

2020 County Growth Policy Public Hearing Draft
Comment Tracking

This comment tracking spreadsheet was updated on July 7, 2020. There may still be comments that have been received by the Planning Board and/or Montgomery Planning staff that have not been added to this document. Staff will continue to update this with comments received through July 16, 2020, when the public record on the SSP Update effort closes. Also note that comments received that are substantially similar are often combined and identified as coming from "multiple people."

Over time, staff will also attempt to provide more responses to comments in the last column. Nevertheless, staff will provide some responses during upcoming Planning Board work sessions, as applicable. Additional opportunities for community stakeholders to provide comments will be available later this summer and in the fall as the policy and its related bills are considered by the County Council.

Modifications to this document made since the last version (<https://montgomeryplanningboard.org/wp-content/uploads/2020/06/20200701-SSP-Comment-Tracking.pdf>), are shown in red font.

Recommendation	Page	Pro/Con/Comment	Commenter	Comment	Staff Response	
Policy Recommendations: County Growth Policy						
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.
			Con	Katya Marin	whether you call it the SSP or the CGP or the DCI, its purpose is to measure infrastructure and make sure that demand can be met. No matter what your own agendas or visions may be, county code says that 'the policy must include guidelines ... which affect the adequacy and timing of public facilities needed to support growth and development'. It is not a policy to favor development over students.	
Schools Recommendations: School Impact Areas						
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 Lerch Early Brewer	While we do not have concerns with the classifications in principle, we have concerns with the recommendations within the Greenfield Impact Areas.	

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		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	Staff disagrees. The designations are not based on what is anticipated for individual development applications that have not yet received their approvals. It looks at approved pipeline and recent development trends and related enrollment impacts. The WOSG MP area is almost identical to the White Oak Planning Area, which is very consistent with other Turnover Impact Areas. Only about 1% growth in housing units over a five year period, split about 50/50 MF and SF. There are only 22 units in the pipeline and they are all SF. 81% of the land area is zoned for single family. The three tracts that make up the White Oak Activity Center have seen a total of 53 new units built in the last five years -- all single family. There are currently zero units in the pipeline. 49% of the land area is zoned single family (which is more than twice the rate of the Infill Impact Areas). The combined population density in this area is 5.46 people/acre, which is more in line with the density of the Turnover Impact Areas across the county (3.02) and not at all consistent with the density of the Infill Impact Areas (11.29). This area is currently perfectly designated as a Turnover Impact Area. The area is a COG Activity Center, so impact taxes would be discounted using a factor of 60% to incentive growth in this area. It can be reevaluated again in 4 years to see if the housing growth and enrollment connection warrants a different designation.
		Comment	GCCA/TTCA/LCP	We agree with the creation of the Infill Impact Area, but all Activity Centers need to be included in the Infill category. We suggest the Planning Board have the authority to add or delete Activity Centerws based upon approved master plans. In White Oak, there should be three Activity Centers, not one, as defined in the White Oak Science Gateway Master Plan.	
		Comment	Melissa McKenna	Where are MidCounty and UpCounty in all this, such as the Shady Grove Minor Master Plan Amendment and the 2016 Montgomery Village Master Plan? How is the development of a pristine golf course not considered green field development? What is the effect of removing automatic moratoria on these plans? Are amendments addressing issues of infill or turnover in more urban areas applicable in more suburban and rural areas?	
		Comment	Lauren Berkowitz	consider creating a hybrid zone as recommended by MCCPTA. Over 300 homes were just approved in the WJ cluster for example. Such construction is more like a greenfield area.	
		Comment	Wendy Calhoun	What metrics are used to determine Turnover Impact Areas vs. Infill Impact Areas, and how often are the data reviewed and status able to change? We are curious how close the WJ catchment area is to becoming an Infill Impact Area rather than Turnover Impact Area and how often the classification could change	
		Comment	David Murray	If the Planning Board decides to recommend using different student generation for greenfield, infill, and turnover zones, it should also differentiate school construction costs among these areas.	
Schools Recommendations: Annual School Test and Utilization Report					
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 applications and master plans.	37	NAIOP GCCA/TTCA/LCP Lerch Early Brewer	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.

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		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	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 GCCA/TTCA/LCP Lerch Early Brewer	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	38	Pro	Melissa McKenna	"I am thrilled about this recommendation" - 3 yr timeline: this change recognizes when projects will actually be completed rather than the wishful thinking of planning funding in the out years - Individual School Test: considering cluster capacity masked individual overcrowded schools.	
		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 WJ Cluster PTA	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.	
		Pro	Katya Marin	the three-year school test is exponentially more accurate in forecasting enrollment and capacity projects than a four or five-year test. A four or five-year test fails to align capital projects with growth.	
		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.

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		Con	NAIOP Lerch Early Brewer	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).
		Con	Bill Matarazzo	"Builders who are given green light on permits should be only permitted to build if they are automatically rezoned to adjacent HS cluster at or less than 100% utilization and their development will not be permitted to attend the current cluster that geographic location falls within if that school is already at or above 100%. In Clarksburg, this impacts many developments where ground has not yet been broken or ground has been broken but no homes are yet to have been sold. This means many including 355/old balt road, cabin branch at creekside, old Baltimore road near Clarksburg road, 355/comus and and a other on Clarksburg road near ES no. 9, Town Center...just to name a few. These developments must be rezoned to SVHS (who needs students) or NW, poolesville, Damascus...space permitting"	
		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.	
		Comment	GCCA/TTCA/LCP	Considering how unreliable the MCPS projections are on a per school basis, we suggest utilizing current year data. Then the student projections from newly approved subdivisions can be added until MCPS provides a new porjection. - Our experience with the Hillandale Gateway project indicates that MCPS fails to account for students coming from proposed developments currently being considered by the Planning Staff even after much encouragement. - The recent MCPS Boundary Anaisys shows that the boundary of many schools needs to be updated. Assuming MCPS starts making changes then the school enrollment projections even three years in the future will be more inaccurate.	
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 GCCA/TTCA/LCP Lerch Early Brewer	We support this recommendation.	

