

Attachment G - Testimony and Comment Response Matrix

#	Element	Rec. No.	Summary of Testimony or Comments	Commenter	Planning Staff Response	Share with Planning Board?	Planning Board Response
1	General	General	GCCA supports the recommendations in the draft document except as noted. The staff proposed changes are largely small adjustments to make the existing process work better.	Daniel L. Wilhelm, GCCA	Comment received.	Y	--
2	General	General	Supports the recommendations that encourage the building of more affordable and attainable housing options and treats public transportation, walking, and bicycling as public benefits.	Michael Larkin, Montgomery for All Steering Committee	Comment received.	Y	--
3	General	General	This update is full of common sense updates and tweaks that will play a supporting, but significant role in addressing Montgomery County's housing crisis.	Mike English	Comment received.	Y	--
4	General	General	GGWash supports the recommendations in the 2024–2028 Growth and Infrastructure Policy update, as a way to incentivize the construction of much-needed smaller and more attainably-priced housing options. We're excited to see that the Growth and Infrastructure Policy recommends reducing impact fees for homes under 1,500 square feet, and eliminating impact taxes and off-site mitigation payments for family-sized apartments.	Dan Reed, Greater Greater Washington (GGWash)	Comment received.	Y	--
5	General	General	Once the detailed fiscal analysis is completed, Executive branch staff would like the opportunity to provide a briefing on it to the Planning Board at one of your June work sessions; they will also be available to assist in discussions of scenarios that may evolve as you move forward in your deliberations.	Marc Elrich, County Executive	Executive Branch staff can provide the information to Planning staff. The Executive Branch will have an opportunity to present this information to Council later in the process.	Y	--
6	General	General	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.	Marc Elrich, County Executive	APFO is intended to address local impacts with constructed or paid for improvements. It is not intended to provide funding for the CIP. 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 fund 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.	Y	Supported staff response.
7	Schools	2.0	The Schools' Technical Advisory Team. The meetings were well-run, informative and presented MCCPTA with the opportunity to provide input on proposed discussion items related to schools.	Sally McCarthy, on behalf of the MCCPTA	Comment received.	Y	--
8	Schools	2.0	New Recommendation: De Minimis Impact for Schools A development application that proposes new development of only a de minimis quantity should also be exempt from adequate public facilities review and from providing any improvements, (whether frontage or other improvements called for by any master, sector, or functional plan). For example, up to a total of [a number to be decided] school students of all levels.	William Kominers, Lerch, Early & Brewer	Transportation has a de minimis exemption in part due to the cost of conducting a LATR study. For schools, the adequacy analysis is conducted by Planning Staff as part of the development review process at no additional cost to the applicant. Also, a school adequacy analysis will have to be done to determine whether a project qualifies for a de minimis exemption or not anyway.	Y	Supported staff response.
9	Schools	2.0	Since 2020, the surcharge (UPPs) has generated slightly more than \$6,000, an amount that may rise as additional developments move forward, but with no clear indication that future payments will generate the funding needed for additional seats in schools.	Marc Elrich, County Executive	Not only are UPP funds calculated at a fraction of the cost of a seat, the need for additional capacity in most schools are due to turnover enrollment. Therefore, it is impractical to expect UPPs to be able to generate the funding needed for classroom addition projects.	Y	Supported staff response.
10	Schools	2.2	Highly supportive of recommendation 2.2 because it achieves critical data metric consistency across MCPS and County Planning and will improve accuracy as trends in enrollments fluctuate.	Sally McCarthy, on behalf of the MCCPTA	Comment received.	Y	--
11	Schools	2.2	Changes to the schools test are shifting the funding burden from private developers to the County.	Marc Elrich, County Executive	The 2020 GIP replaced the moratorium, which would cut off any opportunity to collect private funding, with UPPs, a surcharge assessed to developers in addition to their due school impact tax.	Y	Supported staff response.
12	Schools	2.2	With diminution of the schools test, the county is left without resources to adequately fund infrastructure.	Marc Elrich, County Executive	Recommendation 2.2 tightens the schools test by lowering the seat deficit thresholds of most UPP tiers, and does not diminish it.	Y	Supported staff response.
13	Schools	2.3	The current surcharge for developments that generate students in overcrowded school districts (UPPs) does not generate enough funding for additional seats in schools. It is further limited by restricting use of the funds to the area in which the funds are generated. Changes that allow more flexibility would address some of these concerns.	Marc Elrich, County Executive	This comment expresses support for the recommendations, but the premise is inaccurate - school impact taxes are calculated at 100% of the cost of a seat. UPPs are assessed as an additional percentage to the due impact tax rates.	Y	Supported staff response.

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14	Schools	2.3	Highly supportive of the recommendation to allow UPP funds to be used in adjacent schools because provides direct flexibility to MCPS Planning and Facilities as they build out the CIP. The current MCPS CIP reflects a thoughtful and strategic use of resources as it will alleviate high school overcrowding.	Sally McCarthy, on behalf of the MCCPTA	Comment received.	Y	--
15	Schools	2.3	If funds are used on an adjacent school, we give should credit to that deficient school to avoid double-dipping.	Planning Board	The Annual School Test does not 'queue' the cumulative impact of different development applications - each developer is assessed a fee based on their own estimated impact and one project's impact does not get passed down to another regardless of where the funds are used.	Y	Supported staff response.
16	Schools	2.4	Concerned about 2/2 being treated as SFA for impact tax purposes. Tax effects are "highly significant" - increase is 300% in school impact taxes. 1) Wait until there's real data then create a separate 2/2 category. 2) if not 1), then grandfather current affected projects so they can be treated as MFL.	Pat Harris, Lerch, Early & Brewer	DPS has said their current practice is to recognize stacked flats as single family attached units and charge impact tax rates accordingly, but Planning Staff is otherwise open to grandfathering approved stacked flats. Staff will present the Planning Board with options and data regarding stacked flats for further discussion.	Y	Staff will present the Planning Board with options and data regarding stacked flats for further discussion at the 6/20/24 work session.
