2024 - 2028 GROWTH AND INFRASTRUCTURE POLICY
WORK SESSION #2 - TRANSPORTATION

Description

Montgomery Planning is undertaking the quadrennial update of the Growth and Infrastructure Policy (GIP). On Thursday, May 23, 2024, the Planning Board held a public hearing for the 2024 GIP draft. Over the next five weeks, the Planning Board will review and provide commentary on each recommendation during a series of work sessions. The second work session will focus on recommendations for the transportation element of the Policy.

May 30, 2024	MCPB Item No. 6 June 6, 2024	2425 Reedie Drive Floor 14 Wheaton, MD 20902

	Darcy Buckley, Planner III, Countywide Planning & Policy Division darcy.buckley@montgomeryplanning.org, 301-495-4514
	David Anspacher, Acting Chief, Countywide Planning & Policy Division david.anspacher@montgomeryplanning.org, 301-495-2191

Summary

- 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 and school facilities, can accommodate the demands of the development. It also outlines requirements for mitigating inadequate infrastructure.

- This staff report outlines the recommendations for transportation in the 2024–2028 Growth and Infrastructure Policy (GIP) update.

- The County Code directs the Planning Board to transmit a draft of the GIP to the County Council by August 1, 2024, and for the County Council to adopt the 2024-2028 policy by November 15, 2024.

BACKGROUND

In Montgomery County, development is largely, though not entirely, characterized by infill and redevelopment in our urban core and along our transit corridors. Once dominated by greenfield development that created single-family housing for nuclear families, the county's growth pattern has shifted to infill development, where multi-family housing and non-family households define residential communities. The 2016–2020 *Subdivision Staging Policy* and the 2020–2024 *Growth and Infrastructure Policy* (GIP) recognized the varying and changing growth contexts throughout the county and created flexible policies that moved the growth policy from a one-size-fits-all policy to one that recognized the need for greater flexibility.

The 2024-2028 GIP builds upon the transformational growth policies of 2016 and 2020 to further refine and enhance them. A primary goal of the 2024 update is to ensure the policy aligns with the County's priorities and the current growth context. The Public Hearing Draft of the GIP ensures adequacy while improving development conditions in the county by enhancing predictability, transparency, and proportionality in the approval process.

SCHEDULE

Chapter 33A of the County Code requires a quadrennial review of the GIP, with the current review to be completed in 2024. The Planning Board must transmit its policy recommendations along with a report on the county's growth context to the County Council by August 1, 2024. The Council will adopt the updated policy via resolution by November 15, 2024. The following table highlights the upcoming timeline for GIP milestones and activities.

Milestone	Dates	Notes
~~Work Session #1~~	~~May 30, 2024~~	~~Schools~~
Work Session #2	June 6, 2024	Transportation
Work Session #3	June 13, 2024	Transportation, Impact Taxes
Work Session #4	June 20, 2024	Impact Taxes
Work Session #5	June 27, 2024	As Needed
Work Session #6	July 18, 2024	Track Changes
Planning Board approval of Planning Board Draft and Resolution	July 25, 2024	Transmit to the County Council and County Executive by August 1

Milestone	Dates	Notes
County Council Public Hearing	September 2024	
County Council Review and Approval	September – November 2024	Council adoption is required by November 15, 2024

COMMENTS

Recommendation 3.1: Update policy areas to support the county's goals.

As listed below and shown in **Figure 1**, the Public Hearing Draft proposes the following changes to policy areas:

- Establish three new Red policy areas: Great Seneca Life Science Center, White Oak Village & Center, and Rock Spring. The new policy areas reflect the vision for these activity centers as defined in master plans.
- Expand the Orange policy area classification to include corridor-focused growth areas identified in *Thrive Montgomery 2050*, including communities along Rockville Pike (MD 355), Georgia Avenue (MD 97), and Colesville Road/Columbia Pike (US 29).
- Change Damascus from a Green policy area to Yellow, recognizing that it is an established community where limited growth is desirable.