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		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 WJ Cluster PTA	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.	
		Con	Town of Chevy Chase	the proposal to cease monitoring the ongoing impacts of new residential development on schools during a fiscal year may exacerbate overcrowding. We are skeptical that a blanket 'red light' or 'green light' policy for all development for a year complies with the mandate of Chapter 50's APFO.		
		Con	Lauren Berkowitz	consider a 'yellow light' in areas until we review SSP in 4 more years so that we protect our valuable school infrastructure.		
		Con	Wendy Calhoun	Staging ceilings must be in place, and residential applications must be reviewed within school catchment areas with numbers tallied cumulatively to adequately support those living there now and those who will live there in the future		
		Comment	Kim Haden	I 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.		
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 GCCA/TTCA/LCP Lerch Early Brewer	We support this recommendation	
			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 GCCA/TTCA/LCP	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.	

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		Comment	NAIOP Lerch Early Brewer	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.	
		Comment	Wendy Calhoun	we are concerned about consequential implications that could be drawn from the new information. Our concern is that the PB could approve a development with the condition that the developer make an improvement at a nearby school. However, the Board has no authorization to do so and MCPS will not allow it.	
Schools Recommendations: Residential Development Moratorium					
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 GCCA/TTCA/LCP	"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 Mesirow	"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.

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		Pro	Habitat for Humanity	Habitat enthusiastically supports the recommendation of eliminating the automatic housing moratorium. - the moratorium restricts much needed housing at all affordability levels and has not solved school overcrowding. - the automatic housing moratorium encourages disproportionate investment in schools under moratorium, typically in wealthier neighborhoods, while overlooking other schools with inadequate and substandard facilities, typically in lower income communities. This is inequitable and unacceptable. We must create a policy that encourages equitable and adequate investment in all schools across our County while also encouraging investment in housing that is affordable.	
		Pro	Montgomery Housing Alliance	MHA is extremely pleased to see the recommendation to end automatic housing moratoria in most of the county. Recent projections show that Montgomery County needs to increase production of housing over the next several years, especially housing affordable to households with low and moderate incomes. This goal will not be met while maintaining the existing moratorium policy.	
		Pro	Taxpayers League	The Taxpayers League strongly supports the significant recommendation to eliminate housing moratoria. Long-term it reduces tax revenues, and even hinders creation of new affordable housing as it slows development. Ironically, studies in SF, Oregon, and MN found that moratoriums even accelerate, or frontload, development as threshold numbers are approached - ensuring they will be. It is a poor substitute for thoughtful zoning policies, better school boundaries, managing school construction costs, and introducing cost-effective education alternatives.	
		Pro	Allison Gillespie	My neighbors and I have not seen any significant new housing construction in decades, and yet our local schools remain overcrowded. What we need are more schools in transit-oriented neighborhoods like mine. Halting home construction does not diminish that need.	
		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 requirements. Class sizes are already larger 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, agents, 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 Policy 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.

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		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 Lerch Early Brewer	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."	
		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. "	

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		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."	
		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.
		Con	Lantian Development/ Comsat Site	The Board heard an overwhelming amount of testimony rejecting moratoria and instead suggesting that the automatic moratoria be eliminated entirely to address inadequate school capacity issues. We concur with this approach, as doing so would more equitably address school capacity issues and help fulfill the County's housing goals and priorities, including providing more affordable housing.	
		Con	Bill Matarazzo	I object to the moratorium exception...The SSP appears to conclude that most of the County's new housing growth occurs in Greenfield Impact Areas. However, looking at Figure 5 on p. 34 of the SSP, Greenfield Impact Areas generated 2,237 new students while Turnover Impact Areas generated 6,232 new students. What is interesting about these statistics is that both areas generate a roughly proportionate number of new students when each area is divided by their population and housing units. Placing the Greenfield Impact Area into potential moratoria doesn't seem to be the answer...urtailing development in Greenfield areas would dramatically impact the creation of new housing units for middle-income households, particularly younger families.	

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		Con	WJ Cluster PTA	The Walter Johnson cluster has been in or on the brink of housing moratorium for many years. The existing moratorium policy has not halted development within our cluster, but it has brought the needs of our schools, and the need for funding for capital expansions, to the attention of County actors, including the County Council. If the Planning Board is to support eliminating the tie between school overcrowding and building moratoria, it must include other measures to ensure school capacity remains a priority in areas where new development is planned and schools are already overcrowded and/or dilapidated.	
		Con	Taxpayers League	The League cannot support keeping the moratoria in Greenfield Impact Areas. It is unfair and counterproductive. The rationale is that these are fast-growing areas with high enrollment growth. But, doesn't that mean this is where young families want to live? We should bring jobs to Clarksburg instead of stopping development in one of the most desirable areas in the country.	
		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?	

