



July 7, 2011

**MEMORANDUM**

**TO:** Montgomery County Planning Board

**VIA:** Glenn Kreger, Acting Chief *GK*  
Area 2 Planning Division

Shahriar Etemadi, Planning Supervisor, I-270 Corridor Team *[Signature]*  
Area 2 Planning Division

**FROM:** Jacob Sesker, Planner Coordinator (301.650.5619) *JS*  
Director's Office

*HY* Nkosi Yearwood, Senior Planner, I-270 Corridor Team (301.495.1332)  
Area 2 Planning Division

**SUBJECT:** White Flint Staging

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**PURPOSE**

Provide the Planning Board with recommendations for action regarding White Flint staging.

**STAFF RECOMMENDATIONS**

- 1) Find that prerequisites for opening Phase One have been satisfied. Therefore, additional development can be approved (staging capacity may be allocated) once the Council adopts White Flint staging regulations.
- 2) Find that additional development in White Flint may proceed, including preliminary plans and site plans may be approved.

**RECOMMENDATION 1:**

Prerequisites for opening Phase One in the Sector Plan's staging plan have been satisfied and therefore additional development can be approved (staging capacity may be allocated).

a. *Finding*

The Sector Plan (p. 68) establishes the following prerequisites which must be satisfied before any additional development can be approved:

- Approval and adoption of the Sector Plan.
- Approval of the sectional map amendment.
- Amend the Growth Policy to expand the White Flint Metro Station Policy Area (MSPA) to encompass the Sector Plan boundary, and to exempt development within White Flint from the Policy Area Review test. The traffic from existing and approved development in the White Flint MSPA would still be counted in the Policy Area Review of all other Policy Areas, including North Bethesda.
- Establish the Sector Plan area as a State of Maryland Bicycle and Pedestrian Priority Area (see Attachment 1).
- Initiate development of plans for through-traffic access restrictions and other appropriate protective measures for the residential neighborhoods abutting the Sector Plan area, including traffic from future development in White Flint, and implement these plans if sufficient neighborhood consensus is attained (see Attachment 2).

All technical prerequisites have been met at this time. The only prerequisite that has not been met is a practical one—the regulations implementing the amendments to the Subdivision Staging Policy, which were to have been approved as Planning Board guidelines. These guidelines will be approved by the Council as regulations, as if under method 2, before the end of July.

b. *Discussion*

The Planning Board has previously discussed (December 9, 2010) the meaning of “approved.” In that discussion, the Planning Board agreed with staff’s recommended interpretation that “approved” is meant to refer to the approval at which staging capacity is drawn down. Staff recommends that the Planning Board should find that staging capacity may be allocated at this time, subject to the Council approval of the regulations that implement the amendments to the Subdivision Staging Policy.

**RECOMMENDATION 2:**

Development applications may “proceed.”

a. *Finding*

The Sector Plan (p. 68-69) states that additional development may proceed subject to existing regulatory requirements (including LATR and Policy Area Review, when appropriate) when the following requirements have been satisfied:

- Create public entities or financing mechanisms necessary to implement the Sector Plan within 6 months of adopting the sectional map amendment.

- Develop a transportation approval mechanism and monitoring program within 12 months of adopting the sectional map amendment.
  - The Planning Board must develop a biennial monitoring program for the White Flint Sector Plan area. This program must include a periodic assessment of development approvals, public facilities and amenities, the status of new facilities, and the Capital Improvements Program (CIP) and Growth Policy as they relate to White Flint. The program must include a Comprehensive Local Area Transportation Review (or comparable analysis) that will identify and recommend for Council approval and action specific projects and services necessary to promote adequate transportation service. The program should conduct a regular assessment of the staging plan and determine if any modifications are necessary. The biennial monitoring report must be submitted to the Council and Executive prior to the development of the biennial CIP.
  - The Planning Board must establish an advisory committee of property owners, residents and interested groups that are stakeholders in the redevelopment of the Plan area, as well as representatives from the Executive Branch, to evaluate the assumptions made regarding congestion levels, transit use, and parking. The committee's responsibilities should include monitoring the Plan recommendations, identifying new projects for the Amenity Fund, monitoring the CIP and Growth Policy, and recommending action by the Planning Board and County Council to address issues that may arise.

#### 1. Create public entities or financing mechanisms

The approved and adopted Sector Plan does not specify the kind of public entities or financing mechanisms necessary to implement the Sector Plan. The Sector Plan also does not require that both public entities and financing mechanisms be created.

Staff recommends that the Planning Board find that the following actions constitute satisfaction of the requirement cited above:

- Bill 1-10 (Development-Coordination, Oversight), passed November 1, 2010 (see Attachment 3).
- Bill 50-10 (Special Taxing District-White Flint-Creation), passed November 30, 2010 (see Attachment 4).
- Resolution 16-1570 (Implementation Strategy and Infrastructure Improvement List), passed November 30, 2010 (see Attachment 5).

With respect to public entities, Bill 1-10 was passed on November 1, 2010 and became effective on January 29, 2011. This bill requires the Executive to assign a staff person to coordinate and oversee the development in master or sector plan areas that authorize intense new development and development districts, including White Flint.

To date, an Urban Service District has not been created, and the Sector Plan does not specify that one must be created. Bethesda, Silver Spring, and Wheaton are the three existing urban service districts in the County. Staff notes that White Flint is urbanizing, but it is not yet so urban as to clearly require an Urban Service District. Council staff did clarify that it was not the Council's intent to require that any public entity recommended in the Sector Plan must be created before development may proceed (see Attachment 6). Ken Hartman, director of the Bethesda-Chevy Chase Regional Services Center, has initiated an ad hoc urban district working group for White Flint that consists of property owners and residents. This working group will begin exploring issues, such as streetscape maintenance and maintenance agreements, that are typical for an urban district.

Bill 50-10 authorized the creation of the White Flint Special Taxing District. The Special Taxing District will begin generating property tax revenue on July 1, 2011. Resolution 16-1570 outlines the specific improvements that would be financed by the special tax revenues, and a general implementation strategy.

The Council also passed Resolution 16-1571, which amended the FY11-16 CIP to fund, using current revenues, preliminary engineering for certain transportation improvements necessary in the near term. Resolution 16-1571 is significant, but does not constitute either a financing mechanism or a public entity (see Attachment 7).

## 2. Develop a transportation approval mechanism and monitoring program

### a. Findings

The transportation approval and monitoring program has been developed. The transportation approval mechanism has been developed by the Planning Board and has been transmitted to the County Council. On June 28, 2011 the County Council approved Resolution 17-185, the Planning Board's amendments to the Subdivision Staging Policy (see Attachment 8). The Planning Board adopted *White Flint Implementation Guidelines* on June 30, 2011, that describe the transportation approval process and requirements. A portion of what had been in the guidelines is now before the Council as regulations. While those regulations have not been adopted, the Planning Board's work to date certainly constitutes the development of a transportation approval mechanism.

As to the monitoring program, Planning staff has created the framework for Comprehensive Local Area Transportation Review (CLATR). The purpose of CLATR is to provide information on anticipated near-term (approximately 10-year horizon) development effects on traffic conditions in lieu of traditional traffic studies. Components of CLATR will include analysis of traffic conditions throughout the policy area, analysis of intersection performance, and analysis of non-auto driver mode share. The analysis will also be used to provide progress on Sector Plan implementation, including staging.

CLATR will inform recommendations about the next generation of CIP projects and Transportation Demand Management (TDM) programs, including:

- Local streets in the Sector Plan area
- Programs to improve mode share
- Intersections outside of the Sector Plan area.

CLATR assumes that by 2020 in White Flint, all of the pipeline development, such as North Bethesda Center will be built, and portions of the three approved sketch plans will be built, which is added to the existing development.

The Planning Board received an update on June 23, 2011 on the current status of the web application portion of the monitoring program. An advisory committee was established in 2010 and has been meeting for several months.

*b. Discussion*

The Planning Board has previously (e.g. December 9, 2010; January 13, 2011) discussed the meaning of "proceed." In those discussions, the Planning Board agreed with staff's recommended interpretation of this undefined but critical term in the Sector Plan's staging section. The Planning Board agreed that "proceed" should be interpreted to mean that the development may apply for—and the Planning Board may approve—sketch plans, preliminary plans, and site plans.

Based on the facts outlined above, staff believes that additional development applications may proceed.

