

Clerk's Note: On page 7, Table S3, a typographical error is corrected to change "S6" to "S3". Also, documentation of Policy name change (brackets and underlining) on page 1, subject line, is removed.

CORRECTED

Resolution No:	<u>19-655</u>
Introduced:	<u>September 15, 2020</u>
Adopted:	<u>November 16, 2020</u>

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By: Council President at the request of the Planning Board

SUBJECT: 2020-2024 Growth and Infrastructure Policy (Subdivision Staging 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 subdivision staging 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 July 31, 2020, in accordance with §33A-15, the Planning Board transmitted to the County Council its recommendations on the 2020 [County] Growth and Infrastructure Policy (Subdivision Staging Policy). The draft policy, as submitted by the Planning Board, contained supporting and explanatory materials.
3. On September 15, 2020, the County Council held a public hearing on the policy.
4. On September 23 and 30, 2020, the Council's Government Operations and Fiscal Policy Committee and Planning, Housing, and Economic Development Committee conducted joint worksessions on the recommended policy.
5. On September 23, 25, and 30 and October 5, 9, 14 and 22, 2020, the Council's Planning, Housing, and Economic Development Committee conducted worksessions on the recommended policy.
6. On October 20, 27, and 30 and November 5, 10 and 12, 2020, the Council conducted worksessions on the Subdivision Staging 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 2020-2024 [County]Growth and Infrastructure Policy (Subdivision Staging Policy) is approved as follows:

Applicability; transition

AP1 Effective dates

This resolution takes effect on January 1, 2021 and applies to any application for a preliminary plan of subdivision filed on or after that date.

AP2 Transition

For any complete application for subdivision approval submitted before January 1, 2021 or any preliminary plan application filed prior to February 26, 2021 that includes at least 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) of the County code, the rules of the 2016-2020 Subdivision Staging Policy continue to apply, unless an applicant elects to be reviewed under the 2020-2024 Growth and Infrastructure Policy for schools (Sections S-1 through S-6) and the 2016-2020 Subdivision Staging Policy for transportation.

Guidelines for the Administration of the Adequate Public Facilities Ordinance

County Code Chapter 8 Article IV (“the Adequate Public Facilities Ordinance or APFO”) directs the Montgomery County Planning Board to approve preliminary plans of subdivision only after finding that public facilities will be adequate to serve the subdivision. This involves predicting future demand from private development and comparing it to the capacity of existing and programmed public facilities. The following guidelines describe the methods and criteria that the Planning Board and its staff must use in determining the adequacy of public facilities. These guidelines supersede all previous ones 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 [County]Growth and Infrastructure Policy/Subdivision Staging Policy (“Policy”). The Council delegates to the Planning Board and its staff all other necessary administrative decisions not covered by the guidelines outlined below. In its administration of the APFO, the Planning Board must consider the recommendations of the County Executive and other agencies in determining the adequacy of public facilities.

The findings and directives described in this Policy are based primarily on the public facilities in the approved FY 2021-26 Capital Improvements Program (CIP) and the Maryland Department of Transportation FY 2020-25 Consolidated Transportation Program (CTP). The Council also reviewed related County and State and Federal funding decisions, master plan guidance and zoning where relevant, and related legislative actions. These findings and 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 set of staged growth limits, which properly relate to the ability of the County to program and construct facilities necessary to accommodate growth. These growth stages 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 transportation improvements in a specific policy area. Further, alternatives may be available for developers who wish to proceed in advance of the adopted public facilities program, through the provision of additional public facility capacity beyond that contained in the approved Capital Improvements Program, or through other measures that accomplish an equivalent effect.

The administration of the Adequate Public Facilities Ordinance must at all times be consistent with adopted master plans and sector plans. Where development staging 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.

Guidelines for Public School Facilities

S1 Geographic Areas

S1.1 School Impact Areas

The county was divided into small geographic areas predefined by census tract boundaries for the purpose of analyzing the various housing and enrollment growth trends across different parts of the county. These small geographic areas have then been classified into School Impact Areas based on their recent and anticipated growth contexts. The three categories of School Impact Areas and the growth contexts characteristic of each are:

- **Greenfield_ [Impact Area]** Areas with high housing growth predominantly in the form of single-family units, consequently experiencing high enrollment growth.
- **Infill_ [Impact Area]** Areas with high housing growth predominantly in the form of multifamily units.

- **Turnover- [Impact Area]** Areas with low housing growth, where enrollment growth is largely due to turnover of existing single-family units.

The census tracts associated with each School Impact Area are identified in Table S1 and the School Impact Areas are shown in Map S1.

Table S1. School Impact Area Census Tracts.

Greenfield Impact Areas	Infill Impact Areas			Turnover Impact Areas
[7002.05	7048.03	7007.11	7003.10	All remaining census tracts
7003.11	7048.04	7007.17	<u>7003.11</u>	
7003.12]	7048.05	7007.18	<u>7003.12</u>	
<u>None at this time</u>	7048.06	7007.22	<u>7008.18</u>	
	7024.02	7007.23	7008.30	
	7025	7007.24	7009.01	
	7026.01	7008.16	7009.04	
	7055.01	7008.17	7038	
	7056.02	<u>7002.05</u>	7012.02	
	7007.04	7003.08	7012.13	
	<u>7014.21</u>	7003.09	7012.16	

Additionally, all Red Policy Areas (identified in TP1), are designated as Infill School Impact Areas.

At each quadrennial update to the [County]Growth and Infrastructure Policy, the latest growth contexts of the small geographic areas are to be reviewed and the School Impact Area classifications are to be revised accordingly.

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 (elementary, middle, and high school). 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 each school's projected enrollment is 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. [There will be no staging ceiling or threshold against which the enrollment impact of a development application is measured.]

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 [one another school] to the other]. 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 [three]four fiscal years in the future (e.g., the FY2021 Annual School Test will evaluate projected utilization in the 2024-25 school year).

If a school’s [three]four-year projected utilization does not exceed both [120]105% utilization and the applicable seat deficit threshold identified in Table S2, the facility is considered adequate and the service area’s status is open. If a school’s [three]four-year projected utilization is found to exceed the standards indicated in Table S2, [120%,]the service area’s status will require mitigation in the form of Utilization Premium Payments (UPP)[to be paid].

[In Greenfield Impact Areas, if a school’s three-year projected utilization rate and number of seats over capacity are projected to reach the moratorium standards listed in Table S2, the school service area will be in moratorium. Areas within the same school service area may be designated with different adequacy statuses if their School Impact Area classifications differ. A moratorium will only be imposed in parts of the school service area designated as a Greenfield Impact Area.]

Tables S2 and S3 summarize the adequacy parameters of the Annual School Test described above.

