

Resolution No.: 20-651
Introduced: November 12, 2024
Adopted: November 12, 2024

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: Council President at the request of the Planning Board

SUBJECT: 2024-2028 Growth and Infrastructure Policy

Background

1. County Code §33A-15 requires that no later than November 15 of the second year of a Council's term, the County Council must adopt a Growth and Infrastructure policy to be effective until November 15 of the second year of the next Council term, to provide policy guidance to the agencies of government and the general public on matters concerning land use development, growth management and related environmental, economic and social issues.
2. On August 1, 2024, in accordance with §33A-15, the Planning Board transmitted to the County Council its recommendations on the 2024 Growth and Infrastructure Policy. The draft policy, as submitted by the Planning Board, contained supporting and explanatory materials. There are also appendices that contain additional data and information.
3. On September 10, 2024, the County Council held a public hearing on the policy.
4. On September 16 and 23, 2024, and on October 7, 2024 the Council's Planning, Housing, and Parks Committee conducted worksessions on the recommended policy.
5. On October 15 and 22, 2024, the Council conducted worksessions on the Growth and Infrastructure Policy, at which careful consideration was given to the public hearing testimony, updated information, recommended revisions and comments of the County Executive and Planning Board, and the comments and concerns of other interested parties.

Action

The County Council for Montgomery County, Maryland, approves the following Resolution:

The 2024-2028 Growth and Infrastructure Policy is approved as follows:

Applicability; Transition

AP1 Effective dates

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 accepted on or after that date.

AP2 Transition

An Applicant can elect to use the 2024 approved Growth and Infrastructure Policy if they have a preliminary plan or site plan application pending but not yet approved as of January 1, 2025, as long as required analysis is completed before approval.

Guidelines for the Administration of the Adequate Public Facilities Ordinance

County Code Chapter 33A Article III (“Growth Policies”) directs the County Council to adopt a Growth and Infrastructure Policy every four years. The policy must include guidelines for the Planning Board and other agencies as appropriate, for their administration of Section 50-4.3(J) and other laws and regulations that affect the adequacy and timing of public facilities needed to support growth and development. The following guidelines describe the methods and criteria that the Planning Board and its staff must use in determining the adequacy of public facilities. They supersede all previous guidelines adopted by the County Council.

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

The Policy and its directives and their supporting planning and measurement process have been the subject of a public hearing and review during worksessions by the County Council. Approval of the findings and directives reflects a legislative judgment that, all things considered, these findings and procedures constitute a reasonable, appropriate, and desirable policy, which properly relate to the ability of the County to program and construct facilities necessary to accommodate growth. The Policy will substantially advance County land use objectives by providing for coordinated and orderly development.

These guidelines are intended to be used as a means for government to fulfill its responsibility to provide adequate public facilities. Quadrennial review and oversight, combined with periodic monitoring by the Planning Board, allows the Council to identify problems and initiate solutions that will serve to avoid or limit the duration of any imbalance between the construction of new

development and the implementation of infrastructure improvements in a specific policy area.

The administration of the Adequate Public Facilities Ordinance must at all times be consistent with adopted master plans and sector plans. Where development guidelines in adopted master plans or sector plans are more restrictive than Policy guidelines, the guidelines in the adopted master plan or sector plan must be used to the extent that they are more restrictive. The Policy does not require the Planning Board to base its analysis and recommendations for any new or revised master or sector plan on the public facility adequacy standards in this resolution.

Policy Areas

P1 Policy Area Boundaries and Definitions

For the purposes of school and transportation analysis, the County has been divided into geographic areas called policy areas, as shown on Map 49. In many cases, the policy areas have the same boundaries as planning areas, sector plan areas, or master plan analysis (or special study) areas. The boundaries of the policy areas are shown on Maps 1–48.

The boundaries of the City of Gaithersburg and the City of Rockville policy areas reflect existing municipal boundaries, except where County-regulated land is surrounded by city-regulated land. The boundaries of these municipal policy areas do not automatically reflect any change in municipal boundaries; any change in a policy area boundary requires affirmative Council action.

At each quadrennial update to the Growth and Infrastructure Policy, the latest growth contexts of the policy areas are to be reviewed, and School Impact Area and Transportation Policy Area classifications as well as area boundaries are to be revised accordingly.