JS:NY:ha: M:\White Flint Plan production file\Staging\MCPB-July 14-Opening of WF development.docx

**ATTACHMENTS**

- Attachment 1: State of Maryland Bicycle and Pedestrian Priority Area
- Attachment 2: White Flint Traffic Analysis and Mitigation CIP No. 501202
- Attachment 3: Council Bill 1-10, Development Oversight
- Attachment 4: Council Bill 50-10, White Flint Special Taxing District
- Attachment 5: Resolution 16-1570, White Flint Implementation Strategy and Infrastructure Improvement List
- Attachment 6: E-mail from Glenn Orlin (January 13, 2011)
- Attachment 7: Resolution 16-1571, CIP Amendment
- Attachment 8: Resolution 17-185, Subdivision Staging Policy Amendment, White Flint staging capacity

# ATTACHMENT 1



Martin O'Malley, *Governor*  
Anthony G. Brown, *Lt. Governor*

Beverley K. Swaim-Staley, *Secretary*  
Neil J. Pedersen, *Administrator*

January 31, 2011

Mr. Rollin Stanley, Director  
Montgomery County Planning Department  
Maryland-National Capital Park and Planning Commission  
8787 Georgia Avenue  
Silver Spring MD 20910

Dear Mr. Stanley:

We have evaluated your request to the Maryland Department of Transportation (MDOT) and the State Highway Administration (SHA) regarding the designation of the White Flint Sector Plan area as a Bicycle and Pedestrian Priority Area (BPPA). We support the overall vision of the White Flint Sector Plan and agree that the area is ideal for transit-oriented development supported by a robust transit, bicycle, and pedestrian network.

The MDOT and SHA accept the White Flint Sector Plan area, approved on March 23, 2010, as a BPPA. This designation should meet the requirements cited in the phasing plan for development to move forward. The next step includes establishing a plan for the White Flint Sector Plan BPPA. Because this will be the first designated BPPA in Maryland, MDOT and SHA must develop a framework for future BPPA plans that accounts for our latest pedestrian and bicycle initiatives. Once the framework is in place and funding becomes available, we will begin coordination on the plan. Detailed implementation decisions will have to be made at a later date based on available financial resources and reconstruction of the roadway.

Please understand that MDOT and SHA consider bicycle and pedestrian access and safety to be a priority throughout the entire state. We are working under a complete streets approach to manage our transportation system, which will help to ensure that all roadway users are accommodated safely and efficiently while we meet Maryland's goal of providing an efficient transportation network. Inclusion of the implementation of the White Flint Sector Area BPPA in the county's annual written priorities would help us better to understand where this priority ranks relative to the other priorities that the county has communicated to us.

My telephone number/toll-free number is 410-545-0400 or 1-800-206-0770  
Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

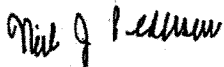
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • [www.roads.maryland.com](http://www.roads.maryland.com)



Mr. Rollin Stanley  
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We look forward to working with Montgomery County, on improving the transportation system and on the future plan for the White Flint Sector Plan BPPA. If we may be of further assistance, please do not hesitate to contact Mr. Gregory I. Slater, SHA's Director of Planning and Preliminary Engineering, at 410-545-0412, toll-free 1-888-204-4828 or via email at [gslater@sha.state.md.us](mailto:gslater@sha.state.md.us). Of course, you should never hesitate to contact me directly.

Sincerely,



Neil J. Pedersen  
Administrator

cc: Mr. Larry Cole, Transportation Planning, Maryland-National Capital Park and Planning Commission-Montgomery County  
Mr. Edgar Gonzalez, Deputy Director for Transportation Policy, Montgomery County Department of Transportation  
Mr. Dan Hardy, Transportation Planning Supervisor, Maryland-National Capital Park and Planning Commission-Montgomery County  
Mr. Art Holmes, Deputy Director for Transportation Policy, Montgomery County Department of Transportation  
Mr. Michael Jackson, Director of Bicycle and Pedestrian Access, MDOT  
Ms. Reena Mathews, Regional Planner, SHA  
Mr. Douglas H. Simmons, Deputy Administrator/Chief Engineer for Planning, Engineering, Real Estate and Environment, SHA  
Mr. Gregory I. Slater, Director of Planning and Preliminary Engineering, SHA  
Mr. Brian Young, District Engineer, SHA

Mr. Rollin Stanley  
Page Three

bcc: Ms. Lisa Choplin, Chief, Innovative Contracting Division, SHA  
Ms. Mary Deitz, Chief, Regional and Intermodal Planning Division, SHA  
Mr. Robert Herstein, Office of Traffic and Safety, SHA  
Mr. Tom Hicks, P.E., Director, Office of Traffic and Safety, SHA  
Mr. Dustin Kuzan, Bicycle and Pedestrian Coordinator, SHA  
Ms. L'Kiesha Markley, Assistant Chief, Regional and Intermodal Planning Division,  
SHA  
Ms. Kate Mazzara, Assistant District Engineer-Project Development, SHA  
Mr. Kirk G. McClelland, Director, Office of Highway Development, SHA



# ATTACHMENT 2

## White Flint Traffic Analysis and Mitigation -- No. 501202

Category  
Subcategory  
Administering Agency  
Planning Area

Transportation  
Traffic Improvements  
Transportation  
North Bethesda-Garrett Park

Date Last Modified  
Required Adequate Public Facility  
Relocation Impact  
Status

January 06, 2011  
No  
None.  
Planning Stage

### EXPENDITURE SCHEDULE (\$000)

Cost Element	Total	Thru FY10	Rem. FY10	Total 6 Years	FY11	FY12	FY13	FY14	FY15	FY16	Beyond 6 Years
Planning, Design, and Supervision	1,503	0	0	1,503	0	459	415	243	243	143	0
Land	0	0	0	0	0	0	0	0	0	0	0
Site Improvements and Utilities	0	0	0	0	0	0	0	0	0	0	0
Construction	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>1,503</b>	<b>0</b>	<b>0</b>	<b>1,503</b>	<b>0</b>	<b>459</b>	<b>415</b>	<b>243</b>	<b>243</b>	<b>143</b>	<b>0</b>

### FUNDING SCHEDULE (\$000)

Current Revenue: General	760	0	0	760	0	0	131	243	243	143	0
Impact Tax	743	0	0	743	0	459	284	0	0	0	0
<b>Total</b>	<b>1,503</b>	<b>0</b>	<b>0</b>	<b>1,503</b>	<b>0</b>	<b>459</b>	<b>415</b>	<b>243</b>	<b>243</b>	<b>143</b>	<b>0</b>

#### DESCRIPTION

This project is in direct response to requirements of the Approved White Flint Sector Plan. It is composed of three components with the overall goal of mitigating the traffic impacts on communities and major intersections outside of and surrounding the White Flint Sector Plan area that will occur as a result of redevelopment densities approved under the new White Flint Sector Plan.

These components include:

- A) Cut-through traffic monitoring and mitigation- \$320,000.
- B) Capacity improvements to address congested intersections- \$685,000.
- C) A study of strategies and implementation techniques to achieve the Sector Plan's modal split goals. The modal split study will identify specific infrastructure projects to create an improved transit, pedestrian, and biking infrastructure; and programs needed to accomplish the mode share goals; determine funding sources for these strategies; and determine the scope and cost of project components- \$498,000.

Once specific improvements are identified and concepts developed, detailed design and construction will be programmed in a stand alone PDF.

#### ESTIMATED SCHEDULE

Component A- Access Restrictions: data collection to commence in FY 12; site specific studies to commence in FY 14.

Component B- Intersection Mitigation: site specific preliminary engineering and concept plan development to commence in FY 12 based on M-NCPPC Comprehensive Local Area Transportation Review (CLATR) evaluation.

Component C- Modal Split Activities: transit, pedestrian, bicycle access, and safety studies in FY 12; data collection and updating Transportation Demand Management (TDM) information in FY 12-13.

#### JUSTIFICATION

Component A: The new White Flint Sector Plan area was approved by Council on March 23, 2010. This plan allows for significantly higher density than the existing development. As a result neighborhoods surrounding the Sector Plan area could be potentially impacted by increases in cut-through traffic. The approved Sector Plan states: "Before any additional development can be approved, the following actions must be taken: Initiate development of plans for through-traffic access restrictions for the residential neighborhoods abutting the Sector Plan area, including traffic from future development in White Flint, and implement these plans if sufficient neighborhood consensus is attained."

Component B: The approved plan did not address the possible negative impact on the roads/intersections outside of the Sector Plan boundary but the plan recognized that those impacts could occur. Therefore, major intersections along primary corridors leading into the Sector Plan area need to be evaluated and appropriate safety and capacity improvements identified and implemented to fully fulfill the vision of the plan. This component is not part of the phasing process but needs to be addressed to mitigate impacts from the Sector Plan.

Component C: The plan also recognized that capacity improvements alone would not be sufficient to manage the increased traffic resulting from the higher densities within the Sector Plan area. The Sector Plan states: "The following prerequisite must be met during Phase 1 before moving to Phase 2: Achieve thirty-four percent non-auto driver mode share for the Sector Plan area". Increasing the modal split within the White Flint Sector Plan boundary is an integral component to the overall success of the Plan's vision. Transit, pedestrian, bicycle access, safety studies, and a TDM planning and implementation efforts are required to facilitate White Flint's transition from a highly automobile oriented environment to a more transit, pedestrian, and bicycle friendly environment.