17	Schools	2.4	Highly supportive of the recommendation to calculate SGRs for stacked flats and similar housing types as single-family because it implements another important delineation among housing classifications, which in turn will refine student generation rates.	Sally McCarthy, on behalf of the MCCPTA	Comment received.	Y	--
18	Schools	2.4	Supportive of changing the classification for stacked flats or two-over-tvos but would like to see this be closer to multifamily to further incentivize their creation.	Katie Wagner, on behalf of the NAIOF and MBIA	Staff will present the Planning Board with options and data regarding stacked flats for further discussion.	Y	--
19	Schools	2.4	Keep stacked flats or two-over-tvos as multifamily low rise to avoid increased impact taxes that are ultimately passed on to renters or homeowners while also maintaining alignment with current zone classifications often assigned to such building types. There is also uncertainty about whether these types of buildings will generate a similar number of students as single-family attached units, especially in infill areas where they are likely to be constructed.	Miles Group	Staff will present the Planning Board with options and data regarding stacked flats for further discussion.	Y	Staff will present the Planning Board with options and data regarding stacked flats for further discussion at the 6/20/24 work session.
20	Schools	2.5	Highly supportive of Recommendation 2.5 as it enables County Planning staff to adequately monitor and assess the rollout of statewide Blueprint requirement of compulsory Pre-K education. MCPS is planning to absorb many of these enrollments, and these students will become a part of the MCPS enrollment forecasts.	Sally McCarthy, on behalf of the MCCPTA	Comment received.	Y	
21	Transportation	General	The GIP should acknowledge or incorporate the LATIP Program and the area that it covers into the draft, specifically noting which areas, such as the White Oak Science Gateway (WOSG), where LATR is replaced by LATIP.	Eileen Finnegan	No change needed as the draft policy describes the WOSG LATIP in section T7.3 White Oak Policy Area (Appendix D, p. 16).	Y	--
22	Transportation	General	Acknowledges the "excellent, open and honest communication" between SHA, Planning Staff, and the development community through the Transportation Advisory Group (TAG). SHA is updating its TIS Guidelines and asks for continued to engagement and collaboration.	Joe Moges, MD SHA	Comment received.	Y	--
23	Transportation	General	New Recommendation: Frontage improvements No Impact: A development application that does not propose any additional square footage or net new peak hour trips, should be exempt from providing any frontage improvements, or other improvements called for by any master, sector, or functional plan,	William Kominers, Lerch, Early & Brewer	This is outside of the scope of the GIP. The GIP only considers off-site transportation adequacy. Frontage improvements are governed by other sections of the county code.	Y	Supported staff response.
24	Transportation	General	New Recommendation: De Minimus for Transportation De Minimus Impact. A development application that proposes new development of only a de minimus quantity should also be exempt from adequate public facilities review and from providing any improvements. For this purpose, "de minimus" would mean traffic generation of up to [a number to be decided] commercial trips, or up to [a number to be decided] residential trips, including an equivalent combination of both.	William Kominers, Lerch, Early & Brewer	Projects with minor or no impact are not required to provide off-site transportation improvements. Under the recommended 2024-2028 GIP, any project with fewer than 30 net new peak-hour motor vehicle trips is assumed to satisfy APF requirements and is exempt from further review. Frontage improvements are considered on-site improvements and are governed by other sections of the county code.	Y	Supported staff response.
25	Transportation	3.1	Policy area changes in the northwest quadrant illustrate the swelling of corridor-focused growth. Orange abuts green. "These represent sprawl". Tight boundaries not steep gradients are the key to corridor focused growth.	Scott Plumer, Darnestown Civic Association	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.	Y	Supported staff response.
26	Transportation	3.1	Changing Damascus from Green to Yellow is a dangerous precedent. Protecting our communities from densification is well aligned with corridor focused growth, and stopping our sprawling corridors from detracting investment from where it is most needed.	Scott Plumer, Darnestown Civic Association	Designating Damascus as a Yellow policy area accurately reflects existing conditions and the master planned vision for the area.	Y	Supported staff response.
27	Transportation	3.1	Updating the Rock Spring Policy Area designation from Orange to Red is fully 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 as a critically important mixed-use center in the County. It will assist Rock Spring in becoming more of a mixed use and dynamic area and will help stimulate much desired development opportunities while advancing those that are already underway.	Steven A. Robins, on behalf of the Camalier & Davis families and the Buchanan Partners	Comment received.	Y	Supported staff response.

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28	Transportation	3.1	The White Oak Village portion of WOSG should not be changed from an Orange to a Red Policy Area. Though the area is on the verge of change, it does not yet have the high-quality transportation seen in other Red Policy Areas and development in the area is still very much in the future. The lack of revenue that will come from \$0 in transportation impact taxes will stress future County CIPs and increase the likelihood that needed transportation improvements will not happen.	Eileen Finnegan	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. However, as an Opportunity Zone, development in White Oak Village and Center is exempt from paying impact taxes under the current policy.	Y	During the work session on June 6, 2024, the Planning Board expressed general support for the proposed policy area designations, but asked Planning Staff to revisit the topic with detailed maps of the White Oak area with labeled streets. <u>Update 6/20</u> : Supported the designations shown in the Public Hearing Draft. Also supports recommendation to use "Downtown White Oak" for the policy area currently referred to as White Oak Village and Center in the Public Hearing Draft.
29	Transportation	3.1	Supports including the White Oak Village & Center Policy area in the red category.	Daniel L. Wilhelm, Greater Colesville Citizens Association (GCCA)	Comment received.	Y	--
30	Transportation	3.1	We also recommend that the White Oak Policy Area be classified in the red policy area. These two areas are covered by the Local Area Transportation Improvement Program (LATIP) which replaces LATR, and thus most of the GIP transportation rules do not apply to them. The area is planned for premium transit and White Oak is already a downtown area because of its highly dense residential development and the dense non-residential development there and in the Hillendale activity centers.	Daniel L. Wilhelm, GCCA	The designation of the White Oak Policy Area as an Orange policy area is appropriate for a town center. Staff will continue this discussion with the Planning Board at the 6/20 work session.	Y	During the work session on June 6, 2024, the Planning Board expressed general support for the proposed policy area designations, but asked Planning Staff to revisit the topic with detailed maps of the White Oak area with labeled streets. <u>Update 6/20</u> : Supported the designations shown in the Public Hearing Draft. Also supports recommendation to use "Downtown White Oak" for the policy area currently referred to as White Oak Village and Center in the Public Hearing Draft.