Public Testimony

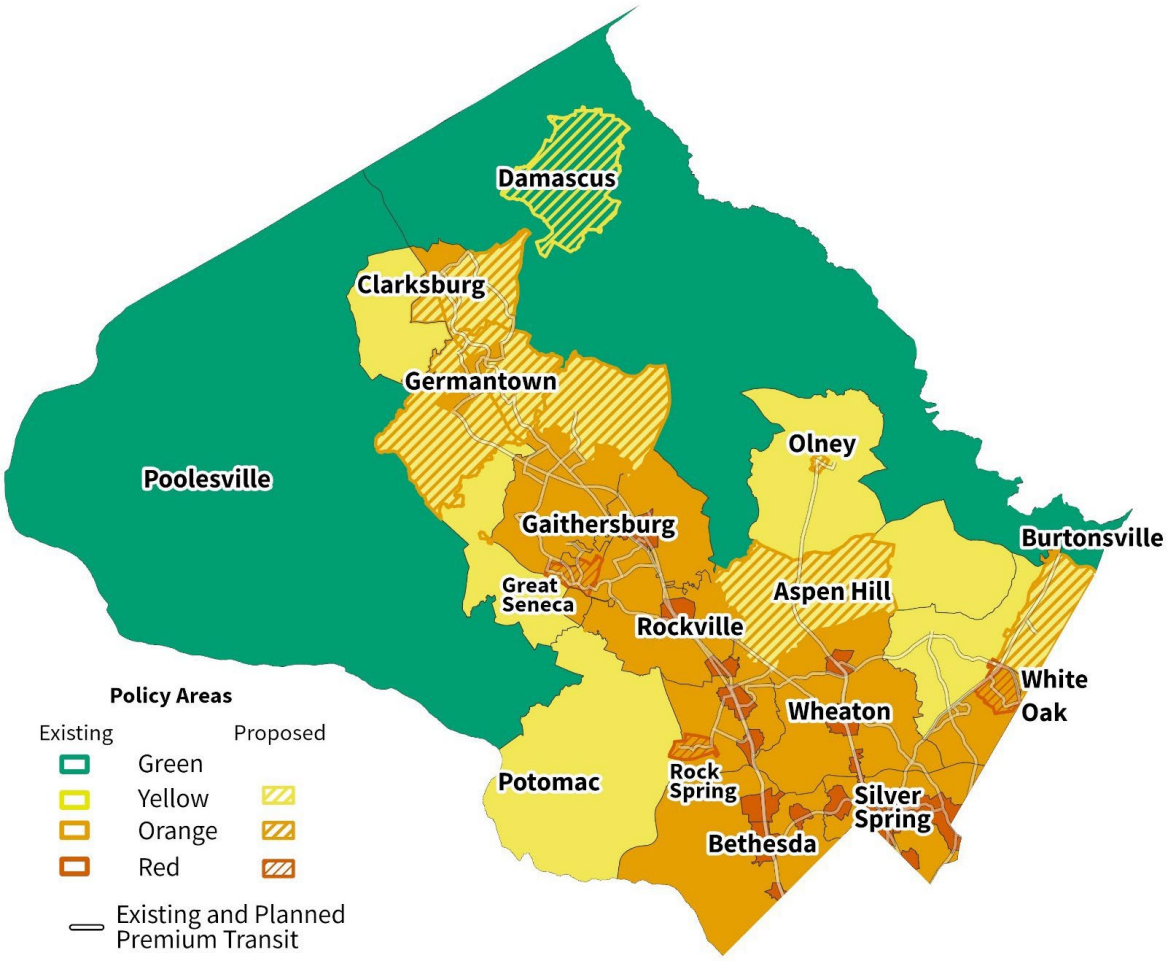
Steven A. Robins, on behalf of the Camalier and Davis families and the Buchanan Partners: Mr. Robins supports designating the Rock Spring Policy Area as a Red policy area. Mr. Robins contends the designation is consistent with and supportive of the *Rock Spring Sector Plan*, the characteristics and goals of Red policy areas, and the efforts by the County to encourage the continued economic development of Rock Spring Park.

Daniel L. Wilhelm, on behalf of the Greater Colesville Civic Association (GCCA): GCCA supports designating the White Oak Village & Center Policy as a Red policy area. GCCA also recommends that the designating the White Oak Policy Area as Red policy area.

