

## Attachment A: Excerpts from the Growth and Infrastructure Policy

### 2020-2024 Growth and Infrastructure Policy

Legislative history:

- Adopted through [Council Resolution 19-655](#) on November 16, 2020

#### Applicability; transition

##### AP1 Effective dates

This resolution takes effect on January 1, 2021 and applies to any application for a preliminary plan of subdivision filed on or after that date.

##### AP2 Transition

For any complete application for subdivision approval submitted before January 1, 2021 or any preliminary plan application filed prior to February 26, 2021 that includes at least 25% affordable units as defined in Sections 52-41(g)(1) through 52-41(g)(4) or 52-54(d)(1) through 52-54(d)(4) of the County code, the rules of the 2016-2020 Subdivision Staging Policy continue to apply, unless an applicant elects to be reviewed under the 2020-2024 Growth and Infrastructure Policy for schools (Sections S-1 through S-6) and the 2016-2020 Subdivision Staging Policy for transportation.

#### Guidelines for the Administration of the Adequate Public Facilities Ordinance

County Code Chapter 8 Article IV (“the Adequate Public Facilities Ordinance or APFO”) directs the Montgomery County Planning Board to approve preliminary plans of subdivision only after finding that public facilities will be adequate to serve the subdivision. This involves predicting future demand from private development and comparing it to the capacity of existing and programmed public facilities. The following guidelines describe the methods and criteria that the Planning Board and its staff must use in determining the adequacy of public facilities. These guidelines supersede all previous ones adopted by the County Council.

The Council accepts the definitions of terms and the assignment of values to key measurement variables that were used by the Planning Board and its staff in developing the recommended Growth and Infrastructure Policy/Subdivision Staging Policy (“Policy”). The Council delegates to the Planning Board and its staff all other necessary administrative decisions not covered by the guidelines outlined below. In its administration of the APFO, the Planning Board must consider the recommendations of the County Executive and other agencies in determining the adequacy of public facilities.

The findings and directives described in this Policy are based primarily on the public facilities in the approved FY 2021-26 Capital Improvements Program (CIP) and the Maryland Department of Transportation FY 2020-25 Consolidated Transportation Program (CTP). The Council also reviewed related County and State and Federal funding decisions, master plan guidance and zoning where relevant, and related legislative actions. These findings and directives and their supporting planning and measurement process have been the subject of a public hearing and

### TL2.3 Pedestrian System Adequacy

The Pedestrian System Adequacy Test consists of three components:

1. **Pedestrian Level of Comfort (PLOC).** Pedestrian system adequacy is defined as providing a “Somewhat Comfortable” or “Very Comfortable” PLOC score on streets and intersections for roads classified as Primary Residential or higher (excluding Controlled Major Highways and Freeways, and their ramps),<sup>1</sup> within a certain walkshed from the site frontage, specified in Table T4. The table also identifies the maximum span of improvement that the applicant must provide beyond the frontage. Specific improvements to be constructed should be identified in consultation with Montgomery Planning and MCDOT.
2. **Street Lighting.** The applicant must evaluate existing street lighting based on MCDOT standards along roadways or paths from the development to destinations within a certain walkshed from the site frontage, specified in Table T4. The table also identifies the maximum span of streetlighting that the applicant must provide beyond the frontage. Where standards are not met, the developer must upgrade the street lighting to meet the applicable standards.
3. **ADA Compliance.** The applicant must fix Americans with Disabilities Act (ADA) noncompliance issues within a certain walkshed from the site frontage equivalent to half the walkshed specified in Table T4. The table also identifies the maximum span of ADA improvements that the applicant must provide beyond the frontage.

**Table T4. Pedestrian Adequacy Test Scoping**

<b>Peak-Hour Person Trips Generated</b>	<b>Red and Orange Policy Area Walkshed*</b>	<b>Yellow and Green Policy Area Walkshed*</b>
50 – 99	400’	250’
100 – 199	750’	400’
200 – 349	900’	500’
350 or more	1,000’	600’

\* The maximum required length of sidewalk and streetlighting improvements beyond the frontage is 4 times the appropriate value in this column. The maximum span required for ADA improvements beyond the frontage is equal to the appropriate value in this column.