31	Transportation	3.1	Asks that change to policy areas be linked to implementation of new infrastructure. MCDOT opposes changes to policy areas until the transit and active transportation infrastructure and transit service is in place to support the more intensive development. MCDOT also advocates for a sustainable funding source to support ongoing improvements in transit service.	Haley Peckett, MCDOT	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.	Y	Supported staff response.
32	Transportation	3.1	The draft GIP proposes further weakening traffic congestion standards through transitioning certain areas from Green to Yellow, Yellow to Orange, and from Orange to Red without the current transportation infrastructure to support the change. These changes could undermine efforts to promote transit use and allocate resources for transit improvement. A successful strategy for encouraging transit usage should align development intensity with access to a robust and operational transit system, emphasizing the importance of transit infrastructure.	Marc Elrich, County Executive	See the response above.	Y	Supported staff response.
33	Transportation	3.2	What would the impact be on increasing the motor vehicle trip threshold from 30 net new trips per peak hour to 50?	Planning Board	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.	Y	Endorsed a 50 motor vehicle trip threshold during 6/6/24 work session.
34	Transportation	3.2	In favor of moving to 30 vehicle trips as the trigger for an LATR traffic study, noting that smaller sites or exempt uses should focus more on the on-site and safe site access critical for functionality.	Katie Wagner, on behalf of the NAIOP and MBIA	Comment received.	Y	--

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35	Transportation	3.2	Supports this new standard (30 vehicle trips) as it aligns land use policy with more sustainable transportation options.	Michael Larkin, Montgomery for All Steering Committee	Comment received.	Y	--
36	Transportation	3.2	MCDOT neither supports nor opposes on the understanding that this is an approximately equal conversion between units, and that this recommendation does not lead to a substantive reduction in LATRs produced. But we do note that there have been several developments under the current growth policy which met this de minimis and would not under this proposal, and vice versa.	Haley Peckett, MCDOT	Planning staff confirms that 30 motor vehicle trips is the approximate equivalent of the existing threshold of 50 person trips. Planning staff did not identify any projects that surpassed the threshold under the current growth policy which would not also surpass the threshold under the proposed policy.	Y	Supported staff response, but endorsed increasing the threshold to 50 net new peak hour motor vehicle trips.
37	Transportation	3.3	Support the increase in the delay standard for some policy areas as they are minor increases.	Katie Wagner, on behalf of the NAIOP and MBIA	Comment received.	Y	--
38	Transportation	3.3	MCDOT is concerned that this change would allow for greater vehicular congestion from new growth in newly classified policy areas without necessitating that robust transit service is available for users to have viable alternatives.	Haley Peckett, MCDOT	The county's growth policy acknowledges a greater tolerance for traffic mitigation as areas become less dependent on travel by private vehicle. As the areas recommended for changes to traffic congestion standards are envisioned to become more urban by Thrive Montgomery 2050, its reasonable to reduce traffic congestion standards. If we continue to prioritize traffic in these areas, they will not be transformed into more walkable, bikeable, and transit-friendly places.	Y	Supported staff response.
39	Transportation	3.4	Clarify that the non-motor vehicle adequacy test is not a new test.	Planning Board	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), illumination, Americans with Disabilities Act (ADA) compliance, bicycle system, and bus transit system. This test replaces the individual pedestrian, bicycle, and bus transit systems tests.	Y	Supported staff response.
40	Transportation	3.4	Supports 3.4 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.	Michael Larkin, Montgomery for All Steering Committee	Comment received.	Y	--
41	Transportation	3.5	MCDOT recommends maintaining the 2020 modal adequacy tests to maintain funding levels for APFO. The proposed changes for pedestrian adequacy stand to increase the County's burden in funding pedestrian infrastructure by reducing the extent of offsite improvements.	Haley Peckett, MCDOT	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.	Y	Supported staff response.
42	Transportation	3.5	MCDOT recommends study and development of a future transit modal adequacy test or other transit-focused GIP policy that results in meaningful improvement of transit service. Adding a shelter does not substantively expand transit access.	Haley Peckett, MCDOT	The GIP and LATR prioritize developer-constructed improvements and allow for payments only when construction is impracticable. Planning staff welcomes further conversation with MCDOT about future changes to the transit test. However, the growth policy is not an appropriate vehicle to help to increase transit service, which would have both an operations component (more service) and a capital component (more vehicles and storage facilities). This is regional transportation improvement, not a local transportation improvement, and therefore should not be required as a form of mitigation.	Y	Supported staff response.
43	Transportation	3.5	Each of these adequacy tests must also define the point from which Pedestrian, Bicycle, and Transit Adequacy is measured. MCDOT suggests that they be measured from the nearest edge of the property.	Haley Peckett, MCDOT	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.	Y	Supported staff response.
44	Transportation	3.5	NAIOP and MBIA support the simplification of the study areas, but questions 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."	Katie Wagner, on behalf of the NAIOP and MBIA	Planning Staff will coordinate with stakeholders during the LATR Guidelines update to ensure testing procedures prioritize safety and efficiency.	Y	Supported staff response.
45	Transportation	3.6	MCDOT supports this recommendation. 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.	Haley Peckett, MCDOT	Comment received.	Y	--
46	Transportation	3.6	Supports recommendation to focus on speed.	Michael Larkin, Montgomery for All Steering Committee	Comment received.	Y	--
47	Transportation	3.6	Concerned about the update to the Vision Zero Statement, particularly the idea that developers can implement speed reduction strategies and other roadway safety improvements as a mitigation project at MCDOT or at the discretion of MSHA. This may not be feasible as proposed solutions often require changes beyond the development site, such as additional ROW, speed limit changes, and road diets, which are difficult solutions to coordinate during the development review timeline. Further, current regulations do not grant private developers the ability or authority to implement traffic calming improvements.	Katie Wagner, on behalf of the NAIOP and MBIA	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.	Y	Supported staff response.

