

**2020 County Growth Policy Public Hearing Draft**  
**Comment Tracking**

		Page	Pro/Con/Comment	Commenter	Comment	Staff Response
<b>Policy Recommendations: County Growth Policy</b>						
3.1	Change the name of the Subdivision Staging Policy to the County Growth Policy.	29	Pro	MCCPTA	"name change will make policy more accessible to stakeholders"	
			Pro	MBIA	a change in name will better identify the full scope of this policy.	
			Con	Edward Johnson	"Incorrectly biases the conversation towards growth. Name should reflect the balance between growth and adequate public facilities, and change should be deferred if there isn't time to come up with an accurate alternative"	Implicit in the idea of growth is that idea that we need to adequately plan and pay for infrastructure.
			Con	Melissa McKenna	"And yes, the emphasis on staging is commentary on the name change. The purpose of the SSP is to analyze, plan for, and fund adequate public facilities. Period. A Growth Policy by name reflects how the amendments have changed this document to primarily direct desired residential growth, leaving little to enforce the APFO."	Implicit in the idea of growth is that idea that we need to adequately plan and pay for infrastructure.
<b>Schools Recommendations: School Impact Areas</b>						
4.1	Classify county neighborhoods into School Impact Areas based on their recent and anticipated growth contexts. Update the classifications with each quadrennial update to the County Growth Policy.	32	Con	MCCPTA	designations primarily discount impact taxes in areas that are most expensive and most constrained, challenges to addressing school infrastructure	School Impact Area designations are also used to identify areas eligible for automatic moratoria.
			Con	MBIA	The change to the School Impact Areas seems to make sense with respect to the data. However, the fee structure is very high for Greenfield Area - hindering more affordable housing areas, also discouraging economic development in the Clarsburg area.	The impact taxes are high because new development in this area is having a major impact on school facilities and the need for new facilities. However, Planning staff can discuss alternatives to calculating the impact taxes in the Greenfield Areas.
			Comment	MCCPTA	There should be a fourth hybrid category encompassing turnover and infill, since many of our overutilized schools are in neighborhoods with both turnover and development impacts. These areas behave differently from the other three and have unique challenges and needs.	The school impact areas have been based on geographic units comparable to neighborhoods (census tract boundaries in general, with some alterations) to better capture characteristics at a smaller scale. Nevertheless, it's understandable that there will be some areas that primarily behave one way (let's say as Turnover), with occasional exceptions (a new development project that is more reflective of Greenfield or Infill). We're trying to not overly complicate things with even smaller geographies or more categories.
			Comment	STAT Members	Throughout our discussions, it became clear that the SSP conceives of and deals with growth in a way that is no longer characteristic of a majority of the county. The SSP is built to deal with greenfield development, but today our pattern of growth has shifted to mainly infill redevelopment and turnover. Thus, the relationship between growth, housing, and school enrollment and capacity is no longer as clear.	
			Comment	NAIOP	While we do not have concerns with the classifications in principle, we have concerns with the recommendations within the Greenfield Impact Areas.	
			Comment	Jonathan Genn	White Oak Science Gateway Master Plan should be categorized as INFILL, not turnover, because projects like VIVA White Oak will have >85% of residences multifamily, and Staff's own data show (Appendix p.61, 62) that such a high percentage of multifamily is the most dispositive attribute to qualify for infill classifications	
<b>Schools Recommendations: Annual School Test and Utilization Report</b>						
4.2	By January 1, 2021, the Planning Board must adopt a set of Annual School Test Guidelines which outline the methodologies used to conduct the Annual School Test and to evaluate the enrollment impacts of development	37	Pro	NAIOP	We support this recommendation.	
			Comment	MCCPTA	MCCPTA would like to participate in establishing these guidelines. ... Nothing in this policy explains how the Planning Board is expected to interpret or act on the proposed Utilization Reports, and more structure is necessary to make this an effective APFO.	We can plan to convene the STAT again to vet the guidelines prior to presenting them to the Planning Board.

**2020 County Growth Policy Public Hearing Draft**  
**Comment Tracking**

		Page	Pro/Con/Comment	Commenter	Comment	Staff Response
	applications and master plans.		Comment	MBIA	We want clarification on how they will evaluate multiple projects submitted in one year- whether they will continue to approve each project against the capacity available for that year as long as no one project uses all capacity.	Rec 4.5 "The Annual School Test will establish each school service area's adequacy status for the entirety of the applicable fiscal year." Staff has recommended against maintaining a staging ceiling. Such a staging ceiling can be calculated and provided to the Planning Board (along with information on past approvals) for consideration of application approvals. However, it would not be an official threshold.
4.3	The Annual School Test will be conducted at the individual school level only, for each and every elementary, middle and high school, for the purposes of determining school utilization adequacy.	38	Pro	Melissa McKenna	"I am thrilled about this recommendation"	
			Pro	MBIA	Removing the cluster test also eliminates the need to complicate the annual school test by splitting a school's enrollment and capacity between clusters when it articulates to more than one high school.	
			Pro	NAIOP	We support eliminating the cluster test.	
			Con	MCCPTA	We have concerns that badly overutilized clusters might be overlooked without a cluster test for elementary and middle schools, however a well-designed Utilization Report can and should capture this information	You can't have an overutilized cluster without overutilized individual schools. So if the cluster is badly overutilized, this will be identified through the badly overutilized individual schools.
			Con	Bill Samuel	"Can't agree with moving from the cluster concept. Families may move in with elementary school students, but those students are not going to stay in elementary schools forever. The other schools which will be impacted need to be considered."	The cluster test does not pertain to students advancing from elementary to middle to high school. Also, the cluster is not a naturally occurring boundary. Sometimes a neighboring school with capacity is in another cluster. Two elementary schools are not related just because they are in the same cluster -- the only thing that means is that they are feeding into the same high school. Plus our utilization report and our staff reports for regulatory cases will identify utilization at neighboring schools for the PB to understand a school's situation in a geographic context. What matters is the situation at each school.
			Comment	ULI	The panel recommends that Montgomery Planning work with MCPS to simplify the test and better align the timing of its components, to the extent possible. The School Test Guidelines to be adopted by the Planning Board per recommendation [4.3] provide an opportunity to begin to address simplification, timing alignment, and clarification, where possible.	Cluster test is a holdover from a foregone test with several issues: - There is confusion with consortia and assignments to clusters. - Split articulation calculation assumptions - Masks overcrowding at individual school (the individual test is more transparent, simpler to calculate and easier to understand) Other jurisdictions use individual school tests.
4.4	The Annual School Test will evaluate projected school utilization three years in the future using the following school utilization adequacy standards: <ul style="list-style-type: none"> <li>Elementary School Adequacy Standard: Seat Deficit &lt; 110 seats or Percent Utilization ≤ 120%</li> <li>Middle School Adequacy Standard: Seat Deficit &lt; 180 seats or Percent Utilization ≤ 120%</li> <li>High School Adequacy Standard: Percent Utilization ≤ 120%</li> </ul>	38	Pro	Melissa McKenna	"I am thrilled about this recommendation"	
			Pro	MCCPTA	three-year test timeframe will greatly improve public confidence in the forecast and the school test, and we fully endorse evaluating utilization three years in the future instead of five	
			Pro	Multiple people	support three-year test window. Historically, the standard deviation of forecasting errors across all individual MCPS schools increases from 1.7%-4.6% for 1-3 yr forecasts, to 6.5%-10.5% for 4-6 yr forecasts. As such, forecasting is only reliable in the early years of any given CIP. Using a 4 yr forecast is not an acceptable 'compromise', it only sustains the inaccuracies we are trying to avoid. Similarly, projects in the out years of the CIP don't always materialize, therefore the three-year window for capital projects is also more reliable and appropriate for testing available capacity.	
			Con	Multiple people	Set a super-threshold standard that provides moratoria in the infill and turnover areas.	For the Turnover and Infill areas, moratoria were not an effective tool at 120%, why would it be effective at 150% or some other super threshold? In these areas, moratoria do not get at the root of over-enrollment.
			Con	NAIOP	five year timeframe is more consistent with the County CIP process and more reliably reflects when students from new development will actually enroll	The five year test involves evaluating capacity projections that appear outside the CIP timeframe every other year. Plus a quick review of recent projects show that the majority of projects that move forward open units within three years of approval (not all, but some units).

