

Summary of Council Action on the 2009-2011 Growth Policy: Resolution 16-1187

On Tuesday November 10, the County Council unanimously adopted the 2009-2011 Growth Policy. This policy applies many of the initiatives recommended by the Planning Board. While not all of the Board's changes were supported by the Council, the steps taken are a positive step toward *smarter growth*, including establishment of the Smart Growth Criteria, referred to in the resolution as *Special Mitigation Standards*, and the \$11,000 per vehicle trip mitigation value.

The Council deferred action on recommendations relating to the White Flint Sector Plan to be reviewed in the context of that plan during the next month. The Council also discussed changing both the timing of the Growth Policy Review (from every two years to every four years) and the title/purpose of the review. These topics are included in Bill 38-09, which was the subject of a County Council Public Hearing on December 1 and will be discussed in January at a PHED Committee worksession.

The changes to the School Facilities Payment take effect November 15. The remaining changes to the new Growth Policy take effect January 1, 2010. The Planning Board adopted revised *LATR/PAMR Guidelines* on December 17, 2009, updated to reflect the 2009-2011 Growth Policy on December 17, 2009.

Status of Board Growth Policy Recommendations

The following paragraphs describe how each of the Planning Board's eleven Growth Policy recommendations were addressed by the Council.

1. Special Mitigation Standards for Policy Area Mobility review (PAMR), based on incentives to direct growth to areas served by regular public transit that meets the Smart Growth Criteria

For projects meeting the Smart Growth Criteria, PAMR mitigation costs should be allocated as follows:

- 50% applied to providing public transit improvements in the site Policy Area
- 25% applied to general transportation improvements
- 25% retained by the developer

The Council retained the Board's provision that 50% of the mitigation funds be applied to transit, but redirected the 25% the Planning Board recommended for affordable housing now apply to transportation infrastructure instead.

The Planning Board recommended that the *Special Mitigation Standards* apply to all appropriately zoned land within ½ mile of transit with minimum of 15 minute bus headways. The Council specified the area for *Special Mitigation Standards* as Metro Station Policy Areas plus four other designated areas: Town of Kensington, North Bethesda Road Code Urban Area, Rock Spring (Office) Park, and White Oak Commercial Center.

2. The Council did not support the proposed symmetrical treatment for level of service standards for transit and arterial mobility, allowing LOS for urban roadways to be assessed at LOS E, rather than LOS D.

Council essentially retained the current PAMR chart, with the exception of a 50% cap on mitigation. Thus partial mitigation remains 5%-45%, but full mitigation is set at 50% mitigation.

3. The Council supported the Planning Board recommendation to set the value of each vehicle trip mitigated at \$11,000.

Council staff will also propose changes to County legislation to establish the mitigation value more formally, similar to the school facilities payment. The Council also specified that any improvement required to satisfy Local Area Transportation Review can be applied toward PAMR mitigation, using the established per-trip value.

In light of the Executive's alternative to PAMR analysis, the Council deferred action on the Board's recommendation to the transfer of approved APF trips to Metro Station Policy Areas from within the same PAMR policy area.

4. The recent *LATR/PAMR Guidelines* adopted by the Planning Board adjusted the residential trip generation rates by 18% in MSPAs only. This Board recommendation was supported by Council although it was noted that the Council felt this recommendation was fully within the Board's authority and therefore does not require Council approval.
5. Council decided to postpone the decision on replacing the LATR and PAMR mitigation with designated public entities and other funding mechanisms for the White Flint policy area as it will be considering this option during worksessions on the White Flint Sector Plan.
6. Council approved the boundary changes for Gaithersburg, Rockville, Twinbrook, and Germantown Town Center.

Council voted against creating a separate Life Sciences Center from within the R&D Village, and postponed the decision on the White Flint boundary until discussion of the Sector Plan. Until that decision is made, the prior official boundary for White Flint will be in place – a version last approved in 2003.

7. The Council retained the current threshold for application of the school facility payment at school capacity utilization greater than 105%.

8. The Council also retained the threshold for school moratorium at school capacity utilization greater than 120%.

9. The Council did not adopt the recommendation to grandfather residential subdivision applications completed 12 months prior to a moratorium, allowing these applications to proceed to the Board for approval.

Council staff introduced for Council consideration the approval of four School Cluster PDFs that fund additional capacity in these school clusters. This recommendation was considered in T&E committee and the three of the four PDFs (Bethesda, Seneca valley and Northwest) passed Council approval under separate resolution following the Growth Policy resolution.

The Council approved a mid-cycle review of school adequacy by the Planning Board in light of the additional capacity. This mid-cycle review will occur in January at which time the Bethesda, Seneca Valley and Northwest school clusters will no longer be under moratorium for residential subdivision. Residential development in these clusters will still require a school facility payment due at building permit.

10. The Council did not adopt the recommendation to allow any approved school capacity for a specific development to be transferable to another development within the same school cluster.