

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

APPROVED
MINUTES AND SUMMARY

SUMMARY
Thursday, May 9, 2024
2425 Reedie Drive
Wheaton, MD 20902
301-495-4605

The Montgomery County Planning Board met in regular session in the Wheaton Headquarters Building in Wheaton, Maryland, and via Microsoft Teams video conference on Thursday, May 9, 2024, beginning at 9:09 a.m. and adjourning at 12:19 p.m.

Present were Chair Artie Harris, Vice Chair Mitra Pedoeem, and Commissioners Shawn Bartley and James Hedrick.

Commissioner Linden was necessarily absent for Items 1 through 3 and arrived during Item 4 at 9:26 a.m.

Items 1 through 4 were discussed in that order and reported in the attached Minutes.

The Planning Board recessed at 11:50 a.m. and reconvened in the auditorium and via video conference to return to open session at 12:03 p.m. to discuss Item 5 as reported in the attached Minutes.

There being no further business, the meeting adjourned at 12:19 p.m. The next regular meeting of the Planning Board will be held on Thursday, May 16, 2024, in the Wheaton Headquarters Building in Wheaton, Maryland, and via video conference.

Rachel Roehrich
Rachel Roehrich
Technical Writer/Legal Assistant

MINUTES

Item 1. Preliminary Matters

A. Adoption of Resolutions

1. Springvale Terrace Sketch Plan No. 320240020 – MCPB No. 24-046
2. Springvale Terrace Preliminary Plan No. 120240030 – MCPB No. 24-047
3. Springvale Terrace Site Plan No. 820240040 – MCPB No. 24-048
4. Springvale Terrace Forest Conservation Plan No. F20240200 – MCPB No. 24-049

BOARD ACTION

Motion: Hedrick/ Bartley

Vote: 3-0-1

Other: Vice Chair abstained due to being absent on April 18, 2024. Commissioner Linden was necessarily absent.

Action: Adopted the Resolutions cited above, as submitted.

B. Approval of Minutes

1. Minutes for April 11, 2024
2. Minutes for May 2, 2024

BOARD ACTION

Motion: Hedrick/ Bartley

Vote: 4-0

Other: Commissioner Linden was necessarily absent.

Action: Approved Planning Board Meeting Minutes of April 11, 2024 and May 2, 2024, as submitted.

C. Other Preliminary Matters

BOARD ACTION

Motion:

Vote:

Other:

Action: There were no Other Preliminary Items submitted for approval.

Montgomery County Planning Board
Public Meeting Minutes of May 9, 2024

Item 2. Record Plats (Public Hearing)

Subdivision Plat No. 220230610, Shivacharan

AR zone; 1 lot; located on the south side of Whites Ferry Road (MD 107), 1300 feet west of Morrow Road; Agriculture and Rural Open Space Master Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220240390, Woodhaven

R-90 zone; 1 lot; located on the north side of Thoreau Drive, 230 feet east of Hawthorne Road; Bethesda-Chevy Chase Master Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: Hedrick/ Bartley

Vote: 4-0

Other: Commissioner Linden was necessarily absent.

Action: Approved Staff recommendation for approval of the Record Plats cited above, as submitted.

Item 3. Regulatory Extension Requests (Public Hearing)

Kings Crossing, Site Plan No.820240070: Regulatory Review Extension Request No. 1 - Request to extend the review period from May 23, 2024 to July 11, 2024.

Application to create 10 lots for 10 new single-family detached dwelling units and one lot for one existing single-family detached dwelling unit; 8505 Crossview Road; R-200; 6 Acres; 1989 Germantown Master Plan.

Staff Recommendation: Approval of the Extension Request

U. Njeze

BOARD ACTION

Motion: Hedrick/ Bartley

Vote: 4-0

Other: Commissioner Linden was necessarily absent.

Action: Approved Staff recommendation for approval of the Regulatory Extension Request cited above.

Item 4. 2024 Growth and Infrastructure Policy Update – Working Draft

Planning Department Staff will present the Working Draft of the 2024-2028 Growth and Infrastructure Policy update. Staff recommends approval of the Working Draft as the Public Hearing Draft and requests that the Planning Board set a date for the Public Hearing. The Planning Board must transmit the draft 2024-2028 Growth and Infrastructure Policy (GIP) to the County Council by August 1, 2024. The Council will adopt an updated policy by November 15, 2024.

Staff recommendation: Approve the Working Draft as the Public Hearing Draft and set May 23, 2024 as the Public Hearing date.

D. Buckley/L. Govoni/H. Baek

BOARD ACTION

Motion: Hedrick/ Pedoeem

Vote: 5-0

Other:

Action: Approved Staff recommendation for approval of the Working Draft of the 2024 Growth and Infrastructure Policy Update as the Planning Board Public Hearing Draft, accepted changes to the working draft and set the Public Hearing for May 23, 2024.