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48	Transportation	3.7	MCDOT supports the recommendation to remove the reference to the Safe Systems Adequacy Test.	Haley Peckett, MCDOT	Comment received.	Y	--
49	Transportation	3.8	MCDOT will monitor this recommendation as the proportionality guide is developed in 2025.	Haley Peckett, MCDOT	Planning staff will coordinate with MCDOT during the development of the new proportionality guide formula.	Y	Supported staff response. Asked for Planning Staff to benchmark from other jurisdictions' policies as part of the LATR Guidelines Update.
50	Transportation	3.8	Support the development of a trip-based proportionality guide calculation that better accounts for impacts, specifically as non-auto driver mode share in these areas results in higher rates, which places a higher cost burden on developments in red policy areas.	Katie Wagner, on behalf of the NAIOP and MBIA	Comment received.	Y	--
51	Transportation	3.8	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.	William Kominers, Lerch, Early & Brewer	The LATR Proportionality Guide will ensure that development projects contribute to local area transportation improvements based on the impact to the overall transportation system that they generate, as defined by the number of net new peak hour trips the project generates. Since constructed improvements are preferred 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 would not be required to construct a partial improvement at each of these intersections, but rather may be required to construct a full improvement at one intersection.	Y	Supported staff response.
52	Transportation	3.8	Supports development of a new Proportionality Guide calculation that focuses on the impact of motor vehicle trips instead of housing units and non-residential units.	Michael Larkin, Montgomery for All Steering Committee	Comment received.	Y	--
53	Transportation	3.9	Planning Board asked about equity implications of using fees collected in EFAs in an adjacent non-EFA	Planning Board	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. While Planning Staff appreciates the desire to spend funds in EFAs, the best way to do this is by programming and funding projects in EFAs through the capital budget process. The goal of this recommendation is to provide MCDOT with flexibility to use small mitigation payments more effectively and adding new restrictions on the use of these funds may be counterproductive. Planning Staff recommends supporting the recommendation as it appears in the Public Hearing Draft of the GIP. Planning Staff also suggests adding language to the report discussing the importance of having appropriate level-of-effort capital projects in EFAs that can receive mitigation funds.	Y	Supported staff response, but asked Planning Staff to investigate the possibility of prioritizing to keep funds in EFAs. <u>6/20 Update:</u> Supported recommendation as it appears in the Public Hearing Draft of the GIP. Also supported adding language to the report discussing the importance of having appropriate level-of-effort capital projects in EFAs that can receive mitigation funds.
54	Transportation	3.9	MCDOT supports the recommendation to provide more flexibility in spending fee-in-lieu funds. It provides the County with greater flexibility to use fee-in-lieu for the highest priority needs.	Haley Peckett, MCDOT	Comment received.	Y	--
55	Transportation	3.10	MCDOT supports the recommendation to provide more flexibility in spending fee-in-lieu funds. It provides the County with greater flexibility to use fee-in-lieu for the highest priority needs.	Haley Peckett, MCDOT	Comment received.	Y	--
56	Transportation	3.11	Planning Board asked about equity implications of the affordable housing exemption	Planning Board	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.	Y	Endorsed recommendation and staff response.

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57	Transportation	3.11	Expand adjustments to the proportionality guide limit such that deeply affordable MPDUs (at 50% AMI or less) also exempt a corresponding market-rate unit from off-site mitigation, effectively doubling the exemption.	Matthew Gordon, Robert Dalrymple on behalf of Selzer Gurvitch Rabin Wertheimer & Polott, P.C.	The Planning Board asked staff to provide more information on possible options to further expand the exemption at the 6/20 work session. While Planning Staff generally supports exempting the affordable housing component of projects from LATR construction and payment at a one-to-one ratio, the significant number of units at deeper levels of affordability combined with the expedited review schedule makes Mixed-Income Housing Community projects a good candidate for a full LATR exemption. Planning Staff recommends exempting Mixed-Income Housing Community projects from LATR requirements.	Y	Endorsed recommendation 3.11 during the 6/6/24 work session, and asked staff to return with more information on possible options to further expand the exemption at a future work session. Planning staff will discuss proposals to expand the exemption at the 6/20 update. <u>6/20 update:</u> Supported recommendation to exempt Mixed-Income Housing Communities from LATR requirements.
58	Transportation	3.11	Provide a full LATR exemption for projects with 30% or more MPDUs. All units (both affordable and market rate) would be exempt from off-site mitigation.	Matthew Gordon, Robert Dalrymple on behalf of Selzer Gurvitch Rabin Wertheimer & Polott, P.C.	See the response above.	Y	See above.
59	Transportation	3.11	Supports the recommendation. Recommends providing a full LATR exemption for mixed income community projects with more than 25% affordable units. All units (both affordable and market rate) would be exempt from off-site mitigation.	Katie Wagner, on behalf of the NAIOP and MBIA	See the response above.	Y	See above.
60	Transportation	3.11	Supports the recommendation, noting that there are a wide variety of limitations on new affordable housing and helping these projects pencil out is unambiguously good.	Mike English	Comment received.	Y	--
61	Transportation	3.11	Supports expanding the current off-site mitigation exemption for affordable housing units to include constructed improvement as worthy policy for encouraging the development of additional housing in the County, including affordable housing, and supports their broad application.	Miles Group	Comment received.	Y	--
62	Transportation	3.11	Supports recommendation as it could increase the financial viability of building more affordable and attainable housing. Montgomery County must simplify and reduce the cost of the housing construction process in light of the ongoing housing crisis.	Michael Larkin, Montgomery for All Steering Committee	Comment received.	Y	--
63	Transportation	3.11	MCDOT would support this recommendation only if the County can develop an alternate funding source for adequate public facilities (APF) for affordable housing units. The current recommendation will result in a notable decrease in offsite improvements, which may disproportionately affect residents of affordable housing and their market-rate neighbors.	Haley Peckett, MCDOT	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.	Y	Supported staff response.