Planning Staff Response

- The designation of the White Oak Policy Area as an Orange policy area is appropriate for a town center.

Figure 1 Proposed Policy Area Classifications



Eileen Finnegan: Ms. Finnegan opposes designating the White Oak Village and Center policy area as a Red policy area. Ms. Finnegan asserts that the area does not yet have high-quality transit and that most development has yet to occur. She is also concerned that the decreased revenue from transportation impact taxes would stress future capital budgets and increase the likelihood that needed transportation improvements will not happen.

Planning Staff Response:

- The recommended policy area designations reflect the vision for future development detailed in area master plans, functional master plans, and the General Plan. Aligning the GIP with our planned vision increases the likelihood of achieving it. If we delay Red policy assignments until after we achieve the vision, it becomes more difficult to reach that goal.
- Red policy areas pay impact taxes, albeit at a lower rate than orange policy areas (See Attachment 4 for Impact Tax Rates). However, as an Opportunity Zone, development in White Oak Village and Center is exempt from paying impact taxes under the current policy.

Scott Plumer, on behalf of the Darnestown Civic Association (DCA): The DCA expresses concern that changing the Germantown and Clarksburg policy areas designations from Yellow to Orange "represents sprawl." DCA also states that changing Damascus from Green to Yellow is a "dangerous precedent," and it detracts investment from where it is most needed.

Planning Staff Response:

- Designating the Germantown and East Clarksburg policy areas as Orange policy areas is consistent with the area master plans and the designation of these areas as Corridor-Focused Growth areas in *Thrive Montgomery 2050*. Designating Damascus as a Yellow policy area accurately reflects existing conditions and the master planned vision for the area.

Executive Branch Testimony: County Executive Marc Elrich cautions that the policy area changes that "further weaken traffic congestion standards" could "undermine efforts to promote transit use and allocate resources for transit improvement." Haley Peckett, on behalf of the Montgomery County Department of Transportation (MCDOT), similarly states that MCDOT opposes changes to policy areas until active transportation infrastructure and transit service are in place to support the more intensive development.

Planning Staff Response

- Planning Staff acknowledges that achieving the vision for these areas will take time and that the recommended changes to policy area classifications will reduce impact taxes. However, the provision of premium transit in many areas is contingent upon more urban forms of development. By incentivizing this type of development, we are creating the ridership base that will ultimately use and pay for the service. Development projects in Red policy areas are not required to mitigate traffic, as mitigation measures, such as adding turn lanes in areas that are to become downtowns, are inconsistent with urban form and Vision Zero.

Recommendation 3.2: Require a LATR study for any proposed development generating 30 or more net new peak-hour motor vehicle trips.

Public Testimony: Katie Wagner, on behalf of NAIOP and the Maryland Building Industry Association (MBIA), expresses support for moving to 30 vehicle trips as the trigger for an LATR traffic study. Michael Larkin, on behalf of the Montgomery for All Steering Committee, also supports this new standard (30 vehicle trips) as "it aligns land use policy with more sustainable transportation options."

MCDOT Testimony: MCDOT neither supports nor opposes this recommendation on the understanding that this is an approximately equal conversion between units, and that this recommendation does not lead to a substantive reduction in LATR studies triggered. .

Planning Staff Response:

- Planning Staff confirms that the 30 motor vehicle trips metric is the approximate equivalent of the existing threshold of 50 person metric. Planning Staff did not identify any projects that

surpassed the threshold under the current growth policy that would not also surpass the threshold under the proposed policy.

Planning Board Comments: During the Planning Board discussion on May 9, 2024, the Planning Board asked Planning Staff to consider the impact of raising the threshold to 50 or more net new peak-hour motor vehicle trips.

Planning Staff Response:

- Planning Staff reviewed the 17 approved projects that triggered LATR under the 2020-2024 GIP. One project had 47 net new vehicle trips, and the other 16 projects had over 50 net new motor vehicle trips. Specifically, eight projects had 51-100 net new peak-hour motor vehicle trips, five had 100-200 trips, and three had 200-268 trips.
- A cursory review of other jurisdictions revealed that the county's threshold is on the lower side. DC uses a threshold of 25 vehicles in the peak direction with exemptions for projects with a low parking supply, robust transportation demand management (TDM), and high-quality pedestrian realm. (These projects still need to ensure ADA access to transit and provide one improvement to a second transit stop - like a curb ramp.) Fairfax uses a 250 peak hour or 2,500 ADT threshold for the more cursory Comprehensive Transportation Review and a 5,000 ADT for the more intensive Transportation Impact Assessment.