Lisa Govoni, Acting Supervisor of Countywide Planning & Policy Division, Darcy Buckley, Countywide Planner III, and Hye-Soo Baek, Planner III offered a multi-media presentation regarding the 2024 Growth and Infrastructure Policy (GIP) Update. Further information can be found in the Staff Report dated May 3, 2024. Also, Eli Glazier, Acting Planning Transportation Supervisor; David Anspacher, Acting County Wide Division Chief; Robert Kronenberg, Deputy Planning Director; and Jason Sartori, Planning Director were present and offered comments.

Jason Sartori, Planning Director, gave a brief introduction to the GIP and the structure of the working drafts. The GIP addresses the adequacy of public facilities as it relates to the regulatory or development review process. It sets standards for evaluating individual development proposals to determine if the surrounding public infrastructure, such as transportation networks, school facilities, and impact taxes, can accommodate the demands of the development. It also outlines requirements for mitigating inadequate infrastructure.

Making an adequacy determination involves both forecasting future impacts from private development and assessing the condition of the existing public infrastructure. That includes schools, transportation, water & sewage, and police, fire and health services. Water and sewer service are considered adequate if the subdivided property is planned to be serviced within two years, as outlined in the County's 10-year Water and Sewer Plan. Police, fire and health facilities are considered adequate unless there are complaints, or an appropriate agency identifies a problem.

Staff updates include a review of past policies, connecting data, and current growth trends to make the policy clear and more sufficient. Review development impact taxes and while the taxes are not part of the policy, they are closely connected so the standard is to make recommendations on them at the same time. Finally, Staff plans to align the policy with the County priorities of the Racial Equity and Social Justice Act (RESJ), economic competitiveness, environmental resilience, compact growth, housing for all, safety, and good governance.

Schools

The GIP uses a context-sensitive approach that classifies county neighborhoods into School Impact Areas based on the character of their growth and that growth's impact on school facilities.

Recommendations include:

1. Modify the school impact area boundaries so that they align with the proposed Transportation Policy Area boundaries.
2. Adjust the seat deficit thresholds of each UPP tier to align with MCPS's CIP guidelines
3. Utilize premium payment (UPP) funds collected to be used for capital projects.
4. Student Generation Rate (SGR) Housing types, reclassify stacked flats and similar housing unit types that deviate from the traditional single-family or multi-family classifications.
5. Monitor Early childhood program expansion.

Staff addressed the Board's concerns regarding the school district boundaries, housing growth indexes, and types of housing used to calculate enrollment rate, how data is collected, and how trends are determined.

Transportation

For transportation adequacy, Staff is focused on moving the policy away from strategies exclusively concerned with reducing congestion and instead moving toward making walking, biking, and transit safer and more convenient.

2024 recommendations focus on honing existing tools and continuing the trends of the Local Area Transportation Review (LATR). The recommendations include:

1. Update policy areas to support the county's goals
2. Require a LATR study for any proposed development generating 30 or more net new peak-hour motor vehicle trips. 50 person trips = 30 vehicle trips
3. Update the LATR intersection delay standards to reflect changes to policy area boundaries and designations.
4. Establish a Non-Motor Vehicle Adequacy Test. This test replaces the individual pedestrian, bicycle, and bus transit systems tests.
5. Modify the non-motor vehicle adequacy test requirements to maintain the county's high standards while minimizing unnecessary data collection and analysis.
6. Refine the Vision Zero Statement to focus on managing speed for safety.
7. Remove the reference to the Safe Systems Adequacy Test.
8. As part of the 2025 LATR Guidelines update, develop a vehicle trip-based Proportionality Guide calculation that better accounts for impacts.
9. Allow all fee-in-lieu funds to be spent in both the subject policy area and adjacent policy areas.
10. Allow fee-in-lieu funds collected for non-motor vehicle deficiencies to be used for any non-motor vehicle improvement within the subject policy area or an adjacent policy area.

11. Expand the current off-site mitigation exemption for affordable housing units, which currently only includes mitigation payments, to include constructed improvements.
12. Exempt multi-family units with three or more bedrooms from off-site mitigation construction and payment.
13. Exempt daycares from the requirement to complete an LATR study.
14. Extend the Bioscience LATR exemption for another four years, so it applies to applications filed before January 1, 2029.
15. Establish a Non-Auto Driver mode share (NADMS) guide for new policy areas.
16. Revise the GIP resolution text to reflect updated county plans, policies, laws, regulations, and guidance.
17. Reorganize and update the LATR Guidelines.
18. Stakeholder coordination – continue to work with SHA and state delegates to clarify mutual expectations in the development review process

Staff addressed the Board’s concerns and suggestions to change the terms used and how many vehicles should trigger the reaction.

Impact Taxes

Staff addressed how transportation and housing calculations affected the impact taxes.

