

**MEMORANDUM**

TO: County Council

FROM: *GO* Glenn Orlin, Deputy Council Staff Director  
*MF* Michael Faden, Senior Legislative Attorney

SUBJECT: **Action:** 2007-2009 Growth Policy

Attached on ©1-31 is an adoption resolution for the 2007-2009 Growth Policy which reflects the decisions tentatively made by the Council in its October 30 and November 6 worksessions. By law a 2007-2009 Growth Policy must be adopted by November 15, 2007; otherwise, the current (2003-2005) Growth Policy remains in effect.

**Effective date** The Council now needs to set an effective date for the new transportation and school adequacy tests. Complete preliminary plan applications filed after the effective date would be subject to both tests. In January the Council enacted what is now Subdivision Regulation 07-03 (as amended in September) that gives the Council the option to apply the new tests to any application filed on or after January 1, 2007 (see ©37-40).

**Alternatives:**

- *Apply the tests to any application filed after January 1, 2007.*
- *Apply the tests to any application filed after November 13, 2007.*
- *Apply the tests to any application filed after December 31, 2007.*

The Planning staff list of preliminary plan applications filed after January 1, 2007 is attached on ©36. This version of the list does not include amendments to existing plans (not subject to this option) and applications for de minimis developments (not subject to the tests).

**Public agency consent on subdivision conditions** Under both PAMR and LATR, the draft resolution requires that a developer must enter into a public works agreement with the government agency responsible for constructing and maintaining a facility or program before the Planning Board can record a plat. For example, if a developer must widen a County road as a condition of the development's approval, then the developer must have a written agreement with the Department of Public Works and Transportation before the plat is recorded.

Executive staff would broaden this provision to require the government agency's consent *before preliminary plan approval*. DPWT has seen cases where a subdivision was approved based on a conditional County road improvement which, ultimately, DPWT was not willing or able to approve.

Council staff recommends adding text on ©9 and ©16 to require public agency consent to an improvement that the agency would fund, build, or maintain before it can be approved as a preliminary plan condition.

***Issues to be addressed in the future*** Several comments were made by individual Councilmembers, Executive staff, and Council staff about elements of the 'to do' list. Council and Planning staff rewrote and re-formatted the list (see ©28-31). We believe all the items suggested by Councilmembers appear on the list, but Councilmembers should review it to assure that the essence of each study item was sufficiently captured.

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Resolution No: \_\_\_\_\_  
Introduced: \_\_\_\_\_  
Adopted: \_\_\_\_\_

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND**

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By: Council President at the request of the Planning Board

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**SUBJECT:** [2003-5 Annual] 2007-2009 Growth Policy [- Policy Element]

**Background**

1. County Code §33A-15 requires that no later than November 15 of each odd-numbered year, the County Council must adopt a Growth Policy to be effective until November 15 of the next odd-numbered year, to provide policy guidance to the agencies of government and the general public on matters concerning land use development, growth management and related environmental, economic and social issues.
2. On December 12, 2006, the County Council adopted Resolution 16-17; directing the Planning Board to prepare growth policy recommendations by May 21, 2007.
3. On May 21, 2007, as required by Resolution 16-17 and in accordance with §33A-15, the Planning Board transmitted to the County Council its recommendations on the 2007-2009 Growth Policy. The Final Draft Growth Policy as submitted by the Planning Board contained supporting and explanatory materials.
4. On June 19 and June 26, 2007, the County Council held public hearings on the Growth Policy and related items.
5. On October 1, 8, 15, 16, and 22, 2007, the Council's Planning, Housing, and Economic Development Committee conducted worksessions on the recommended Growth Policy.
6. On October 23 and 30, and November 6, 2007, the Council conducted worksessions on the Growth Policy, at which careful consideration was given to the public hearing testimony, updated information, recommended revisions and comments of the County Executive and Planning Board, and the comments and concerns of other interested parties.

## Action

*The County Council for Montgomery County, Maryland, approves the following Resolution:*

The [2003-5 AGP] Growth Policy [Element] is approved as follows:

### Applicability; transition

#### AP1 Effective dates

This resolution takes effect on [July 1, 2004] ~~[[August 1, 2007,]]~~ November 15, 2007 and applies to any application for a preliminary plan of subdivision filed on or after that date. ~~[Any preliminary plan of subdivision for which a completed application was filed before July 1, 2004, is subject to all provisions of the previous Annual Growth Policy, as contained in Council Resolution 15-259. All provisions of Resolution 15-259 continue in effect until July 1, 2004.]~~ In accordance with [[Subdivision Regulation Amendment 06-03]] County Code §50-35B, any preliminary plan of subdivision for which a completed application was filed on or after January 1, 2007 is subject to the provisions of this resolution.

#### ~~[AP2 Previous approvals~~

~~If any preliminary plan of subdivision that was approved before July 1, 2004, is either modified or withdrawn and replaced by a new application for a subdivision plan at the same location or part of the same location, the Planning Board when it approves or re-approves a preliminary plan of subdivision after July 1, 2004, must retain any transportation improvement required in the previously approved plan.]~~

### Guidelines for the Administration of the Adequate Public Facilities Ordinance

County Code Section 50-35(k) ("the Adequate Public Facilities Ordinance or APFO") directs the Montgomery County Planning Board to approve preliminary plans of subdivision only after finding that public facilities will be adequate to serve the subdivision. This involves predicting future demand from private development and comparing it to the capacity of existing and programmed public facilities. The following guidelines describe the methods and criteria that the Planning Board and its staff must use in determining the adequacy of public facilities. These guidelines supersede all previous ones adopted [administratively by the Planning Board to the extent that these guidelines conflict with previous ones. They also supersede those provisions of the Adequate Public Facilities Ordinance that were specified to apply only until the County Council had approved an Annual Growth Policy] by the County Council.

The Council accepts the definitions of terms and the assignment of values to key measurement variables that were used by the Planning Board and its staff in developing the recommended [Annual] Growth Policy. The Council delegates to the Planning Board and its staff all other necessary administrative decisions not covered by the guidelines outlined below. In its administration of the APFO, the Planning Board must consider the recommendations of the County Executive and other agencies in determining the adequacy of public facilities.

The [ceilings] findings and directives described in this [AGP] Growth Policy are based primarily on the public facilities in the amended FY [2003-2008] 2007-12 Capital Improvements Program (CIP) and the Maryland Department of Transportation FY [03-08] 2007-12 Consolidated Transportation Program

(CTP). The Council also reviewed related County and State funding decisions, master plan guidance and zoning where relevant, and related legislative actions. These [ceilings] findings and directives and their supporting planning and measurement process have been the subject of a public hearing and review during worksessions by the County Council. Approval of the [ceilings] findings and directives reflects a legislative judgment that, all things considered, these [ceilings] findings and procedures constitute a reasonable, appropriate, and desirable set of growth limits, which properly relate to the ability of the County to program and construct facilities necessary to accommodate growth. These growth limits will substantially advance County land use objectives by providing for coordinated and orderly development.

These guidelines are not intended to be used as a means for government to avoid its responsibility to provide adequate public facilities. Biennial review and oversight allows the Council to identify problems and initiate solutions that will serve to avoid or limit the duration of any moratorium on new subdivision approvals in a specific policy area. Further, alternatives may be available for developers who wish to proceed in advance of the adopted public facilities program, through the provision of additional public facility capacity beyond that contained in the approved Capital Improvements Program, or through other measures [which] that accomplish an equivalent effect.

The administration of the Adequate Public Facilities Ordinance must at all times be consistent with adopted master plans and sector plans. Where development staging guidelines in adopted master plans or sector plans are more restrictive than [AGP] Growth Policy guidelines, the guidelines in the adopted master plan or sector plan must be used to the extent that they are more restrictive. The Growth Policy does not require the Planning Board to base its analysis and recommendations for any new or revised master or sector plan on the public facility adequacy standards in this resolution.

### **Guidelines for Transportation Facilities**

#### **TP Policy Areas**

#### **TP1 Policy Area Boundaries and Definitions**

For the purposes of transportation analysis, the County has been divided into 313 areas called traffic zones. Based upon their transportation characteristics, these areas are grouped into transportation policy areas, as shown on Map 1. In many cases, transportation policy areas have the same boundaries as planning areas, sector plan areas, or master plan analysis (or special study) areas. The policy areas in effect for [2004-5] 2007-2009 are: Aspen Hill, Bethesda CBD, Bethesda-Chevy Chase, Clarksburg, Cloverly, Damascus, Derwood, Fairland/White Oak, Friendship Heights, Gaithersburg City, Germantown East, Germantown Town Center, Germantown West, Glenmont, Grosvenor, Kensington/Wheaton, Montgomery Village/Airpark, North Bethesda, North Potomac, Olney, Potomac, R&D Village, Rockville City, Rockville Town Center, Rural East, Rural West, Shady Grove, Silver Spring CBD, Silver Spring/Takoma Park, Twinbrook, Wheaton CBD, and White Flint. The following are Metro Station Policy Areas: Bethesda CBD, Friendship Heights, Glenmont, Grosvenor, Rockville Town Center, Shady Grove, Silver Spring CBD, Twinbrook, Wheaton CBD, and White Flint. [Detailed boundaries of the policy areas are shown on Maps 2-31.] Boundaries of the policy areas are shown on maps 2-.

The boundaries of the Gaithersburg City and Rockville City policy areas reflect existing municipal boundaries, except where County-regulated land is surrounded by city-regulated land. The boundaries of these municipal policy areas do not automatically reflect any change in municipal boundaries; any change in a policy area boundary requires affirmative Council action.

**TP2 Policy Area Mobility Review**

**TP2.1 Components of Policy Area Mobility Review**

There are two components to Policy Area Mobility Review: Relative Arterial Mobility and Relative Transit Mobility for each policy area.

**TP2.1.1 Relative Arterial Mobility**

Relative Arterial Mobility is a measure of congestion on the County’s arterial roadway network. It is based on the urban street delay level of service in the 2000 Highway Capacity Manual, published by the Transportation Research Board. This concept measures congestion by comparing modeled (congested) speeds to free-flow speeds on arterial roadways. It then assigns letter grades to the various levels of roadway congestion, with letter A assigned to the best levels of service and letter F assigned to the worst levels of service. For a trip along an urban street that has a free-flow speed (generally akin to posted speed) of 40 MPH, LOS A conditions exist when the actual travel speed is at least 34 MPH, including delays experienced at traffic signals. At the other end of the spectrum, LOS F conditions exist when the actual travel speed is below 10 MPH.

**Relative Arterial Mobility and Arterial LOS**

<u>If the actual urban street travel speed is</u>	<u>PAMR Arterial LOS i</u>
<u>At least 85% of the free-flow speed</u>	<u>A</u>
<u>At least 70% of the highway speed</u>	<u>B</u>
<u>At least 55% of the highway speed</u>	<u>C</u>
<u>At least 40% of the highway speed</u>	<u>D</u>
<u>At least 25% of the highway speed</u>	<u>E</u>
<u>Less than 25% of the highway speed</u>	<u>F</u>

Any policy area with an actual urban street travel speed equal to or less than ~~[[10]]~~ ~~[[25]]~~ 40 percent of the highway speed must be considered ~~[[inadequate]]~~ acceptable with full mitigation for transportation.

The PAMR evaluates conditions only on the arterial roadway network. Freeway level of service is not directly measured because County development contributes a relatively modest proportion of freeway travel, and because the County has limited influence over the design and operations of the freeway system. However, because arterial travel is a substitute for some freeway travel, PAMR indirectly measures freeway congestion to the extent that travelers choose local roadways over congested freeways.

**TP2.1.2 Relative Transit Mobility**

Relative transit mobility is based on the Transit/Auto Travel Time level of service concept in the [1999] 2003 Transit Capacity and Quality of Service Manual published by the Transportation Research Board. It is defined as the relative speed by which journey to work trips can be made by transit, as opposed to by auto. This concept assigns letter grades to various levels of transit service, so that LOS A conditions exist for transit when a trip can be made more quickly by transit (including walk-access/drive-access and wait times) than by single-occupant auto. This LOS A condition exists in the Washington region for certain rail transit trips with short walk times at both ends of the trip and some bus trips in HOV corridors. LOS F conditions exist when a trip takes more than an hour longer to make [via] by transit than [via] by single-occupant auto.

This ratio between auto and transit travel times can also be expressed in an inverse relationship, defined by modal speed. If a trip can be made in less time [via] by transit than [via] by auto, the effective transit speed is greater than the effective auto speed. Based on the typical roadway network speed during the AM peak period, the Planning Board established the following relationship between auto and transit trips:

**Relative Transit Mobility and Transit LOS**

<u>If the effective transit speed is</u>	<u>PAMR Transit LOS is</u>
<u>100% or more (e.g., faster) than the highway speed</u>	<u>A</u>
<u>At least 75% of the highway speed</u>	<u>B</u>
<u>At least 60% of the highway speed</u>	<u>C</u>
<u>At least 50% of the highway speed</u>	<u>D</u>
<u>At least 42.5% of the highway speed</u>	<u>E</u>
<u>Less than 42.5% of the highway speed</u>	<u>F</u>

Any policy area with an effective transit speed equal to or less than [35] 42.5 percent of the highway speed must be considered [inadequate] acceptable with full mitigation for transportation.

**TP2.1.3 Relationship Between Relative Arterial Mobility and Relative Transit Mobility**

The PAMR Arterial LOS and the PAMR Transit LOS standards are inversely related, reflecting the County's long-standing policy to encourage concentrations of development near high-quality transit. To accomplish this policy, greater levels of roadway congestion [must] should be tolerated in areas where high-quality transit options are available. The PAMR uses the following equivalency:

**Equivalency Between Transit LOS and Arterial LOS**

<u>If the forecasted PAMR Transit LOS is</u>	<u>The minimum acceptable PAMR Arterial LOS standard is</u>
<u>A</u>	<u>[E] D</u>
<u>B</u>	<u>[E] D</u>
<u>C</u>	<u>D</u>
<u>D</u>	<u>C</u>
<u>E</u>	<u>B</u>
<u>F</u>	<u>A</u>

This chart reflects a policy decision that the PAMR Arterial LOS standard should not fall below LOS [[F]] D, even when the PAMR Transit LOS standard is A.

## **TP2.2 Conducting Policy Area Mobility Review**

### **TP2.2.1 Geographic Areas**

In conducting Policy Area Mobility Reviews, each Metro station policy area is included in its larger parent policy area, so that:

- the Bethesda CBD, Friendship Heights, and Bethesda-Chevy Chase policy areas are treated as a single policy area;
- the Grosvenor, White Flint, Twinbrook, and North Bethesda policy areas are treated as a single policy area;
- the Rockville Town Center and Rockville City policy areas are treated as a single policy area;
- the Shady Grove and Derwood policy areas are treated as a single policy area;
- the Silver Spring CBD and Silver Spring-Takoma Park policy areas are treated as a single policy area; and
- the Wheaton CBD, Glenmont, and Kensington-Wheaton policy areas are treated as a single policy area.

The Rural East policy area consists of the Goshen, Patuxent, and Upper Rock Creek planning areas. The Rural West policy area consists of the Darnestown/Travilah and Poolesville planning areas.

### **TP2.2.2 Determination of Adequacy**

Using a transportation planning model, the Planning staff has computed the relationship between a programmed set of transportation facilities and the geographic pattern of existing and approved jobs and housing units. The traffic model tests this future land use pattern for its traffic impact, comparing the resulting traffic volume and distribution to the arterial level of service standard for each policy area.

This analysis results in a finding of [[inadequacy]] acceptable with full mitigation for a policy area if:

- (a) the level of service on local roads in the policy area is expected to exceed the arterial level of service standard, or
- (b) the magnitude of the hypothetical future land use patterns in that policy area will cause the level of service on local roads in any other policy area to exceed the arterial level of service standard for that policy area.

If this annual analysis results in a finding of [[inadequacy]] acceptable with full mitigation for a policy area for a fiscal year, the Planning Board must not approve any more subdivisions in that policy area in that fiscal year, except as provided below. For FY2008, the Planning Board must consider the [[Fairland/White Oak,]] Germantown East[[,]] [[North Potomac, Montgomery Village, Rural East, Rockville City]] and Gaithersburg City Policy Areas to be [[inadequacy]] acceptable with full mitigation for transportation.



When this annual analysis results in a finding of acceptable with partial mitigation for a policy area for a fiscal year, the Planning Board must not approve any more subdivisions in that policy area in that fiscal year except under certain special circumstances outlined below. For FY2008, the Planning Board must consider the following policy areas to be "acceptable with partial mitigation" for transportation at the policy area level:

<u>Policy Area</u>	<u>Trip Mitigation Required</u>
<u>Aspen Hill</u>	<del>[[70%]]</del> 40%
<u>Bethesda/Chevy Chase</u>	30%
<u>Damascus</u>	<del>[[10%]]</del> 5%
<u>Derwood</u>	5%
<u>Fairland/White Oak</u>	45%
<u>Kensington/Wheaton</u>	10%
<u>North Bethesda</u>	25%
<u>Olney</u>	<del>[[30%]]</del> 25%
<u>Potomac</u>	<del>[[80%]]</del> 40%
<u>Rural East</u>	5%
<u>Silver Spring/Takoma Park</u>	15%
<u>Rockville</u>	25%

An applicant for a preliminary plan of subdivision need not take any action under TP Policy Area Mobility Review if the proposed development will generate 3 or fewer peak-hour trips.

The Planning Board may adopt Policy Area Mobility Review guidelines and other technical materials to further specify standards and procedures for its adoption of findings of policy area adequacy or inadequacy or of acceptable with full or partial mitigation.

The transportation planning model considers all existing and approved development and all eligible programmed transportation CIP projects. For these purposes, "approved development" includes all approved preliminary plans of subdivision and is also known as the "pipeline of approved development." "Eligible programmed transportation CIP projects" include all County CIP, State Transportation Program [[projects]], and City of Rockville or Gaithersburg projects for which 100 percent of the expenditures for construction are estimated to occur in the first [[6]] 4 years of the applicable program.

Because of the unique nature of the Purple Line, the Corridor Cities Transitway, and the North Bethesda Transitway compared to other transportation systems which are normally used in calculating development capacity, it is prudent to approach the additional capacity from these systems conservatively, particularly with respect to the timing of capacity and the amount of the capacity recognized. Therefore, the capacity from any operable segment of any of these transit systems must not be counted until that segment is fully funded in the first 4 years of the County or State capital improvements program.

To discourage sprawl development, no capacity for new development may be counted outside the boundary of the Town of Brookeville as of March 9, 1999, as a result of relocating MD 97 around Brookeville.

Planning staff must keep a record of all previously approved preliminary plans and other data about the status of development projects, and must continuously update the pipeline number of approved preliminary plans. The updated pipeline must be the basis for the annual PAMR.

### **TP2 Transportation Pipeline**

Planning staff must keep a record of all previously approved preliminary plans and other data about the status of development projects, and continuously update the pipeline number of approved preliminary plans, thus constantly keeping in view, and presenting to the Planning Board, the amount of capacity still available at any given time. The continuous updating must include all changes to the amount of development approved under outstanding preliminary plans, with the exception of those which result from the discovery of accounting errors. Such errors must be reported to the Council each year in May, and must be reported on a quarterly basis, or more frequently, to the Planning Board who may bring them to the attention of the Council if the Board judges them to be significant. The Planning Board should maintain a periodically updated queue list of applicants for preliminary plan of subdivision approval.]

[[Under County Code §50-20(c), the Planning Board must set the period of validity for a finding of public facilities adequacy on a case-by-case basis for each subdivision, although the validity period for any subdivision must not be less than 5 years nor more than [12] 10 years, not including any extension allowed under §50-20.]] [In general, the Planning Board must set the validity period of a subdivision at 5 years unless:

- (a) for non-residential development, the subdivision is larger than 150,000 square feet and consists of more than one building; or
- (b) for residential development, the subdivision consists of more than 200 housing units.]

### **TP3 Mitigation for Applications in Policy Areas with Inadequate PAMR**

The Planning Board, after considering any recommendation of the County Executive, may approve a preliminary plan application in a policy area found by Policy Area Mobility Review to be [[inadequate]] acceptable with full mitigation or acceptable with partial mitigation, as provided in this section. In approving plans in [[inadequate]] acceptable with full mitigation policy areas, the Board should [[assure]] ensure that the average level of service for the relevant policy area is not adversely affected. Except as otherwise expressly stated in TP4, the same level of service criteria must be used in evaluating an application under this section.

The following options to mitigate the traffic impacts of development approved in a preliminary plan may be used, individually or in combination:

- Trip Mitigation. An applicant may sign a binding Trip Mitigation Agreement under which up to 100% of the projected peak hour vehicle trips would be removed from the roadway by using Transportation Demand Management techniques to reduce trips generated by the applicant's development or by other sites, so that an applicant could still generate a certain number of trips if the mitigation program removes an equal number of trips from other sites in the same policy area.
- Trip Reduction by Providing Non-Auto [[Amenities]] Facilities. [[An applicant may mitigate roadway congestion impacts to a limited extent by providing non-auto transportation amenities

that will enhance pedestrian safety or increase the attractiveness of alternative modes of travel. The allowable amenities and their corresponding vehicle trip credits are shown in table 2. These amenities include sidewalks, bike paths, curb extensions, countdown pedestrian signals, bus shelters and benches, bike lockers, and static or real-time transit information signs. These amenities can be provided in exchange for vehicle trip "credits"; both the credit value and maximum potential trip reduction credit (from 60 to 120 peak hour vehicle trips) will depend on the congestion standard for the policy area.]] An applicant may mitigate a limited number of trips by providing non-auto facilities that would make alternative modes of transit, walking, and bicycling safer and more attractive. The Planning Board must specify in its *LATR Guidelines* the allowable actions and number of trips associated with them, as well as the maximum number of trip credits allowable for each action, which will partly depend on the congestion standards for the policy area where the proposed development is located.

- *Adding Roadway Capacity.* An applicant may mitigate trips by building link-based roadway network capacity. The conversion rate between vehicle trips and lane miles of roadway is shown in Table [[3]] 2. The values in that table are derived from regional estimates of vehicle trip length by trip purposes and uniform per-lane capacities for roadway functional classes that should be applied countywide. Several conditions apply:
  - The number of lane miles in Table [[3]] 2 reflects total capacity provided, so that if an applicant widens a roadway by one lane in each direction, the total minimum project length would be half the length listed in the table.
  - The roadway construction or widening must have logical termini, for instance[[.]] connecting two intersections.
  - The roadway construction must occur in the same Policy Area as the proposed development.
  - The roadway construction must be recommended in a master plan.
- *Adding Transit Capacity.* An applicant may mitigate inadequate PAMR conditions by buying 40-foot long hybrid electric fleet vehicles for the Ride-On system, and guaranteeing 12 years of operations funding, at the rate of 30 peak hour vehicle-trips per fleet vehicle. To qualify as mitigation under this provision, a bus must add to the Ride-On fleet and not replace a bus taken out of service.
- *Payment instead of construction.* The Planning Board may accept payment to the County of a fee [[instead of facility implementation]] commensurate with the cost of a required improvement if the applicant [[shows]] has made a good faith effort to implement [[a facility]] an acceptable improvement and the Board finds that a desirable improvement cannot feasibly be implemented by the [[private sector]] applicant, but the same improvement or an [[equivalent]] acceptable alternative can be implemented by a public agency [[at a later time]] within 4 years after the subdivision is approved.

In general, each mitigation measure or combination of measures must be scheduled for completion or otherwise be operational at the same time or before the proposed development is scheduled to be completed. The nature, design, and scale of any additional facility or program must receive prior approval from any government agency that would construct or maintain the facility or program, and the applicant and the public agency must execute an appropriate public works agreement before the Board

approves a record plat. The application must also be approved under TL Local Area Transportation Review.

Both the subdivision plan and all necessary mitigation measures must be consistent with an adopted master plan or other relevant land use policy statement. For the Planning Board to accept a roadway capacity improvement as a mitigation measure, the applicant must show that alternative non-auto mitigation measures are not feasible or desirable. In evaluating mitigation measures proposed by an applicant, the Board must place a high priority on design excellence to create a safe, comfortable, and attractive public realm for all users, with particular focus on high-quality pedestrian and transit access to schools, libraries, recreation centers, and other neighborhood facilities.

### **TP3 Unique Policy Area Issues**

Because of the unique nature of the Georgetown Branch Trolley Project and the North Bethesda Transitway in comparison with other transportation systems which are normally used in calculating development capacity, it is prudent to approach the additional capacity from these systems in a conservative way, particularly with respect to the timing of capacity and the amount of the capacity recognized. Therefore, the capacity from the Georgetown Branch Trolley Project must not be counted until the actual system is constructed and operated, or at least until there is reasonable certainty as to its exact date of operation and amount of actual ridership. The initial capacity from the North Bethesda Transitway must not be counted until the project is fully funded in the first 5 years of either the County or State capital improvements program, and until the County Council has approved projected ridership.

To discourage sprawl development, no capacity for new development may be counted beyond the boundary of the Town of Brookeville existing on March 9, 1999, as a result of relocating MD 97 around Brookeville.

The Local Area Review for the Silver Spring CBD policy area must use the following assumptions and guidelines:

- All traffic limitations are derived from the heaviest traffic demand period, in Silver Spring's case, the p.m. peak hour outbound traffic.
- When tested during a comprehensive circulation analysis, the critical lane volumes for intersections in the surrounding Silver Spring/Takoma Park policy area must not be worse than the adopted level of service standards shown in Table 1 unless the Planning Board finds that the impact of improving the intersection is more burdensome than the increased congestion.
- The Planning Board and the Department of Public Works and Transportation must implement Transportation Systems Management for the Silver Spring CBD. The goal of this program must be to achieve the commuting goals for transit use and auto occupancy rates set out below.
- The County Government, through the Silver Spring Parking Lot District, must constrain the amount of public and private long term parking spaces.

The parking constraints and commuting goals needed to achieve satisfactory traffic conditions with these staging ceilings are as follows:

**Parking constraint:** A maximum of 17,500 public and private long-term spaces when all nonresidential development is built; (this maximum assumes a peak accumulation factor of 0.9, which requires verification in Silver Spring and may be subject to revision). Interim long-term parking constraints must be imposed in accordance with the amount of interim development. Long-term public parking spaces must be priced to reflect the market value of constrained parking spaces.

**Commuting goals:** For employers with 25 or more employees, attain 25 percent mass transit use and auto occupancy rates of 1.3 persons per vehicle during the peak periods, or attain any combination of employee mode choice that results in at least 46% non-drivers during the peak periods. For new nonresidential development, attain 30 percent mass transit use and auto occupancy rates of 1.3 persons per vehicle during the peak periods, or attain any combination of employee mode choice that results in at least 50% non-drivers during the peak periods.

Progress towards achieving these goals should be measured annually by using scientific and statistically valid survey techniques.

To achieve these goals it will be necessary to require developers of new development in Silver Spring to enter into traffic mitigation agreements and the employers and certain owners to submit transportation mitigation plans under Chapter 42A of the County Code.

Each Annual Growth Policy must reflect the Annual Report of the Silver Spring Transportation Management District, which must include a report of the status of critical signalized intersections (as defined in the report of October 5, 1987). The Annual Growth Policy must include a projection of future traffic conditions based on intersection improvements in the proposed CIP and full achievement of the Transportation Management District goals. The Council will take this information into account in the decisions on the Growth Policy and the CIP.

In accordance with the amendment to the Silver Spring Sector Plan, subdivision applications for nonresidential standard method projects throughout the CBD may be approved for development or additions of not more than 5,000 square feet of gross floor area. However, if, for a particular use the addition of five peak hour trips yields a floor area greater than 5,000 square feet, that additional area may be approved for that particular use.

In the North Bethesda Transportation Management District, the goal is 39 percent non-driver mode share for residents of multifamily housing in the peak hour. In the Bethesda Transportation Management District, the goal is 37 percent non-driver mode share for workers and residents of multifamily housing. In the Friendship Heights Transportation Management District, the goal is 39 percent non-driver mode share for workers.

#### **TP4 Development District Participation**

Under Chapter 14 of the County Code, the County Council may create development districts [may be created by the County Council] as a funding mechanism for needed infrastructure in areas of the County where substantial development is expected or encouraged. The Planning Board may approve

subdivision plans in accordance with the terms of the development district's provisional adequate public facilities approval (PAPF).