64	Transportation	3.12	Supports 3.12 as it address 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.	Dan Reed, Greater Greater Washington (GGWash)	Comment received.	Y	--
65	Transportation	3.12	Supports the exemption for larger units.	Katie Wagner, on behalf of the NAIOP and MBIA	Comment received.	Y	--
66	Transportation	3.12	Supports recommendation as a worthy policy for encouraging the development of additional housing in the County, including affordable housing, and supports their broad application.	Miles Group	Comment received.	Y	--
67	Transportation	3.12	Supports recommendation as it could increase the financial viability of building more affordable and attainable housing. Montgomery County must simplify and reduce the cost of the housing construction process in light of the ongoing housing crisis.	Michael Larkin, Montgomery for All Steering Committee	Comment received.	Y	--
68	Transportation	3.12	MCDOT voices minor opposition to this recommendation, given that MCDOT's priority is to ensure adequate public facilities can be built for all new developments. However, the anticipated fiscal impact is minor (under \$200K over three years). Clearly define 3+ bedroom units and clarify whether boarding / rooming houses, or other forms of shared or group housing would qualify for the proposed changes.	Haley Peckett, MCDOT	Planning Staff will propose a definition to the Planning Board during the impact tax work session on 6/14.	Y	Supported recommendation.
69	Transportation	3.12	Supports 3.12 - Directly incentivizing family size units, which face headwinds smaller (also needed) units do not, is a good idea.	Mike English	Comment received.	Y	--
70	Transportation	3.13	Support the elimination of an LATR traffic study day care uses. 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.	Katie Wagner, on behalf of the NAIOP and MBIA	Comment received.	Y	--
71	Transportation	3.13	MCDOT opposes the LATR exemption for daycares. MCDOT supports maintaining the requirement for LATRs wherever they are currently required. LATRs are a critical tool for MCDOT to measure impact on our transportation network and determine need for APF.	Haley Peckett, MCDOT	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.	Y	Supported staff response.
72	Transportation	3.14	MCDOT neither supports nor opposes this recommendation; it would have no or negligible fiscal impact as compared to the current policy.	Haley Peckett, MCDOT	Comment received.	Y	--

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73	Transportation	3.14	Support the elimination of an LATR traffic study for bioscience.	Katie Wagner, on behalf of the NAIOP and MBIA	Comment received.	Y	--
74	Transportation	3.14	Expand on the bioscience LATR exemption and extend the three-year period for filing the building permit "for good cause shown" for approvals under the new GIP and projects using the same exemption under the 2020-2024 GIP. Because of the nonlinear nature of many bioscience projects that are often halted by funding lapses or changes in research, the 3-year time limit may be too restrictive.	William Kominers, Lerch, Early & Brewer	Planning staff agrees and recommends removing the time limit with the following revision from the Draft 2024-2028: 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.	Y	Supported staff response.
75	Transportation	3.15	Identify a path to achieve NADMS goals that developed outside of master plans.	Planning Board	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.	Y	Supported staff response.
76	Transportation	3.15	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.	Haley Peckett, MCDOT	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 could include a more thorough review and potential overhaul of NADMS goals. MCDOT expressed support for the recommended goals as shown in the Public Hearing Draft after reviewing the goals and methodology with Planning Staff on June 12, 2024. Staff will discuss the goals with the Planning Board during the 6/20 work session.	Y	Planning Staff will review the NADMS goals with the Planning Board at the 6/20 work session. <u>6/20 update:</u> Supported recommended goals as shown in the Public Hearing Draft. Also supported adding language to the report that explains the methodology and proposes a more thorough review and potential overhaul of NADMS goals as part of the 2028 GIP update process.
77	Transportation	3.16	MCDOT supports this recommendation, with the goal of modernizing and streamlining existing regulations and guidance.	Haley Peckett, MCDOT	Comment received.	Y	--
78	Transportation	3.16	Requests that the GIP include language about projects going to the Planning Board after the adoption of the GIP, allowing them to take advantage of the recommendations.	Katie Wagner, on behalf of the NAIOP and MBIA	The LATR Guidelines can provide direction on revisions to not-yet-approved applications. Staff also recommends revising the subject text as follows: "This resolution takes effect on January 1, 2025, and applies to any application for a preliminary plan, site plan, building permit, or other application that requires a finding of Adequate Public Facilities filed accepted on or after that date."	Y	Supported staff response.
79	Transportation	3.17	MCDOT neither supports nor opposes this recommendation. MCDOT would look to partner with the Planning Department on their revision.	Haley Peckett, MCDOT	Planning Staff will partner with MCDOT and other stakeholders to revise the LATR Guidelines.	Y	Supported staff response.
80	Transportation	3.18	MCDOT neither supports nor opposes this recommendation; this relates to Maryland State Highway Administration processes. In general, MCDOT supports streamlining and alignment in agency review timelines.	Haley Peckett, MCDOT	Comment received.	Y	--
81	Transportation	3.18	Supports the recommendation for the 30-day SHA review timeline and desire to have mutual expectations in the development review process. Consistently get requests for analysis from SHA for projects located in Red Policy areas and the purpose of the study is typically for informational purposes where no access permit is required or outside the desired project timeline.	Katie Wagner, on behalf of the NAIOP and MBIA	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.	Y	Supported staff response.
82	Transportation	3.18	Strongly supports changing the state law to align SHA's review time (45 days) with the review time for other agencies (30 days). This was an important recommendation of the recent development review workgroup to streamline the County's development review process and enhance economic competitiveness.	Miles Group	See the response above.	Y	Supported staff response.