APPROPRIATION AND EXPENDITURE DATA	COORDINATION	MAP
Date First Appropriation FY12 (\$000)	Maryland-National Capital Park and Planning Commission	See Map on Next Page
First Cost Estimate FY12 1,503	Maryland State Highway Administration	
Current Scope	U.S. Army Corps of Engineers	
Last FY's Cost Estimate 0	Montgomery County Department of Permitting Services	
Appropriation Request FY12 459	Montgomery County Department of Environmental Protection	
Supplemental Appropriation Request 0	Montgomery County Pedestrian and Traffic Safety Advisory Committee	
Transfer 0	Citizen's Advisory Boards	
Cumulative Appropriation 0	Neighborhood Home Owner's Associations	
Expenditures / Encumbrances 0	Utility Companies	
Unencumbered Balance 0	Civic Associations	
Partial Closeout Thru FY09 0	White Flint Transportation Management District (TMD)	
New Partial Closeout FY10 0		
Total Partial Closeout 0		

## White Flint Traffic Analysis and Mitigation -- No. 501202 (continued)

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A monitoring mechanism for the modal split will also be developed.

**FISCAL NOTE**

Programmed impact taxes have already been collected from the White Flint Metro Station Policy Area (MSPA).

**OTHER DISCLOSURES**

- A pedestrian impact analysis will be performed during design or is in progress.

# ATTACHMENT 3

Bill No. 1-10  
Concerning: Development – Coordination,  
Oversight  
Revised: 10-19-10 Draft No. 4  
Introduced: January 19, 2010  
Enacted: October 19, 2010  
Executive: Returned unsigned  
Effective: January 29, 2011  
Sunset Date: None  
Ch. 46, Laws of Mont. Co. 2010

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Councilmembers Trachtenberg, Knapp, Berliner, and Andrews

### AN ACT to:

- (1) provide further coordination and oversight of master-planned development;
- (2) provide further coordination and oversight of development districts; and
- (3) generally amend the law governing coordination of development.

### By amending

Montgomery County Code  
Chapter 2, Administration  
Section 2-25  
Chapter 14, Development Districts  
Section 14-16

<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>

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



1 **Sec. 1. Section 2-25 is amended as follows:**

2 \* \* \*

3 (c) Coordination of master-planned development. The Executive must  
 4 designate an employee in the Office of the Executive or the Office of  
 5 the Chief Administrative Officer as the development coordinator for  
 6 each planning area for which a newly revised master or sector plan has  
 7 authorized intensive new development or redevelopment. Among other  
 8 duties, the Coordinator must:

- 9 (1) coordinate the financing and development of County  
 10 infrastructure in that planning area;
- 11 (2) advise the Executive, the Council, the Chief Administrative  
 12 Officer, County Department heads, the Planning Board, and any  
 13 other appropriate government agency, of any action needed to  
 14 expedite the financing and development of County infrastructure  
 15 in that planning area;
- 16 (3) serve as primary point of contact regarding the financing and  
 17 development of County infrastructure and associated State and  
 18 private infrastructure for residents and businesses located or  
 19 potentially located in or near that planning area and the developer  
 20 of any development located in that planning area; ~~and~~]
- 21 (4) acquire and distribute mode share measurements (and related data  
 22 and methodology) and results for monitoring of a master or sector  
 23 plan, and make that information publicly available; and
- 24 ~~[(4)]~~ (5) take or recommend] advise the Executive and Council  
 25 about any other action needed to assure that ~~County~~] all  
 26 required infrastructure keeps pace with private development in  
 27 that planning area.

28 **Sec. 2. Section 14-16 is amended as follows:**

29 **14-16. Administration of district; Termination.**

30 \* \* \*

31 (d) The Executive must designate an employee in the Office of the  
 32 Executive or the Office of the Chief Administrative Officer as the  
 33 Development District Coordinator for each development district for  
 34 which the Council has adopted a resolution declaring its intent to create  
 35 a development district under Section 14-6. Among other duties, the  
 36 Coordinator must:

37 (1) coordinate the preparation of the Fiscal Report for the  
 38 development district as required by Section 14-8;

39 (2) coordinate the financing and development of County  
 40 infrastructure in that development district;

41 (3) advise the Executive, the Council, the Chief Administrative  
 42 Officer, County Department heads, the Planning Board, and any  
 43 other appropriate government agency, of any action needed to  
 44 expedite the financing and development of County infrastructure  
 45 in that development district;

46 (4) serve as primary point of contact regarding the financing and  
 47 development of County infrastructure and associated State and  
 48 private infrastructure for residents and businesses located or  
 49 potentially located in or near that development district and the  
 50 developer of any development located in that development  
 51 district; and

52 (5) [[take or recommend]] advise the Executive and Council about  
 53 any other action needed to assure that [[County]] all required

54 infrastructure keeps pace with private development in that  
55 development district.

56 (e) The Executive must report to the Council not later than January 15 and  
57 July 15 of each year on the progress made during the preceding 6  
58 months, and the significant steps to be taken during the following 6  
59 months, regarding each development district for which the Council has  
60 adopted a resolution under Section 14-6.

61 [(d)] (f) \* \* \*

62 *Approved:*

63

64 *Nancy Floreen* 10/20/10  
Nancy Floreen, President, County Council Date

65 *Approved:*

66

67 *returned unsigned*  
Isiah Leggett, County Executive Date

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

69

70 *Linda M. Lauer* 11/2/10  
Linda M. Lauer, Clerk of the Council Date

# ATTACHMENT 4

Bill No. 50-10  
Concerning: Special Taxing District -  
White Flint - Creation  
Revised: 11-30-10 Draft No. 5  
Introduced: October 5, 2010  
Enacted: November 30, 2010  
Executive: December 9, 2010  
Effective: March 10, 2011  
Sunset Date: None  
Ch. 52, Laws of Mont. Co. 2010

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Council President at the Request of the County Executive

### AN ACT to:

- (1) establish a White Flint Special Taxing District;
- (2) authorize the levy of an *ad valorem* property tax to fund certain transportation infrastructure improvements;
- (3) authorize the issuance of a certain type of bond to finance certain transportation infrastructure improvements;
- (4) generally authorize a White Flint Special Taxing District; and
- (5) generally amend or supplement the laws governing the use of infrastructure financing districts and similar funding mechanisms.

By adding

Montgomery County Code  
Chapter 68C, White Flint Special Taxing District

<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>

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

1           Sec 1. Chapter 68C is added as follows:

2                   Chapter 68C. White Flint Special Taxing District.

3   68C-1. Definitions.

4           For purposes of this Chapter, the following terms have the meanings indicated:

5                   Bond means a special obligation or revenue bond, note, or other similar  
6                   instrument issued by the County that will be repaid from revenue  
7                   generated by ad valorem taxes levied under this Chapter.

8                   Cost means the cost of:

- 9                   (1) the construction, reconstruction, and renovation of any  
10                   transportation infrastructure improvement, including the  
11                   acquisition of any land, structure, real or personal property, right,  
12                   right-of-way, franchise, or easement, to provide a transportation  
13                   infrastructure improvement for the District;
- 14                   (2) all machinery and equipment needed to expand or enhance a  
15                   transportation infrastructure improvement for the District;
- 16                   (3) financing charges and debt service related to a transportation  
17                   infrastructure improvement for the District, whether the charge or  
18                   debt service is incurred before, during, or after construction of the  
19                   transportation infrastructure improvement, including the cost of  
20                   issuance, redemption premium (if any), and replenishment of  
21                   debt service reserve funds for any bond that finances a  
22                   transportation infrastructure improvement for the District;
- 23                   (4) reserves for principal and interest, the cost of bond insurance, and  
24                   any other type of financial guarantee, including any credit or  
25                   liquidity enhancement, related to a transportation infrastructure  
26                   improvement for the District;



- 27 (5) architectural, engineering, financial, and legal services related to  
28 providing a transportation infrastructure improvement for the  
29 District;
- 30 (6) any plan, specification, study, survey, or estimate of costs and  
31 revenues related to providing a transportation infrastructure  
32 improvement for the District;
- 33 (7) any administrative expense incurred by the County necessary or  
34 incident to determining whether to finance or implement a  
35 transportation infrastructure improvement for the District; and
- 36 (8) any other expense incurred by the County necessary or incident  
37 to building, acquiring, or financing a transportation infrastructure  
38 improvement for the District.