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		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.		
		Comment	Wendy Calhoun	Moratorium didn't work because: - at times the Council added 'placeholder projects' to take the number under 120% while building continued - projects that had already received approval and were in the pipeline were allowed to be built - it did not take into account neighborhood turnover		
		Comment	Melissa McKenna	Where is the staging part of Subdivision Staging Policy? Staging isn't stopping; it's allowing infrastructure to keep pace with development impacts. - institute phased development requirements in an attempt for school capacity to keep up with enrollment growth rather than overwhelming schools. - consider discussing capping schools with MCPS. Schools would be closed to new development sending those students to an alternate, less crowded school, while still allowing neighborhood students and turnover.		
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 Lerch Early Brewer	We support the recommended exceptions. The de minimus exception should be clear in being interpreted as net additional units.	We can clarify that it is based on the net additional students generated.
			Pro	GCCA/TTCA/LCP	We support this recommendation	
			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.	
4.9.1	Option 1: Establish a new exception that allows the Planning Board to approve residential development in an area under a moratorium if a school (at the same level as any school causing the moratorium) is located within 10 network miles of the proposed subdivision and meets the following adequacy standards: ES: Seat Deficit < 50 seats or Percent Utilization =< 110% MS: Seat Deficit < 90 seats or Percent Utilization =< 110% HS: Percent Utilization =< 110%		Pro	Lerch Early Brewer	We ask the Planning Board to include flexibility with respect to the provisions for Greenfield Impact Areas. The vast majority of planned development in Clarksburg has already been approved. There are, however, two pending residential projects that would be prevented from obtaining approval for an undertermined period of time. This result is particularly troubling because the boundary adjustment approved last year for Clarksburg HS was intended to address the capacity issues. The impact of the developments on high school capacity will be minimal and spread over a period of years, by which time other projects such as the Damascus expansion will address any concerns. ☒	
			Con	Multiple people	Say NO to developer requested exceptions that undermine important public policies including adequate public facilities such as schools and roads and protection of water resources. Standards for schools, roads, water protection, unlike this proposal, were developed based on sound metrics and established science and underwent full vetting and public participation.	

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<p>the moratorium) is located within 3, 5, or 10 network miles (ES, MS, or HS, respectively) of the proposed subdivision and meets the following adequacy standards: ES: Seat Deficit < 25 seats or Percent Utilization =< 105% MS: Seat Deficit < 45 seats or Percent Utilization =< 105% HS: Percent Utilization =< 105%</p> <p>Option 3: Establish a new exception that allows the Planning Board to approve residential development in an area under a moratorium if a school (at the same level as any school causing the moratorium) is located within 3, 5, or 10 network miles (ES, MS, or HS, respectively) of the proposed subdivision and has a projected utilization equal to or less than 95%</p>		Con	Donna McDowell	It seems that the "Planning Board", known to me as the Developer Board, likes to use the pandemic to sneak through pro-development anti-environmental modifications that undermine public policy. Please think again about granting developer-proposed exceptions. I would like to have some faith in your Board. Protecting our water and our environment is the right thing to do.	
		Con	Lee Langstaff	It feels as if the M.O. now for developers, and the Planning Board too, is to just include applying for an exception as part of the normal process for getting what they want, even when it clearly undermines the policies established and agreed upon. We would like to trust the Planning Board to uphold the policies that are well supported by real facts. Each time an exception is made that flies in the face of sound policies, the Planning Board is engaging in piecemeal erosion the effectiveness of having any of these ACCEPTED policies in place.	
		Con	Diane Cameron & Joseph Horgan	Allowing developers to escape our adequate public facilities requirements, and to exceed our wise limits on growth, is a recipe for disaster. Do not approve the requested exception.	
		Con	Sarah Defnet	Clarksburg overdevelopment has already taken construction dollars from other parts of the county school system because models favored their manufactured overcrowding. Enough.. Buyers must realize the true cost of their purchase.. If that pushes the price up and the market doesn't support it then so be it.. but the taxpayers are not funding it.	
		Con	Laura Stewart	Using the 110% utilization rate for a nearby school does nothing to ensure adequacy for the children in the subdivision. It is only offered in order to avoid moratoria so certain projects may move forward. I am concerned that this rule will set a precedent and expectations that we should redistrict children into schools that are already overcrowded. I believe it is better to have no moratoria at all than this proposal.	
		Con	Jane Lehrman	The last minute nature of the proposal makes you look like pawns of the developers...	
		Con	Arthur Slesinger	Every exemption just destroys the whole purpose of controlling growth and overtaxing our infrastructure. ... At the end of the day the tax payers have to deal with the problem and the builders vanish.	
		Con	Lynn Fantle	the net effect of borrowing capacity would be to provide 'flexibility' (and a way around moratorium) for developers if it were to be adopted. And, because most greenfield development in the county is in Clarksburg and the surrounding area, this would have a disproportionate and deleterious effect on an area already woefully short of school capacity and transportation infrastructure.	
		Con	Catherine & Kenny Reddington	sometimes it is best to slow down and make informed decisions. I cannot see any reason why already well-thought out rules should be changed, other than to help developers make more money. Please send a message to your community members that you put their needs first.	
		Con	Vyjoo Krishnan	Clarksburg is already struggling without the planned and promised infrastructure in terms of traffic, pollution, quality of life, adding more development without considering impact on school capacity and proximity to communities so they can be involved in schools is just more insult to injury to Clarksburg and Germantown area.	
	Con	Pam Burce-Staskal	10 miles during rush hour can easily take an hour in a car, much less a school bus with stops. One of the major complaints about the reassignment of Clarksburg HS students to SVHS was that the added transit time was too great because Clarksburg does not have the proper roads and infrastructure to accommodate the current population, much less additional developments.		