**2020 County Growth Policy Public Hearing Draft**  
**Comment Tracking**

		Page	Pro/Con/Comment	Commenter	Comment	Staff Response
			Comment	Bob Harris and Barbara Sears	"Recognize in the SSP that Clarksburg High School is considered to have capacity in sufficient amounts to process the plans and the Planning Board should modify the FY21 Annual School Test upon adoption of the SSP to reflect this not to exceed 125% utilization rate based on the Council's ability to advance the Damascus High School project in the future or in recognition that any additional high school capacity necessary for these two projects could be added to Clarksburg High School by the time these projects begin generating students years from now."	
			Comment	MBIA	We need to understand possible unforeseen consequences of evaluating utilization three years in the future, if any.	
			Comment	ULI	The panel suggests shortening the projection horizon to three years as a way of improving the accuracy of the projection results and adding predictability for the development community.	
			Comment	Amanda Vierling	My child's school has been shoved off the CIP list for decades. It is not the only one.	
4.5	The Annual School Test will establish each school service area's adequacy status for the entirety of the applicable fiscal year.	40	Pro	NAIOP	We support this recommendation.	
			Con	MCCPTA	adamantly opposes this change. - The Planning Board failed to implement the staging ceiling in a way to measure the available capacity of schools on an annual basis, and to measure the cumulative impact of approved development against available capacity, and later refused to correct the application of this policy, deeming it onerous, and unfair to applicants (since approvals may or may not result in imminent permitting). - recommendation is out of compliance with County Subdivision Regulation 4.3.J.2 and 10.3.A.1 - this is only relevant for purposes of calculating impact taxes and utilization premium payments. Cumulative impact should undoubtedly be tracked for purposes of funding the entirety of the capacity that will be needed	The projections are updated on an annual basis. There is no need to keep a daily tracking of approvals. It places too much emphasis on precise numbers -- adding enrollment impact estimates on top of already questioned projections. Plus, many approved developments are phased over time and so the enrollment impacts are not anticipated to all happen within the timeframe of a school test period.
			Con	Multiple people	support cumulative tracking of development impacts against available capacity. Greenlighting all development for a given year has the potential to overwhelm a school cluster. At very least a 120% threshold should be set, beyond which any applications would be subject to applicable procedures and/or supplemental payments.	The Utilization Premium Payment is proposed as a supplemental payment that applications would be subject to beyond the 120% threshold.
4.6	The Annual School Test will include a Utilization Report that will provide a <i>countywide</i> analysis of utilization at each school level.	41	Pro	MBIA	Support	
			Comment	MCCPTA	supports annual countywide analysis. However, only existing and planned capacity within the three-year test window can be used for evaluating proposed development. Decisions cannot be based on hypothetical solutions contemplated by the Planning Board or County Council.	
			Comment	ULI	The panel supports the Utilization Premium Payment but recommends ensuring transparency in its creation and clarity in its application, as well as highlighting the benefits to the community to heighten and sustain community support.	
4.7	The Utilization Report will also provide additional utilization and facility condition information for each school, as available.	41	Pro	MCCPTA	MCCPTA supports inclusion of additional facility information in Utilization Report	
			Pro	NAIOP	We support this recommendation	
			Pro	STAT Members	we support two definitions for adequacy within the SSP - one that considers capacity as it relates to new development and one that encompasses all capital needs - while retaining school impact fees that focus on capacity.	

**2020 County Growth Policy Public Hearing Draft**  
**Comment Tracking**

		Page	Pro/Con/Comment	Commenter	Comment	Staff Response
			Comment	NAIOP	We do not oppose providing additional information for each school. We also do not oppose, in principle, the observation that "The information would also facilitate discussions between developer and MCPS about potential ways the developer can make improvements to school facility conditions" provided that the costs of any such improvements can be credited against applicable school impact taxes.	
<b>Schools Recommendations: Residential Development Moratorium</b>						
4.8	Automatic moratoria will only apply in Greenfield Impact Areas. The Planning Board cannot approve any preliminary plan of subdivision for residential uses in an area under a moratorium, unless it meets certain exceptions.	45	Pro	Friends of White Flint	"We wholeheartedly support"	
			Pro	Peter Dean	"Of course, we can't forbid families moving into existing older homes but why take it out on apartment development?"	
			Pro	Patrick Thorton	"We must eliminate the housing moratorium policy for Montgomery County. It is hurting the county. It is harming our future. It's a nonsensical policy. ... I used to live in South Silver Spring in a newer condo building. We have one school-aged child in that 120-unit building. I moved to Woodside Park a few years ago, and my street -- including my family now -- has many school-aged children. Older neighborhoods turning over is what is causing school enrollments to surge in many areas. This has nothing to do with new development. We need development to give us the tax base to afford to build new schools and other things. This policy is an embarrassment. Please get rid of it."	
			Pro	MBIA	"We support the recommendation to eliminate the automatic moratoria within Turnover and Infill Impact Areas."	
			Pro	Multiple people	"stopping new housing does not actually solve solve school overcrowding. Instead, the moratorium hurts housing affordability and hampers progress on our climate goals. The county should encourage new housing in major transit and job hubs, not ban it."	
			Pro	John Mesirov	"Areas grow, and populations change. I support eliminating the automatic building moratoria. If people want to move to an area, at least partly due to the schools, isn't that a good thing? "	
			Pro	Nina Koltnow	Denser growth is smarter growth. Diversity (including economic) is our strength. Please end the ban on new housing in MoCo and require new multi-unit construction to include affordable housing.	
			Pro	Gus Bauman	"The moratorium concept was always intended to be a rare, drastic action of last resort. It was never meant to be a routine tool in the planner's toolbox. Indeed, the very idea of a moratorium is contrary to comprehensive planning, zoning, and budgeting—i.e., to responsible government. For adopting a moratorium is, by definition, an admission of governmental failure. Doing it on a normative basis should be downright embarrassing."	
			Pro	Alan Zibel	"We must welcome new neighbors in MoCo! That's the only way to keep home prices from spiraling out of control as they did in California."	
			Pro	STAT Members	the moratorium puts capacity needs before all other capital needs. Capacity is incredibly important, but the capital needs of crumbling schools that are not overcapacity are also important	