#### **TP4.1 Preparation of a PAPF**

The development district's PAPF must be prepared in the following manner:

One or more property owners in the proposed district may submit to the Planning Board an application for provisional adequate public facilities approval for the entire district. In addition to explaining how each development located in the district will comply with all applicable zoning and subdivision requirements, this application must:

- show the number and type of housing units and square footage and type of the non-residential space to be developed, as well as a schedule of proposed buildout in five-year increments;
- identify any infrastructure improvements necessary to satisfy the adequate public facilities requirements for development districts; and
- estimate the cost to provide these improvements.

#### **TP4.2 Planning Board Review**

The Planning Board must then review all developments within the proposed development district as if they are a single development for compliance with the Adequate Public Facilities Ordinance. The Planning Board must identify the public facilities needed to support the buildout of the development district after considering the results of the following tests for facility adequacy:

- Transportation tests for development districts are identical to those for Local Area Transportation Review. Planning Department staff must prepare a list of transportation infrastructure needed to maintain public facility adequacy.
- The PAPF application must be referred to Montgomery County Public Schools staff for recommendations for each stage of development in the proposed district. MCPS staff must calculate the extent to which the development district will add to MCPS's current enrollment projections. MCPS staff must apply the existing school adequacy test to the projections with the additional enrollment and prepare a list of public school infrastructure needed to maintain public facility adequacy.
- The PAPF application must be referred to the Washington Suburban Sanitary Commission for recommendations for each stage of development in the proposed district. Wastewater conveyance and water transmission facilities must be considered adequate if existing or programmed (fully-funded within the first five years of the approved WSSC capital improvements program) facilities can accommodate (as defined by WSSC) all existing authorizations plus the growth in the development district. Adequacy of water and wastewater treatment facilities must be evaluated using the intermediate or "most probable" forecasts of future growth plus development district growth, but only to the extent that development district growth exceeds the forecast for any time period. If a test is not met, WSSC must prepare a list of water and sewer system infrastructure needed to maintain public facility adequacy.

- The PAF application must be referred to the County Executive for recommendations for each stage of development in the proposed district regarding police, fire, and health facilities. Adequacy of police, fire, and health facilities must be evaluated using the intermediate or most probable forecasts of future growth plus development district growth, but only to the extent that development district growth exceeds the forecast for any time period. Any facility capacity that remains is available to be used by the development district. If any facility capacity deficits exist, the County Executive must prepare a list of infrastructure needed to maintain public facility adequacy.

#### **TP4.3 Planning Board Approval**

The Board may conditionally approve the PAF application if it will meet all of the requirements of the APFO and [[AGP]] Growth Policy. The Board may condition its approval on, among other things, the creation and funding of the district and the building of no more than the maximum number of housing units and the maximum nonresidential space listed in the petition.

For an application to be approved, the applicants must commit to produce the infrastructure improvements needed to meet APF requirements in the proposed district as well as any added requirements specified by the Planning Board. The Planning Board must list these required infrastructure improvements in its approval. The infrastructure improvements may be funded through the development district or otherwise. The development district's PAF must be prepared in the following manner:

The Planning Board must not approve a PAF application unless public facilities adequacy is maintained throughout the life of the plan. The timing of infrastructure delivery may be accomplished by withholding the release of building permits until needed public facilities are available to be "counted," or by another similar mechanism.

Infrastructure may be counted for public facilities adequacy, for infrastructure provided by the district, when construction has begun on the facility and funds have been identified and committed to its completion, and, for infrastructure provided by the public sector, when:

- for Local Area Transportation Review, the project is fully-funded within the first 4 years of the approved County, state, or municipal capital improvements program;
- for water and sewer facilities, the project is fully-funded within the first 5 years of the approved WSSC capital improvements program;
- for public school facilities, the project is fully-funded within the first 5 years of the approved Montgomery County Public Schools capital improvements program; and
- for police, fire, and health facilities, the project is fully-funded within the first 6 years of the relevant approved capital improvements program.

#### **TP4.4 Additional Facilities Recommended for Funding**

The County Executive and Planning Board may also recommend to the County Council additional facilities to be provided by the development district or by the public sector to support development

within the district. These facilities may include, but are not limited to libraries, health centers, local parks, social services, greenways, and major recreation facilities.

#### **TP4.5 Satisfaction of APF Requirements**

As provided in Chapter 14 of the County Code, once the development district is created and the financing of all required infrastructure is arranged, the development in the district is considered to have satisfied all APF requirements, any additional requirements that apply to development districts in the [AGP] Growth Policy, and any other requirement to provide infrastructure which the County adopts within 12 years after the district is created.

#### **TL Local Area Transportation Review (LATR)**

##### **TL1 Standards and Procedures**

To achieve an approximately equivalent transportation level of service in all areas of the County, greater congestion is permitted in policy areas with greater transit accessibility and usage. Table 1 shows the intersection level of service standards by policy area. Local Area Transportation Review must at all times be consistent with the standards and staging mechanisms of adopted master [plans] and sector plans.

Local area transportation review must be completed for any subdivision that would generate 30 or more peak-hour automobile trips. For any subdivision that would generate 30-49 peak-hour automobile trips, the Planning Board after receiving a traffic study must require that either:

- all LATR requirements are met; or
- the applicant must make an additional payment to the County equal to 50% of the applicable transportation impact tax before it receives any building permit in the subdivision.

In administering [the] Local Area Transportation Review [(LATR)], the Planning Board must not approve a subdivision if it finds that an unacceptable peak hour level of service will result after [taking into account] considering existing roads, programmed roads, available or programmed mass transportation, and improvements to be provided by the applicant. If the subdivision will affect an intersection or roadway link for which congestion is already unacceptable, then the subdivision may only be approved if [[it does not make the situation worse]] the applicant agrees to mitigate either:

- a sufficient number of trips to bring the intersection or link to acceptable levels of congestion, or
- a number of trips equal to 150 percent of the CLV impact attributable to the development.

The nature of the LATR test is such that a traffic study is necessary if local congestion is likely to occur. The Planning Board and staff must examine the applicant's traffic study to determine whether adjustments are necessary to assure that the traffic study is a reasonable and appropriate reflection of the traffic impact of the proposed subdivision after [taking into account] considering all approved development and programmed transportation projects.

If use and occupancy permits for at least 75% of the originally approved development were issued more than 12 years before the LATR study scope request, the number of signalized intersections in the study



must be based on the increased number of peak hour trips rather than the total number of peak hour trips. In these cases, LATR is not required for any expansion that generates 5 or fewer additional peak hour trips.

For Local Area Transportation Review purposes, the programmed transportation projects to be considered are those fully funded for construction in the first 4 years of the current approved Capital Improvements Program, the state's Consolidated Transportation Program, or any municipal capital improvements program. For these purposes, any road required under Section 302 of the County Charter to be authorized by law is not programmed until the time for petition to referendum has expired without a valid petition[, ] or the authorizing law has been approved by referendum.

If an applicant is participating in a traffic mitigation program or one or more intersection improvements to meet Local Area Transportation Review requirements, that applicant must be considered to have met Local Area Transportation Review for any other intersection where the volume of trips generated is less than 5 Critical Lane Movements.

Any traffic study required for Local Area Transportation Review must be submitted by a registered Professional Engineer, certified Professional Traffic Operations Engineer, or certified Professional Transportation Planner.

Each traffic study must examine, at a minimum, the number of signalized intersections in the following table, unless the Planning Board affirmatively finds that special circumstances warrant a more limited study.

Maximum Peak-Hour Trips Generated	Minimum Signalized Intersections in Each Direction
< 250	1
250 – 749	2
750 – 1,249	3
1,250 – 1,750	4
[[>]] 1,750-2,249	5
2,250 – 2749	6
>2,750	7

At the Planning Board's discretion, each traffic mitigation program must be required to operate for at least 12 years but no longer than 15 years. The Planning Board may select either trip reduction measures or road improvements (or a combination of both) as the required means of traffic mitigation.

The Planning Board has adopted guidelines to administer Local Area Transportation Review. To the extent that they are consistent with this Policy, the Planning Board guidelines may continue to apply or may be amended as the Planning Board finds necessary.

After consulting the Council, the Planning Board may adopt administrative guidelines that allow use of a "delay" or queuing analysis, different critical lane volume standards, or other methodologies, to determine the level of congestion in [[appropriate geographic locations such as in urbanized areas, around Metrorail stations, or in specific confined areas planned for concentrated development related to other forms of transit.]] any area the Planning Board finds appropriate.

In administering Local Area Transportation Review, the Planning Board must carefully consider the recommendations of the County Executive concerning the applicant's traffic study and proposed improvements or any other aspect of the review.

To achieve safe and convenient pedestrian travel, the Planning Board may adopt administrative guidelines requiring construction of off-site sidewalk improvements consistent with County Code §50-25. [[To maintain an approximately equivalent transportation level of service at the local level considering both auto and non-auto modes of travel, the Planning Board may permit a reduction in the amount of roadway construction or traffic mitigation needed to satisfy the conditions of Local Area Transportation Review in exchange for the construction of non-automobile transportation amenities, such as sidewalks or bus shelters.]] To support creating facilities that encourage transit use, walking, and bicycling, to maintain an approximately equivalent level of service at the local level for both auto and non-auto modes, the Board may allow the applicant to use peak hour vehicle trip credits for providing non-auto facilities. Before approving credits for non-auto facilities to reduce Local Area Transportation Review impacts, the Board should first consider the applicability and desirability of traffic mitigation agreement measures. The Board's LATR guidelines must identify applicable facilities in terms of actions that can be given trip credits and the maximum number of trips that can be credited. If the Board approves any credits, it must specify mechanisms to monitor the construction of any required facility. During each biennial Growth Policy the Board must report on the number of credits issued and confirm the construction of any required facility.

In general, any mitigation measure or combination of mitigation measures must be scheduled for completion or otherwise operational either before or at the same time as [[or before]] the proposed development is scheduled to be completed. The nature, design, and scale of any additional facility or program must receive prior approval from any government agency that would construct or maintain the facility or program, and the applicant and the public agency must execute an appropriate public works agreement before the Planning Board approves a record plat.

Both the subdivision plan and the necessary mitigation measures must be consistent with an adopted master plan or other relevant land use policy statement. For the Planning Board to accept a intersection improvement as a mitigation measure, the applicant must show that alternative non-auto mitigation measures are not feasible or desirable. In evaluating mitigation measures proposed by an applicant, the Board must place a high priority on design excellence to create a safe, comfortable, and attractive public realm for all users, with particular focus on high-quality pedestrian and transit access to schools, libraries, recreation centers, and other neighborhood facilities.

## **TL2 Metro Station Policy Area LATR Standards**

In each Metro Station Policy Area, the Planning Board, in consultation with the Department of Public Works and Transportation, must prepare performance evaluation criteria for its Local Area Transportation Review. These criteria must be used to accomplish: (a) safety for pedestrians and vehicles; (b) access to buildings and sites; and (c) traffic flow within the vicinity, at levels which are tolerable in an urban situation. The County Executive also must publish a Silver Spring Traffic Management Program after receiving public comment and a recommendation from the Planning Board. This program must list those actions to be taken by government to maintain traffic flow at tolerable levels in the Silver Spring CBD and protect the surrounding residential area.

### **TL3 Potomac LATR Standards**

In the Potomac Policy Area, only the areas contributing traffic to the following intersections must be subject to Local Area Transportation Review: (a) Montrose Road at Seven Locks Road; (b) Democracy Boulevard at Seven Locks Road; (c) Tuckerman Lane at Seven Locks Road; (d) Democracy Boulevard at Westlake Drive; (e) Westlake Drive at Westlake Terrace; (f) Westlake Drive at Tuckerman Lane; (g) Bradley Boulevard at Seven Locks Road; (h) River Road at Bradley Boulevard; (i) River Road at Piney Meetinghouse Road; and (j) River Road at Seven Locks Road.

### **TL4 Unique Policy Area Issues**

The Local Area Review for the Silver Spring CBD policy area must use the following assumptions and guidelines:

- Each traffic limit is derived from the heaviest traffic demand period in Silver Spring's case, the p.m. peak hour outbound traffic.
- When tested during a comprehensive circulation analysis, the critical lane volumes for intersections in the surrounding Silver Spring/Takoma Park policy area must not be worse than the adopted level of service standards shown in Table 1 unless the Planning Board finds that the impact of improving the intersection is more burdensome than the increased congestion.
- The Planning Board and the Department of Public Works and Transportation must implement Transportation Systems Management for the Silver Spring CBD. The goal of this program must be to achieve the commuting goals for transit use and auto occupancy rates set out below.
- The County Government, through the Silver Spring Parking Lot District, must constrain the amount of public and private long term parking spaces.

The parking constraints and commuting goals needed to achieve satisfactory traffic conditions with these staging ceilings are:

**Parking constraint:** A maximum of 17,500 public and private long-term spaces when all nonresidential development is built; this maximum assumes a peak accumulation factor of 0.9, which requires verification in Silver Spring and may be subject to revision. Interim long-term parking constraints must be imposed in accordance with the amount of interim development. Long-term public parking spaces must be priced to reflect the market value of constrained parking spaces.

**Commuting goals:** For employers with 25 or more employees, attain 25 percent mass transit use and auto occupancy rates of 1.3 persons per vehicle during the peak periods, or attain any combination of employee mode choice that results in at least 46% non-drivers during the peak periods. For new nonresidential development, attain 30 percent mass transit use and auto occupancy rates of 1.3 persons per vehicle during the peak periods, or attain any combination of employee mode choice that results in at least 50% non-drivers during the peak periods.

Progress towards achieving these goals should be measured annually by scientific, statistically valid surveys.

To achieve these goals it will be necessary to require developers of new development in Silver Spring to enter into traffic mitigation agreements and the employers and certain owners to submit transportation mitigation plans under County Code Chapter 42A.

In accordance with the amendment to the Silver Spring Sector Plan, subdivision applications for nonresidential standard method projects throughout the CBD may be approved for development or additions of not more than 5,000 square feet of gross floor area. However, if, for a particular use the addition of 5 peak hour trips yields a floor area greater than 5,000 square feet, that additional area may be approved for that particular use.

In the North Bethesda Transportation Management District, the goal is 39 percent non-driver mode share for [[residents of multifamily housing]] workers in the peak hour. In the Bethesda Transportation Management District, the goal is 37 percent non-driver mode share for workers [[and residents of multifamily housing]]. In the Friendship Heights Transportation Management District, the goal is 39 percent non-driver mode share for workers.

## **TA Alternative Review Procedures**

### **TA1 Metro Station Policy Areas**

An applicant for a subdivision which will be built completely within a Metro station policy area need not [submit any application or] take any action under TP Policy Area Mobility Review or TL Local Area Transportation Review if the applicant agrees in a contract with the Planning Board and the County Department of Public Works and Transportation to:

- submit an application containing all information, including a traffic study, that would normally be required for Local Area Transportation Review;
- meet trip reduction goals set by the Planning Board as a condition of approving that subdivision, which must require the applicant to reduce at least 50% of the number of trips attributable to the subdivision, either by reducing trips from the subdivision itself or from other occupants of that policy area;
- participate in programs operated by, and take actions specified by, a transportation management organization (TMO) to be established by County law for that policy area (or a group of policy areas including that policy area) [in order] to meet the mode share goals established under the preceding paragraph;
- pay an ongoing annual contribution or tax to fund the TMO's operating expenses, including minor capital items such as busses, as established by County law; and
- pay [[double]] the applicable General District development impact tax without claiming any credits for transportation improvements.

### **TA2 Expiration of Approvals Under Previous Alternative Review Procedures**

Annual Growth Policy resolutions in effect between 1995 and 2001 contained Alternative Review Procedures that required any development approved under those procedures to receive each building permit no later than 4 years after the Planning Board approved the preliminary plan of subdivision for that development. Any outstanding development project approved under an Alternative Review Procedure is subject to the expiration dates in effect when that development project was approved, with the following 2 exceptions.

#### **TA2.1 Certain multi-phased projects**

A multi-phased project located in the R&D or Life Sciences Center zone may receive some of its building permits later than 4 years after its preliminary plan of subdivision is approved if:

- when the Planning Board approves or amends a site plan for the development, it also approves a phasing schedule that allows an extended validity period, but not longer than 12 years after the preliminary plan of subdivision was approved; and
- the applicant receives the first building permit for a building in the development no later than 4 years after the Planning Board approves the preliminary plan of subdivision for the development.

#### **TA2.2 Certain developments in I-3 zone**

Similarly, if the development is located in the I-3 zone, and a previously approved subdivision plan and site plan contains more than 900,000 square feet of office space and at least 40% of that space has been constructed by November 1, 2001, the Planning Board may approve an amendment to its site plan which allows an extended validity period, but not longer than 12 years after the preliminary plan of subdivision was approved.

#### **TA3 Golf Course Community**

An applicant for a planned unit development in the Fairland-White Oak policy area that includes a golf course or other major amenity which is developed on a public/private partnership basis need not take any action under **TL Local Area Transportation Review** if the applicant pays to the County a Development Approval Payment, established by County law, before the building permit is issued. However, the applicant must include in its application for preliminary plan approval all information that would have been necessary if the requirements for Local Area Transportation Review applied.

The Planning Board may approve the application if:

- not more than 100 units, in addition to Moderately Priced Dwelling Units (MPDUs), are built in the first fiscal year after construction of the development begins, and
- not more than 100 units, in addition to MPDUs and the unbuilt remaining portion of all prior years' approved units, are built in any later fiscal year.

#### **TA3.1 MPDU Requirements**

Any applicant for a subdivision under **TA3** must agree, as part of the application, that it will build the same number of MPDUs among the first 100 units that it would be required to construct at that location if the subdivision consisted of only 100 units, or a pro rata lower number of MPDUs if the subdivision will include fewer than 100 units.

### **TA3.2 Requirement to Begin Construction**

Any applicant for a subdivision approval under TA3 must agree, as part of the application, that it will not begin to construct any residential unit approved in the application later than 3 years after the plat is recorded or the site plan is approved (whichever occurs later).

### **TA4 Corporate Headquarters Facility**

#### **TA4.1 LATR**

An applicant for a preliminary plan of subdivision need not take any action under Local Area Transportation Review if the applicant meets the following conditions:

##### **TA4.1.1 Jobs/Location**

The applicant must have employed an average of at least 500 employees in the County for the 2 years before the application was filed, and the applicant must seek to build or expand a corporate headquarters located in the North Bethesda Policy Area.

##### **TA4.1.2 Size/Use**

Any new or expanded building approved under this Procedure must not exceed 900,000 square feet, and must be intended primarily for use by the applicant and the applicant's affiliates or business partners.

##### **TA4.1.3 Traffic Information**

Each application must include all information that would be necessary if the requirements for Local Area Transportation Review applied.

##### **TA4.1.4 Mode Share Goals**

Each applicant must commit to make its best efforts to meet mode share goals set by the Planning Board as a condition of approving the subdivision.

##### **TA4.1.5 TMO Participation**

Each applicant must participate in programs operated by, and take actions specified by, the transportation management organization (TMO), if any, established by County law for that policy area to meet the mode share goals set by the Planning Board.

##### **TA4.1.6 TMO Payment**

If an applicant is located in a transportation management district, the applicant must pay an annual contribution or tax, set by County law, to fund the TMO's operating expenses, including minor capital items such as busses.

#### **TA4.1.7 Development Approval Payment Limits**

The applicant must pay the applicable Development Approval Payment (DAP) as provided in County Code §8-37 through 8-42, but not more than the DAP in effect on July 1, 2001.

#### **TA4.1.8 Eligibility**

An applicant may use this Procedure only if it met the criteria in **TA4.1.1** for number of employees and site location on November 1, 2003.

#### **TA5 Strategic Economic Development Projects**

An applicant for a preliminary plan of subdivision need not take any action under **TL Local Area Transportation Review** if all of the following conditions are met.

##### **TA5.1 Traffic information**

The applicant files a complete application for a preliminary plan of subdivision which includes all information that would be necessary if the requirements for LATR applied.

##### **TA5.2 Designation**

The County Council has approved the County Executive's designation of the development as a strategic economic development project under procedures adopted by law or Council resolution.

##### **TA5.3 Transportation Impact Tax Payments**

The applicant must pay double the applicable transportation impact tax without claiming any credits for transportation improvements.

### **Public School Facilities**

#### **S1 Geographic Areas**

For the purposes of public school analysis and local area review of school facilities at time of subdivision, the County has been divided into ~~[[24]]~~ 25 areas called high school clusters, as shown in Map ~~[32]~~ 2. These areas coincide with the cluster boundaries used by the Montgomery County Public School system.

The groupings used are only to administer the Adequate Public Facilities Ordinance and do not ~~[[in any way]]~~ require any action by the Board of Education in exercising its power to designate school service boundaries.

#### **[S2 School Capacity Measures**

The Planning Board must evaluate available capacity in each high school cluster and compare enrollment projected by Montgomery County Public Schools for each fiscal year with projected school capacity in 5 years. If sufficient high school capacity will not be available in any cluster, the Planning Board must determine whether an adjacent cluster will have sufficient high school capacity to cover the projected deficit.

The Planning Board must use 100% of Council-funded capacity at the high school level and 105% of Council-funded capacity at the middle and elementary school level as its measures of adequate school capacity. This capacity measure does not count relocatable classrooms in computing a school's permanent capacity.

Council-funded regular program classroom capacity is based on calculations that assign 25 students for grades 1-6, 44 students for half day kindergarten where it is currently provided, 22 students for all day kindergarten where it is currently provided, and an effective class size of 22.5 students for secondary grades.]

### [S3] S2 Grade Levels

Each cluster must be assessed separately at each of the three grade levels -- elementary, intermediate/middle, and high school.

### [S4] S3 Determination of Adequacy

[After the Council has approved the FY 2005-2010 CIP, the Planning Board must recalculate the projected school capacity at all grade levels in each high school cluster. If the Board finds that public school capacity will be inadequate at any grade level in any cluster, but the projected enrollment at that level will not exceed 110% of capacity, the Board may approve a residential subdivision in that cluster during FY 2005 if the applicant commits to pay a School Facilities Payment as provided in County law before receiving a building permit for any building in that subdivision. If projected enrollment at any grade level in that cluster will exceed 110% of capacity, the Board must not approve any residential subdivision in that cluster during FY 2005.]

After the Council in 2005 has approved the amended FY 2005-2010 CIP, the Planning Board again must recalculate school capacity. If capacity at any level is projected to be inadequate, the Board must take the actions specified in the preceding paragraph in FY 2006.]

Each year, after the County Council adopts or amends the Capital Improvements Program, the Planning Board must evaluate available capacity in each high school cluster and compare enrollment projected by Montgomery County Public Schools for each fiscal year with projected school capacity in 5 years.

### S4 Moratorium on Residential Subdivision Approvals

In considering whether a moratorium on residential subdivisions must be imposed, the Planning Board must use [[105%, 110% or 135%]] 120% of Montgomery County Public Schools program capacity as its measure of adequate school capacity. This capacity measure must not count relocatable classrooms in computing a school's permanent capacity. If projected enrollment at any grade level in that cluster will exceed [[115%,]] 120% [[or 135%]] of capacity, the Board must not approve any residential subdivision in that cluster during the next fiscal year.

Table 3 shows the result of this test for November 15, 2007, to July 1, 2008. Table 3 also shows the remaining capacity, in students, at each grade level in each cluster. Using average student generation rates developed from the most recent Census Update Survey, the Planning Board must limit residential



subdivision approvals in any cluster during the fiscal year so that the students generated by the units approved do not exceed the remaining capacity for students at any grade level in the cluster.

### **S5      Imposition of School Facilities Payment**

In considering whether a School Facilities Payment must be imposed on a residential subdivision, the Planning Board must use ~~[[110%]]~~ 105% of Montgomery County Public Schools' program capacity as its measure of adequate school capacity. This capacity measure must not count relocatable classrooms in computing a school's permanent capacity. If projected enrollment at any grade level in that cluster will exceed ~~[[110%]]~~ 105% of capacity but not exceed 120%, the Board may approve a residential subdivision in that cluster during the next fiscal year if the applicant commits to pay a School Facilities Payment as provided in County law before receiving a building permit for any building in that subdivision.

Table 4 shows the result of this test for November 15, 2007, to July 1, 2008. Table 4 also shows the remaining capacity, in students, at each grade level in each cluster. Using average student generation rates developed from the most recent Census Update Survey, the Planning Board must limit residential subdivision approvals in any cluster during the fiscal year so that the students generated by the units approved do not exceed the remaining capacity for students at any grade level in the cluster.

### **[S5] S6      Senior Housing**

If public school capacity is inadequate in any cluster, the Planning Board may nevertheless approve a subdivision in that cluster if the subdivision consists solely of multifamily housing and related facilities for elderly or handicapped persons or multifamily housing units located in the age-restricted section of a planned retirement community.

### **[S6      Clusters in municipalities**

If public school capacity will be inadequate in any cluster that is wholly or partly located in Rockville, Gaithersburg, or Poolesville, the Planning Board may nevertheless approve residential subdivisions in that cluster unless the respective municipality restricts the approval of similar subdivisions in its part of the cluster because of inadequate school capacity.]

### **S7      De Minimis Development**

If public school capacity is inadequate in any cluster, the Planning Board may nevertheless approve a subdivision in that cluster if the subdivision consists of no more than 3 housing units and the applicant commits to pay a School Facilities Payment as otherwise required before receiving a building permit for any building in that subdivision.

### **[[S7]] S8      Development District Participants**

The Planning Board may require any development district for which it approves a provisional adequate public facilities approval (PAPF) to produce or contribute to infrastructure improvements needed to address inadequate school capacity.

### **Guidelines for Water and Sewerage Facilities**

In accordance with the Adequate Public Facilities Ordinance, applications must be considered adequately served by water and sewerage if the subdivision is located in an area in which water and sewer service is presently available, is under construction, is designated by the County Council for extension of service within the first two years of a current approved Comprehensive Water Supply and Sewerage Systems Plan (i.e., categories I, II, and III), or if the applicant either provides a community water and/or sewerage system or meets Department of Permitting Services requirements for septic and/or well systems, as outlined in the Adequate Public Facilities Ordinance. These requirements are determined either by reference to the Water and Sewerage Plan, adopted by the Council, or by obtaining a satisfactory percolation test from the Department of Permitting Services.

Applications must only be accepted for further Planning staff and Board consideration if they present evidence of meeting the appropriate requirements.

### **Guidelines for Police, Fire and Health Services**

The Planning Board and staff must consider the programmed services to be adequate for facilities such as police stations, firehouses, and health clinics unless there is evidence that a local area problem will be generated. Such a problem is one which cannot be overcome within the context of the approved Capital Improvements Program and operating budgets of the relevant agencies. Where such evidence exists, either through agency response to the Subdivision Review committee clearinghouse, or through public commentary or Planning staff consideration, a Local Area Review must be undertaken. The Board must seek a written opinion from the relevant agency, and require, if necessary, additional data from the applicant, to facilitate the completion of the Planning staff recommendation within the statutory time frame for Planning Board action. In performing this Local Area Review, the facility capacity at the end of the sixth year of the approved CIP must be compared to the demand generated by the "most probable" forecast for the same year prepared by the Planning Department.

### **Guidelines for Resubdivisions**

An application to amend a previously approved preliminary plan of subdivision does not require a new test for adequacy of public facilities if:

Revisions to a preliminary plan have not been recorded, the preliminary plan has not expired, and the number of trips which will be produced by the revised plan is not greater than the number of trips produced by the original plan.

Resubdivision of a recorded lot involves the sale or exchange of parcels of land (not to exceed a total of 2,000 square feet or one percent of the combined area, whichever is greater) between owners of adjoining properties to make small adjustments in boundaries.

Resubdivision of a recorded lot involves more than 2,000 square feet or one percent of the lot area and the number of trips which will be produced by the revised plan is not greater than the number of trips produced by the original plan.

**Timely Adequate Public Facilities Determination and Local Area Transportation Review under Chapter 8.**

**APF1 General.**

Except as otherwise provided by law, an adequate public facilities determination or local area transportation review conducted under Article IV of Chapter 8 [(Buildings)] must use the standards and criteria applicable under this Resolution when evaluating the adequacy of public facilities to serve the proposed development.

**APF2 Traffic Mitigation Goals.**

Any proposed development that is subject to requirements for a traffic mitigation agreement under Article IV of Chapter 8 and [Chapter] §42A-9A of the County Code must meet the traffic mitigation goals specified in paragraphs (1) or (4), as appropriate.

