

Resolution No.: 16-405
Introduced: December 11, 2007
Adopted: December 11, 2007

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By: County Council at Request of County Executive

SUBJECT: Approval of Executive Regulation 28-06AM, Schedule of Fees for Transportation-related Reviews of Subdivision Plans and Documents

Background

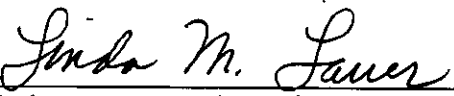
1. On October 25, 2007, the County Executive forwarded proposed Executive Regulation 28-06.
2. The Council must review the regulation under method (2) of Section 2A-15 of the County Code.
3. The Transportation and Environment Committee held a worksession on proposed Executive Regulation 28-06 on November 29, 2007. The Committee requested the Executive to submit an amended Regulation 28-06 with a July 1, 2008 effective date and revised text stating that the fee for revisions to previously reviewed applications would be 35% of the fee for new applications. On December 5, 2007 the Executive transmitted Regulation 28-06AM, which incorporated these changes.

Action

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

Executive Regulation 28-06AM, Schedule of Fees for Transportation-related Reviews of Subdivision Plans and Documents, is approved.

This is a correct copy of Council action.


Linda M. Lauer, Clerk of the Council



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject	Schedule of Fees for Transportation-related Reviews of Subdivision Plans and Documents	Number 28-06AM
Originating Department	Department of Public Works and Transportation	Effective Date July 1, 2008

Montgomery County Regulation on:

SUBDIVISION FEES

Department of Public Works and Transportation

Issued by: County Executive
Regulation No. 28-06AM

Authority: Montgomery County Code Section 42A-28, 49-1, 49-7, 50-34, 50-35

Supersedes: Regulation No. 28-06

Council Review: Method (2) Under Code Section 2A-15
Montgomery County Register Volume 24, Issue 2

Comment Deadline: March 2, 2007

Effective Date: July 1, 2008

SUMMARY: This regulation provides a schedule of fees for the Department of Public Works and Transportation to charge applicants for the administration and plan/document review activities of the Executive Branch review of the transportation-related elements of proposed subdivision plans – up through and including the preliminary plan phase – in accordance with Sections 50-34 and 50-35 of the Montgomery County Code (2004), as amended. The following regulations are promulgated to provide the necessary revenues to offset the costs for the services supplied.

ADDRESS: Department of Public Works and Transportation
101 Monroe Street
Rockville, Maryland 20850

STAFF CONTACT: Stephen C. Nash
(240) 777-6000



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BACKGROUND INFORMATION: Under Section 50-35 of the Montgomery County Code (2004), as amended, the Department of Public Works and Transportation is required to provide written comments to the Montgomery County Planning Board on all proposed preliminary plans of subdivision within 30 days of their transmittal. The Department also participates in the reviews of other types of subdivision plans that are submitted for review by the Maryland-National Capital Park and Planning Commission's ("M-NCPPC") Development Review Committee – including Development Plan Amendments, Zoning Cases, Special Exceptions, Project Plans, Subdivision Regulations Waivers, and Site Plans. Staff also coordinate with the Department of Permitting Services, as necessary, at the record plat and construction plan approval/permit stages.

The proposed fees are intended to recover the costs of the principal administration and plan/document review functions performed by the Department during the development approval process. Plans review efforts include consideration in both original submittals and modified submittals of:

- o conformance with the County Code, Master Plan, and development standards, policies, and procedures
- o need for improvements to existing frontage roads
- o proposed site access location(s)
- o proposed internal public streets – typical section, alignment, profile, and termini
- o proposed pedestrian and bicycle circulation system
- o need for improvements to the public storm drainage system to accommodate runoff from the proposed development
- o Adequate Public Facilities reviews (Local Area Traffic Studies and Traffic Mitigation Agreements)
- o coordination with existing or proposed transportation projects

The following fees are proposed:

A. Preliminary Plans

(1.) Residential component (includes all types of dwellings)

- (a) 1-100 dwelling units = \$1000/application + (\$50/Dwelling Unit)
- (b) 101-750 dwelling unit = (a) + (\$25/dwelling unit, for units 101-750)
- (c) more than 750 dwelling units = (a) + (b) + (\$5/dwelling unit, for each unit beyond 750)



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A. Preliminary Plans (cont.)

