




OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich
County Executive

MEMORANDUM

October 20, 2022

TO: Gabe Albornoz, President
Montgomery County Council

FROM: Marc Elrich, County Executive 

SUBJECT: Thrive 2050

The Council's loss of confidence in, and decision on October 12 to accept the resignations of every member of the Planning Board, effective immediately, has shaken our planning process to its core, creating confusion and dismay as the public and all stakeholders try to understand why this grave, unprecedented step was necessary. In the midst of this crisis, the Council has decided to move forward with Thrive, and is scheduled to approve it on the same day that it will appoint a temporary Planning Board. In making this decision, the Council seems to believe that Thrive was not affected by the pattern of misconduct that led to the wholesale termination of the Board. I disagree.

It is impossible to separate the preparation and presentation of Thrive from the Board's misconduct. While working on Thrive, the Board broke significant rules with respect to the Open Meetings law, the registration of lobbyists, and the use of the consent calendar. These violations impugn the Board's work product, and raise concerns that the Board, in search of a certain result, might have been willing to bend the rules on other occasions.

There have also been Council reprimands of the Chair and two other Board members for inappropriate conduct in the workplace due to the knowing violation of long-standing, established M-NCPPC policy. And there appear to be ongoing investigations of other violations.

Rather than approving Thrive, and sweeping everything under the rug, the public deserves a full explanation, a written report, that explains what has happened, whether more investigations are ongoing or needed, and what steps have been taken to ensure that this doesn't happen again. The Council should not move forward with Thrive until it can assure itself, the public and

stakeholders that there are no improprieties with respect to Thrive.

On September 12, after reviewing the report from the Council's consultants identifying serious concerns and recommending significant changes, I wrote to request that the Council disapprove Thrive in order to allow more outreach and engagement of BIPOC and low-income residents. There are more reasons now to disapprove Thrive and send it back to a new Planning Board. As I explain below, the current Thrive draft contains significant errors that could have been avoided if the Planning Board and the PHED Committee had respected and taken seriously the comments of the Executive branch and the public. A more open-minded, even-handed Planning Board, with fresh eyes, may be the antidote that cures Thrive.

For reasons only known to the defunct Planning Board and PHED Committee, the vast majority of the Executive¹ and public comments have been ignored, minimized or disputed. One consequence is that the Plan contains significant errors that have never been reviewed.

Error No. 1 - At its September 22, 2022 work session, at the last minute in the review process, the Council added three new chapters on Economic Development, Environmental Resilience, and Racial Equity, without any recommendations. These brand-new chapters, none of which contain recommendations, were never the subject of a public hearing because they were written over a year after the public hearings that were held in June 2021.

The public never saw the new chapters until the Saturday before the work session. During the work session, the Council did not review any of the concerns of the public, pro or con, that had been expressed in over 1500 pages of correspondence; instead, it reviewed two sets of comments--those from Jane Lyons of the Coalition for Smart Growth (CSG) and those of staunch Thrive supporter Dan Reed, of Greater Greater Washington. The Council didn't mention the absence of recommendations in the new chapters. I have been told that there were no recommendations because there was "not enough time."

Error No. 1 Remedy - Disapprove the Plan and send it back to a new Planning Board. At a minimum, the Council needs to hold a public hearing on the three new chapters since the public has never had an opportunity to review and comment on them. The public hearing should not be held until there are substantive recommendations for each new chapter. After the public hearing, the Council should hold another work session on these chapters to review them and the public comments. The absence of recommendations for economic development and the environment is particularly difficult to understand because the original Public Hearing Draft from Planning staff included chapters on these subject matters along with extensive recommendations.

¹ The Thrive Montgomery Working Group (OMB, DHCA, MCDOT, MCPL, OAS, DGS, MCFRS, DEP, MCPD, DTS, DHHS, and the Office of Racial Equity) commented on Thrive to the Planning Board in August 2020, after the Planning Department circulated a draft in June 2020. The Working Group prepared extensive comments then, and also for subsequent drafts and revisions both at the Planning Board and Council. The County Executive testified at public hearings at the Planning Board and before the County Council.

Error No. 2 - Throughout the process, the Thrive drafts have had the wrong Growth Map in the Compact Growth chapter. Thrive has the Growth Map for the 1964 Plan, when, in fact, the current Growth Map is in the 1993 Refinement. The 1964 Plan had only two land uses: urban and rural. The 1993 Plan added new land uses, Suburban Communities and Residential Wedge. Thrive removes those land uses without ever acknowledging their existence. As a result, Thrive is misleading on a critical component of the General Plan. This material error has never been addressed despite the fact that the Executive branch wrote the Planning Board in August 2020 to highlight this issue:

In the past, Montgomery County planning has been based on offering land use choices over its 507 square miles. See the 1993 Plan—Geographic Components of the General Plan Refinement. “The General Plan Refinement divides Montgomery County into four geographic components: the Urban Ring, the Corridors, the Suburban Communities, and the Wedge....” P. 20, see also, the Growth Map on p. 22. The draft does not explain why this plan omits any discussion of the suburbs or rural areas. Will suburban and large lot rural areas still exist in 30 years, or is this plan proposing that for the next 30 years all development will be compact and dense? In the next draft, please clarify whether this plan still supports the geographic areas of Suburban Communities and the Rural Wedge as part of the future of this County. If not, what does the plan support for those geographic areas? The plan should include a schematic map.