Recommendation 3.3: Update the LATR Intersection Congestion Standards to reflect changes to policy area boundaries and designations.

Table 1: LATR Intersection Congestion Standards

Policy Area	HCM Average Vehicle Delay Standard (seconds/vehicle)	
	2020–2024 GIP	2024–2028 GIP
Aspen Hill	59	63
Clarksburg East	51	55
Fairland-Briggs Chaney	59	63
Germantown East	51	55
Germantown West	51	55
Gaithersburg	51	59
Montgomery Village/Airpark	51	59
Olney Town Center	55	63

Public Testimony: NAIOP and MBIA support the increase in the delay standard for some policy areas, noting that "they are minor increases."

MCDOT Testimony: MCDOT expresses concern that the recommendation allows for greater vehicular congestion without necessitating that robust transit service is available for users to have viable alternatives to private automobiles.

Planning Staff Response:

- The county's growth policy acknowledges a greater tolerance for traffic mitigation as areas become less dependent on travel by private vehicle. As the recommended changes to traffic congestion standards are in areas envisioned to become more urban by *Thrive Montgomery 2050*, it is reasonable to reduce traffic congestion standards. Prioritizing traffic in these areas will prevent them from becoming the more walkable, bikeable, and transit-friendly places envisioned by Thrive and local master plans.

Recommendation 3.4: Establish a Non-Motor Vehicle Adequacy Test with five components: Pedestrian Level of Comfort (PLOC), illuminance, Americans with Disabilities Act (ADA) compliance, bicycle system, and bus transit system. This test replaces the individual pedestrian, bicycle, and bus transit systems tests.

Public Testimony: The Montgomery for All Steering Committee supports this recommendation as "it recognizes our county needs an integrated transportation system to accomplish this shift of focus. All residents should be able to walk, roll, bike and take transit as individual transportation options or in combination and do so safely."

Planning Board Comments: During the Planning Board discussion on May 9, 2024, the Planning Board asked Planning Staff to edit the language in the recommendation to clarify that the non-motor vehicle adequacy test is not a new test.

Planning Staff Response:

- Planning Staff agrees and suggests the following revised recommendation:
  ~~Establish a~~ **Simplify the** Non-Motor Vehicle Adequacy Test**. The test has** ~~with~~ five components: Pedestrian Level of Comfort (PLOC), illuminance, Americans with Disabilities Act (ADA) compliance, bicycle system, and bus transit system. This test replaces the individual pedestrian, bicycle, and bus transit systems tests.

Recommendation 3.5: Modify the non-motor vehicle adequacy test requirements to maintain the county's high standards while minimizing unnecessary data collection and analysis.

Changes from the 2020–2024 GIP standards include:

- Condensing the non-motor vehicle adequacy test components into a single table and replacing the peak-hour person trip thresholds with peak-hour person thresholds. (**Attachment 5** displays the current and proposed study area extents for the Non-Motor Adequacy Test.)

- Standardizing study area extents across policy areas.[1]
    - For PLOC, illuminance, and ADA evaluations, this will reduce the study area for Red and Orange policy areas, therefore limiting excessive study. These assessments require extensive analysis and typically identify many more deficiencies than projects can address.
    - For bike and transit components, this will increase the study area for Yellow and Green policy areas, allowing more meaningful adequacy assessment of these modes.
- Simplifying the bus transit adequacy standards by referring applicants to published MCDOT guidelines for shelters and amenities when available.
- Removing the bus transit adequacy exemption for Green policy areas.
- Clarifying that any required mitigation must be proportional to the development's impact while removing specific limits on the physical extent of mitigation (e.g., number of bus shelters, feet of sidewalk). The LATR Proportionality Guide ensures reasonable requirements.

