Rosa Parks MS (1992), current enrollment 952
- ◆ Brooke Grove ES (1989), current enrollment 511

### School Additions Built in Olney

- ◆ Addition to Olney ES (1990), 10 additional rooms
- ◆ Sherwood HS (1990), 12 room additions
- ◆ Sherwood HS (2007), 12 more rooms planned
- ◆ Sherwood ES (TBD), addition proposed

### New Schools in adjacent clusters that relieved pressure on Olney Schools

- ◆ Shady Grove MS (1995), provided additional capacity at Redland MS
- ◆ Sequoyah ES (1990), provided additional capacity at Cashell ES

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<sup>14</sup> See MNCPPC website at [http://www.mc-mncppc.org/research/data\\_alerts/jan\\_alert\\_2002.shtm](http://www.mc-mncppc.org/research/data_alerts/jan_alert_2002.shtm).

<sup>15</sup> FY 2005 CIP, p 2-1.

<sup>16</sup> Biddle, Bruce & Berliner, David. *What Research Says About Small Classes & Their Effects*, 2002, WestEd, [www.WestEd.org/policyperspectives](http://www.WestEd.org/policyperspectives).

<sup>17</sup> *Smaller, Safer, Saner, Successful Schools*, September 2001, from the National Clearinghouse for Educational Facilities, <http://www.edfacilities.org/pubs/saneschools.pdf>.

<sup>18</sup> See Appendix 7, “Why Do We Think Olney Needs More School Sites?”

The Olney Master Plan does not address growth in adjacent planning areas that share our school clusters. In light of expected growth in these areas, decisions about the best public use of existing sites should at least be informed by area-wide needs.

- ◆ The Upper Rock Creek plan mentions two available school sites but does not address the impact of the plan on needs for new schools.
- ◆ The Shady Grove Sector plan states, “Additional middle and high schools will need to be provided outside the planning area.”
- ◆ The Sandy Spring/Ashton plan does not address schools at all.

If the Olney, Upper Rock Creek, and Sandy Spring/Ashton plans were completely built out, we estimate a total of 1,550 more students (900 more ES students, 300 more MS students, and 350 more HS students) and that does not include the impact of the Shady Grove Sector Plan that is contemplating significantly increased residential development (5,500 to 8,000 dwelling units or more) at the Shady Grove Metro.

The plan identifies only one site within the Olney Master Plan area (Oakdale Junior High School on Cashell Road) and references a site in the Upper Rock Creek Plan (Sherwood #6 on Wickham Road). The site on Emory Lane is in the ICC right-of-way.

Given the increase in birth rates, the growth predicted in Olney and the county, and need for smaller schools and smaller classes in the early years, there will be a need for additional school sites in Olney. The decision to use this 32-acre site as a future school site should be reevaluated by the Board of Education and discussed within the context of the master planning process, not the DHCA disposition process.

### ***What Does Olney Need With Respect to Parks, Open Space, Civic Center***

The results of a survey conducted by MNCPPC to determine community concerns that need to be addressed in the master plan amendment were published August 31, 2002. The 923 survey responses received were remarkably consistent.

People chose to live in Olney because of the schools (65.4%) the sense of community (39.3%) the peace and quiet (31.2%). The top three concerns identified were traffic congestion (43.2%) speeding (42.5%) and over-development (40%). The top three environmental problems identified were over-development (81%) too much traffic (76.4%) and loss of open space (49.5%).

It is also noteworthy that 74.1% identified the need for more walking/biking opportunities and 48.5% said that roads in Olney are NOT pedestrian/bicycle friendly. On a list of proposed transportation improvements, respondents top three choices were 1) Create more sidewalks and bike paths 2) Support more telecommuting policies and 3) Add new lanes at congested intersections.

The 1998 Parks, Recreation and Open Space Plan (PROS Plan) only addressed the need for three additional ball fields. This forecast was based on poor projections of both population and age distribution noted earlier.