- (1) Subject to paragraph (2), the portion of peak-period nondriver trips by employees of a proposed development must be at least the following percentage greater than the prevailing nondriver mode share of comparable nearby land use:

In Policy Areas With LATR CLV Standard of	Required Percentage Greater Than Prevailing Nondriver Mode Share
1800 and 1600	100%
1550	80%
1500	60%
1475 and 1450	40%

LATR CLV standards for each policy area are shown on Table 1.

- (2) The portion of peak-period nondriver trips by employees calculated under paragraph (1) must not be less than 15% nor higher than 55%.
- (3) The applicant for a proposed development in a policy area specified under paragraph (1) is responsible for reviewing existing studies of nondriver mode share; conducting new studies, as necessary, of nondriver mode share; and identifying the prevailing base nondriver mode share of comparable land uses within the area identified for the traffic study. Comparable land uses are improved sites within the area identified for the traffic study for the proposed

development that have similar existing land use and trip generation characteristics. As with other aspects of the traffic study required by Article IV of Chapter 8, selection of the comparable studies and land uses to be analyzed and determination of the prevailing base nondriver mode share are subject to review by the Planning Department and approval by the Department of Public Works and Transportation.

- (4) Proposed development in the Silver Spring CBD must meet the commuting goals specified under ~~[[TP3]]~~ TL4.
- (5) In accordance with County Code §42A-9A, the applicant must enter into an agreement with the Director of the Department of Public Works and Transportation before a building permit is issued. The agreement may include a schedule for full compliance with the traffic mitigation goals. It must provide appropriate enforcement mechanisms for compliance.
- (6) As provided by law, these goals supersede traffic mitigation goals established under §42A-9A(a)(4).

#### Issues to be Addressed in the Future

Scheduling of items by the Planning Board under this Section may be reviewed and modified at the Board's regular work program meetings with the County Council.

**[F1. Time Limits of a Finding of Adequate Public Facilities:** The Planning Board must examine the number, age, and other characteristics of projects in the pipeline of approved development and make recommendations for revising the time limits of a finding of adequate public facilities, including extension provisions.]

**[F2. Adequacy of Police and Fire/Rescue Facilities:** The Planning Board, in cooperation with appropriate Executive branch agencies and after consulting the Council's Public Safety Committee, must consider potential options for testing the adequacy of public safety (police and fire/rescue) infrastructure.]

**[F3. Maximum Unmitigated Trip Level for Metro Station Areas:** The Planning Board must submit to the Council by February 1 an AGP amendment proposing a specific maximum number of unmitigated trips for each Metro Station Policy Area under the Alternative Review Procedure for Metro Station Policy Areas, considering its current number of jobs and housing units and its current congestion levels.]

**[F4. Annual Development Approval Report:** The Planning Board must submit to the County Council by September 15 each year an updated report listing and describing significant developments approved by that date or expected to be approved by the following July 1 that would impact road and school capacity. The report must include a prioritized list of road and intersection improvements based on current and projected congestion patterns and additional anticipated development.]

**[F5. Measuring the effect of ATMS:** The Planning Board, with the aid of the Executive and interested transportation professionals and citizens, must evaluate the effect associated with various

Advanced Transportation Management System technologies, such as possible increase in intersection capacity or spreading of peak period volumes. A pilot study, perhaps funded as a public/private partnership, should be conducted in one or two selected corridors where these technologies are planned to be installed to quantify the incremental benefits of various technologies, such as automatic vehicle locators in transit vehicles, extended green time at signalized intersections for transit vehicles, real time traffic signal timing, video surveillance, and incident management. If the study identifies actions, the Planning Board should propose policy changes for Council approval, to be implemented in the Board's Local Area Transportation Review guidelines based on the study's findings.]

**[[F1. Biennial Growth Policy Report:** In accordance with County Code §33A-15, the Planning Board must submit its recommended Growth Policy to the County Council by June 1 of each odd-numbered year. Beginning in 2009, this biennial growth policy must include: an analysis of current and future pace and pattern of growth in the County and the factors affecting demand for public facilities in established communities; an update on the County's success in meeting a set of indicators as developed in F2; an implementation status report for each master plan and sector plan, including a review of how planned development is proceeding, and whether the public actions/facilities in the plan are occurring in a timely way; the contents of the Highway Mobility Report (which would move to a biennial schedule); and a comprehensive list of priority facilities that are recommended for addition to the Capital Improvements Program. The report may also recommend other public actions needed to achieve master plan objectives[.] or to improve the County's performance on its adopted set of indicators. The Board must also include recommendations for changing policy area boundaries to be consistent with adopted master plans or sector plans or changes to municipal boundaries.]]

**[[F2 Sustainability Quality of Life Indicators Program:** The Planning Board, with the aid of the Executive and with broad public participation, must develop a set of [[sustainability]] sustainable quality of life indicators addressing issues of environment, social equity, and economy. These indicators must be suitable to guide land use and other public policy decision-making, including capital programming and design of public facilities. An initial set of tracking indicators should be prepared in time to inform the 2009 Growth Policy review. The public participation effort must extend well beyond this time period and may require a consultant to prepare materials and organize outreach.]]

**[[F3: Design of Public Facilities:** The Planning Board, with the aid of the Executive, must convene a "design summit" of public agencies involved in the design and development of public facilities and the review of private land development to develop a consensus and commitment to design excellence as a core value in all public and private projects, and focus on how to improve design of public facilities and private development through various means, including better coordination among agencies. The Board must report its findings to the County Council by July 1, 2008.]]

**[[F4: Enhanced Intersection Data Collection:** The Planning Board must include in its recommended FY2008 budget a request for additional funds to expand its database of current traffic counts to allow a more comprehensive analysis of congestion conditions and verify developer-provided traffic counts.]]

**[[F5: Impact Tax Analysis:** An interagency staff workgroup composed of representatives of the Executive branch [agencies], the County Council, the Planning Board, and the Board of Education, should address impact tax issues contained in the long-term infrastructure financing recommendations in the Board's 2007-2009 Growth Policy, further refinement of land use categories, and consideration of charging impact taxes for additional public facilities or purposes. The interagency workgroup must

review credits granted under the impact tax and develop recommendations to retain, modify, or repeal the credit provisions of the impact tax law. The workgroup must report its findings to the County Council no later than October 1, 2008.]]

[[F6: Trip Mitigation in Metro Station Policy Areas: The Planning Board, with the aid of the Executive, must prepare a Growth Policy amendment to replace PAMR and LATR in Metro station policy areas with a broad requirement for trip mitigation from new development. The amendment must be delivered to the Council by March 1, 2008, along with an analysis of the development review and monitoring activities that would be required to implement it.]]

[[F7: Studies for the 2009-2011 Growth Policy: The Planning Board must study, for use in the 2009 Growth Policy revisions:

- (a) comprehensive parking management, to see how parking can be better employed as a travel demand management tool, particularly in Metro station policy areas;
- (b) how and where proximity to various levels of transit service and pedestrian connectivity can be used as a basis for actions needed to meet area and local mobility standards; including evaluating a multi-modal quality of service requirement to provide a more seamless integration of pedestrian, bicycle, transit, and auto modes; feasible revisions of mechanisms such as CLV standards, sliding scales to match trip reduction goals, the duration of Transportation Mitigation Agreements, and impact tax rates; and identifying more pedestrian and transit-oriented urban areas, other than Metro Station Policy Areas, which may be eligible for different standards; and
- (c) options to increase efficiency in allocating development capacity, including trading capacity among private developers.

The Planning Board by December 1, 2007 must convene a technical working group, consisting of staff from MNCPPC, DPWT, SHA, transportation consultants, and interest groups such as the Action Committee for Transit and Coalition for Smart Growth, to work with an independent consultant to consider and test various proposals and practices in other jurisdictions, and to recommend appropriate changes in approaches, standards, and measures used in administering or revising the Growth Policy. The working group should report on measures of effectiveness, including measures to encourage changes in individual transportation choices that reduce the number of trips in prime commuting times, by June 1, 2008; report its recommendations on performance standards by September 1, 2008; and report its recommendations on mitigation approaches by March 1, 2009.]]

[[F8: By June 1, 2008 the Planning Board shall review, modify as needed and adopt the LATR chart and text concerning non-auto facilities. In reviewing these credits and acceptable facilities, the Board shall take into account factors such as the likelihood of the action reducing peak hour auto trips, and the approximate construction costs of the actions, so as to have some equivalency between measures. Mechanisms for monitoring the construction of the facilities shall be part of each approval where credits are given. The opinion of the Executive staff on the actions and credits shall be taken into account before their adoption.]]

For delivery to the Council on or before February 1, 2008:

- F1 Enhanced Intersection Data Collection: The Planning Board must include in its recommended FY2009 budget a request for additional funds to expand its database of current traffic counts to allow a more comprehensive analysis of congestion conditions and verify developer-provided traffic counts.

For delivery to the Council on or before August 1, 2008:

- **F2 Alternatives to PAMR:** The Planning Board, with the aid of the Executive, must evaluate alternatives to Policy Area Mobility Review (PAMR) as a policy area level transportation test. As part of this study, the Planning Board must evaluate alternative methods to calculate the key components of PAMR, relative arterial mobility and relative transit mobility, and options to replace PAMR and LATR in Metro station policy areas with a broad requirement for trip mitigation from new development.
- **F3: Guidelines for Non-Auto Facilities:** The Planning Board, with the aid of the Executive, must evaluate its guidelines for trip credits for non-automobile facilities, including the text and chart that appears on pages 26-29 of its *Local Area Transportation Review Guidelines*. In reviewing these credits and acceptable facilities, the Board must consider factors such as the likelihood of the action reducing peak hour auto trips and the approximate construction costs of each action, to allow some equivalency between actions. The Board must also evaluate its procedures to monitor the construction of facilities for which credits are given.
- **F4 Development Activity Status Report:** The Planning Board must prepare a status report of development activity that has occurred since this Growth Policy took effect. The Board must report, to the extent that it is able, on the effect of Growth Policy and impact tax changes on development activity in Clarksburg relative to nearby areas inside and outside the County.
- **F5 Design of Public Facilities:** The Planning Board, with the aid of the Executive, must convene a “design summit” of public agencies involved in the design and development of public facilities and the review of private land development to develop a consensus and commitment to design excellence as a core value in all public and private projects and focus on how to improve design of public facilities and private development through various means, including better coordination among agencies.
- **F6 Transportation-Housing Affordability Index:** The Planning Board must conduct the necessary research and analysis to develop a transportation-housing affordability index for the County. The Board must develop the index as part of its FY08 work on a *Housing Policy Element of the General Plan* unless it concludes that the index is better developed as part of *F9 Sustainable Quality of Life Indicators*.
- **F7 Affordable Housing and Redevelopable Areas:** As part of its FY08 work on a *Housing Policy Element of the General Plan*, the Planning Board must analyze and propose policy guidance to increase the affordable housing potential of redevelopable areas, including commercial parcels.

For delivery to the Council on or before October 1, 2008:

- **F8 Impact Tax Issues:** The County Executive, with the aid of the Planning Board and the Board of Education, must address impact tax issues noted in the long-term infrastructure financing recommendations in the Planning Board’s *2007-2009 Growth Policy*, including further refinement of land use categories and consideration of charging impact taxes for additional public facilities or purposes or “linkage” fees on non-residential development for affordable housing. The Executive and the interagency working group must review credits granted under the impact tax and develop recommendations to retain, modify, or repeal the law’s credit provisions.

- **F9 Sustainability Quality of Life Indicators Program:** The Planning Board, with the aid of the Executive and with broad public participation, must develop a set of sustainable quality of life indicators addressing issues of environment, social equity, and economy. These indicators must be suitable to guide land use and other public policy decision-making, including capital programming and design of public facilities. An initial set of tracking indicators must be prepared in time to inform the 2009-2011 Growth Policy review.

To be included in the 2009-2011 Growth Policy:

- **F10 Biennial Growth Policy Report:** In accordance with County Code §33A-15, the Planning Board must submit its recommended Growth Policy to the County Council by June 1 of each odd-numbered year. Beginning in 2009, this biennial growth policy must include: an analysis of current and future pace and pattern of growth in the County and the factors affecting demand for public facilities in established communities; an update on the County's success in meeting a set of indicators as developed under F9; an implementation status report for each master plan and sector plan, including a review of how planned development is proceeding and whether the public actions/facilities in the plan are occurring in a timely way; the contents of the biennial Highway Mobility Report; and a comprehensive list of priority facilities that are recommended for addition to the Capital Improvements Program. The report may also recommend other public actions needed to achieve master plan objectives or improve the County's performance on its adopted indicators. The Board must also include recommendations for changing policy area boundaries to be consistent with adopted master plans or sector plans or changes to municipal boundaries.
- **F11 Special Studies:** The Planning Board must prepare the following studies to be included in the 2009-2011 Growth Policy:
  - F11a: With the aid of the Executive, a comprehensive parking management study, which must include recommendations to improve the use of parking as a travel demand management tool, particularly in Metro station policy areas.
  - F11b: With the aid of the Executive, a study of options to revise the local area transportation tests, including using proximity to various levels of transit service and pedestrian connectivity as a basis for mitigation requirements; developing a multi-modal quality of service requirement to provide a more seamless integration of pedestrian, bicycle, transit, and auto modes; considering feasible revisions of or alternatives to the Critical Lane Volume method to measure intersection congestion; the duration of Transportation Mitigation Agreements; and identifying more pedestrian and transit-oriented urban areas, in addition to Metro Station Policy Areas, which may be eligible for different standards. The Planning Board must convene a technical working group, consisting of staff from the Maryland-National Capital Park and Planning Commission, the Department of Public Works and Transportation, the State Highway Administration, transportation consultants, and interest groups such as the Action Committee for Transit and Coalition for Smart Growth, to work with an independent consultant to consider and test various proposals and practices in other jurisdictions and recommend appropriate changes in approaches, standards, and measures used in the Growth Policy.
  - F11c: A study of options to increase efficiency in allocating development capacity, including trading capacity among private developers.



- F11d: A study of the County's job-housing balance, including implications for housing affordability and traffic congestion.

This is a correct copy of Council action.

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Linda M. Lauer  
Clerk of the Council

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**TABLE 1**

**Local Area Transportation Review Intersection Congestion Standards**

[[1400]] <u>1350</u>	[[Rural Areas]] <u>Rural East</u>	<u>Rural West</u>
[[1450]] <u>1400</u>	<u>Damascus</u>	
[[1450]] <u>1425</u>	Clarksburg [[Damascus]] Gaithersburg City [[Germantown Town Center]]	Germantown West Germantown East Montgomery Village/ Airpark
[[1475]] <u>1450</u>	Cloverly Potomac R & D Village	Olney North Potomac
[[1500]] <u>1475</u>	Aspen Hill Fairland/White Oak	<u>Derwood</u>
1500	Rockville City	
1550	North Bethesda	
1600	Bethesda/Chevy Chase Kensington/Wheaton	Silver Spring/Takoma Park <u>Germantown Town Center</u>
1800	Bethesda CBD Friendship Heights CBD Glenmont Grosvenor Rockville Town Center	Shady Grove Silver Spring CBD Twinbrook Wheaton CBD White Flint

TABLE 2

**Exhibit 2-10. PAMR Mitigation Options for Providing Roadway Capacity**

**Minimum Length of Roadway Construction**  
 (Lane-miles of widening or new construction per 100 vehicle trips generated)

Land Use Type	Facility type			
	Freeway	Major Highway	Arterial	Primary Residential
Office	0.38	0.51	0.77	1.54
Retail	0.24	0.31	0.47	0.94
Other Commercial	0.31	0.41	0.62	1.23
Residential	0.31	0.41	0.62	1.24

Notes:  
 Arterial class also includes industrial and business streets  
 Construction must be recommended in a master plan and have logical termini

**Table 3: 2013-14 Test @ 120% Program Capacity**

Reflects Recommended FY 2009-2014 Capital Improvements Program (CIP) and MCPS Enrollment Forecast, November, 2007

**Elementary School Enrollment and MCPS Capacity @ 120%**

Cluster Area	Projected Sept. 2013 Enrollment	100% MCPS Program Capacity With Recommended FY09-14 CIP	120% MCPS Program Capacity With Recommended FY09-14 CIP	Capacity Remaining @ 120% MCPS capacity	Growth Policy 120% Test Result Capacity is:	Cluster Moratorium?
B- CC	3,118	2,737	3,284	166	Adequate	No
Blair	3,661	4,216	5,059	1,398	Adequate	No
Blake	2,337	2,370	2,844	507	Adequate	No
Churchill	2,564	2,766	3,319	755	Adequate	No
Clarksburg	3,662	3,215	3,858	196	Adequate	No
Damascus	1,955	2,104	2,525	570	Adequate	No
Einstein	2,261	2,466	2,959	698	Adequate	No
Gaithersburg	3,641	3,957	4,748	1,107	Adequate	No
Walter Johnson	3,310	3,207	3,848	538	Adequate	No
Kennedy	2,439	2,285	2,742	303	Adequate	No
Magruder	2,582	2,542	3,050	468	Adequate	No
R. Montgomery	2,322	2,155	2,586	264	Adequate	No
Northwest	3,998	3,521	4,225	227	Adequate	No
Northwood	2,773	2,668	3,202	429	Adequate	No
Paint Branch	2,328	2,315	2,778	450	Adequate	No
Poolesville	598	754	905	307	Adequate	No
Quince Orchard	2,897	2,667	3,200	303	Adequate	No
Rockville	2,484	2,229	2,675	191	Adequate	No
Seneca Valley	2,176	2,220	2,664	488	Adequate	No
Sherwood	2,407	2,660	3,192	785	Adequate	No
Springbrook	2,768	3,156	3,787	1,019	Adequate	No
Watkins Mill	2,467	2,737	3,284	817	Adequate	No
Wheaton	2,539	2,304	2,765	226	Adequate	No
Whitman	2,263	2,084	2,501	238	Adequate	No
Wootton	2,904	3,083	3,700	796	Adequate	No

**Middle School Enrollment and MCPS Capacity @ 120%**

Cluster Area	Projected Sept. 2013 Enrollment	100% MCPS Program Capacity With Recommended FY09-14 CIP	120% MCPS Program Capacity With Recommended FY09-14 CIP	Capacity Remaining @ 120% MCPS capacity	Growth Policy 120% Test Result Capacity is:	Cluster Moratorium?
B- CC	1,059	1,037	1,244	185	Adequate	No
Blair	1,849	2,253	2,704	855	Adequate	No
Blake	1,006	1,332	1,598	592	Adequate	No
Churchill	1,362	1,434	1,721	359	Adequate	No
Clarksburg	1,488	1,142	1,370	-118	Inadequate	Yes
Damascus	903	941	1,129	226	Adequate	No
Einstein	953	1,411	1,693	740	Adequate	No
Gaithersburg	1,337	1,800	2,160	823	Adequate	No
Walter Johnson	1,498	1,846	2,215	717	Adequate	No
Kennedy	1,167	1,445	1,734	567	Adequate	No
Magruder	1,055	1,594	1,913	858	Adequate	No
R. Montgomery	1,004	973	1,168	164	Adequate	No
Northwest	1,873	1,964	2,357	484	Adequate	No
Northwood	895	1,344	1,613	718	Adequate	No
Paint Branch	1,052	1,308	1,570	518	Adequate	No
Poolesville	281	472	566	285	Adequate	No
Quince Orchard	1,239	1,638	1,966	727	Adequate	No
Rockville	913	972	1,166	253	Adequate	No
Seneca Valley	1,062	1,476	1,771	709	Adequate	No
Sherwood	1,170	1,475	1,770	600	Adequate	No
Springbrook	932	1,216	1,459	527	Adequate	No
Watkins Mill	997	1,251	1,501	504	Adequate	No
Wheaton	1,485	1,649	1,979	494	Adequate	No
Whitman	1,194	1,267	1,520	326	Adequate	No
Wootton	1,330	1,578	1,894	564	Adequate	No

**High School Enrollment and MCPS Capacity @ 120%**

Cluster Area	Projected Sept. 2013 Enrollment	100% MCPS Program Capacity With Recommended FY09-14 CIP	120% MCPS Program Capacity With Recommended FY09-14 CIP	Capacity Remaining @ 120% MCPS capacity	Growth Policy 120% Test Result Capacity is:	Cluster Moratorium?
B- CC	1,605	1,656	1,987	382	Adequate	No
Blair	2,304	2,885	3,462	1,158	Adequate	No
Blake	1,653	1,715	2,058	405	Adequate	No
Churchill	1,847	1,972	2,366	519	Adequate	No
Clarksburg	1,944	1,593	1,912	-32	Inadequate	Yes
Damascus	1,256	1,589	1,907	651	Adequate	No
Einstein	1,600	1,615	1,938	338	Adequate	No
Gaithersburg	1,856	2,067	2,480	624	Adequate	No
Walter Johnson	2,020	2,262	2,714	694	Adequate	No
Kennedy	1,483	1,829	2,195	712	Adequate	No
Magruder	1,709	1,958	2,350	641	Adequate	No
R. Montgomery	1,846	1,967	2,360	514	Adequate	No
Northwest	2,217	2,151	2,581	364	Adequate	No
Northwood	1,190	1,526	1,831	641	Adequate	No
Paint Branch	1,670	1,899	2,279	609	Adequate	No
Poolesville	1,106	1,107	1,328	222	Adequate	No
Quince Orchard	1,709	1,791	2,149	440	Adequate	No
Rockville	1,144	1,602	1,922	778	Adequate	No
Seneca Valley	1,327	1,452	1,742	415	Adequate	No
Sherwood	1,913	2,022	2,426	513	Adequate	No
Springbrook	1,681	2,086	2,503	822	Adequate	No
Watkins Mill	1,478	1,958	2,350	872	Adequate	No
Wheaton	1,294	1,389	1,667	373	Adequate	No
Whitman	1,820	1,891	2,269	449	Adequate	No
Wootton	2,258	2,059	2,471	215	Adequate	No

### Table 4: 2013-14 School Test @ 105% Program Capacity

Reflects Recommended FY 2009-2014 Capital Improvements Program (CIP) and MCPS Enrollment Forecast, November, 2007

#### Elementary School Enrollment and MCPS Capacity @ 105%

Cluster Area	Projected Sept. 2013 Enrollment	100% MCPS Program Capacity With Recommended FY09-14 CIP	105% MCPS Program Capacity With Recommended FY09-14 CIP	Capacity Remaining @ 105% MCPS capacity	Growth Policy 105% Test Result Capacity is:	School Facility Payment Required To Proceed?
B- CC	3,118	2,737	2,874	-244	Inadequate	Yes
Blair	3,661	4,216	4,427	766	Adequate	No
Blake	2,337	2,370	2,489	152	Adequate	No
Churchill	2,564	2,766	2,904	340	Adequate	No
Clarksburg	3,662	3,215	3,376	-286	Inadequate	Yes
Damascus	1,955	2,104	2,209	254	Adequate	No
Einstein	2,261	2,466	2,589	328	Adequate	No
Gaithersburg	3,641	3,957	4,155	514	Adequate	No
Walter Johnson	3,310	3,207	3,367	57	Adequate	No
Kennedy	2,439	2,285	2,399	-40	Inadequate	Yes
Magruder	2,582	2,542	2,669	87	Adequate	No
R. Montgomery	2,322	2,155	2,263	-59	Inadequate	Yes
Northwest	3,998	3,521	3,697	-301	Inadequate	Yes
Northwood	2,773	2,668	2,801	28	Adequate	No
Paint Branch	2,328	2,315	2,431	103	Adequate	No
Poolesville	598	754	792	194	Adequate	No
Quince Orchard	2,897	2,667	2,800	-97	Inadequate	Yes
Rockville	2,484	2,229	2,340	-144	Inadequate	Yes
Seneca Valley	2,176	2,220	2,331	155	Adequate	No
Sherwood	2,407	2,660	2,793	386	Adequate	No
Springbrook	2,768	3,156	3,314	546	Adequate	No
Watkins Mill	2,467	2,737	2,874	407	Adequate	No
Wheaton	2,539	2,304	2,419	-120	Inadequate	Yes
Whitman	2,263	2,084	2,188	-75	Inadequate	Yes
Wootton	2,904	3,083	3,237	333	Adequate	No

#### Middle School Enrollment and MCPS Capacity @ 105%

Cluster Area	Projected Sept. 2013 Enrollment	100% MCPS Program Capacity With Recommended FY09-14 CIP	105% MCPS Program Capacity With Recommended FY09-14 CIP	Capacity Remaining @ 105% MCPS capacity	Growth Policy 105% Test Result Capacity is:	School Facility Payment Required To Proceed?
B- CC	1,059	1,037	1,089	30	Adequate	No
Blair	1,849	2,253	2,366	517	Adequate	No
Blake	1,006	1,332	1,399	393	Adequate	No
Churchill	1,362	1,434	1,506	144	Adequate	No
Clarksburg	1,488	1,142	1,199	-289	Inadequate	Yes
Damascus	903	941	988	85	Adequate	No
Einstein	953	1,411	1,482	529	Adequate	No
Gaithersburg	1,337	1,800	1,890	553	Adequate	No
Walter Johnson	1,498	1,846	1,938	440	Adequate	No
Kennedy	1,167	1,445	1,517	350	Adequate	No
Magruder	1,055	1,594	1,674	619	Adequate	No
R. Montgomery	1,004	973	1,022	18	Adequate	No
Northwest	1,873	1,964	2,062	189	Adequate	No
Northwood	895	1,344	1,411	516	Adequate	No
Paint Branch	1,052	1,308	1,373	321	Adequate	No
Poolesville	281	472	496	215	Adequate	No
Quince Orchard	1,239	1,638	1,720	481	Adequate	No
Rockville	913	972	1,021	108	Adequate	No
Seneca Valley	1,062	1,476	1,550	488	Adequate	No
Sherwood	1,170	1,475	1,549	379	Adequate	No
Springbrook	932	1,216	1,277	345	Adequate	No
Watkins Mill	997	1,251	1,314	317	Adequate	No
Wheaton	1,485	1,649	1,731	246	Adequate	No
Whitman	1,194	1,267	1,330	136	Adequate	No
Wootton	1,330	1,578	1,657	327	Adequate	No

#### High School Enrollment and MCPS Capacity @ 105%

Cluster Area	Projected Sept. 2013 Enrollment	100% MCPS Program Capacity With Recommended FY09-14 CIP	105% MCPS Program Capacity With Recommended FY09-14 CIP	Capacity Remaining @ 105% MCPS capacity	Growth Policy 105% Test Result Capacity is:	School Facility Payment Required To Proceed?
B- CC	1,605	1,656	1,739	134	Adequate	No
Blair	2,304	2,885	3,029	725	Adequate	No
Blake	1,653	1,715	1,801	148	Adequate	No
Churchill	1,847	1,972	2,071	224	Adequate	No
Clarksburg	1,944	1,593	1,673	-271	Inadequate	Yes
Damascus	1,256	1,589	1,668	412	Adequate	No
Einstein	1,600	1,615	1,696	96	Adequate	No
Gaithersburg	1,856	2,067	2,170	314	Adequate	No
Walter Johnson	2,020	2,262	2,375	355	Adequate	No
Kennedy	1,483	1,829	1,920	437	Adequate	No
Magruder	1,709	1,958	2,056	347	Adequate	No
R. Montgomery	1,846	1,867	2,065	219	Adequate	No
Northwest	2,217	2,151	2,259	42	Adequate	No
Northwood	1,190	1,526	1,602	412	Adequate	No
Paint Branch	1,670	1,899	1,994	324	Adequate	No
Poolesville	1,106	1,107	1,162	56	Adequate	No
Quince Orchard	1,709	1,791	1,881	172	Adequate	No
Rockville	1,144	1,602	1,682	538	Adequate	No
Seneca Valley	1,327	1,452	1,525	198	Adequate	No
Sherwood	1,913	2,022	2,123	210	Adequate	No
Springbrook	1,681	2,086	2,190	509	Adequate	No
Watkins Mill	1,478	1,958	2,056	578	Adequate	No
Wheaton	1,294	1,389	1,458	164	Adequate	No
Whitman	1,820	1,891	1,986	166	Adequate	No
Wootton	2,256	2,059	2,162	-94	Inadequate	Yes

Plans Submitted After January 1, 2007 But Not Yet Approved by November 5, 2007 (not including de minimus development)

Policy Areas	TAZ	Plan Name	Plan #	SFD	TH	MF	Office	Retail	Other	Industrial
Bethesda CBD	5	4823 RUGBY AVENUE	120070760			16	15,688			
Bethesda CBD	4	EDGEWOOD- PHASE IV	120070720			12				
Bethesda CBD	4	HOLLADAY AT EDGEWOOD	120080050			48				
Bethesda/Chevy Chase	23	ALTA VISTA-ACC	120070750	37						
Bethesda/Chevy Chase	14	CABIN JOHN PARK	120070540	5						
Clarksburg	317	BENNETT CREEK	120080150	1			6,003			
Clarksburg	318	RIDGE VIEW ESTATES	120080150	5						
Clarksburg	310	SHEPPARD PROPERTY	120080020	4						
Germentown East	292	SLOANE PARK SUBDIVISION	120070770	9			276,000			
Germentown West	249	CENTURY XXI	120070650				2,428			
Glenmont	304	DECHTER	120070700							
Kensington/Wheaton	77	WINBROOK	120080100	5						
Montgomery Village/Airpark	204	MAINHART PROPERTY	120070730		32					
Olney	235	TOWNHOUSES AT SMALL'S NURSERY	120070610		17					
Rural Areas	104	ASHTON MEETING PLACE	120080070	6			32,510	41,490		
Rural Areas	247	BURTON WOODS PHASE THREE	120080140	5			3,650			
Rural Areas	106	CHEVY CHASE BANK AT ASHTON	120070580				3,600		14,400	
Rural Areas	277	SNOW HILL FARM	120070570					61,314		
Silver Spring CBD	33	FALKLAND CHASE	120070560			1,020				
Silver Spring Takoma Park	37	HICKEY & OFFUTT'S SUBDIVISION	120070550	11						
Fairland/White Oak	85	CHEVY CHASE BANK HILLDALE	120080090				3,170			
Fairland/White Oak	152	THE BULLIS SCHOOL	120080030						323,544	
Fairland/White Oak	98	VALLEY-STREAM ESTATES	120080040			7				
<b>TOTAL</b>				<b>95</b>	<b>49</b>	<b>1,096</b>	<b>343,049</b>	<b>102,804</b>	<b>337,944</b>	<b>0</b>

Plans Submitted and Approved since January 1, 2007 (not including de minimus development)

Policy Area	TAZ	Project	Plan #	SFD	TH	MF	Office	Retail	Other	Industrial
Bethesda CBD		3 LOT 31 / LOT 31A BETHESDA	120070690			250		40,000		
<b>TOTAL</b>				<b>0</b>	<b>0</b>	<b>250</b>	<b>0</b>	<b>40,000</b>	<b>0</b>	<b>0</b>

Ordinance No.: 16-07  
 Subdivision Regulation Amend. No. 07-03  
 Concerning: Preliminary Subdivision  
Plans-Approvals-Applicability of  
Growth Policy Amendments-  
Extension  
 Revised: 7-27-07 Draft No. 1  
 Introduced: July 31, 2007  
 Public Hearing: September 11, 2007  
 Adopted: September 11, 2007  
 Effective: September 11, 2007

**COUNTY COUNCIL  
 FOR MONTGOMERY COUNTY, MARYLAND  
 SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION  
 OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT  
 WITHIN MONTGOMERY COUNTY, MARYLAND**

By: Council President Praisner

**AN AMENDMENT** to the Subdivision Regulations to:

- (1) continue in effect certain temporary provisions regarding the applicability of certain Growth Policy or adequate public facilities requirements to certain subdivisions; and
- (2) generally amend the process for approving preliminary plans of subdivision.