Public Testimony: NAIOP and MBIA support the simplification of the study areas, but question the necessity of the illumination study. They caution that care needs to be taken when developing the testing procedures based on MCDOT's updated standards to ensure the study is not "costly and dangerous."

Planning Staff Response

- Adequate illuminance is a critical component of improving safety for all modes of transportation. Planning Staff will coordinate with stakeholders during the LATR Guidelines update to ensure testing procedures prioritize safety and efficiency.

MCDOT Testimony: MCDOT recommends maintaining the 2020 modal adequacy tests study limits, citing a concern that the changes will reduce the extent of offsite improvements, and therefore increase the County's funding burden for pedestrian infrastructure.

Planning Staff Response

- This recommendation aims to reduce the amount of required data collection and analysis, as applicants typically identify more inadequacies than they are required to mitigate. While the recommendation reduces the size of the study area in Red and Orange policy areas, it also removes the existing limits on the physical extent of mitigation projects. Ultimately, the amount of required mitigation must be proportional to the project's impact.

MCDOT Testimony: MCDOT recommends the study and development of a future transit modal adequacy test or other transit-focused GIP policy that results in meaningful improvement of transit service, and states that "adding a shelter does not substantively expand transit access."

[1] The 2020-2024 GIP has different study area extents for red/orange and yellow/green policy areas.

Planning Staff Response

- Planning staff welcomes further conversation with MCDOT about future changes to the transit test. However, the GIP and LATR Guidelines prioritize developer-constructed improvements and allow for payments only when construction is impracticable. LATR is not an appropriate vehicle to fund increased transit service, which requires an operational component (more service) and a capital component (more vehicles and storage facilities). Because transit service is a regional or area-wide transportation improvement, rather than a local transportation improvement, it would not be an appropriate as mitigation.

MCDOT Testimony: The adequacy tests should establish the point from which the study area boundary is measured. MCDOT suggests measuring them from the nearest edge of the property.

Planning Staff Response

- Planning Staff agrees and recommends defining off-site, frontage, on-site improvements as part of the LATR Guidelines update. Staff will work with MCDOT and other stakeholders to develop these definitions.

Recommendation 3.6: Refine the Vision Zero Statement to focus on managing speed for safety.

Public Testimony: The Montgomery for All Steering Committee supports this recommendation. NAIOP and MBIA are concerned by the notion "that developers can implement speed reduction strategies and other roadway safety improvements." NAIOP and MBIA note that safety solutions often require changes to public right of way that private developers cannot implement.

MCDOT Testimony: MCDOT supports this recommendation and notes that "the narrowed focus on speed provides useful data on existing conditions to MCDOT. The language allows MCDOT staff to approve implementation of safety countermeasures on a case-by-case basis."

Planning Staff Response

- Planning Staff acknowledges the difficulties of implementing these projects. The recommendation gives MCDOT and MDOT the discretion and flexibility to partner with private developers to implement desired safety countermeasures when feasible.

Recommendation 3.7: Remove the reference to the Safe Systems Adequacy Test.

MCDOT Testimony: MCDOT expresses support for this recommendation.

Recommendation 3.8: As part of the 2025 LATR Guidelines update, develop a vehicle trip–based Proportionality Guide calculation that better accounts for impacts.

Public Testimony

MBIA and NAIOP: MBIA and NAIOP support the development of a trip-based proportionality guide calculation that better accounts for impacts. They note that a shortcoming of the current guide is that it "places a higher cost burden on developments in Red policy areas."

Montgomery for All Steering Committee: The Montgomery for All Steering Committee supports the development of a new guide "that focuses on the impact of motor vehicle trips instead of housing units and non-residential units."

William Kominers of Lerch, Early & Brewer: Mr. Krominers suggests the proportionality guide should include a factor that represents the actual proportion of impact so that it ensures that developers are not paying for a full improvement when they are only contributing to what pushes it "over the line**."**

Planning Staff Response

- The LATR Proportionality Guide will ensure that development projects contribute to local area transportation improvements based on their impact, as defined by the number of net new peak hour trips the project generates. Since the county prefers constructed improvements over mitigation payments, development projects will be required to construct full improvements. As a hypothetical example, a project that impacts traffic conditions at four intersections may be required to construct a full improvement at one intersection, rather than partial improvements at four intersections.