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		Con	Jennifer Young	Only MCPS has jurisdiction over school boundaries. Just because an adjacent school district has a lower utilization does not mean that a boundary change will take place. Adjacent capacity without a planned boundary change is merely hypothetical. Capacity has to be based on reality, not some hypothetical.		
		Con	Lucinda Snow	Our zoning regulations, master plans and other regulations balance many factors important to the community of Montgomery County. The problem with this sound planning is that it gets whittled away with exception after exception. This does not have to continue.		
		Con	Carol Agayoff	As a resident of Clarksburg, I have seen how developers have time and time again attempted to run roughshod over established community planning and best practices, all in the name of greed. At times, it appears that the Planning Board is on the side developers. However, as public officials, you should be acting in the best interests of your constituents.		
		Con	Melissa McKenna	This exception comes down to decisions outside your control. Unless and until the BOE will consider such relief and act accordingly, the students will only suffer further. <ul style="list-style-type: none"> - 10 networks miles is too far - reassigning students between schools/clusters serving different demographics is an additional challenge because of the need for wraparound services - objection to using a school that has a utilization rate already above capacity at 110%. Only schools at 80%-90% capacity should be considered. 		
		Con	Katya Marin	Your proposal to approve a subdivision based on nearby capacity has several problems <ul style="list-style-type: none"> - you are not even proposing that there be actual capacity. Your proposal would consider a school that is already overutilized by 10% and 10 miles away - you have no authority to change those boundaries, or compel MCPS to move students from one school to another. - you jeopardize the Utilization Premium Payments, funds that MCPS desperately needs. 		
		Comment	Lauren Berkowitz	It is unclear if MCPS and the community would agree to such boundary changes. Will the construction be permitted to occur even if MCPS and the community don't agree? In such a case, would a school that is already very overcrowded then become more overcrowded? If you are considering this amendment, could you please consider some additional amendments to the new draft SSP that will benefit students and adequate school capacity? Perhaps, builders could be strongly encouraged and they may want to provide community service hours to building schools in a number of hours per number of hours spent building new homes or in proportion of revenue? This would also require agreement from MCPS, but could get schools built quicker and more affordably.		
		Comment	Anne James	Granting developer requests for exceptions is not the correct way forward. Of primary consideration ... should be full projection.		
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	Pro	GCCA/TTCA/LCP	We support this recommendation	
			Con	NAIOP Lerch Early Brewer	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.	

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		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.	
Schools Recommendations: Student Generation Rate Calculation					
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	NAIOP Lerch Early Brewer	We support this recommendation.	
		Con	GCCA/TTCA/LCP	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)	We do not believe that we should limit the multifamily SGRs to the last decade. We did not show a statistically significant difference between the 2010s and the other decades since 1990. And while the average rate in the 2010s is lower than the 2000s and 1990s, staff believes that this is largely due to many of the units in the last decade having more vacancies since many have just begun to be occupied.
		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	
Schools Recommendations: Development Application Review					
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	52	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.	

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inadequate public school infrastructure, after consideration of the applicable data and circumstances.		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	
		Con	Lerch Early Brewer	If Rec 4.16 is adopted, and a project is subject to additional UPP, then the PB should not have the discretion to deny the project on school capacity grounds.	
		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	
		Comment	GCCA/TTCA/LCP	The Board should rather have the ability to provide conditional approval until the Council and/or MCPS take actions needed to provide the needed infrastructure, which could include boundary changes.	
		Comment	Wendy Calhoun	Use of the word 'allow' in this recommendation enables disingenuous interpretation and will lead to a further erosion of Adequate Public Facilities. Changing the word 'allow' to 'require' would provide clear direction and remove any possibility for misunderstanding.	
		Comment	Melissa McKenna	instead phased development requirements in an attempt for school capacity to keep up with enrollment growth rather than overwhelming schools.	
		Comment	Barry Lebowitz	as part of the development approval process a development should have to apply to the BOE for a schools assignment. The BOE could then assign schools to a development based upon seat availability, balancing demographics, etc. This would be a proactive approach to managing capacity, diversity, etc.	
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.	
		Con	Lerch Early Brewer	Extension requests are intended to preserve the original approval for the time period necessary to implement the project, and are not intended to subject the approval to a new APF test that could jeopardize the very project that is to be extended. Projected student generation from an approved project already is factored into background schol capacity calculations and should not be difficult to monitor. If the Board feels differently, this additional testing requirement should be discretionary, as is the Board's current ability to request additional traffic information for an extension.	
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	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"	

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can no longer request an extension of the approval and must restart the plan application process.		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.		
		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	Global LifeSci Dev. Jonathan M. Genn	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.		
		Con	Lerch Early Brewer	We adamantly oppose this recommendation, and if it is adopted, it will have serious impacts on important County projects.		
		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	53	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.	Pro	NAIOP Lerch Early Brewer	We support this recommendation.	
		Pro	MBIA	Support		
		Comment	Multiple people WJ Cluster PTA	We need systemic alignment between the PB and MCPS - planning for Montgomery County's growth must include a plan for our schools		
		Comment	MCCPTA Wendy Calhoun	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	54	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.	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"	
		Pro	Kim Haden	I support Utilization Premium Payments. They should be triggered when schools are forecast to be at or above 105% of capacity. Our schools should not be allowed to get to 120% capacity without intervention. This is a particularly big problem in Clarksburg, where Clarksburg Elementary School is currently already at 200% capacity and nearly all new development is happening in that school service area. All other area elementary schools are at or above capacity.		
		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		