By amending the following sections of County Code Chapter 50:

Sec. 50-35B. Applicability of future adequate public facilities requirements - temporary provision.

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

OPINION

Subdivision Regulation Amendment 07-03 was introduced on July 31, 2007 to continue in effect certain temporary provisions regarding the applicability of certain Growth Policy or adequate public facilities requirements to certain subdivisions.

The Council held a public hearing on September 11, 2007, to receive testimony concerning the proposed amendment. The District Council reviewed Subdivision Regulation Amendment at a worksession held on September 11, 2007, and approved the Amendment without change.

For these reasons and because to approve this Amendment will assist in the coordinated, comprehensive, adjusted and systematic development of the Maryland-Washington Regional District located in Montgomery County, Subdivision Regulation Amendment No. 07-03 will be approved.

ORDINANCE

*The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following Ordinance:*

1        **Sec. 1. Section 50-35B is amended as follows:**

2        **50-35B.     Applicability of future adequate public facilities requirements –**  
3        **temporary provision.**

4            (a)    Except as provided in subsections (c) and (d), the Planning Board's  
5            approval or amendment of any preliminary subdivision plan for which  
6            an application was filed after January 1, 2007, must be subject to any  
7            County Growth Policy or other adequate public facilities requirement  
8            adopted after the plan was approved if that Policy or requirement  
9            expressly applies to previously-approved plans. In considering any  
10           preliminary subdivision plan for which an application was filed before  
11           January 1, 2007, the Board must apply the County Growth Policy and  
12           other adequate public facilities requirements in effect when the  
13           application was filed.



- 14 (b) The Board must reopen any preliminary subdivision plan approved  
15 between January 1 and [August] November 15, 2007, for which an  
16 application was filed after January 1, 2007, as necessary to assure that  
17 all development permitted under the plan complies with all applicable  
18 Growth Policy and other adequate public facilities requirements.
- 19 (c) Notwithstanding subsection (b), the Board may approve a preliminary  
20 subdivision plan without reserving the option to reopen the plan for  
21 compliance with later Growth Policy or adequate public facilities  
22 requirements if the proposed subdivision:
- 23 (1) is located entirely in a Metro Station Policy Area, as defined in  
24 the County growth policy, or an enterprise zone;
  - 25 (2) would add 5 or fewer peak hour trips, as defined under the  
26 County growth policy, for intersections serving that subdivision  
27 and is not located in the Poolesville or Goshen Policy Areas; or
  - 28 (3) is necessary to facilitate timely construction of a significant  
29 state or County public facility.
- 30 (d) Notwithstanding subsection (b), the Board may amend a preliminary  
31 subdivision plan that the Board approved before January 1, 2007,  
32 without reserving the option to reopen the plan for compliance with  
33 later Growth Policy or adequate public facilities requirements, if:
- 34 (1) the amendment would not add more than 5 peak hour trips to  
35 the number previously approved for intersections serving that  
36 subdivision; and the subdivision is not located in the Poolesville  
37 or Goshen Policy Areas;
  - 38 (2) the amendment applies only to the Clarksburg Town Center and  
39 results from a mediated settlement agreement that the Board  
40 previously approved; or

41 (3) the amendment is necessary to complete a development in the  
42 Life Sciences Center Zone and is required by a previously  
43 approved site plan for that development.


44 **Sec. 2. Effective date.** This ordinance takes effect on the date of Council  
45 adoption.

46 **Sec. 3. Expiration.** Section 50-35B, as amended by Section 1 of this  
47 ordinance, expires on [August] November 15, 2007. The expiration of Section 50-  
48 35B does not restrict:

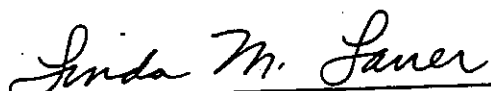
49 (a) the applicability of any later-adopted Growth Policy or other adequate  
50 public facilities requirement to any preliminary subdivision plan for  
51 which an application was filed between January 1, 2007, and [August]  
52 November 15, 2007; and

53 (b) the authority of the Planning Board to reopen any preliminary  
54 subdivision plan for which an application was filed on or after January  
55 1, 2007, to assure that the plan will comply with all applicable Growth  
56 Policy and other adequate public facilities requirements.

57 *Approved:*

58   
59 \_\_\_\_\_ Sept 20, 2007  
Isiah Leggett, County Executive Date

60 *This is a correct copy of Council action.*

61   
62 \_\_\_\_\_ September 21, 2007  
Linda M. Lauer, Clerk of the Council Date

**MEMORANDUM**

November 12, 2007

TO: County Council

FROM: Glenn Orlin, Deputy Council Staff Director <sup>GO</sup>

SUBJECT: **Addendum**—2007-2009 Growth Policy: additions and corrections

The following are additions and corrections to the draft adoption resolution on ©1-35 of the main packet:

- We inadvertently inserted the wrong versions of Tables 3 and 4 (©34-35) in the draft resolution. The correct versions are attached.
- The definition of the Rural East and Rural West policy areas (middle of ©6) should be revised as follows: The Rural East policy area consists of all area east of I-270 that is not in another policy area. The Rural West policy area consists of all area west of I-270 that is not in another policy area.
- Councilmember Trachtenberg advises that she wishes to withdraw her suggestion for the 'to do' list regarding affordable housing and re-developable areas (F7 on ©29).
- Councilmember Floreen suggests, since the new Growth Policy would have ceilings related to the school adequacy test, that rules regarding the queue of preliminary plan applications might be re-introduced into the text (see the text in the FY 2002 Annual Growth Policy, attached). Council staff recommends that the Council either include specific queue rules in the resolution (similar to the FY 2002 AGP rules) or direct the Planning Board (in the resolution) to develop queue rules.
- Most of the policy area maps are attached. No policy area boundaries are changing in this Growth Policy, although the areas not previously included in a policy area would now be part of either the new Rural East policy area or the new Rural West policy area (see above). At this writing the maps for the Rockville Town Center, Silver Spring/Takoma Park, and Wheaton CBD policy areas are still being prepared. All the maps will be included in the printed version of the resolution.

**Table 3: 2012-13 Test @ 120% Program Capacity**

Reflects Amended FY 2007-2012 Capital Improvements Program (CIP) and MCPS Enrollment Forecast, November, 2007

**Elementary School Enrollment and MCPS Capacity @ 120%**

Cluster Area	Projected Sept. 2012 Enrollment	100% MCPS Program Capacity With Council Amended FY07-12 CIP	120% MCPS Program Capacity With Council Amended FY07-12 CIP	Capacity Remaining @ 120% MCPS capacity	Growth Policy 120% Test Result Capacity is:	Cluster Moratorium?
B- CC	3,152	2,737	3,284	132	Adequate	No
Blair	3,642	3,986	4,783	1,141	Adequate	No
Blake	2,322	2,087	2,504	182	Adequate	No
Churchill	2,539	2,628	3,154	615	Adequate	No
Clarksburg	3,569	2,985	3,582	13	Adequate	No
Damascus	1,936	2,104	2,525	589	Adequate	No
Einstein	2,245	1,767	2,120	-125	Inadequate	Yes
Gaithersburg	3,568	3,957	4,748	1,180	Adequate	No
Walter Johnson	3,294	3,207	3,848	554	Adequate	No
Kennedy	2,387	1,787	2,144	-243	Inadequate	Yes
Magruder	2,558	2,542	3,050	492	Adequate	No
R. Montgomery	2,314	2,155	2,586	272	Adequate	No
Northwest	4,023	3,521	4,225	202	Adequate	No
Northwood	2,775	2,668	3,202	427	Adequate	No
Paint Branch	2,338	2,315	2,778	440	Adequate	No
Poolesville	580	754	905	325	Adequate	No
Quince Orchard	2,865	2,667	3,200	335	Adequate	No
Rockville	2,462	2,229	2,675	213	Adequate	No
Seneca Valley	2,147	2,220	2,664	517	Adequate	No
Sherwood	2,382	2,477	2,972	590	Adequate	No
Springbrook	2,742	3,156	3,787	1,045	Adequate	No
Watkins Mill	2,453	2,577	3,092	639	Adequate	No
Wheaton	2,537	2,166	2,599	62	Adequate	No
Whitman	2,253	2,084	2,501	248	Adequate	No
Wootton	2,852	3,083	3,700	848	Adequate	No

**Middle School Enrollment and MCPS Capacity @ 120%**

Cluster Area	Projected Sept. 2012 Enrollment	100% MCPS Program Capacity With Council Amended FY07-12 CIP	120% MCPS Program Capacity With Council Amended FY07-12 CIP	Capacity Remaining @ 120% MCPS capacity	Growth Policy 120% Test Result Capacity is:	Cluster Moratorium?
B- CC	998	1,037	1,244	246	Adequate	No
Blair	1,866	2,253	2,704	838	Adequate	No
Blake	1,001	1,332	1,598	597	Adequate	No
Churchill	1,343	1,434	1,721	378	Adequate	No
Clarksburg	1,387	1,142	1,370	-17	Inadequate	Yes
Damascus	868	941	1,129	261	Adequate	No
Einstein	915	1,411	1,693	778	Adequate	No
Gaithersburg	1,348	1,800	2,160	812	Adequate	No
Walter Johnson	1,454	1,846	2,215	761	Adequate	No
Kennedy	1,133	1,445	1,734	601	Adequate	No
Magruder	1,062	1,594	1,913	851	Adequate	No
R. Montgomery	969	973	1,168	199	Adequate	No
Northwest	1,820	1,964	2,357	537	Adequate	No
Northwood	860	1,344	1,613	753	Adequate	No
Paint Branch	1,043	1,308	1,570	527	Adequate	No
Poolesville	303	472	566	263	Adequate	No
Quince Orchard	1,222	1,638	1,966	744	Adequate	No
Rockville	897	972	1,166	269	Adequate	No
Seneca Valley	1,030	1,476	1,771	741	Adequate	No
Sherwood	1,215	1,475	1,770	555	Adequate	No
Springbrook	916	1,216	1,459	543	Adequate	No
Watkins Mill	943	1,251	1,501	558	Adequate	No
Wheaton	1,424	1,649	1,979	555	Adequate	No
Whitman	1,217	1,520	1,820	303	Adequate	No
Wootton	1,356	1,578	1,894	538	Adequate	No

**High School Enrollment and MCPS Capacity @ 120%**

Cluster Area	Projected Sept. 2012 Enrollment	100% MCPS Program Capacity With Council Amended FY07-12 CIP	120% MCPS Program Capacity With Council Amended FY07-12 CIP	Capacity Remaining @ 120% MCPS capacity	Growth Policy 120% Test Result Capacity is:	Cluster Moratorium?
B- CC	1,666	1,656	1,987	321	Adequate	No
Blair	2,275	2,885	3,462	1,187	Adequate	No
Blake	1,679	1,715	2,058	379	Adequate	No
Churchill	1,896	1,972	2,366	470	Adequate	No
Clarksburg	1,912	1,593	1,912	0	Adequate	No
Damascus	1,312	1,589	1,907	595	Adequate	No
Einstein	1,615	1,615	1,938	323	Adequate	No
Gaithersburg	1,874	2,067	2,480	606	Adequate	No
Walter Johnson	2,019	2,239	2,687	668	Adequate	No
Kennedy	1,495	1,802	2,162	667	Adequate	No
Magruder	1,707	1,958	2,350	643	Adequate	No
R. Montgomery	1,850	1,967	2,360	510	Adequate	No
Northwest	2,230	2,151	2,581	351	Adequate	No
Northwood	1,180	1,526	1,831	651	Adequate	No
Paint Branch	1,697	1,899	2,279	582	Adequate	No
Poolesville	1,113	1,107	1,328	215	Adequate	No
Quince Orchard	1,715	1,791	2,149	434	Adequate	No
Rockville	1,143	1,602	1,922	779	Adequate	No
Seneca Valley	1,381	1,452	1,742	361	Adequate	No
Sherwood	1,991	2,022	2,426	435	Adequate	No
Springbrook	1,706	2,086	2,503	797	Adequate	No
Watkins Mill	1,523	1,913	2,296	773	Adequate	No
Wheaton	1,300	1,389	1,667	367	Adequate	No
Whitman	1,814	1,891	2,269	455	Adequate	No
Wootton	2,322	2,059	2,471	149	Adequate	No

### Table 4: 2012-13 Test @ 105% Program Capacity

Reflects Amended FY 2007-2012 Capital Improvements Program (CIP) and MCPS Enrollment Forecast, November, 2007

#### Elementary School Enrollment and MCPS Capacity @ 105%

Cluster Area	Projected Sept. 2012 Enrollment	100% MCPS Program Capacity With Council Amended FY07-12 CIP	105% MCPS Program Capacity With Council Amended FY07-12 CIP	Capacity Remaining @ 105% MCPS capacity	Growth Policy 105% Test Result Capacity is:	School Facility Payment Required To Proceed?
B- CC	3,152	2,737	2,874	-278	Inadequate	Yes
Blair	3,642	3,986	4,185	543	Adequate	No
Blake	2,322	2,087	2,191	-131	Inadequate	Yes
Churchill	2,539	2,528	2,759	220	Adequate	No
Clarksburg	3,569	2,985	3,134	-435	Inadequate	Yes
Damascus	1,936	2,104	2,209	273	Adequate	No
Einstein	2,245	1,767	1,855	-390	Inadequate	Yes
Gaithersburg	3,568	3,957	4,155	587	Adequate	No
Walter Johnson	3,294	3,207	3,367	73	Adequate	No
Kennedy	2,387	1,787	1,876	-511	Inadequate	Yes
Magruder	2,558	2,542	2,669	111	Adequate	No
R. Montgomery	2,314	2,155	2,263	-51	Inadequate	Yes
Northwest	4,023	3,521	3,697	-326	Inadequate	Yes
Northwood	2,775	2,668	2,801	26	Adequate	No
Paint Branch	2,338	2,315	2,431	93	Adequate	No
Poolesville	580	754	792	212	Adequate	No
Quince Orchard	2,865	2,667	2,800	-65	Inadequate	Yes
Rockville	2,462	2,229	2,340	-122	Inadequate	Yes
Seneca Valley	2,147	2,220	2,331	184	Adequate	No
Sherwood	2,382	2,477	2,601	219	Adequate	No
Springbrook	2,742	3,156	3,314	572	Adequate	No
Watkins Mill	2,453	2,577	2,706	253	Adequate	No
Wheaton	2,537	2,166	2,274	-263	Inadequate	Yes
Whitman	2,253	2,084	2,188	-65	Inadequate	Yes
Wootton	2,852	3,063	3,237	385	Adequate	No

#### Middle School Enrollment and MCPS Capacity @ 105%

Cluster Area	Projected Sept. 2012 Enrollment	100% MCPS Program Capacity With Council Amended FY07-12 CIP	105% MCPS Program Capacity With Council Amended FY07-12 CIP	Capacity Remaining @ 105% MCPS capacity	Growth Policy 105% Test Result Capacity is:	School Facility Payment Required To Proceed?
B- CC	998	1,037	1,089	91	Adequate	No
Blair	1,866	2,253	2,366	500	Adequate	No
Blake	1,001	1,332	1,399	398	Adequate	No
Churchill	1,343	1,434	1,506	163	Adequate	No
Clarksburg	1,387	1,142	1,199	-188	Inadequate	Yes
Damascus	868	941	988	120	Adequate	No
Einstein	915	1,411	1,482	567	Adequate	No
Gaithersburg	1,348	1,800	1,890	542	Adequate	No
Walter Johnson	1,454	1,846	1,938	484	Adequate	No
Kennedy	1,133	1,445	1,517	384	Adequate	No
Magruder	1,062	1,594	1,674	612	Adequate	No
R. Montgomery	969	973	1,022	53	Adequate	No
Northwest	1,820	1,964	2,062	242	Adequate	No
Northwood	860	1,344	1,411	551	Adequate	No
Paint Branch	1,043	1,308	1,373	330	Adequate	No
Poolesville	303	472	496	193	Adequate	No
Quince Orchard	1,222	1,638	1,720	498	Adequate	No
Rockville	897	972	1,021	124	Adequate	No
Seneca Valley	1,030	1,476	1,550	520	Adequate	No
Sherwood	1,215	1,475	1,549	334	Adequate	No
Springbrook	916	1,277	1,277	361	Adequate	No
Watkins Mill	943	1,251	1,314	371	Adequate	No
Wheaton	1,424	1,649	1,731	307	Adequate	No
Whitman	1,217	1,267	1,330	113	Adequate	No
Wootton	1,356	1,578	1,657	301	Adequate	No

#### High School Enrollment and MCPS Capacity @ 105%

Cluster Area	Projected Sept. 2012 Enrollment	100% MCPS Program Capacity With Council Amended FY07-12 CIP	105% MCPS Program Capacity With Council Amended FY07-12 CIP	Capacity Remaining @ 105% MCPS capacity	Growth Policy 105% Test Result Capacity is:	School Facility Payment Required To Proceed?
B- CC	1,666	1,656	1,739	73	Adequate	No
Blair	2,275	2,885	3,029	754	Adequate	No
Blake	1,679	1,715	1,801	122	Adequate	No
Churchill	1,896	1,972	2,071	175	Adequate	No
Clarksburg	1,912	1,593	1,673	-239	Inadequate	Yes
Damascus	1,312	1,589	1,668	356	Adequate	No
Einstein	1,615	1,615	1,696	81	Adequate	No
Gaithersburg	1,874	2,067	2,170	296	Adequate	No
Walter Johnson	2,019	2,239	2,351	332	Adequate	No
Kennedy	1,495	1,802	1,892	397	Adequate	No
Magruder	1,707	1,958	2,056	349	Adequate	No
R. Montgomery	1,850	1,967	2,065	215	Adequate	No
Northwest	2,230	2,151	2,259	29	Adequate	No
Northwood	1,180	1,526	1,602	422	Adequate	No
Paint Branch	1,697	1,899	1,994	297	Adequate	No
Poolesville	1,113	1,107	1,162	49	Adequate	No
Quince Orchard	1,715	1,791	1,881	166	Adequate	No
Rockville	1,143	1,602	1,682	539	Adequate	No
Seneca Valley	1,381	1,452	1,525	144	Adequate	No
Sherwood	1,991	2,022	2,123	132	Adequate	No
Springbrook	1,706	2,086	2,190	484	Adequate	No
Watkins Mill	1,523	1,913	2,009	486	Adequate	No
Wheaton	1,300	1,389	1,458	158	Adequate	No
Whitman	1,814	1,891	1,986	172	Adequate	No
Wootton	2,322	2,059	2,162	-160	Inadequate	Yes

## **FY2002 ANNUAL GROWTH POLICY**

### **TP7 Allocation of Staging Ceiling to Preliminary Plans of Subdivision**

The Planning Board allocates available staging ceiling capacity in a policy area based on the queue date of an application for preliminary plan of subdivision approval.

#### **TP7.1 Assignment of queue date**

The queue date of a preliminary plan of subdivision is the date:

- a complete application is filed with the Planning Board;
- a traffic study is filed, if required to obtain a new queue date under TP7.4; or
- 6 months after the prior queue date if the prior queue date expires under TP7.3 and the application does not require a traffic study.

#### **TP7.2 Calculation of available staging ceiling capacity**

The Planning Board determines whether there is adequate staging ceiling capacity available for a project by subtracting the capacity required by projects with earlier queue dates from the remaining capacity on Table 2 as updated periodically. Based on this calculation, the Planning Board may:

- approve a project for which there is sufficient capacity;
- approve part of a project for which there is sufficient capacity, leaving the remainder of the project in the queue until additional capacity becomes available;
- deny an application for a project for which there is insufficient capacity; or
- defer approval of a project and leave the project in the queue until sufficient capacity becomes available for all or part of the project. In situations where there is insufficient capacity, staff must not schedule a hearing on the application unless the applicant requests one.

If there is sufficient capacity for a project based on the queue date, the Planning Board must not deny an application based on pipeline (but not staging ceiling) changes while the queue date is in effect.

#### **TP7.3 Expiration of queue date**

A queue date for an application for preliminary plan of subdivision approval expires:

- 6 months after the queue date if there was sufficient staging ceiling capacity for the entire project on the queue date and the Planning Board has not approved the application or granted an extension of the queue date;
- 6 months after sufficient capacity becomes available for the entire project if a traffic study is not required under TP7.4;

- 6 months after a traffic study is filed if required under TP7.4; or
- on the applicant's failure to request background data, to submit a traffic study, or to submit a complete updated traffic study after notice that a study is incomplete, all within the time limits in TP7.4.

The Planning Board may grant one or more 6-month extensions of a queue date if the applicant demonstrates that a queue date expired or will expire because of governmental delay beyond the applicant's control. The Planning Department may grant one 6-month extension of a queue date for Department of Permitting Services approval of individual sewage disposal or wells. Any additional queue date extensions for Department of Permitting Services approval may only be granted by the Planning Board.

#### **TP7.4 Traffic studies**

##### **TP7.4.1 Required when sufficient capacity becomes available**

The queue date of an application for which there is not sufficient staging ceiling capacity when the complete application is filed will expire when sufficient capacity becomes available, unless the applicant:

- requests background data from the Planning Board to prepare a traffic study within 1 month after capacity becomes available; and
- submits a traffic study within 1 month after receiving the background data. However, if the Planning Board provides the background data between June 1 and September 15, the study must be submitted by October 15.

##### **TP7.4.2 Required to obtain a new queue date after expiration**

If the queue date of an application which includes a traffic study expires, an updated traffic study must be filed to obtain a new queue date.

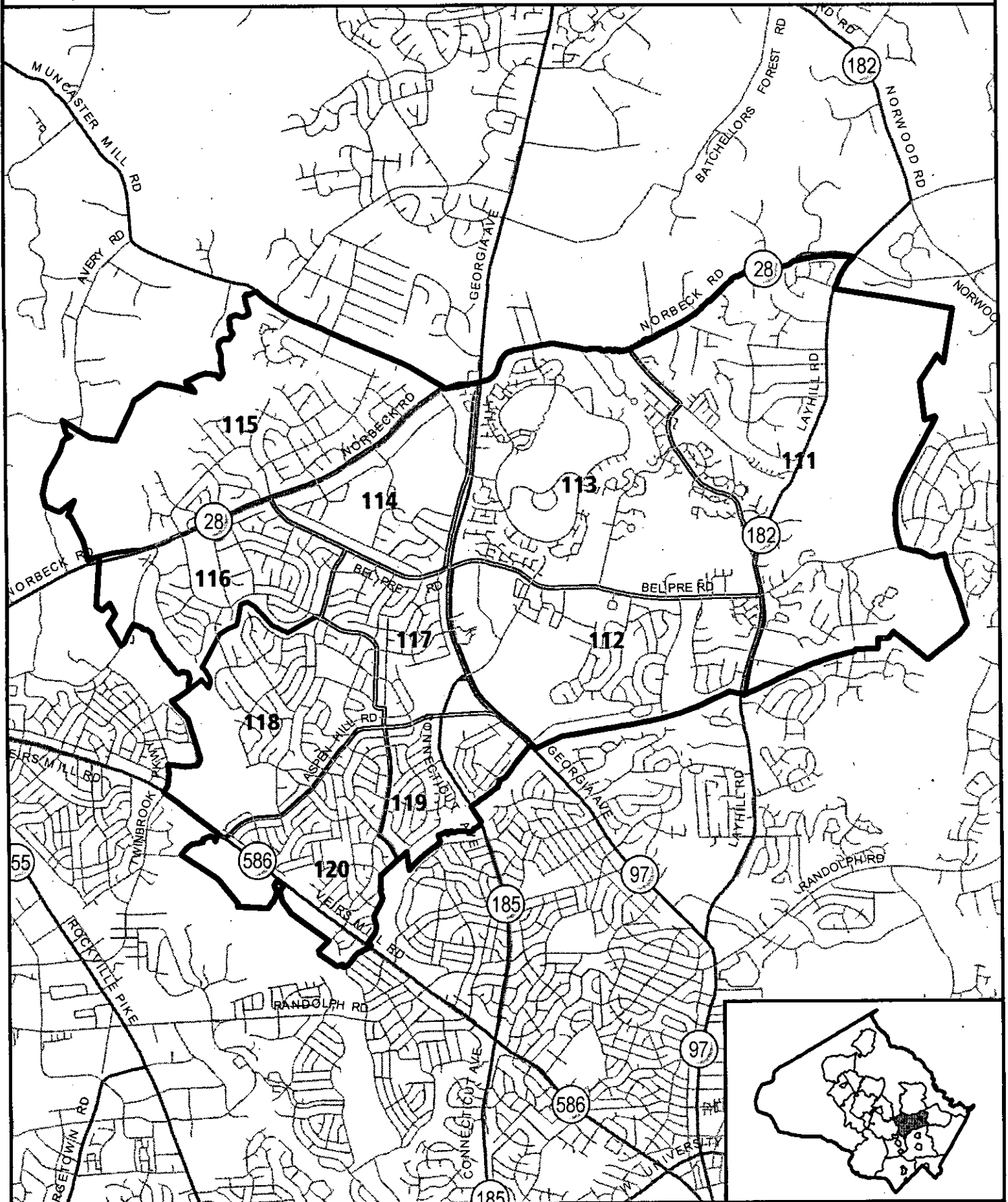
##### **TP7.4.3 Notice of incomplete traffic study**

The Planning Board must notify an applicant within 15 days after a traffic study is filed if the study is incomplete. An applicant must file a complete traffic study within 30 days of receipt of the notice that a study is incomplete.

