

Town of Chevy Chase
Subcommittee on Regional Growth and Development
Thursday, August 20, 2020
7:00 pm, Virtual Meeting

Attendees: Dedun Ingram (chair, LRP); Lees Hartman (chair, LUC); Karen Elkins; Scott Faulk, Tom Glazer; Ted Kalick; Martha Marmofern; Peter Muenzfeld; Steve Seidel; David Valenstein; Ellen Cornelius-Ericson (Council liaison); Irene Lane (Council liaison)

1. The minutes from the subcommittee's July 16 meeting were approved.
2. 2020-2024 Subdivision Staging Policy
Prior to the meeting, a subgroup of the Subcommittee reviewed the Planning Board's draft Subdivision Staging Policy (SSP) and prepared a document identifying the key issues in the SSP to be considered and suggested positions on the SSP Recommendations. The subgroup indicated which of the SSP Recommendations it considered to be major and the Town should comment on and which were minor, and the Town might want to stay silent on.

Key issues included:

- The proposed policy changes will impact the revenues available for new infrastructure. Thus, there is a need for a comprehensive fiscal analysis of the impacts on revenues of the many changes proposed in the draft SSP, including changes to student generation rates, reducing school impact fees overall with further discounts in designated areas, addition of the Utilization Premium Payments and recordation taxes.
- The draft SSP fails to uphold the requirements of the county's Adequate Public Facilities Ordinance (APFO) in several ways:
 - The draft SSP will allow new residential development no matter how overcrowded schools in the area are and with no corrective measures in sight -- it proposes to eliminate residential moratoria in most of the county without replacing it with a tool that will effectively address school overcrowding..
 - The draft SSP removes tests for road adequacy in Metrorail and Purple Line station areas and along BRT routes and increases allowable congestion levels on roads. Specifically, it proposes to eliminate the motor vehicle adequacy test from the LATR before developing the tools proposed to replace it – the biennial monitoring program and the UMPs. Thus, new development would be approved without regard to its impact on traffic congestion.
- The draft SSP seems to put county development goals ahead of adequate public facilities

- Allows new residential development regardless of school overcrowding because new housing is desired
- Restructures taxes to generate revenues for affordable housing programs, while reducing revenues collected for school infrastructure.

The subcommittee agreed to recommend that the Town:

- Oppose the proposed SSP name change (to County Growth Policy) and suggest it be renamed County Growth and Adequacy of Facilities Policy.
- Support Recommendation 4.1 –creation of the Greenfield, Turnover, and Infill impact zones for the school portion of the SSP.
- Support Recommendation 4.9, elimination of residential moratoria in the Turnover and Infill impact areas, but only if effective alternative tool to address school overcrowding is included in the SSP. The Utilization Premium Payments is not an adequate replacement tool.
- Support Recommendation 4.16, (implementation of the Utilization Premium Payment) but stipulate that it kick in much sooner than 120% overcrowding, perhaps at 105% and that the payments be larger.
- Not comment on Recommendation 4.11 (no moratoria in overcrowded school in the Greenfield impact area if there is a school within a specified distance less than 105% overcrowded). The subcommittee did not support this recommendation but thought the Town need not comment because it does not directly impact us. Concern was that this principle might be applied to the Utilization Premium Payments.
- Oppose Recommendation 4.6. If this Recommendation is adopted, whether a school is overcrowded or not would be determined at the beginning of the fiscal year. If not, all development projects could move forward during the following year regardless of number of new students generated and would not be subject to moratoria or the Utilization Premium Payment. This would be a direct violation of the APFO.
- Support Recommendation 4.5 which reduces the time period for the School Adequacy Test from 5 years to 3 years, resulting in more accurate enrollment projections and better alignment with the County's CIP. Oppose recommendation to increase school utilization adequacy standard that triggers a building moratorium from 120% to 125% for Greenfield Impact areas. This would only exacerbate overcrowding of schools and would fail mandated APFO test.
- Support Recommendation 4.15 which would require MCPS to appoint a representative to the Development Board. This should improve coordination between MCPS and planning.
- For Recommendation 6.2, support reducing the school impact tax rate from 120% to 100% because the objective of the school impact tax is to cover the cost of a new student and because the Utilization Premium Payments will be assessed when there is overcrowding. Oppose further reduction of the tax to 50% in Red Policy areas and along the BRT routes. This does not hold developers responsible for the cost of new infrastructure necessitated by their developments. The county has numerous tools in place to encourage growth where it wants growth.

- Support Recommendation 6.9 which would progressively increase recordation taxes and use some of the increase to fund school infrastructure. 70% of new students come from the Turnover Impact areas where no school impact taxes are charged, so raising recordation taxes to generate funds for schools for these students seems reasonable. Questionable whether the increase should also be used to fund affordable housing, despite the need.
- Oppose Recommendation 6.8 which proposes to continue applying school impact taxes on a net increase basis. Subcommittee thought it was reasonable to charge a school impact tax on a new house (old house torn down) because in the Town this usually results in new students.
- Support Recommendation 6.7 which modifies school impact taxes for multi-family buildings that include MPDUs. However, the subcommittee thought that the Town Council might not need to comment on the Recommendation because it does not directly impact the Town.
- Support Recommendations 5.1-5.5 that incorporate Vision Zero principles into various transportation measures.
- Support Recommendation 5.6, which would eliminate the motor vehicle adequacy test in Red Policy areas and along BRT routes, but only if the replacement tools, the Biennial Monitoring Program and the UMPs are well defined in the SSP and will be operational. Specifically requesting that the Bethesda UMP be completed and operational.
- The subcommittee agreed that the Town does not need to comment on other recommendations in the SSP.

A subgroup of the subcommittee will prepare a memo for the Town Council's work session on the SSP that will present the key issues identified and summarize the subcommittee's recommendations.

A short article about the SSP will be written for the September Forecast.

The next meeting of the subcommittee will be mid-September; the exact date will be sent out soon. The focus of that meeting will be Thrive Montgomery.