[Table S2. School Adequacy Standards

School Adequacy Standards		School Service Areas Status		
Projected Utilization	Projected Seat Deficit	Greenfield Impact Areas	Turnover Impact Areas	Infill Impact Areas
≤ 120%	N/A	Open	Open	Open
> 120%	N/A	UP Payments Required	UP Payments Required	UP Payments Required
> 125%	≥ 115 seats for ES ≥ 188 seats for MS N/A for HS	In Moratorium	UP Payments Required	UP Payments Required

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Table S2. School Adequacy Standards

<u>Utilization Standard</u>		<u>Seat Deficit Standard</u>	<u>School Service Areas Status</u>
<u>< 105%</u>	<u>or</u>	<u>< 85 for ES</u> <u>< 126 for MS</u> <u>< 180 for HS</u>	<u>Open</u>
<u>≥ 105%</u>	<u>and</u>	<u>≥ 85 for ES</u> <u>≥ 126 for MS</u> <u>≥ 180 for HS</u>	<u>Tier 1 UPP Required</u>
<u>≥ 120%</u>	<u>and</u>	<u>≥ 102 for ES</u> <u>≥ 151 for MS</u> <u>≥ 216 for HS</u>	<u>Tier 2 UPP Required</u>
<u>≥ 135%</u>	<u>and</u>	<u>≥ 115 for ES</u> <u>≥ 170 for MS</u> <u>≥ 243 for HS</u>	<u>Tier 3 UPP Required</u>

Table S3. School Service Area Status Descriptions

<u>School Service Area Status</u>	<u>Status Descriptions and Development Implications</u>
Open	Development applications may proceed from the standpoint of adequate school facilities.
Utilization Premium Payments Required	Development applications require Utilization Premium Payments as specified in Section [S6] <u>S3</u> as a condition of adequate public facilities approval.
[In Moratorium]	[Residential development applications <u>cannot</u> be approved unless they meet criteria for an exception from moratorium.]

S3 Utilization Premium Payment Requirements

[If the]The Annual School Test and an application's estimated enrollment impacts determine whether, and the extent to which, [determines that the three-year projected utilization rate of a school exceeds 120%,] Utilization Premium Payments are required as a condition of Planning Board approval on the basis of adequate school facilities.

S3.1 Utilization Premium Payment Calculation

The Utilization Premium Payments are applied at the individual school level and will be calculated by applying the applicable payment factors identified in Table S4 to the [[as a percentage of the] applicable [standard]] non-exempt and undiscounted school impact tax rates, by School Impact Area and dwelling unit type[,as shown in Table S4].

[Table S4. Utilization Premium Payment

School Level	Payment Factor
Elementary School	25% of the standard impact tax for the School Impact Area and dwelling type
Middle School	15% of the standard impact tax for the School Impact Area and dwelling type
High School	20% of the standard impact tax for the School Impact Area and dwelling type

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Table S4. Utilization Premium Payment

UPP Tier	Payment Factors			Total, if all three schools at the same status
	Elementary	Middle	High	
Tier 1 UPP	16⅔%	10%	13⅓%	40%
Tier 2 UPP	33⅓%	20%	26⅔%	80%
Tier 3 UPP	50%	30%	40%	120%

An application for development may be subject to payments at multiple UPP 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.

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 Moratorium on Residential Development in Greenfield Impact Areas

In Greenfield Impact Areas, if the Annual School Test determines that a school exceeds the adequacy standards, a residential subdivision moratorium must be imposed within the school service area. The moratorium is to be limited to the part of the school service area that is within the Greenfield Impact Area.

When the Annual School Test identifies an area as being in moratorium, the Planning Board must not approve any residential subdivision in that area during the next fiscal year, unless it meets certain exception criteria.

S4.1 Exceptions from Moratorium

S4.1.1 De Minimis Development

When a moratorium is imposed in a Greenfield Impact Area, the Planning Board may nevertheless approve a subdivision in the subjected area if the plan is calculated to generate fewer than one student at any school identified as inadequate by the Annual School Test.

S4.1.2 Senior Housing

When a moratorium is imposed in a Greenfield Impact Area, the Planning Board may nevertheless approve a subdivision in the subjected area if the residential component of the plan consists solely of age-restricted housing units for seniors 55 years old and older.

S4.1.3 Capacity at Nearby School

When a moratorium is imposed in a Greenfield Impact Area, the Planning Board may nevertheless approve a subdivision in the subjected area if a nearby school at the same grade level as the school causing the moratorium is within the applicable network distance identified in Table S5 and has a projected test year utilization of 105% or less.

Table S5. Distance Standard for Nearby School

School Grade Level	Network Distance from Subdivision
Elementary School	3 miles
Middle School	5 miles
High School	10 miles

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S4[5] 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[5].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
- 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[5].2 Individual School Analysis

The Utilization Report will also provide additional utilization data [and facility conditions]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)
- information relevant to core capacity and usage
- current number of relocatable classrooms being used[
- most recent MCPS Key Facility Indicator data]
- list of three nearest schools of the same grade level, and approximate travel distance to each nearest school

S[6]5 Student Generation Rates

Student generation rates are the ratio of students enrolled in public schools 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 Policy Areas

TP1 Policy Area Boundaries and Definitions

For the purposes of transportation analysis, the County has been divided into areas called traffic zones. Based on their transportation characteristics, these zones are grouped into transportation policy areas, as shown on Map T1. 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 Red, Orange, Yellow or Green Policy Areas. The policy areas in effect, and their applicable category for 2020-2024 are:

Red Policy Areas: Bethesda Central Business District (CBD) Metro Station Policy Area (MSPA), Forest Glen MSPA, Friendship Heights MSPA, Glenmont MSPA, Grosvenor MSPA, Medical Center MSPA, Rockville Town Center MSPA, Shady Grove MSPA, Silver Spring CBD MSPA, Takoma MSPA, Twinbrook MSPA, Wheaton CBD MSPA, White Flint MSPA, Chevy Chase Lake, [Long Branch,]Lyttonsville, Purple Line East, and []Woodside[, Dale Drive/Manchester Place and Takoma/Langley].

Orange Policy Areas: Bethesda/[]Chevy Chase, Burtonsville Town Center, Clarksburg Town Center, Derwood, Gaithersburg City, Germantown Town Center, Kensington/Wheaton, North Bethesda, Research and Development Village, Rockville City, Silver Spring/Takoma Park, and White Oak.

Yellow Policy Areas: Aspen Hill, Clarksburg, Cloverly, Fairland/Colesville, Germantown East, Germantown West, Montgomery Village/Airpark, North Potomac, Olney, and Potomac.

Green Policy Areas: Damascus, Rural East, and Rural West.

The boundaries of the policy areas are shown on maps T2-T43[0].

The boundaries of the Gaithersburg City and Rockville City 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. Upon annexation of the 10-acre King Buick property by the City of Rockville, that property and the adjacent 10-acre property within the City will be excised from the Shady Grove MSPA and the Rockville City PA, respectively, and become part of the Rockville Town Center PA.

TP2 Development District Participation

Under Chapter 14 of the County Code, the County Council may create development districts as a funding mechanism for needed infrastructure in areas of the County where substantial development is expected or encouraged.

TP2.1 Additional Facilities Recommended for Funding

The County Executive and Planning Board may also recommend to the County Council additional facilities to be provided by the development district or by the public sector to support development within the district. These facilities may include, but are not limited to libraries, health centers, local parks, social services, green ways, and major recreation facilities.