##### **TP7.5 Special Ceiling Allocation for Affordable Housing**

If an application for a preliminary plan approval that uses the special ceiling allocation for affordable housing is denied by the Planning Board after July 1, 1992, the applicant retains its original queue date and is subject to all other applicable provisions of TP7.

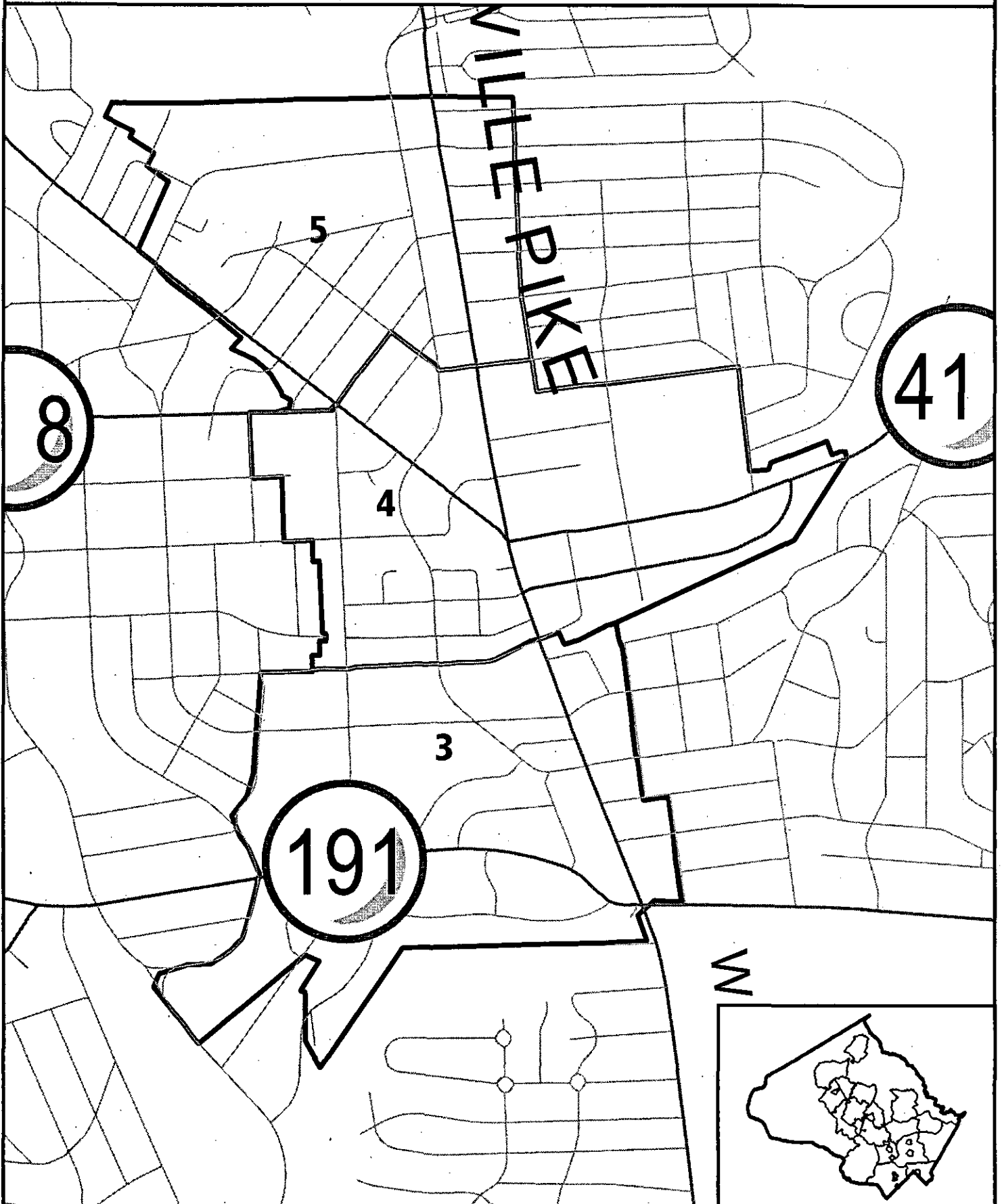
# Aspen Hill Policy Area with Traffic Zones





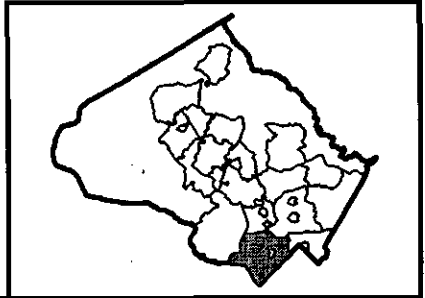
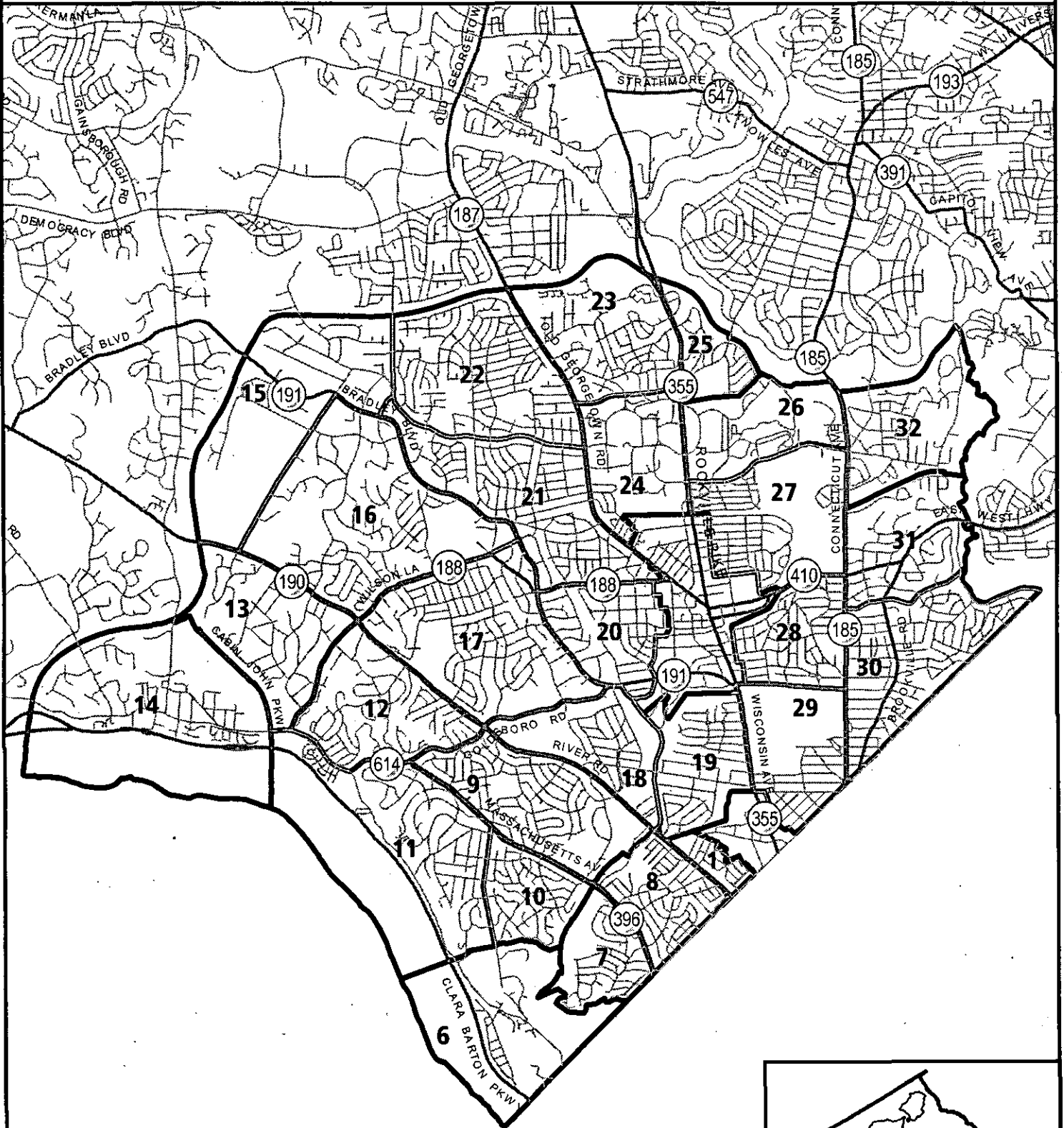
# Bethesda CBD Policy Area with Traffic Zones

MONTGOMERY COUNTY DEPARTMENT OF PARK & PLANNING  
THE SHAW-LAYD MATERIALS CENTER PARK & PLANNING ENGINEERING  
4100 Maple Avenue, 15th Floor, Bethesda, MD 20814



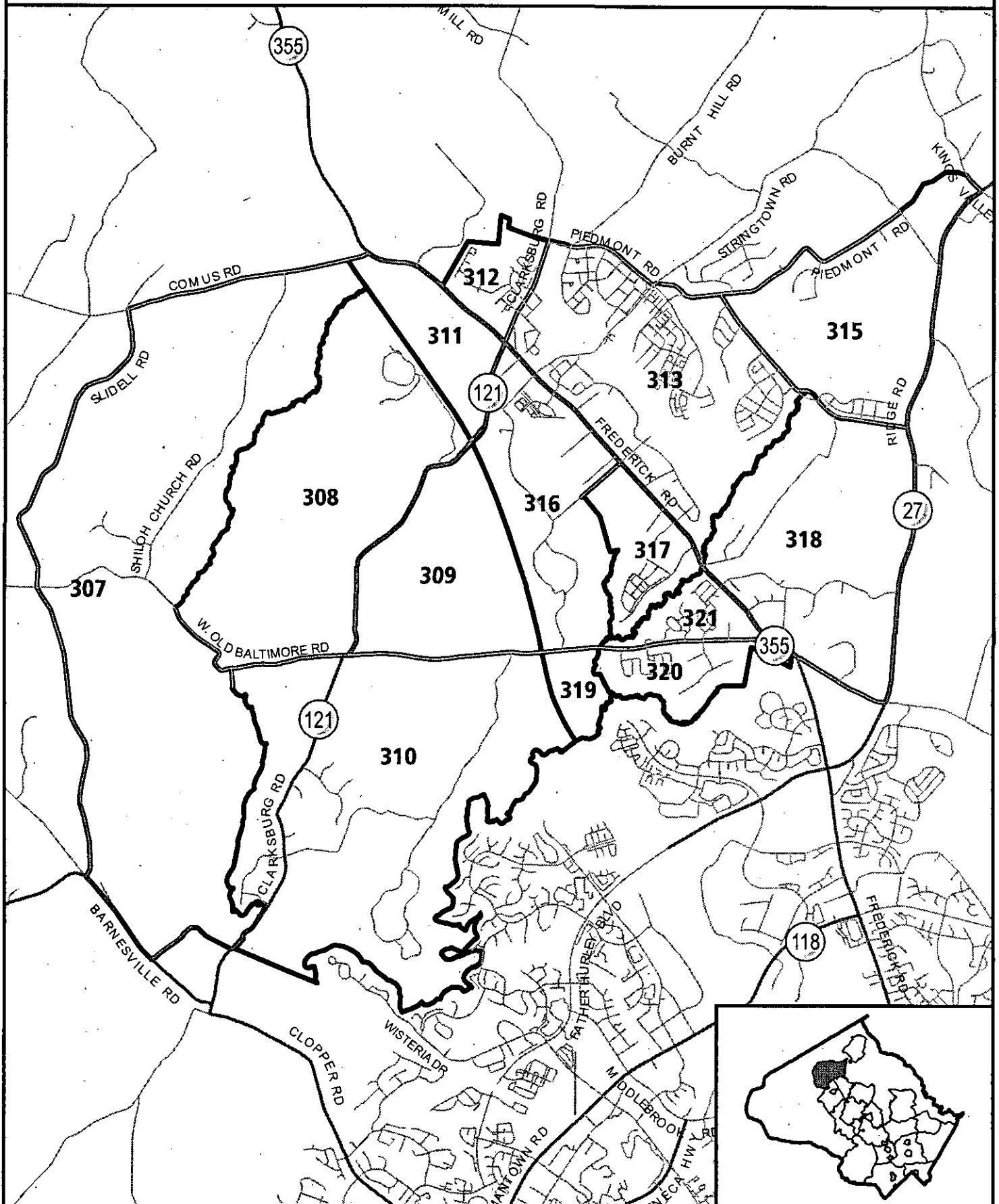
# Bethesda/Chevy Chase Policy Area with Traffic Zones

MONTGOMERY COUNTY DEPARTMENT OF PARK & PLANNING  
THE CAPITAL PLANNING DIVISION  
2007



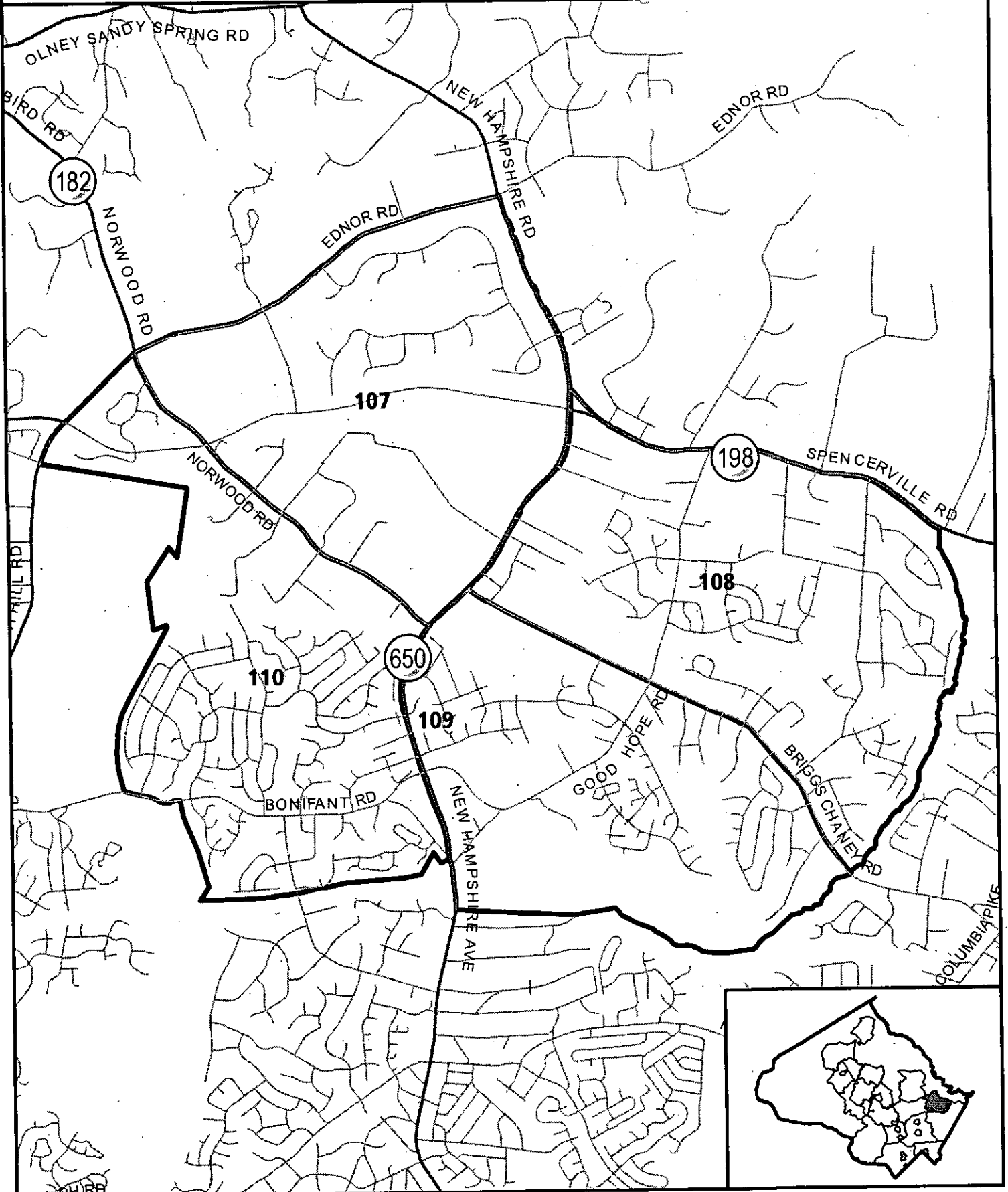
# Clarksburg Policy Area with Traffic Zones

MONTGOMERY COUNTY DEPARTMENT OF PARK & PLANNING  
1801 STATE ST. 1ST FLOOR, CLARKSBURG, MD 21714  
301-771-1000

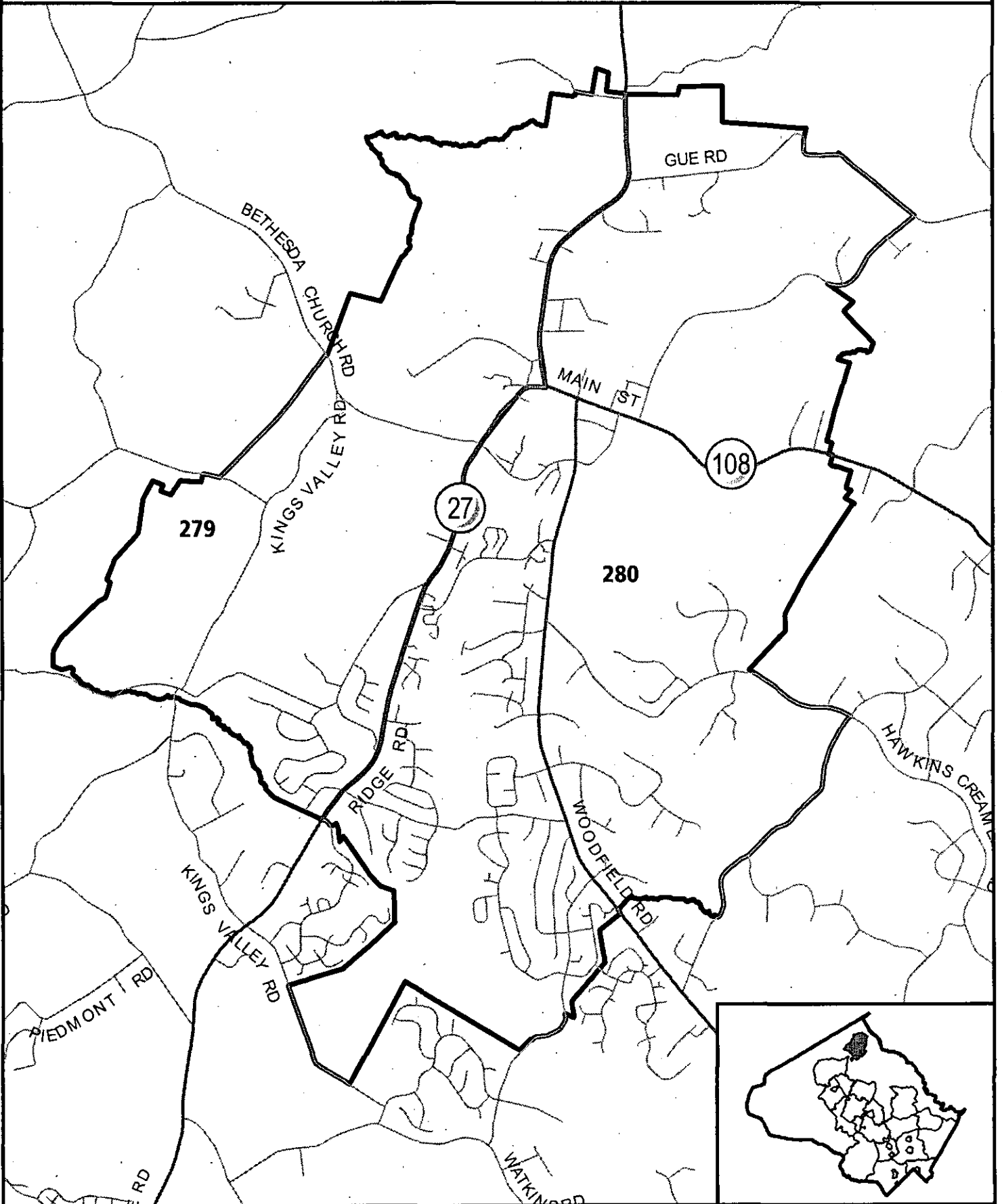


# Cloverly Policy Area with Traffic Zones

MONTGOMERY COUNTY DEPARTMENT OF PARK & PLANNING  
195 HAMPDEN ROAD, SUITE 100, ROCKVILLE, MARYLAND 20850  
DATE: 08/14/08

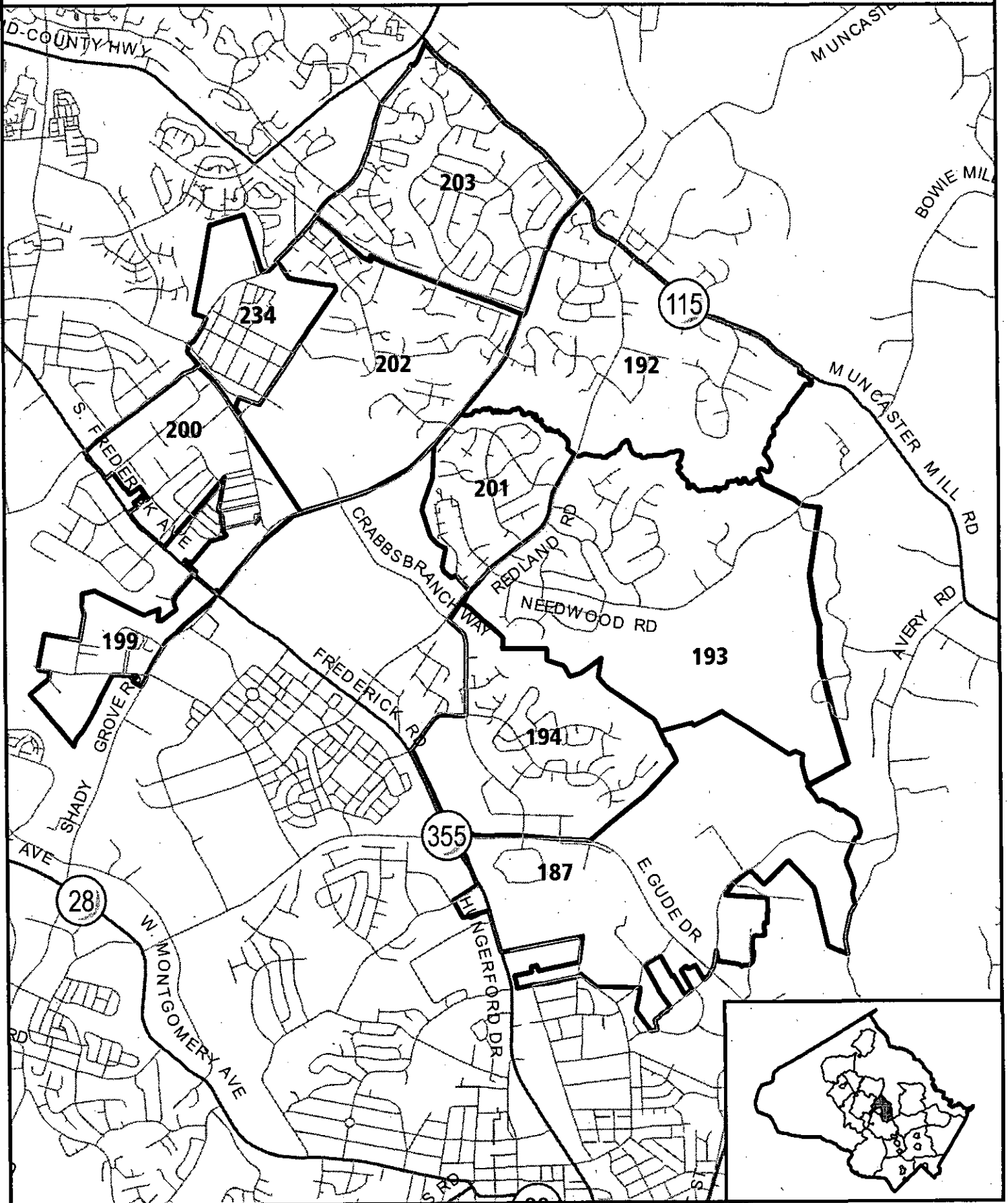


# Damascus Policy Area with Traffic Zones



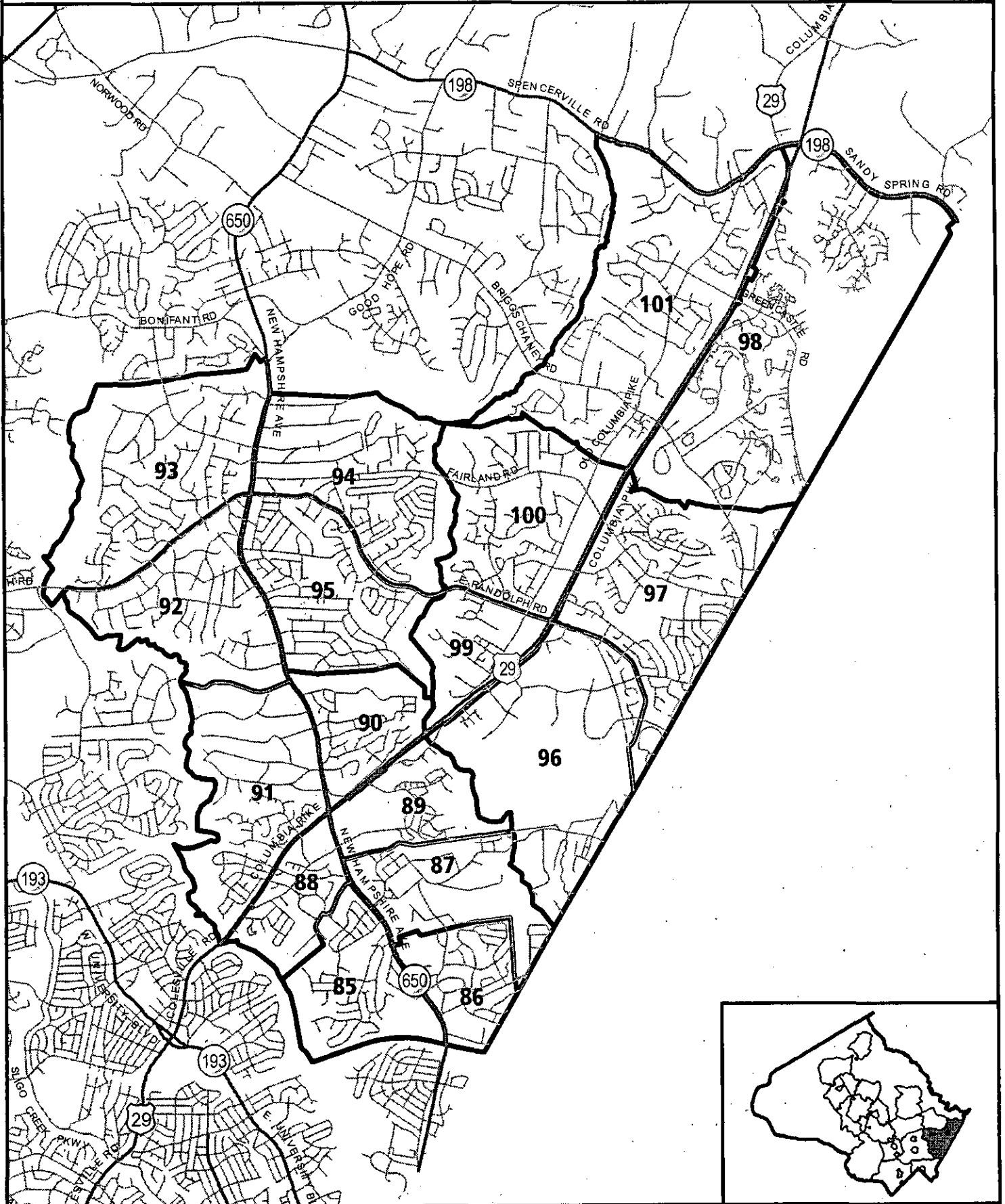
# Derwood Policy Area with Traffic Zones

