



MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**APPROVED
MINUTES**

The Montgomery County Planning Board met in regular session via Microsoft Teams video conference on Thursday, May 28, 2020, at 9:09 a.m., and adjourned at 1:25 p.m.

Present were Chair Casey Anderson, Vice Chair Natali Fani-González and Commissioners Gerald R. Cichy, Tina Patterson and Partap Verma.

The Board convened in Closed Session at 9:12 a.m. to take up Item 6, a Closed Session Item.

In compliance with State Government Article §3-305(b), Annotated Code of Maryland, the following is a report of the Board's Closed Session:

The Board convened in Closed Session at 9:12 a.m. via teleconference on motion of Commissioner Cichy, seconded by Commissioner Verma, with Chair Anderson, Vice Chair Fani-González, and Commissioners Cichy, Patterson and Verma voting in favor of the motion. The meeting was closed under authority of Annotated Code of Maryland §3-305(b)(7), to consult with counsel to obtain legal advice.

Also present for the Closed Session meeting were Associate General Counsels Christina Sorrento and Delisa Coleman of the Legal Department; Deputy Director Robert Kronenberg, Carrie Sanders, Patrick Butler and Stephen Smith of the Planning Department; and M. Clara Moise of the Commissioners' Office.

In Closed Session the Board received briefing and discussed the Offutt Estates Record Plat to be approved by the Planning Board today.

The Closed Session meeting was adjourned at 9:51 a.m.

The Board reconvened via video conference at 9:55 a.m.

Item 1 and Items 3 through 5 are reported on the attached agenda.

Item 2 was removed from the Planning Board agenda.

MCPB, 5-28-20, APPROVED

There being no further business, the meeting was adjourned at 1:25 p.m. The next regular meeting of the Planning Board will be held on Thursday, June 4, 2020, via video conference.

M. Clara Moise

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Sr. Technical Writer/Editor

Montgomery County Planning Board Meeting
Thursday, May 28, 2020
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

6. CLOSED SESSION

According to MD ANN Code, General Provisions Article, §3-305(b)(7) to consult with counsel to obtain legal advice.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Discussed in Closed Session. See State citation and open session report in narrative minutes.

1. Consent Agenda

***A. Adoption of Resolutions**

1. Ingleside Preliminary Plan No. 12014014A Adoption of MCPB No. 20-034

BOARD ACTION

Motion: CICHY/VERMA

Vote:

Yea: 5-0

Nay:

Other:

Action: Adopted the Resolution cited above, as submitted.

***B. Record Plats**

Subdivision Plat No. 220190440, Offutt Estates -- RT-12.5 zone; 5 lots, 2 parcels; located on the north side of Hillery Way, 525 feet west of Rockville Pike (MD 355); White Flint Sector Plan 2010.

Staff Recommendation: Approval

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: By consensus agreed to discuss the Record Plat cited above as a regular Planning Board Agenda Item.

***C. Other Consent Items**

1. Greenskeeper Landscaping, Preliminary Plan No. 120190110 - Regulatory Review Extension Request No. 1---Request to extend the regulatory review period from June 4, 2020 to December 3, 2020: Application to create one lot for a landscape contractor; located at 3309 Damascus Road; 31.5 acres; AR Zone; 2005 Olney Master Plan.

Staff Recommendation: Approval of the Extension

BOARD ACTION

Motion: FANI-GONZÁLEZ/CICHY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved the Regulatory Review Extension Request for the Preliminary Plan cited above, as submitted.

***D. Approval of Minutes**

Planning Board Meeting Minutes of May 14, 2020

BOARD ACTION

Motion: FANI-GONZÁLEZ/CICHY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved the Planning Board Meeting Minutes of May 14, 2020, as submitted.

7. **Subdivision Plat No. 220190440, Offutt Estates** -- RT-12.5 zone; 5 lots, 2 parcels; located on the north side of Hillery Way, 525 feet west of Rockville Pike (MD 355); White Flint Sector Plan 2010.