Despite unmet needs for parks, trails and other recreation facilities, the Parks department did not respond to either the preliminary or secondary review notices issued at the beginning of the disposition process. The Olney Coalition met with the Parks Department earlier this year to understand their view of Olney's needs. We were told Parks' highest priority is for three more ball fields and the 32-acre site is not the best location for them. We agree with the conclusion that this site is not appropriate for three lighted ball fields. However, we are puzzled that Parks'

recommendations focus solely on ball fields and are silent on the need for off road walking and biking trails that connect existing parks and trails.

The Town Center lacks a strong visual identity. As the population of Olney continues to increase, a central commons is needed. A Civic Center complex which could house a police substation, an expanded library, a teen center, an office for the Chamber of Commerce, and a permanent satellite office for the Mid-County Regional Services Center is a high priority need for the community. The County Executive supported the need for this center in a letter to the Planning Board dated October 14, 2003. The Planning Board Commissioners also noted the need for a Civic Center during work session #7 on the Town Center, but lamented the lack of publicly owned land available for this purpose.

A Civic Center complex, open space and recreational facilities including trails and bikeways that serve all segments of Olney's growing population need to be considered before the highest public use for the 32-acres can be determined. The master plan needs to be given time to evaluate these needs.

### ***What Can the Land Support<sup>19</sup>***

The 32-acre site is located within the Low-Density Residential Wedge described in the 1964 General Plan Refinement. As previously stated, the satellite town concept was refined in the 1980 Olney Master Plan when graduated zoning was introduced to guide different types of development to different areas within Olney. The 32-acre property lies in the R200 zone between the high-density town center and the low-density rural open space of the Upper Rock Creek master plan and the agricultural preserve of northern Olney. The property is surrounded on all sides by mature R200 neighborhoods most of which were built before the MPDU law went into effect. Developing the 32-acres according to current requirements produces 20% greater density than these adjacent neighborhoods.

Public transportation serving this area is scarce and is limited to sporadic Ride-On service. This is an automobile dependent neighborhood on a two-lane road that was originally a dead end street built to serve a single development of homes. When Bowie Mill Road was cut through to connect Route 108 with Route 115, Muncaster Mill Road, Bowie Mill Road began to "function" as an arterial road even though the normal arterial right of way was not possible in all places because many of the older homes were too close to the median. If Bowie Mill Road ever needs to be widened between the 32-acre property and Route 108, the nearest highway, homes will need to be bulldozed.

Three utility corridors (PEPCO power lines, WSSC sewer lines, and Washington Gas Company's pipeline) bisect the property in different directions. Required buffers range from 40' for the gas line to 150' for the sewer line. The streams and wetlands require at least a 150' buffer.

The floodplain poses a different problem. Upstream of the 32-acres are two TDR receiving areas. Increased imperviousness from these developments has contributed to strong storm surges that are expanding the floodplain and eroding the stream banks on the 32-acres. Since the sewer line is in the stream valley (a standard practice when this sewer line was extended) if the erosion goes unchecked, it may compromise the sewer line at some point. The County-wide Stream Protection Strategy recommends stream bank restoration for this stream. The County is also in the process of taking over responsibility for area storm water management systems from the HOA's that manage them now.

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<sup>19</sup> See Appendix 8, "Olney Coalition Presentation to DPWT and DEP, March 15, 2004" for additional information on environmental and utility corridor issues.

Nature has placed a number of other limits on what can be done with this property. Natural hydrological features include free flowing springs, three streams, seeps, and perennial wetlands in addition to the floodplain. These environmental features limit the placement and design of structures and could significantly increase site preparation costs, a particularly important consideration for any publicly funded project. For example, the largest and most desirable section of the property is landlocked. Extending Brightwood Road to provide access would require at least one bio-sensitive stream crossing. Extending Thornhurst Drive would require putting a road through the widest part of the forest and wetlands. Both are financially and environmentally expensive ways to gain access to the landlocked acres.

In the Environmental Resources Inventory for the Upper Rock Creek Watershed MNCPPC describes the land this way.