Guidelines for Public School Facilities

S1 Geographic Areas

S1.1 School Impact Areas

Each policy area has been classified as a School Impact Area based on its recent and anticipated growth contexts. The three School Impact Area categories and their growth characteristic are:

- **Infill** - High housing growth predominantly in the form of multi-family units that generate relatively few students on a per-unit basis.
- **Turnover** - Low housing growth, where enrollment trends are largely dependent on the turnover of existing single-family units.
- **Greenfield** - High housing growth predominantly in the form of single-family units, consequently experiencing high enrollment growth.

The School Impact Area classifications are identified in Table S1 and are shown in Map 50.

Table S1. School Impact Area Classifications

School Impact Area Type	Policy Area
Infill	<ul style="list-style-type: none"> • Bethesda Central Business District (CBD) • Burtonsville Town Center • Chevy Chase Lake • Forest Glen • Friendship Heights • Gaithersburg • Germantown Town Center • Glenmont • Great Seneca Life Science Center • Grosvenor • Lyttonsville • Medical Center • North Bethesda Metro Station • Olney Town Center • Purple Line East • Rock Spring • Rockville Town Center • Shady Grove • Silver Spring CBD • Takoma • Twinbrook • Wheaton CBD • White Oak Downtown • Woodside
Turnover	<ul style="list-style-type: none"> • Aspen Hill • Bethesda/Chevy Chase • Clarksburg East • Clarksburg Town Center • Clarksburg West • Cloverly • Colesville • Damascus • Derwood

	<ul style="list-style-type: none"> • Fairland/Briggs Chaney • Germantown East • Germantown West • Great Seneca Communities • Kensington/Wheaton • Montgomery Village/Airpark • North Bethesda • North Potomac • Olney • Potomac • Rockville City • Rural East • Rural West • Silver Spring/Takoma Park • White Oak
Greenfield	<ul style="list-style-type: none"> • None

S1.2 MCPS School Service Areas

For the purpose of analyzing the adequacy of public school facilities by various school service areas, the boundaries of Montgomery County Public Schools (MCPS) are adopted to define individual school service areas for each grade level of school as noted below. For paired elementary schools – where students attend grades K to 2 at one school and grades 3 to 5 at another – the service areas of the schools paired together are treated as one homogenous area.

- Individual Elementary School Service Area
- Individual Middle School Service Area
- Individual High School Service Area

S2 Annual School Test

Each year, no later than July 1, the Planning Board is to review and certify the results of an Annual School Test to evaluate the adequacy of public school facilities. The test assesses each individual elementary, middle, and high school facility. The findings from the test are used to establish the adequacy status of each school service area and dictate applicable standards for prospective development applications accordingly.

Along with certifying the test results, the Planning Board is required to approve or reaffirm the Annual School Test procedures and guidelines that govern how the test is conducted and utilized.

To the extent that they are consistent with this Policy, the Planning Board guidelines may continue to apply or may be amended as the Planning Board finds necessary.

The Annual School Test results remain in effect for the entirety of the fiscal year unless there is a change to the Montgomery County Public Schools Capital Improvements Program (CIP). If at any time during a fiscal year the County Council notifies the Planning Board of a material change in the MCPS CIP, the Planning Board may revise the results of the Annual School Test to reflect that change. The Annual School Test results will include adequacy ceilings identifying the number of students projected to enroll at each school from the next adequacy status level as indicated by subsequent utilization thresholds. Each development application will be evaluated against the applicable adequacy status identified in the Annual School Test results and its estimated enrollment impacts evaluated against the applicable adequacy ceilings, to determine mitigation as appropriate. If a development application's enrollment impact exceeds an adequacy ceiling, the proportion of development associated with the number of students in excess of the ceiling will be required to meet the mitigation requirement of the subsequent adequacy status level. The results of the Annual School Test (i.e., the status of a school) will not change during the fiscal year as development applications are approved.

S2.1 Determination of Adequacy

For the purpose of conducting the Annual School Test, adequacy is defined as capacity utilization, measured as a derivative of enrollment and capacity. Capacity herein refers to the program capacity specified for each school by MCPS based on the allocation of space for different grades and types of programs. Capacity utilization can be measured in two dimensions – a utilization rate and the number of students under/over-capacity. A utilization rate is calculated by dividing enrollment by capacity. The number of students under/over capacity is calculated by subtracting enrollment from capacity, in which case a positive number is identified as a seat surplus, and a negative number is identified as a seat deficit.