Staff Recommendation: Discussion and Approval

BOARD ACTION

Motion: FANI-GONZÁLEZ/CICHY

Vote:

Yea: 5-0

Nay:

Other:

Action: **Approved staff recommendation for approval of the Record Plat for the Offutt Estates, cited above, as submitted.**

Planning Department staff offered a multi-media presentation and discussed the Offutt Estates Record Plat submitted for approval by the Planning Board today. Staff briefly discussed the Record Plat and the approved Preliminary Plan associated with the Plat. Staff noted that the adjacent property owner does not support approval of the Record Plat as submitted and as stated by his attorney, Condition 16 (d) has not been implemented and the easement showed on the Record Plat does not connect to any property, except for Lot 4, which already has an ingress/regress from Hillery Way.

Mr. Robert Brewer, attorney representing the adjacent property owner, offered comments and answered questions from the Board.

Ms. Soo Lee-Choo, attorney representing the applicant, also offered comments and answered questions from the Board.

Legal Counsel to the Planning Board offered comments and answered questions from the Board.

There followed extensive Board discussion with questions to staff, Mr. Brewer and Ms. Lee-Choo.

2. Roundtable Discussion

- Parks Department Director's Report -- **REMOVED**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: This Item was removed from the Planning Board agenda.

3. 2020-2024 Subdivision Staging Policy (SSP): Briefing on Staff Recommendations---

The Planning Board will be briefed on staff recommendations for the schools ‘element of the 2020-2024 Subdivision Staging Policy and related infrastructure funding mechanisms.

Staff Recommendation: Staff Briefing and Discussion

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received Briefing followed by Board Discussion.

Planning Department staff offered a multi-media presentation and provided an overview of staff recommendations discussed in the Working Draft of the 2020 County Growth Policy, also named the 2020-2024 Subdivision Staging Policy (SSP). Staff noted that major emphasis is placed on developing recommendations that are data-driven and stakeholder-informed and recognizing that a one-size fits all policy does not work in a county with such diverse growth contexts and create a policy that supports the county’s other policy priorities. Staff discussed the proposed policy name change recommendation, the schools’ element recommendations, and the tax recommendations. Staff noted that the SSP name should be changed to the County Growth Policy, which should be a growth management tool that helps ensure growth comes in the form, amount and locations that are needed. Staff then discussed the schools’ element recommendations, including the creation of school impact areas; the annual school test and utilization report; residential development moratorium applicability and exceptions; the student generation rate calculation; the Planning Board review of school adequacy and Adequate Public Facilities (APF) extension requests; establishing and requiring utilization of premium payments; calculating school impact taxes, tax credits and tax surcharge on large apartment buildings; impact tax exemptions on residential uses, including enterprise zone impact tax exemption and applying impact taxes on a net impact basis; and modifications to the recordation tax.

Staff also noted that the planning areas were grouped into three school impact areas, which have implications on how the schools’ element of the County Growth Policy and related funding mechanisms are applied. Those are infill impact areas, which are areas with high housing growth that is predominantly multi-family units and generate few students on a per unit basis; turnover impact areas, which are areas with low housing growth where any enrollment growth is largely due to turnover of existing single-family units; and greenfield impact areas, which are areas with high enrollment growth due to high housing growth that is predominantly single-family.

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3. 2020-2024 Subdivision Staging Policy (SSP): Briefing on Staff RecommendationsCONTINUED

Staff then added that in summary, the recommendations are 1) rename the SSP to the County Growth Policy; 2) apply proposed reductions in use of moratoria, elimination of automatic moratoria in 93 percent of the county; 3) where there is no moratorium, have standards established for identifying areas subject to the Planning Board's review of school infrastructure adequacy, and require developers to pay utilization premium payments; and 4) revamp the impact tax structure that is context sensitive and helps promote other policy priorities. Staff also noted that following the June 11 scheduled Public Hearing, Planning Board worksessions will take place during June and July, with transmittal of the Planning Board Working Draft to the County Council scheduled for July 30.