Recommendations Include:

1. Continued use of Utilization Premium Payments for schools identified as overcrowded, the calculation should remain at a 100% cost of a seat.
2. Continue the use of the cap and carryover system as adopted through Bill 25-23E. Its implementation is relatively new and will help soften any anticipated upward adjustments.
3. Offer a 50% transportation and school impact tax discount to single-family attached and detached units that are 1,500 square feet or smaller.
4. Remove the Desired Growth and Investment Areas exemption and rely on other policies to advance corridor-focused compact growth and housing. This will simplify the number of boundaries used in conjunction with the policy.
5. Expand the current discount for units with three or more bedrooms to a total impact tax exemption for both transportation and school impact taxes and in all impact areas and policy areas.
6. Exempt office-to-residential conversion projects from impact taxes, given the high office vacancy rate in the county and the difficulty of converting office space to residential use.
7. Continue exempting bioscience projects and add the exemption to the county code.
8. Update the County Code to provide more clarity and allow credit for capacity improvements along state roadways.
9. Add legacy language to allow projects that have their approvals but have not yet gone to building permit to receive the impact tax exemption.

Staff addressed the Board’s concerns regarding construction incentives and agreed to go into more detail in the upcoming work session on this topic, including how parks, public open space, and recreation contribute to these factors.

Montgomery County Planning Board
Public Meeting Minutes of May 9, 2024

The next steps in the project include approving the public hearing draft, setting the Public Hearing date for May 23, 2024, transmitting the staff draft of the GIP to the County Council, and having 5 working draft sessions in front of the Board. The dates and topics discussed during the work sessions are as follows:

- May 30 – Work Session #1 (Schools)
- June 6 – Work Session #2 (Transportation)
- June 13 – Work Session #3 (Transportation, Impact Taxes)
- June 20 – Work Session #4 (Impact Taxes)
- June 27 – Work Session #5 (Track Changes/Edits)
- July 24 – Planning Board approval of Planning Board Draft and Resolution.

The Planning Board must transmit the draft 2024-2028 Growth and Infrastructure Policy (GIP) to the County Council by August 1, 2024. The Council will adopt an updated policy by November 15, 2024.

Changes from the working draft include:

- **Report (Attachment 1)**
 - Page 27: Revise Table 8 to add standards for Clarksburg East and Fairland-Briggs Chaney
 - Page 41: Revise the map for Desired Growth and Investment Areas (Figure 8)
 - Page 43: Revise the map for Opportunity Zones (Figure 10)
 - **Appendix B: GIP Outcomes**
 - Replace section header – change “A. Transportation Outcomes” to “B. School Outcomes”
- **Appendix F:**
 - Replace Table T2. LATR Intersection Congestion Standards to reflect recommendations.
 - Maps 1-49, 51: Replace maps to remove transportation policy area classifications (1-48) and modify colors (51).

The Planning Board accepted the working draft with changes and set the public hearing date for May 23, 2024 as requested by Staff.

Item 5. Review of Proposed Updated Montgomery County Growth Tiers Map

In 2012, local jurisdictions were required to establish and adopt Growth Tiers to control the number of new subdivisions on septic fields. Staff will brief the Planning Board on a proposed update of the County’s current Growth Tiers Map.

Staff Recommendation: Transmit the Proposed Updated Growth Tiers Map to the County Council to Amend the Current Map

M. Symborski

BOARD ACTION

Motion: Hedrick/ Pedeem

Vote: 5-0

Other:

Action: Approved Staff recommendation for approval to amend the current map of the Proposed Updated Growth Tiers Map to the County Council.

Planning Staff Mark Symborski, Environmental Planner III, and Chris McGovern, IT systems manager, along with Alan Soukup of the Department of Environmental Protection (DEP) offered a multi-media presentation regarding the Proposed Updated Montgomery County Growth Tiers Map. Further information can be found in the Staff Report dated May 2, 2024.

The main purpose of the growth tiers is to limit the proliferation of new developments on septic systems by not allowing major subdivisions on septic systems in Tier IV areas unless a jurisdiction qualifies for a Tier IV exemption. Mr. Symborski stated sufficient changes to sewer categories have accumulated since the original map was adopted in 2012. In 2023 and early 2024, Staff worked closely with the Department of Environmental Protection (DEP) and the Maryland Department of Planning (MDP) staff to update the Growth Tiers Map to reflect sewer category changes since the original (current) map was adopted and to correct some inaccuracies in the original map. Mr. Symborski then gave an overview and discussed the changes to the map in greater detail. Tiers are determined by the sewer categories at the time of map preparation as they relate to the tiers mapping criteria established by the State. Tier I covers the area currently served by sewers; Tier II areas are planned for sewers; Tier III includes large lot developments and “rural villages” on septic systems; and Tier IV are the preservation and conservation areas.

Amending the growth tiers map under section 50.10.7 will require the County Council to schedule a public hearing, work session, and approve the updated map. The next steps and tentative schedule after receiving the Planning Board’s recommendation will include getting the Planning Board recommendation to the County Council by May 17th, May 23rd introduction and public hearing announcement, July 9th public hearing, July 22nd in front of the PHP committee, and July 30th, Council action.

The Board asked questions inquiring about the determinations for Tiers and what led to the changes in the map. Staff responded that what determines consideration in Tier I and Tier III is sewer reportage and the dramatic changes in the map come from the more accurate reporting. Every three years they update the map from places that originally didn't have sewer coverage.