83	Transportation	3.18	Notes 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.	Joe Moges, MD SHA	Comment received.	Y	--
84	Transportation	Appendix B p.5	Hammer Hill daycare LATR mitigation requirement includes "Plant additional street trees" - Please clarify that the developer was originally required to provide an off-site shared use path, but that this requirement was eliminated due to the Proportionality Guide.	Haley Peckett, MCDOT	While the day care may have been required to provide an off-site shared use path without the LATR Proportionality Guide, this shared use path was never required by the Planning Board.	N	--

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85	Transportation	Appendix B p.8	4910/4920 Strathmore: There was an amendment to the plan after the applicant reduced the size of their development. The applicant is no longer required to construct a sidepath to replace the existing sidewalk and bridge on the south side of Strathmore Ave.	Haley Peckett, MCDOT	Edit Appendix B: - Remove sidepath and bridge from list of mitigations - Proportionality Guide from \$1,315,890 to \$1,062,795 (a reduction of \$253,095) - Reduce Constructed totals by \$360,376.80. - Edit project description Page 23: -Edit totals: The estimated combined value of the required improvements is \$7.25 \$6.89 million, including \$3.14 million in mitigation payments and \$4.11 \$3.75 million in developer-constructed improvements. Sidewalks 3,450 ft 3,420 ft	N	--
86	Impact Taxes	General	Recommends that the Planning Board explore a more equitable tax structure akin to Northern Virginia's, where long-term payments sustain infrastructure funding and foster business growth. In Northern Virginia, taxes allocated for infrastructure directly contribute to essential projects, showcasing a model for effective and sustainable development.	Marc Elrich, County Executive	Planning Staff would welcome future collaboration with Executive Branch agencies on funding infrastructure. Planning Staff recognizes that there is insufficient funding to implement infrastructure recommendations in master plans and is supportive of the County Executive's efforts to convene a larger discussion about infrastructure funding and welcomes the opportunity to participate.	Y	Supported staff response and emphasized the Board's desire to be part of the group working towards finding new funding solutions. Staff will include language in the GIP transmittal letter supporting an infrastructure funding study
87	Impact Taxes	General	If further exemptions and reductions in impact taxes are adopted, alternative funding sources must be identified. Absent that, the growth policy may intensify the inequitable distribution of public services throughout the County.	Marc Elrich, County Executive	While the County Executive asserts that the GIP may intensify the inequitable distribution of public services, it's not clear that this is the case for the impact tax recommendations. Impact taxes are not geographically bound, however, offsite improvements are. One of the main benefits of adding additional impact tax waivers and exemptions in the GIP is to incentivize new development in more parts of the county, especially in places where projects have a hard time penciling out due to the high impact taxes.	Y	Supported staff response.
88	Impact Taxes	General	At a minimum, we strongly recommend that the collective portfolio of GIP recommendations be neutral in value to the County as compared to the current GIP policy. It would be our preference that recommendations provide a net positive value to the County, which would improve our ability to ensure adequate public facilities and achieve master planned visions.	Haley Peckett, MCDOT	Planning Staff focused on crafting a policy that further aligns the GIP and the impact tax recommendations with county goals and priorities. It is important that this policy helps further the county's goals, especially given that the county is not producing sufficient housing to meet its housing goals, especially affordable housing. Impact taxes are one of the tools that county has at its disposal to help incentivize the production of housing.	Y	Supported staff response.
89	Impact Taxes	General	Reduce transportation impact tax rates for developments that meet or exceed the NADMS rates. The tax rate could be value per auto trip. Thus, trips taken by transit, walking or biking would not be charged an impact tax, thus encouraging their usage.	Daniel L. Wilhelm, GCCA	Planning Staff does not have an accurate way of measuring the impact of transportation demand management (TDM) measures on mode-share and trip generation for individual projects. The current impact tax regime, which is based on square footage and number of units, would also stand in the way of this proposal. However, under the current system, projects with high NADMS rates are typically located in Red policy areas, which have the lowest tax rates.	Y	Supported staff response.
90	Impact Taxes	4.1	This recommendation should be clarified to base impact taxes for schools at 100% of the construction cost incurred by MCPS. MCPS receives funding from the state for construction costs associated with a student seat (thereby lowering that cost to MCPS). As such, the school impact taxes paid by building permit applicants should be recalibrated to reflect this contribution.	Miles and Stockbridge	Planning Staff is evaluating this issue and will discuss the findings with the Planning Board in a future work session.	Y	Staff will revisit this recommendation at a future work session.
91	Impact Taxes	4.3	The County's approach to measuring infrastructure impact, which focuses on large-scale development and excludes small-scale residential development, may have worked previously when most single-family homes were torn down and replaced with larger single-family homes. But if conversions of single-family homes to duplexes, triplexes, and quadplexes increases once the Attainable Housing Strategies initiative is implemented, the GIP should incorporate infrastructure assessments of attainable housing units.	David Barnes, on behalf of the Edgemoor Citizens Association	Small scale attainable housing units will pay both transportation and school impact taxes and school UPP payments if necessary. However, small scale attainable housing units are unlikely to be required to contribute to offsite transportation improvements due to the de minimis threshold for transportation adequacy.	Y	Supported staff response.

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92	Impact Taxes	4.3	Raise 1,500 sf threshold to at least 1600 sf. Support for MBIA/NAIOP's proposal of 2000 SF as well.	Pat Harris, Lerch, Early & Brewer	This recommendation is intended to align the GIP with the Attainable Housing Strategies report. For the Attainable Housing Optional Method (AHOM), the most practical means of ensuring attainability is to establish a maximum average unit size across all unit types within a development project. The Planning Board recommended 1,500 SF as the maximum average unit size. Planning Staff is open to changing the square footage threshold required to qualify for the 50% impact tax discount, however, we want to reiterate that the recommendation is intended to incentivize the production of smaller homes. Planning Staff is currently evaluating average square footage from DPS' building permit data to better understand the unit sizes of the units being built. Regardless, if a change is made to this recommendation, it should also be reflected in the Attainable Housing Strategies report, which the Planning Board will also review on June 13, 2024. Planning Staff proposed revised recommendation with an 1,800 sf threshold at the June 13, 2024 work session.	Y	Supported staff response and staff's proposal to raise the threshold to 1800 sf.