MCDOT Testimony: MCDOT says it will monitor this recommendation as Planning Staff develop the new proportionality guide.

Planning Staff Response

- Planning Staff will coordinate with MCDOT during the development of the new proportionality guide formula.

Recommendation 3.9: Allow all fee-in-lieu funds to be spent in both the subject policy area and adjacent policy areas.

MCDOT Testimony: MCDOT supports this recommendation and states that it "provides the County with greater flexibility to use fee-in-lieu for the highest priority needs."

Planning Board Comments: During the Planning Board discussion on May 9, 2024, the Planning Board asked Planning Staff to consider the equity implications of using fees collected in an Equity Focus Area (EFA) in an adjacent non-EFAs.

Planning Staff Response:

- The county's strong preference is to require developers to construct improvements. When mitigation payments are necessary, MCDOT prioritizes directing the payments towards partially funded capital projects within the subject policy area. However, because of the unpredictable timing of payment collection, it can be a challenge to find an appropriate project. Under this recommendation, if there is no suitable project in the subject policy area, MCDOT has the option of allocating the funds in an adjacent area. This recommendation provides MCDOT with flexibility to use small mitigation payments more effectively. While it is possible to use fees collected in an Equity Focus Area in a non-Equity Focus Area, the reverse is also true.

Recommendation 3.10: Rather than limiting the use of funds to specific modes, 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.

MCDOT Testimony: MCDOT supports this recommendation and states that it "provides the County with greater flexibility to use fee-in-lieu for the highest priority needs."

Recommendation 3.11: Expand the current off-site mitigation exemption for affordable housing units, which currently only includes mitigation payments, to include constructed improvements. Adjust the Proportionality Guide limit by subtracting trips attributed to new affordable units. The trips generated by these units will still count toward the 30-vehicle-trip LATR threshold.

Public Testimony:

The Montgomery for All Steering Committee, the Miles Group, and Mike English express support for the recommendation. Michael English supports the recommendation because "there are a wide variety of limitations on new affordable housing" and efforts to "to help these [units] pencil out is unambiguously good."

NAIOP and MBIA: NAIOP and MBIA also support the recommendation, but propose expanding it by providing a full LATR exemption for mixed income community projects with over 25% affordable units. In this scenario, all units (both affordable and market rate) would be exempt from off-site mitigation.

Matthew Gordon, on behalf of Selzer Gurvitch: Mr. Gordon recommends a similar expansion for projects with over 30% affordable units. Mr. Gordon also proposes a double exemption for deeply affordable units (at 50% AMI or less).

Planning Staff Response:

- While Planning Staff supports exempting the affordable housing component of projects from LATR construction and payment at a one-to-one ratio, we believe that increasing the exemption to include market-rate units is excessive.

MCDOT Comments: MCDOT would support this recommendation if the County can develop an alternate funding source for adequate public facilities (APF) for affordable housing units.

Planning Staff Response:

- The county is experiencing a housing crisis and must find ways to incentivize the creation of more housing. Exempting the affordable housing component of projects from LATR is a way to balance the needs for infrastructure and housing.

Recommendation 3.12: Exempt multi-family units with three or more bedrooms from off-site mitigation construction and payment. Adjust the Proportionality Guide limit by subtracting trips attributed to new multi-family units with three or more bedrooms.

Public Testimony: NAIOP, MBIA, Montgomery for All Steering Committee, Greater Greater Washington (GGWash), the Miles Group, and Mike English express support for the recommendation. Dan Reed of GGWash says the recommendation addresses "one of the biggest challenges facing Montgomery County right now: the mismatch between the housing stock that currently exists, and the housing stock the county's residents want and need." The Montgomery for All Steering Committee states that the county "must simplify and reduce the cost of the housing construction process in light of the ongoing housing crisis."

MCDOT Testimony: MCDOT voices minor opposition to this recommendation while acknowledging that the expected fiscal impact is minor. MCDOT suggests clearly defining "3 or more bedroom units" and clarifying whether boarding / rooming houses, or other forms of shared or group housing, would qualify for the proposed changes.

Planning Staff Response:

- Planning Staff recommends developing a definition for 3+ Bedroom Units and will discuss this with the Planning Board during the impact tax work sessions.

