COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

By: Councilmembers Floreen and Knapp

AN ACT to:

(1) rename the County Growth Policy [[and modify its purposes]]; and
(2) revise the process to adopt and amend the County Growth Policy, and conform related laws.

By amending
Montgomery County Code
Chapter 33A, Planning Procedures.
Section 33A-15, Growth Policy

Chapter 52, Taxation
Sections 52-47, 52-49, and 52-94

The County Council for Montgomery County, Maryland approves the following Act:
Sec. 1. Section 33A-15 is amended as follows:

33A-15. **[Growth] Subdivision Staging Policy.**

(a) **Purpose:** Policy.

(1) The purpose of this Article is to establish a process by which the County Council can give policy guidance to agencies of government and the public on matters concerning:

(A) land use development;

(B) growth management; and

(C) related environmental, economic, and social issues.

(2) The policy guidance will be provided through the adoption by the County Council of a growth policy, which is intended to be an instrument that facilitates and coordinates the use of the powers of government to limit or encourage growth and development in a manner that best enhances the general health, welfare, and safety of the residents of the County.

- 2 -
The County Council must adopt a subdivision staging policy every 4 years by the County Council. It consists of policy guidelines for the Planning Board, and other agencies as appropriate, for their administration of Section 50-35(k) and other laws and regulations which affect the adequacy and timing of public facilities needed to support growth and development. This policy is the growth policy referred to in Article 28 of the Maryland Code and in Section 50-35(k) and elsewhere in the County Code.

Every fourth year, in the second year of a Council term, the Planning Board must produce a recommended subdivision staging policy.

By June 15, the Planning Board must send to the County Council a staff draft subdivision staging policy which includes:

(A) a status report on general land use conditions in the county, including the remaining growth capacity of zoned land, recent trends in real estate transactions, the level of service conditions of major public facilities and environmentally sensitive areas, and other relevant monitoring measures;

(B) a forecast of the most probable trends in population, households, and employment for the next 10 years, including key factors that may affect the trends;

(C) a recommended set of guidelines for the...
[Planning] Board, and other agencies as appropriate, with respect to subdivision staging and administration of related laws and regulations which affect growth and development; and

(D) any other information or recommendations relevant to [growth] subdivision staging policy, or requested by the [County] Council in the course of adopting the [growth] subdivision staging policy or by a later resolution.

(2) By August 1, the Board must [produce] approve and send to the Council a recommended [growth] subdivision staging policy [which reflects the Planning Board's views].

(3) The [Planning] Board must promptly make available to the County Executive, other agencies (including the Office of Zoning and Administrative Hearings and the People's Counsel), and the public copies of the staff draft and the Board's recommended [growth] subdivision staging policy.

[(d)] (c) Duties of the County Executive.

(1) Every [odd-numbered] fourth year, in the second year of a Council term, the [County] Executive must send to the [County] Council by September 15 any revisions to the [growth] subdivision staging policy recommended by the Planning Board in the form of specific additions and deletions.

(2) The [County] Executive must promptly make available to the Planning Board, other agencies, and the public copies of the [County] Executive's recommendations.

(3) The [County] Executive must assist the Planning Board to compile its status report for the recommended [growth]
subdivision staging policy by making available monitoring data which is routinely collected by executive branch departments.

[(e)] (d) Duties of the County Board of Education.

(1) Every [odd-numbered] fourth year, in the second year of a Council term, the Board of Education must send to the [County] Council by [October 1] September 15 any comments on the recommended [growth] subdivision staging policy submitted by the Planning Board and the Executive's recommendations, including any proposed revisions in the form of specific additions or deletions.

(2) The Board of Education must promptly make available to the Planning Board, the [County] Executive, and the public copies of these comments and revisions.

(3) The Board of Education must assist the Planning Board to compile its status report for the [growth] subdivision staging policy by making available monitoring data which is routinely collected by Montgomery County Public Schools staff.

[(f)] Duties of the Washington Suburban Sanitary Commission.