MCPS provides data for each facility's enrollment and capacity in its annual Educational Facilities Master Plan and Capital Improvements Program. For the purpose of accurately reflecting potential changes to enrollment or capacity figures not officially included in MCPS's data, limited adjustments may be made to the projected enrollment and planned capacity of certain schools on the following terms:

- Adjustments are made to the projected enrollment of schools slated for student reassignments when a capital project at one school is described in the Project Description Form as being intended to relieve overcrowding at another school. The adjustment is to be reflective of the estimated number of students to be reassigned. If an estimated number is explicitly identified in the Project Description Form, it is to be used. Otherwise, the estimate will be based on an assumed balance of projected utilization across all schools involved for the year tested.
- Adjustments are made to the planned capacity of a school when the Council implements a placeholder solution. The adjustment is to be reflective of the potential relief provided by the solution project.

S2.2 Adequacy Standards and School Service Area Status

Every MCPS elementary, middle, and high school with a predefined geographic boundary is assessed by the capacity utilization of their facility projected for four fiscal years in the future_(e.g., the FY2025 Annual School Test will evaluate projected utilization in the 2028-29 school year).

If a school’s four-year projected utilization does not exceed both 105% utilization and the applicable seat deficit threshold identified in Table S2 for ‘No UPP’, the facility is considered adequate. If a school’s four-year projected utilization is found to exceed the subsequent standards indicated in Table S2, the service area’s status will require mitigation in the form of a Utilization Premium Payment (UPP).

Table S2 summarizes the adequacy parameters of the Annual School Test.

Table S2. School Adequacy Standards

Utilization Standard		Seat Deficit Standard	School Service Areas Status
< 105%	or	< 74 for ES < 120 for MS < 160 for HS	No UPP
≥ 105%	and	≥ 74 for ES ≥ 120 for MS ≥ 160 for HS	Tier 1 UPP
≥ 120%	and	≥ 92 for ES ≥ 150 for MS ≥ 200 for HS	Tier 2 UPP
≥ 135%	and	≥ 110 for ES ≥ 180 for MS ≥ 240 for HS	Tier 3 UPP

S3 Utilization Premium Payment Requirements

The Annual School Test and an application’s estimated enrollment impacts determine whether, and the extent to which, a Utilization Premium Payment is required as a condition of Planning Board approval on the basis of adequate school facilities.

These funds must be used for capital projects adding capacity at either the school for which they were collected or an adjacent school.

S3.1 Utilization Premium Payment Calculation

The Utilization Premium Payments are applied at the individual school level and are calculated by applying the applicable payment factors identified in Table S3 to the applicable non-exempt and undiscounted school impact tax rates, by School Impact Area and dwelling unit type.

An application for development may be subject to payments at multiple Utilization Premium Payment tiers for an individual school if the estimated number of students generated by the application exceeds the adequacy ceilings identified in the Annual School Test.

Table S3. Utilization Premium Payment

UPP Tier	Payment Factors			Total, if all three schools at the same status
	Elementary	Middle	High	
Tier 1 UPP	16 $\frac{2}{3}$ %	10%	13 $\frac{1}{3}$ %	40%
Tier 2 UPP	33 $\frac{1}{3}$ %	20%	26 $\frac{2}{3}$ %	80%
Tier 3 UPP	50%	30%	40%	120%

S3.2 Exemptions from Utilization Premium Payments

S3.2.1 Affordable Housing Units

Moderately Priced Dwelling Units and other affordable housing units, which are exempt from development impact taxes for schools under Section 52-54(d), paragraphs 1 through 4, are exempt from the Utilization Premium Payments. In addition, any dwelling unit in a development for which a preliminary plan application is filed prior to February 26, 2021 that includes 25% affordable units as defined in Sections 52-41(g)(1) through 52-41(g)(4) or 52-54(d)(1) through 52-54(d)(4) are exempt from the Utilization Premium Payment.

S4 Utilization Report

The Annual School Test is to be accompanied by a Utilization Report each year, which provides supplemental information pertaining to the county's public school infrastructure. The report will include a utilization analysis both from a countywide perspective and individual school perspective.

