

Coming Changes to Montgomery County Transportation and Schools Tests

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The Montgomery County Planning Department has started work on an update to the County's Subdivision Staging Policy (SSP). This update will establish the Adequate Public Facilities tests for transportation and schools to be applied to subdivision applications for four years, starting in late 2020 or early 2021. As everyone involved in development in Montgomery County knows, the 2016 update to the SSP made significant changes for both transportation and schools. The most dramatic result was a moratorium on residential subdivision approvals in several areas of the County starting in July, 2019, including most of the White Flint area.

In the upcoming revision, Planning Staff is considering changes to both transportation and schools tests, although significant changes seem more likely for schools, in light of the current moratoria.

Schools Test Issues

In the 2020 SSP, planning staff are trying to grapple with some of the inherent tensions in the school adequacy test. The test is designed around the notion that the best short-term response to school overcrowding is a moratorium, which prevents any new residential subdivision approvals until school construction has been approved in the County's Capital Improvements Program (CIP) that will alleviate the overcrowding. This is contrary to a traditional view that moratoria should be reserved for emergency situations due to their severe impacts. While an SSP moratorium prevents new subdivisions that might generate public school students two to three years down the road, it also stops the flow of impact taxes from those projects, which would contribute to the budget available for both school construction and transportation improvements. A moratorium also stands in the way of other economic benefits that flow from new construction, such as job creation and enhancement of the business and residential tax base. In addition, it can have the more indirect but long-term consequence of generally discouraging land development in the County, by strengthening the perception that Montgomery County has an excess of regulatory barriers.

The major benefit of the current moratorium system is that the threat of a moratorium often spurs the County Council to place projects in the CIP to cure overcrowding, and sometimes influences school system decisions. Planning staff are asking whether that benefit is worth the considerable costs of actual and threatened moratoria, or whether there might be a better way to incentivize the Council and the school system to keep up with the County's school capacity needs. Ideas in circulation include charging higher impact taxes in areas where schools are overcrowded, instead of imposing a moratorium; applying a moratorium where there is a school capacity problem *and* empirical data indicate that new development is a significant contributor to school population growth (for example, data show that new development has contributed 60 - 70% of school population increases in Clarksburg in recent years, compared to four or five percent in downcounty areas); and expanding the annual schools test report to provide data on turnover of existing homes in each school cluster, to permit a better assessment of how strong a link there is between new development and school overcrowding. Staff may also consider other changes such as eliminating the capacity test at the individual school level that was added in 2016.

Transportation Test Issues

Two main issues are on the table with regard to transportation: expanding the Unified Mobility Program (UMP) concept more broadly around the County; and recognizing Vision Zero priorities in the SSP.

The UMP concept now in use in White Oak eliminates the Local Area Transportation Review requirement. Instead, the County identifies a list of transportation improvements needed in a master plan area and estimates the total cost. A portion of that cost is then allocated to development interests, and each project must contribute a pro rata share of that cost based on its approved square footage (the concept originally involved contributions based on trip generation, but was later changed at the regulatory level to square footage). One selling point for using UMPs more broadly is that they do a better job than LATR of sharing the cost of transportation improvements equitably among development projects. One potential downside is that if the County reduces its direct funding of transportation improvements in reliance on an UMP, but the area doesn't experience as much development as anticipated (e.g. White Flint) or is in a lower-growth part of the County (e.g. Aspen Hill), impact taxes generated by the UMP may not be sufficient for needed transportation improvements to actually happen. Thus, it's possible that widespread use of UMPs could exacerbate longstanding problems with transportation improvements being identified in master plans but not receiving the funding needed to become reality.

Tension can arise between the County's Vision Zero policy, seeking to eliminate pedestrian accidents, and some of the current transportation tests, which call for roadway improvements that may enhance vehicular circulation at the expense of reducing convenience or safety for pedestrians. Potential SSP changes could relax certain transportation standards to accommodate pedestrian safety improvements.

MOVING FORWARD



The development community and general public will have the chance for input on the SSP during Planning Board work sessions this winter and spring, and at the County Council next fall. There must be a better way to get school capacity built than the constant pressure of moratoria – maybe this year the County will find it.

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