“One particularly interesting wetland complex occurs along the power line corridor south of Morningwood Drive. A scrub-shrub wetland exists in the power line corridor, with alders and arrowwood growing over various sedges, rushes, jewelweed, and goldenrods. West of the power line is a young forested wetland dominated by red maple in the canopy with skunk cabbage growing underneath. An emergent wetland occurs in the northwest corner of the intersection of the power line corridor with a gas line corridor, with dead pin oaks and live black willows growing amid a large area of sedges, grasses, and rushes, with considerable amounts of standing water. Adjacent to the southeast of the two utility corridors is a mature wooded wetland featuring pin oaks, red maples, sycamores and tulip poplars growing above spicebush, arrowwood, skunk cabbage and jewelweed.”

This document also notes “A number of shingle oaks occur in the wetland south of Bowie Mill Road and north of Darnell Drive...” Shingle oak is a Maryland Watchlist species.

In the *Olney and Vicinity Environmental Resources Inventory* MNCPPC recommends the following strategies for managing sensitive wetland areas.

1. Identify and protect wetlands and other sensitive parts of watersheds.
2. Maintain the natural character of drainage areas in the immediate vicinity of streams, rivers, and lakes.
3. Minimize the impacts from construction and operation of public and private facilities located in stream valleys, buffers, and floodplains; first priority should be given to preserving natural areas (avoidance), second priority to mitigation, and third priority to replacement with functional equivalents.
4. Develop programs to rehabilitate damaged streams and then to maintain them.
5. Mandate no net loss of wetlands.

In order to understand the environmental sensitivities of this property, the Olney Coalition hired Richard Klein, author of the 1979 landmark study *Urbanization and Stream Quality Impairment*, to complete an initial assessment. As reported in his testimony to the County Council, Klein found:

“Beginning with a 1979 study published by Olney Coalition consultant Richard Klein, scientists have established that stream quality degradation begins when 10% of a watershed is covered by impervious surfaces, which includes buildings, streets, sidewalks, parking lots, etc.<sup>20</sup> Stream quality degradation becomes severe at a

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<sup>20</sup> Klein, R. D., 1979. Urbanization and stream quality impairment. Water Resources Bulletin 15(4):948-963.

watershed imperviousness of 25%. The 10% and 25% thresholds were confirmed in the 158-page Center for Watershed Protection publication *Impacts of Impervious Cover on Aquatic Systems*, which was released last year.<sup>21</sup>

Figure 17, on page 40 of the *Olney & Vicinity Environmental Resources Inventory*, shows that Williamsburg Run had a watershed that was 19% impervious in 1996. In other words, as of 1996 Williamsburg Run had passed the point where degradation begins and was headed towards the point where stream quality degradation becomes severe.

On page 72 of the 2003 draft Olney Master Plan, Environmentally Sensitive Design (ESD) and Low Impact Development (LID) techniques were advocated as a way of blunting the impact of impervious surfaces added to a watershed. While both ESD and LID provide many benefits, there is an upper limit to their effectiveness. In *Impacts of Impervious Cover on Aquatic Systems*, the Center for Watershed Protection suggests that this limit occurs at a watershed imperviousness of 25% for Environmentally Sensitive Design approaches.

The most comprehensive evaluation to date of the effectiveness of LID and other improved Best Management Practices (BMPs) was conducted on behalf of Montgomery County. The results of this evaluation were contained in a report entitled Stream Condition Cumulative Impact Models for the Potomac Subregion, published March 2000.<sup>22</sup> The evaluation showed that BMPs could slightly reduce the effects of watershed imperviousness upon aquatic communities. Specifically, BMPs might allow a stream draining a watershed which is 19% impervious to have an aquatic community equivalent to an imperviousness level of 16%, which is a significant but slight decrease in impact. Watershed managers hope that new BMPs might provide greater benefits, but this is just a hope at this point. It will probably be 20 years before a sufficient number of watersheds are "built-out" with the new, improved BMPs to allow scientists to gage their effectiveness.

As previously stated, the *Olney & Vicinity Environmental Resources Inventory* shows that in 1996 the Williamsburg Run watershed was 19% imperviousness. Over the past seven years an undetermined amount of impervious surfaces have been added to the watershed. The Williamsburg Run watershed may be at the 25% imperviousness threshold where ESD, LID and highly-effective BMPs cannot prevent severe stream quality degradation.