TP2.2 Satisfaction of APF Requirements

As provided in Chapter 14 of the County Code, once the development district is created and the financing of all required infrastructure is arranged, the development in the district is considered to have satisfied all APF requirements, any additional requirements that apply to development districts in the Subdivision Staging Policy, and any other requirement to provide infrastructure which the County adopts within 12 years after the district is created.

TP3 Desired Growth and Investment Area

As referenced in Section 52-49 of the County Code, Desired Growth and Investment Areas include certain Metropolitan Washington Council of Governments (MWCOG) designated Activity Centers and a 500-foot buffer around existing and certain planned bus rapid transit (BRT) lines

(excluding any area located within the City of Rockville), as detailed in Table T1. The resulting Desired Growth and Investment Areas are identified in Map T44.

Table T1. Desired Growth and Investment Areas

<u>MWCOG Activity Centers</u>	<u>BRT Lines</u>
<u>Friendship Heights</u>	<u>US 29 BRT</u>
<u>Gaithersburg Central</u>	<u>MD 355 BRT</u>
<u>Gaithersburg Kentlands</u>	<u>Veirs Mill BRT</u>
<u>Gaithersburg Metropolitan Grove</u>	
<u>Germantown</u>	
<u>Glenmont</u>	
<u>Grosvenor</u>	
<u>Life Sciences Center-Gaithersburg Crown</u>	
<u>Rock Spring</u>	
<u>Rockville King Farm-Research Center-Shady Grove</u>	
<u>Rockville Montgomery College</u>	
<u>Silver Spring</u>	
<u>Takoma Park</u>	
<u>Wheaton</u>	
<u>White Flint</u>	
<u>White Oak-FDA</u>	

TL Local Area Transportation Review (LATR)

Local Area Transportation Review must at all times be consistent with the standards and staging mechanisms of adopted master and sector plans.

Because the various modes of the transportation system are not isolated, LATR adequacy tests are required for any subdivision that generates 50 or more peak-hour weekday person trips.

TL1 Vision Zero Resources

Since adopting the Vision Zero Action Plan, the county launched several Vision Zero-related initiatives supported by transportation network database. These initiatives shall be leveraged and incorporated into the LATR process. Some of these initiatives have been completed and adopted while others are ongoing and will be incorporated in the future, including:

- Bicycle Master Plan[– adopted]
- Pedestrian Master Plan[– ongoing]
- High Injury Network[– completed]
- Predictive Safety Analysis[– ongoing]
- Bicycle Level of Traffic Stress Map[– completed]
- Pedestrian Level of Comfort Map[– ongoing]
- Vision Zero Toolkit[– ongoing]
- Complete Streets Design Guide[– ongoing]]

Roads immediately adjacent to new development should be designed to account for all identified recommendations from applicable planning documents including Functional Plans, Master Plans and Area Plans. The resources listed above, in particular the Bicycle Level of Traffic Stress and Pedestrian Level of Comfort maps, are only useful if the models are built on data that accurately reflects the conditions for bicyclists and pedestrians. In the context of performing a transportation impact study for any development project, the transportation consultant [shall] must check the accuracy of the [bicycle and pedestrian] transportation network attributes in the county's database relative to the observed existing conditions. The consultant should identify any inaccurate network attributes and any attributes to be updated in accordance with the development "as built" plans and report this information to Montgomery Planning staff to update the county's databases accordingly.

TL2 LATR System Adequacy Tests

TL2.1 Safety System Adequacy

This section is reserved for a future amendment detailing a safety system adequacy test upon completion of applicable Vision Zero tools.[Safety system adequacy will be defined through a Vision Zero test. This test will entail a safety performance analysis that will be performed utilizing a safety performance function (SPF). A SPF is an equation used to predict the number of crashes per year at a location as a function of exposure, land use and roadway or intersection characteristics. Development can impact the factors that influence the estimated number of crashes. The county is conducting a Predictive Safety Analysis for estimating SPFs and the estimated number of crashes for common crash types. Upon Planning Board approval following completion of the Predictive Safety Analysis, safety system adequacy will be defined as providing a reduction in the overall estimated number of crashes (based on SPFs) for the build conditions at all intersections and street segments within the study scope.

The process for utilizing the SPF approach in the safety system test will be refined and described in greater detail after completion of the Predictive Safety Analysis. This method should factor in development-generated site trips as well as development-related changes to the transportation network and public space. If the number of expected crashes is found to increase with the new development traffic, safety mitigation must be applied in order to reduce the overall number of expected crashes at study intersections and street segments to below predevelopment levels. The developer should make a fair share contribution to mitigation at study intersections that are not direct access points to the development.

The geographic scope of the safety system test is one network-based mile from the site frontage or a distance determined by the size of the development project and the number of peak-hour vehicle trips generated as shown in Table T1, whichever is less.]

TL2.2 Motor Vehicle System Adequacy

[To achieve an approximately equivalent transportation level of service in all areas of the county, greater vehicular traffic congestion is permitted in policy areas with greater transit accessibility and usage. 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. When a motor vehicle LATR study is required, the initial analysis will be a Critical Lane Volume (CLV) evaluation. Only signalized intersections exhibiting a CLV exceeding the applicable policy area CLV congestion standard will require the Highway Capacity Manual (HCM) delay-based analysis. The Planning Board may adopt administrative guidelines that allow use of Highway Capacity Manual 2010 methodologies and other analysis techniques consistent with guidance published by the Transportation Research Board.

Motor vehicle mitigation is required for any intersection failing the HCM test (i.e., exhibiting delay exceeding the applicable policy area HCM delay standard) based on the prioritization identified in TL5. The applicant must mitigate its impact on vehicle delay or down to the applicable policy area standard, whichever is less. In this context, vehicular capacity mitigation must not negatively impact progress toward the county's Vision Zero goals or directly detriment safety, transit or non-motorized improvements required by the other LATR tests.

The scope of the motor vehicle adequacy test is based on the size of the project and the number of peak-hour vehicle trips generated by the project. Each LATR motor vehicle study must examine, at a minimum, the number of signalized intersections identified in Table T1, unless the Planning Board affirmatively finds that special circumstances warrant a more limited study.]

To achieve an approximately equivalent transportation level of service in all areas of the county, greater vehicular traffic congestion is permitted in policy areas with greater transit accessibility and usage. For motor vehicle adequacy, Table [T2]T3 shows the intersection level of service standards by policy area. The motor vehicle adequacy test will not be applied in Red Policy Areas and these areas will not be subject to LATR motor vehicle mitigation requirements. For intersections located within Orange policy areas, the Highway Capacity Manual (HCM) delay-based level of service standard applies to all study intersections. For intersections located within Yellow or Green policy areas, the Critical Lane Volume (CLV) level of service standard applies to study intersection with a CLV of 1,350 or less and the HCM delay-based level of service standard applies to study intersections with a CLV of more than 1,350. The Planning Board may adopt administrative guidelines that allow use of Highway Capacity Manual 2010 methodologies and other analysis techniques consistent with guidance published by the Transportation Research Board.