(1) Every odd-numbered year, the Washington Suburban Sanitary Commission must send to the County Council by October 1 any comments on the recommended growth policy submitted by the Planning Board and the Executive's recommendations, including any proposed revisions in the form of specific additions or deletions.

(2) The Commission must promptly make available to the Planning Board, the County Executive, and the public copies of these comments and revisions.
During the year, the Commission must assist the Planning Board to compile its status report for the growth policy by making available monitoring data which is routinely collected by Commission staff.

Duties of the County Council.

(1) After receiving the recommended subdivision staging policy, the recommendations of the County Executive, and any other agency comments, the County Council must hold a public hearing on the recommendations and comments.

(2) Every odd-numbered fourth year, in the second year of a Council term, the County Council must adopt by November 15 a subdivision staging policy to be effective until November 15 [two] four years later. If the County Council does not adopt a new subdivision staging policy, the subdivision staging policy adopted most recently remains in effect.

Amending the subdivision staging policy.

(1) The County Council, the County Executive, or the Planning Board may initiate an amendment to the subdivision staging policy.

(2) If the Executive initiates an amendment:

(A) the Executive must send it to the Council, the Planning Board, and other agencies, and make copies available to the public;

(B) the Planning Board must send any comments on the proposed amendment to the Council and the other agencies within 45 days after receiving the amendment (unless the
Council requests an earlier response), and must make copies of any comments available to the public; and

(C) the Council may amend the subdivision staging policy after giving the Planning Board and Board of Education an opportunity to comment and holding a public hearing.

(3) If the Planning Board initiates an amendment:

(A) the Planning Board must send it to the Council, the Executive, and other agencies, and make copies available to the public;

(B) the Executive must send any comments on the proposed amendment to the Council and other agencies within 45 days after receiving the amendment (unless the Council requests an earlier response), and must make copies of any comments available to the public; and

(C) the Council may amend the subdivision staging policy after giving the Executive and Board of Education an opportunity to comment and holding a public hearing.

(4) If the Council initiates an amendment:

(A) the Council must send it to the Executive, the Planning Board, and other agencies, and make copies available to the public;

(B) the Executive and the Planning Board must send any comments on the proposed amendment to the Council and other agencies within 45 days after receiving the amendment (unless the Council requests an earlier response), and must make copies of any comments
available to the public; and

(C) the [County] Council may amend the [growth] subdivision staging policy after a public hearing.

(5) If it finds that an emergency so requires, the [County] Council may hold the public hearing and adopt an amendment before receiving comments under subparagraphs (2)(B), (3)(B), or (4)(B).

Sec. 2. Sections 52-47, 52-49, and 52-94 are amended as follows:

52-47. Definitions.

* * *

Growth policy means the [annual growth] subdivision staging policy most recently adopted under Chapter 33A to provide guidelines for the administration of the Adequate Public Facilities Ordinance.

* * *

[Planning policy] Policy area means any geographic area designated as a transportation policy area in the growth policy.

* * *

52-49. Imposition and applicability of development impact taxes.

* * *

(c) The following impact tax districts are established, consisting of the listed [Planning] Policy Areas as defined in the Growth Policy:

* * *

(3) General: Any part of the County, including any municipality, not located in a listed [planning] policy area.

* * *

52-94. School Facilities Payment.
(a) In addition to the tax due under this Article, an applicant for a building permit for any building on which a tax is imposed under this Article must pay to the Department of Finance a School Facilities Payment if that building was included in a preliminary plan of subdivision that was approved under the School Facilities Payment provisions in the County [Growth] Subdivision Staging Policy.

(b) The amount of the Payment for each building must be calculated by multiplying the Payment rate by the latest per-unit student yield ratio for any level of school found to be inadequate for the purposes of imposing the School Facilities Payment in the applicable [Growth] Subdivision Staging Policy and for that type of dwelling unit and geographic area issued by MCPS.

* * *

Approved:

Nancy Floreen, President, County Council

Approved:

Isiah Legget, County Executive

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council