93	Impact Taxes	4.3	The proposed discount for smaller homes does not go far enough for this purpose as the market will demand housing larger than 1,500 ft.	Matthew Gordon, Robert Dalrymple on behalf of Selzer Gurvitch Rabin Wertheimer & Polott, P.C.	See the response above.	Y	See above.
94	Impact Taxes	4.3	Approve of a 50% reduction in impact fees for single-family attached or detached dwelling units, however, recommend expanding from 1,500 square feet to 2,000 square feet or separate thresholds for attached and detached units. From the developer perspective, it is not financially viable to build homes smaller than 1,500 sf because of the required width of the units and the market preferences for number of bedrooms.	Katie Wagner, on behalf of the NAIOP and MBIA	See the response above.	Y	See above.
95	Impact Taxes	4.3	Suggests increasing the eligible unit size to reflect market conditions. These housing types are usually larger than 1,500 square feet (but not significantly so) and increasing the size limit will meaningfully encourage the development of attainable housing.	Miles Group	See the response above.	Y	See above.
96	Impact Taxes	4.3	Supports this recommendation because it encourages more compact land use and can lead to lower construction costs that will be passed onto residents through comparatively lower housing prices.	Michael Larkin, Montgomery for All Steering Committee	Comment received.	Y	--
97	Impact Taxes	4.3	Supports the recommendation as it 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.	Dan Reed, Greater Greater Washington (GGWash)	Comment received.	Y	--
98	Impact Taxes	4.3 and 4.5	Supports the recommendation to discount impact taxes for smaller homes, and eliminate them for three-bedroom apartments. This will help incentivize the construction of more of the smaller more affordable homes that are needed in the county.	Mary Stickles	Comment received.	Y	--
99	Impact Taxes	4.4	MCDOT supports the recommendation to remove the desired growth and investment area discount.	Haley Peckett, MCDOT	Planning Staff notes that this could potentially help offset some of the impact tax exemptions and discounts that MCDOT and the Executive Branch have expressed concerns about.	Y	Supported recommendation and staff response.
100	Impact Taxes	4.5	Full support of recommendation 4.5 which exempts multifamily units with three or more bedrooms from transportation and school impact taxes consistent with Thrive 2050's recommendation.	Matthew Gordon, Robert Dalrymple on behalf of Selzer Gurvitch Rabin Wertheimer & Polott, P.C.	Comment received.	Y	Supported recommendation.
101	Impact Taxes	4.5	Supports this recommendation because it encourages more compact land use and can lead to lower construction costs that will be passed onto residents through comparatively lower housing prices.	Michael Larkin, Montgomery for All Steering Committee	Comment received.	Y	--
102	Impact Taxes	4.5	Supports 4.5, as it address 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.	Dan Reed, Greater Greater Washington (GGWash)	Comment received.	Y	--

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103	Impact Taxes	4.5	MCDOT voices minor opposition to this recommendation.. However, the anticipated fiscal impact of is minor due to the few number of 3+ bedroom units built over recent years. Clearly define units with three or more bedrooms, such as whether boarding / rooming houses, or other forms of shared or group housing, would qualify for the proposed changes.	Haley Peckett, MCDOT	Planning Staff recommends developing a definition for 3+ bedroom units as the 3+ bedroom exemption is intended only 3+ bedroom units in multifamily projects and will propose a definition at the work session. Also, Planning Staff notes that this is an existing impact tax waiver that is being broadened and has already been applied to existing projects. Planning Staff proposed a modified recommendation to clarify definition of 3+ bedroom units: "Modify the exemption to fully waive impact taxes for multifamily residential units that have three-bedrooms or more in multifamily structures."	Y	Supported staff response and the proposed revision to recommendation to better define 3+ bedrooms. Noted that staff should monitor any increased production of these units during the next GIP update. Staff will revisit this topic during the discussion on defining the housing type for stacked flats and multiplexes.
104	Impact Taxes	4.5 and 4.6	Supportive of the policy to exempt multifamily bedrooms with three or more units and for office-to-residential conversion projects from development impact taxes all together. This is a creative way to encourage the development of needed housing in the County by adaptively reusing vacant and outmoded office buildings.	The Miles Group	Comment received.	Y	--
105	Impact Taxes	4.6	Supports this recommendation because it encourages more compact land use and can lead to lower construction costs that will be passed onto residents through comparatively lower housing prices.	Michael Larkin, Montgomery for All Steering Committee	Comment received.	Y	--
106	Impact Taxes	4.6	Supports this recommendation, noting that conversions are not a panacea. While exempting them from impact taxes won't make fundamentally unfit office buildings suddenly workable, but they could help mitigate significant costs, and cause a more marginal project to pencil that otherwise wouldn't.	Mike English	Comment received.	Y	--
107	Impact Taxes	4.6	Recommends adding a new recommendation that provides a 50% exemption from school impact taxes for development projects that involve the demolition of office buildings for infill attached and/or multifamily housing. Selzer Gurvitch reasons that this will allow for a 100% exemption where projects adaptively reuse an office building for multifamily housing and incentivize a wider range of housing types.	Matthew Gordon, Robert Dalrymple on behalf of Selzer Gurvitch Rabin Wertheimer & Polott, P.C.	Planning Staff proposed a revised recommendation: "Given the high office vacancy rate and how expensive it is to convert, exempt office-to-residential conversions from transportation and schools impact taxes when the building is adaptively reused or renovated for multifamily housing. Offer a 50% transportation and schools impact tax discount for office-to-residential conversions when demolition is involved in the conversion of office-to-residential to multifamily or single-family attached housing. "	Y	Supported revised recommendation.
108	Impact Taxes	4.6	MCDOT voices minor opposition to this recommendation, as this recommendation may slightly reduce available revenues to address needs. Recommends precisely define what constitutes an office-to-residential conversion, particularly for projects that may include both conversions as well as new non-conversion development.	Haley Peckett, MCDOT	See the response above.	Y	Supported staff response.
109	Impact Taxes	4.7	MCDOT neither supports nor opposes this recommendation; it would have no or negligible fiscal impact as compared to the current policy.	Haley Peckett, MCDOT	Comment received.	Y	Supported recommendation.