Recommendation 3.13: Exempt daycares from the requirement to complete an LATR study.

Public Testimony: NAIOP and MBIA support the recommendation. They state that "the traffic studies required for daycares are costly as daycares generate a lot of trips on paper, but those trips are generally made by parents already on the road who choose a daycare that is on the way to work and therefore the real traffic impact from daycares are minimal beyond the site driveway."

MCDOT Comments: MCDOT opposes the LATR Study exemption for daycares. MCDOT supports maintaining the requirement for LATR Studies wherever they are currently required and says that LATR Studies are a critical tool for measure impacts on our transportation network and determining the need for improvements.

Planning Staff Response:

- The costs of LATR Studies are often greater than the required mitigation. The studies can significantly burden daycares, which are a greatly needed land use typically operating on thin margins. Many of the trips are pass-by (meaning that people drop off/pick up their children on the way to other locations) and, therefore, already captured on the road system. County Code Sections 50.4.2 and 59.6.1.1 cover site access and circulation and are not affected by this recommendation.

Recommendation 3.14: Extend the Bioscience LATR exemption for another four years, so it applies to applications filed before January 1, 2029.

Public Testimony:

NAIOP and MBIA: NAIOP and MBIA support the LATR exemption for bioscience.

William Kominers of Lerch, Early & Brewer: Mr. Kominers also supports the recommendation and suggests providing the Planning Board the option to extend the three-year period for filing the building permit. Mr. Kominers notes that the three-year time limit may be overly restrictive because of the nonlinear nature of many bioscience projects.

Planning Staff Response:

- Planning Staff agrees as bioscience is a critical industry for Montgomery County and is one of the only non-residential uses moving forward and therefore recommends removing the three-year time limit with the following revision from the Draft 2024-2028 GIP:

  T5.1 Temporary Suspension for Bioscience Facilities
  LATR requirements 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, 2029.~~; and~~
  ~~(c) an application for building permit is filed within 3 years after the approval of any required preliminary plan or site plan.~~

MCDOT Testimony: MCDOT neither supports nor opposes this recommendation.

Recommendation 3.15: Update the NADMS goals to reflect recently adopted master plans. Establish NADMS goals for new policy areas and other areas without goals.

MCDOT Testimony: MCDOT supports the establishment of NADMS goals for new policy areas, but would like to partner on the goal creation and requests more information on the calculations.

Planning Staff Response:

- Planning Staff will review the goals and calculations with MCDOT. Staff will bring any proposed revisions to the Planning Board during a future work session.
- The main purpose of this recommendation is to include NADMS goals that were inadvertently left out of the 2020 GIP update and to establish goals for new policy areas. The 2020 GIP update process developed NADMS goals for areas without them by adding 5% to the existing NADMS compiled from the American Community Survey, 2019 5-year estimates. Considering the Covid pandemic's impact on travel trends, we used the same data set for this update rather than relying on more recent 5-year data. The 2028 GIP update process should include a more thorough review and potential overhaul of NADMS goals.

Planning Board Comments: During the Planning Board discussion on May 9, 2024, the Planning Board asked Planning Staff to how to consider identifying a path to achieve NADMS goals that are developed outside of the master planning process.

Planning Staff Response:

- While Planning Staff understands the importance of this comment, the GIP is not the venue for identifying how to achieve NADMS goals. Bill 36-18 required the GIP to include to create NADMS goals for areas without them, but otherwise there is no role for the NADMS goals in the GIP. That said, countywide plans such as the *Pedestrian Master Plan*, *Bicycle Master Plan*, and the *Master Plan of Highways and Transitways* established recommendations that will enable a countywide 5% NADMS increase. Planning Staff developed the new NADMS goals by adding 5% to the existing NADMS compiled from the American Community Survey, 2019 5-year estimates. Additionally, telework has grown substantially in Montgomery County since 2020 and it is likely that existing NADMS rates exceed the NADMS goals in many policy areas.

Recommendation 3.16: Revise the policy to reflect updated county plans, policies, laws, regulations, and guidance.

MCDOT Testimony: MCDOT supports this recommendation, with the goal of modernizing and streamlining existing regulations and guidance.