39 District means the White Flint Special Taxing District created under  
40 Section 68C-2.

41 Transportation infrastructure improvement means:

- 42 (1) the construction, rehabilitation, or reconstruction of a road, street,  
43 or highway that serves the District, including any:
  - 44 (A) right-of-way;
  - 45 (B) roadway surface;
  - 46 (C) roadway subgrade or shoulder;
  - 47 (D) median divider;
  - 48 (E) drainage facility or structure, including any related  
49 stormwater management facility or structure;
  - 50 (F) roadway cut or fill;
  - 51 (G) guardrail;
  - 52 (H) bridge;
  - 53 (I) highway grade separation structure;

- 54 (J) tunnel;
- 55 (K) overpass, underpass, or interchange;
- 56 (L) entrance plaza, approach, or other structure that is an
- 57 integral part of a street, road, or highway;
- 58 (M) bicycle or walking path;
- 59 (N) designated bus lane;
- 60 (O) sidewalk or pedestrian plaza;
- 61 (P) streetscaping and related infrastructure; including placing
- 62 utilities underground; and
- 63 (Q) other property acquired to construct, operate, or use a road,
- 64 street, or highway; and
- 65 (2) a transit facility that serves the needs of the District, including
- 66 any:
  - 67 (A) track;
  - 68 (B) right-of-way;
  - 69 (C) bridge;
  - 70 (D) tunnel;
  - 71 (E) subway;
  - 72 (F) rolling stock;
  - 73 (G) station or terminal;
  - 74 (H) parking area;
  - 75 (I) related equipment, fixture, building, structure, or other real
  - 76 or personal property; and
  - 77 (J) service intended for use in connection with the operation
  - 78 of a transit facility, including rail, bus, motor vehicle, or
  - 79 other mode of transportation.

80 **68C-2. Creation; Boundaries.**

- 81 (a) The White Flint Special Taxing District is coterminous with the  
 82 approved and adopted White Flint Sector Plan area.
- 83 (b) The following properties, identified by street address, are not included  
 84 in the District: 5411 McGrath Boulevard, 5440 Marinelli Road, 5801  
 85 Nicholson Lane, 11700 Old Georgetown Road, 11701 Old Georgetown  
 86 Road, 11750 Old Georgetown Road, 11800 Old Georgetown Road,  
 87 11801 Rockville Pike, 5800 Nicholson Lane, 5802 Nicholson Lane,  
 88 5809 Nicholson Lane, 5440 Marinelli Road, 5503 Edson Lane, 5505  
 89 Edson Lane, 5507 Edson Lane, 5509 Edson Lane, 11201 Woodglen  
 90 Drive, 11203 Woodglen Drive, 11205 Woodglen Drive, 11207  
 91 Woodglen Drive, 11209 Woodglen Drive, 11351 Woodglen Drive,  
 92 11418 Rockville Pike, 11200-11219 Edson Park Place, 11222 Edson  
 93 Park Place, 11224 Edson Park Place, 11226 Edson Park Place, 11228  
 94 Edson Park Place, 11230 Edson Park Place, 11232 Edson Park Place,  
 95 11234 Edson Park Place, 11236 Edson Park Place, 11238 Edson Park  
 96 Place, and 11240 Edson Park Place.

97 **68C-3. Levy of Tax; Limits.**

- 98 (a) Each tax year the County Council may levy against all the assessable  
 99 real and personal property in the District a sum on each \$100 of  
 100 assessable property that does not exceed an amount sufficient to cover  
 101 the costs of transportation infrastructure improvements that have been  
 102 identified in a Council resolution approved under Section 68C-4.
- 103 (b) Under Section 9-1302 of Article 24, Maryland Code, the limit in  
 104 Charter Section 305 on levies of ad valorem taxes on real property to  
 105 finance County budgets does not apply to revenue from any tax imposed  
 106 under this Chapter.

- 107 (c) The tax imposed under this Chapter must be levied and collected as  
 108 other County property taxes are levied and collected.
- 109 (d) The tax imposed under this Chapter has the same priority, bears the  
 110 same interest and penalties, and in every respect must be treated the  
 111 same as other County property taxes.
- 112 (e) Paying the tax imposed under the Chapter does not entitle any person to  
 113 claim a credit against any other tax that the County imposes, including  
 114 the development impact tax for transportation improvements imposed  
 115 under Section 52-49 or the development impact tax for public school  
 116 improvements imposed under Section 52-89.
- 117 **68C-4. Transportation Infrastructure Improvement Resolution.**
- 118 (a) After holding a public hearing, the Council may approve a resolution  
 119 that lists each transportation infrastructure improvement that would be  
 120 entirely or partly paid for by a tax imposed under Section 68C-3.
- 121 (b) The resolution must indicate the estimated cost, including a contingency  
 122 amount, for each listed improvement.
- 123 (c) The Council may amend the resolution after holding a public hearing.
- 124 (d) The Council must present the resolution and each amended resolution to  
 125 the Executive for approval or disapproval. If the Executive disapproves  
 126 a resolution within 10 days after it is transmitted to the Executive and  
 127 the Council readopts the resolution by a vote of 6 Councilmembers, or if  
 128 the Executive does not act within 10 days after the resolution is  
 129 transmitted, the resolution takes effect.
- 130 (e) Before the Council holds a public hearing under subsection (a) or (c),  
 131 the Executive should transmit to the Council:

- 132 (1) a list of recommended transportation infrastructure improvements
- 133 to be entirely or partly paid for by a tax imposed under Section
- 134 68C-3;
- 135 (2) the estimated cost, including a contingency amount, for each
- 136 listed improvement; and
- 137 (3) an estimated tax rate for each tax to be imposed under Section
- 138 68C-3.

139 (f) Before the County loans or advances any funds to the District that the  
 140 District is required to repay to the County, the Council must adopt a  
 141 [[financing]] repayment plan in a resolution under this Section, or as  
 142 part of an approved Capital Improvements Program resolution, that  
 143 specifies:

- 144 (1) each transportation infrastructure improvement for which funds
- 145 would be advanced;
- 146 (2) the amount of funds advanced which the District must repay;
- 147 (3) the [[amount]] expected rate of interest, if any, the District must
- 148 repay;
- 149 (4) the time period during which the District [[must]] is expected to
- 150 repay the amount due; and
- 151 (5) [[the number and timing of installment payments, if any; and]]
- 152 [[6]] any other principal term of repayment.

153 Any [[financing]] repayment plan adopted under this subsection is  
 154 binding on the District and the County, except as later modified in a  
 155 Council resolution.

156 **68C-5. District Fund.**

- 157 (a) The Director of Finance must establish a separate fund for the proceeds
- 158 collected from any tax imposed under this Chapter. The proceeds of

- 159           any tax imposed under this Chapter must be pledged to and paid into  
 160           this fund.
- 161           (b) The Director of Finance must use this fund only to pay the cost of any  
 162           transportation infrastructure improvement related to the District.
- 163           (c) If in any fiscal year a balance remains in the fund, the Director of  
 164           Finance may use the balance to:
- 165               (1) pay the cost of any transportation infrastructure improvement for  
 166               the District;
- 167               (2) create a reserve to pay the future costs of any transportation  
 168               infrastructure improvement for the District;
- 169               (3) pay bond-related obligations or retire bonds then outstanding; or
- 170               (4) pay into a sinking fund required by the terms of bonds which  
 171               finance the cost of any transportation infrastructure improvement  
 172               for the District that may be incurred or accrue in later years.

173   **68C-6. Issuing Bonds.**

- 174           (a) Before the County issues any bond payable from ad valorem taxes  
 175           levied under Section 68C-3, the Council must adopt a resolution  
 176           authorizing the issuance of bonds that meets the requirements of this  
 177           Section.
- 178           (b) Each resolution under this Section must:
- 179               (1) describe the types of transportation infrastructure improvements  
 180               and related costs to be financed; and
- 181               (2) specify the maximum principal amount of bonds to be issued.
- 182           (c) Each resolution may specify, or authorize the Executive by executive  
 183           order to specify:
- 184               (1) the actual principal amount of bonds to be issued;
- 185               (2) the actual rate or rates of interest for the bonds;

- 186           (3)   how and on what terms the bonds must be sold;
- 187           (4)   how, when, and where principal of, and interest on, the bonds
- 188                   must be paid;
- 189           (5)   when the bonds may be executed, issued, and delivered;
- 190           (6)   the form and tenor of the bonds, and the denominations in which
- 191                   the bonds may be issued;
- 192           (7)   how any or all of the bonds may be called for redemption before
- 193                   their stated maturity dates;
- 194           (8)   the nature and size of any debt service reserve fund;
- 195           (9)   the pledge of other assets in and revenues from the District to pay
- 196                   the principal of and interest on the bonds;
- 197           (10) any bond insurance or any other financial guaranty or credit or
- 198                   liquidity enhancement of the bonds; and
- 199           (11) any other provision consistent with law that is necessary or
- 200                   desirable to finance any transportation infrastructure
- 201                   improvement that has been identified in a Council resolution
- 202                   approved under Section 68C-4.
- 203           (d)   (1)   The County [[covenants]] must covenant to levy ad valorem
- 204                   taxes against all assessable real and personal property in the
- 205                   District at a rate and amount sufficient in each year when any
- 206                   bonds are outstanding to:
- 207                   (A)   provide for the payment of the principal of, interest on, and
- 208                           redemption premium if any, on the bonds;
- 209                   (B)   replenish any debt service reserve fund established with
- 210                           respect to the bonds; and
- 211                   (C)   provide for any other purpose related to the ongoing
- 212                           expenses of and security for the bonds.