MONTGOMERY COUNTY DEPARTMENT OF PARK & PLANNING  
THE STATE OF MONTGOMERY COUNTY PLANNING & ZONING  
10000 Rockledge Dr., Suite 100, Rockledge, MD 20850



# Fairland/White Oak Policy Area with Traffic Zones

MONTGOMERY COUNTY DEPARTMENT OF PARK & PLANNING  
100 MONTGOMERY AVENUE, SUITE 200, ROCKVILLE, MD 20850  
410-330-6000

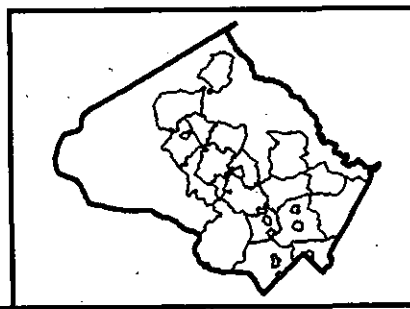


# Friendship Heights Policy Area with Traffic Zones

MONTGOMERY COUNTY DEPARTMENT OF PARK & PLANNING  
THE NATIONAL CAPITAL AREA PARKS & PLANNING COMMISSION  
ARTS & CULTURE CENTER 400 North Street, Suite 2000, Silver Spring, MD 20910

WISCONSIN AVE

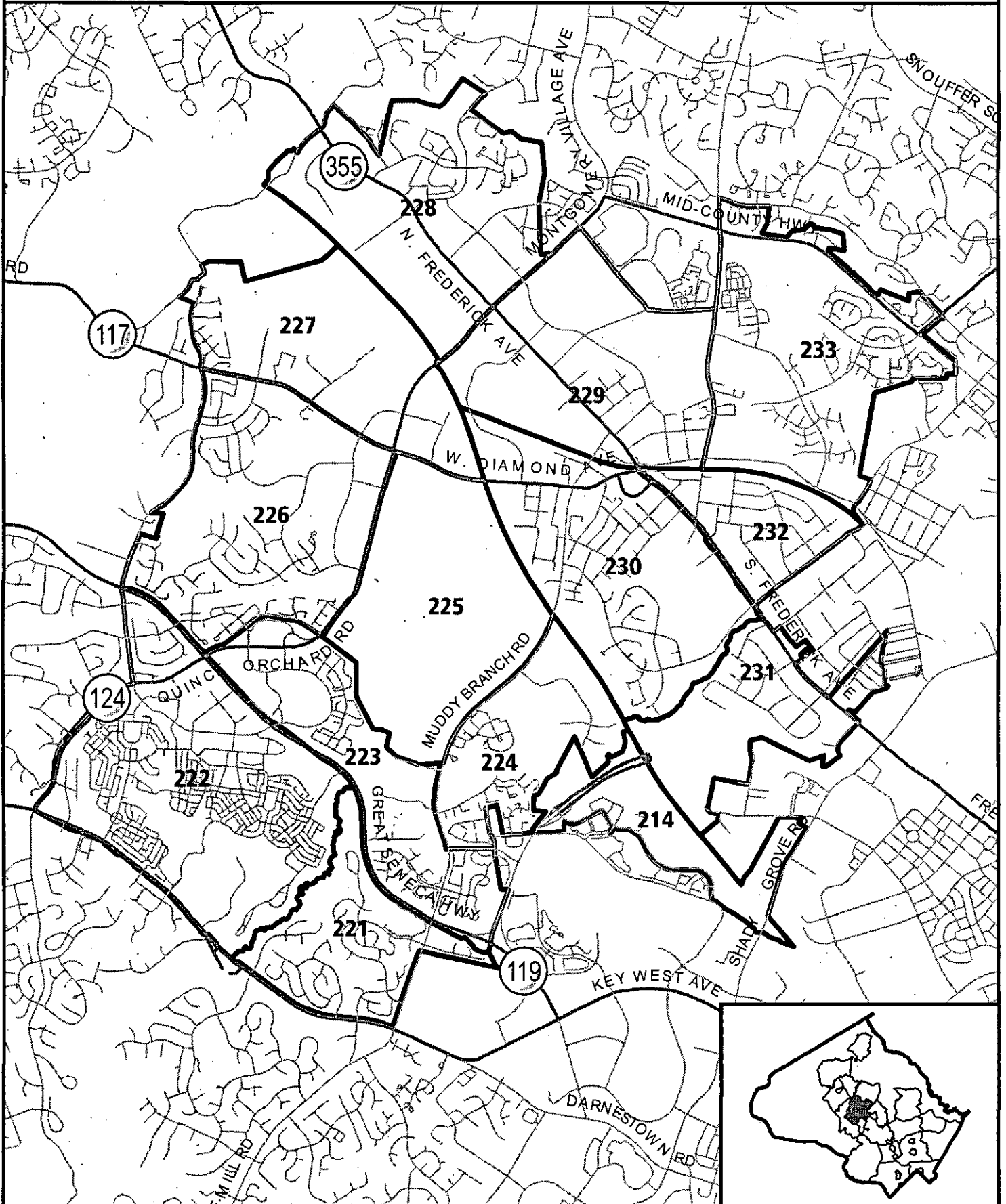
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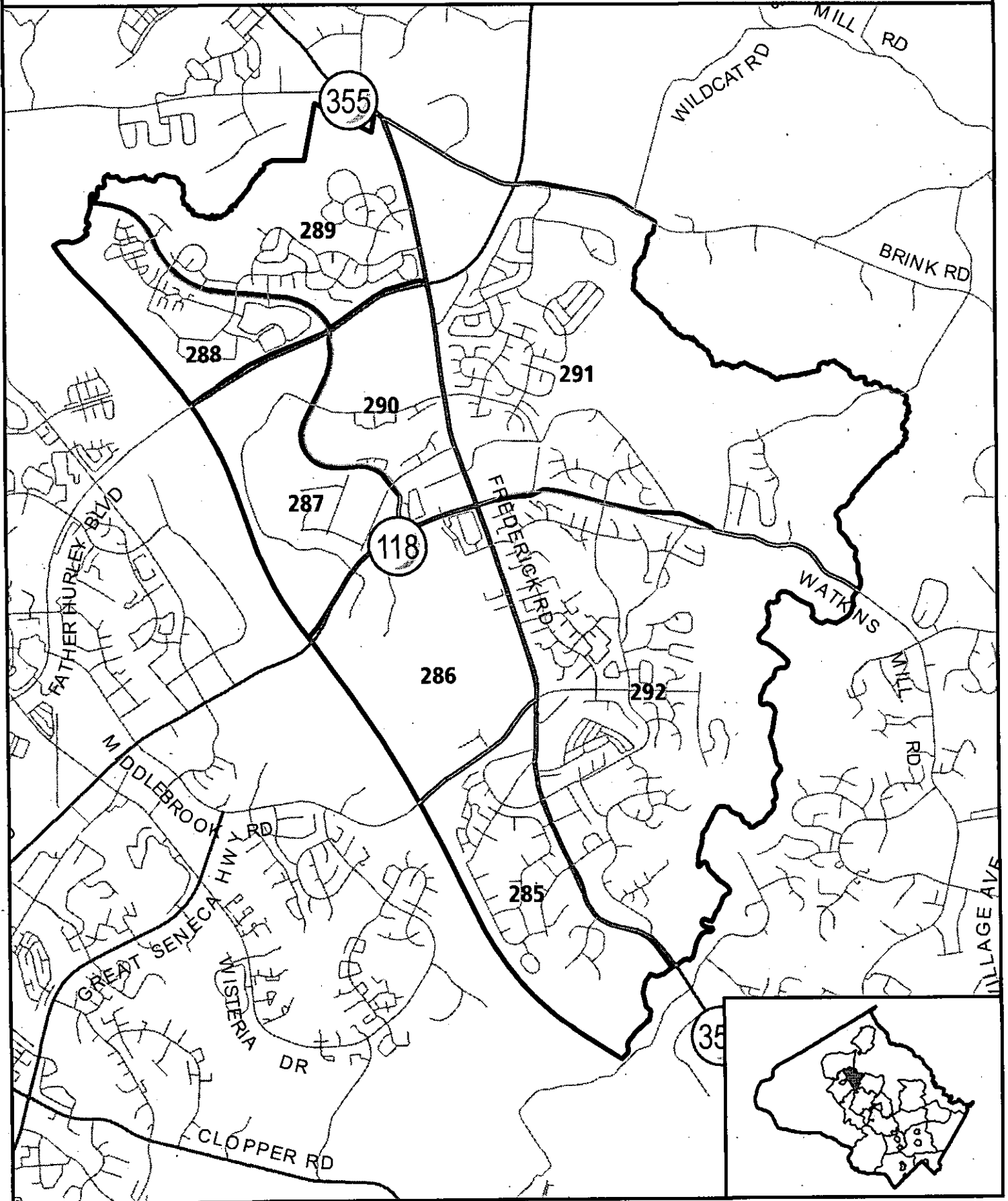
# Gaithersburg City Policy Area with Traffic Zones

MONTGOMERY COUNTY DEPARTMENT OF PARK & PLANNING  
THE MARYLAND NATIONAL ARCHIVE PARK & PLANNING DIVISION  
APR 1998 (Revised 10/01/01)



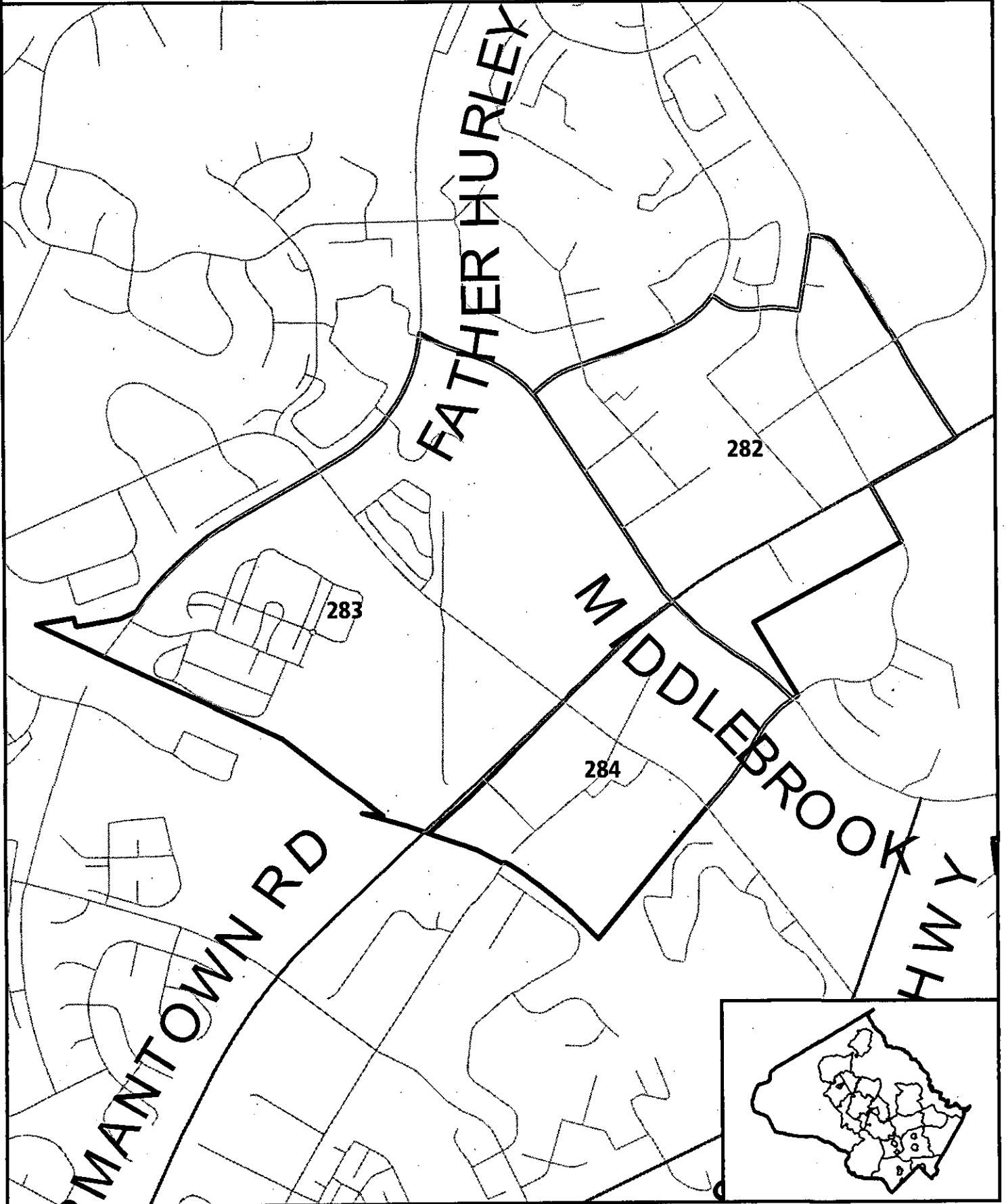
# Germantown East Policy Area with Traffic Zones

MONTGOMERY COUNTY DEPARTMENT OF PARK & PLANNING  
THE CAPITAL EDUCATIONAL CENTER FOR PARK & PLANNING EDUCATION  
3147 Executive Center Rd., Gaithersburg, Maryland 20878



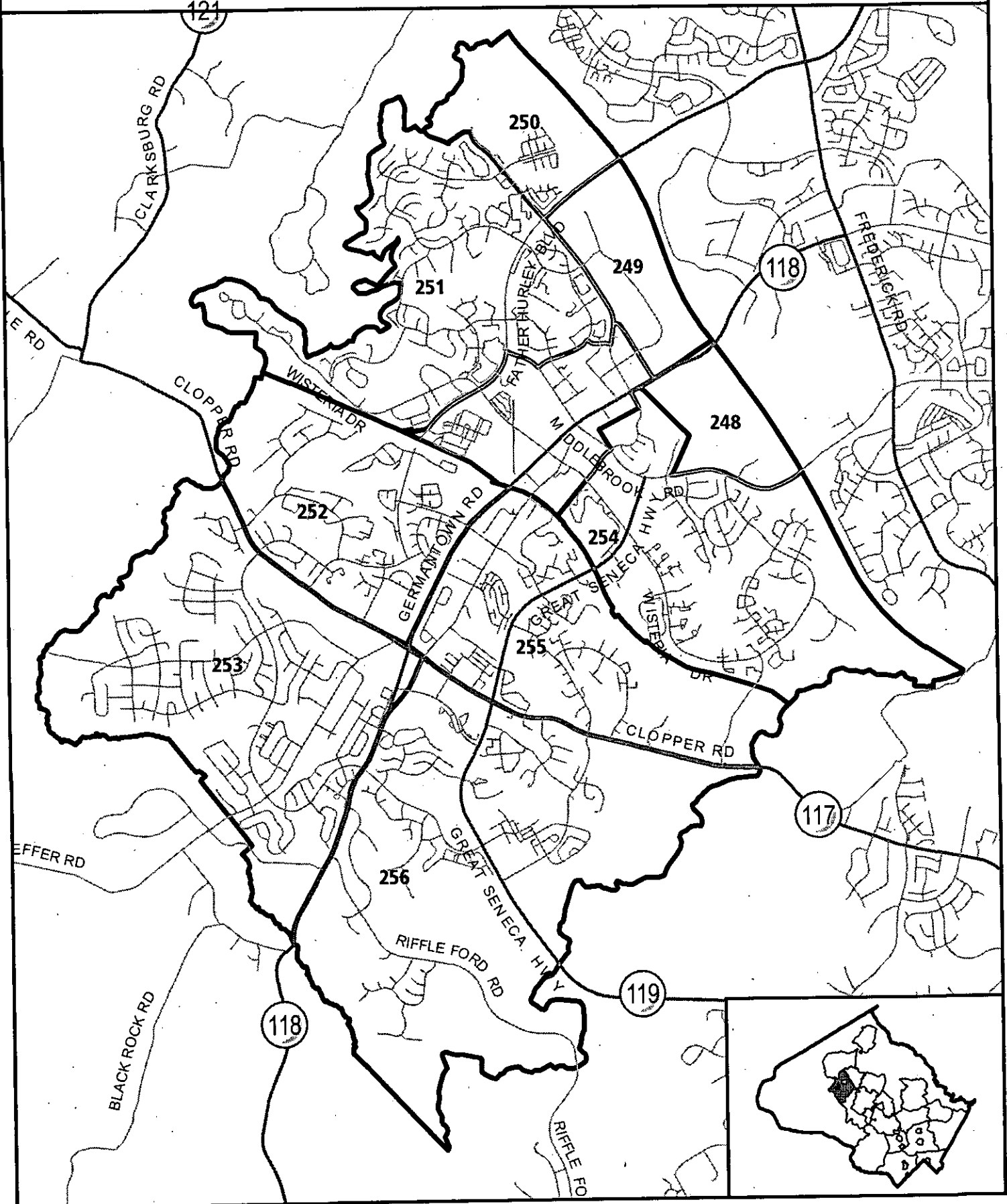
# Germantown Town Center Policy Area with Traffic Zones

MONTEGOMERY COUNTY DEPARTMENT OF PARK & PLANNING  
THE URBAN AND REGIONAL DESIGN & PLANNING DIVISION  
3100 Fryingpan Avenue, Germantown, Maryland 20876



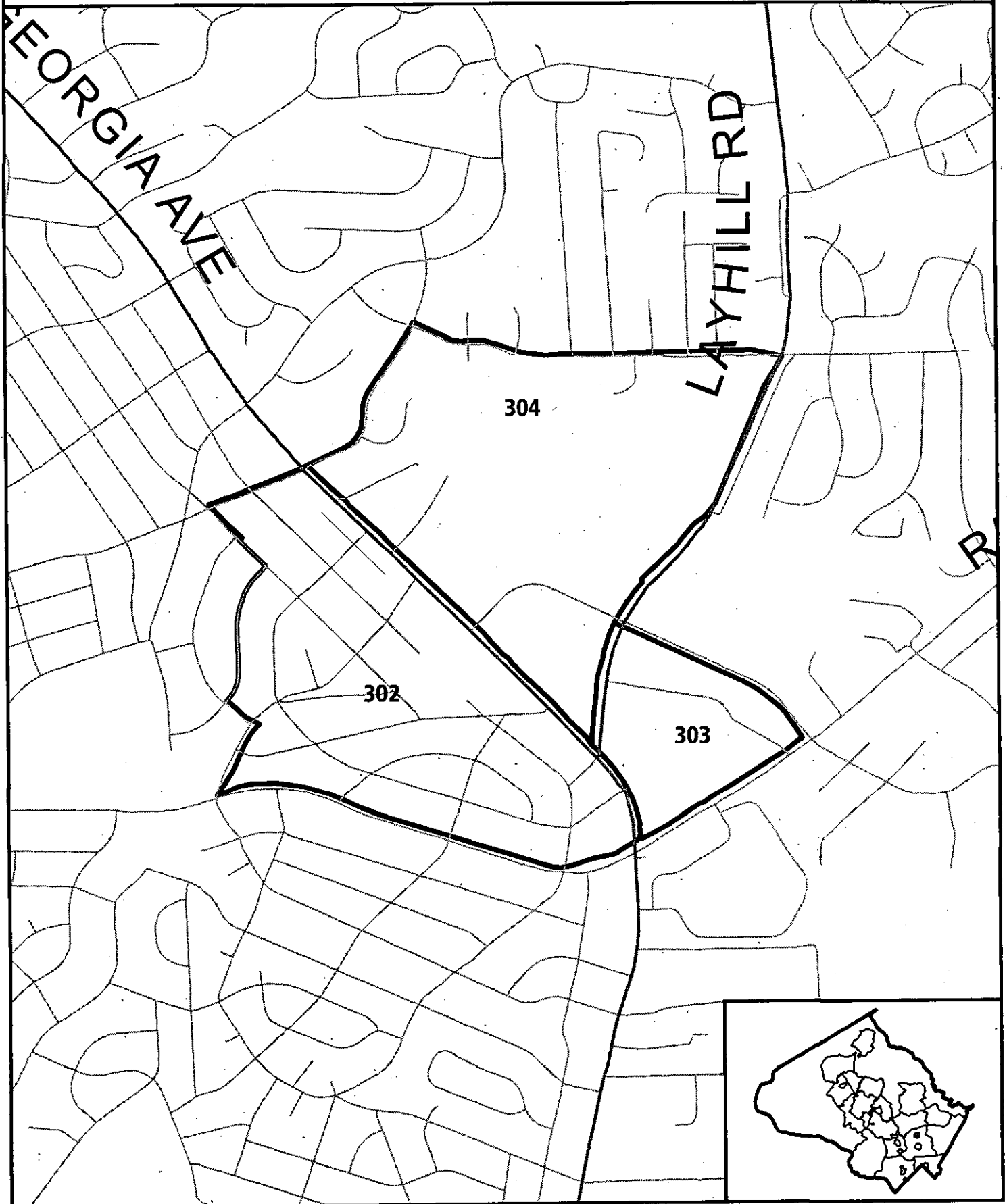
# Germantown West Policy Area with Traffic Zones

MONTGOMERY COUNTY DEPARTMENT OF PARK & PLANNING  
THE MARYLAND NATIONAL STATE COLLEGE & PLANNING CORPORATION  
6147 Forest Avenue, 4th Floor, Silver Spring, MD 20910



# Glenmont Policy Area with Traffic Zones

MONTGOMERY COUNTY DEPARTMENT OF PARK & PLANNING  
THE NATIONAL CAPITAL PARK & PLANNING COMMISSION  
A/E/C: Georgia Seaver Associates, Inc. 10/11/09



# Grosvenor Policy Area with Traffic Zones

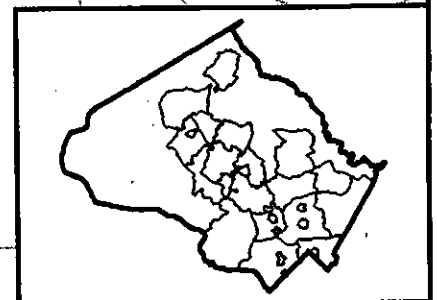
MONTGOMERY COUNTY DEPARTMENT OF PARK & PLANNING  
THE OFFICE OF ENVIRONMENTAL, CULTURAL, PARKS & PLANNING DIVISION  
6101 Spring House Rd. • Spring House, PA 17089

## STRATHMORE

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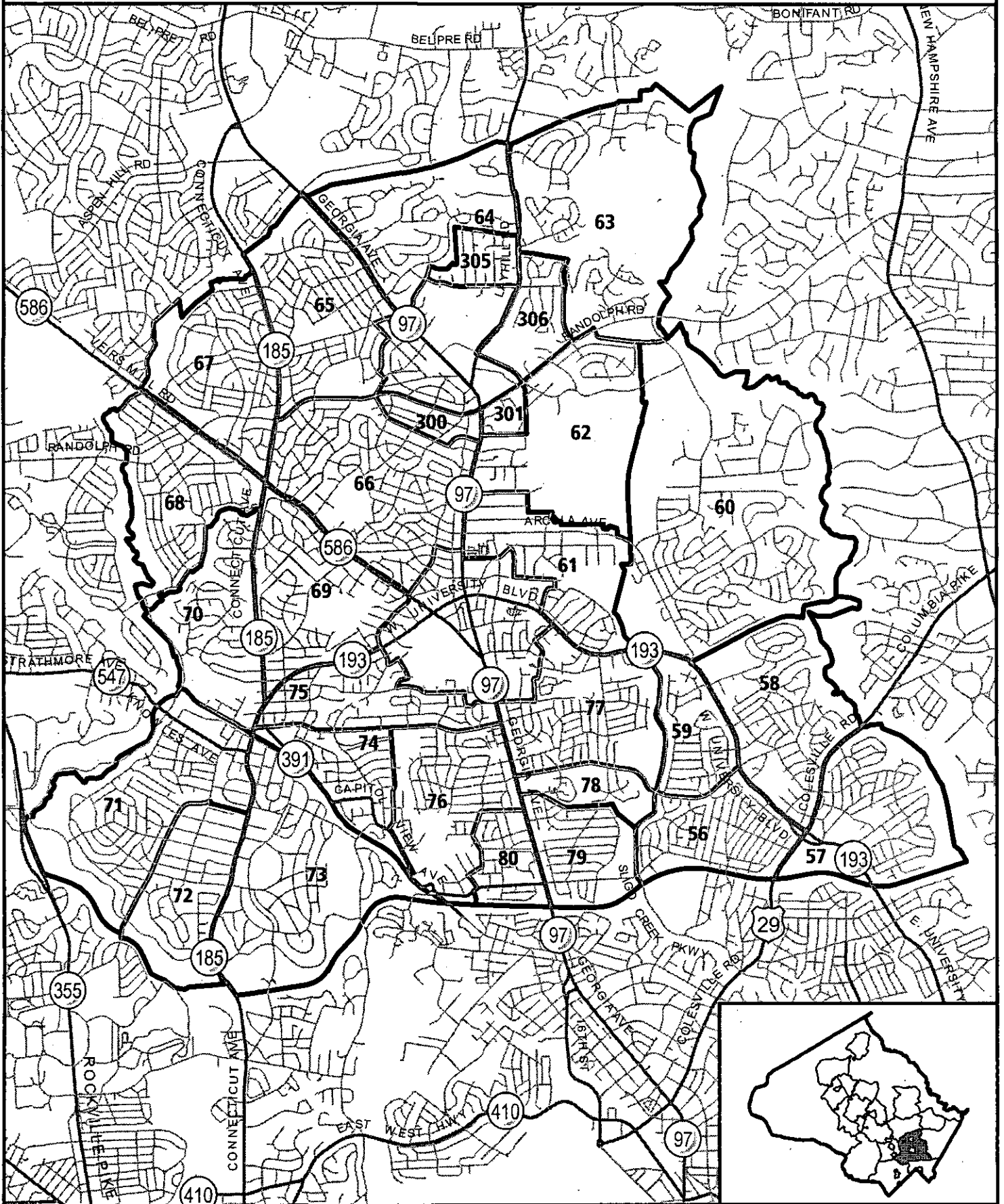
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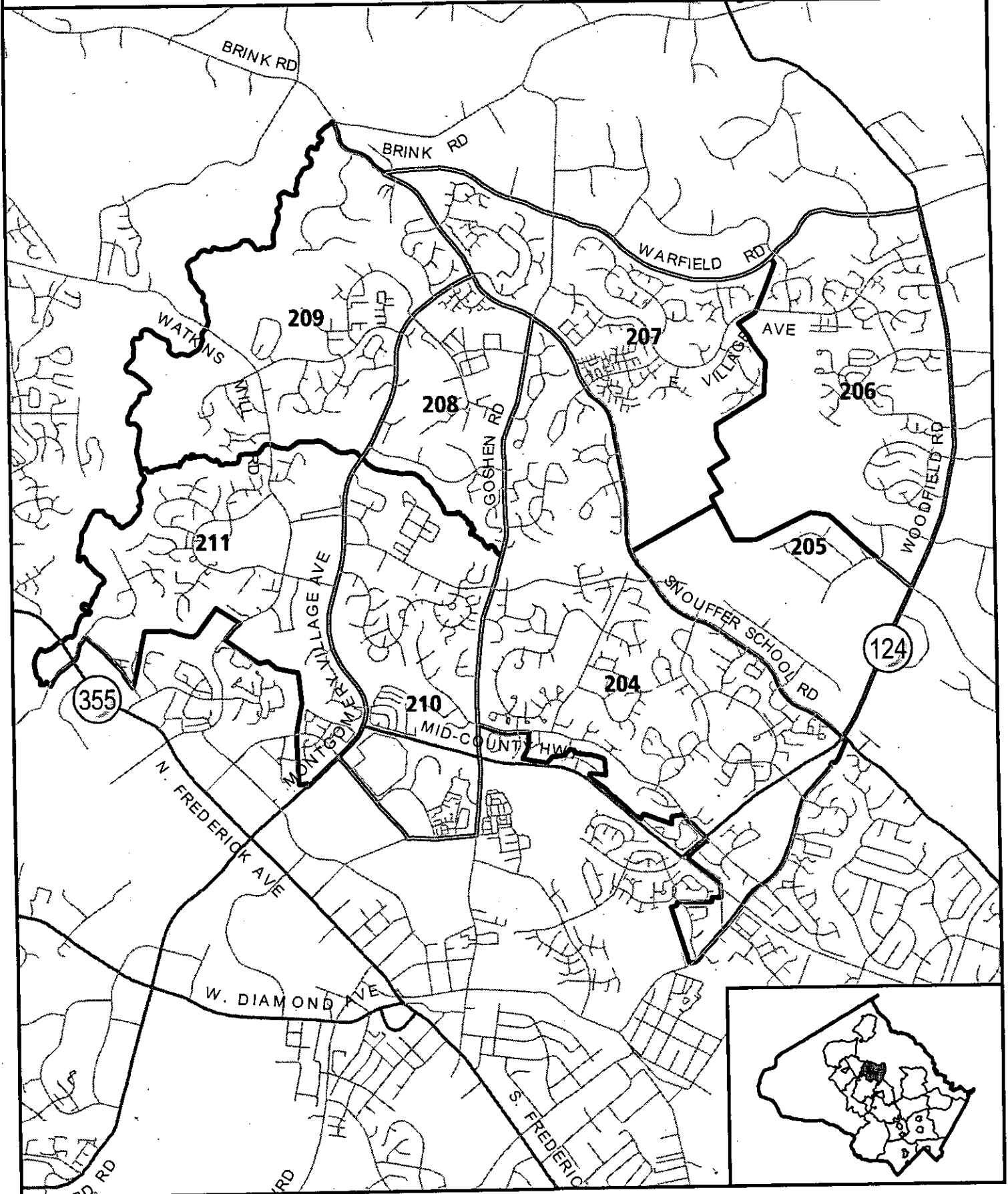
# Kensington/Wheaton Policy Area with Traffic Zones

