

COUNCIL COMING ATTRACTIONS



November 15, 2016

Subdivision Staging Policy, Development Impact Taxes, Snow Removal, Road Setbacks and Design, and Composting



Council Coming Attractions is a summary of some of the issues before the Council. All Council staff reports and additional information on each item scheduled for Council or Committee review can be viewed at: <http://www.montgomerycountymd.gov/council/packet/index.html> .

Also the Council meeting schedule may change from time to time. The current Council agenda can always be viewed at:

http://www.montgomerycountymd.gov/council/resources/files/agenda/col/current_agenda.pdf .

On Nov. 15 the Council meeting begins at 9:30 a.m. with two proclamation presentations.

-  Council Vice President Berliner will present a proclamation recognizing National Adoption Awareness Month.
-  Councilmember Navarro will present a proclamation recognizing Bethesda-Chevy Chase High School students for adopting a gender-neutral Homecoming Court.

COUNCIL

-  **Resolution to Adopt the 2016-2020 Subdivision Staging Policy**
The Council is scheduled to vote on the Resolution to Adopt the 2016-2020 Subdivision Staging Policy (SSP). The Council took straw votes on SSP issues on Nov. 3 and Nov. 8. The complete staff report including a summary of these straw votes will be available on Nov. 14. The latest version of the County's SSP, formerly called the "Growth Policy," is being updated. The goal of the SSP is to ensure that there is adequate public facilities infrastructure, schools and roads

associated with new development and growth. The SSP updates and revises the rules for how the County grows over the next four years. The County Code requires final action on the SSP by Nov. 15; otherwise, the 2012-2016 SSP would remain in effect. Since there are several policy linkages between the SSP, Bill 37-16 and the Resolution to Establish Development Impact Tax Rates for Transportation and Public School Improvements (discussed below), the Council will take final votes on these measures at the Nov. 15 Council meeting. The PHED Committee held several meetings to review the SSP (Sept. 19, Sept. 26, Oct. 10, Oct. 17, Oct. 18 and Oct. 25). The Council held worksessions on the SSP on Oct. 25, Nov. 1, Nov. 3 and Nov. 8. All of the staff reports from these meetings can be found at:

<http://www.montgomerycountymd.gov/council/packet/index.html> .

Full video segments from these meetings can be found at:

<http://www.montgomerycountymd.gov/COUNCIL/OnDemand/index.html> .



Bill 37-16, Taxation-Development Impact Tax-Transportation and Public School Improvements-Amendments

The Council is scheduled to vote on Bill 37-16. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=136&event_id=4998&meta_id=128312 .

Council President Floreen is the lead sponsor, at the request of the Planning Board. The County Code requires the Planning Board to submit a recommended SSP to the Council that must include guidelines for the administration of laws and regulations that affect the adequacy and timing of public facilities needed to support growth and development. The Planning Board recommended changes to the County law concerning the development impact tax for transportation and public school projects. The GO Committee reviewed Bill 37-16 on Sept. 26, Oct. 6, Oct. 20 and Oct. 27. The Council held worksessions on Bill 37-16 on Oct. 25, Nov. 1, Nov. 3 and Nov. 8.

- Bill 37-16 as amended by the Council would:
 - ✓ Establish impact tax rates by Council resolution.
 - ✓ Eliminate the school facility payment and recoup lost revenue by increasing the school impact tax.
 - ✓ Split the credit for providing a better accessibility standard equally between the transportation impact tax and the school impact tax.
 - ✓ Eliminate the transportation mitigation payment and recoup lost revenue by increasing the transportation impact tax rates in certain policy areas.
 - ✓ Create new classifications for policy areas.
 - ✓ Provide discounts and exemptions for places of worship, farm tenant dwellings and houses built by students in a program administered by MCPS.
 - ✓ Take effect on March 1, 2017.



Resolution to Establish Development Impact Tax Rates for Transportation and Public School Improvements

The Council is scheduled to vote on the Resolution to Establish Development Impact Tax Rates for Transportation and Public School Improvements. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=136&event_id=4998&meta_id=128314 .

The resolution contains the impact tax rates that the Council approved via straw votes on Nov. 3 and Nov. 8.



Subdivision Regulation Amendment 16-01, Subdivision Regulations Rewrite

The Council is scheduled to vote on SRA 16-01. The PHED Committee recommends approval with amendments. The staff report and recommendations can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=136&event_id=4998&meta_id=128317 .

SRA 16-01 is sponsored by Council President Floreen at the request of the Planning Board. SRA 16-01 is a complete rewrite of the subdivision code that modernizes provisions and allows for administrative subdivision approvals under certain circumstances. The Council must determine

how much discretion to allow the Planning Board regarding the County's future transportation networks and building lot configurations.