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		Con	Jonathan Genn	Terribly 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	
		Con	Coalition for Smarter Growth	We should not charge developers for impacts not caused by their project. If a school is already overcrowded, it is because of past student enrollment growth and points to a larger funding failure within the county to raise and allocate enough resources to adequately fund schools' capital needs. However, we would support increasing the school impact tax from 60% to 100% for projects located in Activity Centers with overcrowded schools.	
		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 Lerch Early Brewer	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.	
		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	
		Comment	Steve Robins	In lieu of automatic moratoria, inadequate school capacity in Greenfield Impact Areas would be better addressed by applying the flexibility recommended for Turnover and Infill Impact Areas – more specifically, the Utilization Premium Payments.	
		Comment	GCCA/TTCA/LCP	We agree with those standards but oppose the extra payment. Most of the students generation in these areas are due to turnover, which is not the fault of the applicant. On a countywide basis, some 75% of the student generation is due to turn-over. If the green impact area is excluded, then the student growth is typically based upon turnover exceeding 90%.	
		Comment	Lauren Berkowitz	consider changing the trigger back to 105% where it was in the past so we can support our schools further when they are overcrowded. Especially due to COVID-10, space is valued even more within schools to provide a safe educational space for our students. imposing impact tax premiums only when schools are at 120% capacity benefits builders and is too late to help students overcrowded.	
		Comment	Laura Stewart	Instead of Rec 4.9.1, we could implement the UPP on all projects that affect schools that are at 105% utilization and do not have a nearby (defined by a reasonable commute time, not miles) capacity solution.	
		Comment	Taxpayers League	UPP is an improvement over automatic moratoria, but not a substitute for better policies	
		Comment	WJ Cluster PTA	UPPs should be triggered when schools are forecast to be at or above 105% of capacity. Our schools should not be allowed to get to 120% of capacity without intervention.	

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Transportation Recommendations: Vision Zero Resources						
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.	
Transportation Recommendations: Mitigation Priorities						
5.2	Prioritize mitigation strategies designed to improve travel safety.	63	Pro	GCCA/TTCA/LCP	The three organizations support Recommendation 5.2 but the proposed priority list needs to be adjusted. We recommend that transit improvements be done concurrent with pedestrian and bicycle improvements and, where conflicts occur, that transit be given higher priority.	
			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.	
Transportation Recommendations: Development Review Committee						
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.	
Transportation Recommendations: Transportation Impact Study Approach						
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 Zero 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 opposed 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 given mode 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.	
			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.	
Transportation Recommendations: Transportation Impact Study Scoping						
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"	

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		Pro	NAIOP MBIA	We support this recommendation. It is in line with policies articulated throughout the Public Hearing Draft.	
		Pro	GCCA/TTCA/LCP	The three organizations support Recommendation 5.6 to eliminate LATR studies in Metrorail Station Policy Areas (MSPAs) since there are few improvements that can be made and thus the studies provide little information. Also as staff indicated, most recommended LATR improvements run counter to the direction Vision Zero would direct. Ideally an UMP and resulting fees should be developed before making this change. However, until such a time that they can be developed, a flat fee should be applied in order to provide uniformity among MSPAs. Suggest using the average of the LATIP fee for White Oak and Bethesda until individual MSPA fees can be established.	
Transportation Recommendations: Transit Corridor LATR Intersection Congestion Standard					
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.
			Pro	GCCA/TTCA/LCP	The three organizations support Recommendation 5.7 to provide a uniform delay standard along the transit corridors, but question whether the 100 seconds is too much of an increase. Maybe 80 seconds would be more appropriate since that is the existing highest delay standard. The delay standards along the Purple Line need to also be 80 seconds, so Table 16 needs to be eliminated or changed.
			Pro	CSG	We appreciate and strongly support the move to better incorporate Vision Zero into the Subdivision Staging Policy, as well as the recommendation to increase intersection delay standards along Purple Line and BRT corridors. This small adjustment would save lives and support walkability around these future transit nodes.
5.8	Place the three Purple Line Station policy areas in a new dark red 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	Comment	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	Pro	NAIOP	We support this recommendation.
Transportation Recommendations: Policy Area Review					
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	Comment	NAIOP	We do not have enough information to take a position on this recommendation.
			Comment	GCCA; TTCA; LCP	The text needs to clearly state that this Recommendation applies only to producing Master Plans, not for LATR investigations.
5.11	The proposed metric for auto and transit travel times is average time per trip, considering all trip purposes.	75	Comment	NAIOP	We do not have enough information to take a position on this recommendation.
			Comment	GCCA; TTCA; LCP	The text needs to clearly state that this Recommendation applies only to producing Master Plans, not for LATR investigations.