110	Impact Taxes	4.7	Continuing the exemption for bioscience projects is appropriate and in the public interest. Adding the exemption to the code will provide assurance of greater certainty and consistency, which will benefit pursuit of bioscience businesses.	William Kominers, Lerch, Early & Brewer	Comment received.	Y	--
111	Impact Taxes	4.7	Agree with maintaining the current policy, as it recognizes the importance of this sector to the County's economic and advances the recommendations of the pending update to the Great Seneca Plan.	The Miles Group	Comment received.	Y	--
112	Impact Taxes	4.8	Cautions that the proposal will significantly impact the County's financial ability to build priority infrastructure projects to accommodate growth. If credits are allowed for improvements on State roads, impact tax rates should be increased to account for the additional scope of work the County would have to fund.	Marc Elrich, County Executive	This recommendation creates a fairer and more equitable development process. State roadways are critical transportation assets and the site of significant corridor-focused growth. Developer-built improvements along these roadways improve safety and create value for county residents and visitors. The County regularly funds and constructs sidewalks and sidepaths along and adjacent to State-owned roadways. Planning Staff also notes that expanding credits to state-owned roadways aligns with the county's current use of impact tax funds. While impact taxes are not used for State-led projects, they are used for improvements on state-owned roadways. For example, impact tax funds were used to advance the BRT projects on Veirs Mill Road, MD 355, and US 29.	Y	Supported staff response and recommendation. Staff will revisit at a future work session with specific proposed changes to the code.
113	Impact Taxes	4.8	MCDOT strongly opposes this recommendation. Credits for capacity improvements along state roads would significantly impact the County's financial ability to build priority infrastructure projects to accommodate growth. It would further reduce the available funds and serves to de-prioritize the projects that have been carefully selected through master planning and County budget approvals.	Haley Peckett, MCDOT	See the response above.	Y	See above.
114	Impact Taxes	4.8	Agree with recommendation to allow tax credits for projects along state roadways, however suggest furthering these credits to include all projects that align with County's current policies including the Complete Streets Guidelines and Vision Zero. Recommend that the credits be acknowledged during preliminary plan and/or site plan review and confirmed prior to building permit issuance.	Katie Wagner, on behalf of the NAIOP and MBIA	Comment received.	Y	See above.
115	Impact Taxes	4.8	Supports recommendation, adding that credits for improvements to state roads are long overdue - where the County is the source of the requirement, there should be credit given for improvements, even if it is on a state road.	William Kominers, Lerch, Early & Brewer	Comment received.	Y	See above.

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116	Impact Taxes	4.8	In agreement that the impact tax law needs comprehensive review and revision. The existing law (including the credit provisions) contains unclear language with complicated procedures, unreasonably restricts eligible improvements, and result in unpredictable and arbitrary determinations. It can encourage multimodal transportation and enhance safety, but it is an expensive and complicated frontage improvement that can make projects unviable or lead to increased costs that get passed on to homeowners or renters. This has been a focus in surrounding jurisdictions such as Gaithersburg.	The Miles Group	Comment received.	Y	See above.
117	Impact Taxes	4.8	Suggests undergrounding of utilities be added as an improvement eligible for impact tax credits.	The Miles Group	Comment received.	Y	See above.
118	Impact Taxes	4.9	For long-term projects with existing plan approvals like Viva White Oak, it is essential that the Opportunity Zone tax exemption be maintained after the designation expires in a few years. Leveraging the economic advantages of this designation is critical to the project's success. Recommends including legacy language.	Scott Wallace, Miles & Stockbridge, on behalf of MCB White Oak LLC	<p>Planning Staff will update its recommendation to recommend maintaining the Opportunity Zone exemption regardless in currently designated areas beyond the expiration date. The impact tax exemption for former Enterprise Zones was phased out in the last GIP update and Planning Staff does not intend to bring it back. Planning Staff is, however, supportive of retaining the exemption for current Enterprise Zones.</p> <p>Planning Staff proposed a revised recommendation: "Given that the program is expected to expire at the end of 2026, Planning staff recommend adding legacy language to allow Planning Board approved projects that have not yet received building permits to continue to receive the impact tax exemption. Although the federal Opportunity Zone program is expected to expire at the end of 2026, the Opportunity Zone impact tax exemption should remain for projects located in the Opportunity Zone designated census tracts regardless of federal status."</p>	Y	Supported revised recommendation.
119	Impact Taxes	4.9	Continue to exempt development projects under opportunity zones and enterprise zones so long as the underlying APF approval remains valid at the time of building permit issuance when impact taxes are calculated. The current exemption for Enterprise zones should remain in effect until they expire. If such transitional language is not included, it will continue to head the development process in these qualified opportunity zones.	Matthew Gordon, Robert Dalrymple on behalf of Selzer Gurvitch Rabin Wertheimer & Polott, P.C.	See the response above.	Y	See above.
120	Impact Taxes	4.9	Recommend continuing the impact tax exemption for enterprise zones and opportunity zones beyond the expiration dates. These areas will remain distressed and in need of economic development and investment beyond the lapse of the federal designation and continuing to provide impact tax exemptions will provide incentives to continue development there.	William Kominers, Lerch, Early & Brewer; Daniel L. Wilhelm, GCCA	See the response above.	Y	See above.
121	Stormwater Mgmt.	Appendix C	Working Draft's Appendix C mischaracterizes the county's stormwater management efforts in this statement: "The county has long been at the forefront of ...stormwater management. This has resulted in ...high standards for environmental resource protection, preservation, and conservation." In fact, the Department of Environmental Protection has stated that it has not seen any improvement in BMIs, which are an industry standard measure of stream health.	Kenneth Bawer	Response forthcoming.		
122	Stormwater Mgmt.	Appendix C	Adequate stormwater control infrastructure should be an integral component for administering the county's Adequate Public Facilities (APF) requirements. If not adequate to support a proposed development project, there must be a requirement for enhanced on-site stormwater retention.	Kenneth Bawer	Chapter 19 governs stormwater management and establishes minimum requirements and procedures to control the adverse impacts associated with land disturbances.		