Zoning Text Amendment 16-12, Building Permits-Amendments

The Council is scheduled to vote on ZTA 16-12. The PHED Committee is the lead sponsor and recommends approval. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=136&event_id=4998&meta_id=128319 .

ZTA 16-12 would delete building code requirements in the Zoning Code. The Subdivision Rewrite effort (Subdivision Regulation Amendment 16-01) recognized building permit application regulations outside of the Code's building permit chapter (Chapter 8). The PHED Committee recommends that all building permit provisions be in the building permit chapter of the Code.



Zoning Text Amendment 16-11, Rural and Residential Zones-Road Setbacks

The Council is scheduled to vote on ZTA 16-11. The PHED Committee recommends approval and is the lead sponsor. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=136&event_id=4998&meta_id=128321 .

- ZTA 16-11 would eliminate the zoning incentive for private roads by revising the requirements for setbacks from the road in rural and residential zones. Currently the setback required from a private road is much less than the setback required for a public road.
- ZTA 16-11 would make the required setback for public and private roads equal, if the reduced setback is approved through the site plan approval process.



Expedited Bill 34-16, Streets and Roads-Design

The Council is scheduled to vote on Expedited Bill 34-16. The PHED Committee recommends enactment with amendments and is the lead sponsor.

The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=136&event_id=4998&meta_id=128323 .

Bill 34-16 would define certain terms in Chapter 49, establish a permit requirement for closing a private road, clarify provisions for permanent structures approved in a site plan and establish road design criteria. These changes are needed because of revisions proposed in Subdivision Regulation Amendment (SRA) 16-01 and provides better coordination with Planning Board approvals.



Expedited Bill 35-16, Building Permits-Amendments

The Council is scheduled to vote on Expedited Bill 35-16. The PHED Committee recommends enactment with amendments and is the lead sponsor. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=136&event_id=4998&meta_id=128325 .

Expedited Bill 35-16 is tied to the approval of SRA 16-01 and ZTA 16-12. SRA 16-01 includes provisions for ownership units (previously called ownership lots). These ownership units may result in fire code violations, when there is a use certificate or a building on the parent lot. Expedited Bill 35-16 would require a permit when this situation occurs to avoid violations.



Expedited Bill 40-16, Consolidated Retiree Health Benefits Trust Board-Authority to Delegate-Amendments

The Council is scheduled to vote on Expedited Bill 40-16. The GO Committee recommends enactment. The lead sponsor is Council President Floreen, at the request of the County Executive.

The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=136&event_id=4998&meta_id=128327 .

The Consolidated Retiree Health Benefits Trust (CRHBT) Board of Trustees is responsible for investing the funds designated to pay for all or a portion of the benefits provided under the County retiree benefit plans or a County-funded agency retiree benefit plan, such as retiree health insurance. Bill 40-16 would amend the County's law to authorize the Board of Trustees to delegate signature authority to the executive director, or a similarly situated County employee, consistent with its fiduciary duties, in its written policies and procedures. The goal of

the bill is to better align the roles and responsibilities of the board staff in the oversight of the investment program and to increase efficiency.

 **Bill 28-16, Solid Waste (Trash)-Strategic Plan to Advance Composting, Compost Use and Food Waste Diversion**

The Council is scheduled to vote on Bill 28-16. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=136&event_id=4998&meta_id=128329 .

The T&E Committee recommends enactment with amendments. Council Vice President Berliner is the lead sponsor. Councilmembers Katz, Huckler, Elrich, Riemer and Navarro are cosponsors. Bill 28-16 would require the Director of the Department of Environmental Protection to develop a Strategic Plan to Advance Composting, Compost Use and Food Waste Diversion in the County by Oct. 1, 2017. In developing the Strategic Plan, the Director would be required to consult with many organizations inside and outside of County government.

 **Expedited Bill 46-16, Streets and Roads-Snow Removal-Violations**

The Council is scheduled to introduce Expedited Bill 46-16. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=136&event_id=4998&meta_id=128331 .

Councilmember Riemer is the lead sponsor. A public hearing is scheduled for Nov. 29 at 1:30 p.m. Expedited Bill 46-16 would increase the penalties for violations of the law requiring snow and ice removal on commercial property.

