AGENDA ITEM #12.1
December 12, 2006

Action

MEMORANDUM

December 8, 2006

TO: County Council

FROM: Glenn Orlin, Deputy Council Staff Director
Michael Faden, Senior Legislative Attorney

SUBJECT: **Action**—resolution directing the Planning Board to study Growth Policy and related issues

The attached resolution would direct the Planning Board to re-evaluate the Growth Policy comprehensively, examining and providing recommendations for the transportation and public schools adequate public facility tests, the relationship to general growth management and affordable housing, the pipeline of approved subdivisions, and the means to measure the outcomes of the County's growth policies. As a corollary task, the Council would also have the Board examine and provide recommendations on the current impact tax structure and rates.

The Board would be directed to transmit a Growth Policy amendment by May 21, 2007, or about 2½ months earlier than the normal August 1 deadline for the Growth Policy's regular biennial update.

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Resolution No.: _____
Introduced: December 5, 2006
Adopted: _____

COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

By: Council President Praisner and Councilmembers Andrews, Elrich, Berliner and Trachtenberg

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Subject: Planning Board study of Growth Policy issues

Background

1. On January 22, 1964, the Maryland-National Capital Park and Planning Commission adopted *"...On Wedges and Corridors, A General Plan for the Maryland-Washington Regional District in Montgomery and Prince George's Counties"* to provide for the orderly development of Montgomery County by, among other things, concentrating growth where it can be well-served by public facilities, preserving large areas of agricultural and open space, and encouraging excellence in urban design.

2. In 1966, laws concerning the preparation of master plans were changed to include a provision for the approval of master plans by the County Council. In addition, between 1964 and 1967, County, state, and federal procedures resulted in new requirements for the General Plan, including a requirement that development be staged in area master plans and an increased emphasis on citizen participation.

3. In 1967, the Council directed the Planning Board to submit an updated and revised General Plan for Council approval.

4. In December 1969, the Planning Board submitted to a revised General Plan, which the Council approved in 1970. This update included goals for staging development, adequacy of public facilities, preservation of large areas of open space, and concentrated "new town" development.

5. In 1973, the Council adopted an adequate public facilities ordinance (APFO) as an amendment to the County subdivision regulations. The APFO prohibits the Planning Board from approving a preliminary plan of subdivision unless the Board finds that public facilities, including transportation, schools, water and sewer, and police, fire, and health facilities, are adequate.

6. In 1986 the Council enacted a growth policy enabling law, which spells out the process for adopting a County Growth Policy by resolution. This law was significantly amended in 1993 and 2004. The 2004 amendments remain in effect.

7. Since 1986, the Council has approved by resolution a growth policy containing guidelines for administration of the adequate public facilities ordinance, including area-wide and localized tests for the adequacy of transportation facilities called Policy Area Transportation Review and Local Area Transportation Review which, respectively, limited development approvals to those supported by the area-wide transportation network and nearby intersections.

8. On November 2, 1993, the Council approved a "Refinement" of the Goals and Objectives of the 1969 Plan. These goals and objectives include: channeling higher density development to the urban ring and I-270 Corridor, fostering transit-serviceable land use patterns, a fine grain mixture of housing and employment land uses, and allocating public investments in community facilities in ways that implement the General Plan goals and objectives.

9. In 2001, the Council directed the Planning Board to conduct a 'top-to-bottom review" of the Annual Growth Policy, including guidelines for testing the adequacy of transportation and school facilities. The Planning Board completed its review and submitted its recommendations in August 2003. The Board recommended an approach that would set an overall limit on the pace of development (growth rate limit) County-wide, with development located near transit given priority, and would eliminate the test for adequacy of public school facilities.

10. In October 2003, the Council rejected the Planning Board's proposal and adopted a 2003-5 Growth Policy resolution that removed Policy Area Transportation Review as a test for the adequacy of transportation facilities and lifted restrictions then in effect on subdivision approvals in certain policy areas, while also tightening both the Local Area Transportation Review test and the test for adequacy of public school facilities. Simultaneously the Council increased development impact taxes for transportation facilities and established a new development impact tax for public school facilities.

11. In October 2005, the Council did not approve a new growth policy, leaving the 2003-5 growth policy in effect.

12. Between 2005 and 2030, the County is forecast to add 170,000 jobs, almost 95,000 households, and 213,000 people.

Action

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

The Planning Board, in cooperation with appropriate Executive branch departments, must prepare a comprehensive analysis of growth policy issues and recommendations for managing growth in the County. By May 21, 2007, the Planning Board must submit to the Council:

1. a recommended set of tools to manage growth and fund infrastructure as needed to maintain and enhance the County's quality of life, including:
   - proposals to direct future growth and manage the pace of that growth to promote the objectives of the General Plan;

- identifying and prioritizing the infrastructure needed to support existing and future residents, businesses, and visitors; and
- recommendations to strengthen the relationship between the pace of growth and the provision of public facilities, services, and infrastructure;

2. recommendations to better coordinate the County's growth management and affordable housing goals;

3. analysis and recommendations regarding:
   - the current test for and public schools facilities and alternatives to it;
   - the current Local Area Transportation Review test and alternatives to it, including those considered during the 2005 review of the Growth Policy;
   - reinstating a form of Policy Area Transportation Review;
   - treatment of traffic originating outside the County and/or to destinations outside the County;
   - treatment of traffic generated by federal installations in the County; and
   - any other adequate public facilities-related issues the Board finds relevant;

4. an update of the Board's 2005 analysis of the number, age, and other characteristics of projects in the pipeline of approved development. The Board must also analyze, and propose any needed changes in, laws and regulations that govern the time limits for the validity of a finding of adequate public facilities; and

5. recommendations on better ways to measure the success and evaluate the outcomes of the County's growth and development policies.

The Planning Board must also analyze the County's impact tax laws and ways to improve them, including evaluating the full impacts of growth and possible expansion of impact taxes to fund public benefits in addition to transportation and schools.

The Planning Board must include sufficient data and analysis to allow the Council to act on each major proposal before its August 2007 recess, and a draft resolution for Council introduction that contains any recommended amendment to the current Growth Policy. The Board may also submit proposals for later study, analysis, and Council review.

The Planning Board must submit interim summary reports on its progress on these issues to the Council on or before February 15 and April 15, 2007.

This is a correct copy of Council action.

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Linda M. Lauer, Clerk of the Council