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). However, it is important to emphasize that safety for all roadway users is the top priority. The applicant must mitigate its impact on vehicle delay or down to the applicable policy area standard, whichever is less. In this context, transportation demand management is the first mitigation option to be pursued. Operational changes are the next priority. Roadway capacity improvements can be considered next but only if they do not negatively impact safety.

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 [pedestrian or bicycle] safety [or the results of the other LATR tests], 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— for an Orange town center policy area—either in that area or an adjacent one, unless the applicant agrees otherwise.

The scope of the motor vehicle adequacy test is based on the size of the project and the number of peak-hour vehicle trips generated by the project. Each LATR motor vehicle study must examine, at a minimum, the number of signalized intersections identified in Table T2, unless the Planning Board affirmatively finds that special circumstances warrant a more limited study.

Table T[1]2. Motor Vehicle [and Safety System]LATR Scoping

Maximum Peak-Hour 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

Table T3. LATR Intersection Congestion Standards

<u>Policy Area</u>	<u>Policy Area Category</u>	<u>HCM Average Vehicle Delay Standard (seconds/vehicle)*</u>	<u>Critical Lane Volume Congestion Equivalent</u>	<u>HCM Volume-to-Capacity Equivalent</u>
<u>29 Rural East</u>	<u>Green</u>	<u>41</u>	<u>1,350</u>	<u>0.84</u>
<u>30 Rural West</u>	<u>Green</u>			
<u>9 Damascus</u>	<u>Green</u>	<u>48</u>	<u>1,400</u>	<u>0.88</u>
<u>6 Clarksburg</u>	<u>Yellow</u>			
<u>14 Germantown East</u>	<u>Yellow</u>			
<u>16 Germantown West</u>	<u>Yellow</u>			
<u>13 Gaithersburg City</u>	<u>Orange</u>	<u>51</u>	<u>1,425</u>	<u>0.89</u>
<u>21 Montgomery Village/Airpark</u>	<u>Yellow</u>			
<u>8 Cloverly</u>	<u>Yellow</u>			
<u>23 North Potomac</u>	<u>Yellow</u>			
<u>25 Potomac</u>	<u>Yellow</u>	<u>55</u>	<u>1,450</u>	<u>0.91</u>
<u>24 Olney</u>	<u>Yellow</u>			
<u>26 R&D Village</u>	<u>Orange</u>			
<u>10 Derwood</u>	<u>Orange</u>			
<u>1 Aspen Hill</u>	<u>Yellow</u>	<u>59</u>	<u>1,475</u>	<u>0.92</u>
<u>11 Fairland/Colesville</u>	<u>Yellow</u>			
<u>7 Clarksburg Town Center</u>	<u>Orange</u>			
<u>15 Germantown Town Center</u>	<u>Orange</u>	<u>63</u>	<u>1,500</u>	<u>0.94</u>
<u>27 Rockville City</u>	<u>Orange</u>			
<u>4 Burtonsville Town Center</u>	<u>Orange</u>			
<u>22 North Bethesda</u>	<u>Orange</u>	<u>71</u>	<u>1,550</u>	<u>0.97</u>
<u>3 Bethesda/Chevy Chase</u>	<u>Orange</u>			
<u>19 Kensington/Wheaton</u>	<u>Orange</u>			
<u>33 Silver Spring/Takoma Park</u>	<u>Orange</u>	<u>80</u>	<u>1,600</u>	<u>1.00</u>
<u>38 White Oak</u>	<u>Orange</u>			

* 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.

TL2.3 Pedestrian System Adequacy

[TL2.3.1 Interim Pedestrian System Analysis

Until Planning Board approval of the Pedestrian Level of Comfort map, pedestrian system adequacy shall be defined as providing level of service (LOS) D capacity or better in any

crosswalk. For any site that generates more than 50 pedestrian peak hour trips (including trips to transit) the applicant must:

- Fix (or fund) Americans with Disabilities Act (ADA) non-compliance issues within a 500-foot radius of site boundaries, and
- Ensure LOS D for crosswalk pedestrian delay (or no more delay than existing) at LATR study intersections within 500 feet of site boundaries or within a Road Code Urban Area/Bicycle Pedestrian Priority Area (RCUA/BPPA)

Regardless of the development size and location, if an intersection operational analysis is triggered for any intersections within a RCUA/BPPA, mitigation must not increase average pedestrian crossing time at the intersection.

TL2.3.2 Vision Zero Enhanced Pedestrian System Analysis

Upon Planning Board approval of the Pedestrian Level of Comfort map, pedestrian system analysis will be based on the following standards and scoping:

- For any site generating at least 50, but fewer than 100 peak-hour person trips the applicant must:
 - Demonstrate the achievement of a “somewhat comfortable” or “very comfortable” Pedestrian Level of Comfort (PLOC) score for walking to destinations within 250 feet of a development site boundary – including commercial centers, transit stations, schools, parks, libraries, recreation centers, medical facilities, among other things – or transit stops within 500 feet of the development site boundary. If current conditions are not adequate, the applicant must construct up to 500 feet of improvements to achieve adequacy from the site frontage. Specific improvements to be constructed should be identified in consultation with Montgomery Planning.
 - Evaluate existing street lighting based on Montgomery County Department of Transportation (MCDOT) standards along roadways or paths from the development to destinations within 250 feet of the development site boundary or to transit stops within 500 feet of the development site boundary. Where standards are not met, street lighting shall be upgraded to meet the applicable standards. The streetlight field review shall include a field inventory of existing streetlight and pedestrian scale fixtures with current spacing and general location of luminaire noted (utility pole mounted, stand-alone pole mount, or pedestrian scale). All longitudinal spacing or intersection locations that do not meet MCDOT standards should be noted. Note this inventory is not intended to be a full lighting study with measurement of illuminance levels but will identify missing lighting locations at intersections as well as longitudinal spacing deficiencies as per MCDOT streetlight standards.
- For any site generating 100 or more peak-hour person trips the applicant must:
 - Demonstrate the achievement of a “somewhat comfortable” or “very comfortable” Pedestrian Level of Comfort (PLOC) score for walking to destinations within 500

feet of a development site boundary – including commercial centers, transit stations, schools, parks, libraries, recreation centers, medical facilities, among other things – or transit stops within 1,000 feet of the development site boundary. If current conditions are not adequate, the applicant must construct up to 1,000 feet of improvements to achieve adequacy from the site frontage. Specific improvements to be constructed should be identified in consultation with Montgomery Planning.