- The County Code provides that “a person is responsible for removing snow and ice on any sidewalk, other walkway, shared use path, or parking area on or adjacent to property that the person owns, leases, or manages, including any walkway in the public right-of-way, to provide a pathway wide enough for safe pedestrian and wheelchair use.” A violation is a class C violation, but is not subject to a citation unless the violation still exists 24 hours after a notice of violation.
- Expedited Bill 46-16 would make a violation on or adjacent to commercial property a class A violation, while a violation on or adjacent to residential property would remain a class C violation.
- Commercial property is defined as real property that is not designed for or intended for human habitation or contains a multi-family dwelling of four or more units. Residential property is defined as real property containing either a single-family dwelling or a multi-family dwelling of three or fewer units.
- Class A violations are punishable by civil citations carrying fines of \$500 for the initial offense and \$750 for repeat offenses.
- Class C violations are punishable by civil citations carrying fine of \$50 for the initial offense and \$75 for repeat offenses.

 **Expedited Bill 47-16, Montgomery County Economic Development Corporation-Board of Directors-Initial Terms-Amendments**

The Council is scheduled to introduce Expedited Bill 47-16. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=136&event_id=4998&meta_id=128333 .

The lead sponsor is Council President Floreen, at the request of the County Executive. A public hearing is scheduled for Nov. 29 at 1:30 p.m. Expedited Bill 47-16 would authorize the Executive to extend the initial terms of office for each Board member by up to 6 months to coincide with the fiscal year beginning on July 1. This change would apply only to the Board members first appointed on December 30, 2015, and would permit each Board member to be considered for a position as an officer when the Board elects officers at the beginning of a fiscal year.

- The Council enacted Bill 25-15, which eliminated the Department of Economic Development and authorized the Council to designate a non-profit corporation as the Montgomery County Economic Development Corporation. Bill 25- 15 also provided that the designated corporation have a Board of Directors appointed by the Executive, subject to confirmation

by the Council, to three-year terms. The Executive appointed each member of the Board to begin their term on December 30, 2015.

 Expedited Bill 45-16, Contracts and Procurement-Minority Owned Businesses-Sunset Date-Amendments

The Council is scheduled to vote on Expedited Bill 45-16. The GO Committee is the lead sponsor. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=136&event_id=4998&meta_id=128341 .

Expedited Bill 45-16 would extend the sunset date for the County's Minority Owned Business Purchasing Program from Dec. 31 2016 to Dec. 31 2019. The Council created the Minority Owned and Local Small Business Task Force and the Procurement Policies and Regulations Task Force to study the County's Minority, Female and Disabled Owned Business (MFD) Program and the overall procurement system. Both task forces completed reports that were presented to the Council in Sept. 2015. The GO Committee reviewed recommendations from both task forces and made several recommendations to the Office of Procurement. The Committee also agreed to extend the sunset date for the MFD Program to Dec. 31, 2019, with the understanding that the Executive should complete a new study prior to the extended sunset date.

 Semi-Annual Report of the Montgomery County Planning Board

Planning Board Members, Planning Board Chair Casey Anderson and Planning Staff will update the Council on activities at the Maryland-National Capital Park and Planning Commission (M-NCPPC) and discuss the Planning Board's work plan. The Fall 2016 Parks and Planning Semi-Annual Report can be viewed at:

http://montgomeryplanning.org/wp-content/uploads/2016/11/Fall2016_Semiannual_Final_web.pdf .

The Council staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=136&event_id=4998&meta_id=128343 .

- The FY17 Adopted Master Plan and Major Projects Schedule can be found on page 34. Plans in progress include:
 - ✓ Grosvenor-Strathmore Metro Area Minor Master Plan, which will determine the appropriate strategies for transforming the Metro station parking lot and nearby properties into a mixed-use neighborhood.
 - ✓ Rock Spring Master Plan, which will identify opportunities to reinvigorate a suburban office park. Planners are examining new uses, including residential development, public spaces and connectivity.
 - ✓ White Flint 2 Sector Plan, which aims to close the gap between the 2010 White Flint and Twinbrook Sector Plans and the City of Rockville plan for Rockville Pike with new land use, zoning and transportation strategies.
 - ✓ MARC Rail Communities Plan, which will focus on improving the transit station areas in Boyds and Germantown in ways that are sensitive to these historic places.
 - ✓ Bicycle Master Plan, which will propose a County-wide network of high-quality bikeways with some separated from vehicle traffic.
- New digital tools have also been developed to provide greater access to information across multiple devices.
 - ✓ RegionalPopStats is an interactive map that reports US Census demographic, income, housing and commuter data.
 - ✓ Recreation Guidelines Calculator is an interactive web tool that enables developers to easily create difference recreation scenarios.
 - ✓ New M-NCPPC web sites have been launched for the Montgomery County Planning Board, Planning Department and the Department of Parks.