


MEMORANDUM

December 4, 2006

TO: Councilmembers

FROM: Marilyn J. Praisner   
Council Vice President

SUBJECT: Resolution and Subdivision Regulation

Attached you will find two documents, a resolution and a Subdivision Regulation (SRA) that I intend to introduce tomorrow, December 5<sup>th</sup>. I had planned to email them to you Sunday, but my home computer is not working properly.

The Council will vote December 12<sup>th</sup> on the resolution, which tasks MNCPPC with an expedited schedule for developing Annual Growth Policy recommendations. It is consistent with comments Royce Hanson made to us during our retreat and does not propose any specific action.

The SRA requires a public hearing, which is tentatively scheduled for January 16<sup>th</sup>. It modifies the process for approving preliminary plans in this interim period before a new Annual Growth Policy can be adopted.

If you have any questions about what is being proposed, please let me know. Anyone who would like to cosponsor either or both of these documents is welcome to do so and may indicate such prior to or during the introduction.

attachment  
MP:jlh

Ordinance No. \_\_\_\_\_  
Subdivision Regulation Amend. No. 06-03  
Concerning: Preliminary Subdivision  
Plans - Approvals - Applicability of  
Growth Policy Amendments  
Revised: 12-4-06 Draft No. 3  
Introduced: December 5, 2006  
Public Hearing: January 16, 2007  
Adopted: \_\_\_\_\_  
Effective: \_\_\_\_\_

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION  
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT  
WITHIN MONTGOMERY COUNTY, MARYLAND**

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By: Council Vice-President Praisner

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**AN AMENDMENT** to the Subdivision Regulations to:

- (1) suspend for a certain period of time the approval of certain preliminary plans of subdivision;
- (2) provide for the applicability of certain growth policy or adequate public facilities requirements to certain subdivisions; and
- (3) generally amend the process for approving and accepting applications for preliminary plans of subdivision and similar Planning Board actions.

By adding the following sections of County Code Chapter 50:

Section 50-35B, Suspension of certain preliminary subdivision plan approvals.

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

OPINION

ORDINANCE

*The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following Ordinance:*

1           **Sec. 1. Section 50-35B is added as follows:**

2    **50-35B.    Suspension of certain preliminary subdivision plan approvals.**

3           (a)   Except as provided in subsections (b) and (c), the Planning Board  
4               must not approve or amend any preliminary plan of subdivision while  
5               this Section is in effect.

6           (b)   The Board may approve a plan for a subdivision that:

7               (1)   is located entirely in a Metro Station Policy Area, as defined in  
8               the County growth policy, or an enterprise zone; or

9               (2)   would add 5 or fewer peak hour trips, as defined under the  
10              County growth policy, and is not located in the Poolesville or  
11              Goshen Policy Areas.

12          (c)   The Board may amend a preliminary subdivision plan that the Board  
13              approved before this Section took effect if:

14              (1)   the amendment would not add more than 5 peak hour trips to  
15              the number previously approved for that subdivision; and

16              (2)   the subdivision is not located in the Poolesville or Goshen  
17              Policy Areas.

18          (d)   Any subdivision for which an application for a preliminary  
19              subdivision plan was filed on or after December 5, 2006, must be  
20              subject to any growth policy or other adequate public facilities  
21              requirement adopted before the Planning Board approves that plan.

22          **Sec. 2. Effective date.** This ordinance takes effect on the date of Council  
23          adoption.

24          **Sec. 3. Expiration.** Section 50-35B, added by Section 1 of this ordinance,  
25          expires on August 15, 2007.

26 *Approved:*

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Isiah Leggett, County Executive

Date

29 *This is a correct copy of Council action.*

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Linda M. Lauer, Clerk of the Council

Date

SUPPLEMENT

Resolution No:  
Introduced: December 5, 2006  
Adopted:

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS A DISTRICT COUNCIL FOR THAT PORTION  
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT  
WITHIN MONTGOMERY COUNTY, MARYLAND

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By: District Council

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Subject: Notice of Public Hearing on Subdivision Regulation Amendment 06-03

Background

1. Section 50-6A of the Montgomery County Code requires that, within thirty days of introduction of any subdivision regulation amendment, the Council act by resolution to set a date and time for public hearing on the proposed subdivision regulation amendment.
2. Subdivision Regulation Amendment 06-03 which would amend the Subdivision Regulations to: suspend for a certain period of time the approval of certain preliminary plans of subdivision; provide for the applicability of certain growth policy or adequate public facilities requirements to certain subdivisions; and generally amend the process for approving and accepting applications for preliminary plans of subdivision and similar Planning Board actions, was introduced on December 5, 2006.

Action

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland approves the following resolution:

Legal notice will be given of the public hearing to be held on January 16, 2007 at 7:30 p.m., in the Council Hearing Room, Stella Werner Council Office Building, Rockville, Maryland, for the purpose of giving the public an opportunity to comment on the proposed amendment.

This is a correct copy of Council action.

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Linda M. Lauer, Clerk of the Council