Alternatively, if the Planning Board and MCDOT agree that constructing all or part of these requirements may not be practicable due to unattainable right-of-way, an existing CIP project, other operational conditions outside the applicant’s control, or otherwise not considered practicable by the Planning Board and MCDOT, an applicant may meet this requirement with a mitigation payment to MCDOT that is reasonably related to MCDOT’s estimated cost of constructing the required facilities. These funds must be used by MCDOT in the construction of other pedestrian system improvements within the same policy area, or—for a Red policy area or an Orange town center policy area—either in that area or an adjacent one, unless the applicant agrees otherwise.

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<sup>1</sup> Or the equivalent classifications in the Complete Streets Design Guidelines, when approved by the County Council.

### TL2.4 Bicycle System Adequacy

Bicycle system adequacy is defined as providing a low Level of Traffic Stress (LTS-2) for bicyclists. Bicycle system analysis will be based on the following standards and scoping:

For any site generating at least 50 peak-hour person trips, conduct an analysis of existing and programmed conditions to ensure low Level of Traffic Stress (LTS-2) conditions on all transportation rights-of-way within a certain distance of the site frontage, specified in Table T5. If current and programmed connections will not create adequate conditions, the applicant must construct sidepaths, separated bike lanes, or trails, consistent with the Bicycle Master Plan, that create or extend LTS-2 conditions up to the specified distance from the site frontage.

**Table T5. Bicycle Adequacy Test Scoping**

Peak-Hour Person Trips Generated	Red and Orange Policy Areas	Yellow and Green Policy Areas
50 – 99	400'	250'
100 – 199	750'	400'
200 – 349	900'	500'
350 or more	1,000'	600'

Alternatively, if the Planning Board and MCDOT agree that constructing all or part of this requirement may not be practicable due to undesirable transitions, unattainable right-of-way, or an existing CIP project, an applicant may meet this requirement with a mitigation payment to MCDOT that is reasonably related to MCDOT’s estimated cost of constructing the required facilities. These funds must be used by MCDOT in the construction of other LTS-1 or LTS-2 bicycle system improvements within the same policy area, or—for a Red policy area or an Orange town center policy area—either in that area or an adjacent one, unless the applicant agrees otherwise.

### TL2.5 Bus Transit System Adequacy

For any site generating at least 50 peak-hour person trips in Red, Orange, and Yellow policy areas, conduct an analysis of existing and programmed conditions to ensure that there are bus shelters outfitted with realtime travel information displays and other standard amenities, along with a safe, efficient, and accessible path between the site and a bus stop, at a certain number of bus stops within a certain distance of the site frontage, specified in Table T6. Where shelters and associated amenities are not provided, an applicant must construct up to the number of shelters and amenities specified in Table T6.

**Table T6. Transit Adequacy Test Scoping**

Peak-Hour Person Trips Generated	Red and Orange Policy Areas	Yellow Policy Areas
50 – 99	2 shelters within 500'	1 shelters within 500'
100 – 199	2 shelters within 1,000'	2 shelters within 1,000'
200 – 349	3 shelters within 1,300'	2 shelters within 1,300'
350 or more	4 shelters within 1,500'	3 shelters within 1,500'

Alternatively, if the Planning Board and MCDOT agree that constructing all or part of this requirement may not be practicable due to undesirable transitions, unattainable right-of way, or an existing CIP project, an applicant may meet this requirement with a mitigation payment to MCDOT that is reasonably related to MCDOT's estimated cost of constructing the required facilities. These funds must be used by MCDOT in the construction of other bus shelters with the same amenities and improvements to pedestrian access to and from bus stops, such as improved paved connections, crossings, and lighting. These funds must be spent on such improvements within the same policy area, or—for a Red policy area or an Orange town center policy area—either in that area or an adjacent one, unless the applicant agrees otherwise.