**2020 County Growth Policy Public Hearing Draft**  
**Comment Tracking**

Page	Pro/Con/Comment	Commenter	Comment	Staff Response
	Con	Patricia Ferri	"Our schools are severely overcrowded. Until new schools are built and the over crowding is addressed more housing should not be added in clusters that are already stretched to the limit (Given the upcoming boundary analysis this could be the entire county. The argument that less than 30% of enrollment growth is attributed to new construction is less than convincing data to end the moratorium. When our schools are already struggling to meet demand any increase hampers the ability of our school system to absorb our children's learning needs and requireents. Class sizes are already larget than would be optimal to address diverse learning styles. An attempt to end the moratorium is a clear prioritization of financial interests for the real estate sector, builders, agnets, etcetera, and not a prioritization of the future health of our community."	
	Con	Teresa Meeks	"Please DO NOT end the housing moratorium in Montgomery County. The traffic is already gridlocked for several hours a day. Don't make it worse!"	The housing moratorium policy being discussed in the context of the County Growth Policis is not related to traffic.
	Con	MCCPTA	It's outrageous that the recommendation to eliminate automatic moratoria in most of the county was not accompanied by any new mechanisms to ensure adequate school infrastructure. - Consider a emergency threshold for extreme situations -- 150% let's say - that would put an area in moratorium.	Utilization Premium Payment is the proposed mechanism to assist with funding adequate school infrastructure. For the Turnover and Infill areas, moratoria were not an effective tool at 120%, why would it be effective at 150% or some other super threshold? In these areas, moratoria do not get at the root of over-enrollment.
	Con	MBIA	"We also support the elimination of the automatic moratoria in the Greenfield Impact Area. The Clarksburg area is important for meeting the county's housing goals, and the single family housing market especially now."	Moratoria CAN be an effective tool in the Greenfield Impact Area because the new development is currently the direct cause capacity issues in these areas. Moratoria provide a pause to new development, which 1) allows MCPS capacity to catch up and 2) provides the area some time to establish a turnover cycle that won't result in overbuilding school capacity
	Con	NAIOP	We support the recommendation to eliminate the automatic moratoria within the Turnover and Infill Impact Areas for the reasons outlined in the Public Hearing Draft. But for those same reasons, we support elimination of the automatic moratoria in the Greenfield Impact Area as well.	Moratoria CAN be an effective tool in the Greenfield Impact Area because the new development is currently the direct cause capacity issues in these areas. Moratoria provide a pause to new development, which 1) allows MCPS capacity to catch up and 2) provides the area some time to establish a turnover cycle that won't result in overbuilding school capacity
	Con	Amy Ackerberg-Hastings	"While we desire the economic benefits of new development, we also breathed a sigh of relief when the cluster went into moratorium, buying time to continue advocating MCPS and the county for continuing, needed capital improvements at the cluster schools. Thus, I am writing to ask that you consider retaining tools that help alleviate overcrowding in county"	
	Con	Alissa Sagri	"The proposed policy fails to acknowledge that moratorium have almost always resulted in funding for affected schools in areas of desired growth."	Only in areas where new development is happening -- which is not always the same as the areas with desired growth. While we want to see the infrastructure spending in desired growth areas, we don't want it to come to the detriment of other important capacity projects. There are schools that are overcrowded due to turnover and schools that are in major need of facility improvements with capital projects that are consistently delayed because the Council has diverted funding to prevent a moratorium. By eliminating the moratorium in most parts of the county, we allow MCPS to more equitably use its capital funding.
	Con	County Executive	"The CE does not support leaving a moratorium in place only in Clarksburg. He believes that there must be an emergency button—an outside limit to school overcrowding-- that stops residential development in all areas of the County where schools are severely overcrowded."	For the Turnover and Infill areas, moratoria were not an effective tool at 120%, why would it be effective at 150% or some other super threshold? In these areas, moratoria do not get at the root of over-enrollment.
	Con	Lisa Cline	"Lifting moratoriums would further crowd schools and classrooms, further burden the teachers, make it harder to recruit great teachers, and generally downgrade our quality of life."	

**2020 County Growth Policy Public Hearing Draft**  
**Comment Tracking**

Page	Pro/Con/Comment	Commenter	Comment	Staff Response
	Con	Multiple people	"Consistent with the position of the MCCPTA, I vehemently oppose Staff Recommendation 4.5 and find it outrageous that the Board's staff has recommended eliminating the automatic moratoria in most of the county without including any new mechanisms to ensure adequate school infrastructure. The proposed policy fails to acknowledge that moratoria have almost always resulted in funding for affected schools in areas of desired growth."	Utilization Premium Payment is the proposed mechanism to assist with funding adequate school infrastructure. The moratoria have resulted in an unequitable allocation of CIP funds.
	Con	Debra Egan and John Burklow	"I have attended several board meetings and am stunned that this is under consideration. Schools are crowded, no parkland is allotted, and school budgets may be cut due to covid. I have been a pta president and witnessed the overcrowding and increased building that continues to occur. Enough is enough. Thank you for hearing our voices. The developers only benefit the developers at the cost of our schools and neighborhoods and traffic."	
	Con	Darren	"As such, I am strongly opposed to the recommendation that would eliminate the current moratorium, particularly considering that no means to ensure the necessary funding to address the above have been identified. I feel this course of action is a direct abdication of the Planning Commission's stewardship. It is not unreasonable to assume that the residents of these communities should expect that our leaders to devise a plan that both enables growth and safeguards the quality of our school system."	
	Con	Michael Lehmann	"The county as a whole is overcapacity, a problem that will not be entirely resolved by school construction projects that are already approved. The moratorium is supposed to be the incentive. As the Chair of the Planning Board you have made it very clear that there is no interest in public facilities (actual planning work), so now you are looking to get rid of a policy that requires you to care about school overcrowding and replace it with a discretionary power that likely you will ignore. In a time when we need actual leaders, we get less and less."	The county as a whole is currently only slightly overcapacity (ES - 101.7%/MS - 96.9%/HS - 102.8%), and by the 2025-2026 school year, there will be sufficient capacity collectively if MCPS's projects approved within the current CIP timeline are delivered as scheduled (ES - 95.3%/MS - 96.4%/HS - 100.5%). Note that once Crown HS is complete (scheduled for 2026) there will be excess capacity in HS as well. However, the distribution of students in comparison to school capacity is not even across schools, and there is no clear geographic pattern - it is not uncommon to see overcrowded schools in close proximity to underutilized schools.
	Con	Amanda Vierling	"At the moment, there is no boundary change that will not prevent more children in my child's school - at least 100 more any way you slice it. Our schools are consistently overcrowded, underfunded, and under supported, especially in areas of growth. Failure to take into consideration the impact of a new development is only going to make those problems worse. My child's school has been shoved off the CIP list for decades. It is not the only one. Northwood HS is another school that has been over capacity for years. Don't just be taken by surprise that there is overcrowding - plan for it, mitigate it, and take care of our kids. Please put our children, the teachers, and their school community ahead of business interests for once."	With Utilization Premium Payments, if the schools serving a residential development project are overcapacity, the developer will be required as a condition of preliminary plan approval to pay more for further burdening the schools and to help provide the necessary school infrastructure. By eliminating the moratorium, it will be easier for MCPS to allocate funding for overcrowding in schools without pressures of new development.
	Con	Lisa Cline	"I have known many families to flee to private schools to reduce their child's class size. Lifting moratorium would further crowd schools and classrooms, further burden the teachers, make it harder to recruit great teachers, and generally downgrade our quality of life."	Class sizes are not a reflection of the capacity utilization level of a school. In fact, a lot of the highly overcrowded elementary schools in MCPS have smaller class sizes than underutilized schools in wealthier areas due to having higher shares of students in poverty.
	Con	MBIA	"We also support the elimination of the automatic moratoria in the Greenfield Impact Area. The Clarksburg area is important for meeting the county's housing goals, and the single family housing market especially now."	