- Evaluate existing street lighting based on Montgomery County Department of Transportation (MCDOT) standards along roadways or paths from the development to destinations within 500 feet of the development site boundary or to transit stops within 1,000 feet of the development site boundary. Where standards are not met, street lighting shall be upgraded to meet the applicable standards. The streetlight field review shall include a field inventory of existing streetlight and pedestrian scale fixtures with current spacing and general location of luminaire noted (utility pole mounted, stand-alone pole mount, or pedestrian scale). All longitudinal spacing or intersection locations that do not meet MCDOT standards should be noted. Note this inventory is not intended to be a full lighting study with measurement of illuminance levels but will identify missing lighting locations at intersections as well as longitudinal spacing deficiencies as per MCDOT streetlight standards.
- For any site generating at least 50 pedestrian peak-hour trips (including to transit) the applicant must fix (or fund) Americans with Disabilities Act (ADA) non-compliance issues within a 500-foot radius of site boundaries.]

The Pedestrian System Adequacy Test consists of three components:

1. Pedestrian Level of Comfort (PLOC). Pedestrian system adequacy is defined as providing a “Somewhat Comfortable” or “Very Comfortable” PLOC score on streets and intersections for roads classified as Primary Residential or higher (excluding Controlled Major Highways and Freeways, and their ramps),¹ within a certain walkshed from the site frontage, specified in Table [[T3]]T4. The table also identifies the maximum span of improvement that the applicant must provide beyond the frontage. Specific improvements to be constructed should be identified in consultation with Montgomery Planning and MCDOT.
2. Street Lighting. The applicant must evaluate existing street lighting based on MCDOT standards along roadways or paths from the development to destinations within a certain walkshed from the site frontage, specified in Table [[T3]]T4. The table also identifies the maximum span of streetlighting that the applicant must provide beyond the frontage. Where standards are not met, the developer must upgrade the street lighting to meet the applicable standards.
3. ADA Compliance. The applicant must fix Americans with Disabilities Act (ADA) noncompliance issues within a certain walkshed from the site frontage equivalent to half

¹ Or the equivalent classifications in the Complete Streets Design Guidelines, when approved by the County Council.

the walkshed specified in Table T4. The table also identifies the maximum span of ADA improvements that the applicant must provide beyond the frontage.

Table T4. Pedestrian Adequacy Test Scoping

<u>Peak-Hour Person Trips Generated</u>	<u>Red and Orange Policy Area Walkshed*</u>	<u>Yellow and Green Policy Area Walkshed*</u>
<u>50 – 99</u>	<u>400'</u>	<u>250'</u>
<u>100 – 199</u>	<u>750'</u>	<u>400'</u>
<u>200 – 349</u>	<u>900'</u>	<u>500'</u>
<u>350 or more</u>	<u>1,000'</u>	<u>600'</u>

*The maximum required length of sidewalk and streetlighting improvements beyond the frontage is 4 times the appropriate value in this column. The maximum span required for ADA improvements beyond the frontage is equal to the appropriate value in this column.

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 pedestrian system improvements within the same policy area, or—for a Red policy area or an Orange town center policy area—either in that area or an adjacent one, unless the applicant agrees otherwise.

TL2.4 Bicycle System Adequacy

Bicycle system adequacy is defined as providing a low Level of Traffic Stress (LTS-2) for bicyclists. Bicycle system analysis will be based on the following standards and scoping:

- [
- For any site generating at least 50, but fewer than 100 peak-hour person trips the applicant must ensure low Level of Traffic Stress (LTS-2) conditions within 375 feet of the site frontage. If current connections are not adequate, the applicant must construct up to 375 feet of side-paths, separated bike lanes, or trails that create or extend a low level of traffic stress up to 375 feet from the site frontage. In consultation with Montgomery Planning, the improvements to be constructed will be informed by the Bicycle Master Plan priority tiers.
 - For any site generating 100 or more peak-hour person trips the applicant must ensure low Level of Traffic Stress (LTS-2) conditions within 750 feet of the site frontage. If current connections are not adequate, the applicant must construct up to 750 feet of side-paths, separated bike lanes, or trails that create or extend a low level of traffic stress up to 750 feet from the site frontage. In consultation with Montgomery Planning, the improvements to be constructed will be informed by the Bicycle Master Plan priority tiers.]

For any site generating at least 50 peak-hour person trips, conduct an analysis of existing and programmed conditions to ensure low Level of Traffic Stress (LTS-2) conditions on all

transportation rights-of-way within a certain distance of the site frontage, specified in Table T5. If current and programmed connections will not create adequate conditions, the applicant must construct sidepaths, separated bike lanes, or trails, consistent with the Bicycle Master Plan, that create or extend LTS-2 conditions up to the specified distance from the site frontage.

Table T5. Bicycle Adequacy Test Scoping

<u>Peak-Hour Person Trips Generated</u>	<u>Red and Orange Policy Areas</u>	<u>Yellow and Green Policy Areas</u>
<u>50 – 99</u>	<u>400'</u>	<u>250'</u>
<u>100 – 199</u>	<u>750'</u>	<u>400'</u>
<u>200 – 349</u>	<u>900'</u>	<u>500'</u>
<u>350 or more</u>	<u>1,000'</u>	<u>600'</u>

Alternatively, if the Planning Board and MCDOT agree that constructing all or part of this requirement may not be practicable due to undesirable transitions, unattainable right-of-way, or an existing CIP project, 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 LTS-1 or LTS-2 bicycle system improvements within the same policy area, or—for a Red policy area or an Orange town center policy area—either in that area or an adjacent one, unless the applicant agrees otherwise.

TL2.5 Bus Transit System Adequacy

[Transit system adequacy for LATR is defined as providing a peak load of LOS D for bus transit service routes (1.25 transit riders per seat) during the peak period (in the peak direction). Transit system analysis will be based on the following standards and scoping:

- For any site generating at least 50, but fewer than 100 peak-hour person trips the applicant must inventory bus routes at stations/stops within 500 feet of the site and identify the peak load for each route at that station. The applicant must coordinate with the transit service provider to identify and implement (or fund) improvements needed to address conditions worse than LOS D due to additional patrons generated by the development.
- For any site generating 50 or more peak-hour person trips the applicant must inventory bus routes at stations/stops within 1,000 feet of the site and identify the peak load for each route at that station. The applicant must coordinate with the transit service provider to identify and implement (or fund) improvements that would be needed to address conditions worse than LOS D due to additional patrons generated by the development.]

For any site generating at least 50 peak-hour person trips in Red, Orange, and Yellow policy areas, conduct an analysis of existing and programmed conditions to ensure that there are bus shelters outfitted with realtime travel information displays and other standard amenities, along with a safe, efficient, and accessible path between the site and a bus stop, at a certain number of bus stops within a certain distance of the site frontage, specified in Table T6. Where shelters and associated

amenities are not provided, an applicant must construct up to the number of shelters and amenities specified in Table T6.