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		Comment	CSG	We understand the objective to look at policy area transportation impacts for Master Plans, but are unsure why this should require a mandate within the SSP. If this recommendation moves forward, we believe that there should be higher standards than the baseline requirements to help us work towards our mode share, climate, and congestion goals. For example, we should set more equal standards for average time per trip. 19 minutes for auto trips and 52 minutes for transit encapsulates the transit inequities ingrained into our land use and transportation planning. We must do better.		
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	76	Comment	NAIOP	We do not have enough information to take a position on this recommendation.	
			Comment	GCCA; TTCA; LCP	The text needs to clearly state that this Recommendation applies only to producing Master Plans, not for LATR investigations.	
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	Comment	NAIOP	We do not have enough information to take a position on this recommendation.	
			Comment	GCCA; TTCA; LCP	The text needs to clearly state that Recommendation applies only to producing Master Plans, not for LATR investigations.	
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	Comment	NAIOP	We need additional time to assess how this metric will impact development projects.	
			Comment	GCCA; TTCA; LCP	The text needs to clearly state that this Recommendation applies only to producing Master Plans, not for LATR investigations.	
Tax Recommendations: School Impact Taxes						
6.1	Change the calculation of school impact taxes to include one tax rate for all multifamily units, in both low-rise and high-rise buildings, based on the student generation rate for multifamily units built since 1990.	79	Con	MCCPTA Wendy Calhoun	defer decision regarding low-rise/high-rise until 2024 as SGRs have historically been very different.	
			Con	GCCA/TTCA/LCP	The three organizations oppose since the data doesn't support this conclusion. See Fig. 29, 40, 42 in Appendix	
			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."	
			Pro	Lerch Early Brewer	We support this recommendation	
			Pro	Selzer Gurvitch	The additional cost that has been assessed to low-rise multifamily projects for three decades creates a cost burden and constrains redevelopment opportunities for transitional sites with zoning that does not allow enough building height for a high-rise project. The elimination of this unwarranted distinction between multifamily school impact tax rates would create additional opportunities for housing in Activity Centers (especially outside of the high-density urban core areas), which is critical to meeting MWCOC's Regional Housing Targets for Montgomery County.	
			Con	Global LifeSci Dev. Jonathan M. Genn	differentiate and further reduce high-rise multifamily to be 33% of the staff's proposed combined multi-family rates, because most of the staff's analysis shows high-rise multifamily generating new student population at ~33% of the generation rates for low-rise multifamily	
		Comment	David Murray	If the Planning Board decides to shorten the duration over which student generation rates are calculated, the new calculation should account for units that have never been occupied as well as units that are leased as short-term rentals when determining the denominator for student generation 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	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"	

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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.		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."	
		Pro	Selzer Gurvitch	It is sound public policy and planning to prioritize residential growth in the County's 23 designated Activity Centers because these locations have proximity to employment centers and transit. In light of the uncertainty and economic challenges created by the ongoing COVID-10 public health crisis, it has never been more important to adopt policies that encourage housing in the most appropriate locations in the County.	
		Pro	Coalition for Smarter Growth	this recommendation correctly recognizes that impact taxes are a tool to either incentivize or disincentivize economic development. Reducing the school impact tax for areas where we desire growth will not make or break the MCPS capital budget, but impact taxes do play a significant role in whether new home projects pencil out.	
		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. "	
		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"	
		Con	Melissa McKenna	what is the rationale for reducing the school impact tax revenue? It's calculation is unusually specific, has a direct nexus to impact via student generation rate, and yet is still an insufficient amount. At a minimum, these rates should be standard across the board at a minimum of 100%.	
		Comment		County Executive	What is the value of the 60% discount to the APFO?

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		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)	
		Comment Lerch Early Brewer	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.	
		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.	
		Comment	Coalition for Smarter Growth	we'd like to note that some of the identified Activity Centers n outer areas lack transit and are overly large.	
		Comment	Taxpayers League	The League supports reducing the school impact tax to 100%. However, we cannot support differentiated taxes, such as the lower 60% in Activity Centers. We will just exacerbate the problems we now face. The rationale is that this is where growth should be focused. Says who? Not the people buying homes elsewhere. It is inequitable and continues the tradition of DownCounty being subsidized by the rest of the residents.	
		Comment	GCCA/TTCA/LCP	We think the incentive should apply to all Activity Centers, because by definition those are the locations where development should be targeted. The Activity Centers need to be more focused than shown in Fig. 33	
		Comment	GCCA/TTCA/LCP	The proposed rates are still too high. Since the recordation tax is proposed to be increased, we think the discount should be lowered from 60% to 50%. Taxes need to be changed from a flat rate to a sliding rate based upon market value.	
		Comment	Melissa McKenna	consider the possibility of incorporated municipalities as their own impact area. If Upp funds are earmarked for the impacted schools, municipalities will not receive any UPP.	