**2020 County Growth Policy Public Hearing Draft**  
**Comment Tracking**

Page	Pro/Con/Comment	Commenter	Comment	Staff Response
	Con	Gary Unterberg	"Simply, keep it simple. Do not establish a Greenfield category exclusively for Clarksburg. Looking to the future, include Clarksburg in the Turnover category with whatever Planning Board rules or premium payments that may apply. This would include Clarksburg HS with the estimated six high schools that are projected to be over the 120% threshold, but subject to different rules or circumstances to mitigate capacity. This would simplify the system and treat Clarksburg similar to most of the County, and not place it in moratorium."	Greenfield areas are the areas of the county where high enrollment growth due largely to high housing growth that is predominantly new single-family units.
	Comment	Anonymous	"Having areas go into moratorium is a bad policy outcome, but the moratorium law itself is not bad policy. The problem is that our planners have no interest in making sure that facilities come online to meet anticipated demand."	
	Comment	Anonymous	"Also, we shouldn't take at face value that moratoria are having any impact whatsoever on housing supply in Montgomery County. The county has a 4 percent apartment vacancy rate (among the highest in the area), and developers are asking for their approved units to be reduced after their projects are underway, in some cases quite substantially. Market urbanists cry bloody murder if a moratorium prevents them from building 50 units but they're completely silent when a project is reduced by 100 units on the developer's initiative. "	
	Comment	STAT Members	There was general agreement among many STAT members that the housing moratorium is not an effective policy tool, given the muddled relationship between new development and student generation, as well as the economic development interests of the county and the increasing demand for housing, especially affordable housing. However, many members felt that the moratorium serves an important political purpose in pressuring the County Council to identify and fund school capital projects. Whatever changes are made to the SSP, it must be revised with the objective of ensuring that school infrastructure keeps pace with demand.	
	Comment	Bob Harris and Barbara Sears	"If the Greenfield Area is established, then acknowledge the important role this area plays in the future of the County's housing supply by allowing a 125% utilization rate to be acceptable at the high school level, or by allowing available capacity from adjacent High School Clusters to be counted. Alternatively, whether or not the new Greenfield Policy Area is adopted, treat the area the same way the rest of the County is proposed to be treated with respect to meeting the SSP for schools, whereby moratoriums are no longer used as a method for managing staging."	
	Comment	Edward Johnson	when the schools are clearly inadequate, even a small number of additional students can be a burden to over-utilized facilities and should be curbed. ... no one is claiming that you can solve overcrowding simply by not building. However, it is clear that continuing to build does make overcrowding worse.	
	Comment	County Executive	Is there an outside limit in this SSP or may a school go to 150% over capacity or higher with no pause, while waiting for funding?	

**2020 County Growth Policy Public Hearing Draft**  
**Comment Tracking**

		Page	Pro/Con/Comment	Commenter	Comment	Staff Response
			Comment	ULI	The panel believes it is prudent to limit automatic moratoriums to only Greenfield Impact Areas unless a project meets certain exceptions to the moratorium, including commercial development projects and residential projects estimated to generate no students. Limiting moratoriums to greenfield areas concentrates the policy on its original focus. By eliminating moratoriums in the other school impact area typologies, the county provides additional clarity that infill development and redevelopment in Turnover Impact Areas and Infill Impact Areas are priorities where more context-sensitive quality growth strategies are necessary and more relevant tools are in place.	
4.9	Exceptions to moratoria will include commercial development projects, residential projects estimated to generate fewer than one full student at any school in moratorium, and projects where the residential component consists entirely of senior living units.	46	Pro	NAIOP	We support the recommended exceptions. The de minimus exception should be clear I being interpreted as net additional units.	
			Con	Edward Johnson	fewer than one student threshold is too high - SGRs are probabilities, not absolutes. Exception should only be allowed where a student is unlikely to be generated (fewer than one-half of one student).	
			Comment	MCCPTA	because smaller projects like these have a high likelihood of proceeding, the impacts on any single school must be tracked cumulatively.	
4.10	Eliminate the moratorium exception adopted in 2019 pertaining to projects providing high quantities of deeply affordable housing or projects removing condemned buildings.	47	Con	NAIOP	if any portions of the County are subject to potential moratoria then this exception should remain	This was a stop gap to allow a couple of projects downcounty to go forward. We don't see this as necessary given that we've eliminated moratoria in the infill areas. When we did related analysis for council staff, we could not find any other potential projects that would fit this exception.
			Con	MBIA	maintain exemptions for affordable housing.	
			Comment	Edward Johnson	"This was largely based on adept lobbying from the parent community." The planning board shouldn't be editorializing, this portion of the sentence should be removed.	We're fine with removing this comment from the Planning Board draft.
			Comment	ULI	This panel concludes that this runs the risk of losing sight of the county's affordable housing priorities. At the very least, could lead to a perception of de-prioritizing affordable housing production. The moratorium exclusion for projects that provide affordable housing currently adds an incentive to pursue affordable unit development regardless of a moratorium or moratorium threat. This policy gives a level of entitlement certainty to developers.	
<b>Schools Recommendations: Student Generation Rate Calculation</b>						
4.11	Calculate countywide and School Impact Area student generation rates by analyzing all single-family units and multifamily units built since 1990, without distinguishing multifamily buildings by height.	47	Pro	NAIOP	We support this recommendation.	
			Con		do not combine low-rise/high-rise SGRs	The number of stories had once been based on construction type, with low-rise (4 stories or less) being largely less expensive wood frame construction. But we typically see wood construction now for buildings up to 7 stories.
			Con	Jonathan Genn	Differentiate low-rise from high-rise, because staff's own data show the differential is statistically significant. (Appendix Fig. G1, G2, G16, G18 showing high-rise multifamily generating >33% fewer student than low-rise)	We have not tested the statistical significance of the difference between high and low rise. Though we think the difference is more connected to the age of the structure. It is also increasingly difficult for staff to distinguish data as high or low rise.
			Con	Jonathan Genn	Use only 'since 2010' multifamily student generation rates, not 'since 1990' rates, and adjust the rates accordingly, because staff's own data show the differential is statistically significant. (Slide 53 of May28 briefing showing multifamily student generation rates since 2010 is ~56% lower than the student generation rates of multifamily units from 1990-2009)	

**2020 County Growth Policy Public Hearing Draft**  
**Comment Tracking**

		Page	Pro/Con/Comment	Commenter	Comment	Staff Response
			Comment	MCCPTA	at least for the next four years, calculate SGRs for units since 1990 as proposed, but continue to track the four established unit types. - we request an analysis of the potential impact of including vacant units in the denominator. - known short term rentals (e.g. Airbnb) should be excluded from the unit count	
			Comment	ULI	The panel enthusiastically endorses the staff recommendation to calculate student generation rates using data analysis of all single-family units and only multifamily units built since 1990 (and combining all multifamily, not distinguishing by height). In making this recommendation, staff has thoroughly reviewed student generation rates by dwelling type and year built. Staff has proven and noted that single-family homes generate students in predictable cycles: increasingly generating students when first sold (regardless of the age of the home), then decreasingly after about 10 years. Multifamily units, in contrast, tend to generate students consistently throughout their life span, in large part because rental units generally experience much more frequent turnover. Further, the data reveal that multifamily units built since 1990 generate students at different rates compared with those built before 1990, and therefore the former are most useful when forecasting potential generation rates for newly built units	
<b>Schools Recommendations: Development Application Review</b>						
4.12	The County Growth Policy should explicitly allow the Planning Board to deny a residential development project in Turnover Impact Areas and Infill Impact Areas if it deems there is inadequate public school infrastructure, after consideration of the applicable data and circumstances.	52	Con	NAIOP	Potentially could lead to subjective determinations and arbitrary results. unnecessary, unwarranted recommendation in light of UPP. Additional payments would help address capacity problem, and are a known and fixed amount that provides certainty to applicant.	
			Con	MBIA	Strongly oppose discretionary review and possible disapproval of projects by the Planning Board. APFO should be based strict criteria that is not open to subjective review - unfair to projects that have gone through testing - Utilization Premium Payment is recommended for these projects	
			Comment	MCCPTA	Eliminating requirement to deny applications where facilities are not adequate is already inconsistent with an effective APFO. ... If the PB is authorized and/or expected to deny any applications, it will need a specific and consistent rubric for doing so.	
			Comment		120% is a crisis. Policy should allow PB to deny projects if any school in the affected area is over 110% capacity	
4.13	Amend Chapter 50, Article II, Section 4.3.J.7. of the County Code to require a development application to be retested for school infrastructure adequacy when an applicant requests an extension of their Adequate Public Facilities validity period.	52	Pro	MCCPTA	circumstances can change dramatically in 5-10 yrs, and retesting all infrastructure should be mandatory	
			Con	Melissa McKenna	We don't want to lose money! We have already seen sharply decreased school impact tax revenue. What will be the fiscal impact of these changes? Please run the numbers using the many exceptions and incentives included here to compare current with projected revenues.	
			Con	MBIA	Oppose. This provision creates uncertainty.	
4.14	Amend Chapter 50, Article II, Section 4.3.J.7. of the County Code to cap the Adequate Public Facilities validity period for development to no more than 22 years, at which point the applicant can no longer request an extension of the approval and must restart the plan application process.	53	Pro	MCCPTA	MCCPTA supports this recommendation.	
			Con	NAIOP	"could jeopardize project, when extension requests are intended to preserve the original approval for the time period necessary to implement the project"	
			Con	NAIOP	the types of projects that require lengthy validity periods are often complex, large-scale, multi-phased, long-term projects that meet many County strategic policy objectives and significantly benefit the County economically. ... The County should not automatically prevent implementation of these important projects and deprive itself of the existing flexibility to make case-by-case determinations.	