- 213           (2)   The County further [[covenants]] must covenant, when any bond  
 214                   is outstanding, to enforce the collection of all ad valorem taxes  
 215                   under this Chapter as provided by applicable law.
- 216           (e)   All proceeds received from any issuance of bonds must be applied  
 217                   solely towards costs of the transportation infrastructure improvements  
 218                   listed in the resolution adopted under Section 68C-4, including the cost  
 219                   of issuing bonds and payment of the principal of, interest on, and  
 220                   redemption premium if any, on the bonds.
- 221           (f)   The bonds issued under this Chapter:
- 222                   (1)   are special obligations of the County and do not constitute a  
 223                   general obligation debt of the County or a pledge of the County's  
 224                   full faith and credit or the County's general taxing power;
- 225                   (2)   may be sold in any manner, either at public or private sale, and on  
 226                   terms as the Executive approves;
- 227                   (3)   are not subject to Sections 10 and 11 of Article 31, Maryland  
 228                   Code; and
- 229                   (4)   must be treated as securities to the same extent as bonds issued  
 230                   under Section 9-1301 of Article 24, Maryland Code.
- 231           (g)   To the extent provided by law, the bonds, their transfer, the interest  
 232                   payable on them, and any income derived from them, including any  
 233                   profit realized on their sale or exchange, must be exempt at all times  
 234                   from every kind and nature of taxation by the State of Maryland and any  
 235                   county or municipality in Maryland.
- 236           (h)   The bonds must be payable from the fund required under Section 68C-5  
 237                   and any other asset or revenue of the District pledged toward their  
 238                   payment. When any bond is outstanding, the monies in the fund are  
 239                   pledged to pay the costs of any transportation infrastructure



240 improvement funded entirely or partly by the proceeds of the bonds,  
241 including the costs of issuing the bonds and payment of the principal of,  
242 interest on, and redemption premium if any, on the bonds. In addition  
243 to ad valorem taxes, the bonds may be secured by any other asset in or  
244 revenue generated in the District.

245 (i) Any ad valorem tax imposed under this Chapter must not be accelerated  
246 because of any bond default.

247 **68C-7. Expiration of district.**

248 Any special taxing district created under this Chapter expires by operation of  
249 law 30 days after the cost of all transportation infrastructure improvements identified  
250 in a Council resolution approved under Section 68C-4, including all outstanding  
251 bonds and cash advances made by the County, have been paid.

252 *Approved:*

253 *Nancy Floreen* 12/11/10  
Nancy Floreen, President, County Council Date

254 *Approved:*

255 *Isiah Leggett* 12/9/10  
Isiah Leggett, County Executive Date

256

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

258 *Linda M. Lauer* 12/10/10  
Linda M. Lauer, Clerk of the Council Date

# ATTACHMENT 5

Resolution No.: 16-1570  
Introduced: October 5, 2010  
Adopted: November 30, 2010

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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By: Council President at the Request of the County Executive

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**SUBJECT:** White Flint Sector Plan Implementation Strategy and Infrastructure Improvement List

### Background

1. On March 23, 2010, the County Council, sitting as the District Council, adopted the White Flint Sector Plan, which approved a long range vision of transforming the Sector Plan area into a pedestrian-friendly transit-oriented urban setting.
2. The White Flint Sector Plan envisions conversion of Rockville Pike (MD Route 355) into a walkable boulevard with bus rapid transit along with road networks to the west and east of Rockville Pike that will provide effective alternatives to the highly congested Rockville Pike and connected blocks for development and connectivity.
3. The Plan's focus on access to Metro transit and redevelopment of the extensively built environment make White Flint a priority smart growth area.
4. The White Flint Sector Plan Area is expected to be a leading economic engine for the County.
5. To provide greater assurance of achieving this vision, the Plan identified a need for a public financing mechanism to fund a portion of the transportation infrastructure. This public financing mechanism anticipates assessments against property or other means of revenue generation and is intended to replace payments that projects redeveloping in the plan area would have to pay under current adequate public facilities requirements for local area transportation and policy area mobility reviews (LATR and PAMR).
6. The Council enacted Bill 50-10, creating the White Flint Special Taxing District to raise revenues to fund certain transportation improvements. The White Flint Special Taxing District will provide greater assurances of reliable and consistent revenue generation and materially greater funds for transportation improvements than would be anticipated from combined payments under otherwise applicable transportation development impositions, including LATR, PAMR, and transportation impact taxes.

7. The Council pursued certain goals in enacting Bill 50-10, including (a) creating a mechanism that will produce a reliable and consistent source of funds to secure debt service and pay for specific transportation infrastructure items; (b) imposing a manageable and sustainable payment for transportation infrastructure associated with new development in the White Flint Sector Plan area without unduly burdening property owners; and (c) setting and maintaining a tax rate that will allow development and businesses in White Flint to be competitive in attracting businesses to the area.
8. County Code Chapter 68C, enacted in Bill 50-10, establishes the White Flint Special Taxing District, authorizes the levy of an ad valorem tax to fund transportation infrastructure improvements in the District, and authorizes the issuance of bonds to finance the transportation infrastructure improvements.
9. Chapter 68C-4 requires a resolution that lists each transportation infrastructure improvement that is to be paid for by the District special tax, and the estimated costs of each improvement, which must include a contingency amount.

#### Action

The County Council for Montgomery County, Maryland approves the following resolution:

To comply with the requirements of Chapter 68C and to successfully implement the White Flint Sector Plan, the Council takes the following steps and adopts the following implementation strategy to maximize acceptable growth in the Plan area and to move from Stage 1 to Stages 2 and 3 of development envisioned in the Plan.

1. The County's goal is that the White Flint Special Taxing District special tax rate must not exceed 10% of the total tax rate for the District, except that the rate must be sufficient to pay debt service on any bonds that are already outstanding.
2. If the revenues from the special tax at the level in the preceding paragraph are not sufficient to afford additional infrastructure improvements as are necessary and ready for implementation to execute the White Flint Sector Plan, the County Executive, before recommending any increase to the tax rate above the level in the preceding paragraph, must consider alternative approaches, including the timing and scope of each infrastructure item and the structure of the financing plan to pay for it, and alternative revenue sources.
3. Without limiting the specificity of the preceding paragraph, before issuing debt secured by or intended to be paid by the White Flint Special Taxing District, the County Executive must carry out a feasibility or other study to assess whether repaying the debt will require a district tax rate that will exceed the 10% policy goal. If this analysis concludes that a rate higher than the 10% policy goal would be

required, the Council intends that either (a) the debt will not be issued at that time; or (b) the County will manage the debt issuance or repayment in a manner that will have the White Flint Special Taxing District rate stay within the 10% policy goal.

4. For the tax year that began on July 1, 2010, the total base real property tax rate in the White Flint Special Taxing District is \$1.027 per \$100 of assessed value.
5. For the tax year that begins on July 1, 2011, the rate of the White Flint Special Taxing District special tax is estimated to be \$0.103 per \$100 of assessed value. The Council will set the actual Special Taxing District tax rate when it sets other property tax rates in May 2011.
6. The specific transportation infrastructure improvements that will be financed by the White Flint Special Taxing District are listed in Exhibit A, along with an estimated cost for each improvement, including a contingency amount. The District will remain responsible for the actual cost of each designated infrastructure improvement, including any future cost increase.
7. If a gap results between the White Flint Special Taxing District revenue generation and the aggregate cost of those transportation projects to be funded by District revenues, and to assure adherence to the 10% policy rate goal and the prompt building of necessary infrastructure in the Sector Plan area, the Council policy is that, to promptly implement the Sector Plan, the Capital Improvements Program for this area will include forward funding or advance funds to design and build the following:
  - (a) that portion of Market Street from Old Georgetown Road to Woodglan Road, including a bike lane;
  - (b) realignment of Executive Boulevard from Marinelli Road to MD Route 187;
  - (c) the redesign of Rockville Pike (these 3 items collectively may be referred to as "forward-funded items"); and
  - (d) up to \$15 million for other items assigned to the District in Plan stages 1 and 2.

Any forward funding or advance payment must be structured so that it does not count under applicable spending affordability guidelines.