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		Comment	David Murray	The proposal in its current state is very unlikely to be revenue neutral. It suggests cutting school impact fees dramatically. To allocate costs more precisely, the Planning Board should seek more precision throughout the calculation process, if it seeks to change the formula at all. If the Planning Board decides to set school impact fees at 100% of construction costs, then it should work with MCPS to forecast school construction costs accurately. Currently, costs are calculated using backward-looking data. Even the current 120 percent fee basis often falls short of covering actual costs of adding seats.	
		Comment	Multiple People	I support a reduction of impact taxes to 110% of estimated costs using applicable student generation rates. This includes an allocation for land, which is not contemplated in the cost-per-student.	
6.3	Allow a school impact tax credit for any school facility improvement constructed or funded by a property owner with MCPS' agreement.	Pro	MCCPTA	MCCPTA supports this recommendation and hope MCPS will take advantage of the opportunity	
		Pro	GCCA/TTCA/LCP	The three organizations support this recommendation	
		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 Lerch Early Brewer	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.	
		Comment	Melissa McKenna	BOE Policy CNE: Facility improvements that are not funded with Montgomery County Revenues exactly proscribes acceptable improvements. Were credits beyond land dedication discussed with MCPS before inclusion? Please do not offer something that MCPS will not accept. This also raises a HUGE red flag on equity. Developers could prefer high demand areas versus those with substandard facilities in areas that lack developer interest. Will they be racing to fix Burnt Mills ES, South Lake ES?	
6.4	Eliminate the current impact tax surcharge on units larger than 3,500 square feet.	Pro	NAIOP Lerch Early Brewer GCCA/TTCA/LCP	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	
Tax Recommendations: Impact Tax Exemptions on Residential Uses					
6.5	Eliminate the current impact tax exemptions for development in former Enterprise Zones.	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" Fourteen years beyond the expiration date in Silver Spring is more than enough time for an incentive to encourage job growth, not housing.	
		Pro	MCCPTA	"enterprise zones were established to stimulate commercial activity, and a legacy exemption on residential housing is unwarranted"	
		Pro	GCCA/TTCA/LCP	The three organizations support this recommendation	

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		Con	NAIOP Lerch Early Brewer	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.	
		Con	Global LifeSci Dev. Jonathan M. Genn	The new County Growth Policy should retain the impact tax exemption for Enterprise Zones, and for the exact same policy reasons, add an exemption for the County's Qualified Opportunity Zones that were recently certified by the US Treasury (and which essentially have the same socio-economic and historic disinvestment characteristics as Enterprise Zones).	
		Con	URW (Westfield Corporation)	Wheaton's designation as an Enterprise Zone just expired in 2019. URW hopes that you will reconsider eliminating this exemption. The economic reality is that even when we have no impact taxes included it is difficult to create a project that is feasible. The apartment rents are much lower in Wheaton than that of Montgomery Mall but unfortunately the costs to construct are much the same. We appreciate that the SSP recommends lowering the school tax in areas such as Wheaton, but this is not enough. URW encourages the Planning Board to reinstate the impact tax exemption for Wheaton.	
		Con	Coalition for Smarter Growth	We oppose ending the impact tax exemption for downtown Silver Spring. It's important to consider the short-term tradeoffs for longer term benefits. Although Silver Spring is the only Enterprise Zone to successfully graduate from the program, its future success is far from guaranteed, especially in the current difficult economic environment.	
		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 Lerch Early Brewer	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 Lerch Early Brewer	we support exemption for Opportunity Zone properties within Central Business Districts.	
		Comment	Global LifeSci Dev. Jonathan M. Genn	new revitalization development projects in the lower socio-economic areas of the County should effectively be granted the opportunity whereby all applicable SSP/impact surtaxes would not be due and payable at building permit, but rather paid over years via a development district revenue bond financing structure	

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		Comment	GCCA/TTCA/LCP	We recommend that at the county level Opportunity Zones be exempt from Impact Taxes. Opportunity Zones is a federal program similar to Enterprise Zones, which are designed to drive long-term capital to distressed communities by providing tax benefits on investments in these zones. Between the two programs, the depressed part of east county will benefit. This investment will start to address the long standing inequity situation here and addressing the Complet Communities Vision. Citizens in east county often share the impression that east county has been ignored by the county government in terms of investment for ast least four decades.	
6.6	85	Pro	Montgomery Housing Alliance	We support this recommendation. This higher standard will result in more permanently moderately priced housing.	
		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	
		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.	
		Con	Global LifeSci Dev. Jonathan M. Genn	the one-size-fits-all approach regarding MPDUs lacks all context sensitivities. The general desired policy to increase the supply of MPDU needs to be context-sensitive to the fact that certain areas of the County do not have the same need to increase the supply of MPDUs. - A county-wide study to see where there are significant over-concentrations of MPDUs and where there are significant under-counts of MPDUs on account of the historic disparities should be a prerequisite before setting these MPDU percentage thresholds for impact surtax exemptions. - perhaps an adjustment metric could be based upon the percentage of FARM students by school cluster.	

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Recommendation	Page	Pro/Con/Comment	Commenter	Comment	Staff Response		
		Con	GCCA/TTCA/LCP	<p>1. Affordable housing should be provided in Greenfield Impact Areas as well as the remainder of the County.</p> <p>2. The three organizations agree with the proposal that the units be placed in the MPDU program.</p> <p>3. Requiring twice as many MPDUs as the standard size will effectively just reduce the number of such times this exemption will be used. The development of MPDUs is a money-losing effort for developers and just adding the number of MPDUs will only make fewer such developments economic. The use of the exemption is also infrequently used, surely because of economics.</p>			
		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 Lerch Early Brewer	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.			
		Comment	Selzer Gurvitch	it is critical that the PB recognize various development projects that have already proceeded through the development review process under the current rules. We respectfully request that the PB recommend that any development project with a preliminary plan of subdivision or site plan approval that includes 25% MPDUs be permitted to use the impact tax exemption at the time of building permit as long as the underlying preliminary plan of subdivision and/or site plan approval remain valid.			
		Comment	Town of Chevy Chase	we request information about how the proposed changes will affect revenues collected. How will the revenues under the new systems compare to what currently exists, and what is the anticipated net effect on funding for projected infrastructure needs? A comprehensive evaluation of the financial impact of the changes to school impact taxes and recordation taxes is necessary and should be made publicly available prior to further consideration of those changes.			
6.7		Continue to apply impact taxes on a net impact basis, providing a credit for any residential units demolished.	86	Pro	NAIOP MBIA Lerch Early Brewer GCCA/TTCA/LCP	We support this recommendation.	