**2020 County Growth Policy Public Hearing Draft**  
**Comment Tracking**

		Page	Pro/Con/Comment	Commenter	Comment	Staff Response
			Con	NAIOP	Many projects provide public benefits in the form of infrastructure improvements or financial contributions well in advance of realizing full build out - it would be grossly inequitable not to allow projects to proceed after providing costly facilities required by the regulatory approvals.	
			Con	MBIA	There are many legacy projects in the County that has proceeded since original approvals and adding a cap would be detrimental	
			Con		Most significantly in this regard, any new statute relating to Validity Period should have appropriate grandfathering provisions and be inapplicable to any new development that obtained Preliminary Plan approval on or before June 1, 2020. Any such uncertainties will put Montgomery County projects at a severe competitive disadvantage against other jurisdictions elsewhere in the DC Capital Region, as well as in other competitive jurisdictions around the country.	
			Comment	MBIA	Need clarify that site plan amendments with minor changes in density allocations do not reopen application to retesting - safety valve for controversial projects	
			Comment	NAIOP	If this recommendation is not rejected outright, it should only apply to completely new development approvals with original validity periods that commence after the effective date of the 2020 Growth Policy. All legacy development projects should be grandfathered regardless of their extension status.	
			Comment	NAIOP	Enrollment projection efforts only apply to residential projects. Although this recommendation falls under the schools recommendations, it would apply to all projects - nonresidential projects and residential projects - as currently proposed.	
4.15	Require MCPS to designate a representative to the Development Review Committee to better tie the development review process with school facility planning. Ensure this representative has appropriate authority to represent MCPS' official positions.	53	Pro	NAIOP	We support this recommendation.	
			Pro	MBIA	Support	
			Comment	Multiple people	We need systemic alignment between the PB and MCPS - planning for Montgomery County's growth must include a plan for our schools	
			Comment	MCCPTA	MCCPTA asks to be recognized as a reviewing agency to be included on the Development Review Committee, or at least have area vice president notified where annual school test results are over 105%	
4.16	Require applicants to pay Utilization Premium Payments in Turnover and Infill Impact Areas when a school's projected utilization three years in the future exceeds established adequacy standards.	54	Pro	MBIA	"The recommendation that developers pay "Utilization Premiums" we support with a few concerns, regarding the three year window and the amount of the payment" , Sylke	
			Con	Edward Johnson	Drop the seat deficit metric for UPP - that is useful for determining moratoria due to how MCPS decide to increase capacity but adds unnecessary complexity for UPP	
			Con	Jonathan Genn	Terrribly regressive tax effect ... higher rates in the lower socio-economic areas than applicable in the economically advantaged areas.	
			Con		should be triggered in all school impact areas	
			Comment	County Executive	The CE is interested in, and wants further information on, the new Utilization Report and the recommended Utilization Premium Payments.	
			Comment	NAIOP	the recommendation is that the amount of Utilization Premium Payments, if applicable, will be established at the time of approval, but will be paid at building permit. At the time of building permit, if a school's projected utilization three years in the future no longer exceeds adequacy standards, then the UPP should no longer be applicable.	
			Comment	Multiple people	The threshold should be 105% - payments should start when the relevant schools are over capacity and not wait until there is a 120% over capacity crisis.	

**2020 County Growth Policy Public Hearing Draft**  
**Comment Tracking**

		Page	Pro/Con/Comment	Commenter	Comment	Staff Response
			Comment		The threshold should be 90%	
			Comment		Please consider requiring additional impact fees anytime capacity goes above 100% (not 120%) in any area where they are building. The additional space is even more important now during COVID-19.	
			Comment	MCCPTA	UPPs should be triggered in all school impact areas. should be calculated with additional 25% of cost per seat, with no cap.	
			Comment	Edward Johnson	if multiple schools for a development are over capacity payment should be additive - if both ES and HS are over capacity, 25% increase for ES + 20% for HS	
<b>Transportation Recommendations: Vision Zero Resources</b>						
5.1	Design roads immediately adjacent to new development to account for all identified recommendations from applicable planning documents including Functional Plans, Master Plans and Area Plans.	62	Con	MBIA	This statement needs to have more flexibility to account for projects with adjacent existing conditions that may or may not be able to meet all recommendations	
			Comment	NAIOP	When there are conflicts between multiple plans, the most recently adopted plan should supersede any prior plans. However, when a project has relied on a prior plan in the entitlement process before the adoption of a new plan, reasonable grandfathering provisions should apply.	
<b>Transportation Recommendations: Mitigation Priorities</b>						
5.2	Prioritize mitigation strategies designed to improve travel safety.	63	Comment	NAIOP	No one opposes safety. But the cost of trying to achieve maximum safety must be balanced with the County's underlying economic development objectives. The County Department of Transportation should actively participate in the safety evaluation and mitigation strategies. To the extent that safety measures slow or otherwise impair vehicle movements, then vehicular adequacy and delay standards must be adjusted accordingly.	
<b>Transportation Recommendations: Development Review Committee</b>						
5.3	Given the additional focus on Vision Zero principles in the development review process, add a specific Vision Zero representative to the Development Review Committee to review the development application and Vision Zero	63	Pro	MBIA	This person needs to act as a facilitator between agencies on behalf of the applicant - County, Mncppc, State, etc.	
			Comment	NAIOP	The Vision Zero representative should be a DOT official who is familiar with the overall development review process and the inherent need to balance multiple objectives.	
<b>Transportation Recommendations: Transportation Impact Study Approach</b>						
5.4	Introduce a Vision Zero Impact Statement for all LATR studies pertaining to subdivisions that will generate 50 or more peak-hour person trips.	64	Pro	Friends of White Flint	"Friends of White Flint fully supports requiring a Vision Zero Impact Statement"	
			Comment	NAIOP MBIA	All information necessary to prepare Vision Zeo Impact Statements, such as accident investigation data, must be available and easily obtainable. Any proposed safety improvements resulting from a Vision Zero Impact Statement must meet a basic nexus and proportionality test. Any financial contributions collected based on the Vision Zero Impact Statement should be spent on Vision Zero improvements (as oposed to going into a general fund), and total funds collected across multiple nearby projects should not exceed the total cost of Vision Zero improvements that would serve those projects.	
5.5	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.	64	Con	NAIOP MBIA	We oppose lowering the requirement for pedestrian, bicycle and transit system adequacy tests if the give nmode generates at least five peak-hour trips by that mode (Public Hearing Draft, pp. 64-66). This threshold is too onerous and would capture small projects that do not justify this level of testing. This testing is expensive and time consuming and would not be competitive with other local jurisdictions. Additionally, any potential improvements that are imposed cannot be disproportionate to the size of the project.	