Table T6. Transit Adequacy Test Scoping

<u>Peak-Hour Person Trips Generated</u>	<u>Red and Orange Policy Areas</u>	<u>Yellow Policy Areas</u>
<u>50 – 99</u>	<u>2 shelters within 500’</u>	<u>1 shelters within 500’</u>
<u>100 – 199</u>	<u>2 shelters within 1,000’</u>	<u>2 shelters within 1,000’</u>
<u>200 – 349</u>	<u>3 shelters within 1,300’</u>	<u>2 shelters within 1,300’</u>
<u>350 or more</u>	<u>4 shelters within 1,500’</u>	<u>3 shelters within 1,500’</u>

Alternatively, if the Planning Board and MCDOT agree that constructing all or part of this requirement may not be practicable due to undesirable transitions, unattainable right-of way, or an existing CIP project, 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 bus shelters with the same amenities and improvements to pedestrian access to and from bus stops, such as improved paved connections, crossings, and lighting. These funds must be spent on such improvements within the same policy area, or—for a Red policy area or an Orange town center policy area—either in that area or an adjacent one, unless the applicant agrees otherwise.

TL2.6 Temporary Suspension for Bioscience Facilities

The Local Area Transportation Review (section TL2) requirements of the Subdivision Staging Policy 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, 2025; and
- (c) an application for building permit is filed within 3 years after the approval of any required preliminary plan or site plan.

TL3 LATR Vision Zero [Impact]Statement

[To ensure development is executed to better align with Vision Zero principles, all LATR studies must include a Vision Zero Impact Statement. This statement shall describe:

- Any segment of the high injury network located on the development frontage.
- Crash analysis for the development frontage.
- An evaluation of the required sight distance for all development access points.
- Identification of conflict points for drivers, bicyclists, and pedestrians and a qualitative assessment of the safety of the conflict.
- A speed study including posted, operating, design, and target speeds.
- Any capital or operational modifications required to maximize safe access to the site and surrounding area, particularly from the Vision Zero Toolkit.

In addition, mitigation recommendations from the capacity-based adequacy determination must address the needs identified in the Vision Zero Impact Statement and Pedestrian and Bicycle Impact Statement. A goal of the requirements listed immediately above is to ensure Vision Zero resources accurately reflect conditions on the development frontage.]

All LATR studies for a site that will generate 50 or more peak-hour person trips must develop a Vision Zero Statement. This statement must assess and propose solutions to high injury network and safety issues, review traffic speeds, and describe in detail how safe site access will be provided. With concurrence of the responsible agency, projects must implement or contribute to the implementation of safety countermeasures. The County Council may adopt predictive safety analysis as part of this statement, when available.

TL4 Additional LATR Standards and Procedures

In administering Local Area Transportation Review, the Planning Board must not approve a subdivision if it finds that inadequate travel conditions will result after considering existing roads, programmed roads, available or programmed mass transportation, and improvements to be provided by the applicant. If the subdivision will affect an intersection or roadway link for which congestion is already unacceptable, then the subdivision may only be approved if the applicant agrees to mitigate the impacts of either:

- a sufficient number of trips to bring the inadequate travel conditions to a level of adequacy, or
- a number of trips attributable to the development.

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 traffic study to determine whether adjustments are necessary to assure that the LATR study is a reasonable and appropriate reflection of the traffic impact of the proposed subdivision after considering all approved development and programmed transportation projects.

If use and occupancy permits for at least 75% of the originally approved development were issued more than 12 years before the LATR study scope request, the number of signalized intersections in the study must be based on the increased number of peak hour trips rather than the total number of peak hour trips. In these cases, LATR is not required for any expansion that generates 5 or fewer additional peak hour trips.

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.

If an applicant is participating in a traffic mitigation program or one or more intersection improvements to meet Local Area Transportation Review requirements, that applicant must be considered to have met Local Area Transportation Review for any other intersection where the volume of trips generated is less than 5 Critical Lane Movements.

Any LATR study must be submitted by a registered Professional Engineer, certified Professional Traffic Operations Engineer, or certified Professional Transportation Planner.

At the Planning Board's discretion, each traffic mitigation program must be required to operate for at least 12 years but no longer than 15 years. The Planning Board may select either trip reduction measures or road improvements, or a combination of both, as the required means of traffic mitigation.

The Planning Board has adopted guidelines to administer Local Area Transportation Review. 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.

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. To achieve safe and convenient pedestrian travel, the Planning Board may adopt administrative guidelines requiring construction of off-site sidewalk improvements consistent with County Code §50-25. To support creating facilities that encourage transit use, walking, and bicycling, to maintain an approximately equivalent level of service at the local level for both auto and non-auto modes, the Board may allow the applicant to use peak hour vehicle trip credits for providing non-auto facilities. Before approving credits for non-auto facilities to reduce Local Area Transportation Review impacts, the Board should first consider the applicability and desirability of traffic mitigation agreement measures. The Board's *LATR Guidelines* must identify applicable facilities in terms of actions that can be given trip credits and the maximum number of trips that can be credited. If the Board approves any credits, it must specify mechanisms to monitor the construction of any required facility. During each quadrennial Subdivision Staging Policy, the Board must report on the number of credits issued and confirm the construction of any required facility.

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. For the Planning Board to accept an intersection improvement as a mitigation measure, the applicant must show that alternative non-auto mitigation measures are not feasible or desirable. In evaluating mitigation measures proposed by an applicant, the Board must place a high priority on design excellence to create a safe,

comfortable, and attractive public realm for all users, with particular focus on high-quality pedestrian and transit access to schools, libraries, recreation centers, and other neighborhood facilities.

If an approved subdivision already has constructed or participated in the construction of off-site improvements to accommodate its peak hour trips, based on the LATR requirements the Board imposed when it approved a preliminary subdivision plan, and if the subdivision later converts one or more approved uses or reduces its size so that the subdivision generates fewer peak hour trips than estimated when the Board imposed the LATR requirements, the trip mitigation agreement must reduce the subdivision's peak hour trip mitigation requirement by one trip for each peak hour trip that the subdivision would no longer generate. If the conversion of all or part of a subdivision from one use to another would cause a different trip distribution or would place new or different burdens on one or more intersections, and if the subdivision is otherwise required to do so, the subdivision must construct or contribute to improvements specified by the Board to mitigate that result.

[TL5 Motor Vehicle Mitigation Priorities

Mitigation strategies to increase capacity or reduce delay for motor vehicles may be counter to Vision Zero principles. Increases in speed or increasing motor vehicle capacity through roadway widening, signal phasing or timing changes may increase hazards for pedestrians, bicyclists and drivers. It is critical that any capacity-based mitigation strategy does not negatively impact the safety of any roadway user. The application of motor vehicle congestion mitigation approaches shall be prioritized as follows when projected traffic generated from proposed projects exceeds the applicable policy area congestion standard:

- Transportation demand management (TDM) approaches to reduce vehicular demand.
- Payment in lieu of mitigation
- Intersection operational improvements
- Roadway capacity improvements

In the event that intersection operational improvements or roadway capacity improvements proposed by the developer run counter to the county's Vision Zero goals or directly detriment safety, transit or non-motorized improvements required by the other LATR tests, the Planning Board may alternatively require the developer to make payments to MCDOT in lieu of motor vehicle congestion mitigation.

In Road Code Urban Areas (RCUAs) and Bicycle Pedestrian Priority Areas (BiPPAs), adjusting the prioritization of mitigation approaches listed above may allow for mitigation payment in lieu of construction.]