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		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"> • 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. • 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. • 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). • 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. • 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.) 		
Tax Recommendations: Recordation Tax						
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."	
			Pro	Coalition for Smarter Growth	Since over 70% of new students come from neighborhood turnover and recordation taxes account for nearly a quarter of the MCPS budget, it makes sense to target home purchases to fund school capacity projects. We especially support an increase that is progressive.	
			Pro	Montgomery Housing Alliance	we recognize the need to ensure a high-quality school system with schools that are not overcapacity. Progressive increases to the recordation tax would boost funding for schools as well as rental assistance.	
			Con	Anonymous	"In this plan, individuals will pay more (recordation tax) and developers will pay less." -Anon	
			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	

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		Con	MBIA	Cost gets passed to the consumer - increasing costs of homes across the board	
		Con	Taxpayers League	Besides the negative effects on economic growth, the county does not control costs effectively, such as through regular performance reviews, objective justification for competing capital projects, and incentives to reduce costs. As we know, the county residents are on record for opposing tax increases as well.	
		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 Lerch Early Brewer	Recordation taxes should be as low as possible to make the county competitive when it comes to tax policy.	
		Comment	David Murray	It was pointed out several times during the 11 June meeting and the 18 June meeting that new housing has generated 23% of enrollment growth and accounts for 8% of the CIP budget. Another way to look at these statistics is that existing housing pays for 92% of the CIP but only generates 77% of the new students. Is the difference between the actual impact on schools being passed on to consumers as savings on housing costs, or are developers passing the difference to investors as profits?	
Appendices					
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.	
General/ Overall Comments					
		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."	

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Recommendation	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 widespread 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,	
		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."	

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		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. -	
		Comment	Global LifeSci Dev. Jonathan M. Genn	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.	

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		Comment	Coalition for Smarter Growth	<p>The working draft does not reference the capacity relief that boundary changes would bring system-wide, reducing the need for some expensive capital projects.</p> <p>We also urge the staff to make note of the effect that flexible school siting and creative project financing techniques could bring on the MCPS capital budget.</p> <p>We recognize that these recommendations fall under the jurisdiction of MCPS and the BOE. It is apparent that there needs to be a better dialogue between MCPS, the BOE, PB, and the County Council.</p>	
		Comment	Maria Fernanda McClure	<p>Last week Casey Anderson allowed Barbara Sears and Bob Harris to participate in a phone call intended to discuss Subdivision Staging Policy (SSP) Revisions. They were allowed to take up 45 minutes of that call for their own concerns, but the community was not involved. During this call there was a willingness on the part of Montgomery County Planning staff to consider changing the moratorium threshold from 110% to 125%. Why would this adjustment be acceptable for developers, but not for communities seeking relief? That the conversation even occurred is unacceptable. Further, the lawyers suggested MCPS can change boundaries any time they want. I would argue that the events of the past 2 years suggest otherwise. Just look at the appalling opposition to the Countywide Boundary Analysis. Just look at the lawsuit which protests the results of the Upcounty study. It is a falsehood to say MCPS can change boundaries any time they want.</p>	
		Comment	Taxpayers League	<p>What's missing in the County Planning draft report</p> <ul style="list-style-type: none"> - in the area of transportation, the report contained nothing about allocating resources to projects with the highest return on investment, as opposed to ones not justified, such as BRT and bicycle tunnel - reduce school costs - school boundary changes - promote education alternatives, such as PTHECHs and charter schools to achieve education equity faster, alleviate overcrowding, help pay for new schools, reduce operating costs, promote diversity, and advance poor neighborhoods educationally and economically simultaneously 	
		Comment	Lerch Early Brewer	<p>We propose the following: "Sec. 2. Transition. The amendments made in Section 1 must apply to any development that receives original site plan approval from the Planning Board after this Act takes effect.</p> <p>Comprehensive grandfathering provisions are necessary. Protectoin should be provided for all projects that have filed, are in proces, or have approvals that may require amendments later.</p>	
		Comment	GCCA/TTCA/LCP	<p>Errors that need correcting...</p> <ol style="list-style-type: none"> 1. Page 11, 12. Both indicate that the FDA campus in White Oak is future. The campus exists with some 12,000 employees assigned to it an dthe text needs to be changed to reflect it. 2. The identification of Activity Centers is not consistent and confusing. We recommend eliminating reference to Activity Center TAZs (Fig. 3-6) and showing only Activity Centers. 3. The Figures have some BRT segments missing. On Fig. 3 & 28, the Randolph Corridor extends east of US29 per the White Oak Science Gateway Master Plan. On Fig. 4,5, & 6, the Randolph Corridor is entirely missing and the Purple Line extends into PG County. 	

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		Comment	Town of Chevy Chase	Whatever methodology the Planning Board ultimately recommends in the County Growth Policy, it must be robust enough to exert pressure on the County and other key participants to make the necessary investments.	
		Comment	Gordie Brenne	<ul style="list-style-type: none"> - increasing impact and recordaton taxes, and imposing a new UPP don't make sense. That will inhibit growth. Instead, open up moratorium schools to charter school competition. - growth plan forecasts should be changed to reflect innovative approaches to make the housing budget more efficient and effective. - WSSC has a high risk of insolvency and the growth plan has no provisions for managing this. 	