**2020 County Growth Policy Public Hearing Draft**  
Comment Tracking

		Page	Pro/Con/Comment	Commenter	Comment	Staff Response
			Comment	Brian Downie	The text of this section includes a reference to the PLOC, but this is not expected to be available at the time of adoption. This should be made clearer.	
<b>Transportation Recommendations: Transportation Impact Study Scoping</b>						
5.6	Eliminate the LATR study requirement for motor vehicle adequacy in Metrorail Station Policy Areas (MSPAs).	66	Pro	Friends of White Flint	"Friends of White Flint supports the proposal to remove traffic congestion adequacy standards around Metro stations, like the White Flint station"	
			Pro	NAIOP MBIA	We support this recommendation. It is in line with policies articulated throughout the Public Hearing Draft.	
<b>Transportation Recommendations: Transit Corridor LATR Intersection Congestion Standard</b>						
5.7	Increase the intersection delay standard to 100 seconds/vehicle for transit corridor roadways in Orange and Yellow policy areas to promote multi-modal access to planned Bus Rapid Transit service in transit corridors.	67	Pro	NAIOP MBIA	We support this recommendation.	
5.8	Place the three Purple Line Station policy areas in a new <b>dark red</b> policy area category (Figure 29). Conceptually, this change will reflect a "hybrid" between the red and orange policy area categorization. Commensurate with this new categorization, the congestion standard for signalized intersections and transportation impact tax rates in the Purple Line Station policy areas will change as described in Table 16 and Table 17, respectively.	71		NAIOP	The Purple Line Station policy areas should be categorized in the Red policy area. This categorization is what would have occurred in 2016 if the Purple Line was fully funded for construction. Alternatively, if Rec 5.7 is adopted, which increases certain intersection delay standards in Orange policy areas to 100 seconds/vehicle, then a better 'hybrid' between Orange and Red would be 110 seconds/vehicle, as opposed to the 100 seconds/vehicle recommended.	
5.9	Continue producing the Mobility Assessment Report (MAR) on a biennial schedule as a key travel monitoring element of the County Growth Policy.	72		NAIOP	We support this recommendation.	
<b>Transportation Recommendations: Policy Area Review</b>						
5.10	The proposed auto and transit accessibility metric is the average number of jobs that can be reached within a 45-minute travel time by automobile or walk access transit.	74				
5.11	The proposed metric for auto and transit travel times is average time per trip, considering all trip purposes.	75				
5.12	The proposed metric for vehicle miles traveled per capita is daily miles traveled per "service population," where "service population" is the sum of population and total employment for a particular TAZ.	76				
5.13	The proposed metric for non-auto driver mode share is the percentage of non-auto driver trips (i.e., HOV, transit and nonmotorized trips) for trips of all purposes.	77				
5.14	The proposed metric for bicycle accessibility is the Countywide Connectivity metric documented in the 2018 Montgomery County Bicycle Master Plan (page 200).	77		NAIOP	We need additional time to assess how this metric will impact development projects.	
<b>Tax Recommendations: School Impact Taxes</b>						
6.1	Change the calculation of school impact taxes to include one tax rate for all multifamily units, in	79	Con	MCCPTA	defer decision regarding low-rise/high-rise until 2024 as SGRs have historically been very different.	

**2020 County Growth Policy Public Hearing Draft**  
**Comment Tracking**

		Page	Pro/Con/Comment	Commenter	Comment	Staff Response
	both low-rise and high-rise buildings, based on the student generation rate for multifamily units built since 1990.		Comment	County Executive	"The CE has technical questions about combining low-rise and high-rise housing for calculation of SGR and impact tax rates. He would like to review the data that supports the SSP's conclusion that these two housing types should be combined when computing SGR rates."	
6.2	Calculate standard school impact taxes at 100% of the cost of a student seat using School Impact Area student generation rates. Apply discount factors to incentivize growth in certain activity centers. Maintain the current 120% factor within the Agricultural Reserve Zone, except for projects with a net increase of only one housing unit, in which case a 60% factor would be applied.	80	Pro	NAIOP	We support this recommendation.	
			Pro	Friends of White Flint	"We support this targeting of impact taxes to encourage transit-oriented development in urban centers such as White Flint"	
			Pro	Multiple people	"support other policies within the SSP that encourage sustainable growth patterns, such as lowering the cost of new development in desirable areas and increasing the recordation tax to better fund school construction and rental assistance."	
			Con	Global LifeSci Dev. Jonathan M. Genn	... a fixed dollar amount of tax, variably applied on a non-ad valorem basis, without any regard to the value of the property being taxed is the most egregious form of regressive taxation possible; namely, where the impact surtaxes are often considerably higher in actual dollar amounts, and often many multiples higher as a percentage of the property's value, in the lower socio-economic areas of the County. - all applicable School Impact Surtaxes and any UPP fees should be adjusted on a property-value-bases relative to the County's median household income	
			Con	County Executive	"The CE generally opposes the reduced rates for impact taxes, and specifically the 60% discount in Activity Centers. The CE does not believe that such areas of the County require additional incentives for new development."	
			Con	Multiple people	Impact taxes should not be discounted in activity centers, which already have lower impact taxes and are already incentivized in other ways. Giving up impact taxes for necessary school capacity only means that infrastructure will need to be subsidized by other strained revenue sources.	
			Con	David Murray	"The Proposal should consider the unintended consequences that lowering impact fees would have on the use of impact fee exceptions, which incentivize the construction of affordable housing"	
			Con	Multiple people	"Impact taxes should cover 100% of the costs associated with the new development, and they should be consistent and fair across the county. " - Andrea Fries, Pamela Lew, Elisse Lassiter, Ying Tang, Dr. Bill Rivers, Kenneth G. Keppel, & More	
			Con	MCCPTA	While commendable, housing and zoning objectives should be addressed in master plans, zoning code and the general plan, and not in the SSP. Impact taxes in Infill Areas are already adjusted to reflect the SGRs of those units, and they are significantly lower than Turnover and Greenfield Impact Areas.	
			Con	Multiple people	"please make sure that there are mechanisms to prevent our schools from being overwhelmed. Impact taxes should cover 100% of the costs associated with the new development"	
			Comment	County Executive	What is the value of the 60% discount to the APFO?	
			Comment	Jonathan Genn	all U.S. Treasury certified 'Qualified Opportunity Zones' in the County should be exempted from all impact surtaxes, but not exempted from appropriate LATR, UMP/LATIP, or UPP payments (although adjusted for property-value-bases, as ULI suggests).	
			Comment	Jonathan Genn	differentiate the four MWCOG designated Activity Centers, because they are materially different in terms of generation rates. (Non-high growth activity centers; high growth population only; high growth jobs only; high growth jobs and population activity centers)	

**2020 County Growth Policy Public Hearing Draft**  
**Comment Tracking**

		Page	Pro/Con/Comment	Commenter	Comment	Staff Response
			Comment	NAIOP	as a general policy, development impact taxes should be lowered as much as possible to increase the County's economic competitiveness.	
			Comment	Multiple people	Consider impact taxes to cover 110% of estimated costs using applicable student generation rates. This includes an allocation for land, which is not contemplated in the cost-per-student.	
			Comment	Lauren Berkowitz	look at the amount that builder revenues will go up when the moratoria are lifted, and see what a fair amount of impact tax would be to leave our schools in a better capital situation than they are in now. - Lauren Berkowitz	
			Comment	Lauren Berkowitz	concerned that the impact taxes in highly dense zones are less, and this too could impact schools with the highest need students. As the Council has committed to considering equity in all policies, it would seem appropriate that the tax money that goes to schools in areas with the most achievement gaps, receive at least the same, or perhaps even more money for capital improvements.	
			Comment	STAT Members	please consider the effect of the impact taxes on where, if, and what kind of development occurs.	
			Comment	ULI	The panel is in general agreement with this policy	
			Comment	Peter, Westlake Towers	it apperas that the Subdivision Staging Policy under consideration devalues the investment of my fellow owners by making the shools more crowded and again failing to provide the amenities that were long ago promised. (I have read about the community/senior center considered for a site near Walter Johnson High School.) Failing to have builders pay the appropriate cost of schools (impact fees) while continuing to add to our overcrowded schools does not sound to me to be a sound plan for our area's future, for our county's future.	
6.3	Allow a school impact tax credit for any school facility improvement constructed or funded by a property owner with MCPS' agreement.	82	Pro	MCCPTA	MCCPTA supports this recommendation and hope MCPS will take advantage of the opportunity	
			Comment	Lauren Berkowitz	"we must have an agreement or understanding in place between PB and MCPS to make sure this becomes a reality. Look into getting a buy-in from MCPS to work together to allow these improvements to be made"	
			Comment	Lauren Berkowitz	Please look into having the builder itself build the addition to the school before the community is completed.	
			Comment	NAIOP	We support this recommendation. Credits for land dedication should be allowed to continue and any school facility condition improvements - whether or not they add classroom capacity - should be given credit.	
6.4	Eliminate the current impact tax surcharge on units larger than 3,500 square feet.	82	Pro	NAIOP	We support this recommendation.	
			Pro	MBIA	Especially important for smaller companies and infill builders	
			Pro	MCCPTA	it makes sense to match the Impact Tax to the measurable impact	
<b>Tax Recommendations: Impact Tax Exemptions on Residential Uses</b>						
6.5	Eliminate the current impact tax exemptions for development in former Enterprise Zones.	84	Pro	County Executive	"The CE does support this SSP's recommendation to eliminate current impact tax exemptions for former Enterprise Zones."	
			Pro	Melissa Mckenna	"I am thrilled about this recommendation"	
			Pro	MCCPTA	"enterprise zones were established to stimulate commercial activity, and a legacy exemption on residential housing is unwarranted"	