S4.1 Countywide Analysis

From a countywide perspective, the Utilization Report will provide an analysis of all schools collectively for each school grade level. The data should include, as available:

- historic trends and projections of collective utilization rates of all schools countywide by school grade level; and
- historic trends and projections of the share and number of schools at each school grade level within certain utilization bands (e.g., between 100% and 120% utilization).

S4.2 Individual School Analysis

The Utilization Report will also provide additional utilization data for each individual school. The information reported for each individual school should include, as available:

- historic trend and projection of enrollment, capacity, and capacity utilization (both utilization rate and number of students over capacity);
- current number of relocatable classrooms being used; and,
- a list of adjacent schools of the same grade level.

S5 Student Generation Rates

Student generation rates are the ratio of students enrolled in public school to the total number of dwelling units and is a depiction of the average number of students per unit for a given geography and housing type. Student generation rates are to be calculated for each School Impact Area and updated biennially on July 1 of every odd-numbered year using the most recent MCPS enrollment data. The School Impact Area student generation rates are to be used to estimate the enrollment impacts of a development application.

Guidelines for Transportation Facilities

TP Transportation Policy Areas

TP1 Policy Area Boundaries and Definitions

For the purposes of transportation analysis, the County has been divided into areas called transportation analysis zones. Based on their transportation characteristics, these zones are grouped into transportation policy areas, as shown on Map 51. In many cases, transportation policy areas have the same boundaries as planning areas, sector plan areas, or master plan analysis (or special study) areas.

Each policy area is categorized as a Red, Orange, Yellow or Green Policy Area based on the following policy area category definitions:

- Red - Metro Station Policy Areas and Purple Line station policy areas
- Orange - Corridor-Focused Growth Areas
- Yellow - Lower-density residential neighborhoods with community serving commercial areas
- Green - The county's Agricultural Reserve and Country areas

The Transportation Policy Area classifications are identified in Table T1 and are shown in Map 51.

Table T1. Transportation Policy Area Classifications

Transportation Policy Area Type	Policy Area
Red	<ul style="list-style-type: none"> • Bethesda Central Business District (CBD) • Chevy Chase Lake • Forest Glen • Friendship Heights • Glenmont • Grosvenor

	<ul style="list-style-type: none"> • Lyttonsville • Medical Center • North Bethesda Metro Station • Purple Line East • Rockville Town Center • Shady Grove • Silver Spring CBD • Takoma • Twinbrook • Wheaton CBD • Woodside
<p>Orange</p>	<ul style="list-style-type: none"> • Aspen Hill • Bethesda/Chevy Chase • Burtonsville Town Center • Clarksburg East • Clarksburg Town Center • Derwood • Fairland/Briggs Chaney • Gaithersburg • Germantown East • Germantown Town Center • Germantown West • Great Seneca Communities • Great Seneca Life Science Center • Kensington/Wheaton • Montgomery Village/Airpark • North Bethesda • Olney Town Center • Rock Spring • Rockville City • Silver Spring/Takoma Park • White Oak • White Oak Downtown

Yellow	<ul style="list-style-type: none"> • Clarksburg West • Cloverly • Colesville • Damascus • North Potomac • Olney • Potomac
Green	<ul style="list-style-type: none"> • Rural East • Rural West

The boundaries of the policy areas are shown on Maps 1-48.

TL Local Area Transportation Review (LATR)

Local Area Transportation Review adequacy tests are required for any subdivision that generates 30 or more net new peak-hour weekday motor vehicle trips. However, for any daycare use, LATR adequacy tests are required for development that generates 50 or more net new peak-hour weekday motor vehicle trips. LATR must at all times be consistent with the standards and staging mechanisms of adopted master and sector plans.

TL1 Motor Vehicle System Adequacy

TL1.1 Determination of Motor Vehicle Adequacy

The County permits greater levels of traffic congestion in areas with greater access to high-quality transit, walking and bicycling. For motor vehicle adequacy, Table T2 shows the intersection level of service standards by policy area. The motor vehicle adequacy test will not be applied in Red policy areas or in designated Downtowns, and these areas will not be subject to LATR motor vehicle mitigation requirements.

The following adequacy standards apply:

- Intersections in Yellow or Green policy areas with a Critical Lane Volume (CLV) level of service of 1,350 or less are considered to be adequate.
- The Highway Capacity Manual (HCM) delay-based level of service standard in Table T2 applies to intersections in Yellow or Green policy areas with a CLV greater than 1,350.
- The HCM standard in Table T2 applies to all study intersections in Orange policy areas.

