

**ADEQUATE PUBLIC FACILITIES
ADVISORY COMMITTEE**

ACTION MINUTES

MEETING OF MARCH 17, 2011

The meeting was convened at 7:02 p.m. Tom Gibney arrived late. Sean Hart participated via conference phone.

The chair moved, seconded by Eric Siegel, to approve the agenda with a correction regarding the dates of the minutes to be considered.

A request was made regarding the outcome of a meeting between the Mayor and JBG regarding the former Giant site north of Beall Avenue. The staff was report back.

The committee considered the revised draft minutes from the March 3 meeting and also the March 10 meeting. Both were moved for approval with minor corrections by Soo Lee-Cho, seconded by Eric Seigel. The vote was 6-0 with 2 absent.

The meeting then was turned over to the guest speaker, Glenn Orlin, who is the Deputy Staff Director for the Montgomery County Council.

Mr. Orlin began with an overview of the County's adequate public facilities program, from its beginning in 1973. The quantitative tests began in 1982, and the last major revisions were done five years ago. It is now term the growth policy.

On the transportation side, the County APFO test is divided two ways. There are about 25 major policy areas. Rockville and Gaithersburg are their own policy areas, and are treated like the County's, even though they have no jurisdiction. The policy area review consists of a highway mobility test and a transit mobility test.

The highway test looks at roads of arterial or higher class and measures the forecast trip time through the policy area. The forecast includes all existing and approved development, no matter the build-out time. The test looks at the forecast numbers and compares them to the Capital Improvements Program (CIP) for projects within 6 years. The trip numbers are aggregated and measured against the test formula. Transit mobility is measured much the same way, using the 6-year CIP project forecasts.

The transit and highway figures are plotted on a graph. If the result is above the projection line, the project can move forward. If it is below the line but above the moratorium line, then mitigation or impact payment is required. The funding formulas a dependent on County priorities. Impact payments are dedicated to the specific projects or within the proximate area. Developer subsidies when required are for about 12-15 years, essentially the life of a bus.

The policy areas are further broken down into local area review areas. Here, the measure is the impact on near-by intersections. The test includes existing and approved development plus the trips from the proposed project. The measure is Critical Lane Volumes (CLV), and include any CIP projects within 6 years. The CLV standards vary depending on the policy areas. There is a higher allowance in high density and metro policy areas. In cases where the CLV's already exceed the standard, the policy is to "do no harm", i.e., the new trips have to be mitigated to not increase the impact, and in fact to reduce the impact a bit. There is a *de minimis* – less than 30 trips.

The traffic generation rates are revised periodically, since the background base has been growing in recent years. Since 1982 there has been a transportation impact tax imposed on new development. In 2002 it became County-wide. It is a one-time tax and a fair-share program – needed transportation mitigation that is provided by the developer is credited against the tax. The tax varies by use, and is set at 50% of the norm within Metro areas. Any taxes collected from within the City go to the County, but by memorandum of understanding certain projects are eligible for funding from the tax.

The White Flint area is its own special case. A coalition of developers assembled, did the leg-work with the residential neighborhoods, and went to the County with a proposal to create a special taxing district. The tax applies to all existing and future commercial development, and to all new residential development. The tax will cover the debt service for any projects needed in the policy area. There is a staging plan that sets limits on what can be done in certain time frames.

Note that the County APF test for schools does apply in the White Flint area.

As a consequence, the usual APFO roads test and impact tax do not apply in the White Flint area. This might provide a prototype for the City to consider.

The County APF test for schools is based on the high school clusters. The high school, middle school(s) and elementary schools are tested for program capacity as a whole and are projected out 5 years compared to the program capacity of the schools. The County no longer allows cluster "borrowing" from adjacent high school clusters for about the last 5 years, but does allow cluster "borrowing" between middle school and elementary school boundaries in the same high school cluster. Portable classrooms do not count in program capacity.

If enrollments exceed program capacity by up to 105%, then the school is OK. Between 105% and 120%, a school facilities payment is required for each student in excess of the program capacity for the school or schools that will be impacted by the new students. The fee is about \$28,000 per student at the high school level; less for the middle and elementary schools. If the enrollment forecast exceeds 120%, then development in the school cluster goes into moratorium.

The issue with school capacity is that about 80% to 90% of the enrollment comes from the base, not from new development. Rapid changes in the character of the base are hard to anticipate.

There is also a school impact tax on new development, similar to the transportation tax. It is paid at building permit, and the amount is scaled to the type of development. It is about \$20,000 per single family unit; less for multi-family and high-rise. These funds go into the school general fund.

The meeting was adjourned at 10:20 p.m.