### **TL2.6 Temporary Suspension for Bioscience Facilities**

The Local Area Transportation Review (section TL2) requirements of the Subdivision Staging Policy must not apply to a development or a portion of a development where:

- (a) the primary use is for bioscience facilities, as defined in Section 52-39 of the County Code; and
- (b) an application for preliminary plan, site plan, or building permit that would otherwise require a finding of Adequate Public Facilities is approved after January 1, 2021 and before January 1, 2025; and
- (c) an application for building permit is filed within 3 years after the approval of any required preliminary plan or site plan.

### **TL3 LATR Vision Zero Statement**

All LATR studies for a site that will generate 50 or more peak-hour person trips must develop a Vision Zero Statement. This statement must assess and propose solutions to high injury network and safety issues, review traffic speeds, and describe in detail how safe site access will be provided. With concurrence of the responsible agency, projects must implement or contribute to the implementation of safety countermeasures. The County Council may adopt predictive safety analysis as part of this statement, when available.

### **TL4 Additional LATR Standards and Procedures**

In administering Local Area Transportation Review, the Planning Board must not approve a subdivision if it finds that inadequate travel conditions will result after considering existing roads, programmed roads, available or programmed mass transportation, and improvements to be provided by the applicant. If the subdivision will affect an intersection or roadway link for which congestion is already unacceptable, then the subdivision may only be approved if the applicant agrees to mitigate the impacts of either:

- a sufficient number of trips to bring the inadequate travel conditions to a level of adequacy, or
- a number of trips attributable to the development.

The nature of the LATR test is such that a study is necessary if inadequate travel conditions are likely to occur. The Planning Board and staff must examine the applicant's traffic study to determine whether adjustments are necessary to assure that the LATR study is a reasonable and appropriate reflection of the traffic impact of the proposed subdivision after considering all approved development and programmed transportation projects.

If use and occupancy permits for at least 75% of the originally approved development were issued more than 12 years before the LATR study scope request, the number of signalized intersections in the study must be based on the increased number of peak hour trips rather than the total number of peak hour trips. In these cases, LATR is not required for any expansion that generates 5 or fewer additional peak hour trips.

For Local Area Transportation Review purposes, the programmed transportation projects to be considered are those fully funded for construction in the first 6 years of the current approved Capital Improvements Program, the state's Consolidated Transportation Program, or any municipal capital improvements program. For these purposes, any road required under Section 302 of the County Charter to be authorized by law is not programmed until the time for petition to referendum has expired without a valid petition or the authorizing law has been approved by referendum.

If an applicant is participating in a traffic mitigation program or one or more intersection improvements to meet Local Area Transportation Review requirements, that applicant must be considered to have met Local Area Transportation Review for any other intersection where the volume of trips generated is less than 5 Critical Lane Movements.

Any LATR study must be submitted by a registered Professional Engineer, certified Professional Traffic Operations Engineer, or certified Professional Transportation Planner.

At the Planning Board's discretion, each traffic mitigation program must be required to operate for at least 12 years but no longer than 15 years. The Planning Board may select either trip reduction measures or road improvements, or a combination of both, as the required means of traffic mitigation.

The Planning Board has adopted guidelines to administer Local Area Transportation Review. To the extent that they are consistent with this Policy, the Planning Board guidelines may continue to apply or may be amended as the Planning Board finds necessary.

In administering Local Area Transportation Review, the Planning Board must carefully consider the recommendations of the County Executive concerning the applicant's LATR study and proposed improvements or any other aspect of the review. To achieve safe and convenient pedestrian travel, the Planning Board may adopt administrative guidelines requiring construction of off-site sidewalk improvements consistent with County Code §50-25. To support creating facilities that encourage transit use, walking, and bicycling, to maintain an approximately equivalent level of service at the local level for both auto and non-auto modes, the Board may allow the applicant to use peak hour vehicle trip credits for providing non-auto facilities. Before approving credits for non-auto facilities to reduce Local Area Transportation Review impacts,