TL5[6] Unique Policy Area Issues

TL5[6].1 White Flint Policy Area LATR Standards

Any proposed development located in the White Flint Metro Station Policy Area is exempt from Local Area Transportation Review if the development will be required to provide substantial funds

to the Special Tax District created to finance master planned public improvements in the Policy Area. 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[6].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) [Democracy Boulevard at Westlake Drive; (e) Westlake Drive at Westlake Terrace; (f)] Westlake Drive at Tuckerman Lane; [(g)](e) Bradley Boulevard at Seven Locks Road; [(h)](f) River Road at Bradley Boulevard; [(i)](g) River Road at Piney Meetinghouse Road; [(j)](h) River Road at Falls Road; [(k)](i) Falls Road at Democracy Boulevard; and [(l)](j) River Road at Seven Locks Road.

TL5[6].3 Silver Spring CBD Policy Area and Transportation Management District

The Local Area Transportation Review for the Silver Spring CBD policy area must use the following assumptions and guidelines: [

- Each traffic limit is derived from the heaviest traffic demand period in Silver Spring’s case, the p.m. peak hour outbound traffic.
- When tested during a comprehensive circulation analysis, the critical lane volume or average vehicle delay for intersections in the surrounding Silver Spring/Takoma Park policy area must not be worse than the adopted level of service standards shown in Table T2 unless the Planning Board finds that the impact of improving the intersection is more burdensome than the increased congestion.]
- The Planning Board and the Department of Transportation must implement Transportation Systems Management for the Silver Spring CBD. The goal of this program must be to achieve the commuting goals for transit use and auto occupancy rates set out below.
- The County Government, through the Silver Spring Parking Lot District, must constrain the amount of public and private long-term parking spaces.

The parking constraints and commuting goals needed to achieve satisfactory traffic conditions with these staging ceilings are:

Parking constraint: A maximum of 17,500 public and private long-term spaces when all nonresidential development is built; this maximum assumes a peak accumulation factor of 0.9, which requires verification in Silver Spring and may be subject to revision. Interim long-term parking constraints must be imposed in accordance with the amount of interim development. Long-term public parking spaces must be priced to reflect the market value of constrained parking spaces.

Commuting goals: For employers with 25 or more employees, attain 25 percent mass transit use and auto occupancy rates of 1.3 persons per vehicle during the peak periods, or attain any combination of employee mode choice that results in at least 46% non-drivers

during the peak periods. For new nonresidential development, attain 30% mass transit use and auto occupancy rates of 1.3 persons per vehicle during the peak periods, or attain any combination of employee mode choice that results in at least 50% non-drivers during the peak periods.

Progress towards achieving these goals should be measured annually by scientific, statistically valid surveys.

To achieve these goals, it will be necessary to require developers of new development in Silver Spring to enter into traffic mitigation agreements and the employers and certain owners to submit transportation mitigation plans under County Code Chapter 42A.

In accordance with the amendment to the Silver Spring Sector Plan, subdivision applications for nonresidential standard method projects throughout the CBD may be approved for development or additions of not more than 5,000 square feet of gross floor area. However, if, for a particular use the addition of 5 peak hour trips yields a floor area greater than 5,000 square feet, that additional area may be approved for that particular use.

[TL6.4 North Bethesda TMD

In the North Bethesda Transportation Management District, the goal is 39% non-driver mode share for workers in the peak hour.

TL6.5 Bethesda TMD

In the Bethesda Transportation Management District, the goal is 37% non-driver mode share for workers.

TL6.6 Friendship Heights TMD

In the Friendship Heights Transportation Management District, the goal is 39% non-driver mode share for workers.]

TL5.4[6.7] Greater Shady Grove TMD

[In the Shady Grove Policy Area, the goal is a transit ridership goal of 35% for residents in the Shady Grove Policy Area, 25% for residents elsewhere in the Sector Plan, and 12.5% for employees of office development traveling to work.]

Each development that receives preliminary plan approval in the Shady Grove Metro Station Policy Area and generates at least 100 additional peak-hour vehicle trips, other than pass-by trips, must enter into a Traffic Mitigation Agreement (TMAg). The trip mitigation requirement for this Agreement is 50% of the residential-related vehicle trips and 65% of the non-residential-related vehicle trips that would otherwise be expected, based on countywide trip generation rates before any applicable deduction, such as proximity to a Metrorail station. The breakdown in the reduction of trips should be identified in the Agreement. County-owned property in the Shady Grove Policy

Area must enter into a TMAg on all new development or redevelopment, with no deduction of existing trips.

[TL6.8 Great Seneca Science Corridor Master Plan

In the Great Seneca Science Corridor, an 18% non-auto driver mode share (NADMS) must be attained before Stage 2 begins, a 23% NADMS must be attained before Stage 3 begins, and a 28% NADMS must be attained before Stage 4 begins.]

TL5.5[6.9] White Oak Policy Area

[In the White Oak Policy Area the non-auto-driver mode share (NADMS) goal for all new development, based on the area's future transit service (assuming bus rapid transit) and connectivity opportunities, is 25% in the White oak Center and Hillandale Center, and is 30% in the Life Sciences/FDA Village Center.]

- (a) The Board may approve a subdivision in the White Oak Policy Area conditioned on the applicant paying a fee to the County commensurate with the applicant's proportion of the cost of a White Oak Local Area Transportation Improvement Program, 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 Policy Area approved after January 1, 2016.
- (b) The components of the White Oak Local Area Transportation Improvement Program 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.
- (c) The fee must be paid at a time and manner consistent with Transportation Mitigation Payments as prescribed in Section 52-59(d) of the Montgomery County Code.
- (d) 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 Policy Area.

TL6 Non-Auto-Driver Mode Share Goals

Bill 36-18, Transportation Demand Management (TDM), was adopted by the County Council in 2019. The legislation sets the stage for TDM efforts in every Red, Orange and Yellow policy area to achieve desired non-auto-driver mode share (NADMS) goals. Many master and sector plans include NADMS goals for their respective planning or policy areas, whereas other NADMS goals are established through the Subdivision Staging Policy. Table T7 identifies the NADMS goals applicable to different master/sector plan areas, transportation management districts (TMDs) and policy areas.