MONTGOMERY COUNTY DEPARTMENT OF PARK & PLANNING  
181 MARPLE HILL NATIONAL CENTER, DEPT. OF PARKS & PLANNING, ROCKVILLE, MD 20850-4002  
410-330-6200 FAX: 410-330-6200



# Montgomery Village/Airpark Policy Area with Traffic Zones

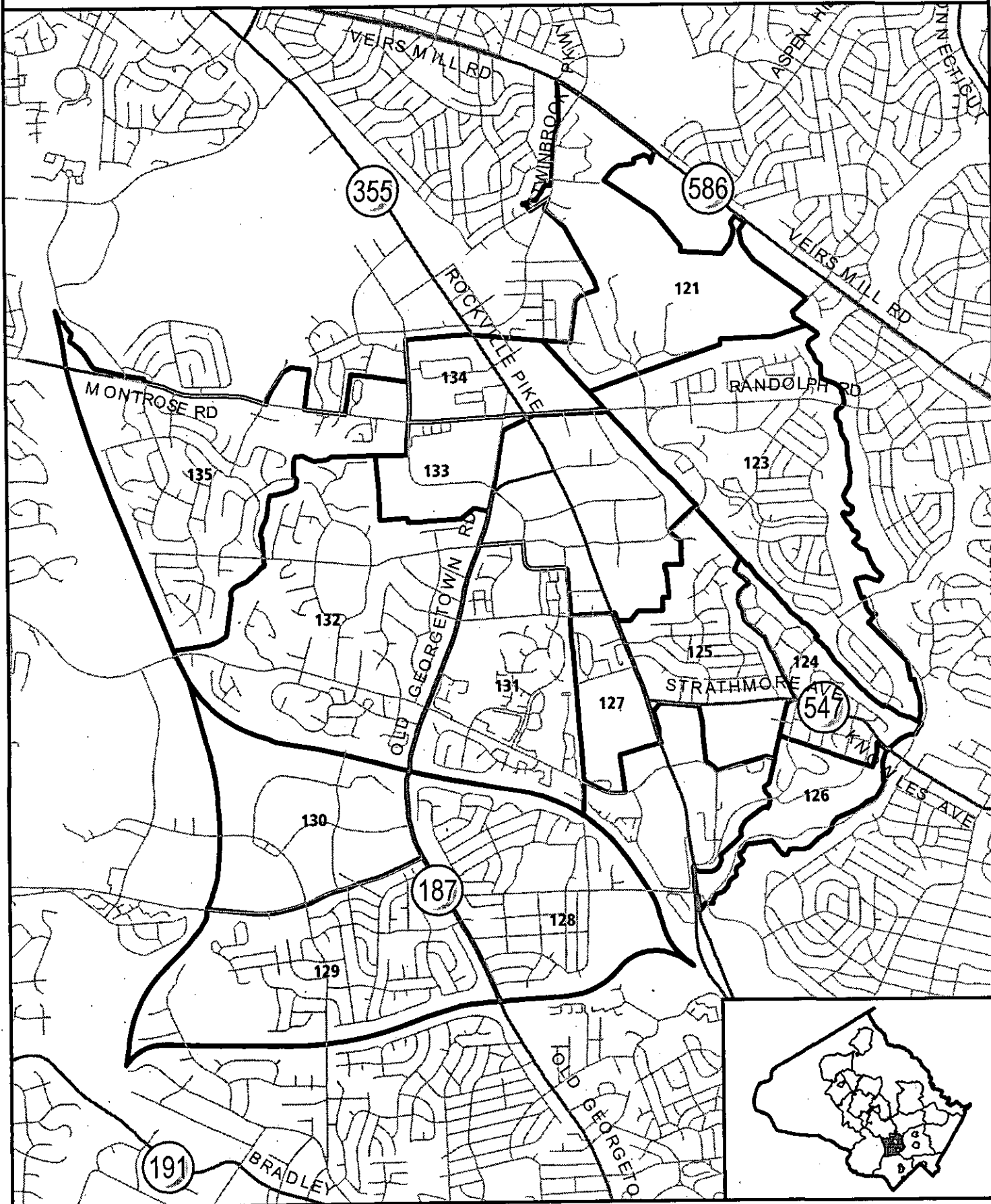
MONTGOMERY COUNTY DEPARTMENT OF PARK & PLANNING  
THE MARYLAND NATIONAL CAPITAL PARK & PLANNING COMMISSION  
A187 People Center, 40 W. Long Street, Silver Spring, MD 20910





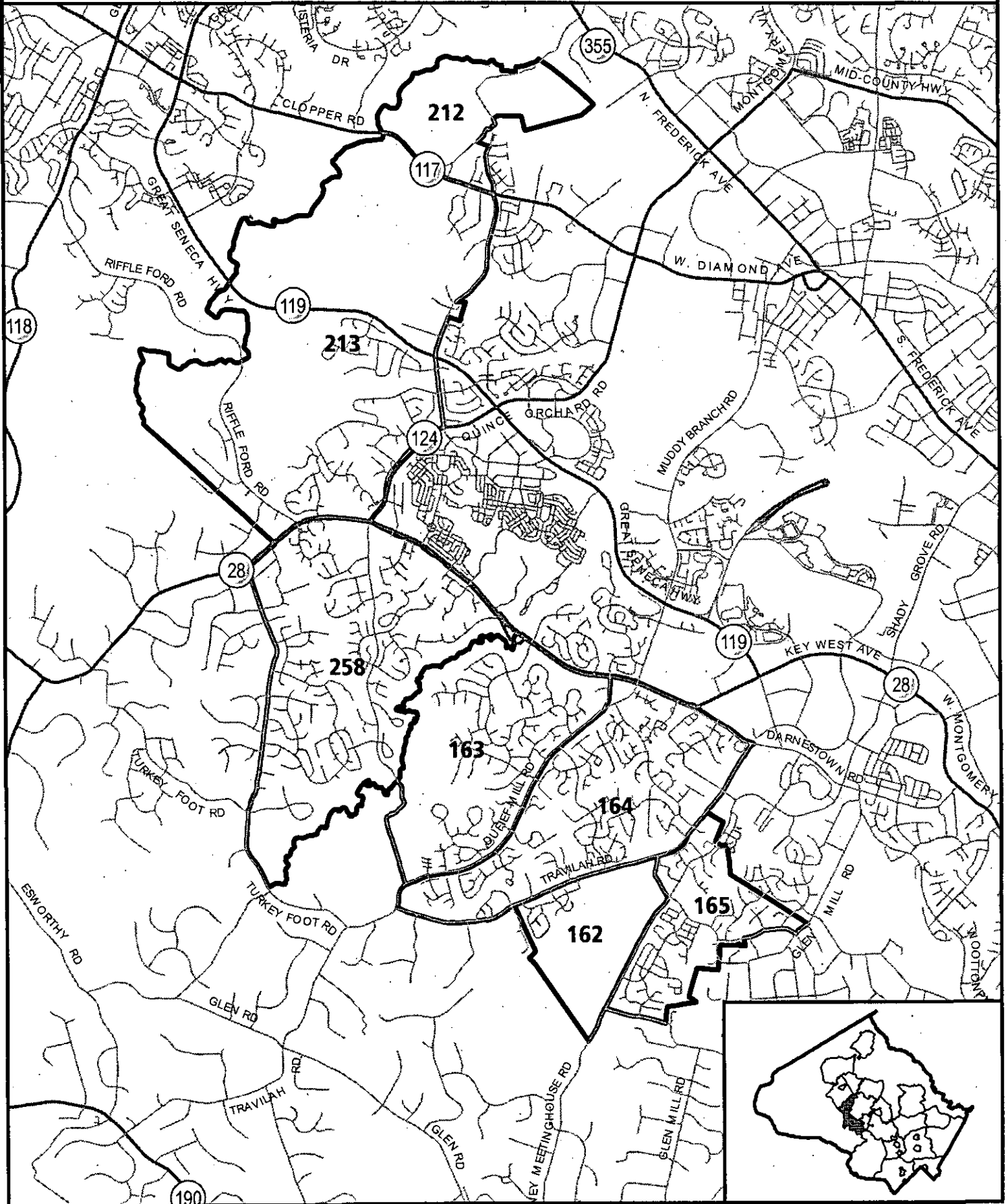
# North Bethesda Policy Area with Traffic Zones

MONTGOMERY COUNTY DEPARTMENT OF PARK & PLANNING  
THE OFFICE OF INTEGRATED CAPITAL PLANNING & POLICY DEVELOPMENT  
1200 FORT MONROE AVENUE, BETHESDA, MARYLAND 20814



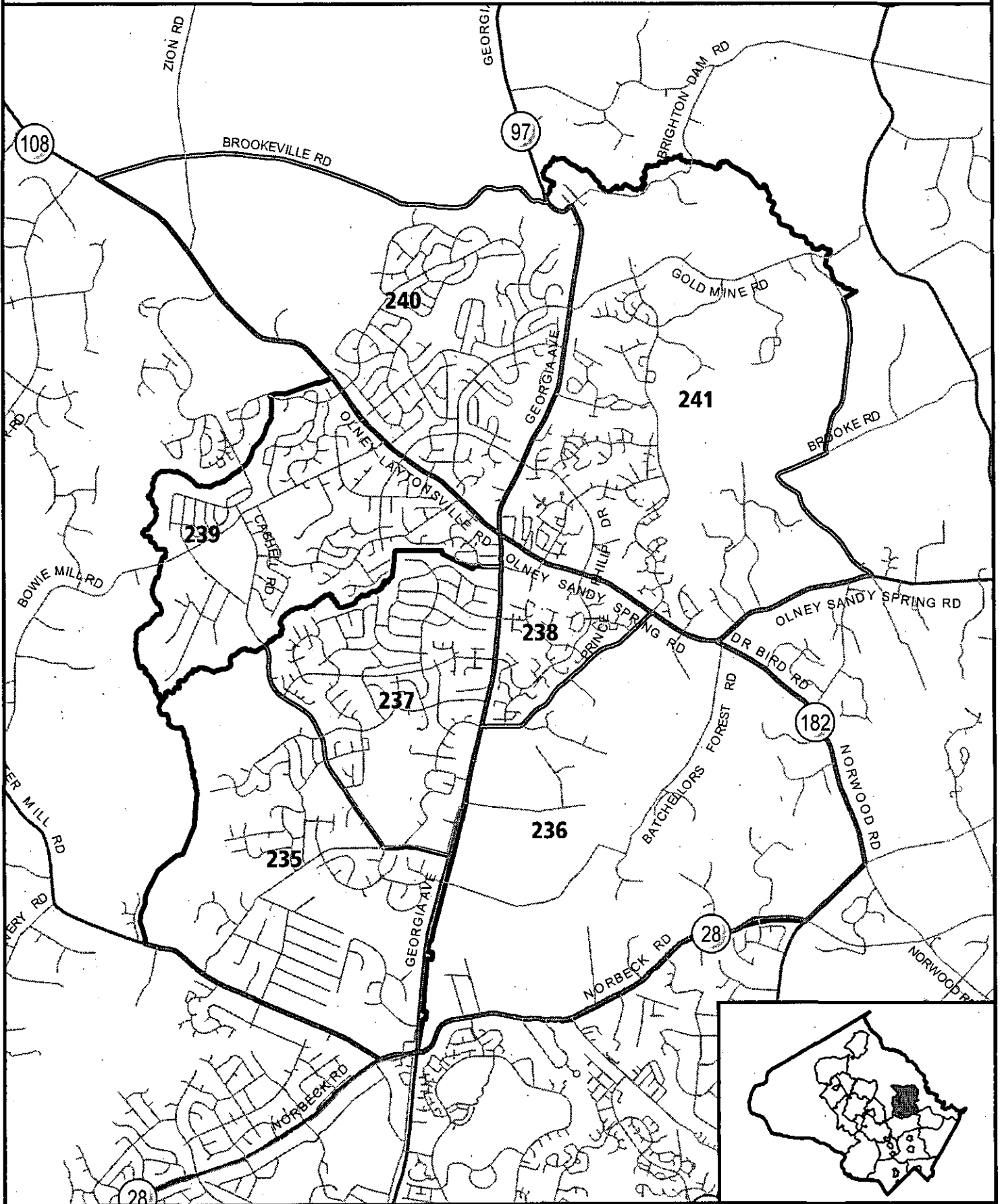
# North Potomac Policy Area with Traffic Zones

MONTGOMERY COUNTY DEPARTMENT OF PARK & PLANNING  
100 MARSH AND NOTES RD., SUITE 100, FAIRFAX, MD 20833  
301-781-1000 ext. 4000 Faxing: 301-781-1000 TDDing: 301-781-1000



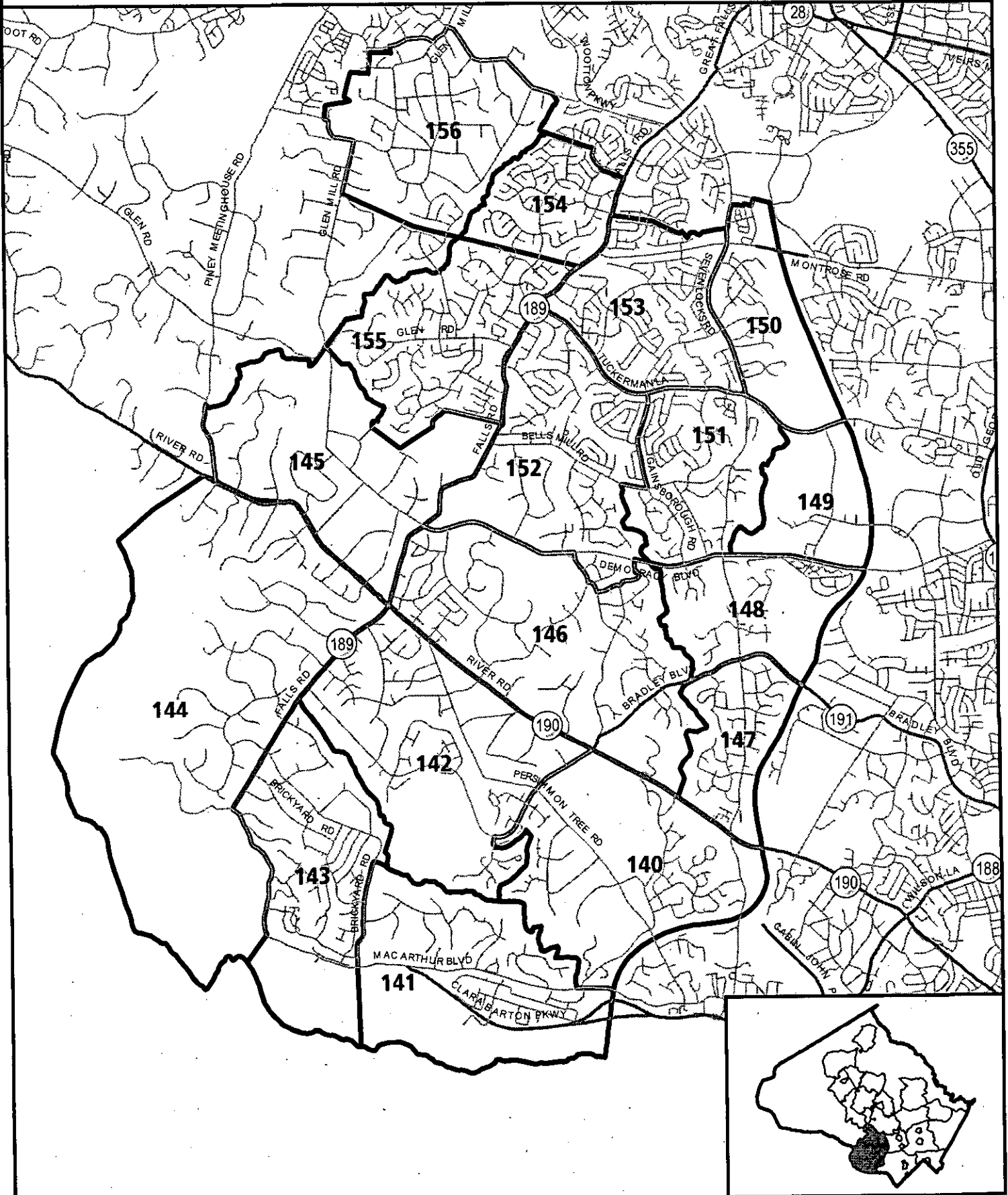
# Olney Policy Area with Traffic Zones

MONTGOMERY COUNTY DEPARTMENT OF PARK & PLANNING  
100 NORTH BRIDGE ROAD, SUITE 100, ROCKVILLE, MD 20850  
9401 George Washington Blvd, Gaithersburg, Maryland 20878



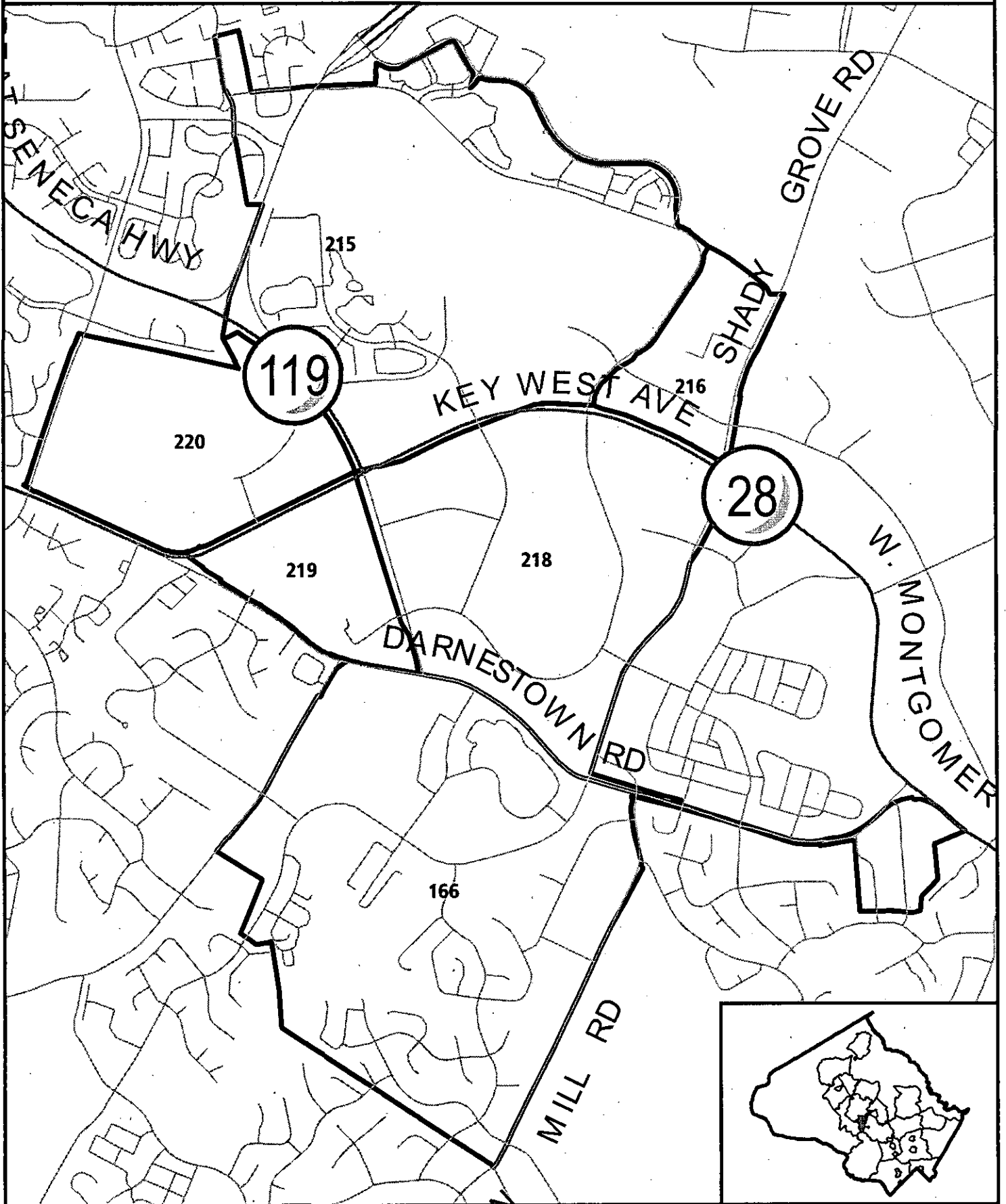
# Potomac Policy Area with Traffic Zones

MONTGOMERY COUNTY DEPARTMENT OF PARK & PLANNING  
THE CAPITAL CITY NATIONAL CAPITAL PARK & PLANNING COMMISSION  
AT&T Geographic Information Systems, Inc. August 2004 (D0402.DWG)

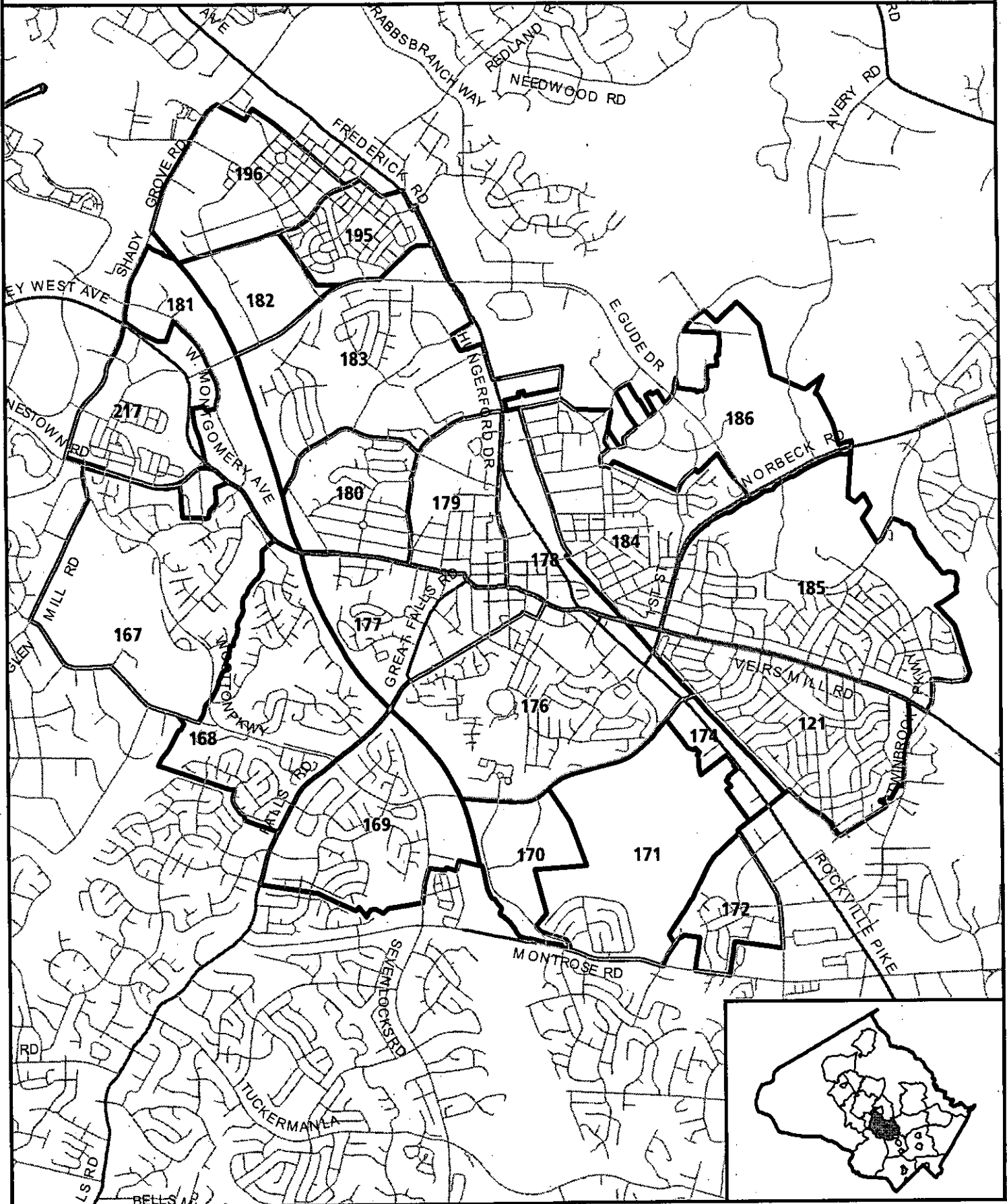


# R and D Village Policy Area with Traffic Zones

MONTGOMERY COUNTY DEPARTMENT OF PARK & PLANNING  
1001 NORTH EASTMONTGOMERY, SUITE 100, ROCKVILLE, MD 20851  
AT&T Copyright © 1998. All Rights Reserved. MapScale 1:50,000

