

**Testimony of Hilary Swab on the 2024-2028 Growth and Infrastructure Policy
Montgomery County Council
September 10, 2024**

Introduction:

My name is Hilary Swab, I am a parent of a first-grader at Ashburton Elementary School, a Cluster Representative for the Ashburton PTA, a Walter Johnson graduate, and a resident of Montgomery County.

My remarks are focused on three issues in the Planning Board's 2024-2028 Growth Infrastructure Policy: 1) The proposal will significantly reduce money for MCPS by giving large developers tax breaks; 2) The proposal will exacerbate the capacity issues at MCPS schools, specifically Ashburton ES, North Bethesda, and Walter Johnson; and 3) The Planning Board's continuously mischaracterizes the growth context in the WJ cluster and the Ashburton ES borders.

Ashburton Elementary School Capacity and Designation as a Tier 2 Utilization

The Planning Board's 2024-2028 GIP identifies Ashburton ES as a Tier 2 utilization, meaning that utilization will exceed 120%. This is not the first time that Ashburton ES has been identified as a school where utilization exceeds 120%. Before the County Council repealed building moratoriums in school service areas, the service area of Ashburton ES had been under a building moratorium between July 2018 and June 2019. However, MCPS determined that the "projected space deficits" at the elementary school level was insufficient to warrant a new elementary school for the Ashburton community.

Despite MCPS' determination, when the Planning Board proposed changes to the Rock Spring Sector Plan, it also recommended a new elementary school in this area.¹ One recommendation was to re-open the elementary school on Grosvenor Lane, which is being used as a holding school. Another option, as included in the WMAL development plan, a 4.3 acre site was set aside for MCPS to develop as a new elementary school. Yet nothing has happened. Planning and constructions dollars have been pushed to "TBD."²

The housing development in the Ashburton elementary school service area has continued to outpace the pace at which MCPS has even considered planning a new elementary school in this area. Planning dollars and constructions dollars have been de-prioritized by MCPS and the County Council, but the Planning Board and the Council appear to be dead set on giving tax dollars away to big developers and increasing the size of MCPS schools with little regard for how students and teachers are affected.

¹ Rock Spring Master Plan, Planning Board Draft 2017, Community Facilities.

² Capital Improvements Program/Master Plan, Walter Johnson Cluster,
<https://www.montgomeryschoolsmd.org/departments/planning/cipmaster/>

When the building moratorium was lifted in the Ashburton elementary school service area, three new developments began construction. However, no utilization premium payments were collected because the application of these developments were approved prior to the moratorium being put in place and prior to the UPP put in place. Construction for the Amalyn, the Rae, and the Astrid began after the building moratorium was lifted, but before the UPP was put in place, essentially increasing the capacity of Ashburton, North Bethesda, and Walter Johnson, without having any additional funding for the increased capacity. If there was not a timing issue for when UPP payments are imposed and collected, then perhaps there would have been enough money to finish the auditorium at the new Charles Woodward site.

New development in the Ashburton ES-WJ HS service area is what is what is increasing utilization of these schools exponentially. The possible development at the Rock Spring Sector will only further strain capacity at these schools. Development plans are already in the works for another 400 unit building in the Rock Spring Sector, and it is unclear if that development will have to pay a utilization premium payment because of how and when the UPP and impact fees are imposed.

The Planning Board and the County Council's failure to acknowledge how the excessive development in this area is affecting our schools. Last year this County Council approved a MCPS budget that eliminated teacher positions, increased class sizes, and stalled new school construction. The Planning Board's proposal will reduce funding for MCPS by nearly \$1 million per year, exacerbating the budget issues from last year and carrying them forward into the future. The 2024-2028 GIP proposal is a tax break for large corporate developers at the expense of students, teacher, and this community.

Recommendation:

a. Alignment of UPP Payments to When Buildings are Place in Service:

Both the Amalyn and the Astrid (Pook Hill Development) and initial plans approved prior to the imposition of a building moratorium in the Ashburton ES/WJ HS service areas, however, construction did not begin until after the moratoriums had been lifted, but the UPPs had not been imposed. Additionally, most development plans typically propose amendments to those plans and in the case of the Amalyn, an amendment was approved in 2022. The UPP could have been imposed at this time, but was not.

Because the UPP and impact fees are collected at the time of the *initial development* application approval, many developments do not need to pay the UPP. A school may fall into a UPP service area one year, but because the approval of the initial application occurred years before, the UPP will not be imposed. The County Council and Planning Board should revise when UPPs are imposed, to make it either at the time the building is placed in service, point-of-sale for single family homes in a development, amendment application, or when the development reaches 25% occupancy. This will ensure that developments in school service areas are actually paying for the increased capacity even if at the time of approval for the plan, the school service area was not identified as eligible for a UPP.

b. Reject Reduction of Impact Fees for Office-Residential Conversion

Understanding the goals of the county to attempt to convert empty office space to housing, this proposal is simply a tax give away to building owners that have already been depreciating their property (which leads to a reduction in property taxes).

As proven by the conversion of some of the properties in the Rock Spring Sector plan already, this impact fee reduction or elimination is not necessary. Any consideration of this type of tax-benefit should be carefully considered and applied very narrowly. For example, this type of benefit could be considered if the developer will make at least 30% of the units affordable, instead of the minimum mandated by Montgomery County's Moderately Price Dwelling Unit requirement or the rental units are offered at no more than 85% fair market rent.

The 2024-2028 Proposed GIP is a Corporate Tax Give Away at the Expense of Students and Teachers:

As it stands today, Ashburton ES has an enrollment of 867 students. In the spring of 2020, enrollment had grown to 920. It is projected that enrollment will reach nearly 900 students next year.

The last time capacity issues arose at Ashburton, MCPS made the decision to make portable classrooms permanent. Let me be clear, this annex is nothing more than portables placed on bricks. Children still have to walk outside to go from these classrooms to the main building to get to the cafeteria, the gym, and the main office.

Over utilization is not just about class sizes, it affects everything from lunch periods having to begin at 10:50 in the morning to traffic in and out of the neighborhood where the school is located. There are six kindergarten classes each with 25 kids; there is an advance fourth-grade math class that has 36 kids; on-site before and after care can only serve 8.5% of children due to limited space availability; limited access to outdoor space during the day aside from recess; and safety concerns.

When the budget was approved by the Council last spring, money for planning and building a new ES in this community was pushed back again. MCPS continues to deprioritize the funding of planning and development, *and* has proposed a new elementary school to serve both BCC and WJ. In the meanwhile, the Planning Board and the County Council are moving full steam ahead to develop at least another 1,000 housing units in this community and there is literally no plan to increase the capacity at Ashburton ES. Instead, the proposed GIP would cut funding for MCPS and the capacity issues at Ashburton elementary school will only be exacerbated by the lack of collection of UPP and impact fees.

The Ashburton community rejects MCPS' proposal for a shared elementary school between the BCC and WJ cluster. The Ashburton community has continuously been overlooked by MCPS and the County Council as a priority for the development of a new elementary school for over a

decade. It is time for the Council, MCPS, and the Planning Board to acknowledge what we are all seeing: A new elementary school is needed, and it cannot wait another five years.

Recommendations:

There are multiple ways to achieve a new elementary school to increase capacity and better serve this community:

- A split elementary school model, where K-2 and 3-5 are in separate locations. This is currently the model used across the county and would be an option utilizing the 4.3 acre site at Amalyn.
- The redevelopment of the holding school currently located on Grovesnor Lane. The property is large enough to develop a new elementary school and the county also controls the park behind the school.
- Redrawing of school boundaries to better reflect geographical proximity of housing to local elementary schools.