Table T7. NADMS Goals

<u>Master/Sector Plan Area, Policy Area or TMD</u>	<u>NADMS Goal(s) at Buildout</u>
<u>Aspen Hill PA</u>	<u>35% for residents and employees blended</u>
<u>Bethesda TMD</u>	<u>55% for residents and employees blended</u>
<u>Bethesda/Chevy Chase PA</u>	<u>41% for residents and employees blended</u>
<u>Burtonsville Town Center PA</u>	<u>25% for residents and employees blended</u>
<u>Chevy Chase Lake MP Area</u>	<u>49% for residents</u> <u>36% for employees</u>
<u>Clarksburg PA</u>	<u>25% for residents and employees blended</u>
<u>Clarksburg Town Center PA</u>	<u>25% for residents and employees blended</u>
<u>Cloverly PA</u>	<u>23% for residents and employees blended</u>
<u>Derwood PA</u>	<u>39% for residents and employees blended</u>
<u>Fairland/Colesville PA</u>	<u>27% for residents and employees blended</u>
<u>Forest Glen PA</u>	<u>48% for residents</u> <u>25% for employees</u>
<u>Friendship Heights TMD</u>	<u>39% for residents and employees blended</u>
<u>Gaithersburg City PA</u>	<u>N/A*</u>
<u>Germantown East PA</u>	<u>28% for residents and employees blended</u>
<u>Germantown Town Center PA</u>	<u>25% employees</u>
<u>Germantown West PA</u>	<u>27% for residents and employees blended</u>
<u>Glenmont MSPA</u>	<u>35% for residents and employees blended</u>
<u>Great Seneca Science Corridor MP Area</u>	<u>18% for employees before Stage 2 begins</u> <u>23% for employees before Stage 3 begins</u> <u>28% for employees before Stage 4 begins</u>
<u>Greater Shady Grove TMD</u>	<u>35% transit ridership for residents in the Shady Grove PA</u> <u>25% transit ridership for residents elsewhere in the Shady Grove SP area</u> <u>12.5% transit ridership for office employees</u>
<u>Grosvenor[-Strathmore Metro Area] PA</u>	<u>50% for residents and employees blended</u>
<u>Kensington/Wheaton PA</u>	<u>40% for residents and employees blended</u>
<u>Lyttonsville PA</u>	<u>50% for residents and employees blended</u>
<u>Medical Center MSPA</u>	<u>41% for residents and employees blended</u>
<u>North Bethesda TMD</u>	<u>30% for residents</u> <u>39% for employees</u>
<u>North Potomac PA</u>	<u>27% for residents and employees blended</u>
<u>Olney PA</u>	<u>22% for residents and employees blended</u>

<u>Potomac PA</u>	<u>29% for residents and employees blended</u>
<u>Purple Line East PA</u>	<u>50% for residents and employees blended</u>
<u>Rock Spring MP Area</u>	<u>41% for residents</u> <u>23% for employees</u>
<u>Rockville City PA</u>	<u>N/A*</u>
<u>Rockville Town Center PA</u>	<u>N/A*</u>
<u>Silver Spring TMD</u>	<u>50% for employees</u>
<u>Silver Spring/ Takoma Park PA</u>	<u>48% for residents and employees blended</u>
<u>Takoma MSPA</u>	<u>48% for residents and employees blended</u>
<u>Twinbrook MSPA</u>	<u>45% for residents and employees blended</u>
<u>Wheaton CBD</u>	<u>30% for employees</u>
<u>White Flint MSPA</u>	<u>51% for residents</u> <u>50% for employees</u>
<u>White Flint 2 Planning Area</u>	<u>42% for residents east of CSX tracks</u> <u>51% for residents elsewhere</u> <u>50% for employees</u>
<u>White Oak PA (Life Sciences/ FDA Village Center)</u>	<u>30% for residents and employees blended</u>
<u>White Oak PA (White Oak Center and Hillandale Center)</u>	<u>25% for residents and employees blended</u>
<u>Woodside PA</u>	<u>50% for residents and employees blended</u>

TL7 Unified Mobility Programs

- (a) 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.
- (b) 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.
- (c) The fee must be paid at a time and manner consistent with Transportation Mitigation Payments as prescribed in Section 52-59(d) of the Montgomery County Code.
- (d) 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.

TL8 Red Policy Area LATR Standards

Any proposed development in Red policy areas is exempt from the LATR motor vehicle adequacy test. In lieu of the motor vehicle adequacy test, the assessment of transportation system performance in these areas should be performed through the biennial monitoring program, including a Comprehensive Local Area Transportation Review (or comparable analysis), to identify and prioritize master planned infrastructure implementation needs. Concurrently, the establishment of Unified Mobility Programs (UMPs) should be considered for Red policy areas, as appropriate.

[TL9 Transit Corridor Motor Vehicle LATR Standards

The motor vehicle level of service standard for signalized intersections along the segments of the following roadways that traverse Orange and Yellow policy areas and include planned Bus Rapid Transit (BRT) service within their master planned right-of-way is 1700 CLV or 100 second/vehicle:

- Georgia Avenue (MD 97), the segment sharing the right-of-way with the Georgia Avenue BRT
- Rockville Pike/Frederick Road (MD 355), the segment sharing the right-of-way with the MD 355 BRT
- New Hampshire Avenue (MD 650), the segment sharing the right-of-way with the New Hampshire Avenue BRT
- Old Georgetown Road (MD 187), the segment sharing the right-of-way with the North Bethesda Transitway
- Randolph Road, the segment sharing the right-of-way with the Randolph Road BRT
- University Boulevard (MD 193), the segment sharing the right-of-way with the University Boulevard BRT
- US 29, the segment sharing the right-of-way with the US 29 BRT
- Veirs Mill Road (MD 586), the segment sharing the right-of-way with the Veirs Mill BRT
- Century Boulevard and Observation Drive, the segments of these roadways sharing the right-of-way with the Corridor Cities Transitway]

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 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, **TL 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.

TA3 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 TL Local Area Transportation Review when it undergoes a mandatory referral review by the Planning Board.

TA4 Affordable Housing

The provision of affordable housing in the County is crucial to providing long lasting reductions to regional congestion. Long distance trips affect the County's traffic in many parts of our community. 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.

[Table T2. Local Area Transportation Review Intersection Congestion Standards – Highway Capacity Manual Volume-to-Capacity, Critical Lane Volume and Average Vehicle Delay Equivalencies.

Policy Area	HCM Average Vehicle Delay Standard (seconds/vehicle)	Critical Lane Volume Congestion Equivalent	HCM Volume-to-Capacity Equivalent
29 Rural East 30 Rural West	41	1350	0.84
9 Damascus	48	1400	0.88
6 Clarksburg 14 Germantown East 16 Germantown West 13 Gaithersburg City 21 Montgomery Village/Airpark	51	1425	0.89
8 Cloverly 23 North Potomac 25 Potomac 24 Olney 26 R&D Village	55	1450	0.91
10 Derwood 1 Aspen Hill 11 Fairland/Colesville	59	1475	0.92
7 Clarksburg Town Center 15 Germantown Town Center 27 Rockville City	63	1500	0.94
4 Burtonsville Town Center 22 North Bethesda	71	1550	0.97
3 Bethesda/Chevy Chase 19 Kensington/Wheaton 33 Silver Spring/Takoma Park 38 White Oak	80	1600	1.00

]

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

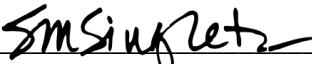
The Planning Board and staff must consider the programmed services to be adequate for facilities such as police stations, firehouses, and health clinics unless there is evidence that a local area problem will be generated. Such a problem is one which cannot be overcome within the context of the approved 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 Resubdivisions

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.
- Resubdivision 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.
- Resubdivision 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.



Selena Mendy Singleton, Esq.
Clerk of the Council