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Civic Federation Testimony to Council on Draft 2012 Subdivision Staging Policy

I am Jim Humphrey, submitting testimony on behalf of the Montgomery County Civic Federation as Chair of their Planning and Land Use Committee. First and foremost, the Federation is very supportive of the adoption of TPAR. We believe that splitting the roads and transit tests under TPAR will better implement the Adequate Public Facilities Ordinance than PAMR does. And TPAR has the additional attribute of being linked to the CIP with regard to the funding and provision of needed infrastructure. That said, MCCF does suggest some minor changes to the Planning Board's 18 recommendations, a position adopted by delegates at our September 10, 2012 meeting (**see attached**).

We are concerned that the renaming of the Growth Policy as the Subdivision Staging Policy was not accurate, since the policy does not dictate the staging or timing of subdivision plan approvals by the Planning Board. All projects can get approval under this policy. It is, in fact, a Subdivision Additional Fee Policy for any project proposed in an area of the county in which it is determined the public infrastructure is inadequate to handle increased development. We heartily support the collection of TPAR fees in areas with inadequate infrastructure capacity. But we are concerned there is no longer a process by which a moratorium can be imposed in any area of the county based on roads or transit inadequacy, even should the county lack the funds to pay their half of CIP transportation improvement costs under this proposed TPAR process.

It should also be remembered that since its renaming in 2009, Montgomery County does not even nominally have a Growth Policy. Instead, the current and prior Councils have engaged in a process of continually revising master and sector plans to increase the amount of allowed density in the county. But without having an established goal for the appropriate sustainable scale for the county, this process is akin to throwing darts at a blank wall and proclaiming you are hitting the target.

At present, the residential capacity for the county (that is, the number of new housing units that could be built under current zoning in approved master and sector plans) is approximately 115,000 to 125,000 units, and the commercial capacity stands in excess of 50 million square feet. That is enough to generate 200,000 new jobs at 250 square feet per job, or more jobs if it is true that space per employee is decreasing. The creation of a county growth policy should receive serious consideration. Thank you.

18 Planning Board Recommendations on 2012 SSP and MCCF Position on Each

Transportation Policy Area Review

1) Adopt the TPAR methodology for determining adequacy of transit and roadway facilities. Establish Adequacy standards for transit service and roadways in the SSP resolution.

MCCF: Strongly support splitting of tests for roadway and transit adequacy, but think targets set too low for adequate roadway level of service.

2) Determine TPAR fees to be paid by private development based on cost of transit improvement needed in each policy area by 2022 divided by the number of new trips projected in each policy area by 2022, and the cost of roadway improvements needed in each policy area by 2040 divided by the number of new trips projected for each policy area by 2040, setting the public/private contribution rate at 50 percent and setting the minimum payment at \$600 and the maximum payment at \$12,000 per new trip-end.

MCCF: Support setting private contribution rate of at least 50%, but urge a single countywide average TPAR contribution payment be charged per trip-end.

3) As TPAR revenues are collected, they should be applied to the improvement of transit service and roadway construction on a proportional basis to the transit and roadway deficiencies.

MCCF: Support, but if no road or transit projects are on an area's priority list then all fees in that area should go to improvements in the other mode.

4) Update the TPAR test every two years starting in 201 to assess transportation adequacy, to assist in incorporating new transportation strategies and data, and to assist in fine-tuning the priorities for the CIP.

MCCF: Support, but believe if a mid-cycle update (every two years) is so desirable then the Council should go back to a 2-year SSP cycle.

5) Remove the ability to offset TPAR payments through developer-funded projects.

MCCF: Support.

6) Remove Special Mitigation Standards.

MCCF: Support.

7) Remove existing exemptions from the regional transportation test, and add Affordable Housing as an exemption.

MCCF: Support with amendment to not add Affordable Housing exemption. There are adequate incentives in zoning and exemption from impact taxes for affordable housing.

8) Develop and implement a monitoring program that would periodically report on the implementation and adequacy of TPAR to the Planning Board and the County Council.

MCCF: Strongly support, but might be unnecessary if Council went back to 2-year cycle.

Local Area Transportation Review

9) Incorporate the *2010 Highway Capacity Manual* (2010 HCM) methodology at intersections in urban and suburban policy areas where the CLV is greater than or equal to 1600.

MCCF: Mildly support but believe this recommendation merits further discussion of education of Council and public on 2010 HCM methodology.

10) Add 2010 HCM volume-to-capacity standards for intersections where queuing and delay are being analyzed.

MCCF: Oppose; believe further discussion and education of the Council and public should take place on proposed 2010 HCM standards and "more sophisticated analysis" to be applied, before Council considers approving (e.g.; does "up-to-date analytical software" include SYNCHRO and CORSIM, currently used by the State?).

11) The Planning Board will explore modifying the LATR guidelines to allow developers to provide for new or improved transit service as a means of mitigating trips in the computation of LATR requirements.

MCCF: Support.

Annual School Test

12) Retain the threshold for a school facility payment at school utilization greater than 105 percent and less than or equal to 120 percent.

MCCF: Support.

13) Retain the threshold for school moratoria on new residential subdivisions and construction when school utilization is greater than 120 percent.

MCCF: Support.

14) Update the school facility payment rates to reflect the most recent school construction costs available. Update the school facility payment rate based on current construction costs as part of the quadrennial Subdivision Staging Policy.

MCCF: Support.

15) Allow the Planning Board to make a mid-cycle finding of school adequacy.

MCCF: Oppose--if a mid-cycle finding is so desirable, we suggest the Council go back to a 2-year SSP cycle.

16) Retain the current *de minimis* exemption, which allows the Planning Board to approve a subdivision in any cluster where public school capacity is inadequate, provided the subdivision consists of no more than three housing units and the applicant commits to pay a school facility payment as otherwise required.

MCCF: Support

17) Modify exemption for senior housing such that the Planning Board may approve a subdivision in a cluster where school capacity is inadequate, provided the subdivision consists entirely of housing and related facilities for elderly or handicapped persons or housing units located in an age-restricted section of a planned retirement community. Currently this exemption is restricted to only those units that are multifamily units.
MCCF: Support.

18) Retain all current waivers of the school facility payment as currently regulated under Chapter 52 of the Montgomery County Code, which includes a waiver for projects located in an enterprise zone (Wheaton CBD and Long Branch) or former enterprise zones as well as a waiver for moderately priced dwelling units (MPDUs) and other dwelling units built under Chapter 25A, and a waiver for any other dwelling unit built under a government regulation or binding agreement that limits for at least 15 years the price or rent charged for the unit in order to make the unit affordable to households earning less than 60 percent of the area median income, adjusted for family size.
MCCF: We understand rationale behind these waivers, but we oppose them. All reduction, waivers and exemptions from impact taxes and school facility payments or TPAR fees are a concern to existing property owners, especially homeowners, who feel that they are being asked to shoulder too large a portion of the burden to build the necessary infrastructure to accommodate new development.