Public Testimony: NAIOP and MBIA note that the Draft 2024-2028 GIP states that it "applies to any application for a preliminary plan, site plan, building permit, or other application that requires a finding of Adequate Public Facilities filed on or after that date." They request revisions so that

development projects that have already filed applications, but have not yet been approved by the Planning Board will be able to take advantage of the proposed changes.

Planning Staff Response:

- Planning Staff agrees will respond to this comment at a future Planning Board work session.

Recommendation 3.17: Reorganize and update the LATR Guidelines. The revised version will reduce duplicative and contradictory language, address frequently asked questions, and include example documents and directions for common challenges.

MCDOT Testimony: MCDOT neither supports nor opposes this recommendation. MCDOT seeks to partner with Planning Staff on the revision.

Planning Staff Response:

- Planning Staff will partner with MCDOT and other stakeholders to revise the LATR Guidelines.

Recommendation 3.18: Continue to work with the Maryland State Highway Administration (SHA) and State Delegates to codify SHA review times. Clarify mutual expectations for stakeholders in the development review process, particularly for projects in Red policy areas, where motor vehicle analysis and mitigation are not a county priority.

MCDOT Testimony: MCDOT neither supports nor opposes this recommendation, as it this relates to Maryland State Highway Administration processes. However, MCDOT supports streamlining and alignment in agency review timelines.

Joseph Moges, Maryland SHA Testimony: Mr. Moges says that while there were and still are, disagreements between SHA and Montgomery Planning about motor vehicle analysis in Red policy areas, we are working together to find solutions that meet all needs.

Public Testimony: NAIOP and MBIA support the recommendation for the 30-day SHA review timeline and desire to have mutual expectations in the development review process. Likewise, the Miles Group strongly supports changing the state law to align SHA's review time with the review time for other agencies. The Miles Group notes that this was an "important recommendation of the recent development review workgroup to streamline the County's development review process and enhance economic competitiveness."

Planning Staff Response:

- Planning Staff notes that Del. Lesley Lopez introduced a bill (HB1309) that would require the State Highway Administration to provide comments on an application for a development project within 30 days after the complete project application is received. However, the bill did not make it out of the House during the 2024 legislative session.

Additional Comments

Marc Elrich, County Executive: The County Executive asserts that "the Growth Policy has diverged from the APFO, reducing the County's ability to finance essential transportation, transit, and school facilities for both existing and new residents, as exemptions to impact taxes and modifications to infrastructure tests transfer funding responsibilities from developers to the County, potentially hindering the County's ability to finance necessary infrastructure projects in its Capital Improvements Program (CIP), with further exacerbations suggested in the draft GIP."

Planning Staff Response:

- The APFO is intended to address local impacts with constructed or paid for improvements. It is not intended to provide funding for the CIP or to finance existing needs.
- While the County Executive asserts that the GIP reduces the county's ability to funding essential infrastructure, it's not clear that this is the case for the transportation recommendations. One of the main benefits of reducing the transportation requirements of the GIP is to incentivize new development, which may provide both frontage and off-site improvements.
- Additionally, the county is experiencing a housing crisis and must find ways to incentivize the creation of more housing. Exempting the affordable housing component of projects from LATR is a way to balance the needs for infrastructure and housing.
- Planning Staff recognizes that there is insufficient funding to implement infrastructure recommendations in master plans and are supportive of the County Executive's efforts to convene a larger discussion about infrastructure funding and welcome the opportunity to participate.

Joseph Moges, Maryland SHA Testimony: Mr. Moges acknowledges the "excellent, open and honest communication" between SHA, Planning Staff, and the development community through the GIP Transportation Advisory Group (TAG). SHA is updating its TIS Guidelines and asks for continued to engagement and collaboration.

ATTACHMENTS

Attachment 1 – 2024 Growth and Infrastructure Policy Update – Public Hearing Draft
Attachment 2 – 2024 Growth and Infrastructure Policy Update – Appendices
Attachment 3 –Testimony and Comment Response Matrix
Attachment 4 – 2024 Impact Tax Rates
Attachment 5 – Current and Proposed Study Area Extents for the Non-Motor Adequacy Test