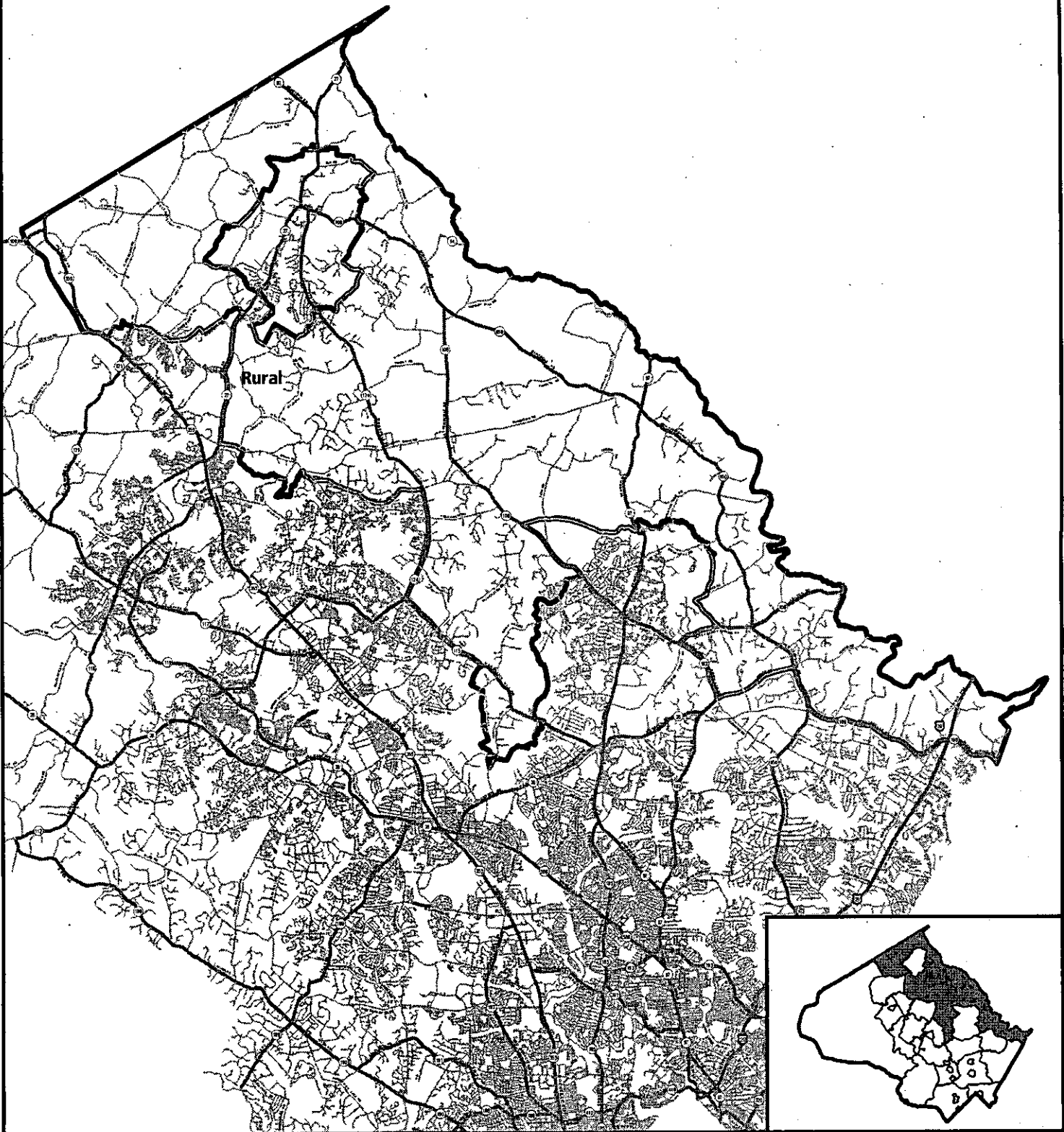


# Rockville City Policy Area with Traffic Zones




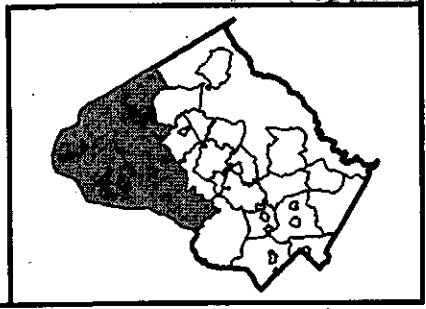
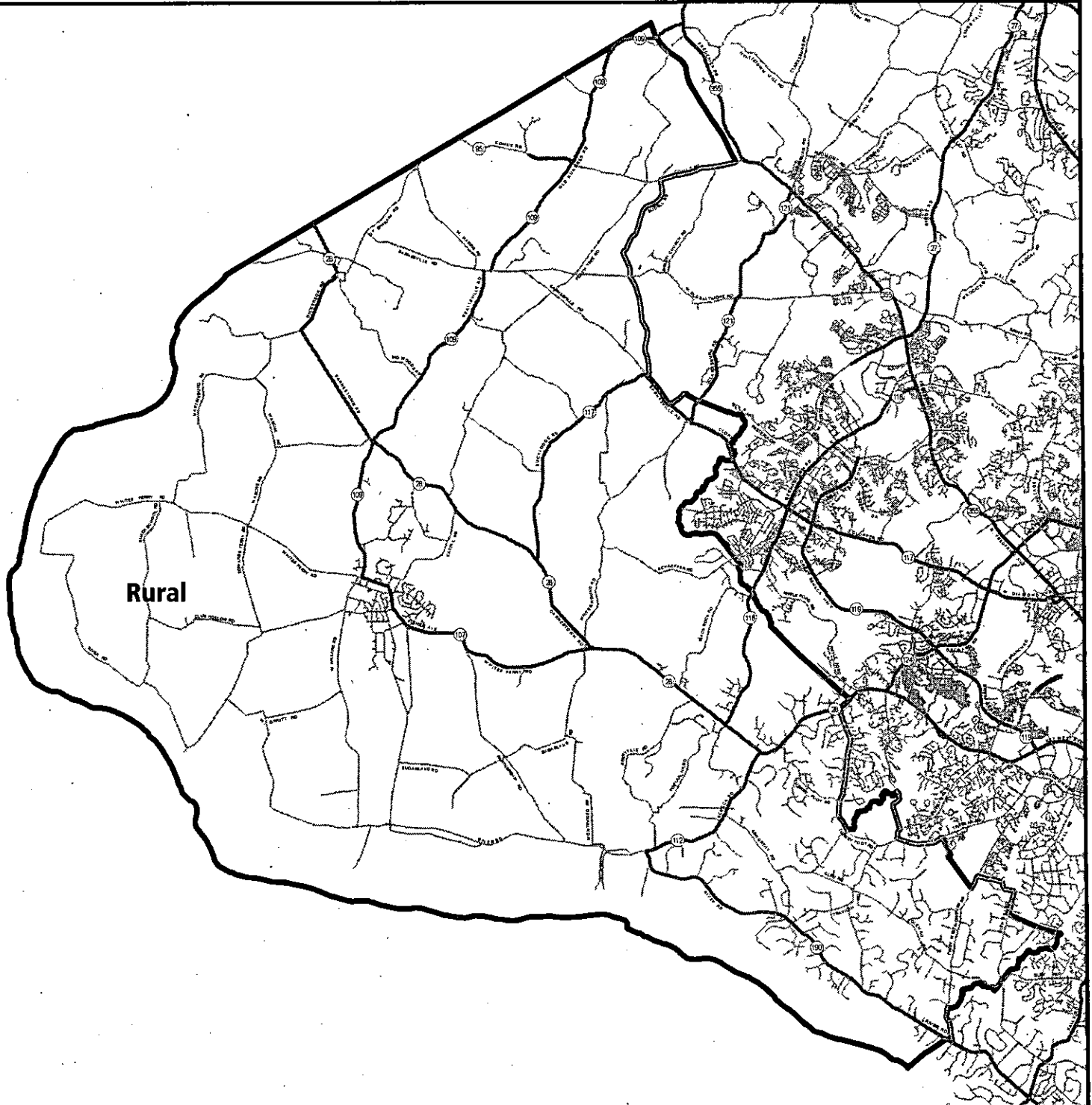
# Rural East Policy Area with Traffic Zones

MONTEGOMERY COUNTY DEPARTMENT OF PARK & PLANNING  
101 SHARPE RD NATIONAL CENTER PLANNING CONGRESS RD  
BETHESDA, MARYLAND 20814



# Rural West Policy Area with Traffic Zones

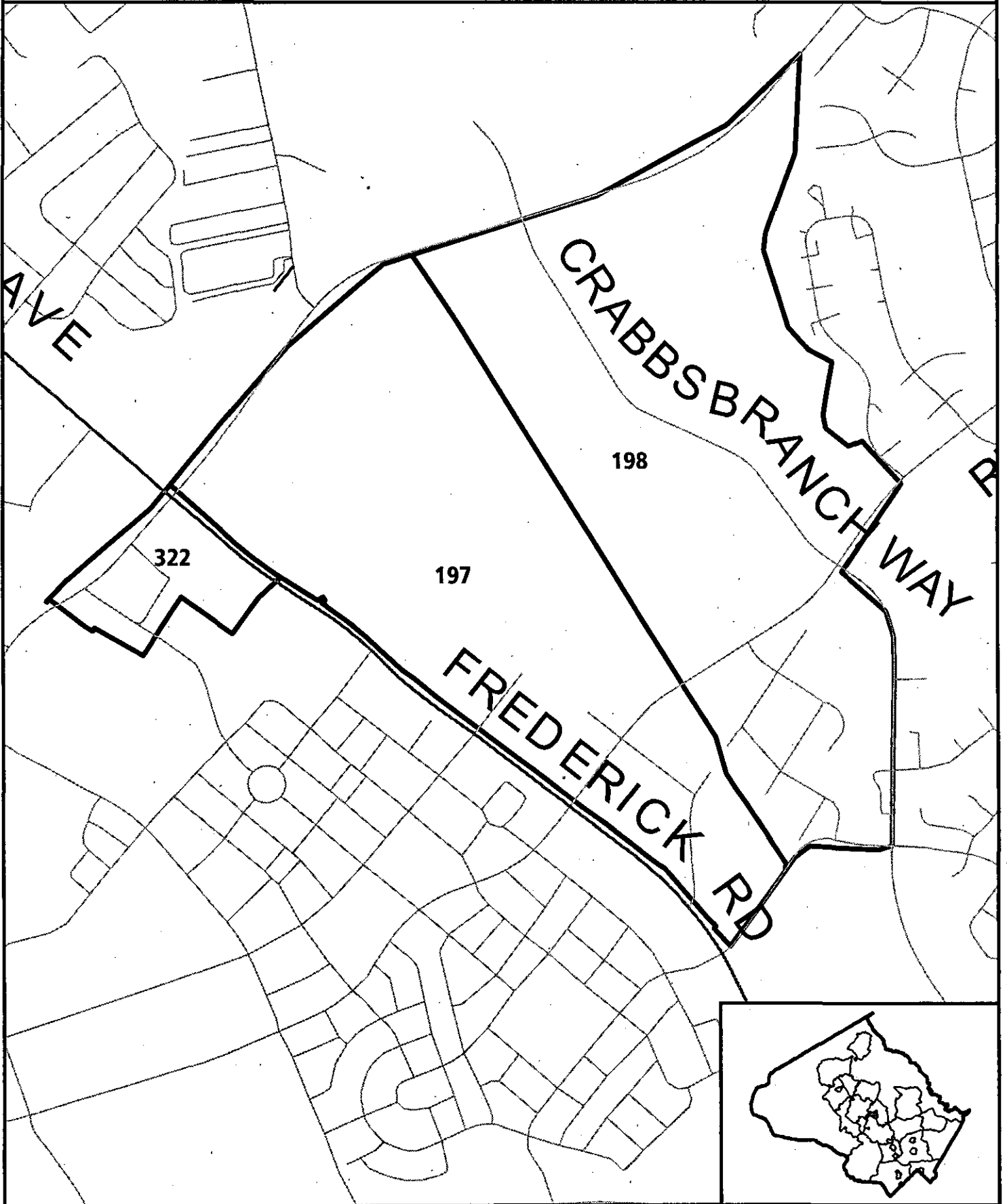
 MONTGOMERY COUNTY DEPARTMENT OF PARK & PLANNING  
1001 NORTH WOODBURY AVENUE, SUITE 100, ROCKVILLE, MARYLAND 20850  
202/786-7400 • FAX 202/786-7401 • WWW.MONTGOMERYCOUNTY.GOV





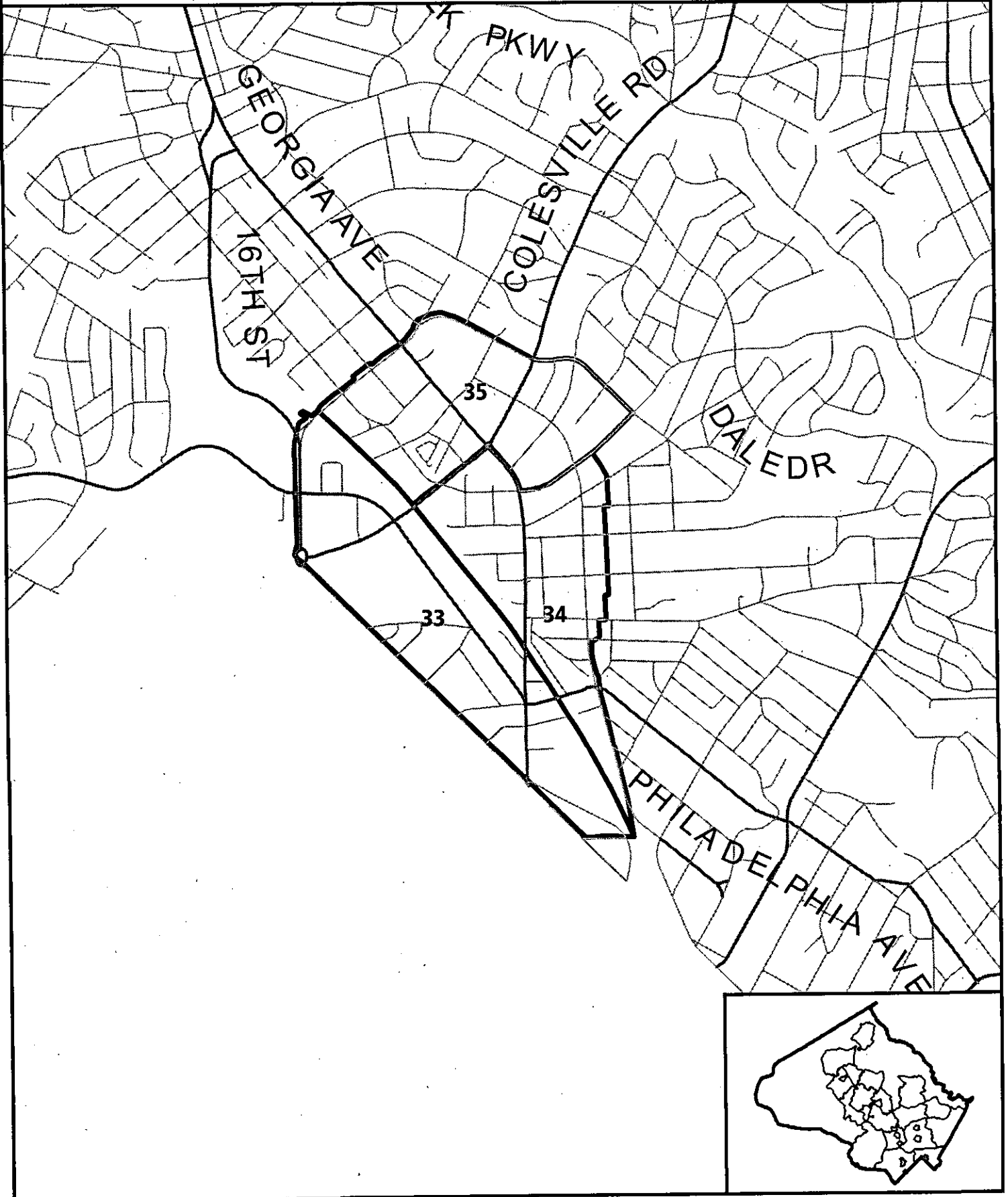
# Shady Grove Policy Area with Traffic Zones

MONTGOMERY COUNTY DEPARTMENT OF PARK & PLANNING  
1000 MARSHALL BLVD, SUITE 200, ROCKVILLE, MD 20850  
301-791-1000



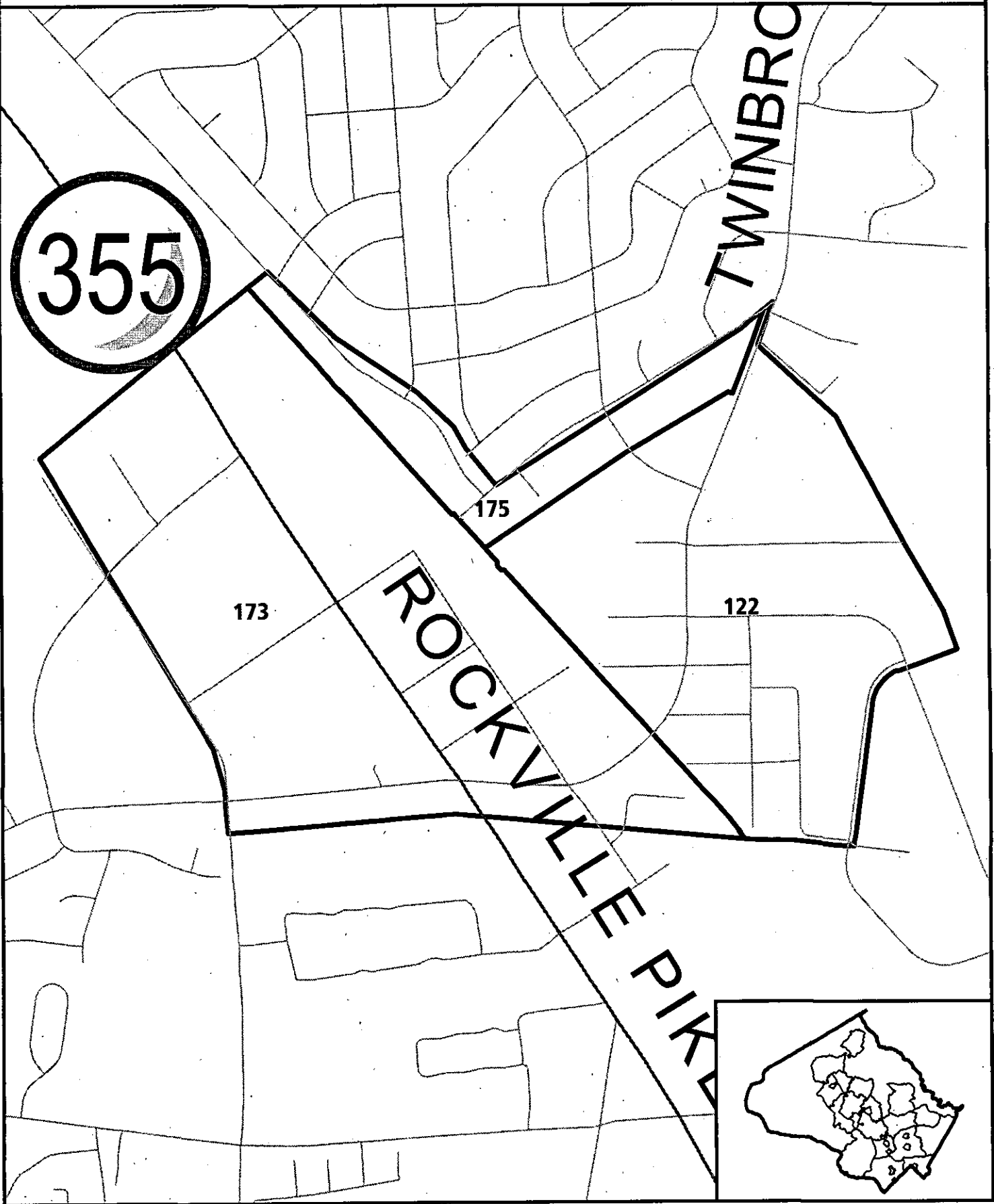
# Silver Spring CBD Policy Area with Traffic Zones

MONTGOMERY COUNTY DEPARTMENT OF PARKS & PLANNING  
THE VANDERBILT NATIONAL CENTER FOR PARKS & PLANNING 129065807  
11/17/2004

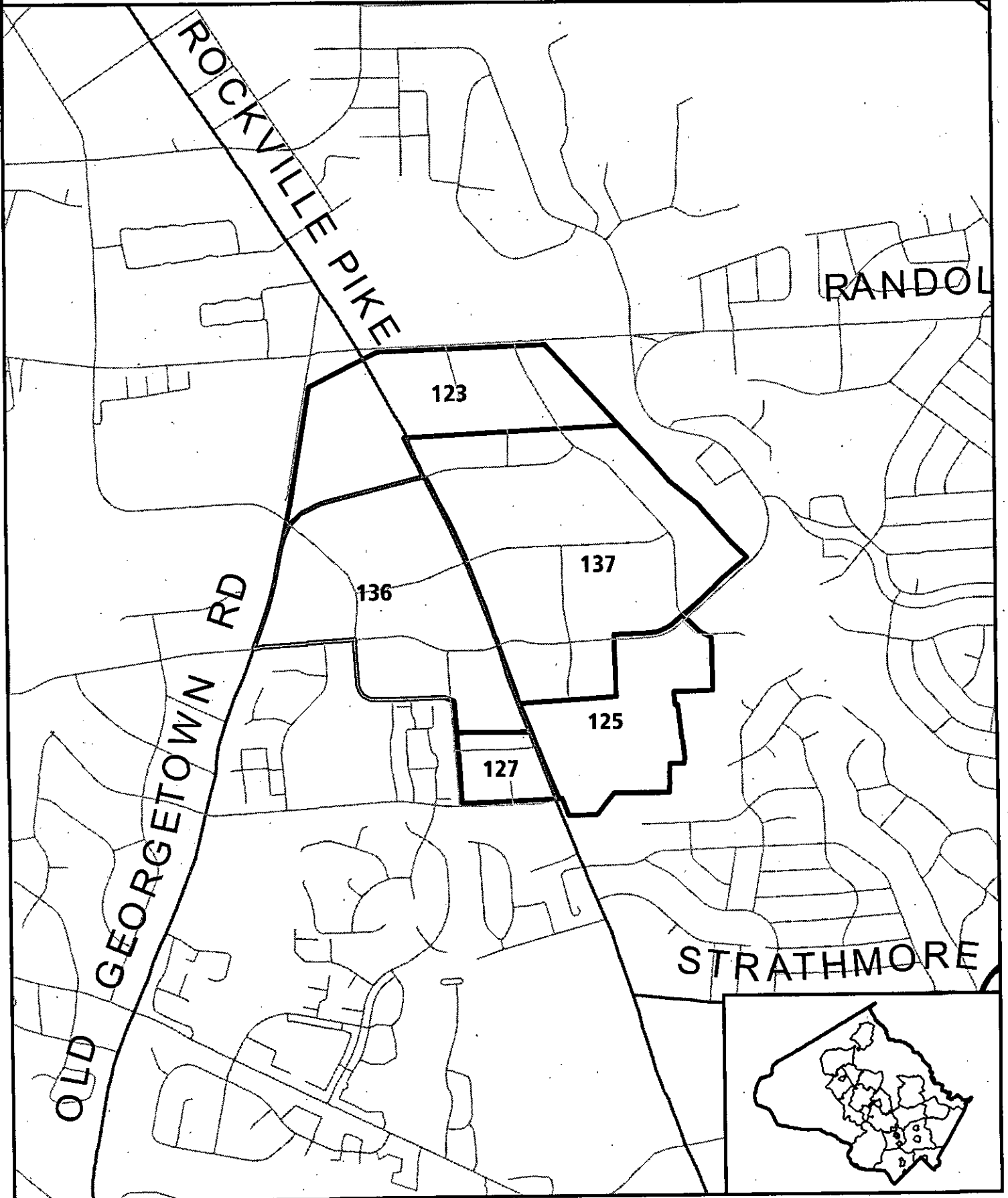


# Twinbrook Policy Area with Traffic Zones

30 SECTIONS  
MONTGOMERY COUNTY DEPARTMENT OF PARK & PLANNING  
THE NATIONAL CAPITAL AREA PARKS & PLANNING COMMISSION  
3000 Campus Avenue, Suite 100, Gaithersburg, MD 20878



# White Flint Policy Area with Traffic Zones



**MEMORANDUM**

TO: County Council

FROM: <sup>60</sup> Glenn Orlin, Deputy Council Staff Director  
<sup>MA</sup> Michael Faden, Senior Legislative Attorney

SUBJECT: **Action:** 2007-2009 Growth Policy – Follow-up Items

Below are the amendments to the Growth Policy resolution requested at today's morning session, in addition to the rural policy area definition and the change in the MSPA Alternative Review Procedure tax rate:

*1) Effective dates*

*Amend AP1 as follows:*

**AP1            Effective dates**

This resolution takes effect on [July 1, 2004] ~~[[August 1, 2007,]]~~ November 15, 2007 and applies to any application for a preliminary plan of subdivision filed on or after that date. [Any preliminary plan of subdivision for which a completed application was filed before July 1, 2004, is subject to all provisions of the previous Annual Growth Policy, as contained in Council Resolution 15-259. All provisions of Resolution 15-259 continue in effect until July 1, 2004.] In accordance with [[Subdivision Regulation Amendment 06-03]] County Code §50-35B, any preliminary plan of subdivision for which a completed application was filed on or after January 1, 2007 and which the Planning Board did not approve before November 13, 2007, is subject to [[the provisions of]] this resolution.

*2) Clarksburg effective dates*

*Insert new AP2 on ©2:*

**AP2            Clarksburg effective dates**

This resolution does not apply to any amendment or extension of a preliminary plan of subdivision in the Clarksburg policy area that was approved before this resolution took effect if the amendment or extension does not increase the amount of housing units or non-residential development previously approved.

### **3) Ceiling recalculation date**

Amend S3 on ©22:

Each year, [[after the County Council adopts or amends the Capital Improvements Program,]] not later than July 1, the Planning Board must evaluate available capacity in each high school cluster and compare enrollment projected by Montgomery County Public Schools for each fiscal year with projected school capacity in 5 years.

### **4) Queue**

Insert after S8 on ©23:

## **S9 Allocation of Staging Ceiling to Preliminary Plans of Subdivision**

The Planning Board must allocate available staging ceiling capacity in a high school cluster based on the queue date of an application for preliminary plan of subdivision approval.

### **S9.1 Assignment of queue date**

The queue date of a preliminary plan of subdivision is the date:

- a complete application is filed with the Planning Board; or
- 6 months after the prior queue date if the prior queue date expires under S9.3.

### **S9.2 Calculation of available staging ceiling capacity**

The Planning Board must determine whether adequate staging ceiling capacity is available for a project by subtracting the capacity required by projects with earlier queue dates from the remaining capacity on Table 3 as updated periodically. Based on this calculation, the Planning Board may:

- approve a project for which there is sufficient capacity;
- approve part of a project for which there is sufficient capacity, leaving the remainder of the project in the queue until additional capacity becomes available;
- deny an application for a project for which there is insufficient capacity; or
- defer approval of a project and leave the project in the queue until sufficient capacity becomes available for all or part of the project. If insufficient capacity is available, the Board must not schedule a hearing on the application unless the applicant requests one.

If sufficient capacity is available for a project based on the queue date, the Planning Board must not deny an application based on pipeline (but not staging ceiling) changes while the queue date is in effect.

### **S9.3 Applicability of School Facilities Payment**

The Planning Board must determine whether a project is required to pay a School Facilities Payment by subtracting the capacity required by projects with earlier queue dates from the remaining capacity on Table 4 as updated periodically. Based on this calculation, the Planning Board may:

- approve a project for which there is sufficient capacity;
- approve part of a project for which there is sufficient capacity, requiring the remainder of the project to pay the applicable School Facilities Payment until additional capacity becomes available; or
- defer approval of a project and leave the project in the queue until sufficient capacity becomes available for all or part of the project. If insufficient capacity is available, the Board must not schedule a hearing on the application unless the applicant requests one.

If a project must pay a School Facilities Payment, the Planning Board must not deny an application based on pipeline (but not staging ceiling) changes while the Payment requirement is in effect.

### **S9.4 Expiration of queue date**

A queue date for an application for preliminary plan of subdivision approval expires:

- 6 months after the queue date if sufficient staging ceiling capacity was available for the entire project on the queue date and the Planning Board

has not approved the application or granted an extension of the queue date;  
or

- 6 months after sufficient capacity becomes available for the entire project.

The Planning Board may grant one or more 6-month extensions of a queue date if the applicant demonstrates that a queue date expired or will expire because of governmental delay beyond the applicant's control.

### 5) *Future issues*

Amend F3 on ©29 as follows:

- **F3 Guidelines for Non-Auto Facilities:** The Planning Board, with the aid of the Executive, must evaluate its guidelines for trip credits for non-automobile facilities, including the text and chart that appears on pages 26-29 of its *Local Area Transportation Review Guidelines*. In reviewing these credits and acceptable facilities, the Board must consider factors such as the likelihood of the action reducing peak hour auto trips and the approximate construction costs of each action, to allow some equivalency between actions. The Board must also evaluate its procedures to monitor the construction of facilities for which credits are given. The Board must submit any revisions of these trip credit guidelines to the Council for its review.

*Delete F7 on ©29, insert the following, and renumber §§F8-F11:*

- **F7 Public agency signoff:** The Planning Board, after consulting Executive staff, must evaluate and submit a recommendation to the Council regarding the point or points in the development process when an agreement between an applicant and a public agency is required for an additional facility or program which would be a condition of development approval.
- **F8 Impact tax implementing regulations** The Executive must submit revised implementing regulations for the transportation and school impact taxes to the Council under Method (2).