(2.) Commercial component (building gross floor area for all commercial uses)

- (a.) 1-200,000 square feet = \$1000/application + (\$0.10/SF – for first 200,000 square feet)
- (b.) 200,001-500,000 square feet = (a) + (\$0.05/SF - for 200,001 to 500,000 SF)
- (c.) more than 500,000 square feet = (a) + (b) + (\$0.025/SF, for each SF beyond 500,000 SF)

(3.) Institutional/Religious* = \$1000/application

(*NOTE: for the purposes of this Regulation, "Institutional/Religious" is intended to address facilities for private, tax-exempt organizations whose primary function is to provide either health, social, recreational, religious, or benevolent services, or research or educational activities in areas of benefit to the public such as health, medicine, or conservation of natural resources. Applicable facilities include charitable or philanthropic institutions, places of worship, private educational institutions, libraries, museums, community buildings, private clubs or service organizations, hospice care facilities, hospitals, nursing homes, domiciliary care homes, group homes, or housing and related facilities for senior adults or persons with disabilities.

If a preliminary plan is submitted which includes an Institutional/Religious facility in addition to other for-profit residential and/or commercial space, the fee for that plan shall be \$1000 (for the Institutional/Religious facility) plus the applicable plan review fee for the remaining residential and/or commercial space.)

(4.) Storm drain capacity and post-development impact studies for projects located within the Special Taxing Districts which pay a Storm Drain Tax to Montgomery County (for County maintenance of their storm drain systems) = \$500/application

B. Local Area Traffic Impact Studies = \$2000/study*

* NOTE: This fee is in addition to the base fees for the review of preliminary plan packages.



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GENERAL

1. These fees apply to all preliminary plans for property within the Regional District, as defined in Article 28 of the Maryland Annotated Code, located in Montgomery County with the exception of those municipalities which have their own planning authority and those Special Taxing Districts which maintain their own roads and storm drainage systems.

For those Special Taxing Districts in which the storm drain system is maintained by Montgomery County (and the Special Taxing District pays a Storm Drain Tax to Montgomery County), the DPWT review will be limited to the storm drain capacity and post-development impact analyses (see fee no. A.4 above).

2. Applicants must pay the plan review fee or the minimum fee as specified at or before the time the package is submitted for review or the submittal package will be deemed incomplete and returned to the applicant.
3. Fees for revisions to previously reviewed applications are 35% of the fees in parts (A) and (B). Minor revisions to previously reviewed applications do not require an additional plan-review fee. The decision of when to require an additional plan-review fee shall be made by the Department of Public Works and Transportation.
4. Application fees are based on the rates in effect on the date the application was filed with the Department of Public Works and Transportation. Revision fees are based on the rates in effect at the time the revision was requested.
5. If any part of this Regulation is found to be invalid by a Court of competent jurisdiction and a final non-applicable judgment to that effect is entered by the Court, then those parts of the Regulation not deemed invalid will remain in full force and effect.



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Indexing of Fees to Labor Cost Increases

The Director of Public Works and Transportation must adjust each fee set in or under this regulation on July 1 of each year. The Department of Public Works and Transportation may raise this fee annually by regulation by a percentage that does not exceed the rate of the increase (if any) in the department's approved personnel costs for the then-current fiscal year compared to the approved personnel costs for the preceding fiscal year. For fees of \$100 or more, the Director must calculate the revised fee to the nearest five dollars. For fees under \$100, the Director must calculate the revised fee to the nearest dollar.

Approved as to form and legality:

Wileen P. Braxton 12/5/2007
Office of the County Attorney

Approved:
Isiah Leggett
Isiah Leggett
County Executive

Dec 5, 2007
Date