Unfortunately, the 2003 draft Olney Master Plan is silent on the current level of imperviousness in the Williamsburg Run watershed. Thus, Olney residents are not provided with the key fact essential to understanding how growth recommended in the plan will affect Williamsburg Run. For example, the plan recommends that a 32-acre, County owned meadow and forest on Bowie Mill Road be developed at a density of nearly 2.5 units per acre.

Could preservation of this 32-acre meadow-forest keep Williamsburg Run below the 25% threshold?"

Since this testimony was provided on behalf of the Olney Coalition in October 2003, the County Council approved the Upper Rock Creek master plan. A key provision of the approved plan is the creation of an SPA with an 8% imperviousness cap to protect water quality for the portion of

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<sup>21</sup> *Impacts of Impervious Cover on Aquatic Systems*, March 2003, The Center for Watershed Protection, 8390 Main Street, Ellicott City, Maryland 21043.

<sup>22</sup> See page 20 in *Impacts of Impervious Cover on Aquatic Systems*.

the North Branch of Upper Rock Creek watershed that lies within the Upper Rock Creek master plan boundaries. Williamsburg Run flows into the same North Branch of Upper Rock Creek. The 32-acres drains into the same re-charge area that naturally filters and cleans run off. A large number of homes in Upper Rock Creek depend on wells for drinking water. For this reason, many believe the boundary of the SPA should include the entire watershed instead of stopping at the master plan boundary as it does now.

There are no easy answers for this property -- only difficult tradeoffs. We believe these tradeoffs should be made within the context of the Olney Master Plan process not the DHCA disposition process.

### ***Many Visions, One Property***

We have heard a number of different plans for this property:

- ◆ **The Department of Housing and Community Affairs's vision for the 32 acres was discussed at the March 9 meeting of the Greater Olney Civic Association (GOCA).** Elizabeth Davison, head of DHCA, and Lisa Rather, Manager of the Planning Implementation Section of the County Executive's Office were the guest speakers. Ms. Davison said DHCA has workforce housing in mind for this site. Workforce housing is a new, not-yet-well-defined program targeted to people earning between 80-120% of the County median income (from \$50,000 for a small household up to about \$100,000 for a family of four.) This income range includes entry-level professionals, police officers, teachers, social workers, nurses and other professionals who have been squeezed out of the housing market in Montgomery County. To date, there is no official Workforce Housing policy in the County and it appears HOC has a different idea as to what kind of affordable housing should be built on this site.
- ◆ **The Housing Opportunities Commission's vision for the 32 acres was stated at the March 18th Planning Board meeting (Olney Master Plan work session #6.)** Scott Minton, the head of HOC, said that HOC is very excited to have the opportunity to develop this property for affordable housing. Mr. Minton indicated that HOC is already working with local architecture students to design a "mixed income affordable housing demonstration project with mixed uses including retail." Mr. Minton mentioned that the design team has visited the site and is working on their development plans. He asked the Planning Board for higher densities and greater design flexibility than allowed within the existing R200 zoning standards.

One student's concept model for the site includes several four story apartment buildings with retail on the ground floor, a commons surrounded by buildings that combine office space for small businesses and residential uses, dense rows of townhouses, a community center surrounded by tennis and basketball courts, multiple parking lots, and a fringe of single family houses along the perimeter of the property.

- ◆ **The Planning Staff recommends using the 32-acres for housing, with a significant portion affordable housing.** Planning staff has recommended the R200 zoning be retained. If the land is used for housing, a maximum of 78 dwelling units can be built on this site under R200 zoning. Since this is county-owned land, the Planning Staff recommended increasing the percent of affordable housing units required from 15% (12 MPDUs) to 20% (16 MPDUs). Up to 40% of the homes could be townhouses, and the rest would be single-family detached houses. Development that complies with R200 standards would be compatible with the properties that are adjacent to this site. However, if the county develops the land, the county is not required to follow the R200 zone standards or to limit the percent of affordable housing built on the site. Theoretically it could be 100% affordable housing for any income level, although that is

unlikely because concentration of affordable housing is not consistent with the county's policy.