Table T2. LATR Intersection Delay Standards

Policy Area	Policy Area Classification	HCM Average Vehicle Delay Standard* (seconds/vehicle)
Rural East	Green	41
Rural West	Green	

Damascus	Yellow	48
Clarksburg West	Yellow	51
Gaithersburg	Orange	
Cloverly	Yellow	55
Clarksburg East	Orange	
Germantown East	Orange	
Germantown West	Orange	
Great Seneca Communities	Orange	
North Potomac	Yellow	
Potomac	Yellow	
Olney	Yellow	59
Colesville	Yellow	
Derwood	Orange	
Gaithersburg	Orange	
Montgomery Village/Airpark	Orange	
Aspen Hill	Orange	63
Clarksburg Town Center	Orange	
Fairland/Briggs Chaney	Orange	
Germantown Town Center	Orange	
Rockville City	Orange	
Olney Town Center	Orange	
Burtonsville Town Center	Orange	71
North Bethesda	Orange	80
Bethesda/Chevy Chase	Orange	
Kensington/Wheaton	Orange	
Silver Spring/Takoma Park	Orange	
White Oak	Orange	

* The Veirs Mill Corridor Master Plan set the HCM Average Delay Standard at 100 seconds/vehicle at all Veirs Mill Road intersections between the boundaries of the Wheaton CBD Policy Area and the City of Rockville.

The scope of the motor vehicle adequacy test is based on the number of net new peak-hour weekday motor vehicle trips generated by the project. Each LATR motor vehicle study must examine, at a minimum, the number of signalized intersections identified in Table T3, unless the Planning Board affirmatively finds that special circumstances warrant a more limited study.

Table T3. Motor Vehicle LATR Scoping

Total Net New Peak-Hour Weekday Motor Vehicle Trips Generated	Minimum Signalized Intersections in Each Direction
< 250	1
250 – 749	2
750 – 1,249	3
1,250 – 1,749	4
1,750 – 2,249	5
2,250 – 2,749	6
>2,750	7

TL1.2 Motor Vehicle Adequacy Mitigation

Motor vehicle mitigation in the Orange, Yellow and Green policy areas is required for any intersection failing the HCM test (i.e., exhibiting delay exceeding the applicable policy area HCM delay standard). The applicant must mitigate its project's impact on motor vehicle delay or reduce motor vehicle delay to the applicable policy area standard, whichever is less. However, it is important to emphasize that safety for all roadway users is the top priority. Roadway capacity improvements can be considered next but only if they do not negatively impact safety. For the Planning Board to accept a motor vehicle improvement as a mitigation measure, the applicant must show that alternative non-motor vehicle mitigation measures are not feasible or desirable.

The applicant must correct inadequate infrastructure to an extent proportional with its impact. Specific constructed improvements should be consistent with master plans, functional plans, and policies, identified in consultation with Montgomery Planning and Montgomery County Department of Transportation (MCDOT).

Alternatively, if the Planning Board and MCDOT agree that constructing all or part of this requirement may not be practicable or desirable due to unattainable right-of-way, an existing CIP project, or because it creates conditions that adversely impact safety, an applicant may meet this requirement with a mitigation payment to MCDOT that is reasonably related to MCDOT's estimated cost of constructing the required facilities. These funds must be used by MCDOT for transportation demand management actions, roadway operational changes or roadway capacity improvements within the same policy area or an adjacent policy area unless the applicant agrees otherwise.

TL2 Non-Motor Vehicle Adequacy**TL2.1 Determination of Non-Motor Vehicle Adequacy**

Non-Motor Vehicle Adequacy must be achieved along roadways designated as highways, boulevards, connectors, and streets (excluding Neighborhood Streets, Neighborhood Yield Streets, Rustic Roads and Exceptional Rustic Roads), paths, and intersections (excluding Controlled Major Highways and Freeways, and their ramps) within a certain watershed beyond the site frontage, specified in Table T4.