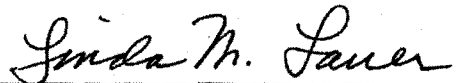
8. As used in the preceding paragraph, forward fund or advance funds means
  - (a) For items 7(a), (b), and (c), the County would include these items in the County Capital Improvements Program and fund them accordingly, and the District, subject to applicable provisions of Chapter 68C, would, on a dollar for dollar basis, without any interest accruing during the first 10 years after that Capital Improvements Program is approved, repay the County when every District improvement listed in Exhibit A has been

funded either directly or through debt secured by the District. However, the District may repay the County earlier for any item to the extent that revenue generation exceeds the funds needed to pay for other improvements assigned to the District and no stage of development under the Sector Plan would be delayed; and

- (b) For item 7(d), the County would coordinate with planned private development and include infrastructure items necessary for that development to proceed in a timely fashion in the County Capital Improvements Program, and the District would reimburse the County for all costs incurred in connection with any advance, including interest costs.
9. The specified items subject to forward or advance funding have estimated costs shown in Exhibit A as follows:
    - (a) The realignment of Executive Boulevard and Market Street from Old Georgetown Road to Woodglan Road is estimated to cost \$24.8 million, not including right-of-way which is assumed to be dedicated by affected property owners.
    - (b) The redesign of Rockville Pike is estimated to cost \$7.7 million.
  10. The County Executive will include the projects comprising the forward funding in his January 2011 Capital Improvements Program Amendments, with initial expenditures in fiscal years 2015, 2016, and beyond until completed.
  11. Two items have been removed from District funding and must instead be paid for by County or other sources of public funds. These items are:
    - (a) the second entrance to the White Flint Metro Station, which is estimated to cost \$35 million; and
    - (b) the Nebel Street bike lane, which is estimated to cost \$9.2 million.
  12. One item has been modified for District funding: Market Street between MD Route 355 and Station Street (bridge across White Flint Metro station), at an estimated added cost of \$5.2 million and a total cost of \$7.2 million.
  13. The County Council intends that the annual joint State-County transportation priority letter would include a request to the Maryland Department of Transportation that the White Flint Sector Plan Area should receive a Transit Oriented Development designation, but also note that granting this status to the White Flint area does not mean that transportation infrastructure items in that area would supersede any other items in the priority letter.

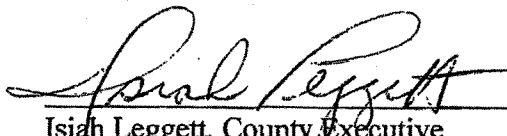
14. The Council intends to amend the law authorizing the County transportation impact tax to create a White Flint impact tax district and to set the tax rate in that district at \$0. The Executive intends to submit a Bill to the Council to do this. The Council also intends that the transportation impact tax rate for the remaining buildings in LCOR Inc.'s North Bethesda Center development be set at \$0. This development had been approved under the former County Growth Policy's Alternative Review Procedure for Metro Station Policy Areas, under which its transportation impact tax rate is 75% of the applicable County-wide rate. This action would also be included in the transportation impact tax amendments bill.
  
15. The Council intends to fund, in the White Flint Special Taxing District Capital Improvements Program referred to in paragraph 10, to the extent legally allowable, personnel costs and other expenses of the development coordinator for the White Flint planning area that the Executive is required to designate under County Code §2-25(c), enacted in Council Bill 1-10. State law (including Maryland Code Article 24, §9-1302(a)(2), incorporating §9-1301(a)(3)(viii), and §9-1303(a)(2) and §9-1303(e)) authorizes funding of these costs by the District.

This is a correct copy of Council action.



Linda M. Lauer, Clerk of the Council

Approved:



Isiah Leggett, County Executive

## EXHIBIT A

WHITE FLINT SPECIAL TAXING DISTRICT  
DISTRICT-FUNDED IMPROVEMENTS

Improvement Description	Estimated Cost
Old Georgetown Road (MD 187): Nicholson La./Tilden La. to Executive Blvd.	\$17,774,000
Old Georgetown Road (MD 187): Hoya St. to Rockville Pike (MD 355)	1,789,000
Hoya Street (formerly Old Old Georgetown Rd.): Executive Blvd. to Montrose Pkwy.	15,344,000
Rockville Pike (MD 355): Flanders Ave. to Hubbard Drive	66,961,000
Nicholson Lane: Old Georgetown Rd. (MD 187) to CSX tracks	12,942,000
Executive Blvd. Ext.: Marinelli Rd. to Old Georgetown Rd (MD 187)	23,500,000
Main St./Market St.: Old Georgetown Rd. (MD 187) to Executive Blvd. Extended (Bikeway)	1,713,000
Main St./Market St.: Old Georgetown Rd. (MD 187) to Executive Blvd. Ext.	4,933,000
Main St./Market St.: Executive Blvd. to Rockville Pike (MD 355)	4,661,000
Market Street from Maryland Route 355 to Station Street	7,200,000
Executive Blvd. Ext. (East): Rockville Pike (MD 355) to Nebel St. Ext. (South)	16,700,000
Nebel St. Ext. (South): Nicholson La. to Executive Blvd. Ext. (East)	8,200,000
<b>TOTAL</b>	<b>181,717,000</b>

## ATTACHMENT 6

Sesker, Jacob

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**From:** Orlin, Glenn [Glenn.Orlin@montgomerycountymd.gov]  
**Sent:** Thursday, January 13, 2011 1:55 PM  
**To:** Sesker, Jacob  
**Cc:** Michaelson, Marlene  
**Subject:** White Flint-Urban Service District and Parking Management Authorities

Jacob,

Marlene and I believe that the interpretation expressed in your memo to the Board was correct. The urban service district is definitely not required within 6 months of adopting the sectional map amendment; it will not be needed until at least some of the planned streetscaping is completed and there is a need to maintain it. Neither is the parking management authority required within 6 months of the SMA, but we agree that how parking is handled must be resolved in the short-to-medium term--that is, before new subdivisions are approved.

-- Glenn

-----Original Message-----

**From:** Sesker, Jacob [mailto:Jacob.Sesker@mncppc-mc.org]  
**Sent:** Thursday, January 13, 2011 11:56 AM  
**To:** Orlin, Glenn  
**Subject:** White Flint-Urban Service District and Parking Management Authorities

We had a lengthy discussion this morning with the Planning Board discussing a sentence from the staging plan: "Create public entities or financing mechanisms necessary to implement the sector plan within 6 months of adopting the sectional map amendment."

In my memo to the Board for today's discussion I had recommended that the public entities or financing mechanisms necessary to implement the sector plan (for purposes of staging) were in place. As evidence I cited specifically Bill 1-10 (development coordination and oversight) and Bill 50-10 (special taxing district), as well as resolution 16-1570 (white flint implementation strategy).

However, it seemed that we should clarify whether any public entity identified and recommended in the Sector Plan (but not in the staging section) qualifies as "necessary to implement the Sector Plan..." This would include both an urban service district and a parking management authority (the only other "public entity" identified specifically in the sector plan is a "redevelopment office or similar entity", and I believe that Bill 1-10 creates an executive branch function that clearly qualifies as a "similar entity").

Was it the Council's intent that any public entity recommended in the Sector Plan (including those that were removed by the Council from the language of the staging plan) would be required as a staging trigger?

Jacob Sesker  
Planner Coordinator  
Office of the Planning Director  
Montgomery County Planning Department  
Phone: 301-650-5619  
[Jacob.Sesker@montgomeryplanning.org](mailto:Jacob.Sesker@montgomeryplanning.org)  
[Jacob.Sesker@mncppc-mc.org](mailto:Jacob.Sesker@mncppc-mc.org)



# ATTACHMENT 7

Resolution No.: 16-1571  
Introduced: October 5, 2010  
Adopted: November 30, 2010

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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By: Council President at the Request of the County Executive

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**SUBJECT:** Amendment (\$9.835 M) to the FY11-16 Capital Improvements Program and Special Appropriation #4-E11-CMCG-3 to the FY11 Capital Budget Montgomery County Government Department of Transportation White Flint District West: Transportation (No. 501116), \$385,000

### Background

1. Section 308 of the Montgomery County Charter provides that a special appropriation: (a) may be made at any time after public notice by news release; (b) must state that the special appropriation is necessary to meet an unforeseen disaster or other emergency or to act without delay in the public interest; (c) must specify the revenues necessary to finance it; and (d) must be approved by no fewer than six members of the Council.
2. Section 302 of the Montgomery County Charter provides that the Council may amend an approved capital improvements program at any time by an affirmative vote of no fewer than six members of the Council.
3. The County Executive recommends the following capital project appropriation increases:

<u>Project Name</u>	<u>Project Number</u>	<u>Cost Element</u>	<u>Amount</u>	<u>Source of Funds</u>
White Flint District West: Transportation	501116	PDS	\$385,000	Current Revenue General

4. This project is needed to accelerate the preliminary engineering for one new road, one relocated road, improvements to three existing roads, and one new bikeway in the White Flint Development Tax District so that more accurate designs and cost estimates can be established. Funds to pay for the analysis and studies necessary to implement the district are also included. The recommended amendment is consistent with the criteria for amending the CIP in that this project supports significant economic development initiatives, which in turn will strengthen the fiscal capacity of the County government. The new growth planned for the White Flint area in accordance with the recently approved Sector Plan will revitalize the region and strengthen the County as a whole. These roadway and bikeway improvements will greatly aid and expedite the planned improvements for the area.
5. The County Executive recommends an amendment to the FY11-16 Capital Improvements Program and a special appropriation in the amount of \$385,000 for White Flint District West: Transportation (No.501116), and specifies that the source of funds will be Current Revenue General with repayment in FY12 from White Flint Development District tax funds.
6. Notice of public hearing was given and a public hearing was held on October 26, 2010.

