

# PLANNING BOARD POLICY 2022-02 TRANSPORTATION FEE-IN-LIEU UPDATE

## Description

Request to amend Planning Board Policy 2022-02 to reflect changes to the County Code, to expand and clarify when full or partial payments can be made in lieu of constructing frontage improvements, and how to determine the applicable payment amount.

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### Summary:

- Planning Board Policy 2022-02 provides criteria for determining when a fee in lieu of frontage improvements is acceptable and how to determine the fee amount.
- Staff recommending updates to ensure the policy reflects the code accurately, to expand and clarify when a fee in lieu can be considered, and clarify the cost estimation process

## INFORMATION

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### Planning Board Information

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## SECTION 1 – BACKGROUND

### BACKGROUND

Partial or full payments in lieu of construction of frontage improvements may be made in certain instances consistent with Chapter 49 of the county code. Planning Board Policy 2022-02 (Attachment A) cites Chapter 49 and establishes criteria for determining when payments can be made in lieu of constructing frontage improvements. The policy was initially approved by the Planning Board in March 2022 and has been in use since this time. Since the policy's approval the County Council has modified sections of Chapter 49 and the code references in the policy are now out of date.

### PURPOSE AND INTENT OF PLANNING BOARD POLICY 2022-02

Planning Board Policy 2022-02 provides criteria for determining when a fee in lieu of frontage improvements is acceptable and how to determine the fee amount. This was created in response to the Planning Department receiving requests to make a payment for all or parts of pedestrian and bicycle improvements along a property's frontage. The intent of the policy is to provide clarity and consistency to applicants and the public on when fees are acceptable.

## SECTION 2 – RECOMMENDATION

Planning staff recommends that the Planning Board make the following changes to Planning Board Policy 2022-02:

- Update the code provision section of the policy to reflect modifications to the county code.
- Add relocation of major utilities (such as high-transmission power lines or high-pressure gas lines) as an acceptable reason for requesting a full payment in lieu of frontage improvements. This issue has arisen on several projects; updating the policy will confirm that a fee is appropriate in these cases and will ensure consistency for future projects.
- Require applicants to provide documentation from MCDOT and SHA supporting requests for partial payments in cases when they cannot resolve issues surrounding frontage improvements. While this has been standard practice by Planning staff, the policy did not outright require this documentation. Adding this to the policy makes expectations clearer for applicants.
- Require applicants to use the Local Area Transportation Review (LATR) cost estimation tool for determining the appropriate payment amount. Previously, the policy did not specify what methodology should be used for determining fees. While the LATR cost estimation tool was originally developed to estimate costs of offsite improvements required through the Growth and Infrastructure Policy, this tool includes information and costs that could be used for estimating costs of frontage improvements as well. Having a consistent agreed upon fee estimation methodology will make fee determinations more consistent.
- Permit the use of other methods of cost estimation if deemed sufficient by Planning staff. While the cost estimation tool is appropriate for most cases, there may be times where another tool is more appropriate. Therefore, language has been included to allow other methods to still be considered on a case-by-case basis.

These updates were made to ensure the policy reflects the code accurately, expands and clarifies when a fee in lieu can be considered, and clarifies the cost estimation process.

## SECTION 3 – ATTACHMENTS

- Attachment A: Planning Board Transportation Fee in Lieu Policy (2022-02)
- Attachment B: Revised Planning Board Transportation Fee in Lieu Policy (2022-02A)