**2020 County Growth Policy Public Hearing Draft**  
**Comment Tracking**

		Page	Pro/Con/Comment	Commenter	Comment	Staff Response
			Con	NAIOP	Silver Spring and Wheaton, the former Enterprise Zones, are not yet self-sustaining. These areas, with their fragile market and lower rent structure, are not able to absorb either the existing or the proposed new impact taxes. The impact tax exemption is what allows the equalization of the market place between the former Enterprise Zones and other areas of the County, such as Bethesda or White Flint. The construction cost for buildings is the same in all four areas, but the rental return in Silver Spring and Wheaton is far below that of Bethesda or White Flint.	
			Comment	MBIA	apply grandfathering to regulatory approvals generally, so that after obtaining some approvals (preliminary plan; sketch plan; site plan; permits), the project is allowed to complete the subsequent required application approvals under the same rules - protect projects that have received site plan approval These areas, with their fragile market and lower rent structure, are not able to absorb either the existing or the proposed new impact tax - Long term, phased projects are certain to have ongoing amendments of approved site plans over the course of implementation. These projects should not be penalized—by loss of the impact tax exemption	
			Comment	NAIOP	if tax exemptions are to be removed, existing applications and approvals should be protected in a manner that allows existing in-progress projects to proceed to completion using the previous tax exemption rules.	
			Comment	NAIOP	we support exemption for Opportunity Zone properties within Central Business Districts.	
6.6	Modify the current impact tax exemptions applied to all housing units when a project includes 25% affordable units to: 1. not apply the exemption to school impact taxes in the Greenfield Impact Areas, 2. require the affordable units be placed in the county's MPDU program, and. 3. require the project to include two times the standard share of MPDUs applicable to the project location.	85	Con	David Murray	"The proposal does not assess whether there are any other factors that would compel developers to continue to limit supply even if the County were to loosen regulations and reduce fees. Moreover, the proposal does not put forward any recommendations that would make the delivery of more affordable housing units a more certain outcome."	
			Con	MCCPTA	does not support complete impact tax exemption. However, if policy is maintained, agree that MPDUs should be placed in the county's MPDU program, and that the project should provide two times the standard applicable rate. We think that the exemption should be applied consistently, including Greenfield Impact Areas	
			Con	NAIOP	This proposal will effectively restrict the use of the exemption to HOC and other affordable housing providers only. In the 15% MPDU areas, needing to reach 30% is excessive. In those areas, most projects will simply comply with the required 15%, thus losing the additional 10% that could be encouraged by the current law.	
			Con	MBIA	This exemption program has been successful in providing MPDU units for the County because it makes it financially feasible to support these units. Doubling the requirement of affordable units will have a detrimental if not "deal-killer" affect on projects that could proceed with this incentive. More regulation discourages developers from building, the incentive is no longer worth the project	

**2020 County Growth Policy Public Hearing Draft**  
**Comment Tracking**

		Page	Pro/Con/Comment	Commenter	Comment	Staff Response
			Con	Barbara Sears (Bethmont LLC & Bethesda Land LLC)	request PB not recommend changes that would required areas of the County requiring 15% MPDUs to have 30%, and maintain the provisions of the law as they currently exist. If, however, PB decides to recommend this change in the law, we request that the changes not apply to any property for which an initial submissions of a sketch plan or preliminary plan has been filed prior to the effective date of the change.	
			Comment	County Executive	The CE also has technical questions about retaining the impact tax exemption for 25% affordable housing, in terms of revenue impacts.	
			Comment	NAIOP	Use of the exemption has already been factored into the economics of projects. If changes are made, then a grandfather provision should be added to protect those projects that are in progress, relying on the exemption as it is today. If site plan approval after 1/1/2020 remains the trigger, there should be clarity that subsequent amendments do not change the projection received by the previously-approved site plan.	
6.7	Continue to apply impact taxes on a net impact basis, providing a credit for any residential units demolished.	86	Pro	NAIOP MBIA	We support this recommendation.	
			Comment	ULI	<p>The panel understands the interpretation of the staff research and recommendation. However, the panel suggests that the county take into consideration the following in revising the policy:</p> <ul style="list-style-type: none"> <li>• The impact fee is a single event from a funding perspective; the generation of that fee on what is essentially a “new construction” event (despite the fact that an existing home is being replaced) is important in terms of generation of revenue.</li> <li>• The imposition of an impact fee is a progressive revenue source; the cost of that fee can, and probably will be, rolled into a future mortgage, amortizing the fee over a long period of time.</li> <li>• The replacement of that home may be more likely because a fee is not charged; this may also result in the loss of a more affordable single-family property (and disparate impact is likely to occur that differs by neighborhood and proximity to transit).</li> <li>• Further consideration should be given to how the impact fee influences development patterns (some of which may not meet Montgomery County Council goals), and how that impact fee can leverage other goals, for example, preservation of naturally occurring affordable housing or improved land use in existing neighborhoods through construction of additional units per lot or other more efficient land use methods.</li> <li>• Care should be taken to balance the mix of development and ensure the redevelopment of areas (including replacement of single-family homes with larger homes, for instance) results in long-term economic viability of that area and the county as a whole. (Specifically, ensure that imbalance does not occur from either overbuilding of market/luxury-rate or senior units, or affordable units.)</li> </ul>	
<b>Tax Recommendations: Recordation Tax</b>						
6.8	Incorporate progressive modifications into calculation of the Recordation Tax to provide additional funding for school construction and the county’s Housing Initiative Fund.	88	Pro	Friends of White Flint	"While we like that the tax increase is progressive, and we agree that because school capacity issues largely stems from neighborhood turnover, it makes sense that this turnover funds school construction and rental assistance"	
			Pro	Multiple people	"I urge you to support ... increasing the recordation tax to better fund school construction and rental assistance."	
			Con	Anonymous	"In this plan, individuals will pay more (recordation tax) and developers will pay less." -Anon	