Action

The County Council for Montgomery County, Maryland, approves the following actions:

1. The FY11-16 Capital Improvements Program of the Montgomery County Government is amended as reflected on the attached project description form and a special appropriation is approved as follows:

<u>Project Name</u>	<u>Project Number</u>	<u>Cost Element</u>	<u>Amount</u>	<u>Source of Funds</u>
White Flint District West: Transportation	501116	PDS	\$385,000	Current Revenue General

2. The County Council declares that this action is necessary to act without delay in the public interest, and that this appropriation is needed to meet the emergency.

This is a correct copy of Council action.

*Linda M. Lauer*

Linda M. Lauer, Clerk of the Council

## White Flint District West: Transportation -- No. 501116

Category  
Subcategory  
Administering Agency  
Planning Area

Transportation  
Roads  
Transportation  
North Bethesda-Garrett Park

Date Last Modified  
Required Adequate Public Facility  
Relocation Impact  
Status

September 27, 2010  
No  
None.  
Preliminary Design Stage

### EXPENDITURE SCHEDULE (\$000)

Cost Element	Total	Thru FY09	Est. FY10	Total 6 Years	FY11	FY12	FY13	FY14	FY15	FY16	Beyond 6 Years
Planning, Design, and Supervision	8,800	0	0	8,800	350	1,250	500	2,200	2,200	2,300	0
Land	1,000	0	0	1,000	0	0	600	0	200	200	0
Site Improvements and Utilities	0	0	0	0	0	0	0	0	0	0	0
Construction	0	0	0	0	0	0	0	0	0	0	0
Other	35	0	0	35	35	0	0	0	0	0	0
<b>Total</b>	<b>9,835</b>	<b>0</b>	<b>0</b>	<b>9,835</b>	<b>385</b>	<b>1,250</b>	<b>1,100</b>	<b>2,200</b>	<b>2,400</b>	<b>2,500</b>	<b>0</b>

### FUNDING SCHEDULE (\$000)

Current Revenue: General	0	0	0	0	385	-385	0	0	0	0	0
Development District -White Flint	9,835	0	0	9,835	0	1,635	1,100	2,200	2,400	2,500	0
<b>Total</b>	<b>9,835</b>	<b>0</b>	<b>0</b>	<b>9,835</b>	<b>385</b>	<b>1,250</b>	<b>1,100</b>	<b>2,200</b>	<b>2,400</b>	<b>2,500</b>	<b>0</b>

#### DESCRIPTION

This project provides for completing preliminary engineering, to 35% plans <sup>and initial land acquisition</sup> for one new road, one relocated road, improvements to three existing roads, and one new bikeway in the White Flint District area for Stage 1. Various improvements to the roads will include new traffic lanes, shared-use paths, the undergrounding of overhead utility lines, other utility relocations and streetscaping.

The proposed projects are as follows:

- o Main Street/Market Street (B-10) - Old Georgetown Road (MD187) to Executive Boulevard Extended - New 2 lane 700 foot roadway.
- o Executive Boulevard Extended (B-15) - Marinelli Road to Old Georgetown Road (MD187) - Reconstruct 900 feet of 4 lane roadway.
- o Old Georgetown Road (MD187) (M-4) - From Nicholson Lane/Tilden Lane to Executive Boulevard - Reconstruct 1,600 feet of 8 lane roadway.
- o Hoya Street (formerly "Old" Old Georgetown Road) (M-4A) - From Executive Boulevard to Montrose Parkway - Reconstruct 1,100 feet of 4 lane roadway.
- o Rockville Pike (MD355) (M-6) - Flanders Avenue to Hubbard Drive - Reconstruct 6,300 feet of 6-8 lane roadway.
- o Main Street/Market Street (LB-1) - Old Georgetown Road (MD187) to Executive Boulevard Extended - Construct ~~1,250~~ <sup>700</sup> feet of bikeway.

The proposed projects will be White Flint Development Tax District funded and are located primarily in the western side of the White Flint Development District. All the roadway segments except for the Rockville Pike are specified for completion in Stage 1 of the White Flint Sector Plan and will be designed in FY11-13 with land acquisitions in FY13. The Rockville Pike segment will be designed in FY14-16 with land acquisitions in FY15-16. The Rockville Pike segment will be constructed during Stage 3 of the Sector Plan.

This project also provides for consulting fees for the analysis and studies necessary to implement the district, which are programmed in the "Other" cost element.

#### ESTIMATED SCHEDULE

Design is expected to commence on all projects except the Rockville Pike section in the Spring of 2011(FY11) and to conclude in the Spring of 2013 (FY13). Some property acquisition may occur in 2012-13 (FY13). Design on the Rockville Pike section will begin in the Fall of 2013 (FY14) and be complete in the Spring of 2016 (FY16). Some property acquisition may occur on this section in 2015 (FY15) and 2016 (FY16).

#### JUSTIFICATION

The vision for the White Flint District is for a more urban core with a walkable street grid, sidewalks, bikeways, trails, paths, public use space, parks and recreational facilities, mixed-use development, and enhanced streetscape to improve the areas for pedestrian circulation and transit oriented development around the Metro station. These road improvements, along with other District roads proposed to be constructed to be funded and constructed by developers will fulfill the strategic program plan for a more effective and efficient transportation system. The proposed improvements are in conformance with the White Flint Sector Plan Resolution 16-1300 adopted March 23, 2010.

#### FISCAL NOTE

The funding source for these projects will be White Flint Development District Tax revenues and related bond issues. Debt service on the bond issues will be paid solely from White Flint Development District revenues.

The advanced funds (Current Revenue: General) in FY11 will be repaid by White Flint Development District Tax funding sources in FY12.

The project cost estimates are based on FY10 costs and exclude escalation factors. Final construction costs will be determined after the preliminary

APPROPRIATION AND EXPENDITURE DATA	COORDINATION	MAP																																										
<table border="1"> <tr> <td>Date First Appropriation</td> <td>FY11</td> <td>(\$000)</td> </tr> <tr> <td>First Cost Estimate</td> <td>FY11</td> <td>9,835</td> </tr> <tr> <td>Current Scope</td> <td></td> <td></td> </tr> <tr> <td>Last FY's Cost Estimate</td> <td></td> <td>0</td> </tr> <tr> <td>Appropriation Request</td> <td>FY11</td> <td>0</td> </tr> <tr> <td>Appropriation Request Est.</td> <td>FY12</td> <td>1,750</td> </tr> <tr> <td>Supplemental Appropriation Request</td> <td></td> <td>385</td> </tr> <tr> <td>Transfer</td> <td></td> <td>0</td> </tr> <tr> <td>Cumulative Appropriation</td> <td></td> <td>0</td> </tr> <tr> <td>Expenditures / Encumbrances</td> <td></td> <td>0</td> </tr> <tr> <td>Unencumbered Balance</td> <td></td> <td>0</td> </tr> <tr> <td>Partial Closeout Thru</td> <td>FY08</td> <td>0</td> </tr> <tr> <td>New Partial Closeout</td> <td>FY09</td> <td>0</td> </tr> <tr> <td>Total Partial Closeout</td> <td></td> <td>0</td> </tr> </table>	Date First Appropriation	FY11	(\$000)	First Cost Estimate	FY11	9,835	Current Scope			Last FY's Cost Estimate		0	Appropriation Request	FY11	0	Appropriation Request Est.	FY12	1,750	Supplemental Appropriation Request		385	Transfer		0	Cumulative Appropriation		0	Expenditures / Encumbrances		0	Unencumbered Balance		0	Partial Closeout Thru	FY08	0	New Partial Closeout	FY09	0	Total Partial Closeout		0	<p>M-NCPPC, White Flint Sector Plan WMATA City of Rockville MSHA Town of Garrett Park Neighborhood Civic Associations Developers</p>	<p style="text-align: center;">See Map on Next Page</p>
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## White Flint District West: Transportation -- No. 501116 (continued)

