

Subdivision Staging Policy Amendment #14-02 – White Oak Policy Area

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Completed: 09/25/14

Description

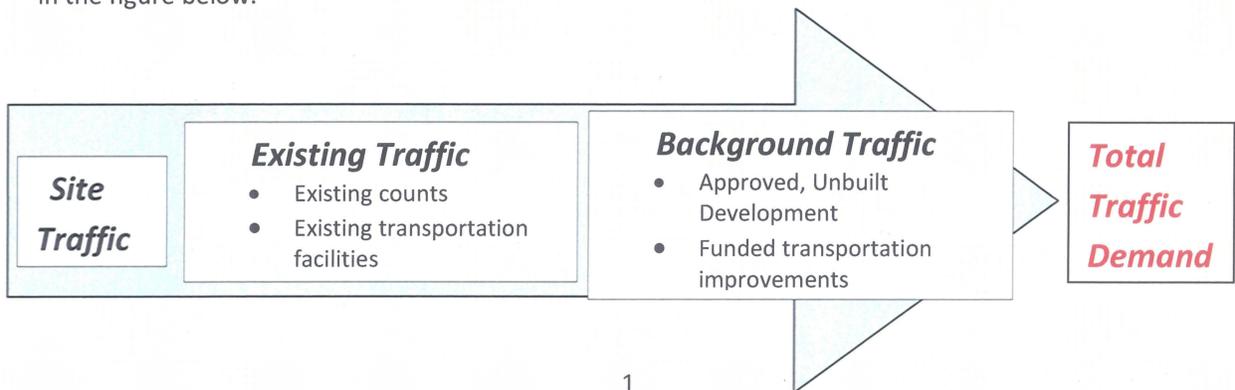
County Council amendment to the 2012-2016 Subdivision Staging Policy (SSP) that would change how Local Area Transportation Review (LATR) is conducted for development in the White Oak Policy Area in the future.

Staff Recommendation

Staff **Does Not Recommend** the adoption of this amendment. A key rationale for this recommendation is the concern that this action would risk the potential to underestimate the appropriate level of transportation facilities needed to adequately accommodate future traffic demand in the context of the LATR process.

Analysis

In the context of scoping Traffic Studies (TSs) for the analysis of congestion at nearby intersections, the County has followed the long-standing policy of including planned development in receipt of an approved preliminary plan and/or an approved building permit as components of background traffic (i.e., traffic associated with approved but yet unbuilt subdivisions). The level of traffic congestion associated with background traffic defined in this manner is then added to the level of traffic congestion associated with existing development in combination with the level of traffic congestion associated with proposed site development in order to determine the total level of traffic congestion to be considered in the TS analysis. This total level of traffic congestion is analyzed in combination with the transportation improvements programmed to be fully implemented six years into the future. This concept is depicted in the figure below.



LATR seeks to ensure a balance between the **traffic demand** in a defined area and the **traffic capacity** from available programmed infrastructure at a time horizon six years in the future. The subject amendment would change the definition of background traffic to be considered for LATR to only that traffic associated with previously approved but yet unbuilt development that has obtained a building permit. **Previously approved but yet unbuilt preliminary plan development that has not obtained a building permit would be exempt from the analysis.** The subject amendment would apply this definition of background traffic only to the LATR test in the White Oak Policy Area.

Staff's concerns about this amendment are briefly described below:

- **Timing of the Availability of Adequate Public Facilities**

The original purpose for adopting an adequate public facility ordinance is to synchronize the timing of development and facilities. The minimum validity period for any preliminary plan of subdivision approved after April 1, 2009 is 7 years; on April 1, 2015 the minimum validity period drops to 5 years. As noted above, LATR assumes a time horizon consistent with the six year Capital Improvement Program (CIP) and Consolidated Transportation Program (CTP). To modify the definition of background traffic to only that traffic associated in receipt of approved building permits changes the time horizon for background traffic demand to as short as 1-2 years, and misses those trips produced later in the 6 year time horizon. If approved preliminary plan development were to proceed to construction prior to the expiration of its approval, there would not be sufficient time to provide additional infrastructure to adequately support it. Therefore, it would be prudent to include such development in the TS analysis. To do otherwise would create an imbalance between traffic demand and traffic capacity and thereby risk the potential to underestimate the appropriate level of transportation facilities needed to adequately accommodate future traffic demand.

- **Risk of Unintended Consequences**

If adopted, the subject amendment would be applicable to all proposed development in the White Oak Policy area, regardless of size. Hypothetically speaking, supposed there were several modest-size development projects recently approved in this policy area. Under this amendment, a new applicant would not need to consider the trips associated with these approvals as an element of the LATR test (with the exception of the portion of these approvals in receipt of building permits). However, the traffic demand associated with this approved preliminary plan development may very well be realized within a six year timeframe. For example, background traffic associated with the Traffic Study currently scoped in support of the Spectrum development proposal located at 12345 Old Columbia Pike in the White Oak Policy Area includes approved preliminary plan development. Not including approved preliminary plan development in the context of the TS prepared for this site would clearly be inappropriate because the traffic demand associated with this approved preliminary plan development may

very well be realized within a six year timeframe. Similarly, extending this policy to other modest-size development in the White Oak Policy Area would be inappropriate, as well.

The subject amendment, introduced to the Council on September 16th, is attached for your review. The Council's public hearing pertaining to this matter is scheduled on October 7th.

Attachment: County Council Subdivision Staging Policy Amendment #14-02

Resolution No: _____
Introduced: _____
Adopted: _____

COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

By: Councilmembers Floreen, Navarro, and Rice

SUBJECT: Amendment to the 2012-2016 Subdivision Staging Policy regarding Local Area Transportation Review in the White Oak Policy Area

Background

1. On November 13, 2012 the County Council approved Resolution 17-601, the 2012-2016 Subdivision Staging Policy.
2. County Code §33A-15(f) allows either the County Council, County Executive, or the Planning Board to initiate an amendment to the Subdivision Staging Policy.
3. On July 29, 2014, the Council approved the White Oak Science Gateway Master Plan.

Action

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

The 2012-2016 Subdivision Staging Policy is amended as follows:

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TL Local Area Transportation Review (LATR)

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TL4 Unique Policy Area Issues

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TL4.7 White Oak Policy Area

In the White Oak Policy Area, as used in **TL Local Area Transportation Review**, background traffic must be calculated as only approved but unbuilt development for which a building permit has been issued.

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This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council