### ***What is the highest public use of the land?***

The Olney Coalition believes that, in the rush to find county-owned sites for affordable housing, insufficient consideration has been given to determining the highest public use of this land. After careful consideration of community input, population data, schools forecasts and insights gathered in numerous meetings with county officials and civic leaders, we believe the highest public uses, listed in priority order are:

1. **Retain the property in reserve for future use as a school site.** We believe the highest public use (i.e., most pressing public need) for the property on Bowie Mill Road is to return it to the school system for future development as a public school.

The current draft of the Olney Master Plan forecasts an increase of 2,500 housing units and 7,000 to 9,000 people. Yet the plan says "the proposed growth [in school enrollment] is relatively small." And despite population and housing increases projected in both Olney and neighboring areas, the current school budget projects a 6% decline in Olney school enrollments by 2009.

The faulty forecasting of school enrollments in the past, combined with the anticipated growth in Olney and neighboring planning areas (which is not taken into account in the school enrollment projections done by the BOE), lead us to believe additional school sites will be needed in Olney.

2. **Designate the site as parkland.** Along with increases in population and housing units comes an increased need for parkland. The current forecasts of park and recreation needs used by the Planning Board were done in 1998 and were based on a projected population of 37,137 in Olney by the year 2010. Recently released census data show the current population is *already* 39,260. Olney's population also has a significantly higher percentage of children than was forecast.

By designating the site as parkland, the property is also preserved as something that could potentially revert to a school site if the need arises.

3. **Use the property to acquire land for a Civic Center AND to increase the stock of affordable housing.** The Olney Coalition believes a pressing issue in Olney is the creation of a Civic Center complex to house such things as a police substation, an expanded library, a teen center, a Chamber of Commerce office, the Mid-county Regional Services Center and to provide a central commons for the Town Center. The problem is a lack of publicly owned land within the Town Center. The property on Bowie Mill Road is outside of the Town Center and would not be a suitable location for a Civic Center complex. But the property does have value and is an appealing site for a private developer to build housing.

In order to leverage the Bowie Mill property to create a Civic Center complex, the property could be sold to a private developer, and the proceeds of the sale could be used to purchase all or part of a piece of property within the Town Center. If one of the larger shopping centers were to redevelop, perhaps the owners would be willing to sell a portion of the property to the county for a Civic Center.

With the new mixed-use zone that has been discussed by the Planning Board, the first and second floors could house the public uses mentioned above and affordable housing could be built on the floors above it. This arrangement could potentially yield even more affordable housing units than if the 32-acre site was developed alone.

Town Center is a more appropriate location for a high-density affordable housing development due to the proximity to shopping and public transportation options. Additional affordable housing would be built on the Bowie Mill Road property even if developed privately since the site must include a minimum of 12.5% MPDUs under current regulation. If the planning staff recommendation is implemented, a private developer could be required to provide 20% MPDUs.

### ***Summary and Conclusion***

1. The process that has been established for making land use decisions needs to be followed and the community needs to have a voice in the process. Making this decision outside of the master plan process is inappropriate. Therefore we request that the disposition process be suspended until the County Council approves the Olney master plan.
2. There are a variety issues that need to be addressed:
  - ◆ Increasing the stock of affordable housing.
  - ◆ Ensuring that full build out of the Olney master plan satisfies the community's needs for the next 20 years and results in balanced land use (commercial, retail, a full range of housing choices, schools, parks and open space).
  - ◆ Protecting water quality in the North Branch of the Upper Rock Creek regardless of which master planning area it falls in.

Now is the time to look beyond customary answers and find creative solutions that meet all of these needs without sacrificing one for another.

In order to address these sometimes conflicting priorities decision makers need to consider each element of the master plan within the context of the whole master plan. The question is not what is the maximum amount of development each property including the 32-acre site can handle. The question is what is the highest use of each property consistent with the vision for this master planning area as a whole and consistent with countywide strategies for such things as job growth, affordable housing and the environment.

On behalf of the Olney Coalition, thank you for this opportunity to participate in the process.

Respectfully,

Nancy Wendt, President