Non-Motor Vehicle Adequacy has five components with the following standards:

- Pedestrian Level of Comfort (PLOC): “Somewhat Comfortable” (PLOC-2) or “Very Comfortable” (PLOC-1) score
- Illuminance: MCDOT streetlight and illuminance standards
- ADA Compliance: The Americans with Disabilities Act (ADA) standards
- Bicycle: Low Level of Traffic Stress (LTS-2) or Very Low Level of Traffic Stress (LTS-1)
- Bus Transit: ADA-accessible bus shelter and amenities per MCDOT guidelines

Each LATR study must examine existing and programmed conditions within a certain walkshed beyond the site frontage, specified in Table T4. The scope of the non-motor vehicle adequacy test is based on the number of net new peak-hour weekday vehicle trips generated by the project.

TL2.2 Non-Motor Vehicle Adequacy Mitigation

The applicant must correct inadequate infrastructure to an extent proportional with its impact. Specific constructed improvements should be consistent with master plans, functional plans, and policies, identified in consultation with Montgomery Planning and MCDOT.

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

Table T4. Non-Motor Vehicle Adequacy Test Scoping

Net New Peak-Hour Weekday Motor Vehicle Trips	ADA Compliance	Pedestrian Level of Comfort (PLOC)	Illuminance	Bicycle	Transit
30–64	125’	250’	250’	400’	500’
65–124	200’	400’	400’	750’	1000’
125–224	250’	500’	500’	900’	1300’
225 or more	300’	600’	600’	1000’	1500’

TL3 Exemptions from Local Area Transportation Review

TL3.1 Temporary Suspension for Bioscience Facilities

LATR requirements must not apply to a development or a portion of a development where:

- the primary use is for bioscience facilities, as defined in Section 52-39 of the County Code; and
- 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.

TL3.2 Automobile-Related Uses in the Cherry Hill Employment Area

For any property located in the Cherry Hill Employment Area with automobile repair, service, sales, parking, storage, or related office uses, Local Area Transportation Review is not required. This provision applies to any application for a preliminary plan of subdivision, site plan, or building permit approved before July 26, 2016.

TL3.3 Public Facility Project

An applicant for a development which will be built solely as a public facility (such as a school, firehouse, police station, or library) need not take any action under Local Area Transportation Review when it undergoes a mandatory referral review by the Planning Board.

TL3.4 Affordable Housing

The provision of affordable housing is a fundamental element of the County's General Plan and part of the County's economic development strategy. All trips generated by any moderately priced dwelling unit (MPDU) and any other low-and moderate-income housing which is exempt from paying a development impact tax must also be exempt from any Transportation Mitigation payment.

TL3.5 Mixed Income Housing Communities

Development applications where the proposed development meets the definition of a Mixed Income Housing Community, as set forth by Section 3.3.4a of the Montgomery County Zoning Ordinance, are exempt from Local Area Transportation Review.

TL4 Additional LATR Standards and Procedures

TL4.1 LATR Guidelines

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

The Planning Board guidelines must include guidance to ensure the required mitigation is proportional to a project's impact.

TL4.2 LATR Vision Zero Statement

All LATR studies must complete a Vision Zero Statement which assesses roadway speeds and suggests safety solutions. With the concurrence of the responsible agency, projects may implement or contribute to the implementation of safety countermeasures as part of their off-site mitigation efforts.

TL4.3 LATR Considerations

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

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

In administering Local Area Transportation Review, the Planning Board must carefully consider the recommendations of the County Executive concerning the applicant's LATR study and proposed improvements or any other aspect of the review.

In general, any mitigation measure or combination of mitigation measures must be scheduled for completion or otherwise operational either before or at the same time as the proposed development is scheduled to be completed. The nature, design, and scale of any additional facility or program must receive prior approval from any government agency that would construct or maintain the facility or program, and the applicant and the public agency must execute an appropriate public works agreement before the Planning Board approves a record plat.

Both the subdivision plan and the necessary mitigation measures must be consistent with an adopted master plan or other relevant land use policy statement.

TL5 Unique Policy Area Issues

TL5.1 North Bethesda Metro Station Policy Area LATR Standards

Any proposed development located in the North Bethesda Metro Station Policy Area is exempt from Local Area Transportation Review. However, the traffic impact of any development in that Policy Area must be considered in any Local Area Transportation Review calculation for any development elsewhere where it would otherwise be considered.