There followed extensive Board discussion with questions to staff.

4. 2020-2024 Subdivision Staging Policy (SSP): Briefing on Staff Recommendations--
The Planning Board will be briefed on staff recommendations for the transportation element of the 2020-2024 Subdivision Staging Policy and related infrastructure funding mechanisms.

Staff Recommendation: Staff Briefing and Discussion, Approval of the SSP Public Hearing Draft, and Set the Date for the Planning Board Public Hearing

BOARD ACTION

Motion: FANI-GONZÁLEZ/CICHY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation to approve the Staff Draft of the Subdivision Staging Policy - Transportation Recommendations, as discussed during the meeting, and to set the Public Hearing for June 11, 2020.

Planning Department staff introduced consultants Ms. Emily Koehle of Toole Design Inc. and Mr. Alex Rixey of Fehr Peers DC, offered a multi-media presentation and discussed the transportation element of the 2020-2024 Subdivision Staging Policy (SSP), staff recommendations, and the related infrastructure funding mechanisms. Staff noted that the recommendations include design roads immediately adjacent to new development to account for all identified recommendations from applicable planning documents, including Functional Plans, Master and Area Plans. Staff noted that the adopted Bicycle Master Plan, the Completed High Injury Network, Bicycle Level of Traffic Stress Map, the On-going Pedestrian Master Plan, the Complete Streets Design Guide have all been considered as part of the recommendations. Staff added that transportation consultants working with staff will check the accuracy of the bicycle and pedestrian network attributes in the county’s database relative to the observed existing conditions. The transportation consultants will also identify any inaccurate network attributes and any attributes to be updated in accordance with the development of “as built” plans and report this information to Montgomery County Department of Planning to update the county’s databases accordingly.

Staff and the consultants then discussed Vision Zero resources, mitigation prioritization, the role of the Development Review Committee (DRC), noting that the DRC plays an important role in the development review process and should be used as a platform to elevate travel safety principles. An appropriate individual with a focus on Vision Zero, representing a public agency or Vision Zero advocacy group, should be incorporated into the Committee. A Vision Zero Impact Statement should be introduced for all Local Area Transportation Review (LATR)

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4. 2020-2024 Subdivision Staging Policy (SSP): Briefing on Staff RecommendationsCONTINUED

studies pertaining to subdivisions that will generate 50 or more peak-hour person trips. To ensure that development is executed to better align with Vision Zero principles, all LATR studies must include a Vision Zero Impact Statement that describes any segment of the high injury network located on the development frontage; crash analysis for the development frontage, an evaluation of the required sight distance for all development access points; identification of conflict points for drivers, bicyclists and pedestrians, and a qualitative assessment of the safety of the conflict; a speed study including ported operating, design and target speeds. For LATR studies of new development generating 50 or more peak-hour weekday person trips, couple current multi-modal transportation adequacy tests with options that can be implemented over time utilizing Vision Zero-related tools and resources currently available and under development. When the appropriate set of tools described in the report are operational, the current multi-modal transportation adequacy tests should be updated as described in the report.

Staff and the consultants also briefly discussed Transit Corridor Congestion Standards, the Purple Line Station, Policy Area Categorization, the Transportation Monitoring Report, and the Policy Area Review for Master Plans, including auto and transit accessibility and travel times.

Staff noted that the Public Hearing for the SSP is scheduled for June 11.

There followed extensive Board discussion with questions to staff.