**2020 County Growth Policy Public Hearing Draft**  
**Comment Tracking**

		Page	Pro/Con/Comment	Commenter	Comment	Staff Response
			Con	Friends of White Flint	We are very wary of new taxes in the current economic and pandemic crisis	
			Con	County Executive	The CE is concerned that this growth policy is based on a recommended tax increase that falls within the purview of the County Council's authority to decide the amount and kind of taxes, and how those tax dollars will be spent.	
			Con	David Murray	"The Proposal should include more consideration of the effects that its tax recommendations will have on County revenue"	
			Con	MBIA	In lieu of increasing the recordation tax, look at changing the existing allocation to better mirror the priorities of the county. If there is limited funding, policies need to be prioritized rather than trying to make new development carry the load	
			Con	MBIA	Cost gets passed to the consumer - increasing costs of homes across the board	
			Comment	Global LifeSci Dev. Jonathan M. Genn	To avoid unintended double-taxation, the Public Hearing Draft should clarify that any new development paying school and/or transportation impact surtaxes and/or any LATR or UMP/LATIP payments or UPP payments should be exempt from any subsequent recordation tax on transfer of title (for so long as those properties have or are contributing to pay their applicable SSP/Impact Surtaxes and/or LATR, UMP/LATIP, or UPP).	
			Comment	NAIOP	Recordation taxes should be as low as possible to make the county competitive when it comes to tax policy.	
<b>Appendices</b>						
H			Comment	David Murray	The appendices to the Proposal include a comparison of neighboring jurisdictions' impact fees, but it would be helpful for Appendix H to add a school construction cost comparison among selected jurisdictions as well. For example, some of the County's school projects are expected to cost more than \$70,000 per seat. How much do neighboring jurisdictions pay for each new 10 seat? If other counties pay less, perhaps the best way for the County to reduce impact fees would be find efficiencies in school construction. The Proposal also would be strengthened if it also included a comparison of neighboring jurisdictions' recordation and transfer taxes, so that we can understand how the Proposal's tax recommendations would affect the County's overall economic competitiveness.	
<b>General/ Overall Comments</b>						
			Pro	Michael Dukta	"I think this is a good update to the policy" "I think this is a decent compromise between various groups, although as Jane Lyon mentioned the transit parts might be a little lack luster"	
			Pro	Anonymous	"If it were just up to me I just wouldn't bother with growth controls, the market will decide how much housing will be built based on the existing infrastructure. There's no need for the county to continue to disincentivize development. If schools or transport become overused and quality declines than that will be reflected in the price of housing and development will dry up accordingly. However as a compromise between various groups I think this is acceptable."	
			Pro	Anonymous	"It's refreshing to see our planning board look beyond the current policies that do not work for developers, schools, or existing residents that want the county to thrive."	

**2020 County Growth Policy Public Hearing Draft**  
**Comment Tracking**

Page	Pro/Con/Comment	Commenter	Comment	Staff Response
	Pro	Alain Norman	"I write in support of the idea of adjusting Montgomery County's plans to facilitate the creation of affordable housing, notably to address the reported "missing middle" of housing options. At the same time, I respectfully urge the County to be ready and able to ensure that such new housing: (A) is accompanied by more funding for public schools, to accommodate what are likely to be more children or students; and (B) is accompanied by environmentally friendly measures to help lessen the potential negative impacts of more people in a given area by: (i) requiring new housing to be LEED certified, or better; (ii) expanding public transportation, and pedestrian/bicycle facilities, into areas where expanded / affordable housing options will be permitted; and (iii) ensuring that green parks be included, and/or that small green parks / spaces be interspersed, within areas where affordable, multi-family, and/or "missing middle," housing may become authorized by the Planning Board. That is, a plan to augment the amount, and types of, housing stock is necessary, but doing so will not be sufficient: public amenities, services, and facilities will likely need to be updated, expanded and better funded, in general, as part of the process by which Montgomery County better accommodates more residents. Otherwise, one can reasonably foresee a situation evolving where more people can be housed in a certain areas (e.g., in a given CBD), but public services - notably schools - in such zones (as well as the environment) get left behind. I might add that, if possible, the County should help people work with financial institutions, and builders, to maximize ways of facilitating ownership by residents in any given sort of housing, over time, as wide-spread property ownership is a key to individual prosperity and social stability. In short, while supporting the updating of Montgomery County's housing plans and policies to accommodate more, and more affordable, housing options (as well as to	
	Pro	Nina Koltnow	"Denser growth is smarter growth. Diversity (including economic) is our strength. Please end the ban on new housing in MoCo and require new multi-unit construction to include affordable housing." - Nina Koltnow	
	Con	Multiple people	"We need systemic alignment between the Planning Board and MCPS – planning for Montgomery County's growth MUST include a plan for our schools."	
	Con	Dana Hartz	"As a family that moved to that county solely for the schools, any move that drastically impacts our schools will greatly impact our desire to continue to live here and the attractiveness of this county as a place to raise a family. This would put it at a disadvantage from other counties in Northern Virginia"	
	Con	Alissa Sagri	" I am writing to ask that you ensure our schools have adequate facilities and capacity as our county grows. This can only be accomplished by monitoring growth and stopping it when the schools are at max capacity. The growth can continue only if developers fund new schools, and appropriate traffic and road changes necessary to accommodate the additional residents. "	
	Con	Lisa Cline	"Another consistent criticism of County government has been that it favors industry, in this case, the construction industry. This is unpopular for obvious reasons. Please put kids and families, teachers and schools first in the Subdivision Staging Policy. Without great schools, Montgomery County fails to be attractive to anyone — residents and builders alike."	

**2020 County Growth Policy Public Hearing Draft**  
**Comment Tracking**

Page	Pro/Con/Comment	Commenter	Comment	Staff Response
	Con	David Murray	"The proposal suggests that the County take great fiscal risks without any assessment of how likely the Proposal's recommendations are to produce additional affordable housing units or even any additional housing units of any kind. The Proposal is full of carrots but lacks any meaningful sticks to prod developers who are inclined to keep the carrots in the form of increased profit without delivering any affordable housing units beyond the bare minimum required by law. "	
	Con	Michael Lehmann	"There should be some incentive to offer to developers, planning board members or county councilmembers to force them to suffer the overcrowded schools that result from their policies. From my viewpoint, it looks as if the developers just call the shots, and continue to build ugly boxy condos and apartments, and pretend that there's no impact on schools. The school quality is suffering greatly. Does anyone care?" -Michael Lehmann	
	Con	County Executive	"The CE has concerns that this SSP exceeds the mandate of the Adequate Public Facilities Ordinance (APFO) by prioritizing housing and other policy goals over adequate public facilities, particularly schools. He believes that housing and zoning objectives should be addressed in the zoning code and master plans, not the SSP."	
	Con	Anonymous	"Is there any incentive to offer to developers, planning board members or county councilmembers to force them to suffer the overcrowded schools that result from their policies? It looks as if the developers just call the shots, and continue to build ugly boxy condos and apartments, , and pretend that there's no impact on schools. The school quality is suffering greatly. Does anyone care?"	
	Comment	Catherine Walsh	"What about affordable housing. Affordable meaning under \$300,000." - Catherine Walsh	
	Comment	STAT Members	Many of the ideas discussed are outside the jurisdiction of the SSP and require increased collaboration, transparency, and communication between MCPS, Council, and Planning Board	
	Comment	Marie Koabayashi	Overcrowding is dangerous for our students. - In-school crowds: hallways are uncomfortable packed, which is a certain hazard in case of fire or other emergency. - Lunchtime leave: the administration encourages students to leave the school for lunch, because the cafeteria has long been too small to accommodate all the students. Schools should be able to accommodate all their students inside for lunch. - morning drop-off: overcrowding poses a direct threat to student safety during morning drop-off. ... The Principal sent numerous emails this year reminding parents of the drop-off rules, but the reality is that families cannot follow them in the current overcrowded situation. -	

**2020 County Growth Policy Public Hearing Draft**  
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		Comment	Global LifeSci Dev. Jonathan M. Genn	<p>To be better data-driven and context-sensitive, historical data is needed to see “how we arrived at the current conditions” of over-congested roads (just as with over-crowded schools), so that the Planning Board and County Council can determine how new development pays its proportionate share (but not more than its proportionate share, by paying for current school or road inadequacies that are vestiges or legacies of historic circumstances, which the new development did not generate in any way). Just as the Public Hearing Draft very appropriately studied (in the context of schools) the historical “turnover effect” of existing residential communities (e.g., sales of homes by “empty nesters” to new families, who then sent their children to the schools) versus new development in that same school cluster, even more robust historical data is even more essential in the transportation context than for schools.</p>	