TL5.2 Potomac LATR Standards

In the Potomac Policy Area, only the areas contributing traffic to the following intersections must be subject to Local Area Transportation Review: (a) Montrose Road at Seven Locks Road; (b) Democracy Boulevard at Seven Locks Road; (c) Tuckerman Lane at Seven Locks Road; (d) Westlake Drive at Tuckerman Lane; (e) Bradley Boulevard at Seven Locks Road; (f) River Road at Bradley Boulevard; (g) River Road at Piney Meetinghouse Road; (h) River Road at Falls Road; (i) Falls Road at Democracy Boulevard; and (j) River Road at Seven Locks Road.

TL5.3 White Oak Local Area Transportation Improvements Program (LATIP) Area

- The Board may approve a subdivision in the White Oak LATIP Area (Map 52) conditioned on the applicant paying a fee to the County commensurate with the applicant's proportion of the cost of a White Oak LATIP, including the costs of design, land acquisition, construction, site improvements, and utility relocation. The proportion is based on a subdivision's share of net additional peak-hour vehicle trips generated by all master-planned development in the White Oak LATIP Area approved after January 1, 2016.
- The components of the White Oak LATIP and the fee per peak-hour vehicle trip will be established by Council resolution, after a public hearing. The Council may amend the Program and the fee at any time, after a public hearing.
- The fee must be paid at a time and manner consistent with Transportation Mitigation Payments as prescribed in Section 52-51 of the Montgomery County Code.
- The Department of Finance must retain funds collected under this Section in an account to be appropriated for transportation improvements that result in added transportation capacity serving the White Oak LATIP Area.

TL6 Non-Auto-Driver Mode Share Goals

Many master and sector plans include non-auto-driver mode share (NADMS) goals for their respective planning or policy areas, whereas other NADMS goals are established through the Growth and Infrastructure Policy. Table T7 identifies the NADMS goals applicable to different master/sector plan areas, transportation management districts (TMDs) and policy areas.

Table T7. Non-Auto Driver Mode Share (NADMS) Goals

Policy Area	NADMS Goal(s) at Buildout (Residents and employees blended, unless otherwise noted)
Aspen Hill	35%
Bethesda Central Business District (CBD)	55%
Bethesda/Chevy Chase <ul style="list-style-type: none"> • Chevy Chase Lake MP Area • Elsewhere 	49% for residents and 36% for employees 41%
Burtonsville Town Center	25%
Chevy Chase Lake	49% for residents and 36% for employees
Clarksburg East	26%

Clarksburg Town Center	25%
Clarksburg West	18%
Cloverly	23%
Colesville	27%
Damascus	19%
Derwood <ul style="list-style-type: none"> • Great Seneca Science Corridor MP Area • Elsewhere 	18% for employees (Stage 2) 23% for employees (Stage 3) 28% for employees (Stage 4) 39%
Fairland/Briggs Chaney <ul style="list-style-type: none"> • Fairland Briggs Chaney MP • Elsewhere 	30% 27%
Forest Glen	48% for residents and 25% for employees
Friendship Heights	39%
Gaithersburg <ul style="list-style-type: none"> • City of Gaithersburg • Great Seneca Science Corridor MP Area 	N/A 18% for employees (Stage 2) 23% for employees (Stage 3) 28% for employees (Stage 4)
Germantown East	28%
Germantown Town Center	28%
Germantown West	27%
Glenmont	35%
Great Seneca Life Science Center <ul style="list-style-type: none"> • Great Seneca Science Corridor MP Area 	18% for employees (Stage 2) 23% for employees (Stage 3) 28% for employees (Stage 4)
Great Seneca Communities	28%
Grosvenor	50%
Kensington/Wheaton	40%
Lyttonsville	50%
Medical Center	41%
Montgomery Village/Airpark	30%
North Bethesda <ul style="list-style-type: none"> • North Bethesda TMD • White Flint 2 MP (east of tracks) • White Flint 2 MP (west of tracks) • Elsewhere 	30% for residents and 39% for employees 42% for residents and 50% for employees 51% for residents and 50% for employees 42%
North Bethesda Metro Station	51%
North Potomac	27%
Olney	22%
Olney Town Center	23%
Potomac	29%