5. Montgomery County Planning Board Public Hearing, Worksession and Action on the first annual update to the Montgomery County Burial Sites Inventory**BOARD ACTION****Motion: VERMA/FANI-GONZÁLEZ****Vote:****Yea: 5-0****Nay:****Other:****Action: Received Briefing followed by Public Testimony, and approved staff recommendation to approve the first Annual Update to the Montgomery County Burial Sites Inventory.**

Planning Department staff offered a multi-media presentation and discussed the first Annual Update to the Montgomery County Burial Sites Inventory. Staff noted that the presentation covers modifications made to the Montgomery County Burial Sites Inventory since May 2019, along with a summary of activities carried out as part of the burial sites program in the past year. Staff is recommending 21 updates to the Burial Sites Inventory and no changes to the Burial Sites Guidelines. Staff also noted that Montgomery County recognizes the significance of cemetery and burial sites to the community. In 2017, the County Council passed two laws to help preserve and protect these unique and fragile resources. Section 33A-17 of the Montgomery County Code requires the Montgomery County Planning Board to maintain an inventory of burial sites in the county and Montgomery County Ordinance 18-31 (2017) requires that all human burial sites be preserved and protected as a condition of the preliminary plan of subdivision review and approval process. Preservation of these unique archaeological resources will further protect the cultural heritage of Montgomery County.

Staff added that the Planning Board adopted the Montgomery County Burial Sites Inventory and Guidelines on May 16, 2019. The Planning Department has made this data available to the public via the [MCAtlas webportal](#). A burial site is defined in the ordinances as the “physical location where human remains were buried in the earth or entombed in mausoleum or columbarium. A burial site includes a cemetery but does not include the sprinkling of ashes from cremated remains.” The Burial Site Inventory is the list of burial sites officially adopted by the Planning Board, pursuant to Section 33A-17 of the Montgomery County Code/Planning Procedures. It is maintained and updated as needed by the Planning Department Historic Preservation Office and consists of a GIS data layer and associated documentation. The inventory and preservation of these unique archaeological resources will further protect the cultural heritage of Montgomery County. The confidence and precision of burial sites in the inventory varies. Some sites are well documented or

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5. Montgomery County Planning Board Public Hearing, Worksession and Action on the first annual update to the Montgomery County Burial Sites InventoryCONTINUED

clearly visible on the surface today, and their location was confirmed through field observation. Other burial grounds are known through oral or archival history sources, but the burials have been removed, or the exact location is unknown. Sites in the inventory are divided into two broad categories: a) known sites confirmed in the field or through historical research; and b) approximate Sites, exact location and condition unknown. Staff may redact some locational data consistent with the provisions of Montgomery County Code 18-31 if there is reason to believe the site is at risk for damage from vandalism. Locations considered sensitive or at risk will be represented by the boundaries of the lot within which it is located, but the location within the lot will not be displayed publicly. Attachment A of the May 20 technical staff report contains a list of the burial sites.

Staff also added that efforts to refine and improve the information contained in the Burial Sites Inventory are constantly ongoing. This includes the Historic Preservation Office responding to information or inquiries brought to the Planning Department by members of the public and through ongoing research by staff. Revisions to the Inventory made since last year include: i) one site changed from a known location to an approximate location based on a review of the record; ii) two sites removed from the inventory because they did not meet the definition of a burial site for the purposes of the county ordinance; iii) three sites added to the inventory based on new information; and iv) 15 sites whose location was changed based on new information or a review of existing information. Administrative changes included adding attribute fields for Planning Board confirmation, and date of Planning Board hearing, and assigning or reassigning internal ID numbers for consistency of record keeping. As required by the Burial Sites Guidelines, property owners were notified in writing by certified mail about changes to Burial Sites Inventory records on their property.

The following speakers offered testimony: Ms. Soo Lee-Cho, attorney from Miller, Miller & Canby on behalf of Paramount Construction, Inc.; Mr. Robert Maggin of Paramount Drive; Ms. Eileen McGuckian of Dinwiddie Drive and representing Montgomery Preservation, Inc.; and Ms. Susie Scofield of Montgomery Avenue, attorney from the Law Office of Susan Werner, on behalf of the Isaac Shoemaker Descendants.

There followed extensive Board discussion with questions to staff and some of the speakers.