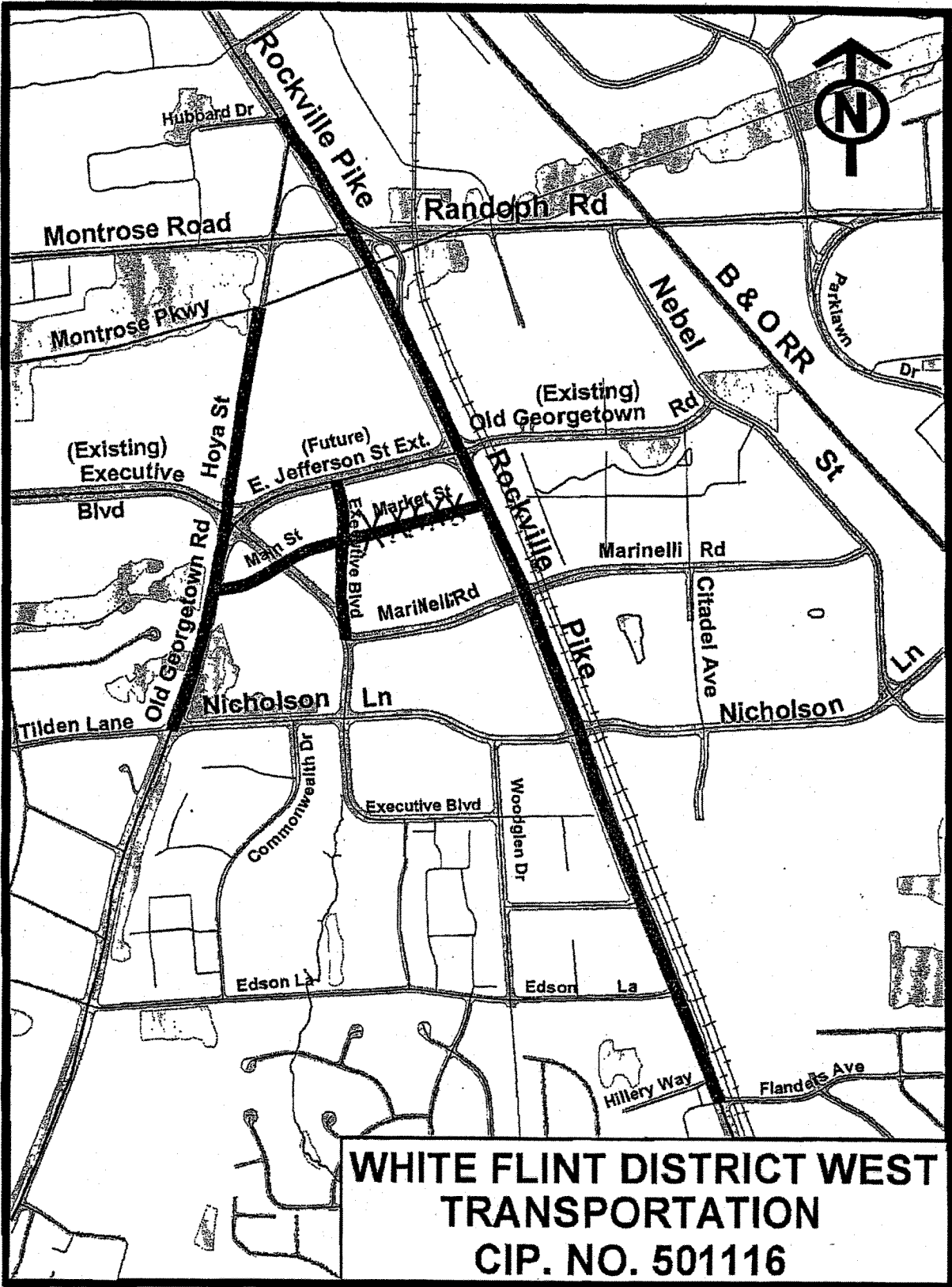
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engineering phase. The total project cost for Stage 1 west-side White Flint Development Tax District -funded projects is anticipated to approximate \$59 million.

The total project cost for White Flint Development Tax District-funded projects planned for Stages 1, 2, and 3 of the White Flint Sector Plan are estimated at \$208 million.

### **OTHER DISCLOSURES**

- A pedestrian impact analysis has been completed for this project.



**ATTACHMENT 8**

Resolution No. 17-185  
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:** Amendment to County Subdivision Staging Policy regarding the White Flint Metro Station Policy Area

**BACKGROUND**

1. Under County Code §33A-15(f), the County Council may amend an adopted County Subdivision Staging Policy by resolution after holding a public hearing.
2. A public hearing was held on this resolution on June 14, 2011.
3. This amendment is necessary to implement staging of the approved White Flint Sector Plan.

**ACTION**

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

The 2009-2011 County Subdivision Staging Policy, as adopted by Resolution 16-1187 and amended by Resolution 16-1324, is amended as follows:

\* \* \*

**Guidelines for Transportation Facilities**

\* \* \*

**TP2.2.1 Geographic Areas**

\* \* \*

[Any proposed development located in the White Flint Metro Station Policy Area is exempt from Policy Area Mobility Review if that development, as a condition of approval of a preliminary plan of subdivision, will be required to provide substantial funds to a new development district, new impact tax or special taxing district, or another comprehensive financing mechanism, to finance transportation improvements for that Policy Area. However, the traffic impact of any development in that Policy Area must be considered in any Policy Area Mobility Review calculation for any development that is not exempt under this paragraph.]

## **TL 2 Metro Station Policy Area LATR Standards**

\* \* \*

[Any proposed development located in the White Flint Metro Station Policy Area is exempt from Local Area Transportation Review if the development will be required to provide substantial funds to new development district or new impact tax district to finance master-planned public improvements in that Policy Area. However, the traffic impact of any development in that Policy Area must be considered in any Local Area Transportation Review calculation for any development elsewhere.]

### **[[TA 6 Alternative Review Procedure for the White Flint Policy Area**

#### **TA 6.1 Exemption from PAMR and LATR**

Effective July 1, 2011, an applicant for APF for any development that will be built within the White Flint Special Taxing District established under County Code Chapter 68C is exempt from TP Policy Area Mobility Review and TL Local Area Transportation Review.

#### **TA 6.2 Effect on development outside of the White Flint Special Taxing District**

The traffic impact of such development within the White Flint Special Taxing District must be considered in any TP Policy Area Mobility Review or TL Local Area Transportation Review calculations for any development outside the White Flint Special Taxing District.

#### **TA 6.3 Planning Board to establish staging allocation guidelines**

The Planning Board will approve guidelines establishing the protocol for allocating staging capacity under the White Flint Sector Plan.

#### **TA 6.4 Staging Allocation Approval**

A Staging Allocation Approval is a resolution from the Planning Board granting an applicant staging capacity under the White Flint Sector Plan. The contents of a Staging Allocation Approval, the effect of a Staging Allocation Approval, and any associated protocols will be established in Planning Board guidelines.

#### **TA 6.5 Relationship to adequate public facilities in White Flint Policy Area**

An applicant within the White Flint Policy Area must obtain a Staging Allocation Approval from the Planning Board. The applicant must submit a valid Staging Allocation Approval to the Department of Permitting Services with any application for a footing to grade or core and shell

building permit. A Staging Allocation Approval and an APF approval have separate validity periods, and the expiration of one does not affect the validity of the other.

**TA 6.5.1 Relationship to adequate public facilities in White Flint Special Taxing District**

To the extent that the Department of Permitting Services is required under law to validate adequate public facilities for transportation, the Staging Allocation Approval shall satisfy this determination in the White Flint Special Taxing District.]]

**TP 2.2.1 Geographic Areas**

\* \* \*

Any proposed development that will be located in the White Flint Metro Station Policy Area but not located in the White Flint Special Taxing District created under County Code Chapter 68C is subject to both TP Policy Area Mobility Review and TA 6 Alternative Review Procedure for the White Flint Policy Area. Any proposed development that will be located in the White Flint Special Taxing District is exempt from TP Policy Area Mobility Review and must proceed under TA 6 Alternative Review Procedure for the White Flint Policy Area. The traffic impact of any development that will be located in the White Flint Special Taxing District must be considered in any TP Policy Area Mobility Review calculation for any development that will be located outside the White Flint Special Taxing District.

**TL 2 Metro Station Policy Area LATR Standards**

\* \* \*

Any proposed development that will be located in the White Flint Metro Station Policy Area but not located in the White Flint Special Taxing District created under County Code Chapter 68C is subject to both TL Local Area Transportation Review and TA 6 Alternative Review Procedure for the White Flint Policy Area. Any proposed development that will be located in the White Flint Special Taxing District is exempt from TL Local Area Transportation Review and must proceed under TA 6 Alternative Review Procedure for the White Flint Policy Area. The traffic impact of any development that will be located in the White Flint Special Taxing District must be considered in any TL Local Area Transportation Review calculation for any development that will be located outside the White Flint Special Taxing District.

**TA 6 Alternative Review Procedure for the White Flint Metro Station Policy Area**

**TA 6.1 Staging Allocation Regulations**

The Planning Board must adopt regulations, subject to Council review as if they were adopted under method 2, to specify the criteria and procedures that the Planning Board must apply to allocate staging capacity under the White Flint Sector Plan. The Planning Board must allocate



capacity on a first-come-first-served basis before the applicant submits an application for a building permit.

**TA 6.2 Staging Allocation Approval**

A Staging Allocation Approval is a resolution adopted by the Planning Board granting an applicant a certain amount of staging capacity under the White Flint Sector Plan. The content and effect of a Staging Allocation Approval and any associated criteria and procedures must be specified in the regulation adopted under TA 6.1.

**TA 6.3 Relationship to adequate public facilities finding for schools**

A Staging Allocation Approval and a finding by the Planning Board that certain school facilities are adequate to serve a proposed development have separate validity periods, and the expiration of one does not affect the validity of the other.

**TA 6.4 Relationship to adequate public facilities for transportation**

For a development that will be located in the White Flint Special Taxing District, a Staging Allocation Approval is a finding that transportation facilities are adequate for purposes of issuing a building permit under County Code Chapter 8.

This is a correct copy of Council action.

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Linda M. Lauer, Clerk of the Council

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