The Executive branch never received an answer to these questions.

Error No. 2 Remedy - Disapprove the Plan and send it back to a new Planning Board. Alternatively, as with the three new chapters, there needs to be a public hearing on the 1993 Growth Map and how Thrive changes it. The public needs to know that Thrive Montgomery removes Suburban Communities, and the Residential Wedge as recognized land uses in certain geographic locations in the County. It has a right to know what effect, if any, this change will have on their individual properties and on future growth in their neighborhood. Council staff referred to the Thrive Growth Map as “likely the most important graphic in Thrive...”

I have been told that the 1993 Growth Map may be included in the final draft that goes to the Council next week on October 25. Obviously, finally including the map on the day that the plan is approved does not cure the underlying error of omitting it throughout the entire Thrive process, and, in some ways, it makes matters worse because it is a tacit recognition that the omission of the current Growth Map is a material error that must be corrected before the plan is finalized.

The importance of the Growth Map cannot be underestimated. Council staff notes in the Staff Report of October 4 that the Growth Map “is likely the most important graphic in Thrive and provides the basis for understanding policies recommended in this chapter.” PDF, p. 9.

Error No. 3 - Throughout the Thrive process, County and Planning officials have misled residents and other County officials about the significance of Thrive for rezoning and changes in subdivision and other land use policies. These County and Planning officials claimed over and

over in many different forums that “Thrive is a policy document and does not change any zoning in any neighborhood.” (See Myths vs. Facts, Montgomery Planning Department website.) The PHED draft similarly stated that Thrive “provides direction for decisions about land use, transportation, and related issues under local government influence, but it does not change zoning or other detailed land use regulations.”

The Updated Council draft for approval next week, however, finally explains Thrive’s true significance as a prerequisite for rezoning. It states: Thrive “provides direction for decisions about land use, transportation, and related issues under local government influence, but it does not by itself change zoning or other detailed land use regulations although implementation of its recommendations may require such changes.” See PDF, p. 4, Emphasis added. This clarification, added this month, comes far too late.

In other words, the County Council can only rezone the area recommended for “Limited Growth” in Thrive if Suburban Communities and the Residential Wedge are removed from Thrive as valid land uses and replaced by “Limited Growth.” There is already a ZTA waiting in the wings to accomplish the rezoning, called the Attainable Housing Initiative. The Planning Board and the PHED Committee failed to tell the public what the current land uses are, while also withholding the information that a massive rezoning to urbanize most of the County could only take place after Thrive was enacted with the new Growth map—thus, the most important graphic in Thrive. Whether or not public officials withheld or buried this information, this information should be shared with the public now so that there is a clear understanding that while Thrive itself doesn’t accomplish the rezoning of all single-family neighborhoods, it provides the basis for doing so.

Error No. 3 Remedy - Disapprove this Plan and send it back to a new Planning Board so that the implications of changes in the Growth Map can be fully vetted and understood by the public.

Error No. 4 - The current Thrive draft (PDF pgs. 14-15) misstates the success of the consultants’ RESJ report by omitting the consultants’ conclusion that their own outreach and engagement efforts to BIPOC and low-income residents were inadequate due to insufficient time (only three months), and the greater difficulty in identifying participants during the summer.

Error No. 4 Remedy - Disapprove Thrive to allow more outreach to BIPOC and low-income residents.

Here is my letter of September 12, 2022, detailing the reasons why Thrive should be disapproved to allow more outreach.

https://www.montgomerycountymd.gov/OPI/Resources/Files/2022/Thrive2050_CEmemo_9-12-22.pdf

The Council made a consequential decision to dismiss the entire Planning Board for the first time in modern Montgomery County history. It has a responsibility to be transparent about that decision, and to explain its reasons to the public in a written report. In the meantime, the wholesale dismissal has cast a shadow over the entirety of the Planning Board’s actions and

Thrive 2050
October 20, 2022
Page 5 of 5

work product, including Thrive Montgomery 2050. There is no urgency to pass Thrive 2050 immediately and there are many good reasons to disapprove it and send it back to the new Planning Board. As one of the racial equity consultants hired by the County Council stated, “Compressed timeframes are the enemy of equity.” Let’s take the time to get it right – we owe it to our residents and everyone who wants to see Montgomery County thrive.

Thank you for your consideration.