Purple Line East	
• Greater Lyttonsville Sector Plan Area	50%
• Silver Spring TMD	65%
• Elsewhere	50%
Rock Spring	41% for residents and 23% for employees
Rockville City	N/A
Rockville Town Center	N/A
Rural East	26%
Rural West	27%
Shady Grove	
• Shady Grove TMD	50% for residents and 20% for employees
• Elsewhere	39%
Silver Spring CBD	65%
Silver Spring/Takoma Park	
• Silver Spring TMD	65%
• Elsewhere	48%
Takoma	48%
Twinbrook	45%
Wheaton CBD	30%
White Oak	25%
White Oak Downtown	30%
Woodside	50%

TL7 Unified Mobility Programs

The Board may approve a subdivision in any policy area conditioned on the applicant paying a fee to the County commensurate with the applicant's proportion of the cost of a Unified Mobility Program (UMP), including the costs of design, land acquisition, construction, site improvements, and utility relocation. One option is to base this proportion on a subdivision's share of net additional peak-hour vehicle trips generated by all master-planned development in the policy area.

The components of the UMP and the fee per peak-hour vehicle trip will be established by Council resolution, after a public hearing. The Council may amend the UMP and the fee at any time, after a public hearing.

The fee must be paid at a time and manner consistent with Transportation Mitigation Payments as prescribed in Section 52-51 of the Montgomery County Code. The Department of Finance must retain funds collected under this Section in an account to be appropriated for transportation improvements that result in added transportation capacity serving the policy area.

TA Alternative Review Procedures

TA1 Expiration of Approvals under Previous Alternative Review Procedures

Annual Growth Policy resolutions in effect between 1995 and 2001 contained Alternative Review Procedures that required any development approved under those procedures to receive each building permit no later than 4 years after the Planning Board approved the preliminary plan of subdivision for that development. Any outstanding development project approved under an Alternative Review Procedure is subject to the expiration dates in effect when that development project was approved.

TA2 Travel Monitoring Report

The Planning Board is to monitor transportation conditions through a biennial Travel Monitoring Report (TMR). The report will provide a clear picture of how the county transportation system is performing.

Guidelines for Water and Sewerage Facilities

In accordance with the Adequate Public Facilities Ordinance, applications must be considered adequately served by water and sewerage if the subdivision is located in an area in which water and sewer service is presently available, is under construction, is designated by the County Council for extension of service within the first two years of a current approved Comprehensive Water Supply and Sewerage Systems Plan (i.e., categories 1-3), or if the applicant either provides a community water and/or sewerage system or meets Department of Permitting Services requirements for septic and/or well systems, as outlined in the Adequate Public Facilities Ordinance. These requirements are determined either by reference to the Water and Sewerage Plan, adopted by the Council, or by obtaining a satisfactory percolation test from the Department of Permitting Services.

Applications must only be accepted for further Planning staff and Board consideration if they present evidence of meeting the appropriate requirements as described above.

Guidelines for Police, Fire and Health Services

The Planning Board and staff must consider the programmed services to be adequate for facilities such as police stations, firehouses, and health clinics unless there is evidence that a local area problem will be generated. Such a problem cannot be overcome within the context of the approved Capital Improvements Program and operating budgets of the relevant agencies. Where such evidence exists, either through agency response to the Subdivision Review committee clearinghouse, or through public commentary or Planning staff consideration, a Local Area Review must be undertaken. The Board must seek a written opinion from the relevant agency, and require, if necessary, additional data from the applicant, to facilitate the completion of the Planning staff recommendation within the statutory time frame for Planning Board action. In performing this Local Area Review, the facility capacity at the end of the sixth year of the approved CIP must be compared to the demand generated by the “most probable” forecast for the same year prepared by the Planning Department.

Guidelines for Re-subdivisions

An application to amend a previously approved preliminary plan of subdivision does not require a new test for adequacy of public facilities if:

- Revisions to a preliminary plan have not been recorded, the preliminary plan has not expired, and the number of trips which will be produced by the revised plan is not greater than the number of trips produced by the original plan.
- Re-subdivision of a recorded lot involves the sale or exchange of parcels of land (not to exceed a total of 2,000 square feet or one percent of the combined area, whichever is greater) between owners of adjoining properties to make small adjustments in boundaries.
- Re-subdivision of a recorded lot involves more than 2,000 square feet or one percent of the lot area and the number of trips which will be produced by the revised plan is not greater than the number of trips produced by the original plan.

This is a correct copy of Council action.



Sara R. Tenenbaum
Clerk of the Council